

Tab 1	SB 80 by Richter (CO-INTRODUCERS) Soto ; (Similar to H 0017) Family Trust Companies						
Tab 2	SB 88 by Simpson ; (Similar to H 0435) Gold Star License Plates						
Tab 3	SB 238 by Grimsley ; (Identical to H 4007) Medical Assistant Certification						
Tab 4	CS/SB 242 by HP, Braynon (CO-INTRODUCERS) Flores ; (Similar to CS/H 0081) Infectious Disease Elimination Pilot Program						
331366	PCS	S	RCS	FP, AHS			12/03 03:41 PM
331970	PCS:A	S	RCS	FP, Clemens	Delete L.108 - 117:		12/03 03:41 PM
Tab 5	SB 402 by Richter (CO-INTRODUCERS) Diaz de la Portilla, Braynon ; (Similar to H 0415) Point-of-sale Terminals						
147826	A	S	RCS	FP, Bean	Delete L.66:		12/03 03:44 PM
Tab 6	SB 450 by Grimsley (CO-INTRODUCERS) Clemens ; (Similar to H 0107) Physical Therapy						
Tab 7	SB 530 by Sobel ; (Identical to H 0295) Calder Sloan Swimming Pool Electrical-Safety Task Force						
Tab 8	SB 7016 by MS (CO-INTRODUCERS) Gaetz ; Interstate Compact on Educational Opportunity for Military Children						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Flores, Chair
Senator Bradley, Vice Chair

MEETING DATE: Thursday, December 3, 2015
TIME: 1:00—3:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Flores, Chair; Senator Bradley, Vice Chair; Senators Abruzzo, Bean, Clemens, Hays, Hukill, Legg, Margolis, Sachs, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 80 Richter (Similar H 17)	Family Trust Companies; Revising the purposes of the Family Trust Company Act; specifying the applicability of other chapters of the financial institutions codes to family trust companies; revising the requirements for investigations of license applicants by the Office of Financial Regulation; revising the authority of specified family trust companies while acting as fiduciaries to purchase certain bonds and securities, etc. BI 10/06/2015 Favorable JU 11/17/2015 Favorable FP 12/03/2015 Favorable	Favorable Yeas 8 Nays 0
2	SB 88 Simpson (Similar H 435)	Gold Star License Plates; Including certain individuals as qualified for issuance of a Gold Star license plate, etc. TR 11/04/2015 Favorable MS 11/17/2015 Favorable FP 12/03/2015 Favorable	Favorable Yeas 8 Nays 0
3	SB 238 Grimsley (Identical H 4007)	Medical Assistant Certification; Repealing provisions relating to certification of a medical assistant by the American Association of Medical Assistants or as a Registered Medical Assistant by the American Medical Technologists, etc. HP 11/02/2015 Favorable AHS 11/18/2015 Favorable FP 12/03/2015 Favorable	Favorable Yeas 8 Nays 0

With subcommittee recommendation - Health and Human Services

A proposed committee substitute for the following bill (CS/SB 242) is available:

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, December 3, 2015, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 242 Health Policy / Braynon (Similar CS/H 81)	Infectious Disease Elimination Pilot Program; Citing this act as the "Miami-Dade Infectious Disease Elimination Act (IDEA)"; authorizing the University of Miami and its affiliates to establish a sterile needle and syringe exchange pilot program in Miami-Dade County; providing that the possession, distribution, or exchange of needles and syringes under the pilot program is not a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act or any other law; requiring the pilot program to collect certain data; prohibiting the collection of personal identifying information from program participants, etc. HP 11/02/2015 Fav/CS AHS 11/18/2015 Fav/CS FP 12/03/2015 Fav/CS	Fav/CS Yeas 5 Nays 3
With subcommittee recommendation - Health and Human Services			
5	SB 402 Richter (Similar H 415)	Point-of-sale Terminals; Authorizing the Department of the Lottery to create a program that authorizes certain persons to purchase a ticket or game at a point-of-sale terminal; authorizing the department, a retailer operating from one or more locations, or a vendor approved by the department to use a point-of-sale terminal to sell a lottery ticket or game; prohibiting a point-of-sale terminal from being used to redeem a winning ticket, etc. RI 11/04/2015 Favorable AGG 11/18/2015 Favorable FP 12/03/2015 Fav/CS	Fav/CS Yeas 5 Nays 3
With subcommittee recommendation - General Government			
6	SB 450 Grimsley (Similar H 107)	Physical Therapy; Revising the definition of the term "practice of physical therapy"; providing that a licensed physical therapist who holds a specified doctoral degree may use specified letters in connection with her or his name or place of business; revising the terms and specified letters prohibited from being used by certain unlicensed persons, etc. HP 11/02/2015 Favorable AHS 11/18/2015 Favorable FP 12/03/2015 Favorable	Favorable Yeas 8 Nays 0
With subcommittee recommendation - Health and Human Services			

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, December 3, 2015, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 530 Sobel (Identical H 295, Compare H 535, S 704)	Calder Sloan Swimming Pool Electrical-Safety Task Force; Creating the "Calder Sloan Act"; creating the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission; specifying the purpose of the task force; requiring a report to the Governor and the Legislature by a specified date, etc. CA 11/17/2015 Favorable FP 12/03/2015 Favorable	Favorable Yeas 8 Nays 0
8	SB 7016 Military and Veterans Affairs, Space, and Domestic Security	Interstate Compact on Educational Opportunity for Military Children; Repealing s. 2 of chapter 2013-20, Laws of Florida; abrogating the future repeal of provisions relating to the compact; providing for future legislative review and repeal of the compact, etc. ED 11/18/2015 Favorable FP 12/03/2015 Favorable	Favorable Yeas 8 Nays 0

Other Related Meeting Documents

An electronic copy of the Appearance Request form is available to download from any Senate Committee page on the Senate's website, www.flsenate.gov.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 80

INTRODUCER: Senator Richter

SUBJECT: Family Trust Companies

DATE: December 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Billmeier</u>	<u>Knudson</u>	<u>BI</u>	Favorable
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

I. Summary:

SB 80 amends the Florida Family Trust Company Act (act), which was created in 2014 and took effect October 1, 2015, to allow families to form and operate family trust companies (FTC). The bill:

- Clarifies legislative findings.
- Provides designated relatives for licensed FTC may not have a common ancestor within three generations (instead of within five generations).
- Requires the initial licensure investigation by Office of Financial Regulation (OFR) to review the management structure of the FTC.
- Clarifies several provisions of the act, including when the financial institutions codes apply to FTCs, registration requirements for unlicensed and foreign licensed FTCs, and use of the term “affiliate.”
- Increases the time for FTCs to renew licenses or registrations from within 30 days to 45 days of the end of the year.
- Creates a mechanism for the automatic reinstatement of lapsed licenses or registrations.
- Repeals the requirement for submission of proposed amendments to bylaws or articles of organization of an unlicensed or licensed FTC to the OFR and instead requires submission of amendments to a certificate of formation or a certificate of organization.
- Requires examinations of licensed FTCs to occur every 36 months instead of every 18 months and no longer allows an audit to substitute for an examination.
- Clarifies that a licensed FTC is entitled to an administrative hearing pursuant to ch. 120, F.S., to contest a license revocation.
- Requires a court to determine a breach of fiduciary duty or trust before the issuance of a cease and desist order or order of suspension or revocation of a license.

The OFR anticipates that the revenues from the late fees created by the bill will be \$1,500 to \$3,000 annually after the first year.

II. Present Situation:

Florida Family Trust Company Act

In 2014, the Legislature created the Florida Family Trust Company Act (act), which took effect October 1, 2015.¹ The act allows families to form and operate a family trust company (FTC) and created three types of FTCs:

- **(Unlicensed) FTC** is a corporation or limited liability company (LLC) organized or qualified to do business in Florida, exclusively owned by one or more family members, and that acts as a fiduciary for one or more family members. A FTC may not act as a fiduciary for a non-family member, except it may serve as a fiduciary for up to 35 individuals who are not family members if the individuals are current or former employees of the FTC or trusts, companies, or other entities that are family members.
- **Licensed FTC** is a FTC that operates under a current license that has not been revoked or suspended by the OFR.
- **Foreign licensed FTC** is licensed, operated, and has its principal place of business in another state or the District of Columbia. A foreign licensed FTC is subject to statutory or regulatory mandated supervision by the jurisdiction where its principal place of business is located. It cannot be owned by or be a subsidiary of a company organized or licensed by a foreign country.²

The act's purpose is to:

- Establish requirements for licensing private trust companies;
- Provide regulation of those persons who provide fiduciary services to family members of no more than two families and their related interests as a private FTC; and
- Establish the degree of regulatory oversight required of the OFR over FTCs.³

Licensure and Registration of FTCs

The act does not require a FTC to become licensed; however to be licensed in Florida, a FTC must apply to the OFR.⁴ Also, to operate in Florida, unlicensed and foreign licensed FTCs are required to register with the OFR.⁵ Applications for licensure or registration require the FTCs to list a designated relative.⁶ A designated relative is a common ancestor of the family, who may be living or deceased.⁷ Unlicensed FTCs may not have more than one designated relative, whereas licensed FTCs may not have more than two designated, which cannot have a common ancestor within five generations.⁸

¹ Chapter 2014-97, L.O.F.

² Section 662.111, F.S.

³ Section 662.102, F.S.

⁴ Sections 662.114 and 662.121, F.S.

⁵ See s. 662.122, F.S.

⁶ Sections 662.121(7) and 662.122(1)(a), F.S.

⁷ Section 662.111(9), F.S.

⁸ Section 662.120, F.S.

Once a FTC has applied for licensure the OFR conducts an investigation of the directors or officers, if the FTC is a corporation, or the managers or members, if the FTC is a LLC, and confirms that the application conforms to ch. 662, F.S.⁹

The act requires FTCs to renew licenses or registrations within 30 days after the end of the year.¹⁰ If a FTC fails to renew or file any other report required by the act, the OFR may impose a \$100 fine for each day the renewal or report is overdue. Failure to renew within 60 days after the end of the year results in the automatic termination of the license or registration. The act does not provide for the automatic termination of a foreign licensed FTC's registration for failure to renew.¹¹

Regulation of FTCs

The act regulates FTCs in numerous ways. For example, the act provides the management structure for unlicensed and licensed FTCs. The management structure is identical for unlicensed and licensed FTCs and is dependent on whether it is a corporation or a LLC. If a corporation, exclusive management authority is vested in a board of directors comprised of at least three directors, one being a resident of Florida. If a LLC, exclusive management authority is vested in a board of directors or managers comprised of at least three directors or managers, one being a resident of Florida.¹²

The act also requires any proposed amendments to unlicensed or licensed FTCs' articles of incorporation, articles of organization, or bylaws be submitted to the OFR.¹³

The act allows the OFR to conduct an examination or investigation of a FTC at any time it deems necessary to determine whether a FTC has violated or is about to violate any provision of ch. 662, F.S., any applicable provision of the financial institution codes, or any relevant administrative rules. The OFR is required to conduct an examination of each FTC at least once every 18 months and in lieu of conducting an examination, may accept an audit of a FTC in certain circumstances.¹⁴

The OFR may issue and serve a FTC with a complaint stating charges that it believes the FTC is engaging or has engaged in conduct prohibited by the act. For example, the OFR can issue a complaint if it believes a FTC is engaging in or has engaged in an act of commission, omission, or practice that is a breach of trust or of fiduciary duty. The complaint must contain a notice of the FTC's opportunity for a hearing. If no hearing is requested, or if a hearing is held and the OFR finds the charges are true, the OFR may enter a cease and desist order.¹⁵

⁹ See s. 662.1215, F.S.

¹⁰ Section 662.128, F.S.

¹¹ Section 662.144, F.S.

¹² Section 662.125, F.S.

¹³ Section 662.123, F.S.

¹⁴ Section 662.141, F.S.

¹⁵ Section 662.143, F.S.

The act places restrictions on the purchases of bonds or other security instruments by an unlicensed or licensed FTC from affiliate of the FTC.¹⁶

A concern raised by the Real Property, Probate, and Trust Law Section (RPPTL) of the Florida Bar is that the current regulatory scheme in ch. 662, F.S., does not allow licensed FTCs to qualify for the “bank exemption” with the federal Securities and Exchange Commission.¹⁷ If these companies do not qualify for the “bank exemption,” they will be required to register as investment advisers with the federal regulator.¹⁸

III. Effect of Proposed Changes:

Section 1 amends the findings of the Family Trust Company Act to clarify that the OFR is responsible for the regulation, supervision, and examination of licensed FTCs, and that the OFR’s role is limited to ensuring that services provided by unlicensed or foreign licensed FTCs are to family members and not to the general public. The OFR is not responsible for examining the safety or soundness of the operations of an unlicensed or foreign licensed FTC.

Licensure and Registration of FTCs

Section 4 provides that designated relatives for licensed FTC may not have a common ancestor within three generations instead of the current limitation of five generations.

Section 5 requires the OFR to include in its initial licensure investigation of an applicant, verification that the management structure of a licensed FTC complies with the act.

Section 6 provides that an unlicensed FTC’s registration application must state that its operations will comply with s. 662.123(1), F.S., relating to requirements in organizational documents, s. 662.124, F.S., relating to minimum capital requirements, and s. 662.127, F.S., relating to the segregation of books, records, and assets. A foreign licensed FTC’s registration application must prove that it is in compliance with the FTC laws and regulations of its principal jurisdiction of operations and state that it complies with s. 662.127, F.S., relating to the segregation of books, records and assets.

Section 7 requires FTCs in operation on October 1, 2016, to apply for licensure as a licensed FTC, register as an unlicensed or foreign licensed FTC, or cease business in Florida. The application or registration must be filed by December 30, 2016. This provision is transferred from s. 662.151(3), F.S. (**Section 17**). A foreign licensed FTC must be in compliance with the laws and regulations of its principal jurisdiction.

Section 9 increases the time for FTCs to renew a license or registration to within 45 days after the end of each year from 30 days. All verified statements in renewal applications must be by an “authorized representative of the trust company.” An unlicensed FTC’s registration renewal application must state that its operations comply with s. 662.123(1), F.S., relating to

¹⁶ Section 662.132, F.S.

¹⁷ Real Property, Probate, and Trust Law Section of the Florida Bar, *White Paper on Proposed Changes to the Florida Family Trust Company Act, Florida Statutes Chapter 662* (on file with the Senate Committee on Fiscal Policy).

¹⁸ *Id.*

requirements in organizational documents, s. 662.124, F.S., relating to minimum capital requirements, and s. 662.127, F.S., relating to the segregation of books, records and assets.

Section 14 provides that a foreign licensed FTC's failure to renew its registration within 60 days of the end of the year will result in an automatic termination of the registration. A FTC's license or registration terminated for failure to timely renew can be automatically reinstated by submitting to the OFR, on or before August 31 of the year in which the renewal application is due, the renewal application and fee required under s. 662.128, F.S., a \$500 late fee, and any fine imposed by the OFR.¹⁹ A FTC that fails to renew or reinstate its license or registration must wind up its affairs before November 30 in the year which the failure occurs.

Regulation of FTCs

Section 3 creates s. 662.113, F.S., to provide that the financial institutions codes do not apply to FTCs unless specifically made applicable by ch. 662, F.S.²⁰

Section 8 repeals the requirement that proposed amendments to the bylaws or articles of organization of an unlicensed or licensed FTC be submitted to the OFR and requires amendments to a certificate of formation or a certificate of organization to be submitted to the OFR at least 30 days before they are filed or effective.

Section 10 repeals references to the term "affiliate" and replaces it with "parent" or "subsidiary company" to prevent confusion with the term "family affiliate" defined in s. 662.111, F.S. The bill clarifies that an unlicensed or licensed FTC may purchase bonds and securities directly from broker-dealers when acting as a fiduciary.

Section 11 provides that the OFR *must* conduct an examination of a *licensed FTC* every 36 months (instead of the 18 months) and no longer allows an audit to substitute for an examination by the OFR. These changes are believed to allow licensed FTCs to qualify for the "bank exception" with the Securities and Exchange Commission.²¹ The OFR *may* conduct an examination or investigation of an *unlicensed or foreign licensed FTC* at any time necessary to determine if it has engaged in any act prohibited by ss. 662.131 or 662.134, F.S. If the unlicensed or foreign licensed FTC has engaged in a prohibited act, the OFR must determine if any provision of the financial institutions codes have been violated.

Section 12 clarifies that a licensed FTC is entitled to an administrative hearing pursuant to ch. 120, F.S., to contest a license revocation.

Section 13 requires a court to determine if an act of commission or omission is a breach of trust or a fiduciary duty prior to the OFR issuing an order of suspension or revocation of a license or registration or a cease and desist order.

¹⁹ Fees and fines collected pursuant to this section will be deposited into the Financial Institutions' Regulatory Trust Fund. A fee of \$750 for a FTC, \$1,500 for a licensed FTC, and \$1,000 for a foreign licensed FTC shall be submitted with the annual renewal application. Section 662.128(6), F.S.

²⁰ This does not limit the OFR's power to investigate compliance with ch. 662, F.S., or applicable provisions of the financial institutions codes.

²¹ *Supra* note 17.

Technical Changes and Effective Date

Sections 2, 15, and 16 make technical changes to the act.

Section 11 moves a provision that the OFR may rely on certain documents from subsection (3) to the beginning of the statute and consolidates rulemaking provisions to subsection (6).

Section 18 provides that the act shall take effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not affect counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill's proponents expect that, as a result of this legislation, high net worth families who are not located in Florida may select Florida as the jurisdiction to establish family trust companies.²²

C. Government Sector Impact:

The OFR anticipates that the revenues from the late fees created by the bill will be \$1,500 to \$3,000 annually after the first year.²³

VI. Technical Deficiencies:

None.

²² *Supra* note 17.

²³ *See* SB 80 2016 Legislative Bill Analysis, Office of Financial Regulation.

VII. Related Issues:

The OFR will have to update its adopted rules to conform to the provisions of the bill, particularly the requirement that a foreign licensed FTC must submit satisfactory proof, as determined by the OFR, of compliance.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 662.102, 662.111, 662.120, 662.1215, 662.122, 662.1225, 662.123, 662.128, 662.132, 662.141, 662.142, 662.143, 662.144, 662.145, 662.150, and 662.151.

This bill creates section 662.113 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Richter

23-00058-16

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1 A bill to be entitled
 2 An act relating to family trust companies; amending s.
 3 662.102, F.S.; revising the purposes of the Family
 4 Trust Company Act; providing legislative findings;
 5 amending s. 662.111, F.S.; redefining the term
 6 "officer"; creating s. 662.113, F.S.; specifying the
 7 applicability of other chapters of the financial
 8 institutions codes to family trust companies;
 9 providing that the section does not limit the
 10 authority of the Office of Financial Regulation to
 11 investigate any entity to ensure that it is not in
 12 violation of ch. 662, F.S., or applicable provisions
 13 of the financial institutions codes; amending s.
 14 662.120, F.S.; revising the ancestry requirements for
 15 designated relatives of a licensed family trust
 16 company; amending s. 662.1215, F.S.; revising the
 17 requirements for investigations of license applicants
 18 by the Office of Financial Regulation; amending s.
 19 662.122, F.S.; revising the requirements for
 20 registration of a family trust company and a foreign
 21 licensed family trust company; amending s. 662.1225,
 22 F.S.; requiring a foreign licensed family trust
 23 company to be in compliance with the family trust laws
 24 and regulations in its principal jurisdiction;
 25 specifying the date upon which family trust companies
 26 must be registered or licensed or, if not registered
 27 or licensed, cease doing business in this state;
 28 amending s. 662.123, F.S.; revising the types of
 29 amendments to organizational documents which must have

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30 prior approval by the office; amending s. 662.128,
 31 F.S.; extending the deadline for the filing of, and
 32 revising the requirements for, specified license and
 33 registration renewal applications; amending s.
 34 662.132, F.S.; revising the authority of specified
 35 family trust companies while acting as fiduciaries to
 36 purchase certain bonds and securities; revising the
 37 prohibition against the purchase of certain bonds or
 38 securities by specified family trust companies;
 39 amending s. 662.141, F.S.; revising the purposes for
 40 which the office may examine or investigate a family
 41 trust company that is not licensed and a foreign
 42 licensed family trust company; providing that the
 43 office may rely upon specified documentation that
 44 identifies the qualifications of beneficiaries as
 45 permissible recipients of family trust company
 46 services; deleting the requirement that the office
 47 examine a family trust company that is not licensed
 48 and a foreign licensed family trust company; deleting
 49 a provision that authorizes the office to accept an
 50 audit by a certified public accountant in lieu of an
 51 examination by the office; authorizing the Financial
 52 Services Commission to adopt rules establishing
 53 specified requirements for family trust companies;
 54 amending s. 662.142, F.S.; revising the circumstances
 55 under which the office may enter an order revoking the
 56 license of a licensed family trust company; deleting a
 57 provision that authorizes the office to immediately
 58 revoke the license of a licensed family trust company

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59 under certain circumstances; amending s. 662.143,
 60 F.S.; revising the acts that may result in the entry
 61 of a cease and desist order against specified family
 62 trust companies and affiliated parties; amending s.
 63 662.144, F.S.; authorizing a family trust company to
 64 have its terminated registration or revoked license
 65 reinstated under certain circumstances; revising the
 66 timeframe for a family trust company to wind up its
 67 affairs under certain circumstances; requiring the
 68 deposit of certain fees and fines in the Financial
 69 Institutions' Regulatory Trust Fund; amending s.
 70 662.145, F.S.; revising the office's authority to
 71 suspend a family trust company-affiliated party who is
 72 charged with a specified felony or to restrict or
 73 prohibit the participation of such party in certain
 74 financial institutions; amending s. 662.150, F.S.;
 75 making a technical change; amending s. 662.151, F.S.;
 76 conforming a provision to changes made by the act;
 77 providing an effective date.

78
 79 Be It Enacted by the Legislature of the State of Florida:

80
 81 Section 1. Section 662.102, Florida Statutes, is amended to
 82 read:

83 662.102 ~~Purposes; findings Purpose.~~ Purpose.—The ~~purposes purpose~~ of
 84 the Family Trust Company Act ~~are is~~ are to establish requirements
 85 for licensing family trust companies, to ~~regulate provide~~
 86 ~~regulation of those~~ persons who provide fiduciary services to
 87 family members of no more than two families and their related

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88 interests as a family trust company, and to establish the degree
 89 of regulatory oversight required of the Office of Financial
 90 Regulation over such companies. ~~The Unlike trust companies~~
 91 ~~formed under chapter 658, there is no public interest to be~~
 92 ~~served by this chapter is to ensure outside of ensuring~~ that
 93 fiduciary activities performed by a family trust company are
 94 restricted to family members and their related interests and as
 95 otherwise provided ~~for~~ in this chapter. Therefore, the
 96 Legislature finds that:

97 (1) A family trust company is ~~companies are~~ not a financial
 98 institution ~~institutions~~ within the meaning of the financial
 99 institutions codes, ~~and~~ Licensure of such a company ~~these~~
 100 ~~companies~~ pursuant to chapters 658 and 660 is ~~should not be~~
 101 required as it would not promote the purposes of the codes
 102 specified as set forth in s. 655.001.

103 (2) A family trust company may elect to be a licensed
 104 family trust company under this chapter if the company desires
 105 to be subject to the regulatory oversight of the office, as
 106 provided in this chapter, notwithstanding that the company
 107 restricts its services to family members.

108 (3) With respect to:

109 (a) A licensed ~~Consequently, the office of Financial~~
 110 ~~Regulation is not responsible for regulating~~ family trust
 111 company, the office is responsible for regulating, supervising,
 112 and examining the company as provided under this chapter.

113 (b) A family trust company that does not elect to be
 114 licensed and a foreign licensed family trust company, companies
 115 ~~to ensure their safety and soundness, and the responsibility of~~
 116 the office's role ~~office~~ is limited to ensuring that fiduciary

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117 services provided by the company ~~such companies~~ are restricted
 118 to family members and authorized related interests and not to
 119 the general public. The office is not responsible for examining
 120 a family trust company or a foreign licensed family trust
 121 company regarding the safety or soundness of its operations.

122 Section 2. Subsection (19) of section 662.111, Florida
 123 Statutes, is amended to read:

124 662.111 Definitions.—As used in this chapter, the term:

125 (19) "Officer" of a family trust company means an
 126 individual, regardless of whether the individual has an official
 127 title or receives a salary or other compensation, who may
 128 participate in the major policymaking functions of a family
 129 trust company, other than as a director. The term does not
 130 include an individual who may have an official title and
 131 exercise discretion in the performance of duties and functions,
 132 but who does not participate in determining the major policies
 133 of the family trust company and whose decisions are limited by
 134 policy standards established by other officers, regardless of
 135 whether the policy standards have been adopted by the board of
 136 directors. The chair of the board of directors, the president,
 137 the chief officer, the chief financial officer, the senior trust
 138 officer, and all executive vice presidents of a family trust
 139 company, and all managers if organized as a limited liability
 140 company, are presumed to be ~~executive~~ officers unless such
 141 officer is excluded, by resolution of the board of directors or
 142 members or by the bylaws or operating agreement of the family
 143 trust company, other than in the capacity of a director, from
 144 participating in major policymaking functions of the family
 145 trust company, and such excluded officer does not actually

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146 participate therein.

147 Section 3. Section 662.113, Florida Statutes, is created to
 148 read:

149 662.113 Applicability of other chapters of the financial
 150 institutions codes.—If a family trust company, licensed family
 151 trust company, or foreign licensed family trust company limits
 152 its activities to the activities authorized under this chapter,
 153 the provisions of other chapters of the financial institutions
 154 codes do not apply to the trust company unless otherwise
 155 expressly provided in this chapter. This section does not limit
 156 the office's authority to investigate any entity to ensure that
 157 it is not in violation of this chapter or applicable provisions
 158 of the financial institutions codes.

159 Section 4. Subsection (2) of section 662.120, Florida
 160 Statutes, is amended to read:

161 662.120 Maximum number of designated relatives.—

162 (2) A licensed family trust company may ~~not~~ have up to more
 163 ~~than~~ two designated relatives, ~~and~~ The designated relatives may
 164 not have a common ancestor within three ~~five~~ generations.

165 Section 5. Paragraph (e) is added to subsection (2) of
 166 section 662.1215, Florida Statutes, to read:

167 662.1215 Investigation of license applicants.—

168 (2) Upon filing an application for a license to operate as
 169 a licensed family trust company, the office shall conduct an
 170 investigation to confirm:

171 (e) That the management structure of the proposed company
 172 complies with s. 662.125.

173 Section 6. Paragraph (b) of subsection (1) and paragraphs
 174 (a) and (c) of subsection (2) of section 662.122, Florida

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175 Statutes, are amended to read:

176 662.122 Registration of a family trust company or a foreign
177 licensed family trust company.-

178 (1) A family trust company that is not applying under s.
179 662.121 to become a licensed family trust company must register
180 with the office before beginning operations in this state. The
181 registration application must:

182 (b) State that the family trust company is a family trust
183 company as defined under this chapter and that its operations
184 will comply with ss. 662.1225, 662.123(1), 662.124, 662.125,
185 662.127, 662.131, and 662.134.

186 (2) A foreign licensed family trust company must register
187 with the office before beginning operations in this state.

188 (a) The registration application must state that its
189 operations will comply with ss. 662.1225, 662.125, 662.127,
190 662.131, and 662.134 and that it is currently in compliance with
191 the family trust company laws and regulations of its principal
192 jurisdiction.

193 (c) The registration must include a certified copy of a
194 certificate of good standing, or an equivalent document,
195 authenticated by the official having custody of records in the
196 jurisdiction where the foreign licensed family trust company is
197 organized, along with satisfactory proof, as determined by the
198 office, that the company is organized in a manner similar to a
199 family trust company as defined under this chapter and is in
200 compliance with the family trust company laws and regulations of
201 its principal jurisdiction.

202 Section 7. Subsection (2) of section 662.1225, Florida
203 Statutes, is amended, and subsection (3) is added to that

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204 section, to read:

205 662.1225 Requirements for a family trust company, licensed
206 family trust company, or foreign licensed family trust company.-

207 (2) In order to operate in this state, a foreign licensed
208 family trust company must be in good standing in its principal
209 jurisdiction, must be in compliance with the family trust
210 company laws and regulations of its principal jurisdiction, and
211 must maintain:

212 (a) An office physically located in this state where
213 original or true copies of all records and accounts of the
214 foreign licensed family trust company pertaining to its
215 operations in this state may be accessed and made readily
216 available for examination by the office in accordance with this
217 chapter.

218 (b) A registered agent who has an office in this state at
219 the street address of the registered agent.

220 (c) All applicable state and local business licenses,
221 charters, and permits.

222 (d) A deposit account with a state-chartered or national
223 financial institution that has a principal or branch office in
224 this state.

225 (3) A company in operation as of October 1, 2016, which
226 meets the definition of a family trust company, must, on or
227 before December 30, 2016, apply for licensure as a licensed
228 family trust company, register as a family trust company or
229 foreign licensed family trust company, or cease doing business
230 in this state.

231 Section 8. Subsection (2) of section 662.123, Florida
232 Statutes, is amended to read:

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232 662.123 Organizational documents; use of term "family
233 trust" in name.-

234 (2) A proposed amendment to the articles of incorporation,
235 articles of organization, certificate of formation, or
236 certificate of organization, bylaws, or articles of organization
237 of a limited liability company, family trust company, or
238 licensed family trust company must be submitted to the office
239 for review at least 30 days before it is filed or effective. An
240 amendment is not considered filed or effective if the office
241 issues a notice of disapproval with respect to the proposed
242 amendment.

243 Section 9. Subsections (1) through (4) of section 662.128,
244 Florida Statutes, are amended to read:

245 662.128 Annual renewal.-

246 (1) Within 45 ~~30~~ days after the end of each calendar year,
247 a family trust company companies, licensed family trust company
248 companies, or and foreign licensed family trust company
249 companies shall file its their annual renewal application with
250 the office.

251 (2) The license renewal application filed by a licensed
252 family trust company must include a verified statement by an
253 authorized representative of the trust company that:

254 (a) The licensed family trust company operated in full
255 compliance with this chapter, chapter 896, or similar state or
256 federal law, or any related rule or regulation. The application
257 must include proof acceptable to the office that the company is
258 a family trust company as defined under this chapter.

259 (b) Describes any material changes to its operations,
260 principal place of business, directors, officers, managers,
261

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262 members acting in a managerial capacity, and designated
263 relatives since the end of the preceding calendar year.

264 (3) The registration renewal application filed by a family
265 trust company must include:

266 (a) A verified statement by an authorized representative
267 officer of the trust company that it is a family trust company
268 as defined under this chapter and that its operations are in
269 compliance with ss. 662.1225, 662.123(1), 662.124, 662.125,
270 662.127, 662.131, and 662.134, ~~+~~ chapter 896, ~~+~~ or similar state
271 or federal law, or any related rule or regulation.

272 (b) ~~and include~~ The name of the company's its designated
273 relative or relatives, if applicable, and the street address for
274 its principal place of business.

275 (4) The registration renewal application filed by a foreign
276 licensed family trust company must include a verified statement
277 by an authorized representative of the trust company that its
278 operations are in compliance with ss. 662.1225, 662.125,
279 662.131, and 662.134 and in compliance with the family trust
280 company laws and regulations of its principal jurisdiction. It
281 must also provide:

282 (a) The current telephone number and street address of the
283 physical location of its principal place of business in its
284 principal jurisdiction.

285 (b) The current telephone number and street address of the
286 physical location in this state of its principal place of
287 operations where its books and records pertaining to its
288 operations in this state are maintained.

289 (c) The current telephone number and address of the
290 physical location of any other offices located in this state.

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291 (d) The name and current street address in this state of
292 its registered agent.

293 (e) Documentation satisfactory to the office that the
294 foreign licensed family trust company is in compliance with the
295 family trust company laws and regulations of its principal
296 jurisdiction.

297 Section 10. Subsections (4) and (7) of section 662.132,
298 Florida Statutes, are amended to read:

299 662.132 Investments.—

300 (4) Notwithstanding any other law, a family trust company
301 or licensed family trust company may, while acting as a
302 fiduciary, purchase directly from underwriters or broker-dealers
303 ~~distributors~~ or in the secondary market:

304 (a) Bonds or other securities underwritten or brokered
305 ~~distributed~~ by:

306 1. The family trust company or licensed family trust
307 company;

308 2. A family affiliate; or

309 3. A syndicate, including the family trust company,
310 licensed family trust company, or family affiliate.

311 (b) Securities of an investment company, including a mutual
312 fund, closed-end fund, or unit investment trust, as defined
313 under the federal Investment Company Act of 1940, for which the
314 family trust company or licensed family trust company acts as an
315 advisor, custodian, distributor, manager, registrar, shareholder
316 servicing agent, sponsor, or transfer agent.

317 (7) Notwithstanding subsections (1)-(6), a family trust
318 company or licensed family trust company may not, while acting
319 as a fiduciary, purchase a bond or security issued by the

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320 company or its parent, or a subsidiary company ~~an affiliate~~
321 thereof or its parent, unless:

322 (a) The family trust company or licensed family trust
323 company is expressly authorized to do so by:

324 1. The terms of the instrument creating the trust;

325 2. A court order;

326 3. The written consent of the settlor of the trust for
327 which the family trust company or licensed family trust company
328 is serving as trustee; or

329 4. The written consent of every adult qualified beneficiary
330 of the trust who, at the time of such purchase, is entitled to
331 receive income under the trust or who would be entitled to
332 receive a distribution of principal if the trust were
333 terminated; and

334 (b) The purchase of the security is at a fair price and
335 complies with:

336 1. The prudent investor rule in s. 518.11, or other prudent
337 investor or similar rule under other applicable law, unless ~~such~~
338 compliance is waived in accordance with s. 518.11 or other
339 applicable law.

340 2. The terms of the instrument, judgment, decree, or order
341 establishing the fiduciary relationship.

342 Section 11. Section 662.141, Florida Statutes, is amended
343 to read:

344 662.141 Examination, investigations, and fees.—The office
345 may conduct an examination or investigation of a ~~family trust~~
346 ~~company~~, licensed family trust company, ~~or foreign licensed~~
347 ~~family trust company~~ at any time it deems necessary to determine
348 whether the a family trust company, licensed family trust

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349 company, ~~foreign licensed family trust company,~~ or licensed
 350 family trust company-affiliated party thereof ~~person~~ has
 351 violated or is about to violate any provision of this chapter,
 352 ~~or rules adopted by the commission pursuant to this chapter, or~~
 353 any applicable provision of the financial institutions
 354 ~~institution codes, or any rule~~ rules adopted by the commission
 355 pursuant to this chapter or the such codes. The office may
 356 conduct an examination or investigation of a family trust
 357 company or foreign licensed family trust company at any time it
 358 deems necessary to determine whether the family trust company or
 359 foreign licensed family trust company has engaged in any act
 360 prohibited under s. 662.131 or s. 662.134 and, if a family trust
 361 company or a foreign licensed family trust company has engaged
 362 in such act, to determine whether any applicable provision of
 363 the financial institutions codes has been violated.

364 (1) The office may rely upon a certificate of trust, trust
 365 summary, or written statement from the trust company which
 366 identifies the qualified beneficiaries of any trust or estate
 367 for which a family trust company, licensed family trust company,
 368 or foreign licensed family trust company serves as a fiduciary
 369 and the qualifications of such beneficiaries as permissible
 370 recipients of company services.

371 (2) The office shall conduct an examination of a licensed
 372 family trust company, ~~family trust company, or foreign licensed~~
 373 family trust company at least once every 36 ~~18~~ months.

374 ~~(2) In lieu of an examination by the office, the office may~~
 375 ~~accept an audit of a family trust company, licensed family trust~~
 376 ~~company, or foreign licensed family trust company by a certified~~
 377 ~~public accountant licensed to practice in this state who is~~

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378 ~~independent of the company, or other person or entity acceptable~~
 379 ~~to the office. If the office accepts an audit pursuant to this~~
 380 ~~subsection, the office shall conduct the next required~~
 381 ~~examination.~~

382 ~~(3)~~ The office shall examine the books and records of a
 383 ~~family trust company or~~ licensed family trust company as
 384 necessary to determine whether it is a ~~family trust company or~~
 385 licensed family trust company as defined in this chapter, and is
 386 operating in compliance with this chapter ss. ~~662.1225, 662.125,~~
 387 662.126, 662.131, and 662.134, as applicable. ~~The office may~~
 388 ~~rely upon a certificate of trust, trust summary, or written~~
 389 ~~statement from the trust company identifying the qualified~~
 390 ~~beneficiaries of any trust or estate for which the family trust~~
 391 ~~company serves as a fiduciary and the qualification of the~~
 392 ~~qualified beneficiaries as permissible recipients of company~~
 393 ~~services. The commission may establish by rule the records to be~~
 394 ~~maintained or requirements necessary to demonstrate conformity~~
 395 ~~with this chapter as a family trust company or licensed family~~
 396 ~~trust company.~~

397 (3)(4) The office shall examine the books and records of a
 398 foreign licensed family trust company as necessary to determine
 399 if it is a foreign licensed trust company as defined in this
 400 chapter and is in compliance with ss. 662.1225, 662.125,
 401 662.130(2), 662.131, and 662.134. In connection with an
 402 examination of the books and records of the company, the office
 403 may rely upon the most recent examination report or review or
 404 certification letters or similar documentation issued by the
 405 regulatory agency to which the foreign licensed family trust
 406 company is subject to supervision. ~~The commission may establish~~

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407 ~~by rule the records to be maintained or requirements necessary~~
 408 ~~to demonstrate conformity with this chapter as a foreign~~
 409 ~~licensed family trust company.~~ The office's examination of the
 410 books and records of a foreign licensed family trust company is,
 411 to the extent practicable, limited to books and records of the
 412 operations in this state.

413 ~~(4)(5)~~ For each examination of the books and records of a
 414 family trust company, licensed family trust company, or foreign
 415 licensed family trust company as authorized under this chapter,
 416 the trust company shall pay a fee for the costs of the
 417 examination by the office. As used in this section, the term
 418 "costs" means the salary and travel expenses of field staff
 419 which are directly attributable to the examination of the trust
 420 company and the travel expenses of any supervisory ~~and~~ ~~or~~
 421 support staff required as a result of examination findings. The
 422 mailing of payment for costs incurred must be postmarked within
 423 30 days after the receipt of a notice stating that ~~the such~~
 424 costs are due. The office may levy a late payment of up to \$100
 425 per day or part thereof that a payment is overdue, unless waived
 426 for good cause. However, if the late payment of costs is
 427 intentional, the office may levy an administrative fine of up to
 428 \$1,000 per day for each day the payment is overdue.

429 ~~(5)(6)~~ All fees collected under this section must be
 430 deposited into the Financial Institutions' Regulatory Trust Fund
 431 pursuant to s. 655.049 for the purpose of administering this
 432 chapter.

433 (6) The commission may establish by rule the records to be
 434 maintained or requirements necessary to demonstrate conformity
 435 with this chapter as a family trust company, licensed family

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436 trust company, or foreign licensed family trust company.

437 Section 12. Section 662.142, Florida Statutes, is amended
 438 to read:

439 662.142 Revocation of license.—

440 (1) Any of the following acts constitute ~~or conduct~~
 441 ~~constitutes~~ grounds for the revocation by the office of the
 442 license of a licensed family trust company:

443 (a) The company is not a family trust company as defined in
 444 this chapter. ~~+~~

445 (b) A violation of s. 662.1225, s. 662.123(1)(a), s.
 446 662.125(2), s. 662.126, s. 662.127, s. 662.128, s. 662.130, s.
 447 662.131, s. 662.134, or s. 662.144. ~~+~~

448 (c) A violation of chapter 896, relating to financial
 449 transactions offenses, or a any similar state or federal law or
 450 ~~any~~ related rule or regulation. ~~+~~

451 (d) A violation of any rule of the commission. ~~+~~

452 (e) A violation of any order of the office. ~~+~~

453 (f) A breach of any written agreement with the office. ~~+~~

454 (g) A prohibited act or practice under s. 662.131. ~~+~~

455 (h) A failure to provide information or documents to the
 456 office upon written request. ~~+~~ ~~or~~

457 (i) An act of commission or omission that is judicially
 458 determined to be a breach of trust or ~~of~~ fiduciary duty ~~pursuant~~
 459 ~~to a court of competent jurisdiction.~~

460 (2) If the office finds ~~Upon a finding~~ that a licensed
 461 family trust company has committed any of the acts specified ~~set~~
 462 ~~forth in subsection (1) paragraphs (1)(a)–(h),~~ the office may
 463 enter an order suspending the company's license and provide
 464 notice of its intention to revoke the license and of the

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465 opportunity for a hearing pursuant to ss. 120.569 and 120.57.

466 (3) If a hearing is not timely requested pursuant to ss.
 467 120.569 and 120.57 or if a hearing is held and it has been
 468 determined that the licensed family trust company has committed
 469 any of the acts specified in subsection (1) there has been a
 470 commission or omission under paragraph (1)(i), the office may
 471 immediately enter an order revoking the company's license. A The
 472 licensed family trust company has ~~shall have~~ 90 days to wind up
 473 its affairs after license revocation. If after 90 days the
 474 company is still in operation, the office may seek an order from
 475 the circuit court for the annulment or dissolution of the
 476 company.

477 Section 13. Subsection (1) of section 662.143, Florida
 478 Statutes, is amended to read:

479 662.143 Cease and desist authority.—

480 (1) The office may issue and serve upon a family trust
 481 company, licensed family trust company, ~~or~~ foreign licensed
 482 family trust company, or ~~upon a~~ family trust company-affiliated
 483 party, a complaint stating charges if the office has reason to
 484 believe that such company, family trust company-affiliated
 485 party, or individual named therein is engaging in or has engaged
 486 in any of the following acts ~~conduct that:~~

487 (a) ~~Indicates that~~ The company is not a family trust
 488 company or foreign licensed family trust company as defined in
 489 this chapter. ~~+~~

490 (b) ~~Is~~ A violation of s. 662.1225, s. 662.123(1)(a), s.
 491 662.125(2), s. 662.126, s. 662.127, s. 662.128, s. 662.130, or
 492 s. 662.134. ~~+~~

493 (c) ~~Is~~ A violation of any rule of the commission. ~~+~~

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494 (d) ~~Is~~ A violation of any order of the office. ~~+~~

495 (e) ~~Is~~ A breach of any written agreement with the office. ~~+~~

496 (f) ~~Is~~ A prohibited act or practice pursuant to s.

497 662.131. ~~+~~

498 (g) ~~Is~~ A willful failure to provide information or
 499 documents to the office upon written request. ~~+~~

500 (h) ~~Is~~ An act of commission or omission that is judicially
 501 determined by ~~or a court of competent jurisdiction practice that~~
 502 ~~the office has reason to be believe is~~ a breach of trust or ~~of~~
 503 fiduciary duty. ~~+~~ ~~or~~

504 (i) ~~Is~~ A violation of chapter 896 or similar state or
 505 federal law or any related rule or regulation.

506 Section 14. Section 662.144, Florida Statutes, is amended
 507 to read:

508 662.144 Failure to submit required report; fines.—If a
 509 family trust company, licensed family trust company, or foreign
 510 licensed family trust company fails to submit within the
 511 prescribed period its annual renewal or any other report
 512 required by this chapter or any rule, the office may impose a
 513 fine of up to \$100 for each day that the annual renewal or
 514 report is overdue. Failure to provide the annual renewal within
 515 60 days after the end of the calendar year shall automatically
 516 result in termination of the registration of a family trust
 517 company or foreign licensed family trust company or revocation
 518 of the license of a licensed family trust company. A family
 519 trust company may have its registration or license automatically
 520 reinstated by submitting to the office, on or before August 31
 521 of the calendar year in which the renewal application is due,
 522 the company's annual renewal application and fee required under

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523 s. 662.128, a \$500 late fee, and the amount of any fine imposed
 524 by the office under this section. A family ~~The~~ trust company
 525 that fails to renew or reinstate its registration or license
 526 must ~~shall thereafter have 90 days to~~ wind up its affairs on or
 527 before November 30 of the calendar year in which such failure
 528 occurs. Fees and fines collected under this section shall be
 529 deposited into the Financial Institutions' Regulatory Trust Fund
 530 pursuant to s. 655.049 for the purpose of administering this
 531 chapter.

532 Section 15. Paragraph (a) of subsection (6) of section
 533 662.145, Florida Statutes, is amended to read:

534 662.145 Grounds for removal.—

535 (6) The chief executive officer, or the person holding the
 536 equivalent office, of a family trust company or licensed family
 537 trust company shall promptly notify the office if he or she has
 538 actual knowledge that a family trust company-affiliated party is
 539 charged with a felony in a state or federal court.

540 (a) If a family trust company-affiliated party is charged
 541 with a felony in a state or federal court, or is charged with an
 542 offense in a court ~~the courts~~ of a foreign country with which
 543 the United States maintains diplomatic relations which involves
 544 a violation of law relating to fraud, currency transaction
 545 reporting, money laundering, theft, or moral turpitude and the
 546 charge is equivalent to a felony charge under state or federal
 547 law, the office may enter an emergency order suspending the
 548 family trust company-affiliated party or restricting or
 549 prohibiting participation by such ~~company-affiliated~~ party in
 550 the affairs of that particular family trust company or licensed
 551 family trust company or any state financial institution,

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552 subsidiary, or service corporation, upon service of the order
 553 upon the company and ~~the~~ family trust company-affiliated party
 554 ~~is~~ charged.

555 Section 16. Paragraph (b) of subsection (1) of section
 556 662.150, Florida Statutes, is amended to read:

557 662.150 Domestication of a foreign family trust company.—

558 (1) A foreign family trust company lawfully organized and
 559 currently in good standing with the state regulatory agency in
 560 the jurisdiction where it is organized may become domesticated
 561 in this state by:

562 (b) Filing an application for a license to begin operations
 563 as a licensed family trust company in accordance with s.

564 662.121, which must first be approved by the office, or by
 565 filing the prescribed form with the office to register as a
 566 family trust company to begin operations in accordance with s.
 567 662.122.

568 Section 17. Subsection (3) of section 662.151, Florida
 569 Statutes, is amended to read:

570 662.151 Registration of a foreign licensed family trust
 571 company to operate in this state.—A foreign licensed family
 572 trust company lawfully organized and currently in good standing
 573 with the state regulatory agency in the jurisdiction under the
 574 law of which it is organized may qualify to begin operations in
 575 this state by:

576 ~~(3) A company in operation as of the effective date of this~~
 577 ~~act that meets the definition of a family trust company shall~~
 578 ~~have 90 days from the effective date of this act to apply for~~
 579 ~~licensure as a licensed family trust company, register as a~~
 580 ~~family trust company or foreign licensed family trust company,~~

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581 ~~or cease doing business in this state.~~

582 Section 18. This act shall take effect upon becoming law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

Meeting Date

SB 80

Bill Number (if applicable)

Topic Family Trust Companies

Amendment Barcode (if applicable)

Name Meredith Hinshelwood

Job Title Deputy Director of Governmental Relations, Office of Financial Regulation

Address 200 East Gaines Street, Suite 118

Phone 850-410-9544

Street

Tallahassee

FL

32399-0370

Email Meredith.Hinshelwood@flofr.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Office of Financial Regulation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/8/2015
Meeting Date

80
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12.3.15

Meeting Date

SB 80

Bill Number (if applicable)

Topic Family Trust Companies

Amendment Barcode (if applicable)

Name Martha Edenfield

Job Title Attorney

Address 215 So. Monroe Street # 815

Phone 850-999-4100

Street

Tallahassee

FL

32301

City

State

Zip

Email m.edenfield@deanmeed.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Real Property, Probate + Trust Law Section of the Florida Bar

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

Meeting Date

SB 80

Bill Number (if applicable)

Topic Estates

Amendment Barcode (if applicable)

Name Kenneth Pratt

Job Title Senior VP of Govt Affairs

Address 1001 Thomasville Rd Ste 101
Street

Phone 850-224-2265

Tallahassee

City

FL

State

32312

Zip

Email kpratt@floridabankers.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 88

INTRODUCER: Senator Simpson

SUBJECT: Gold Star License Plates

DATE: December 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	Favorable
2.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	Favorable
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

I. Summary:

SB 88 allows additional family members related to a servicemember killed while serving in the United States Armed Forces to qualify for issuance of the Gold Star license plate upon payment of the appropriate license tax and fees.

The fiscal impact of the bill is indeterminate (See Section V.).

II. Present Situation:

Gold Star Recognition

Gold Star Families

The term Gold Star family is a modern reference that comes from the Service Flag. The Service Flag was a banner first flown by families during World War I, which included a blue star for every immediate family member serving in the armed forces of the United States. If that loved one died, the blue star was replaced by a gold star. This allowed members of the community to recognize the sacrifice made by the Gold Star Family members.¹

Gold Star Lapel Button

The gold star lapel button is designed and approved by the Secretary of Defense to identify the loved ones of fallen servicemembers of the armed forces of the United States. Family members eligible for the lapel button include the surviving spouse, mother, father, stepmother, stepfather, mother or father through adoption, foster parents, children, stepchildren, children through adoption, brothers or sisters, and half brothers or sisters.²

¹ Army.Mil Features, *Gold Star Survivors*, available at <http://www.army.mil/goldstar> (last visited Dec. 1, 2015).

² 10 U.S.C. s. 1126

Gold Star License Plate

The Gold Star license plate is a special license plate developed to honor the family members of a servicemember killed while serving in the United States Armed Forces. The plate is currently available to a spouse, legal mother or father, or stepparent currently married to the mother or father of a fallen servicemember who was living in Florida at the servicemember's time of death. The plate is issued, upon payment of the license tax and appropriate fees, without regard to the deceased servicemember's state of residence.³

The surviving spouse and a surviving parent of a servicemember are eligible to receive one Gold Star license plate per household at no charge. An application for a Gold Star license plate requires proof of relationship to the servicemember and documentation from the United States Department of Defense or from its subordinate agencies, such as the Coast Guard, Reserve, or National Guard, deeming a servicemember to have been killed while in service.⁴

As of August 2015, there were 564 active Gold Star registrations statewide.⁵

III. Effect of Proposed Changes:

The bill extends eligibility for a Gold Star license plate to a parent through adoption, foster parent, grandparent, child, stepchild, adopted child, brother, sister, half-brother, or half-sister of a fallen servicemember upon payment of the appropriate license tax and fees.

The bill is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³ Section 320.0894, F.S.

⁴ *Id.*

⁵ Department of Highway Safety and Motor Vehicles (DHSMV), *SB 88 Agency Bill Analysis*, (Aug. 24, 2015) (on file with the Senate Committee on Transportation).

B. Private Sector Impact:

An eligible family member who chooses to receive a Gold Star license plate will pay the same tax and fees as if he or she were issued a standard license plate.⁶

An individual will pay a \$28 new license plate fee if a Gold Star license plate is replacing any plate prior to the 10-year forced replacement of the license plate.⁷

C. Government Sector Impact:

Currently it costs \$1.57 to manufacture a standard license plate and \$2.82 to manufacture a Gold Star license plate, a difference of \$1.25. The department receives an annual appropriation to purchase license plates. In Fiscal Year 2015-2016, \$9,695,197 was appropriated for that purpose.⁸ To the extent that more individuals qualify for and obtain Gold Star license plates, the department will have to pay the \$1.25 difference to manufacture each Gold Star plate. While the fiscal impact is indeterminate, it is anticipated to be minimal and can be covered within the department's existing resources.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

Tax Collector offices issuing Gold Star license plates may find it difficult to verify some of the added family members' relationship to the deceased service member.¹⁰

VIII. Statutes Affected:

This bill amends section 320.0894 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁶ License taxes vary based on type and weight of vehicle. *See* s. 320.08, F.S.

⁷ Email from the DHSMV (Oct. 27, 2015) (on file with the Senate Committee on Transportation).

⁸ Specific Appropriation 2645, Chapter 2015-232, L.O.F.

⁹ *Supra* note 5 and email correspondence from DHSMV (Nov. 30, 2016) (on file with the Senate Committee on Fiscal Policy).

¹⁰ *Id.*

By Senator Simpson

18-00071-16

201688__

A bill to be entitled

An act relating to Gold Star license plates; amending s. 320.0894, F.S.; including certain individuals as qualified for issuance of a Gold Star license plate; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (4) of section 320.0894, Florida Statutes, is amended to read:

320.0894 Motor vehicle license plates to Gold Star family members.—The department shall develop a special license plate honoring the family members of servicemembers who have been killed while serving in the Armed Forces of the United States. The license plate shall be officially designated as the Gold Star license plate and shall be developed and issued as provided in this section.

(4) (a) 1.a. The Gold Star license plate shall be issued only to family members of a servicemember who resided in Florida at the time of the death of the servicemember.

b. Any family member, as defined in subparagraph 2., of a servicemember killed while serving may be issued a Gold Star license plate upon payment of the license tax and appropriate fees as provided in paragraph (3) (a) without regard to the state of residence of the servicemember.

2. To qualify for issuance of a Gold Star license plate, the applicant must be directly related to a fallen servicemember as spouse, legal mother or father, ~~or~~ stepparent, parent through adoption, foster parent, grandparent, child, stepchild, adopted

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

18-00071-16

201688__

child, brother, sister, half brother, or half sister ~~who is currently married to the mother or father~~ of the fallen servicemember.

3. A servicemember is deemed to have been killed while in service as listed by the United States Department of Defense and may be verified from documentation directly from the Department of Defense or from its subordinate agencies, such as the Coast Guard, Reserve, or National Guard.

Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

November 17, 2015

Honorable Anitere Flores
Committee on Fiscal Policy
225 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairwoman Flores,

Please place Senate Bill 88 relating to Gold Star License Plates, on the next Committee on Fiscal Policy agenda.

Please contact my office with any questions. Thank you.

A handwritten signature in black ink, appearing to read "W. Simpson".

Wilton Simpson
Senator, 18th District

CC: Jennifer Hrdlicka, Staff Director
Tamra Lyon, Committee Administrative Assistant

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/2015
Meeting Date

SB 88
Bill Number (if applicable)

Topic Gold Star License Plate

Amendment Barcode (if applicable)

Name Matt Puckett

Job Title Lobbyist

Address 300 East Brevard St.

Phone 850-222-3329

Street

Tallahassee

FL

32301

City

State

Zip

Email N/A

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Police Benevolent Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 238

INTRODUCER: Senator Grimsley

SUBJECT: Medical Assistant Certification

DATE: December 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Favorable
2.	Brown	Pigott	AHS	Recommend: Favorable
3.	Jones	Hrdlicka	FP	Favorable

I. Summary:

SB 238 amends s. 458.3485(3), F.S., to remove a voluntary provision which recognizes two certification organizations for medical assistants.

The bill has no fiscal impact to the state.

The bill is effective July 1, 2016.

II. Present Situation:

Medical Assistants (MAs) provide medical assistance under the direct supervision and responsibility of a physician. An MA is not a licensed profession in Florida.

Under the supervision of a physician, an MA may perform certain duties, including:

- Performing clinical procedures, including:
 - Performing aseptic procedures;
 - Taking vital signs;
 - Preparing patients for a physician's care;
 - Performing venipunctures and non-intravenous injections; and
 - Observing and reporting patients' signs or symptoms.
- Administering basic first aid;
- Assisting with patient examinations or treatments;
- Operating office medical equipment;
- Collecting routine laboratory specimens as directed by the physician;
- Administering medication as directed by the physician;
- Performing basic laboratory procedures;

- Performing office procedures including all general administrative duties required by the physician; and
- Performing dialysis procedures, including home dialysis.¹

According to U.S. Department of Labor statistics, Florida is ranked third in the country with 40,770 MAs.² Overwhelmingly, MAs find employment within the offices of physicians, health care practitioners, or medical and surgical hospitals.³ In the next 10 years, job growth in this occupation is expected to increase by 29 percent nationally.⁴

Certification of Medical Assistants

Currently in Florida, an MA is not required to be certified. However s. 458.3485, F.S., specifies that MAs may voluntarily be certified by two certifying entities: the American Association of Medical Assistants (AAMA) or as a Registered Medical Assistant (RMA) by the American Medical Technologists (AMT).⁵ Both of these organizations are not-for-profit.⁶ At least two other organizations, both for-profit, certify several allied health professions, including certifications for medical assistants.

The American Association of Medical Assistants (AAMA)

To be eligible for the AAMA certification examination, applicants must be one of the following:

- A completing student⁷ or recent graduate⁸ from a medical assisting program accredited by the Commission on Accreditation of Allied Health Education or the Accrediting Bureau of Health Education Schools;
- A non-recent graduate of a Commission on Accreditation of Allied Health Education Program or the Accrediting Bureau of Health Education Schools accredited medical assisting program; or
- An AAMA re-certificant.⁹

An accredited medical assisting program includes academic and clinical training in areas such as human anatomy, physiology, and pathology; medical terminology, record keeping and accounting; laboratory techniques; pharmacology; first aid; office practices and patient relations;

¹ Section 458.3485, F.S.

² United States Department of Labor, Bureau of Labor Statistics, *Occupational Employment and Wages, May 2014 (31-9092 Medical Assistants)*, available at <http://www.bls.gov/oes/current/oes319092.htm> (last visited Nov. 23, 2015).

³ *Id.*

⁴ United States Department of Labor, Bureau of Labor Statistics, *Employment Projections (2012-2022)*, available at <http://data.bls.gov/projections/occupationProj> (last visited Nov. 23, 2015).

⁵ Section 458.3485(3), F.S.

⁶ Balasa, Donald, *How the CMA (AAMA) certification, Why it is the premier credential*, p. 1, (Updated November 20, 2015), available at <http://www.aama-ntl.org/docs/default-source/employers/cma-certification-premier-credential.pdf> (last visited Nov. 23, 2015).

⁷ A completing student may take the exam no more than 30 days prior to completing their formal education and practicum.

⁸ Recent graduates are defined by the AAMA as those students who apply for the exam within 12 months of graduation.

⁹ American Association of Medical Assistants, *Exam Eligibility Requirements*, available at <http://www.aama-ntl.org/cma-aama-exam/application-steps/eligibility> (last visited Nov. 23, 2015).

and medical law and ethics.¹⁰ A practicum or an unpaid, supervised on-site work experience in an ambulatory health care setting is also a required component of the certification process.¹¹

Certifications are current for 60 months and may be re-certified through either re-examination or by continuing education.¹² Expired certifications greater than 60 months may only be re-certified through examination.¹³

The American Medical Technologists (AMT)

The AMT is accredited by the National Commission for Certifying Agencies (NCCA) through April 2018.¹⁴ In its 2012-13 Annual Report, the AMT reported certification of 38,518 members as RMAs.¹⁵

Certification for the AMT's nine different specialties may be accomplished through passage of the appropriate examinations and compliance with one of the following five routes:

- Graduation from an accredited medical assisting program with a minimum of 720 clock hours, including 160 hours of clinical externship within the last four years of application for certification;
- Graduation from a formal medical services training program of the U.S. Armed Forces within four years of application for certification or, if greater than four years from application, provide evidence of relevant work experience in three of the last five years prior to application;
- Employment as a MA for a minimum of five out of the last seven years with both clinical and administrative duties, with no more than two years as an instructor in a post-secondary medical assistant program, and proof of high school graduation;
- Employment as an instructor in an accredited medical assisting program, completion of a course of instruction in healthcare discipline related to medical assisting that includes both clinical and administrative duties, and if the applicant has less than three years teaching experience, but more than one year, documentation of at least three years of clinical experience in a healthcare profession in which the scope is equal to the medical assisting scope of practice; or
- Passage of another certification examination that has been approved by the AMT Board of Directors and the applicant has met one of the other eligibility routes.¹⁶

¹⁰ American Association of Medical Assistants, *CAAHEP and ABHEP Accredited Programs*, available at <http://www.aama-ntl.org/medical-assisting/caahep-abhes-programs#.VINcok3ouUk> (last visited Nov. 23, 2015).

¹¹ *Id.*

¹² American Medical Technologies, *Recertification Policies*, available at <http://www.aama-ntl.org/continuing-education/recertification-policies#.VINjxk3ouUk> (last visited Nov. 23, 2015).

¹³ *Id.*

¹⁴ American Medical Technologies, *2012-13 Annual Report*, p. 4, available at http://www.americanmedtech.org/Portals/0/PDF/AMTIE-About%20Us/About%20Us/AMT_2013AnnualRpt_web.pdf (last visited Nov. 23, 2015).

¹⁵ *Id.* at 9.

¹⁶ American Medical Technologists, RMA Eligibility, *Medical Assistant*, available at <http://www.americanmedtech.org/GetCertified/RMAEligibility.aspx> (last visited Nov. 23, 2015).

Other MA Certifying Organizations

At least two other organizations certify MAs, the National Healthcareer Association and the National Center for Competency Testing. The National Healthcareer Association allows individuals who have completed a training program for a MA, or have relevant work experience, and have graduated high school to qualify to take the certification examination for a Clinical Medical Assistant.¹⁷

The National Center for Competency Testing (NCCT) is also accredited by the NCCA and to be eligible for the exam, applicants must meet one of the following:

- Current or graduated student in a MA program from an NCCT authorized school within the past five years;
- Two years of verifiable full-time experience as a MA practitioner within the past five years; or
- Completion of MA training or its equivalent during U.S. military service within the past five years.¹⁸

III. Effect of Proposed Changes:

Section 1 repeals subsection (3) of s. 458.3485, F.S., to remove the voluntary certification provision through the American Association of Medical Assistants (AAMA) or as a Registered Medical Assistant (RMA) by the American Medical Technologists (AMT). The effect of the bill is that there will no longer be any prescription related to certification, whether voluntary or required, of MAs in the statute.

The bill is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁷ National Healthcareer Association Candidate Handbook, p. 8, available at <http://www.nhanow.com/docs/default-source/pdfs/handbooks/nha-candidate-handbook.pdf?sfvrsn=2> (last visited Nov. 23, 2015).

¹⁸ National Center for Competency Testing, *Medical Assistant (NCMA)*, available at <https://www.ncctinc.com/Certifications/MA.aspx> (last visited Nov. 23, 2015).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Individuals may choose to be certified by the other certification organizations that were not named in the statute. Even though the certification was voluntary, the removal of the reference may still have an impact on those organizations that were either named or not named in the provision.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 458.3485 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Grimsley

21-00310-16

2016238__

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A bill to be entitled

An act relating to medical assistant certification;
repealing s. 458.3485(3), F.S., relating to
certification of a medical assistant by the American
Association of Medical Assistants or as a Registered
Medical Assistant by the American Medical
Technologists; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 458.3485, Florida
Statutes, is repealed.

Section 2. This act shall take effect July 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator Anitere Flores, Chair
Committee on Fiscal Policy

Subject: Committee Agenda Request

Date: November 18, 2015

I respectfully request that **Senate Bill #238**, relating to Medical Assistant Certification and **Senate Bill #450**, relating to Physical Therapy, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Denise Grimsley".

Senator Denise Grimsley
Florida Senate, District 21

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/2015
Meeting Date

238
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Communications, Energy, and Public Utilities, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Health
and Human Services
Health Policy
Transportation

JOINT COMMITTEES:
Joint Administrative Procedures Committee,
Alternating Chair
Joint Legislative Budget Commission

SENATOR DENISE GRIMSLEY

Deputy Majority Leader
21st District

November 24, 2015

The Honorable Anitere Flores, Chair
Committee on Fiscal Policy
225 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Flores:

I have two bills scheduled before your Committee on Thursday, 12/3/2015 at 1:00 p.m. I've asked members of my staff to present these bills. There is a Transportation Committee meeting scheduled at the same time.

I respectfully request permission for Marty Mielke to present SB 238 relating to Medical Assistant Certification and Anne Bell to present SB 450 relating to Physical Therapy on my behalf.

Sincerely,

A handwritten signature in cursive script that reads "Denise Grimsley".

Denise Grimsley
Senator, District 21

cc: Jennifer Hrdlicka, Staff Director
Tamra Lyon, Committee Administrative Assistant

REPLY TO:

- 205 South Commerce Avenue, Suite A, Sebring, Florida 33870 (863) 386-6016
- 212 East Stuart Avenue, Lake Wales, Florida 33853 (863) 679-4847
- 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/03/2015	.	
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	.	
	.	

The Committee on Fiscal Policy (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete lines 108 - 117

and insert:

(d) The pilot program must collect data for annual and final reporting purposes. The annual report must include information on the number of participants served, the number of needles and syringes exchanged and distributed, the demographic profiles of the participants served, the number of participants entering drug counseling and treatment, the number of



11 participants receiving testing for HIV, AIDS, viral hepatitis,
12 or other blood-borne diseases, and other data necessary for the
13 pilot program. However, personal identifying information may not
14 be collected from a participant for any purpose. An annual
15 report must be submitted to the Department of Health by July 1
16 every year until the program expires. A final report is due on
17 August 1, 2021, to the Department of Health and must describe
18 the performance and outcomes of the pilot program and include a
19 summary of the information in the annual reports for all pilot
20 program years.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete line 15

25 and insert:

26 the pilot program to collect certain data for
27 reporting purposes; prohibiting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: PCS/CS/SB 242 (331366)

INTRODUCER: Fiscal Policy Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Health Policy Committee; and Senators Braynon and Flores

SUBJECT: Infectious Disease Elimination Pilot Program

DATE: December 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Llyod</u>	<u>Stovall</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Brown</u>	<u>Pigott</u>	<u>AHS</u>	<u>Recommend: Fav/CS</u>
3.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 242 creates the Miami-Dade Infectious Disease Elimination Act, which authorizes the University of Miami and its affiliates to establish a single sterile needle and syringe exchange pilot program in Miami-Dade County as a means to prevent the transmission of blood-borne diseases, such as HIV, AIDS, and viral hepatitis. The bill provides duties and requirements for the operation of the pilot program.

The bill prohibits state, county, or municipal funds from being used to operate the pilot program. Instead, the pilot program must be funded through grants and donations from private resources.

The pilot program expires on July 1, 2021.

The bill has no fiscal impact.

II. Present Situation:

Needle and syringe exchange programs (NSEPs) provide sterile needles and syringes in exchange for used needles and syringes to reduce the transmission of human immunodeficiency virus (HIV) and other blood-borne infections associated with the reuse of contaminated needles and syringes by injection-drug-users (IDUs).

Intravenous Drug Use in Florida

In 2013, the majority of Florida counties with high rates of persons living with HIV/AIDS (PLWHA) and with a high IDU-associated risk were in the southeast or central parts of the state.¹ The Department of Health (DOH) reports that 50 to 90 percent of HIV-infected IDUs are also co-infected with the hepatitis C virus.² The chart below displays data from 2013 of the 11 Florida counties with the highest incidence of PLWHA with an IDU-associated risk.³

County	Total PLWHA Cases	Total IDU	Percent IDU of Total PLWHA Cases
Miami-Dade	26,445	3,240	12%
Broward	17,214	2,132	12%
Palm Beach	7,964	1,481	19%
Orange	7,508	1,304	17%
Hillsborough	6,262	1,198	19%
Duval	5,584	999	18%
Pinellas	3,675	728	20%
Lee	1,777	310	18%
St. Lucie	1,550	309	20%
Volusia	1,408	340	24%
Brevard	1,300	273	21%
State Totals	101,977	17,368	17%

Intravenous Drug Use in Miami-Dade County

In a 2011 study, researchers from the University of Miami estimated that there are more than 10,000 IDUs in Miami and that one in five of these IDUs are HIV positive.⁴ The researchers also found that IDUs in Miami—a city without a needle and syringe exchange program—had over 34 times the adjusted odds of disposal of a used syringe in a public location relative to IDUs in San Francisco—a city with multiple exchange programs.⁵

Needle and Syringe Exchange Programs

In the mid-1980s, the National Institute on Drug Abuse (NIDA) undertook a research program to develop, implement, and evaluate the effectiveness of intervention strategies to reduce risk

¹ Florida Department of Health, *HIV Infection Among Those with an Injection Drug Use-Associated Risk, Florida, 2014* (power point slide 18) (revised Jan. 29, 2015), available at <http://www.floridahealth.gov/diseases-and-conditions/aids/surveillance/documents/hiv-aids-slide-sets/2014/idu-2014.pdf> (last visited Nov. 20, 2015).

² Florida Department of Health, *HIV Disease and Hepatitis C Virus (HCV) Co-Infection – Florida, 2014* (Revised Aug. 13, 2015), available at <http://www.floridahealth.gov/diseases-and-conditions/hepatitis/documents/HepC-HIV-Co-infection.pdf> (last visited Dec. 1, 2015).

³ *Supra* note 1. Percent IDU adjusted to conform to previous data charts. State totals include cases in the Department of Corrections system.

⁴ Hansel E. Tookes, et al. “A comparison of syringe disposal practices among injection drug users in a city with versus a city without needle and syringe programs.” *Drug and Alcohol Dependence*, June 2012, Vol. 123, Issue 1, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3358593/pdf/nihms347112.pdf> (last visited Nov. 20, 2015).

⁵ *Id.*

behaviors and prevent the spread of HIV/AIDS, particularly among IDUs, their sexual partners, and their offspring. The studies found that comprehensive strategies are the most cost effective and reliable approaches to prevent new blood-borne infections (in the absence of a vaccine or cure for AIDS). The strategies NIDA recommends are community-based outreach, drug abuse treatment, and sterile syringe access programs, including needle and syringe exchange programs.⁶ In general, these strategies are referred to as “harm reduction”.⁷

Needle and syringe exchange programs (NesEPs) provide free sterile needles and syringe units and collect used needles and syringes from IDUs to reduce transmission of blood-borne pathogens, including HIV, hepatitis B virus, and hepatitis C virus. In addition, the programs help to:

- Increase the number of drug users who enter and remain in available treatment programs;
- Disseminate HIV risk reduction information and referrals for HIV testing and counseling and drug treatment;
- Reduce injection frequency and needle-sharing behaviors;
- Reduce the number of contaminated syringes in circulation in a community; and
- Increase the availability of sterile needles, thereby reducing the risk that new infections will spread.⁸

The first sanctioned NSEP in the world began in Amsterdam, the Netherlands, in 1984.⁹ The first sanctioned program to operate in North America originated in Tacoma, Washington, in 1988.¹⁰ As of June 2014, there are 194 NSEPs in 33 states, the District of Columbia, the Commonwealth of Puerto Rico, and the Indian Nations.¹¹

Federal Ban on Funding Needle and Syringe Exchange Programs

In 1988, Congress enacted an initial ban on the use of federal funds for NSEPs which remained in place until 2009. In 2009, Congress passed the 2010 Consolidated Appropriations Act, which removed the ban on federal funding of NSEPs. In July 2010, the U.S. Department of Health and

⁶ National Institute of Drug Abuse, National Institutes of Health, U.S. Department of Health and Human Services, *Principles of HIV Prevention in Drug-Using Populations: A Research-Based Guide* (March 2002), p. 11, available at [http://www.nhts.net/media/Principles%20of%20HIV%20Prevention%20\(17\).pdf](http://www.nhts.net/media/Principles%20of%20HIV%20Prevention%20(17).pdf) (last visited Nov. 20, 2015).

⁷ Harm reduction programs aim to assist an individual in reducing harm to himself or herself and others if he or she is not willing to give up the drug addiction. They also operate under the recognition that it is impossible to completely eradicate drug use, and recognize that many drug users fail to totally abstain from intravenous drug use. The goal of such programs is to reduce the risk that IDUs can pose to themselves and others. See Peter A. Clark and Matthew Fadus, “Federal Funding for Needle Exchange Programs.” *Med Sci Monit*, 2010; 16(1): p. 3 (Jan. 1, 2010) available at <http://www.medscimonit.com/fulltxt.php?ICID=878301> (last visited Dec. 1, 2015).

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Human Services issued implementation guidelines for programs interested in using federal dollars for NSEPs.¹²

However, on December 23, 2011, President Barack Obama signed the 2012 omnibus spending bill that reinstated the ban on the use of federal funds for NSEPs, which reversed Congress's 2009 decision to allow federal funds to be used for NSEPs.¹³ The ban on federal funding for NSEPs remains in effect.

Florida Comprehensive Drug Abuse Prevention and Control Act

In Florida, the term “drug paraphernalia” is defined as all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of ch. 893, F.S., or s. 877.111, F.S.¹⁴

Section 893.147, F.S., regulates the use or possession of drug paraphernalia. Currently, it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:

- To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of ch. 893, F.S.; or
- To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of ch. 893, F.S.¹⁵

Any person who violates this provision commits a first degree misdemeanor.¹⁶

It is also unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

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- To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of ch. 893, F.S.¹⁷

Any person who violates this provision commits a third degree felony.¹⁸

¹² Matt Fisher, Center for Strategic and International Studies, *A History of the Ban on Federal Funding for Syringe Exchange Programs*, SmartGlobalHealth.org (Feb. 6, 2012), available at <http://www.smartglobalhealth.org/blog/entry/a-history-of-the-ban-on-federal-funding-for-syringe-exchange-programs/> (last visited Nov. 20, 2015).

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¹⁴ Section 893.145, F.S.

¹⁵ Section 893.147(1), F.S.

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A court or jury is required to consider a number of factors before determining whether an object is “drug paraphernalia,” including statements by anyone in control of the item concerning its use and the proximity of the item to controlled substances. However, the innocence of anyone in control of an item as to a violation of any of the drug paraphernalia crimes does not prevent a finding that an item is drug paraphernalia.¹⁹

Federal Law Exemption

Any person authorized by local, state, or federal law to manufacture, possess, or distribute drug paraphernalia is exempt from the federal drug paraphernalia statute.²⁰

III. Effect of Proposed Changes:

Section 1 titles the bill as the “Miami-Dade Infectious Disease Elimination Act (IDEA).”

Section 2 amends s. 381.0038, F.S., to create a sterile needle and syringe exchange pilot program in Miami-Dade County.

The bill authorizes the University of Miami and its affiliates to establish a single sterile needle and syringe exchange pilot program in Miami-Dade County. The pilot program may operate at a fixed location or through a mobile health unit. The pilot program must offer free exchange of clean, unused needles and hypodermic syringes for used needles and hypodermic syringes as a means to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases.

The pilot program must provide for maximum security of exchange sites and equipment, including:

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- Any other measure required to control the use and dispersal of needles and syringes.

The pilot program must operate a one-for-one exchange, whereby participants receive one sterile needle and syringe unit in exchange for each used one. In addition to the needle and syringe exchange, the pilot program must make available:

- Educational materials;
- HIV, AIDS, and viral hepatitis counseling and testing;
- Referral services to provide education regarding HIV, AIDS, viral hepatitis, and other blood-borne disease transmission; and
- Drug abuse prevention and treatment counseling and referral services.

The bill specifies that the possession, distribution, or exchange of needles or syringes as part of the pilot program is not a violation of any law. However, a pilot program staff member, volunteer, or participant is not immune for criminal prosecution for:

- Possession of needles or syringes that are not a part of the pilot program; or

¹⁹ Section 893.146, F.S.

²⁰ 21 U.S.C. § 863(f)(1).

- Redistribution of needles or syringes in any form, if acting outside the pilot program.

The pilot program must collect data for annual and final reporting purposes, including information on:

- The number of participants served;
- The number of needles and syringes exchanged and distributed;
- The demographic profiles of the participants served;
- The number of participants entering drug counseling and treatment;
- The number of participants receiving testing for HIV, AIDS, viral hepatitis, or other blood-borne diseases, and
- Other data deemed necessary for the pilot program.

Personal identifying information may not be collected from a participant for any purpose.

State, county, or municipal funds may not be used to operate the pilot program; instead the pilot program must be funded through grants and donations from private resources and funds.

The pilot program expires on July 1, 2021.

Section 3 is a severability clause that provides that if any provision of this bill or its application to any person or circumstance is held invalid, the invalidity will not affect other provisions or applications of the bill that can be given effect without the invalid provision or application.

Section 4 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under the bill, the University of Miami will be responsible for securing funding through grants and donations from private sources. According to the Department of Health, the needle exchange site must obtain a Biomedical Waste Operating Permit as a sharps collection program in accordance with Chapter 64E-16, Florida Administrative Code, through the Department's Miami-Dade Environmental Health office.²¹

C. Government Sector Impact:

The pilot program may reduce state and local government expenditures for the treatment of blood-borne diseases associated with intravenous drug use in Miami-Dade County. For example, state and local governments currently pay for medical expenditures for some patients with AIDS, such as Medicaid, the AIDS Drug Assistance Program, and the AIDS Insurance Continuation Program. In 2010 dollars, the lifetime treatment of an HIV infection was estimated to cost \$379,668.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires the pilot program to collect various data for the purpose of annual reports and the program's final report, including "other data deemed necessary for the pilot program." The bill does not provide guidance as to standards under which data may be deemed necessary or which entity may deem data to be necessary. Furthermore the bill does not identify to whom the annual and final reports are to be submitted.

VIII. Statutes Affected:

This bill substantially amends section 381.0038 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Health and Human Services on November 18, 2015:

The proposed committee substitute changes the pilot program's expiration date from July 1, 2020, to July 1, 2021.

²¹ Department of Health, 2015 Agency Bill Analysis SB 1040, Jan. 29, 2015 (on file with the Senate Fiscal Policy Committee).

²² Centers for Disease Control, *HIV Cost-effectiveness*, available at <http://www.cdc.gov/hiv/prevention/ongoing/costeffectiveness/> (last visited Nov. 20, 2015).

CS by Health Policy on November 2, 2015:

The CS added county and municipal funds as other sources of public funding that may not be used to operate the pilot program. The CS also removed the requirement for the Office of Program Policy Analysis and Government Accountability to submit a report on the pilot program.

B. Amendments:

None.



594-01656-16

Proposed Committee Substitute by the Committee on Fiscal Policy
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to an infectious disease elimination pilot program; creating the "Miami-Dade Infectious Disease Elimination Act (IDEA)"; amending s. 381.0038, F.S.; authorizing the University of Miami and its affiliates to establish a sterile needle and syringe exchange pilot program in Miami-Dade County; establishing the pilot program criteria; providing that the possession, distribution, or exchange of needles and syringes under the pilot program is not a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act or any other law; providing conditions under which a pilot program staff member, volunteer, or participant may be prosecuted; requiring the pilot program to collect certain data; prohibiting the collection of personal identifying information from program participants; prohibiting state, county, or municipal funds from being used to operate the pilot program; requiring the pilot program to be funded through private grants and donations; providing for expiration of the pilot program; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Miami-Dade Infectious Disease Elimination Act (IDEA)."



594-01656-16

Section 2. Section 381.0038, Florida Statutes, is amended to read:

381.0038 Education; sterile needle and syringe exchange pilot program.—The Department of Health shall establish a program to educate the public about the threat of acquired immune deficiency syndrome.

(1) The acquired immune deficiency syndrome education program shall:

(a) Be designed to reach all segments of Florida's population;

(b) Contain special components designed to reach non-English-speaking and other minority groups within the state;

(c) Impart knowledge to the public about methods of transmission of acquired immune deficiency syndrome and methods of prevention;

(d) Educate the public about transmission risks in social, employment, and educational situations;

(e) Educate health care workers and health facility employees about methods of transmission and prevention in their unique workplace environments;

(f) Contain special components designed to reach persons who may frequently engage in behaviors placing them at a high risk for acquiring acquired immune deficiency syndrome;

(g) Provide information and consultation to state agencies to educate all state employees; ~~and~~

(h) Provide information and consultation to state and local agencies to educate law enforcement and correctional personnel and inmates;—

(i) Provide information and consultation to local



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57 governments to educate local government employees;--

58 (j) Make information available to private employers and
59 encourage them to distribute this information to their
60 employees;--

61 (k) Contain special components which emphasize appropriate
62 behavior and attitude change; and--

63 (l) Contain components that include information about
64 domestic violence and the risk factors associated with domestic
65 violence and AIDS.

66 (2) The education program designed by the Department of
67 Health shall use ~~utilize~~ all forms of the media and shall place
68 emphasis on the design of educational materials that can be used
69 by businesses, schools, and health care providers in the regular
70 course of their business.

71 (3) The department may contract with other persons in the
72 design, development, and distribution of the components of the
73 education program.

74 (4) The University of Miami and its affiliates may
75 establish a single sterile needle and syringe exchange pilot
76 program in Miami-Dade County. The pilot program may operate at a
77 fixed location or through a mobile health unit. The pilot
78 program shall offer the free exchange of clean, unused needles
79 and hypodermic syringes for used needles and hypodermic syringes
80 as a means to prevent the transmission of HIV, AIDS, viral
81 hepatitis, or other blood-borne diseases among intravenous drug
82 users and their sexual partners and offspring.

83 (a) The pilot program must:

84 1. Provide for maximum security of exchange sites and
85 equipment, including an accounting of the number of needles and



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86 syringes in use, the number of needles and syringes in storage,
87 safe disposal of returned needles, and any other measure that
88 may be required to control the use and dispersal of sterile
89 needles and syringes.

90 2. Operate a one-to-one exchange, whereby the participant
91 shall receive one sterile needle and syringe unit in exchange
92 for each used one.

93 3. Make available educational materials; HIV, AIDS, and
94 viral hepatitis counseling and testing; referral services to
95 provide education regarding the transmission of HIV, AIDS, viral
96 hepatitis, and other blood-borne diseases; and drug abuse
97 prevention and treatment counseling and referral services.

98 (b) The possession, distribution, or exchange of needles or
99 syringes as part of the pilot program established under this
100 subsection is not a violation of any part of chapter 893 or any
101 other law.

102 (c) A pilot program staff member, volunteer, or participant
103 is not immune from criminal prosecution for:

104 1. The possession of needles or syringes that are not a
105 part of the pilot program; or

106 2. The redistribution of needles or syringes in any form,
107 if acting outside the pilot program.

108 (d) The pilot program must collect data for annual and
109 final reporting purposes, which must include information on the
110 number of participants served, the number of needles and
111 syringes exchanged and distributed, the demographic profiles of
112 the participants served, the number of participants entering
113 drug counseling and treatment, the number of participants
114 receiving testing for HIV, AIDS, viral hepatitis, or other



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115 blood-borne diseases, and other data deemed necessary for the
116 pilot program. However, personal identifying information may not
117 be collected from a participant for any purpose.

118 (e) State, county, or municipal funds may not be used to
119 operate the pilot program. The pilot program shall be funded
120 through grants and donations from private resources and funds.

121 (f) The pilot program shall expire July 1, 2021.

122 Section 3. If any provision of this act or its application
123 to any person or circumstance is held invalid, the invalidity
124 does not affect other provisions or applications of the act
125 which can be given effect without the invalid provision or
126 application, and to this end the provisions of this act are
127 severable.

128 Section 4. This act shall take effect July 1, 2016.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 242

INTRODUCER: Fiscal Policy Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Health Policy Committee; and Senators Braynon and Flores

SUBJECT: Infectious Disease Elimination Pilot Program

DATE: December 4, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Llyod</u>	<u>Stovall</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Brown</u>	<u>Pigott</u>	<u>AHS</u>	<u>Recommend: Fav/CS</u>
3.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 242 creates the Miami-Dade Infectious Disease Elimination Act, which authorizes the University of Miami and its affiliates to establish a single sterile needle and syringe exchange pilot program in Miami-Dade County as a means to prevent the transmission of blood-borne diseases, such as HIV, AIDS, and viral hepatitis. The bill provides duties and requirements for the operation of the pilot program and requires annual and final reports.

The bill prohibits state, county, or municipal funds from being used to operate the pilot program. Instead, the pilot program must be funded through grants and donations from private resources.

The pilot program expires on July 1, 2021.

The bill has no fiscal impact.

II. Present Situation:

Needle and syringe exchange programs (NSEPs) provide sterile needles and syringes in exchange for used needles and syringes to reduce the transmission of human immunodeficiency virus (HIV) and other blood-borne infections associated with the reuse of contaminated needles and syringes by injection-drug-users (IDUs).

Intravenous Drug Use in Florida

In 2013, the majority of Florida counties with high rates of persons living with HIV/AIDS (PLWHA) and with a high IDU-associated risk were in the southeast or central parts of the state.¹ The Department of Health (DOH) reports that 50 to 90 percent of HIV-infected IDUs are also co-infected with the hepatitis C virus.² The chart below displays data from 2013 of the 11 Florida counties with the highest incidence of PLWHA with an IDU-associated risk.³

County	Total PLWHA Cases	Total IDU	Percent IDU of Total PLWHA Cases
Miami-Dade	26,445	3,240	12%
Broward	17,214	2,132	12%
Palm Beach	7,964	1,481	19%
Orange	7,508	1,304	17%
Hillsborough	6,262	1,198	19%
Duval	5,584	999	18%
Pinellas	3,675	728	20%
Lee	1,777	310	18%
St. Lucie	1,550	309	20%
Volusia	1,408	340	24%
Brevard	1,300	273	21%
State Totals	101,977	17,368	17%

Intravenous Drug Use in Miami-Dade County

In a 2011 study, researchers from the University of Miami estimated that there are more than 10,000 IDUs in Miami and that one in five of these IDUs are HIV positive.⁴ The researchers also found that IDUs in Miami—a city without a needle and syringe exchange program—had over 34 times the adjusted odds of disposal of a used syringe in a public location relative to IDUs in San Francisco—a city with multiple exchange programs.⁵

Needle and Syringe Exchange Programs

In the mid-1980s, the National Institute on Drug Abuse (NIDA) undertook a research program to develop, implement, and evaluate the effectiveness of intervention strategies to reduce risk

¹ Florida Department of Health, *HIV Infection Among Those with an Injection Drug Use-Associated Risk, Florida, 2014* (power point slide 18) (revised Jan. 29, 2015), available at <http://www.floridahealth.gov/diseases-and-conditions/aids/surveillance/documents/hiv-aids-slide-sets/2014/idu-2014.pdf> (last visited Nov. 20, 2015).

² Florida Department of Health, *HIV Disease and Hepatitis C Virus (HCV) Co-Infection – Florida, 2014* (Revised Aug. 13, 2015), available at <http://www.floridahealth.gov/diseases-and-conditions/hepatitis/documents/HepC-HIV-Co-infection.pdf> (last visited Dec. 1, 2015).

³ *Supra* note 1. Percent IDU adjusted to conform to previous data charts. State totals include cases in the Department of Corrections system.

⁴ Hansel E. Tookes, et al. “A comparison of syringe disposal practices among injection drug users in a city with versus a city without needle and syringe programs.” *Drug and Alcohol Dependence*, June 2012, Vol. 123, Issue 1, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3358593/pdf/nihms347112.pdf> (last visited Nov. 20, 2015).

⁵ *Id.*

behaviors and prevent the spread of HIV/AIDS, particularly among IDUs, their sexual partners, and their offspring. The studies found that comprehensive strategies are the most cost effective and reliable approaches to prevent new blood-borne infections (in the absence of a vaccine or cure for AIDS). The strategies NIDA recommends are community-based outreach, drug abuse treatment, and sterile syringe access programs, including needle and syringe exchange programs.⁶ In general, these strategies are referred to as “harm reduction”.⁷

Needle and syringe exchange programs (NSEPs) provide free sterile needles and syringe units and collect used needles and syringes from IDUs to reduce transmission of blood-borne pathogens, including HIV, hepatitis B virus, and hepatitis C virus. In addition, the programs help to:

- Increase the number of drug users who enter and remain in available treatment programs;
- Disseminate HIV risk reduction information and referrals for HIV testing and counseling and drug treatment;
- Reduce injection frequency and needle-sharing behaviors;
- Reduce the number of contaminated syringes in circulation in a community; and
- Increase the availability of sterile needles, thereby reducing the risk that new infections will spread.⁸

The first sanctioned NSEP in the world began in Amsterdam, the Netherlands, in 1984.⁹ The first sanctioned program to operate in North America originated in Tacoma, Washington, in 1988.¹⁰ As of June 2014, there are 194 NSEPs in 33 states, the District of Columbia, the Commonwealth of Puerto Rico, and the Indian Nations.¹¹

Federal Ban on Funding Needle and Syringe Exchange Programs

In 1988, Congress enacted an initial ban on the use of federal funds for NSEPs which remained in place until 2009. In 2009, Congress passed the 2010 Consolidated Appropriations Act, which removed the ban on federal funding of NSEPs. In July 2010, the U.S. Department of Health and

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²⁰ 21 U.S.C. § 863(f)(1).

- Redistribution of needles or syringes in any form, if acting outside the pilot program.

The pilot program must collect data for annual and final reporting purposes. The annual report must include information on:

- The number of participants served;
- The number of needles and syringes exchanged and distributed;
- The demographic profiles of the participants served;
- The number of participants entering drug counseling and treatment;
- The number of participants receiving testing for HIV, AIDS, viral hepatitis, or other blood-borne diseases, and
- Other data deemed necessary for the pilot program.

An annual report is due to the DOH by July 1 every year until the program expires. A final report is due to the DOH on August 1, 2021, and must summarize the annual reports and contain information on program performance and outcomes. Personal identifying information may not be collected from a participant for any purpose.

State, county, or municipal funds may not be used to operate the pilot program; instead the pilot program must be funded through grants and donations from private resources and funds.

The pilot program expires on July 1, 2021.

Section 3 is a severability clause that provides that if any provision of this bill or its application to any person or circumstance is held invalid, the invalidity will not affect other provisions or applications of the bill that can be given effect without the invalid provision or application.

Section 4 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under the bill, the University of Miami will be responsible for securing funding through grants and donations from private sources. According to the Department of Health, the needle exchange site must obtain a Biomedical Waste Operating Permit as a sharps collection program in accordance with Chapter 64E-16, Florida Administrative Code, through the Department's Miami-Dade Environmental Health office.²¹

C. Government Sector Impact:

The pilot program may reduce state and local government expenditures for the treatment of blood-borne diseases associated with intravenous drug use in Miami-Dade County. For example, state and local governments currently pay for medical expenditures for some patients with AIDS, such as Medicaid, the AIDS Drug Assistance Program, and the AIDS Insurance Continuation Program. In 2010 dollars, the lifetime treatment of an HIV infection was estimated to cost \$379,668.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires the pilot program to collect various data for the purpose of annual reports and the program's final report, including "other data deemed necessary for the pilot program." The bill does not provide guidance as to standards under which data may be deemed necessary or which entity may deem data to be necessary. Furthermore the bill does not identify to whom the annual and final reports are to be submitted.

VIII. Statutes Affected:

This bill substantially amends section 381.0038 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Fiscal Policy on December 3, 2015:**

The committee substitute clarifies that an annual and final report are due to the DOH on certain dates.

²¹ Department of Health, 2015 Agency Bill Analysis SB 1040, Jan. 29, 2015 (on file with the Senate Fiscal Policy Committee).

²² Centers for Disease Control, *HIV Cost-effectiveness*, available at <http://www.cdc.gov/hiv/prevention/ongoing/costeffectiveness/> (last visited Nov. 20, 2015).

As recommended by Appropriations Subcommittee on Health and Human Services on November 18, 2015 the proposed committee substitute changes the pilot program's expiration date from July 1, 2020, to July 1, 2021.

CS by Health Policy on November 2, 2015:

The CS added county and municipal funds as other sources of public funding that may not be used to operate the pilot program. The CS also removed the requirement for the Office of Program Policy Analysis and Government Accountability to submit a report on the pilot program.

B. Amendments:

None.

By the Committee on Health Policy; and Senators Braynon and Flores

588-01040-16

2016242c1

1 A bill to be entitled
 2 An act relating to an infectious disease elimination
 3 pilot program; creating the "Miami-Dade Infectious
 4 Disease Elimination Act (IDEA)"; amending s. 381.0038,
 5 F.S.; authorizing the University of Miami and its
 6 affiliates to establish a sterile needle and syringe
 7 exchange pilot program in Miami-Dade County;
 8 establishing the pilot program criteria; providing
 9 that the possession, distribution, or exchange of
 10 needles and syringes under the pilot program is not a
 11 violation of the Florida Comprehensive Drug Abuse
 12 Prevention and Control Act or any other law; providing
 13 conditions under which a pilot program staff member,
 14 volunteer, or participant may be prosecuted; requiring
 15 the pilot program to collect certain data; prohibiting
 16 the collection of personal identifying information
 17 from program participants; prohibiting state, county,
 18 or municipal funds from being used to operate the
 19 pilot program; requiring the pilot program to be
 20 funded through private grants and donations; providing
 21 for expiration of the pilot program; providing for
 22 severability; providing an effective date.

24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. This act may be cited as the "Miami-Dade
 27 Infectious Disease Elimination Act (IDEA)."

28 Section 2. Section 381.0038, Florida Statutes, is amended
 29 to read:

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

588-01040-16

2016242c1

30 381.0038 Education; sterile needle and syringe exchange
 31 pilot program.—The Department of Health shall establish a
 32 program to educate the public about the threat of acquired
 33 immune deficiency syndrome.
 34 (1) The acquired immune deficiency syndrome education
 35 program shall:
 36 (a) Be designed to reach all segments of Florida's
 37 population;
 38 (b) Contain special components designed to reach non-
 39 English-speaking and other minority groups within the state;
 40 (c) Impart knowledge to the public about methods of
 41 transmission of acquired immune deficiency syndrome and methods
 42 of prevention;
 43 (d) Educate the public about transmission risks in social,
 44 employment, and educational situations;
 45 (e) Educate health care workers and health facility
 46 employees about methods of transmission and prevention in their
 47 unique workplace environments;
 48 (f) Contain special components designed to reach persons
 49 who may frequently engage in behaviors placing them at a high
 50 risk for acquiring acquired immune deficiency syndrome;
 51 (g) Provide information and consultation to state agencies
 52 to educate all state employees; ~~and~~
 53 (h) Provide information and consultation to state and local
 54 agencies to educate law enforcement and correctional personnel
 55 and inmates;—
 56 (i) Provide information and consultation to local
 57 governments to educate local government employees;—
 58 (j) Make information available to private employers and

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

588-01040-16

2016242c1

59 encourage them to distribute this information to their
60 employees;-

61 (k) Contain special components which emphasize appropriate
62 behavior and attitude change; and-

63 (l) Contain components that include information about
64 domestic violence and the risk factors associated with domestic
65 violence and AIDS.

66 (2) The education program designed by the Department of
67 Health shall use ~~utilize~~ all forms of the media and shall place
68 emphasis on the design of educational materials that can be used
69 by businesses, schools, and health care providers in the regular
70 course of their business.

71 (3) The department may contract with other persons in the
72 design, development, and distribution of the components of the
73 education program.

74 (4) The University of Miami and its affiliates may
75 establish a single sterile needle and syringe exchange pilot
76 program in Miami-Dade County. The pilot program may operate at a
77 fixed location or through a mobile health unit. The pilot
78 program shall offer the free exchange of clean, unused needles
79 and hypodermic syringes for used needles and hypodermic syringes
80 as a means to prevent the transmission of HIV, AIDS, viral
81 hepatitis, or other blood-borne diseases among intravenous drug
82 users and their sexual partners and offspring.

83 (a) The pilot program must:

84 1. Provide for maximum security of exchange sites and
85 equipment, including an accounting of the number of needles and
86 syringes in use, the number of needles and syringes in storage,
87 safe disposal of returned needles, and any other measure that

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2016242c1

88 may be required to control the use and dispersal of sterile
89 needles and syringes.

90 2. Operate a one-to-one exchange, whereby the participant
91 shall receive one sterile needle and syringe unit in exchange
92 for each used one.

93 3. Make available educational materials; HIV, AIDS, and
94 viral hepatitis counseling and testing; referral services to
95 provide education regarding the transmission of HIV, AIDS, viral
96 hepatitis, and other blood-borne diseases; and drug abuse
97 prevention and treatment counseling and referral services.

98 (b) The possession, distribution, or exchange of needles or
99 syringes as part of the pilot program established under this
100 subsection is not a violation of any part of chapter 893 or any
101 other law.

102 (c) A pilot program staff member, volunteer, or participant
103 is not immune from criminal prosecution for:

104 1. The possession of needles or syringes that are not a
105 part of the pilot program; or

106 2. The redistribution of needles or syringes in any form,
107 if acting outside the pilot program.

108 (d) The pilot program must collect data for annual and
109 final reporting purposes, which must include information on the
110 number of participants served, the number of needles and
111 syringes exchanged and distributed, the demographic profiles of
112 the participants served, the number of participants entering
113 drug counseling and treatment, the number of participants
114 receiving testing for HIV, AIDS, viral hepatitis, or other
115 blood-borne diseases, and other data deemed necessary for the
116 pilot program. However, personal identifying information may not

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2016242c1

117 be collected from a participant for any purpose.

118 (e) State, county, or municipal funds may not be used to
119 operate the pilot program. The pilot program shall be funded
120 through grants and donations from private resources and funds.

121 (f) The pilot program shall expire July 1, 2020.

122 Section 3. If any provision of this act or its application
123 to any person or circumstance is held invalid, the invalidity
124 does not affect other provisions or applications of the act
125 which can be given effect without the invalid provision or
126 application, and to this end the provisions of this act are
127 severable.

128 Section 4. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-3-15

Meeting Date

SB 242

Bill Number (if applicable)

Topic SB 242

Amendment Barcode (if applicable)

Name Jarrod Fowler

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email Jfowler@flmedical.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-3-15

SB 242

Meeting Date

Bill Number (if applicable)

Topic Disease Elimination Pilot Project

Amendment Barcode (if applicable)

Name Daniel Poole

Job Title Director, Legislative Affairs

Address 1825 Country Club Dr.

Phone 850-766-3323

Tallahassee FL 32301

Email daniel.poole@aidshk.org

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing AIDS Healthcare Foundation

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/2015
Meeting Date

242
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 8719 Newton Ave S
Street
St Petersburg State Zip

Phone 727/897-9291

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

Meeting Date

242

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JESS MCCARTY

Job Title _____

Address 11 NW 1ST ST 2810

Phone 305-979-7110

Street

MIAMI

33128

Email JMM2@MIAMIDADE.GOV

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

Meeting Date

242

Bill Number (if applicable)

Topic Needle Exchange Pilot Program

Amendment Barcode (if applicable)

Name Ron Watson

Job Title Lobbyist

Address 3738 Murdon Way

Phone 850 567-1202

Street Tallahassee

City FL State 32309 Zip

Email watson.strategies@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida CHAIN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

Meeting Date

SB 242

Bill Number (if applicable)

Topic Infectious Disease Elimination Act

Amendment Barcode (if applicable)

Name Hansel Tooker, MD, MPH

Job Title Resident physician

Address 475 Brickell Ave

Phone

Street

Miami

FL

33131

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FEMA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/03/2015	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Bean) recommended the following:

- 1 **Senate Amendment (with title amendment)**
- 2
- 3 Delete line 66
- 4 and insert:
- 5 adopt rules to administer the program. Such rules shall include,
- 6 but are not limited to, the following:
- 7 (a) Limiting the dollar amount of lottery tickets or games
- 8 that a person may purchase at point-of-sale terminals;
- 9 (b) Creating a process to enable a customer to restrict or
- 10 prevent his or her own access to lottery tickets or games; and
- 11 (c) Ensuring that the program is administered in a manner



12 that does not breach the exclusivity provisions of any Indian
13 gaming compact to which this state is a party.

===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:
17 Delete line 8
18 and insert:
19 department to adopt rules; providing requirements for
20 the rules; amending s. 24.112, F.S.;

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 402

INTRODUCER: Fiscal Policy Committee and Senator Richter and others

SUBJECT: Point-of-sale Terminals

DATE: December 4, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Howard</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Fav/CS

I. Summary:

CS/SB 402 allows limited use of “point-of-sale terminals” for the sale of lottery tickets or games. The bill authorizes the Department of the Lottery (department), approved vendors, and approved retailers to use point-of-sale terminals to facilitate sales of lottery tickets or games, provided that the purchaser is verified to be at least 18 years of age or older and the terminal does not dispense lottery winnings. A point-of-sale terminal may not reveal winning numbers, dispense lottery winnings, or be used to redeem a winning ticket.

Allowing the convenience of purchasing lottery tickets at the pump or at similar point-of-sale terminals may increase ticket sales. The Revenue Impact Conference met on November 20, 2015, and determined the bill will have a positive, indeterminate impact to the state.

This bill is effective upon becoming law.

II. Present Situation:

The Florida Lottery

Article X, s. 15 of the Florida Constitution allows lotteries to be operated by the state. Section 24.102(2), F.S., provides:

- The net proceeds of lottery games shall be used to support improvements in public education;
- Lottery operations must be undertaken as an entrepreneurial business enterprise; and
- The department must be accountable through audits and compliance with financial disclosure, open meetings, and public records laws.

The department's purpose is to maximize revenues "consonant with the dignity of the state and the welfare of its citizens,"¹ for the benefit of public education.² The department contracts with retailers (e.g., supermarkets, convenience stores, gas stations, and newsstands) to provide adequate and convenient availability of lottery tickets.³ Retailers receive commissions of 5 percent of the ticket price, 1 percent of the prize value for redeeming winning tickets, and bonus and performance incentive payments.⁴

Lottery tickets can be purchased with a credit or charge card or other instrument issued by a bank, savings association, credit union, charge card company, or by a retailer (for installment sales of goods), provided that the lottery ticket purchase is in addition to the purchase of other goods and services costing at least \$20.⁵

The department has the authority to adopt rules governing the types of lottery games to be conducted, including lottery terminals or devices that "may be operated solely by the player without the assistance of the retailer."⁶

The department introduced full service vending machines (FSVMs) in retail stores across the state in November 2013, and estimated that it earned more than \$29 million from the use of player-activated FSVMs in Fiscal Year 2012-2013.⁷ In its most recent Financial Audit, the department stated when 500 FSVMs were installed at its top scratch-off ticket sales locations, allowing both terminal and scratch-off tickets to be sold, total FSVMs sales were over \$248 million.⁸ The department's total ticket sales increased by 7.09 percent for Fiscal Year 2013-14 to \$5.37 billion.⁹

The Seminole Gaming Compact

On April 7, 2010, the Governor and the Seminole Tribe of Florida (Tribe) executed a compact governing gambling (gaming compact) at the Tribe's seven¹⁰ tribal facilities in Florida.¹¹ The

¹ Section 24.104, F.S.

² See s. 24.121(2), F.S.

³ See s. 24.105(17), F.S.

⁴ The Florida Legislature, Office of Program Policy Analysis and Gov't Accountability, *Lottery Transfers Continue to Increase; Options Remain to Enhance Transfers and Improve Efficiency*, p. 1, fn. 3, Report No. 15-03 (January 2015), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1503rpt.pdf> (last accessed Dec. 4, 2015).

⁵ Section 24.118(1), F.S.

⁶ Sections 24.105(9)(a) and 24.122(15), F.S.

⁷ The Florida Legislature, Office of Program Policy Analysis and Gov't Accountability, *Lottery Transfers Have Recovered; Options Remain to Enhance Transfers*, p. 2, Report No. 14-06 (January 2014), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1406rpt.pdf> (last accessed Dec. 4, 2015).

⁸ State of Florida Auditor General, *Financial Audit of the Department of the Lottery, for the Fiscal Years Ended June 30, 2014, and 2013*, p. 7, Report No. 2015-092 (January 2015), available at http://www.myflorida.com/audgen/pages/pdf_files/2015-092.pdf (last accessed Dec. 4, 2015).

⁹ *Id.* at p. 4.

¹⁰ The Tribe has three gaming facilities in Broward County (Seminole Indian Casinos at Coconut Creek and Hollywood, and the Seminole Hard Rock Hotel & Casino-Hollywood), one in Collier County (Seminole Indian Casino-Immokalee), one in Glades County (Seminole Indian Casino-Brighton), one in Hendry County (Seminole Indian Casino-Big Cypress), and one in Hillsborough County (Seminole Hard Rock Hotel & Casino-Tampa).

¹¹ *Gaming Compact between the Seminole Tribe of Florida and the State of Florida*, available at http://www.myfloridalicense.com/dbpr/pmw/documents/2010_Compact-Signed1.pdf (last accessed Dec. 4, 2015).

gaming compact has a 20-year term and was ratified by the Legislature, with an effective date of July 6, 2010.¹²

The gaming compact authorizes the Tribe to conduct Class III gaming¹³ which includes house-banked card games, casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.¹⁴ The gaming compact provides that in exchange for the exclusive right to offer slot machine gaming outside of Miami-Dade and Broward counties and banked card games at five of its seven¹⁵ casinos, the Tribe will make revenue sharing payments to the state. The state's share increases incrementally from 12 percent for the first \$2 billion in annual net win, to 25 percent for annual net win greater than \$4.5 billion.¹⁶ In Fiscal Year 2014-15, the Tribe paid \$255.6 million.¹⁷

The gaming compact provides that any expanded gaming beyond what is specifically acknowledged in the compact relieves the Tribe of its obligations to make substantial revenue sharing payments to the state.¹⁸ The gaming compact allows for the types of lottery games authorized under ch. 24, F.S., on February 1, 2010.¹⁹ However, the compact does not allow for any games that are "player-activated or operated machine or device other than a Lottery Vending Machine" or the use of a lottery vending machine to redeem winning tickets.²⁰

Office of Program Policy Analysis and Government Accountability (OPPAGA) Recommendations to Enhance Lottery Earnings

The OPPAGA is required to conduct an annual financial audit of the department and provide recommendations to enhance the state lottery's earning capability and operational efficiency.²¹ The OPPAGA noted that expanding product distribution could increase revenues for education.²² A suggested option was Play at the Pump, which would allow for lottery purchases to be part of a transaction while buying gas or using an ATM. A benefit of the Play at the Pump option is the possible expansion of the retailer network to nontraditional locations.²³

The OPPAGA report considered whether the convenience of purchasing lottery tickets at the pump or at similar point-of-sale terminals might cause in-store sales to decline and found that states that have these types of games have not been negatively affected.²⁴

¹² Chapter 2010-29, L.O.F.

¹³ The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2710.

¹⁴ *Supra* note 11.

¹⁵ *Id.* Banking or banked card games may not be offered at the Brighton or Big Cypress facilities unless and until the state allows any other person or entity to offer those games.

¹⁶ *Supra* note 11 at 33.

¹⁷ Revenue Estimating Conference, *Indian Gaming Revenues Executive Summary* (December 2, 2015), available at <http://edr.state.fl.us/Content/conferences/Indian-gaming/IndianGamingSummary.pdf> (last accessed Dec. 4, 2015).

¹⁸ *Supra* note 11 at 43.

¹⁹ *Id.* at 10 and 42.

²⁰ *Id.* and s. 24.112(15)(c), F.S.

²¹ Section 24.123, F.S. The Joint Legislative Auditing Committee directed the OPPAGA to conduct the required examination.

²² *Supra* note 4 at 15.

²³ *Id.* at 16.

²⁴ *Id.* See also at 17, fn. 3, for a discussion of Minnesota's implementation of such an option.

III. Effect of Proposed Changes:

The bill authorizes the department to create a program and adopt rules for the purchase of lottery tickets at point-of-sale terminals by persons over 18 years of age. The bill specifies that the rules, at a minimum, must:

- Limit the dollar amount of lottery tickets or games that a person may purchase at point-of-sale terminals;
- Create a process to enable a customer to restrict or prevent his or her own access to lottery tickets or games; and
- Ensure that the program does breach the exclusivity provisions of any Indian gaming compact to which the state is a party. **(Section 2)**

The bill defines the term “point-of sale terminal” as an electronic device used to process credit card, debit card, or other similar charge card payments at retail locations which is supported by networks that enable verification, payment, transfer of funds, and logging of transactions. **(Section 1)**

A point-of-sale terminal allows the purchase of lottery tickets while purchasing of other retail goods or services. Current lottery vending machines dispense lottery tickets only.

The bill allows the department, a retailer operating from one or more locations, or a vendor approved by the department to use point-of-sale terminals to sell lottery tickets or games.

(Section 3) The bill provides that a point-of-sale terminal must:

- Dispense a paper lottery ticket with numbers selected by the purchaser or selected randomly by the machine after the purchaser uses a credit, debit, or other similar card issued by a bank, savings association, credit union, or a charge card company or retailer;
- Recognize a valid driver license or use another age verification process approved by the department to ensure that only persons at least 18 years of age may purchase a lottery ticket or game;
- Process a lottery transaction through a platform that is certified or otherwise approved by the department; and
- Be in compliance with all applicable department requirements related to the lottery ticket or game offered for sale.

A point-of-sale terminal may not:

- Reveal winning numbers, which are selected at a subsequent time and different location through a drawing by the Florida Lottery;
- Include or make use of video reels or mechanical reels or other video depictions of slot machine or casino game themes or titles for game play. This does not preclude the use of casino game themes or titles on a lottery ticket or game or on the signage or advertising displays on the terminal;
- Be used to redeem a winning ticket.

The bill is effective upon becoming a law. **(Section 4)**

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill allows retailers and vendors approved by the department to use point-of-sale terminals for sales of lottery products. The convenience of purchasing lottery tickets at the pump or at similar point-of-sale terminals may increase retailer commissions (five percent of lottery ticket sales) by an indeterminate amount. The bill may also reduce in-store sales by an indeterminate amount.²⁵

C. Government Sector Impact:

The bill authorizes the department to establish procedures for using point-of-sale terminals to sell lottery tickets. The convenience of purchasing lottery tickets at the pump or at similar point-of-sale terminals may increase lottery ticket sales and commissions to retailers by an indeterminate amount, as noted by the department.²⁶ The Revenue Impact Conference met on November 20, 2015, and determined the bill will have a positive, indeterminate impact to the state.

It is estimated that the vendor will absorb the majority of the costs to establish the program with minimal costs to the department.²⁷

VI. Technical Deficiencies:

None.

²⁵ *Id.*

²⁶ See 2016 Department of Lottery Legislative Bill Analysis for SB 402, pp. 3-4, October 14, 2015 (on file with the Senate Committee on Fiscal Policy).

²⁷ *Id.* at 4.

VII. Related Issues:

Under the gaming compact, the department may conduct lottery games through player-activated or operated machines that meet the definition of “Lottery Vending Machine” without violating the gaming compact.²⁸ The gaming compact requirements of a “Lottery Vending Machine” are identical to the requirements provided by the bill for point-of-sale terminals. However, the bill does allow for the use a credit, debit, or other similar card issued by a bank, savings association, credit union, or a charge card company or retailer at point-of-sale terminals which is not included in the gaming compact’s definition of “Lottery Vending Machine.”

The bill provides authority for the department to adopt rules for the purchase of lottery tickets at point-of-sale terminals.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 24.103, 24.105, and 24.112.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on December 3, 2015:

The CS specifies that the rules adopted by the department must:

- Limit the dollar amount of lottery tickets or games that a person may purchase at point-of-sale terminals;
- Create a process to enable a customer to restrict or prevent his or her own access to lottery tickets or games; and
- Ensure that the program does breach the exclusivity provisions of any Indian gaming compact to which the state is a party.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

²⁸ *Supra* note 11 at 10.

By Senator Richter

23-00396-16

2016402__

A bill to be entitled

An act relating to point-of-sale terminals; amending s. 24.103, F.S.; defining the term "point-of-sale terminal"; amending s. 24.105, F.S.; authorizing the Department of the Lottery to create a program that authorizes certain persons to purchase a ticket or game at a point-of-sale terminal; authorizing the department to adopt rules; amending s. 24.112, F.S.; authorizing the department, a retailer operating from one or more locations, or a vendor approved by the department to use a point-of-sale terminal to sell a lottery ticket or game; requiring a point-of-sale terminal to perform certain functions; specifying that the point-of-sale terminal may not reveal winning numbers; prohibiting a point-of-sale terminal from including or making use of video reels or mechanical reels or other video depictions of slot machine or casino game themes or titles for game play; prohibiting a point-of-sale terminal from being used to redeem a winning ticket; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 24.103, Florida Statutes, is reordered and amended to read:

24.103 Definitions.—As used in this act, the term:

(1) "Department" means the Department of the Lottery.

~~(6)~~(2) "Secretary" means the secretary of the department.

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(3) "Person" means any individual, firm, association, joint adventure, partnership, estate, trust, syndicate, fiduciary, corporation, or other group or combination and includes an ~~shall include~~ any agency or political subdivision of the state.

(4) "Point-of-sale terminal" means an electronic device used to process credit card, debit card, or other similar charge card payments at retail locations which is supported by networks that enable verification, payment, transfer of funds, and logging of transactions.

~~(2)~~(4) "Major procurement" means a procurement for a contract for the printing of tickets for use in any lottery game, consultation services for the startup of the lottery, any goods or services involving the official recording for lottery game play purposes of a player's selections in any lottery game involving player selections, any goods or services involving the receiving of a player's selection directly from a player in any lottery game involving player selections, any goods or services involving the drawing, determination, or generation of winners in any lottery game, the security report services provided for in this act, or any goods and services relating to marketing and promotion which exceed a value of \$25,000.

(5) "Retailer" means a person who sells lottery tickets on behalf of the department pursuant to a contract.

~~(7)~~(6) "Vendor" means a person who provides or proposes to provide goods or services to the department, but does not include an employee of the department, a retailer, or a state agency.

Section 2. Present subsections (19) and (20) of section 24.105, Florida Statutes, are redesignated as subsections (20)

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59 and (21), respectively, and a new subsection (19) is added to
60 that section, to read:

61 24.105 Powers and duties of department.—The department
62 shall:

63 (19) Have the authority to create a program that allows a
64 person who is at least 18 years of age to purchase a lottery
65 ticket or game at a point-of-sale terminal. The department may
66 adopt rules to administer the program.

67 Section 3. Section 24.112, Florida Statutes, is amended to
68 read:

69 24.112 Retailers of lottery tickets; ~~authorization of~~
70 ~~vending machines; point-of-sale terminals to dispense lottery~~
71 ~~tickets.—~~

72 (1) The department shall promulgate rules specifying the
73 terms and conditions for contracting with retailers who will
74 best serve the public interest and promote the sale of lottery
75 tickets.

76 (2) In the selection of retailers, the department shall
77 consider factors such as financial responsibility, integrity,
78 reputation, accessibility of the place of business or activity
79 to the public, security of the premises, the sufficiency of
80 existing retailers to serve the public convenience, and the
81 projected volume of the sales for the lottery game involved. In
82 the consideration of these factors, the department may require
83 the information it deems necessary of any person applying for
84 authority to act as a retailer. However, the department may not
85 establish a limitation upon the number of retailers and shall
86 make every effort to allow small business participation as
87 retailers. It is the intent of the Legislature that retailer

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88 selections be based on business considerations and the public
89 convenience and that retailers be selected without regard to
90 political affiliation.

91 (3) The department may ~~shall~~ not contract with any person
92 as a retailer who:

93 (a) Is less than 18 years of age.

94 (b) Is engaged exclusively in the business of selling
95 lottery tickets; however, this paragraph may ~~shall~~ not preclude
96 the department from selling lottery tickets.

97 (c) Has been convicted of, or entered a plea of guilty or
98 nolo contendere to, a felony committed in the preceding 10
99 years, regardless of adjudication, unless the department
100 determines that:

101 1. The person has been pardoned or the person's civil
102 rights have been restored;

103 2. Subsequent to such conviction or entry of plea the
104 person has engaged in the kind of law-abiding commerce and good
105 citizenship that would reflect well upon the integrity of the
106 lottery; or

107 3. If the person is a firm, association, partnership,
108 trust, corporation, or other entity, the person has terminated
109 its relationship with the individual whose actions directly
110 contributed to the person's conviction or entry of plea.

111 (4) The department shall issue a certificate of authority
112 to each person with whom it contracts as a retailer for purposes
113 of display pursuant to subsection (6). The issuance of the
114 certificate may ~~shall~~ not confer upon the retailer any right
115 apart from that specifically granted in the contract. The
116 authority to act as a retailer may ~~shall~~ not be assignable or

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117 transferable.

118 (5) A ~~Any~~ contract executed by the department pursuant to
 119 this section shall specify the reasons for any suspension or
 120 termination of the contract by the department, including, but
 121 not limited to:

122 (a) Commission of a violation of this act or rule adopted
 123 pursuant thereto.

124 (b) Failure to accurately account for lottery tickets,
 125 revenues, or prizes as required by the department.

126 (c) Commission of any fraud, deceit, or misrepresentation.

127 (d) Insufficient sale of tickets.

128 (e) Conduct prejudicial to public confidence in the
 129 lottery.

130 (f) Any material change in any matter considered by the
 131 department in executing the contract with the retailer.

132 (6) Each ~~Every~~ retailer shall post and keep conspicuously
 133 displayed in a location on the premises accessible to the public
 134 its certificate of authority and, with respect to each game, a
 135 statement supplied by the department of the estimated odds of
 136 winning a ~~some~~ prize for the game.

137 (7) A ~~No~~ contract with a retailer may not shall authorize
 138 the sale of lottery tickets at more than one location, and a
 139 retailer may sell lottery tickets only at the location stated on
 140 the certificate of authority.

141 (8) With respect to any retailer whose rental payments for
 142 premises are contractually computed, in whole or in part, on the
 143 basis of a percentage of retail sales, and where such
 144 computation of retail sales is not explicitly defined to include
 145 sales of tickets in a state-operated lottery, the compensation

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146 received by the retailer from the department shall be deemed to
 147 be the amount of the retail sale for the purposes of such
 148 contractual compensation.

149 (9) (a) The department may require each ~~every~~ retailer to
 150 post an appropriate bond as determined by the department, using
 151 an insurance company acceptable to the department, in an amount
 152 not to exceed twice the average lottery ticket sales of the
 153 retailer for the period within which the retailer is required to
 154 remit lottery funds to the department. For the first 90 days of
 155 sales of a new retailer, the amount of the bond may not exceed
 156 twice the average estimated lottery ticket sales for the period
 157 within which the retailer is required to remit lottery funds to
 158 the department. This paragraph does ~~shall~~ not apply to lottery
 159 tickets that ~~which~~ are prepaid by the retailer.

160 (b) In lieu of such bond, the department may purchase
 161 blanket bonds covering all or selected retailers or may allow a
 162 retailer to deposit and maintain with the Chief Financial
 163 Officer securities that are interest bearing or accruing and
 164 that, with the exception of those specified in subparagraphs 1.
 165 and 2., are rated in one of the four highest classifications by
 166 an established nationally recognized investment rating service.
 167 Securities eligible under this paragraph shall be limited to:

168 1. Certificates of deposit issued by solvent banks or
 169 savings associations organized and existing under the laws of
 170 this state or under the laws of the United States and having
 171 their principal place of business in this state.

172 2. United States bonds, notes, and bills for which the full
 173 faith and credit of the government of the United States is
 174 pledged for the payment of principal and interest.

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175 3. General obligation bonds and notes of any political
176 subdivision of the state.

177 4. Corporate bonds of any corporation that is not an
178 affiliate or subsidiary of the depositor.

179

180 Such securities shall be held in trust and shall have at all
181 times a market value at least equal to an amount required by the
182 department.

183 (10) ~~Each~~ Every contract entered into by the department
184 pursuant to this section shall contain a provision for payment
185 of liquidated damages to the department for any breach of
186 contract by the retailer.

187 (11) The department shall establish procedures by which
188 each retailer shall account for all tickets sold by the retailer
189 and account for all funds received by the retailer from such
190 sales. The contract with each retailer shall include provisions
191 relating to the sale of tickets, payment of moneys to the
192 department, reports, service charges, and interest and
193 penalties, if necessary, as the department shall deem
194 appropriate.

195 (12) ~~No~~ Payment by a retailer to the department for tickets
196 ~~may not shall~~ be in cash. All such payments shall be in the form
197 of a check, bank draft, electronic fund transfer, or other
198 financial instrument authorized by the secretary.

199 (13) Each retailer shall provide accessibility for disabled
200 persons on habitable grade levels. This subsection does not
201 apply to a retail location ~~that~~ which has an entrance door
202 threshold more than 12 inches above ground level. As used in
203 ~~herein and for purposes of~~ this subsection ~~only~~, the term

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204 "accessibility for disabled persons on habitable grade levels"
205 means that retailers shall provide ramps, platforms, aisles and
206 pathway widths, turnaround areas, and parking spaces to the
207 extent these are required for the retailer's premises by the
208 particular jurisdiction where the retailer is located.
209 Accessibility shall be required to only one point of sale of
210 lottery tickets for each lottery retailer location. The
211 requirements of this subsection shall be deemed to have been met
212 if, in lieu of the foregoing, disabled persons can purchase
213 tickets from the retail location by means of a drive-up window,
214 provided the hours of access at the drive-up window are not less
215 than those provided at any other entrance at that lottery
216 retailer location. Inspections for compliance with this
217 subsection shall be performed by those enforcement authorities
218 responsible for enforcement pursuant to s. 553.80 in accordance
219 with procedures established by those authorities. Those
220 enforcement authorities shall provide to the Department of the
221 Lottery a certification of noncompliance for any lottery
222 retailer not meeting such requirements.

223 (14) The secretary may, after filing with the Department of
224 State his or her manual signature certified by the secretary
225 under oath, execute or cause to be executed contracts between
226 the department and retailers by means of engraving, imprinting,
227 stamping, or other facsimile signature.

228 (15) A vending machine may be used to dispense online
229 lottery tickets, instant lottery tickets, or both online and
230 instant lottery tickets.

231 (a) The vending machine must:

232 1. Dispense a lottery ticket after a purchaser inserts a

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233 coin or currency in the machine.

234 2. Be capable of being electronically deactivated for a
235 period of 5 minutes or more.

236 3. Be designed to prevent its use for any purpose other
237 than dispensing a lottery ticket.

238 (b) In order to be authorized to use a vending machine to
239 dispense lottery tickets, a retailer must:

240 1. Locate the vending machine in the retailer's direct line
241 of sight to ensure that purchases are only made by persons at
242 least 18 years of age.

243 2. Ensure that at least one employee is on duty when the
244 vending machine is available for use. However, if the retailer
245 has previously violated s. 24.1055, at least two employees must
246 be on duty when the vending machine is available for use.

247 (c) A vending machine that dispenses a lottery ticket may
248 dispense change to a purchaser but may not be used to redeem any
249 type of winning lottery ticket.

250 (d) The vending machine, or any machine or device linked to
251 the vending machine, may not include or make use of video reels
252 or mechanical reels or other video depictions of slot machine or
253 casino game themes or titles for game play. This does not
254 preclude the use of casino game themes or titles on such tickets
255 or signage or advertising displays on the machines.

256 (16) The department, a retailer operating from one or more
257 locations, or a vendor approved by the department may use a
258 point-of-sale terminal to facilitate the sale of a lottery
259 ticket or game.

260 (a) A point-of-sale terminal must:

261 1. Dispense a paper lottery ticket with numbers selected by

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262 the purchaser or selected randomly by the machine after the
263 purchaser uses a credit card, debit card, or other similar
264 charge card issued by a bank, savings association, credit union,
265 or charge card company or issued by a retailer pursuant to part
266 II of chapter 520 for payment;

267 2. Recognize a valid driver license or use another age
268 verification process approved by the department to ensure that
269 only persons at least 18 years of age may purchase a lottery
270 ticket or game;

271 3. Process a lottery transaction through a platform that is
272 certified or otherwise approved by the department; and

273 4. Be in compliance with all applicable department
274 requirements related to the lottery ticket or game offered for
275 sale.

276 (b) A point-of-sale terminal does not reveal winning
277 numbers, which are selected at a subsequent time and different
278 location through a drawing by the Florida Lottery.

279 (c) A point-of-sale terminal, or any machine or device
280 linked to the point-of-sale terminal, may not include or make
281 use of video reels or mechanical reels or other video depictions
282 of slot machine or casino game themes or titles for game play.
283 This does not preclude the use of casino game themes or titles
284 on a lottery ticket or game or on the signage or advertising
285 displays on the terminal.

286 (d) A point-of-sale terminal may not be used to redeem a
287 winning ticket.

288 Section 4. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Anitere Flores, Chair
Committee on Fiscal Policy

Subject: Committee Agenda Request

Date: November 19, 2015

I respectfully request that **Senate Bill #402**, relating to Point-of-Sale Terminals , be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, appearing to read "Garrett Richter".

Senator Garrett Richter
Florida Senate, District 23

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15
Meeting Date

SB 402
Bill Number (if applicable)

Topic Point-of-sale terminals

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 W Adams St

Phone 224-7173

Street

Talx

City

FL

State

32301

Zip

Email bbevis@aif.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-3-2015

Meeting Date

402

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St Petersburg

City

FL

State

33705

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3

Meeting Date

402

Bill Number (if applicable)

Topic Point of Sale Terminals

Amendment Barcode (if applicable)

Name Carlos Muniz

Job Title attorney

Address 215 S. Monroe Suite 602

Phone 550-570-0178

Street

Tallahassee

FL

32301

Email cmuniz@mcgheerwoods.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AIF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 450

INTRODUCER: Senator Grimsley

SUBJECT: Physical Therapy

DATE: December 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Favorable
2.	Brown	Pigott	AHS	Recommend: Favorable
3.	Pace	Hrdlicka	FP	Favorable

I. Summary:

SB 450 authorizes a physical therapist to implement a plan of treatment provided for a patient by a physician licensed in a state other than Florida. The bill also increases the time frame for which a physical therapist can provide physical therapy treatment to a patient for a condition not previously assessed by a practitioner of record or a physician licensed in another state. The time frame is increased from 21 days to 30 days.

The bill authorizes any person who holds a physical therapy license and obtains a degree of Doctor of Physical Therapy to use the letters "D.P.T." and "P.T." However, a physical therapist may not use the title "doctor" without also clearly informing the public of his or her profession as a physical therapist.

The bill revises terms prohibited from use by a person who is not licensed as a physical therapist or a physical therapist assistant and makes it a first degree misdemeanor to falsely represent licensure or to obtain a license by false representation.

The bill has no fiscal impact on government entities.

II. Present Situation:

Physical Therapy Practice in Florida

The Physical Therapy Practice Act (the act) is codified in ch. 486, F.S. Physical therapists (PTs) are regulated by the Board of Physical Therapy Practice (board) within the Department of

Health.¹ A licensed PT or a licensed physical therapist assistant (PTA) must practice physical therapy in accordance with the provisions of the act and board rules.²

Pursuant to s. 486.021(6), F.S., a “physical therapist assistant” means a person who is licensed to perform patient-related activities,³ including the use of physical agents, whose license is in good standing, and whose activities are performed under the direction of a PT as set forth in rules adopted pursuant to ch. 486, F.S.

Physical therapists and physical therapy assistants are required to meet specific educational requirements and pass a national exam.⁴

Currently, there are 15,234 PTs and 8,452 PTAs who hold active Florida licenses.⁵

Physical Therapy Scope of Practice

“Practice of physical therapy” is defined in s. 486.021(11), F.S., as the performance of physical therapy assessments and treatment, or prevention of, any disability, injury, disease, or other health condition of human beings and rehabilitation as it relates to the use of various modalities such as: exercise, massage, ultrasound, ice, heat, water, and equipment. A PT’s professional responsibilities include:⁶

- Interpretation of a practitioner’s referral;
- Delivery of the initial physical therapy assessment of the patient;
- Identification of and documentation of precautions, special problems, contraindications;
- Development of a treatment plan for a patient including the long and short term goals;
- Implementation of or directing implementation of the treatment plan;
- Delegation of appropriate tasks;
- Direction and supervision of supportive staff in a manner appropriate for the patient’s individual needs;
- Reassessment of the patient in reference to goals and, when necessary, modification of the treatment plan; and
- Collaboration with members of the health care team when appropriate.

Section 486.021(11), F.S., limits treatments that PTs may provide or what procedures may be performed for diagnosing a condition. A PT must refer a patient to, or consult with, a practitioner

¹ Section 486.023, F.S.

² Sections 486.031 and 486.102, F.S.

³ See s. 486.021(6), F.S. Patient-related activities performed by a PTA for a board-certified orthopedic physician or physiatrist licensed pursuant to chs. 458 or 459, F.S., or a chiropractor licensed under ch. 460, F.S., must be under the general supervision of a PT, but do not require on-site supervision by a PT. Patient-related activities performed for all other health care practitioners licensed under chs. 458 and 459, F.S., and those patient-related activities performed for podiatrists licensed under ch. 461, F.S., or dentists licensed under ch. 466, F.S., must be performed under the onsite supervision of a PT.

⁴ See s. 486.031, F.S. for physical therapy licensing requirement and s. 486.102, F.S. for physical therapy assistant licensing requirements.

⁵ Number of active Florida licenses calculated by adding “In State Active” practitioners and “Out of State Active” practitioners. See Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2014-2015: Table 1 Summary of Licensed Practitioners*, available at <http://mqawebteam.com/annualreports/1415/#16> (last visited Nov. 30, 2015).

⁶ Rule 64B17-6.001(3), F.A.C.

of record if a patient's condition is found to be outside the scope of physical therapy.⁷ Under s. 486.021(11), F.S., a "practitioner of record" is a health care practitioner licensed under chs. 458 (Medical Practice), 459 (Osteopathic Medicine), 460 (Chiropractic Medicine), 461 (Podiatric Medicine), or 466 (Dentistry), F.S., and engaged in active practice. A PT may not practice chiropractic medicine, including specific spinal manipulation, and must refer a patient with the need for such to a chiropractor licensed under ch. 460, F.S.⁸ Additionally a PT is not authorized to implement a plan for a patient being treated in a hospital or an ambulatory surgical center licensed under ch. 395, F.S.⁹

Section 486.081(1), F.S., authorizes a licensed PT to use the words "physical therapist" or "physiotherapist," or the letters "P.T." in connection with his or her name or place of business to denote his or her licensure. False representation of licensure or willful misrepresentation or false representation to obtain a PT or PTA license is unlawful.¹⁰

Physical Therapy Treatment Plan and Referral for Treatment

A PT may implement a plan of treatment developed by the PT for a patient or provided for a patient by a practitioner of record or by an advanced registered nurse practitioner licensed under s. 464.012, F.S.¹¹ Currently, a PT may implement a treatment plan for a patient without a written order from a practitioner of record if the recommended treatment plan is performed within a 21-day timeframe. If the treatment plan requires treatment beyond 21 days, the condition must be assessed by a practitioner of record who is required to review and sign the treatment plan.¹²

Physicians licensed in other states are not recognized as a "practitioner of record" and therefore patients visiting Florida must have a Florida licensed physician review the plan of treatment to continue physical therapy beyond 21 days.¹³

III. Effect of Proposed Changes:

Section 1 amends the definition of the "practice of physical therapy," under s. 486.021, F.S. Currently, a physical therapist is required to have a practitioner of record review and sign a patient's treatment plan if physical therapy treatment is required beyond 21 days. The bill expands the timeframe to 30 days.

The bill also specifies that the requirement for a physical therapist to have a practitioner of record review and sign a plan of treatment does not apply when a patient has been physically examined by physician licensed in another state, the patient has been diagnosed as having a condition for which physical therapy is required, and the physical therapist is treating the specific condition.

⁷ Section 486.021(11)(a), F.S.

⁸ Section 486.021(11)(c), F.S.

⁹ Section 486.021(11)(d), F.S.

¹⁰ See s. 486.135, F.S.

¹¹ Section 486.021(11)(a), F.S.

¹² *Id.*

¹³ Department of Health, Agency Bill Analysis Senate Bill 450, October 8, 2015 (on file with the Senate Fiscal Policy Committee).

Section 2 amends s. 486.081, F.S., authorizing a licensed physical therapist who holds a doctoral degree in physical therapy to use the letters “D.P.T.” and “P.T.” in connection with her or his name or place of business. Physical therapists may not use the title “doctor” unless he or she holds a degree of Doctor of Physical Therapy and the public is clearly informed that his or her profession as a physical therapist.

Section 3 amends s. 486.135, F.S., revising terms prohibited from use by a person who is not licensed as a PT or a PTA. The bill removes the prohibitions on unlicensed individuals to use the letters “Ph.T.,” “R.P.T.,” and “L.P.T.” to indicate that he or she is a physical therapist or to use the letters “L.P.T.A.,” “R.P.T.A.,” or “P.T.T.” to indicate that he or she is a physical therapist assistant. The bill also provides that use of the letters “D.P.T.” in connection with a name or business is unlawful for any person who is not licensed as a PT under ch. 486, F.S., and holds a doctoral degree in physical therapy.

The bill also creates a penalty for any unlawful act under s. 486.135, F.S. (false representation of licensure or willful misrepresentation or false representation to obtain a PT license). Under the bill, an unlawful act is considered a prohibited act under s. 496.151, F.S., and is a first degree misdemeanor.¹⁴

Section 4 amends s. 486.151, F.S., adding that the use of the letters “D.P.T.” is a prohibited act, subject to a first degree misdemeanor, unless the person holds a valid license under ch. 486, F.S., and has a doctoral degree in physical therapy.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁴ A first degree misdemeanor is punishable by up to 1 year of imprisonment and up to a \$1,000 fine. *See* ss. 775.082 and 775.083, F.S.

B. Private Sector Impact:

Under the bill, visitors to the state and patients who have an order for physical therapy from a practitioner licensed in another state will be able to receive the ordered physical therapy in this state without incurring additional costs for a medical examination from or assessment by a practitioner of record. Increasing the period of time in which a physical therapist may provide treatment for a patient without a practitioner of record assessing the patient may save patients the cost of examination by a practitioner of record.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 486.021, 486.081, 486.135, and 486.151

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Grimsley

21-00474-16

2016450__

A bill to be entitled

An act relating to physical therapy; amending s. 486.021, F.S.; revising the definition of the term "practice of physical therapy"; amending s. 486.081, F.S.; providing that a licensed physical therapist who holds a specified doctoral degree may use specified letters in connection with her or his name or place of business; prohibiting a physical therapist with a specified doctoral degree from using the title "doctor" without informing the public of his or her profession as a physical therapist; amending s. 486.135, F.S.; revising the terms and specified letters prohibited from being used by certain unlicensed persons; providing a criminal penalty; amending s. 486.151, F.S.; prohibiting an unlicensed person from using specified letters; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (11) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires, the term:

(11) "Practice of physical therapy" means the performance of physical therapy assessments and the treatment of any disability, injury, disease, or other health condition of human beings, or the prevention of such disability, injury, disease, or other condition of health, and rehabilitation as related

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

21-00474-16

2016450__

thereto by the use of the physical, chemical, and other properties of air; electricity; exercise; massage; the performance of acupuncture only upon compliance with the criteria set forth by the Board of Medicine, when no penetration of the skin occurs; the use of radiant energy, including ultraviolet, visible, and infrared rays; ultrasound; water; the use of apparatus and equipment in the application of the foregoing or related thereto; the performance of tests of neuromuscular functions as an aid to the diagnosis or treatment of any human condition; or the performance of electromyography as an aid to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medicine.

(a) A physical therapist may implement a plan of treatment developed by the physical therapist for a patient or provided for a patient by a practitioner of record or by an advanced registered nurse practitioner licensed under s. 464.012. The physical therapist shall refer the patient to or consult with a practitioner of record if the patient's condition is found to be outside the scope of physical therapy. If physical therapy treatment for a patient is required beyond 30 ~~21~~ days for a condition not previously assessed by a practitioner of record, the physical therapist shall have obtain ~~have obtain~~ a practitioner of record ~~who will~~ review and sign the plan. The requirement that a physical therapist have a practitioner of record review and sign a plan of treatment does not apply when a patient has been physically examined by a physician licensed in another state, the patient has been diagnosed by the physician as having a condition for which physical therapy is required, and the physical therapist is treating the condition. For purposes of

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

21-00474-16

2016450__

59 this paragraph, a health care practitioner licensed under
60 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
61 466 and engaged in active practice is eligible to serve as a
62 practitioner of record.

63 Section 2. Subsection (1) of section 486.081, Florida
64 Statutes, is amended to read:

65 486.081 Physical therapist; issuance of license without
66 examination to person passing examination of another authorized
67 examining board; fee.—

68 (1) The board may cause a license to be issued through the
69 department without examination to any applicant who presents
70 evidence satisfactory to the board of having passed the American
71 Registry Examination prior to 1971 or an examination in physical
72 therapy before a similar lawfully authorized examining board of
73 another state, the District of Columbia, a territory, or a
74 foreign country, if the standards for licensure in physical
75 therapy in such other state, district, territory, or foreign
76 country are determined by the board to be as high as those of
77 this state, as established by rules adopted pursuant to this
78 chapter. Any person who holds a license pursuant to this section
79 may use the words "physical therapist" or "physiotherapist," or
80 the letters "P.T." in connection with her or his name or place
81 of business to denote her or his licensure hereunder. A person
82 who holds a license pursuant to this section and obtains a
83 doctoral degree in physical therapy may use the letters "D.P.T."
84 and "P.T." A physical therapist who holds a degree of Doctor of
85 Physical Therapy may not use the title "doctor" without also
86 clearly informing the public of his or her profession as a
87 physical therapist.

Page 3 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

21-00474-16

2016450__

88 Section 3. Subsection (1) of section 486.135, Florida
89 Statutes, is amended, subsection (2) is renumbered as subsection
90 (3), and a new subsection (2) is added to that section, to read:

91 486.135 False representation of licensure, or willful
92 misrepresentation or fraudulent representation to obtain
93 license, unlawful.—

94 (1) (a) It is unlawful for any person who is not licensed
95 under this chapter as a physical therapist, or whose license has
96 been suspended or revoked, to use in connection with her or his
97 name or place of business the words "physical therapist,"
98 "physiotherapist," "physical therapy," "physiotherapy,"
99 "registered physical therapist," or "licensed physical
100 therapist"; ~~or~~ the letters "P.T." "Ph.T.," "R.P.T.," ~~or~~
101 ~~"I.P.T."~~; or any other words, letters, abbreviations, or
102 insignia indicating or implying that she or he is a physical
103 therapist or to represent herself or himself as a physical
104 therapist in any other way, orally, in writing, in print, or by
105 sign, directly or by implication, unless physical therapy
106 services are provided or supplied by a physical therapist
107 licensed in accordance with this chapter.

108 (b) It is unlawful for a person who is not licensed under
109 this chapter as a physical therapist and who does not hold a
110 doctoral degree in physical therapy to use the letters "D.P.T."
111 in connection with his or her name or place of business.

112 ~~(c) (b)~~ It is unlawful for any person who is not licensed
113 under this chapter as a physical therapist assistant, or whose
114 license has been suspended or revoked, to use in connection with
115 her or his name the words "physical therapist assistant,"
116 "licensed physical therapist assistant," "registered physical

Page 4 of 5

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21-00474-16

2016450

117 ~~therapist assistant," or "physical therapy technician"; or the~~
118 ~~letters "P.T.A.," "L.P.T.A.," "R.P.T.A.," or "P.T.T.,"~~ or any
119 other words, letters, abbreviations, or insignia indicating or
120 implying that she or he is a physical therapist assistant or to
121 represent herself or himself as a physical therapist assistant
122 in any other way, orally, in writing, in print, or by sign,
123 directly or by implication.

124 (2) An unlawful act under this section is a violation of s.
125 486.151.

126 Section 4. Paragraph (d) of subsection (1) of section
127 486.151, Florida Statutes, is amended to read:

128 486.151 Prohibited acts; penalty.—

129 (1) It is unlawful for any person to:

130 (d) Use the name or title "Physical Therapist" or "Physical
131 Therapist Assistant" or any other name or title which would lead
132 the public to believe that the person using the name or title is
133 licensed to practice physical therapy, unless such person holds
134 a valid license, or use the letters "D.P.T.," unless such person
135 holds a valid license under this chapter and a doctoral degree
136 in physical therapy.

137 Section 5. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Anitere Flores, Chair
Committee on Fiscal Policy

Subject: Committee Agenda Request

Date: November 18, 2015

I respectfully request that **Senate Bill #238**, relating to Medical Assistant Certification and **Senate Bill #450**, relating to Physical Therapy, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Denise Grimsley".

Senator Denise Grimsley
Florida Senate, District 21



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Communications, Energy, and Public Utilities, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Health
and Human Services
Health Policy
Transportation

JOINT COMMITTEES:
Joint Administrative Procedures Committee,
Alternating Chair
Joint Legislative Budget Commission

SENATOR DENISE GRIMSLEY

Deputy Majority Leader
21st District

November 24, 2015

The Honorable Anitere Flores, Chair
Committee on Fiscal Policy
225 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Flores:

I have two bills scheduled before your Committee on Thursday, 12/3/2015 at 1:00 p.m. I've asked members of my staff to present these bills. There is a Transportation Committee meeting scheduled at the same time.

I respectfully request permission for Marty Mielke to present SB 238 relating to Medical Assistant Certification and Anne Bell to present SB 450 relating to Physical Therapy on my behalf.

Sincerely,

A handwritten signature in cursive script that reads "Denise Grimsley".

Denise Grimsley
Senator, District 21

cc: Jennifer Hrdlicka, Staff Director
Tamra Lyon, Committee Administrative Assistant

REPLY TO:

- 205 South Commerce Avenue, Suite A, Sebring, Florida 33870 (863) 386-6016
- 212 East Stuart Avenue, Lake Wales, Florida 33853 (863) 679-4847
- 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/2015
Meeting Date

450
Bill Number (if applicable)

Topic Physical Therapy

Amendment Barcode (if applicable)

Name TAS Fisher

Job Title CEO

Address 2104 Delta Way, S-7

Phone 850-222-1243

Street

Tallahassee FL 32303

City

State

Zip

Email (T.Fisher@FPTA.org)

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Physical Therapy Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 530

INTRODUCER: Senator Sobel

SUBJECT: Calder Sloan Swimming Pool Electrical-Safety Task Force

DATE: December 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

I. Summary:

SB 530 creates the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission. The task force will make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives for statutory revisions regarding all electrical aspects for safety in and around public and private pools by November 1, 2016.

The task force expires on December 31, 2016.

II. Present Situation:

The Department of Health (DOH) is responsible for the oversight and regulation of water quality and safety of public swimming pools in Florida under ch. 514, F.S. Inspections and permitting for public swimming pools are conducted by the county health departments.¹ Sanitation and safety standards for public pools have been adopted by rule under Chapter 64E-9 of the Florida Administrative Code.

Current construction rules for public swimming pools require that written approval must be received from the DOH before construction can begin.² Plans are required that show the pool layout, tile markings, size of the pool ladder, gutter heights, and if night swimming is permitted,³ an engineer in Florida must provide certification that the underwater lighting meets the requirements of Rule 64E-9.006(2)(c), F.A.C. The rule also permits all underwater lighting requirements to be waived if overhead lighting provides at least 15 foot candles of illumination at the pool water surface and wet pool deck.⁴

¹ Section 514.025, F.S.

² Section 514.03, F.S., and Rule 64E-9.005, F.A.C.

³ Rule 64E-9.005, F.A.C.

⁴ Rule 64E-9.006(2)(c)3., F.A.C.

Electrical equipment and wiring must meet national standards relating to the grounding of pool components. The standards that are incorporated into the rule are those of the National Fire Protection Association 70, National Electrical Code (NEC), 2008 Edition, and any applicable local code. Finally, as part of the plan approval, the electrical contractor or electrical inspector must certify as to a pool's compliance, on the form designated by the DOH.⁵

The United States Consumer Product Safety Commission issued a Safety Alert in August 2012 recommending the installation of ground-fault circuit interrupter (GFCI) protections for pools, spas, and hot tubs for protection against electrocution hazards involving electrical circuits and underwater lighting circuits in and around pools, spas, and hot tubs.⁶ The Safety Alert noted that pools older than 30 years may not have the proper GFCI protection as the NEC provisions for spas only became effective in 1981. Underwater pool lighting electrical incidents happened more frequently than any other consumer product used in or around pools, spas, or hot tubs.

Several recent news stories in South Florida have also highlighted the issue. Three children were shocked in a Hialeah condominium community pool in April 2014. The building inspector's report found that the pool pump was not properly grounded.⁷ During the same month in North Miami, a 7-year-old boy, Calder Sloan, was electrocuted and killed in his family's North Miami swimming pool from faulty wiring.⁸

III. Effect of Proposed Changes:

The bill creates the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission (commission). The task force is required to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2016, on recommended revisions to the Florida Statutes related to standards concerning grounding, bonding, lighting, and all electrical aspects for safety in and around public and private pools. The bill requires the study to focus on minimizing the risk of electrocution at swimming pools.

The task force is required to be chaired by the swimming pool contractor appointed to the commission, and consist of the Swimming Pool and Electrical Technical Advisory Committees of the commission. Staff, information, and other assistance that is reasonably necessary for the task force to perform its responsibilities, shall be provided by the commission. Members of the task force serve without compensation and are required to meet as often as necessary to fulfill the responsibilities of the task force. Meetings may be conducted by conference call, teleconference, or similar technology. The task force expires December 31, 2016.

The bill is effective July 1, 2016.

⁵ Rule 64E-9.006(2)(d), F.A.C.

⁶ U.S. Consumer Product Safety Commission, *Safety Alert, CPSC Document #5039* (August 14, 2012), available at <http://www.cpsc.gov/PageFiles/118868/5039.pdf> (last visited Nov. 11, 2015).

⁷ Roger Lohse, *Shoddy Electrical Work Lead to 3 Kids' Injuries at a Pool in Hialeah, Policy Say*, LOCAL10.COM, May 8, 2014, available at <http://www.local10.com/news/police-photos-show-shoddy-electrical-work-at-pool-that-caused-three-kids-to-be-shocked/25861796>. (last visited Nov. 11, 2015).

⁸ Roger Lohse, *South Fla. Boy Electrocuted by Pool Light While Swimming*, LOCAL10.COM, April 17, 2014, available at <http://www.local10.com/news/south-fla-boy-electrocuted-by-pool-light-while-swimming/25538944> (last visited Nov. 11, 2015).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Members of the private sector may participate on the task force and provide input on the recommendations for statutory changes pertaining to grounding, bonding, lighting, wiring, and any other electrical aspect relating to safety in and around public and private pools. Final action on any recommendations would be the decision of the Legislature.

C. Government Sector Impact:

The bill may cause an indeterminate negative fiscal impact on the Florida Building Commission due to the creation of the Calder Sloan Swimming Pool Electrical-Safety Task Force and the requirement that the commission assist the task force. However, the Department of Business and Professional Regulation (DBPR) notes that the Florida Building Commission anticipates a joint meeting with Swimming Pool Technical Advisory Committee and the Electrical Technical Advisory Committee as part of its activities for this fiscal year without the need for additional resources.⁹

The DBPR may be required to support teleconferencing for the task force, however, the DBPR expects that this can be accomplished with existing resources.¹⁰

VI. Technical Deficiencies:

None.

⁹ Department of Business and Professional Regulation, House Bill Analysis 295 (Nov. 9, 2015) (on file with the Senate Fiscal Policy Committee).

¹⁰ Id.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Sobel

33-00223B-16

2016530__

1 A bill to be entitled
 2 An act relating to the Calder Sloan Swimming Pool
 3 Electrical-Safety Task Force; providing a short title;
 4 creating the Calder Sloan Swimming Pool Electrical-
 5 Safety Task Force within the Florida Building
 6 Commission; specifying the purpose of the task force;
 7 requiring a report to the Governor and the Legislature
 8 by a specified date; providing for membership;
 9 requiring the Florida Building Commission to provide
 10 staff, information, and other assistance to the task
 11 force; providing that members of the task force serve
 12 without compensation; providing for future repeal of
 13 the task force; providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. The Calder Sloan Swimming Pool Electrical-Safety
 18 Task Force.—
 19 (1) This section may be cited as the "Calder Sloan Act."
 20 (2) The Calder Sloan Swimming Pool Electrical-Safety Task
 21 Force is established within the Florida Building Commission.
 22 (3) The purpose of the task force is to study the need for
 23 the adoption of standards for grounding, bonding, lighting,
 24 wiring, and all other electrical aspects in and around public
 25 and private swimming pools. The task force shall focus its study
 26 on minimizing the risk of electrocutions at swimming pools. The
 27 task force shall submit a report by November 1, 2016, to the
 28 Governor, the President of the Senate, and the Speaker of the
 29 House of Representatives which states the findings of the task

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00223B-16

2016530__

30 force, including any recommended revisions to the Florida
 31 Statutes by the task force.
 32 (4) The task force shall consist of the Swimming Pool and
 33 Electrical Technical Advisory Committees of the Florida Building
 34 Commission.
 35 (5) The task force shall be chaired by the swimming pool
 36 contractor appointed to the Florida Building Commission pursuant
 37 to s. 553.74, Florida Statutes.
 38 (6) The Florida Building Commission shall provide staffing,
 39 information, and other assistance necessary to assist the task
 40 force in carrying out its responsibilities.
 41 (7) Members of the task force shall serve without
 42 compensation.
 43 (8) The task force shall meet as often as necessary to
 44 fulfill its responsibilities, and meetings may be conducted by
 45 conference call, teleconferencing, or similar technology.
 46 (9) This section expires December 31, 2016.
 47 Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Children, Families, and Elder Affairs, *Chair*
Health Policy, *Vice Chair*
Agriculture
Education Pre-K-12
Appropriations Subcommittee on Health
and Human Services

SENATOR ELEANOR SOBEL

33rd District

November 23, 2015

Senator Anitere Flores, Chair
Fiscal Policy
413 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Chair Flores,

This letter is to request that **SB 530** relating to the Calder Sloan Swimming Pool Electrical Safety Task Force be placed on the agenda of the next scheduled meeting of the Fiscal Policy Committee.

The proposed legislation will create the "Calder Sloan Act" to study the need for the adoption of standards for grounding, bonding, lighting, wiring, and all other electrical aspects in and around public and private swimming pools. The task force shall focus its study on minimizing the risk of electrocutions at swimming pools. The task force shall also submit a report indicating its findings on recommended revisions to the Florida Statutes.

Thank you for your consideration of this request.

With Best Regards,



Eleanor Sobel
State Senator, 33rd District

REPLY TO:

- The "Old" Library, First Floor, 2600 Hollywood Blvd., Hollywood, Florida 33020 (954) 924-3693 FAX: (954) 924-3695
- 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15
Meeting Date

530
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jennifer Hatfield

Job Title _____

Address 411 Lenore Ct.

Phone 941-345-3263

Street

Rockledge

City

FL

State

32955

Zip

Email jennifer.hatfield@rockledge.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Swimming Pool Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-3-2015
Meeting Date

530
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email _____

Speaking: For ^{IN part} Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/2/15

Meeting Date

530

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JESS MCCARTY

Job Title _____

Address 111 NW 1st St 2810

Phone _____

Street

MIAMI

33128

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-3-15

Meeting Date

SB 530

Bill Number (if applicable)

Topic Calder Stan Swimming Pool Task Force

Amendment Barcode (if applicable)

Name Bruce Kerchner

Job Title _____

Address 231 West Bay Ave

Phone 407 830-1882

Street

Longwood FL 32750

Email BKerchner@aol.net

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing United Pool & Spa Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Children, Families, and Elder Affairs, *Chair*
Health Policy, *Vice Chair*
Agriculture
Education Pre-K-12
Appropriations Subcommittee on Health
and Human Services

SENATOR ELEANOR SOBEL

33rd District

December 2, 2015

Senator Anitere Flores
Chair of Fiscal Policy
413 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Chair Flores:

This letter is to inform you that my Legislative Aide Jeffrey Scala will be presenting on my behalf for SB530 in the fiscal policy committee tomorrow. I need to be in the Children, Families, and Elder Affairs Committee for a quorum. Thank you for your consideration of this request.

Respectfully,



Eleanor Sobel
State Senator, 33rd District

Cc: Tamra Lyon, Jennifer Hrdlicka

REPLY TO:

- The "Old" Library, First Floor, 2800 Hollywood Blvd., Hollywood, Florida 33020 (954) 924-3693 FAX: (954) 924-3695
- 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 7016

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Gaetz

SUBJECT: Interstate Compact on Educational Opportunity for Military Children

DATE: December 2, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Sanders</u>	<u>Hrdlicka</u>		MS Submitted as Committee Bill
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Aldana</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

I. Summary:

SB 7016 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children and provides for future legislative review and repeal of the compact on July 1, 2019.

The bill is effective upon becoming law.

II. Present Situation:

Children in active-duty military families face unique educational challenges. The average military child transfers to a different state or school district six to nine times during kindergarten through grade 12. When a parent is reassigned, a military child may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- The need to appoint temporary guardians while the child's parent is deployed.¹

¹ Interstate Commission on Educational Opportunity for Military Children, *Guide for Parents, School Officials and Public Administrators* (Nov. 2014), p. 2, available at <http://mic3.net/pages/resources/documents/ParentGuideNov2014.pdf> (last visited Nov. 23, 2015).

As of July 31, 2014, there were 41,334 students from an active-duty military family residing in Florida.²

Interstate Compact on Educational Opportunity for Military Children

To assist transferring military families, the Council of State Governments' National Center for Interstate Compacts and the U.S. Department of Defense developed the Interstate Compact on Educational Opportunity for Military Children (compact) with input and assistance from national associations, federal and state officials, departments of education, school officials, and military families.³ The compact is an agreement between states that is designed to assist member states in uniformly addressing key educational transition issues in enrollment, placement, attendance, eligibility, and graduation.⁴

In order to join the compact as a member state, each state was required to adopt the compact in state law. The compact was effective upon enactment by 10 states. Florida was the tenth state to join the compact on July 1, 2008.⁵ Following Oregon's legislation taking effect in January of 2015, all 50 states and the District of Columbia are now active members of the compact.⁶

Students eligible for assistance under the compact must receive public funding through the local education agency and be the children of:

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active-duty orders;
- Members or veterans of the uniformed services who are medically discharged or retired for a period of one year following separation; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.⁷

Florida State Council

The compact requires member states to establish a state council or appoint an existing entity to coordinate the implementation of the compact.⁸ At a minimum, the state council must include the following:

- State superintendent of education;
- Superintendent of a school district with a high concentration of military children;
- One representative from a military installation;

² Email correspondence with John Matthews, Program Specialist, Interstate Commission on Educational Opportunity for Military Children on Sept. 22, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.)

³ Military Interstate Children's Compact Commission, *FAQ: What is The Compact?*, available at http://mic3.net/pages/FAQ/faq_indexnew.aspx (last visited Nov. 23, 2015).

⁴ Military Interstate Children's Compact Commission, *Orientation to the Interstate Compact*, (Jan. 2015), p. 7, available at <http://mic3.net/pages/resources/resources.aspx> (last visited Nov. 23, 2015).

⁵ Email correspondence with John Matthews, Program Specialist, Interstate Commission on Educational Opportunity for Military Children on Sept. 22, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.) See ss. 1000.36, 1000.38, and 1000.39, F.S.

⁶ Military Interstate Children's Compact Commission, *FAQ: Where Is The Compact In Terms Of Implementation At The National And State Levels?*, available at http://mic3.net/pages/FAQ/faq_indexnew.aspx (last visited Nov. 23, 2015).

⁷ Article III, s. A of the Compact, s. 1000.36, F.S.

⁸ Article VIII of the Compact, s. 1000.36, F.S.

- One representative from the legislative branch of government; and
- One representative from the executive branch of government.⁹

Additionally, the state must appoint or designate a military family education liaison and a compact commissioner. Each of these individuals, unless already a full voting member of the council, shall serve as an ex officio member of the state council.¹⁰

Interstate Commission on Educational Opportunity for Military Children

The Interstate Commission on Educational Opportunity for Military Children (Interstate Commission) is the national governing body created to provide oversight of the compact, adopt and enforce bylaws and rules, and perform various administrative functions necessary for day-to-day operations.¹¹ The Interstate Commission is comprised of one voting representative from each member state and non-voting, ex officio representatives who are members of interested organizations (e.g., the U.S. Department of Defense).¹² Each state is entitled to one vote on compact rule adoption or other business matters.¹³ The Interstate Commission must meet at least once per calendar year.¹⁴

The Interstate Commission is authorized to promulgate compact rules that govern member states in the areas addressed by the compact. Compact rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.¹⁵ Compact rules must not exceed the scope of authority granted by the compact. A majority of member state legislatures may invalidate a compact rule by legislative action.¹⁶

Since the Florida Legislature last reauthorized the compact in 2013,¹⁷ the Interstate Commission did not adopt any rules or bylaws or make changes to the compact. The statutes adopting the compact are repealed on April 10, 2016, unless reenacted by the Legislature.

III. Effect of Proposed Changes:

The bill repeals s. 2, ch. 2013-20, L.O.F., which would repeal Florida's adoption of the compact on April 10, 2016. The bill provides for the repeal of the compact statutes, ss. 1000.36, 1000.38, and 1000.39, F.S., on July 1, 2019, unless reviewed and reenacted by the Legislature.

The bill is effective upon becoming law.

⁹ Article VIII, s. A of the compact, s. 1000.36, F.S.

¹⁰ Article VIII of the Compact, s. 1000.36, F.S. *See also* ss. 1000.38 and 1000.39, F.S., and Military Interstate Children's Compact Commission, *Compact Officials in Florida*, available at <http://www.mic3.net/pages/contact/Map/florida.aspx> (last visited Nov. 23, 2015).

¹¹ Articles IX and X of the compact, s. 1000.36, F.S.

¹² Article IX of the Compact, s. 1000.36, F.S. The voting representative from each state is the compact commissioner.

¹³ Article IX, s. B of the Compact, s. 1000.36, F.S.

¹⁴ Article IX, s. D of the Compact, s. 1000.36, F.S.

¹⁵ Article X, s. B and Article XVIII, s. B of the Compact, s. 1000.36, F.S. The compact also provides that if any part of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. *See* Article XVIII, s. E of the Compact, s. 1000.36, F.S.

¹⁶ Article XII of the Compact, s. 1000.36, F.S.

¹⁷ Chapter 2013-20, L.O.F.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

To address concerns regarding delegation of legislative authority, the bill provides for automatic repeal of Florida's Compact legislation after a period of time, unless reauthorized by the Legislature.¹⁸ Because membership in the compact requires the state to agree to be bound by rules promulgated by a non-legislative entity, i.e., the Interstate Commission, the repeal provision allows the Legislature to periodically review the compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. Reauthorization of the compact after such review diminishes a claim that the Legislature has delegated its authority.¹⁹

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Member states pay an annual fee to the Interstate Commission that must be between \$2,000 and \$60,000. The formula is based upon the number of military children eligible for transfer under the Interstate Compact on Educational Opportunity for Military Children at the rate of \$1 per child.²⁰ The General Appropriations Act for Fiscal Year 2015-2016 appropriated \$42,813 in recurring funds from General Revenue to the Department of Education to pay the dues.²¹

¹⁸ See s. 5, ch. 2008-225 and s. 3, ch. 2010-52, L.O.F.

¹⁹ See Florida Senate, Legislative Bill Analysis for SB 1060 (2010).

²⁰ The Interstate Commission determines the formula used in calculating the annual assessment paid by each member state. See Military Interstate Children's Compact Commission, *Rules*, s. 2.104 (effective Nov. 16, 2012) <http://mic3.net/documents/MIC3CommissionRules-Final-amendedNov2012.pdf> (last visited Nov. 20, 2015).

²¹ Line item 126, proviso, ch. 2015-232, L.O.F.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill repeals Section 2 of Chapter 2013-20, Laws of Florida.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security

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A bill to be entitled

An act relating to the Interstate Compact on Educational Opportunity for Military Children; repealing s. 2 of chapter 2013-20, Laws of Florida; abrogating the future repeal of ss. 1000.36, 1000.38, and 1000.39, F.S., relating to the compact; providing for future legislative review and repeal of the compact; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 2 of chapter 2013-20, Laws of Florida, is repealed.

Section 2. Sections 1000.36, 1000.38, and 1000.39, Florida Statutes, shall stand repealed on July 1, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs, Space, and Domestic Security, *Chair*
Children, Families, and Elder Affairs, *Vice-Chair*
Appropriations
Appropriations Subcommittee on General Government
Environmental Preservation and Conservation
Finance and Tax

SENATOR THAD ALTMAN

16th District

November 20, 2015

The Honorable Anitere Flores
Senate Committee on Fiscal Policy, Chair
225 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Flores:

I respectfully request that SB 7016, related to *Interstate Compact on Educational Opportunity for Military Children*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Thad Altman".

Thad Altman

CC: Jennifer Hrdlicka, Staff Director, 225 Knott Building
Tamra Lyon, Committee Administrative Assistant

TA/dw

REPLY TO:

- 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: KN 412
Caption: Fiscal Policy

Case No.:
Judge:

Type:

Started: 12/3/2015 1:04:15 PM

Ends: 12/3/2015 2:03:50 PM

Length: 00:59:36

1:04:14 PM Call to Order
1:04:25 PM Roll Call
1:04:44 PM Senator Sachs and Margolis are excused
1:05:02 PM Take up Tab 2--SB 88
1:06:08 PM Matt Puckett wavier in support
1:06:21 PM SB 88 reported favorably
1:06:42 PM Tab 8--SB 7016
1:07:14 PM Senator Altman explains the bill
1:08:03 PM Questions?
1:08:07 PM Senator Hukill
1:08:25 PM SB 7016 reported favorably
1:08:53 PM Tab 1 -- SB 80 by Senator richter
1:09:53 PM Questions?
1:09:57 PM Appearance Cards
1:10:01 PM Brian Pitts, Justice-2-Jesus
1:12:47 PM Martha Edenfield waives in support
1:12:54 PM Kenneth Pratt, waives in support
1:13:01 PM Merdith Hinshelwood waives in support
1:13:18 PM SB 80 is reported favorably
1:13:39 PM Tab 5--SB 402 by Senator Richter
1:15:18 PM Amendment by Senator Bean
1:16:03 PM Barcode 147826 Adopted
1:16:58 PM On bill as amended
1:17:03 PM Brewster Bevis wavier in support
1:17:08 PM Brian Pitts, Justice-2-Jesus
1:19:57 PM Carlos Munez waives in support
1:20:03 PM Back on the bill as amended
1:20:13 PM PCS is adopted
1:20:22 PM Senator Richter to close
1:21:40 PM CS/SB 402 reported favorably
1:22:16 PM Tab 4--CS/SB 242
1:22:42 PM PCS 331366 explanation by Senator Braynon
1:23:21 PM Amendment barcode 331970
1:23:55 PM Adopted
1:23:58 PM PCS as amended
1:24:05 PM Questions?
1:24:11 PM Senator Hays
1:25:17 PM Senator Braynon for a response
1:27:35 PM Senator Bean
1:27:50 PM Senator Braynon for a response
1:28:02 PM Follow-up
1:28:50 PM Senator Hukill
1:29:00 PM Senator Braynon for a response
1:29:10 PM Follow-up
1:30:11 PM Senator Hays
1:30:50 PM Senator Braynon for a response
1:32:14 PM Senator Hukill
1:33:32 PM Follow up
1:33:46 PM Public Testimony
1:33:52 PM Jarrod Fowler waives in support
1:33:57 PM David Poole AIDS Healthcare Foundation
1:36:20 PM Brian Pitts, Justice-2-Jesus

1:37:26 PM Senator Abruzzo for a question
1:37:51 PM Brian Pitts continues
1:39:19 PM Jess McCarty waives in support
1:39:26 PM Ron Watson waives in support
1:39:39 PM Dr. Tookes, Jackson Memorial Hospital
1:42:17 PM Senator Clemmons for a question
1:42:31 PM Dr. Tookes for a response
1:42:59 PM Senator Hukill for a question
1:43:53 PM Senator Hays for a question
1:44:23 PM Dr. Tookes for a response
1:45:00 PM Senator Clemmons for a follow-up
1:45:12 PM Dr. Tookes for a response
1:45:28 PM Debate?
1:45:30 PM Senator Stargel
1:46:41 PM Senator Bean
1:48:27 PM Senator Hays
1:50:28 PM Senator Abruzzo
1:52:23 PM Senator Braynon to close
1:54:55 PM CS/CS/SB 242 reported favorably
1:55:18 PM Tab 3--SB 238 by Senator Grimsley
1:56:12 PM Brian Pitts, Justice-2-Jesus
1:58:03 PM SB 238 is reported favorably
1:58:25 PM Tab 6--SB 450 by Senator Grimsley
1:59:20 PM Tad Fisher waives in support
1:59:27 PM SB 450 is reported favorably
1:59:50 PM Tab 7--SB 530 by Senator Sobel
2:01:02 PM Appearance cards
2:01:06 PM Brian Pitts, Justice-2-Jesus
2:02:36 PM Jess McCarty waives in support
2:02:46 PM Bruce Kershner waives
2:02:55 PM Jennifer Hatfield waives
2:03:06 PM SB 530 is reported favorably
2:03:25 PM Senator Hays moves we rise



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Regulated Industries, *Vice Chair*
Appropriations
Appropriations Subcommittee on General Government
Banking and Insurance
Finance and Tax
Fiscal Policy

SENATOR GWEN MARGOLIS

35th District

December 3, 2015

Senator Anitere Flores, Chairman
Senate Committee on Fiscal Policy
Suite 413 Senate Office Building
Tallahassee, Florida 32399-1100

Dear Chair Flores:

Please excuse my absence from the Fiscal Policy Committee meeting being held on Thursday, December 3, 2015. Unfortunately, due to circumstances beyond my control, I have had to return immediately to the district and am unable to attend.

Your favorable consideration of my request is very much appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Margolis".

State Senator Gwen Margolis
District 35

Handwritten initials, possibly "AM", in a stylized cursive font.

cc: Ms. Jennifer Hrdlicka

REPLY TO:

- 3050 Biscayne Boulevard, Suite 600, Miami, Florida 33137 (305) 571-5777
- 414 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5035

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Regulated Industries, *Chair*
Fiscal Policy, *Vice Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Communications, Energy, and Public Utilities
Community Affairs
Criminal Justice
Reapportionment

JOINT COMMITTEES:
Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

SENATOR ROB BRADLEY

7th District

MEMORANDUM

To: Senator Anitere Flores, Chair

From: Senator Rob Bradley

A handwritten signature in black ink, appearing to read "Rob Bradley".

Subject: Excused Absence

Date: December 3, 2015

Due to bill presentations in the Senate Rules Committee, I was unable to attend the Senate Committee on Fiscal Policy meeting on December 3, 2015.

I would be most grateful to you for excusing my absence from this Committee meeting.

Thanks so very much for granting my request.

Handwritten initials "AF" in black ink.

Cc: Ms. Jennifer Hrdlicka
Staff Director

REPLY TO:

- 2233 Park Avenue, Suite 303, Orange Park, Florida 32073 (904) 278-2085
- 208 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5007

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Higher Education, *Vice Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Communications, Energy, and Public Utilities
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Regulated Industries

SENATOR MARIA LORTS SACHS

Deputy Democratic Whip
34th District

December 2, 2015

Senator Anitere Flores, Chair
Committee on Fiscal Policy
225 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Flores,

I will not be able to attend the Committee on Fiscal Policy meeting taking place on December 3, 2015 as I have a personal commitment.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Maria Sachs".

Handwritten initials, possibly "MS", in a stylized cursive font.

Senator Maria Sachs
District 34

REPLY TO:

- Delray Beach City Hall, 100 NW 1st Avenue, Delray Beach, Florida 33444 (561) 279-1427 FAX: (561) 279-1429
- 216 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5034

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore