

**Tab 1 CS/SB 114 by TR, Montford; (Compare to H 0349) Transportation Facility Designations**

384912	A	S	RCS	FP, Bradley	Delete L.85 - 88.	02/10 02:04 PM
714176	A	S	RCS	FP, Sachs	Delete L.110 - 115.	02/10 02:04 PM
770408	A	S	RCS	FP, Bradley	btw L.118 - 119:	02/10 02:04 PM
196828	A	S	RCS	FP, Clemens	btw L.118 - 119:	02/10 02:04 PM

**Tab 2 CS/CS/SB 514 by CA, EE, Richter; (Identical to CS/CS/H 0355) Supervisor of Elections Salaries**

**Tab 3 CS/SB 826 by CA, Latvala; (Similar to CS/H 0743) Mobile Homes**

189590	A	S	RCS	FP, Abruzzo	Delete L.138:	02/10 02:04 PM
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**Tab 4 CS/SB 1046 by TR, Hutson; (Identical to CS/H 0411) Farm Vehicles**

**Tab 5 SB 1066 by Margolis; (Compare to CS/1ST ENG/H 7063) Anatomical Gifts**

491260	PCS	S	RCS	FP, ATD		02/10 02:04 PM
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**Tab 6 CS/SB 1174 by CA, Diaz de la Portilla; (Similar to CS/H 0885) Residential Facilities**

**Tab 7 SB 7036 by GO; School District Purchasing**

163570	PCS	S		FP, AED		02/02 11:51 AM
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**FISCAL POLICY**  
**Senator Flores, Chair**  
**Senator Bradley, Vice Chair**

**MEETING DATE:** Wednesday, February 10, 2016  
**TIME:** 10:30 a.m.—12:00 noon  
**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	<b>CS/SB 114</b> Transportation / Montford (Compare H 349, H 7083, S 254, S 272, S 280, S 464, S 502, S 610, S 926, S 928, S 1090)	Transportation Facility Designations; Providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; revising the name of an honorary designation of a transportation facility in a specified county, etc.  TR 02/04/2016 Fav/CS FP 02/10/2016 Fav/CS	Fav/CS Yeas 11 Nays 0
2	<b>CS/CS/SB 514</b> Community Affairs / Ethics and Elections / Richter (Identical CS/CS/H 355)	Supervisor of Elections Salaries; Revising the base salaries and group rates used to calculate additional compensation for a supervisor of elections based on population increments, etc.  EE 11/17/2015 Fav/CS CA 01/11/2016 Fav/CS FP 02/10/2016 Favorable	Favorable Yeas 10 Nays 0
3	<b>CS/SB 826</b> Community Affairs / Latvala (Similar CS/H 743)	Mobile Homes; Revising certain notice requirements for written complaints; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt rules to implement board member training requirements; authorizing a mobile home park owner to pass on non-ad valorem assessments to a tenant under certain circumstances; authorizing a mobile home purchaser to cancel or rescind the contract to purchase under certain circumstances, etc.  RI 01/13/2016 Favorable CA 01/26/2016 Fav/CS FP 02/10/2016 Fav/CS	Fav/CS Yeas 11 Nays 0
4	<b>CS/SB 1046</b> Transportation / Hutson (Identical CS/H 411)	Farm Vehicles; Defining the term "covered farm vehicle" for purposes of the Florida Uniform Traffic Control Law; exempting the driver of a covered farm vehicle from commercial driver license requirements, etc.  TR 01/20/2016 Fav/CS ATD 01/28/2016 Favorable FP 02/10/2016 Favorable	Favorable Yeas 11 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Fiscal Policy

Wednesday, February 10, 2016, 10:30 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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With subcommittee recommendation – Transportation, Tourism, and Economic Development

**A proposed committee substitute** for the following bill (SB 1066) is available:

5	<b>SB 1066</b> Margolis (Compare CS/H 7063)	Anatomical Gifts; Requiring the Department of Highway Safety and Motor Vehicles to maintain an integrated website link to the organ donation registry; requiring the department to establish a procedure to confirm electronically that persons transacting driver license services at a department office or facility have been informed that they may become organ donors; providing applicability, etc.  TR 01/14/2016 Favorable ATD 01/21/2016 Fav/CS FP 02/10/2016 Fav/CS	Fav/CS Yeas 11 Nays 0
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With subcommittee recommendation – Transportation, Tourism, and Economic Development

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6	<b>CS/SB 1174</b> Community Affairs / Diaz de la Portilla (Similar CS/H 885)	Residential Facilities; Specifying applicability of siting requirements for community residential homes; providing applicability with respect to local land use and zoning, etc.  CA 01/26/2016 Fav/CS CF 02/04/2016 Favorable FP 02/10/2016 Favorable	Favorable Yeas 11 Nays 0
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**A proposed committee substitute** for the following bill (SB 7036) is available:

7	<b>SB 7036</b> Governmental Oversight and Accountability	School District Purchasing; Requiring each district school board to use certain agreements and contracts for purchasing nonacademic commodities and contractual services under certain circumstances; requiring a district school board to post a written justification for certain determinations on the board's website, etc.  AED 01/21/2016 Temporarily Postponed AED 01/28/2016 Fav/CS FP 02/10/2016 Not Considered	Not Considered
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With subcommittee recommendation – Education

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Other Related Meeting Documents

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**COMMITTEE MEETING EXPANDED AGENDA**

Fiscal Policy

Wednesday, February 10, 2016, 10:30 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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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](http://www.flsenate.gov).

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**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.)

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

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BILL: CS/CS/SB 114

INTRODUCER: Fiscal Policy Committee; Transportation Committee; and Senator Montford

SUBJECT: Transportation Facility Designations

DATE: February 10, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	<u>Fav/CS</u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 114 creates 31 honorary designations of transportation facilities around the state and directs the Florida Department of Transportation to erect suitable markers designating the transportation facilities. The bill also amends two previously enacted designations.

The expected fiscal impact to erect the designation markers required under the bill is \$33,000.

**II. Present Situation:**

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

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<sup>1</sup> Section 334.071(1), F.S.

<sup>2</sup> Section 334.071(2), F.S.

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.<sup>3</sup>

### **III. Effect of Proposed Changes:**

**Section 1** of the bill creates the following 31 honorary transportation facility designations around the state and directs the FDOT to erect suitable markers for each of the designations:

#### **Private First Class Joey Moody Bridge**

Upon completion of replacement construction, bridge No. 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County is designated as “Private First Class Joey Moody Bridge.”

Private First Class Joey Moody grew up in Shady Grove on the Econfina River. He attended Shady Grove Grammar School and graduated from Taylor County High School before attending the University of Florida. On June 21, 1952, PFC Moody, serving in Korea, was one of three men sent into enemy fire to repair a crucial communications line and lost his life when a mortar round exploded. He was posthumously awarded the National Defense Service Medal, the Korean Combat Medal, the Korean Battle Medal, and the Purple Heart.

#### **Corporal Joseph R. Bertrand Memorial Highway**

The portion of S.R. 80 between Hickey Creek Road and Carter Lane in Lee County is designated as “Corporal Joseph R. Bertrand Memorial Highway.”

Corporal Joseph R. Bertrand was a member of the Florida Highway Patrol who served the citizens of Florida for 16 years. On December 22, 1967, Corporal Bertrand was shot and killed while conducting a driving-under-the-influence investigation on State Road 80 in Fort Myers, Florida.

#### **Lieutenant Benedict J. Thomas Memorial Highway**

The portion of Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County is designated as “Lieutenant Benedict J. Thomas Memorial Highway.”

Lieutenant Benedict J. Thomas was a member of the Florida Highway Patrol who served the citizens of Florida for 11 years. On June 9, 1989, Lieutenant Thomas was struck and killed by a passing car while walking back to his vehicle after investigating an abandoned vehicle on Interstate 75 in Tampa, Florida.

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<sup>3</sup> Section 334.071(3), F.S.

**Trooper Patrick Ambroise Memorial Highway**

The portion of the Homestead Extension of the Florida Turnpike/S.R. 821 between mile marker 34 and mile marker 36 in Miami-Dade County is designated as “Trooper Patrick Ambroise Memorial Highway.”

Trooper Patrick Ambroise was a member of the Florida Highway Patrol who served the citizens of Florida for four years. On May 15, 2010, while parked in his patrol vehicle on the shoulder of northbound State Road 821, a passing vehicle veered onto the paved emergency shoulder and struck the left rear section of the patrol vehicle, killing Trooper Ambroise.

**SP4 Robert Clifford Millender Memorial Highway**

The portion of U.S. 98/S.R.30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County is designated as “SP4 Robert Clifford Millender Memorial Highway.”

SP4 Robert Clifford Millender was inducted into the United States Army on August 7, 1968. After boot camp training, he was transferred to Vietnam, where he served for two months before being injured in a land mine explosion. He was cared for at Walter Reed General Hospital and was discharged from the Army on July 22, 1969. SP4 Millender died of his war-related injuries on January 14, 1970. He received the Purple Heart, the National Defense Service Medal, and the Vietnam Service Medal.

**Lauren F. Book Boulevard**

The portion of U.S. 1/S.R. 5/N. Federal Highway between S.R. 842/Broward Boulevard and S.R. 838/Sunrise Boulevard in Broward County is designated as “Lauren F. Book Boulevard.”

Lauren F. Book is the founder and Chief Executive Officer of Lauren’s Kids. Lauren’s Kids educates adults and children about sexual abuse prevention through in-school curricula, awareness campaigns, and speaking engagements around the country and the world. The organization also leads an annual, statewide awareness walk, called “Walk in My Shoes,” and provides more than seven million education and awareness materials statewide through direct mail every year.

**C.K. Steele Memorial Highway**

The portion of S.R. 371/373/Orange Avenue between S.R. 263/Capital Circle and S.R. 61/Monroe Street in Leon County is designated as “C.K. Steele Memorial Highway.”

In 1956, 38 year-old C.K. Steele moved to Tallahassee where he served as minister at the Bethel Baptist Church until his death in 1980. He organized a bus boycott in Tallahassee in 1956 after two black college students were arrested for sitting in the “whites only” section of a city bus, which led to the successful integration of bus service in the community. He also worked to integrate Tallahassee’s schools, restaurants, theaters, and other public facilities. He became a national figure in the civil rights movement, helping to organize the Southern Christian

Leadership Conference and serving as its vice-president. He participated in many national civil rights protests, including the famous march in Selma, Alabama.

### **Danny A. Pino Way**

The portion of U.S. 90/S.R. 10 between N. Woodward Avenue and Wadsworth Street in Leon County is designated as “Danny A. Pino Way.”

Danny A. Pino was born in Miami-Dade County in 1995 and aspired to serving his country and becoming a professional baseball player. After playing baseball for the United States Merchant Marine Academy, Danny returned home to study at Florida International University, where he joined the ROTC and received his uniform on September 11, 2014. Danny was struck by a car while visiting Tallahassee and passed away on September 28, 2014. His final act was the donation of his organs to two boys, ages 7 and 12, and a 63-year-old man.

### **Emmitt G. Coakley Memorial Highway**

The portion of U.S. 1/S.R. 15 between 5th Avenue and C.R. 108 in Nassau County is designated as “Emmitt G. Coakley Memorial Highway.”

Emmitt G. Coakley was a teacher, mentor, and principal in Nassau County who retired after 30 years of service. He returned as a substitute teacher for an additional 23 years. He served his community in many ways, including 30 years on the Nassau County Planning and Zoning Board and nine years on the Conditional Use and Variance Board. He was an active member of the Retired Teachers’ Association of Nassau County, Chairman of the Deacon Ministry of Second Baptist Church, and served his country as a member of the United States Army.

### **Potter’s Field Memorial Highway**

The portion of Interstate 95/S.R. 9 between W. Broward Boulevard/S.R. 842 and W. Sunrise Boulevard/S.R. 838 in Broward County is designated as “Potter’s Field Memorial Highway.”

In May of 2015, a news article reported that at least 65 bodies buried are beside Interstate 95 near Sunrise Boulevard in Broward County and that some unmarked graves may have been paved over when the highway was originally built. The article reports in part:

The graves are in a potter’s field that was part of the five-acre Woodlawn Cemetery, established in the 1920s because blacks during segregation were not allowed to bury their loved ones in the main cemeteries. The state now owns some of that land, which it uses as a right-of-way for the highway. Only a chain-link fence separates the neglected, decaying markers from the road... The cemetery is eligible for listing with the National Register of Historic Places.

The article quotes a county commissioner: “We need to ensure that there is some memorialization of what is there, a historic site that means a lot to a lot of people.”<sup>4</sup>

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<sup>4</sup> See The SunSentinel, *Did the State Pave Over Graves to Build I-95?*, (May 24, 2015) available at: <http://www.sun-sentinel.com/local/broward/fl-95-woodlawn-cemetery-20150524-story.html> (last visited Feb. 5, 2016).



### **Purple Heart Trail**

The portion of S.R. 60 between the Hillsborough County line and Mandalay Avenue in Pinellas County is designated as “Purple Heart Trail.”

According to the Purple Heart website:

The purpose of the Purple Heart Trail is to create a symbolic and honorary system of roads, highways, bridges, and other monuments that give tribute to the men and women who have been awarded the Purple Heart medal... Signs placed at various locations annotate those roads and highways where legislation has been passed to designate parts of the national road system as “The Purple Heart Trail.”<sup>5</sup>

### **Elizabeth Inez and Elijah Davis Highway**

The portion of S.R. 35/N.E. 58th Avenue between C.R. 314/N.E. 7th Street and S.E. 20th Street in Marion County is designated as “Elizabeth Inez and Elijah Davis Highway.”

Elizabeth Inez Davis was a devoted children’s advocate and community leader in the Ocala area. She founded the Mount Canaan Community Youth Center. Ms. Davis passed away on December 6, 2002. Elijah Davis volunteered for over 60 years at the Mount Canaan Community Youth Center and still volunteers at the age of 102.<sup>6</sup>

### **Mary Ellen Hawkins Street**

The portion of Golden Gate Parkway between U.S. 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County is designated as “Mary Ellen Hawkins Street.”

Mary Ellen Hawkins was Collier County’s first female state representative. She served in the Florida House of Representatives from 1974 to 1994 and subsequently remained active in promoting and improving her community.

### **Col. William W. Wood Memorial Highway**

The portion of S.R. 368 between U.S. 98/S.R. 30 and S.R. 390 in Bay County is designated as “Col. William W. Wood Memorial Highway.”

Col. William W. Wood was a regular United States Army Soldier assigned to the Army National Guard’s 1<sup>st</sup> Battalion, 184th Infantry Regiment. He was a Lt. Colonel while directing security operations following an explosion when another bomb went off in Baghdad, Iraq. He died on October 27, 2005, leaving his wife and daughter, and was posthumously promoted to Colonel.

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<sup>5</sup> See The Military Order of the Purple Heart, *Purple Heart Trail Program*, available at: <http://www.purpleheart.org/PHTrail/> (last visited Feb. 5, 2016).

<sup>6</sup> See Ocala.com, *Siblings Want Road Named for 101-year-old Dad, Late Mom*, (March 21, 2105) available at: <http://www.ocala.com/article/20150321/articles/150329938> (last visited Feb. 5, 2016).

**Deputy Scott Pine Way**

The portion of C.R. 435/Apopka Vineland Road between Old Winter Garden Road and C.R. 439/Conroy-Windermere Road in Orange County is designated as “Deputy Scott Pine Way.”

Deputy Scott Pine took his oath as Deputy Sheriff on May 23, 2011, promising to protect and defend the citizens of Orange County. He was named the Deputy of the Month in 2014 and was encouraged to assist and mentor new assigned deputies. On February 11, 2014, Deputy Pine was working patrol on the midnight shift when he responded to a call of vehicle burglary. Upon arrival at the scene, Deputy Pine gave chase to a suspect, and the suspect shot Deputy Pine. He succumbed to his injuries, leaving his wife and three young children.

**Pat Frank Road**

The portion of East Street between E. Twiggs Street and U.S. 41B/S.R. 60/E. Kennedy Boulevard in Hillsborough County is designated as “Pat Frank Road.”

A former chair of the Hillsborough County Board of County Commissioners, and, currently, the Hillsborough County Clerk of the Circuit Court, Pat Frank is noted for her distinguished career in public service. Starting with her election to the Hillsborough County School Board which she later chaired, voters then sent her to the Florida House of Representatives, followed by the Florida Senate for a decade. Lauded for her legislative service, she was the first woman to receive recognition as a House “Most Effective First Term Member” and, later, as “Most Respected Senator,” and has received over 50 awards for her public service and volunteer activities.

**Sandra Warshaw Freedman Street**

The portion of N. Franklin Street between E. Twiggs Street and U.S. 41B/S.R. 60/E. Kennedy Boulevard in Hillsborough County is designated as “Sandra Warshaw Freedman Street.”

On July 16, 1986, Sandra Warshaw Freedman became Tampa’s first woman mayor and broke a glass ceiling by appointing many minorities and women to top management positions in city government. She also organized Tampa’s first march against hate crimes and banned city employees from using racist, sexist, and religious slurs.

**Helen Gordon Davis Boulevard**

The portion of Davis Boulevard between Adalia Avenue and Adriatic Avenue in Hillsborough County is designated as “Helen Gordon Davis Boulevard.”

Helen Gordon Davis was born in New York City and moved to Tampa in 1948. In 1952, she was the first white woman in Florida to join the NAACP. Ms. Davis founded Florida’s first women’s center in 1971, and in 1974, she was the first woman elected from Hillsborough County to the Florida House of Representatives. She was reelected for six consecutive terms and, in 1988, was elected to the Florida Senate. Ms. Davis served as a Florida legislator for almost two decades and she championed the civil rights of women and minorities.

**Francisco Rodriguez Avenue**

The portion of N. Willow Avenue between W. Cypress Street and W. Cass Street in Hillsborough County is designated as “Francisco Rodriguez Avenue.”

The son of a Cuban cigar maker, Francisco Rodriguez was a key organizer in the civil rights movement in the late 1950’s. Prior to becoming a prominent civil rights attorney, Mr. Rodriguez was a school teacher and a U.S. Marine, barred from officer training because of his skin color (though he still applied). He later became a leader with the NAACP and led the fight in the courts to end segregation in Hillsborough County’s schools, parks, and other public facilities.

**Olympian Theresa Manuel Way**

The portion of N. Garcia Avenue between W. Palm Avenue and W. Ross Avenue in Hillsborough County is designated as “Olympian Theresa Manuel Way.”

Theresa Manuel was a National AAU Junior 80-meter hurdles champion and was a member of the junior 400-meter relay team that won the championship. She won the National AAU senior 50-meter hurdles championship in which she set a new indoor record in Chicago on April 24, 1948. She was a member of the United States 1948 Olympic Team.

**Vyrle Davis Avenue**

The portion of U.S. 19A/S.R. 595/5th Avenue N. between 25th Street N. and 28th Street N. in Pinellas County is designated as “Vyrle Davis Avenue.”

Vyrle Davis was St. Petersburg High School’s first black principal, later becoming the county’s first black area superintendent. He founded the Ebony Scholars program in 1984, which has awarded high-achieving black students more than \$500,000 in scholarships. He founded COQUEB and AVEREC, which advocate for quality education of black students and voter education, respectively.

**Lee Klein Way**

The portion of S.R. 973/87th Avenue between S.R. 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County is designated as “Lee Klein Way.”

Lee Klein began her career as a volunteer charity worker for children’s causes in 1956 and, in 1965, founded what is now known as the Children’s Cancer Caring Center. Ms. Klein serves as the Chief Executive Officer, Chairman of the Board, and Patient Program Director of the Center. She has received numerous awards for her work on behalf of children with cancer.

**Sergeant Marvin L. Roberts Memorial Highway**

The portion of S.R. 19 between S.R. 50 and C.R. 478/Cherry Lake Road in Lake County is designated as “Sergeant Marvin L. Roberts Memorial Highway.”

Sergeant Roberts graduated in 1942 from Groveland High School in Groveland, Florida. He married his high school sweetheart before enlisting in the United States Army in February 1943. He lost his life fighting in the Battle of the Bulge on January 15, 1945. He was honored with the Invasion Bronze Arrow-Head, Bronze Star, two Presidential Unit Citations, and the Purple Heart, among other recognitions.

### **John Jacob ‘JJ’ Curry Memorial Highway**

The portion of U.S. 17/S.R. 15 between Golden Hills Boulevard and Lake Winona Road in Volusia County is designated as “John Jacob ‘JJ’ Curry Memorial Highway.”

John Jacob “JJ” Curry was a 30 year old firefighter in Volusia County, having received his Emergency Medical Technician certification in March of 2006 and completed his Certificate of Compliance in Fire Standards and Training in September of 2006. Firefighters were practicing with chainsaws on November 27, 2007, when a tree fell on him. Emergency responders were unable to save him. Married and the father of two, he had been a member of the fire department for just 10 months.

### **Nona and Popa Road**

The portion of the San Juan Street Extension in Anastasia State Park between Santander Street and Park Road in St. Johns County is designated as “Nona and Popa Road.”

This designation is in honor of all grandmothers and grandfathers who take grandchildren to state parks.

### **Irene U. Hooper Memorial Bridges**

The pair of bridges (Nos. 900110 and 900111) over Pine Channel on U.S. 1/S.R. 5 in Monroe County are designated as the “Irene U. Hooper Memorial Bridges.”

In 1966, Irene U. Hooper began her life-long leadership and service career by developing “Seacamp,” a year round, non-profit marine science camp and educational facility located on Big Pine Key. Today, campers 12 – 17 years old continue to enjoy numerous activities in marine science education. From 1968 to 1971, she successfully spearheaded the effort to earn an aquatic preserve designation for Coupon Bight in the Florida Keys. Over the years, her leadership and service earned her numerous recognitions, including the national Take Pride in America Award in 1986, the Florida Governor’s Environmental Education Award in 1993, and the League of Environmental Educators in Florida Founders Award for Education Leadership in 1996.

### **Stanley G. Tate Boulevard**

The portion of S.R. 922 from N.E. 10th Avenue E. to the North Miami city limits in Miami-Dade County is designated as “Stanley G. Tate Boulevard.”

Stanley G. Tate has been a North Miami business owner for over 30 years. He has been actively involved in both civic and charitable organizations and devoted extensive time to service on

various boards and organizations. He has been honored multiple times for his service, including the Arete Award for Volunteer Advocate of the Year.

### **Robert L. Shevin Memorial Boulevard**

The portion of Miami Avenue between N.E. 5th Street and U.S. 41/S.R. 90/S.E. 7th Street in Miami-Dade County is designated as “Robert L. Shevin Memorial Boulevard.”

Robert L. Shevin was elected to the Florida House of Representatives in 1964 and served in the Florida Senate from 1966 to 1970. He served as Florida’s Attorney General from 1971-1979. In 1996, Governor Lawton Chiles appointed him to the Third District Court of Appeal, where he served with distinction until early 2005. He passed away on July 11, 2005.

### **Joe C. Peavy Highway**

The portion of S.R. 53 from U.S. 90 to the Georgia state line in Madison County is designated as “Joe C. Peavy Highway.”

Joe. C. Peavy served as Madison County Sheriff from 1968 until 1996.

### **Senator Paul B. Steinberg Bridge**

Bridge No. 870054 on S.R. 112/W. 41st Street/Arthur Godfrey Rd. in Miami Beach is designated as the “Senator Paul B. Steinberg Bridge.”

Senator Steinberg served in the Florida House of Representatives from 1972-1978 and in the Florida Senate from 1978-1982. Mr. Steinberg’s law office has been adjacent to the bridge for over 30 years.

### **Dr. Pat’s Alley**

The northbound terminus of S.R. 30-A at E. U.S. 98/S.R. 30 in Gulf County is designated as “Dr. Pat’s Alley.”

Dr. Pat Hardman is recognized by Gulf County as a knowledgeable and valuable contributor of input into county operations, resulting in numerous positive impacts for Gulf County citizens. She has served on many committees and advisory boards over the years at the request of the county. Dr. Hardman is said to be responsible for initiating the northern egress lane of State Road 30-A at U.S. 98.

**Section 2** of the bill revises a previously enacted designation, the “Broad Causeway Boulevard” in Miami-Dade County, to the “Shepard Broad Causeway.” The Broad Causeway was designated in honor of Shepard Broad, the founder of Bay Harbor Islands. The Town of Bay Harbor Islands and the Miami-Dade County Commission have requested the designation be revised to reflect his full name.

**Section 3** of the bill also revises a previously enacted designation, “Larcenia Bullard Way,” to “Senator Larcenia J. Bullard Way,” in honor of the late Senator Larcenia J. Bullard.

**Section 4** provides that the bill takes effect on 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:

None.

C. Government Sector Impact:

The estimated cost to erect or revise the designation markers required under this bill is \$33,000. According to the FDOT, two markers are required for each designation, including the revised signs, for a total of 66 signs at a cost of no less than \$500 each. The estimate includes sign fabrication, installation, and maintenance over time, as well as revising the text on the signs for the 2 amended designations, but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.<sup>7</sup>

**VI. Technical Deficiencies:**

None.

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<sup>7</sup> FDOT, *SB 114 2016 Legislative Bill Analysis* (Aug. 17, 2015) (on file with the Senate Fiscal Policy Committee).

**VII. Related Issues:**

The FDOT advises the following designations are not located on the State Highway System:

- Mary Ellen Hawkins Street;
- Deputy Scott Pine Way;
- Pat Frank Road;
- Sandra Warshaw Freedman Street;
- Helen Gordon Davis Boulevard;
- Francisco Rodriguez Avenue;
- Olympian Theresa Manuel Way;
- Nona and Popa Road; and
- Robert L. Shevin Memorial Boulevard.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida law.

This bill amends section 1 of chapter 26497, Laws of Florida (1951) and section 1 of chapter 2014-228, Laws of Florida.

**IX. Additional Information:**

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

**CS/CS by Fiscal Policy on February 10, 2016:**

The committee substitute:

- Deletes a duplicate designation;
- Deletes the designation of “Murray Kalish Way” in Palm Beach County;
- Deletes the designations of “Andre Fladell Avenue” in Palm Beach County;
- Adds a designation for “Dr. Pat’s Alley” in Gulf County; and
- Adds a designation for “Senator Paul B. Steinberg Bridge” in Miami Beach.

**CS by Transportation on February 4, 2016:**

The CS adds three designations:

- “Murray Kalish Way” in Palm Beach County.
- “Andre Fladell Avenue” in Palm Beach County.
- “Joe C. Peavy Highway” in Madison County.

- B. **Amendments:**

None.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
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	.	
	.	

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

- 1     **Senate Amendment**
- 2
- 3     Delete lines 85 - 88.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
	.	
	.	
	.	

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

- 1     **Senate Amendment**
- 2
- 3     Delete lines 110 - 115.





770408

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
	.	
	.	
	.	

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

1       **Senate Amendment**  
2  
3       Between lines 118 and 119  
4 insert:  
5       (33) The northbound terminus of S.R. 30-A at East U.S.  
6       98/S.R. 30 in Gulf County is designated as "Dr. Pat's Alley."



196828

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
	.	
	.	
	.	

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

1       **Senate Amendment**  
2  
3       Between lines 118 and 119  
4 insert:  
5       (33) Bridge number 870054 on S.R. 112/W. 41st Street/Arthur  
6       Godfrey Road in Miami Beach is designated as the "Senator Paul  
7       B. Steinberg Bridge."

By the Committee on Transportation; and Senator Montford

596-03038-16

2016114c1

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; amending chapter 26497, Laws of Florida, 1951; revising the name of an honorary designation of a transportation facility in a specified county; amending chapter 2014-228, Laws of Florida; revising the name of an honorary designation of a transportation facility in a specified county; providing an effective date.

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

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.-

(1) Upon completion of replacement construction, bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County is designated as "Private First Class Joey Moody Bridge."

(2) That portion of S.R. 80 between Hickey Creek Road and Carter Lane in Lee County is designated as "Corporal Joseph R. Bertrand Memorial Highway."

(3) That portion of Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County is designated as "Lieutenant Benedict J. Thomas Memorial Highway."

(4) That portion of the Homestead Extension of the Florida Turnpike/S.R. 821 between mile marker 34 and mile marker 36 in Miami-Dade County is designated as "Trooper Patrick Ambrose Memorial Highway."

(5) That portion of U.S. 98/S.R. 30 between Ryan Drive/W.

Page 1 of 5

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

596-03038-16

2016114c1

11th Street and N.E./S.E. 12th Street in Franklin County is designated as "SP4 Robert Clifford Millender Memorial Highway."

(6) That portion of U.S. 1/S.R. 5/N. Federal Highway between S.R. 842/Broward Boulevard and S.R. 838/Sunrise Boulevard in Broward County is designated as "Lauren F. Book Boulevard."

(7) That portion of S.R. 371/373/Orange Avenue between S.R. 263/Capital Circle and S.R. 61/Monroe Street in Leon County is designated as "C.K. Steele Memorial Highway."

(8) That portion of U.S. 90/S.R. 10 between N. Woodward Avenue and Wadsworth Street in Leon County is designated as "Danny A. Pino Way."

(9) That portion of U.S. 1/S.R. 15 between 5th Avenue and C.R. 108 in Nassau County is designated as "Emmitt G. Coakley Memorial Highway."

(10) That portion of Interstate 95/S.R. 9 between West Broward Boulevard/S.R. 842 and West Sunrise Boulevard/S.R. 838 in Broward County is designated as "Potter's Field Memorial Highway."

(11) That portion of S.R. Road 60 between the Hillsborough County line and Mandalay Avenue in Pinellas County is designated as "Purple Heart Trail."

(12) That portion of S.R. 35/N.E. 58th Avenue between C.R. 314/N.E. 7th Street and S.E. 20th Street in Marion County is designated as "Elizabeth Inez and Elijah Davis Highway."

(13) That portion of Golden Gate Parkway between U.S. 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County is designated as "Mary Ellen Hawkins Street."

(14) That portion of S.R. 368 between U.S. 98/S.R. 30 and

Page 2 of 5

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

596-03038-16 2016114c1

62 S.R. 390 in Bay County is designated as "Col. William W. Wood  
63 Memorial Highway."

64 (15) That portion of C.R. 435/Apopka Vineland Road between  
65 Old Winter Garden Road and C.R. 439/Conroy-Windermere Road in  
66 Orange County is designated as "Deputy Scott Pine Way."

67 (16) That portion of East Street between E. Twiggs Street  
68 and U.S. 41B/S.R. 60/E. Kennedy Boulevard in Hillsborough County  
69 is designated as "Pat Frank Road."

70 (17) That portion of N. Franklin Street between E. Twiggs  
71 Street and U.S. 41B/S.R. 60/E. Kennedy Boulevard in Hillsborough  
72 County is designated as "Sandra Warshaw Freedman Street."

73 (18) That portion of Davis Boulevard between Adalia Avenue  
74 and Adriatic Avenue in Hillsborough County is designated as  
75 "Helen Gordon Davis Boulevard."

76 (19) That portion of N. Willow Avenue between W. Cypress  
77 Street and W. Cass Street in Hillsborough County is designated  
78 as "Francisco Rodriguez Avenue."

79 (20) That portion of N. Garcia Avenue between W. Palm  
80 Avenue and W. Ross Avenue in Hillsborough County is designated  
81 as "Olympian Theresa Manuel Way."

82 (21) That portion of U.S. 19A/S.R. 595/5th Avenue N.  
83 between 25th Street N. and 28th Street N. in Pinellas County is  
84 designated as "Vyrle Davis Avenue."

85 (22) That portion of the Homestead Extension of the Florida  
86 Turnpike/S.R. 821 between mile marker 34 and mile marker 36 in  
87 Miami-Dade County is designated as "Trooper Patrick Ambrose  
88 Memorial Highway."

89 (23) That portion of S.R. 973/87th Avenue between S.R.  
90 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County is

596-03038-16 2016114c1

91 designated as "Lee Klein Way."

92 (24) That portion of S.R. 19 between S.R. 50 and C.R.  
93 478/Cherry Lake Road in Lake County is designated as "Sergeant  
94 Marvin L. Roberts Memorial Highway."

95 (25) That portion of U.S. 17/S.R. 15 between Golden Hills  
96 Boulevard and Lake Winona Road in Volusia County is designated  
97 as "John Jacob 'JJ' Curry Memorial Highway."

98 (26) That portion of the San Juan Street Extension in  
99 Anastasia State Park between Santander Street and Park Road in  
100 St. Johns County is designated as "Nona and Popa Road."

101 (27) The pair of bridges, bridge numbers 900110 and 900111,  
102 over Pine Channel on U.S. 1/S.R. 5 in Monroe County are  
103 designated as the "Irene U. Hooper Memorial Bridges."

104 (28) That portion of S.R. 922 from N.E. 10th Avenue east to  
105 the North Miami City Limits in Miami-Dade County is designated  
106 as "Stanley G. Tate Boulevard."

107 (29) That portion of Miami Avenue between N.E. 5th Street  
108 and U.S. 41/S.R. 90/S.E. 7th Street in Miami-Dade County is  
109 designated as "Robert L. Shevin Memorial Boulevard."

110 (30) That portion of Atlantic Avenue between Military Trail  
111 and the Florida Turnpike in Palm Beach County is designated as  
112 "Murray Kalish Way."

113 (31) That portion of Atlantic Avenue between Swinton Avenue  
114 and S. Ocean Boulevard in Palm Beach County is designated as  
115 "Andre Fladell Avenue."

116 (32) That portion of S.R. 53 from U.S. 90 to the Georgia  
117 state line in Madison County is designated as "Joe C. Peavy  
118 Highway."

119 (33) The Department of Transportation is directed to erect

596-03038-16

2016114c1

120 suitable markers designating the transportation facilities as  
121 described in this section.

122 Section 2. Section 1 of chapter 26497, Laws of Florida,  
123 1951, is amended to read:

124 Section 1. That the following described route be and the  
125 same is hereby declared, designated and established as a State  
126 Road, forming a part of the connecting system of the State of  
127 Florida, and shall be known as the SHEPARD BROAD CAUSEWAY  
128 ~~BOULEVARD~~.

129 Beginning at the intersection of State Road AIA and 96th  
130 Street in Dade County, Florida, and running in a Westerly  
131 direction, as near as possible in a direct line, through the  
132 Town of Bay Harbor Islands, Florida, across Broad Causeway,  
133 spanning Biscayne Bay, and through the Town of North Miami,  
134 Florida, to the point where such highway shall intersect with  
135 State Road Number 7, along the most practicable and feasible  
136 route to be determined by the State Road Department.

137 Section 3. Section 1 of chapter 2014-228, Laws of Florida,  
138 is amended to read:

139 Section 1. Senator Larcenia J. Bullard Way designated;  
140 Department of Transportation to erect suitable markers.-

141 (1) That portion of S.R. 992/152nd Street between U.S. 1  
142 and 117th Avenue in Miami-Dade County is designated as "Senator  
143 Larcenia J. Bullard Way."

144 (2) The Department of Transportation is directed to erect  
145 suitable markers designating Senator Larcenia J. Bullard Way as  
146 described in subsection (1).

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



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Agriculture, *Chair*  
Appropriations Subcommittee on Education, *Vice Chair*  
Appropriations  
Banking and Insurance  
Education Pre-K - 12  
Rules

**SENATOR BILL MONTFORD**

3rd District

February 5, 2016

Senator Anitere Flores, Chair  
Senate Fiscal Policy Committee  
413 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Flores:

I respectfully request that CS/SB 114 be scheduled for a hearing before the Senate Fiscal Policy Committee. CS/SB 114 relates to the naming of transportation facilities (roads and bridges) around the State.

Your assistance and favorable consideration of my request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William "Bill" Montford  
State Senator, District 3

cc: Jennifer Hrdlicka, Staff Director

WJM/mam

## REPLY TO:

- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

Senate's Website: [www.flsenate.gov](http://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)

2/10/16  
Meeting Date

5114  
Bill Number (if applicable)

Topic Transportation Facilities Designations



Amendment Barcode (if applicable)

Name Mindy Gould

Job Title

Address 18181 NE 31st Court, #409  
Street  
Aventura FL 33160  
City State Zip

Phone 305-439-8979

Email mindygouldpta@aol.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.

**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 514

**INTRODUCER:** Community Affairs Committee; Ethics and Elections Committee; and Senator Richter

**SUBJECT:** Supervisor of Elections Salaries

**DATE:** February 9, 2016

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	<b>Fav/CS</b>
2.	Cochran	Yeatman	CA	<b>Fav/CS</b>
3.	Jones	Hrdlicka	FP	<b>Favorable</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/CS/SB 514 addresses the base salaries and group rates used to calculate the salary of Florida's supervisors of elections. A supervisor's salary is determined by the size of the population served. This bill makes the base salaries and group rates used to calculate a supervisor's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, property appraisers, and tax collectors.

The Office of Economic and Demographic Research has indicated that the statewide total would be \$1.2 million in salary increases, which averages to an \$18,540 increase per county. The average percentage increase in salary is estimated at 18.7 percent.

**II. Present Situation:**

**Supervisor of Elections**

The supervisor of elections (supervisor) is a county office created by the Florida Constitution.<sup>1</sup> The specific duties and responsibilities of the office are defined in ch. 98, F.S. (Registration Office, Officers, and Procedures).<sup>2</sup> The supervisor is responsible for administering all elections in their respective counties, conducting voter registration, voter education, issuing voter

---

<sup>1</sup> Article VIII, s. 1(d), Fla. Const. The other county constitutional officers are the sheriff, tax collector, property appraiser, and clerk of the circuit court.

<sup>2</sup> Chapter 98, F.S.

information cards, providing absentee voting, maintaining election equipment, hiring and training election workers, renting and equipping polling places, providing information and statistics on voter registration, voting and elections, qualifying candidates for office, and receiving campaign finance reports.<sup>3</sup>

### **Compensation of County Officials**

The practice of determining the compensation of Florida's county constitutional officers by state law was sanctioned by the Constitution of 1885, and has been maintained since the 1986 constitutional revision.<sup>4</sup> The current system applies to all officials, except for those whose salary is set by a county home rule charter and officials of counties with a chartered consolidated form of government (Duval County).<sup>5</sup>

The salaries of county elected officials are funded at the county level by a resolution of the board of county commissioners with concurrence of the elected official involved.<sup>6</sup> This resolution remains in effect for the official's current term of office, but may be rescinded at the end of each fiscal year by an agreement between the official and the board of county commissioners.<sup>7</sup> The payment of the official's salary comes from the budget for his or her office, but the county is liable for paying the officer's salary from the general revenue fund if the budget for the office is insufficient.<sup>8</sup> If this occurs, the county must notify the Department of Financial Services and the deficiency is listed in the comptroller's annual report of county finances and county fee officers.<sup>9</sup>

The final salary paid to each county constitutional officer is determined by the product of the salary rate calculated from the relevant section of ch. 145, F.S., the annual factor, the cumulative annual factor, and the initial factor.<sup>10</sup> The annual factor and the cumulative annual factor are certified each year by the Department of Management Services.<sup>11</sup> Each constitutional officer is eligible for an additional \$2,000 per year if that officer meets the certification requirement applicable to the office.<sup>12</sup>

The salary of a supervisor is established pursuant to a formula in s. 145.09, F.S. This formula has not been changed since 1988.<sup>13</sup> Six population groups are each assigned a base salary; then, a group rate is established for each population group. The group rate is additional compensation for each additional person above the minimum population for that population group. The salary of a supervisor is the base salary for his or her population group plus the group rate adjustment.<sup>14</sup>

---

<sup>3</sup> Florida State Association of Supervisors of Elections, About Us, Who We Are, *Membership and Officers*, available at <http://www.myfloridaelections.com/About-Us/Who-We-Are/Membership-and-Officers> (last visited February 5, 2016).

<sup>4</sup> Article II, s. 5, Fla. Const.

<sup>5</sup> The Florida Legislature's Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2015-16*, (October 2015), page 1, available at <http://edr.state.fl.us/Content/local-government/reports/finsal15.pdf> (last visited February 5, 2016).

<sup>6</sup> Section 145.022, F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 145.141, F.S.

<sup>9</sup> *Id.*

<sup>10</sup> *Supra* note 5 at 1-2.

<sup>11</sup> *Id.* at 2.

<sup>12</sup> *Id.* at 4.

<sup>13</sup> Chapter 88-175, s. 1, L.O.F. (amending s. 145.09, F.S., effective July 1, 1988).

<sup>14</sup> Section 145.09, F.S.



Currently, all county constitutional officers except for the supervisor<sup>15</sup> have the same group rate for each population group.<sup>16</sup>

The current population groups, base salary, and group rates for supervisors are:<sup>17</sup>

Population Group	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$17,228	\$0.075
II	50,000	99,999	20,228	0.060
III	100,000	199,999	23,228	0.025
IV	200,000	399,999	25,728	0.015
V	400,000	999,999	28,728	0.005
VI	1,000,000		31,728	0.004

**III. Effect of Proposed Changes:**

The bill amends the base salaries and group rates for supervisors as follows:

Population Group	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$21,250	\$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

These amended base salaries and group rates would match the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, property appraisers, and the tax collectors.

The bill is effective October 1, 2016.

**IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

Because this bill requires counties to expend funds, it falls within the purview of Section 18(a), Article VII, of the Florida Constitution, which provides that counties are not bound by certain general laws that require the expenditure of funds unless certain exceptions or exemptions are met. Subsection (d) provides an exemption from this prohibition for laws

<sup>15</sup> Duval County’s Charter provides that the city council determines the supervisor’s compensation. Miami-Dade’s supervisor is appointed by the Mayor and compensation is not determined by s. 145.09, F.S. See Florida Association of Counties, About Florida’s Counties, *Charter County Information*, available at <http://www.fl-counties.com/about-floridas-counties/charter-county-information> (last visited February 5, 2016).

<sup>16</sup> See ss. 145.09, 145.10, 145.11, and 145.051, F.S.

<sup>17</sup> Section 145.09, F.S.

determined to have an “insignificant fiscal impact,” and this bill appears to have an insignificant impact.

**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:**

None.

**C. Government Sector Impact:**

The base salary and group rate changes would result in additional compensation to the supervisors of elections. The Office of Economic and Demographic Research has indicated that the statewide total would be \$1.2 million in salary increases, which averages to an \$18,540 increase per county. The average percentage increase in salary is estimated at 18.7 percent.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 145.09 of the Florida Statutes.

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<sup>18</sup> E-mail spreadsheet from the Office of Economic and Demographic Research, (Dec. 2, 2015) (on file with the Senate Committee on Community Affairs).

**IX. Additional Information:**

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

**CS/CS by Community Affairs on January 11, 2016:**

Amends the effective date to October 1, 2016.

**CS by Ethics and Elections on November 17, 2015:**

Amends the base salaries for supervisors to match the current base salaries of the clerks of circuit court, property appraisers, and the tax collectors.

- B. **Amendments:**

None.

By the Committees on Community Affairs; and Ethics and Elections; and Senator Richter

578-02030-16 2016514c2

1 A bill to be entitled  
 2 An act relating to supervisor of elections salaries;  
 3 amending s. 145.09, F.S.; revising the base salaries  
 4 and group rates used to calculate additional  
 5 compensation for a supervisor of elections based on  
 6 population increments; providing an effective date.

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

8  
 9  
 10 Section 1. Subsection (1) of section 145.09, Florida  
 11 Statutes, is amended to read:

12 145.09 Supervisor of elections.-

13 (1) Each supervisor of elections shall receive as salary  
 14 the amount indicated, based on the population of his or her  
 15 county. In addition, a compensation shall be made for population  
 16 increments over the minimum for each population group, which  
 17 shall be determined by multiplying the population in excess of  
 18 the minimum for the group times the group rate.

Pop. Group	County Pop. Range	Base Salary	Group Rate
	Minimum Maximum		
I		<u>\$21,250</u>	<u>\$0.07875</u>
	-0- 49,999	<del>\$17,228</del>	<del>\$0.075</del>
II		<u>24,400</u>	<u>0.06300</u>
	50,000 99,999	<del>20,228</del>	<del>0.060</del>

578-02030-16 2016514c2

25	III			<u>27,550</u>	<u>0.02625</u>
		100,000	199,999	<del>23,228</del>	<del>0.025</del>
26	IV			<u>30,175</u>	<u>0.01575</u>
		200,000	399,999	<del>25,728</del>	<del>0.015</del>
27	V			<u>33,325</u>	<u>0.00525</u>
		400,000	999,999	<del>28,728</del>	<del>0.005</del>
28	VI			<u>36,475</u>	<u>0.00400</u>
		1,000,000		<del>31,728</del>	<del>0.004</del>

29  
 30 Section 2. This act shall take effect October 1, 2016.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Ethics and Elections, *Chair*  
Banking and Insurance, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Commerce and Tourism  
Regulated Industries  
Rules

## SENATOR GARRETT RICHTER

*President Pro Tempore*  
23rd District

January 11, 2016

The Honorable Anitere Flores, Chair  
Committee on Fiscal Policy  
225 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Flores:

Senate Bill 514 relating to Supervisor of Elections Salaries, has been referred to your committee. I would appreciate your consideration to place this bill on your committee's agenda at the earliest opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Jennifer Hrdlicka, Staff Director

**REPLY TO:**

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: [www.flsenate.gov](http://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)

2/10/2016  
Meeting Date

514  
Bill Number (if applicable)

Topic PAY PARITY

Amendment Barcode (if applicable)

Name DAVID RAMBA

Job Title \_\_\_\_\_

Address 120 S. MONROE ST.

Phone 850-727-7087

TAWAHASSEE FL 32301  
City State Zip

Email david@rambalaw.com

Speaking:  For  Against  Information

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

Representing FL STATE SUPERVISORS OF ELECTIONS

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)

2/10/14

Meeting Date

CS/CS/SB 514

Bill Number (if applicable)

Topic Supervisor of Elections Salaries

Amendment Barcode (if applicable)

Name Martha Cleaver

Job Title Governmental Consultant

Address P.O. Box 11275

Phone \_\_\_\_\_

Street

Tallahassee FL 32302

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FL Assoc of Property Appraisers

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: CS/CS/SB 826

INTRODUCER: Fiscal Policy Committee; Community Affairs Committee; and Senator Latvala

SUBJECT: Mobile Homes

DATE: February 10, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Caldwell</u>	<u>RI</u>	<b>Favorable</b>
2.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	<b>Fav/CS</b>
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	<b>Fav/CS</b>

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/CS/SB 826 requires the Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (department) to notify the complainant of the status of the investigation within 30 days and within 90 days after receipt of a written complaint and notify the complainant and the party complained against of the results of the investigation and disposition of the complaint.

The bill permits mobile home park owners to pass on to the tenant, at any time during the term of the rental agreement, non-ad valorem assessments or increases of non-ad valorem assessments, if the passing on of this charge was disclosed prior to the tenancy. The bill requires the park owner to give the tenant notice of a rent increase 90 days before the renewal date of the rental agreement. If the 90-day notice is not provided the rental amount will remain with the same terms until a 90-day notice of increase in lot rental amount is given.

The purchaser of a mobile home is permitted to cancel or rescind a contract if the tenancy has not been approved by the park owner 5 days before the closing of the purchase.

The bill clarifies that in order to exercise the rights of a homeowners' association provided under ch. 723, F.S., mobile home owners must form an association. Additionally, upon incorporation of an association, all consenting mobile home owners in the park may become members or shareholders, and they consent to be bound by the articles of incorporation, bylaws, and policies of the incorporated homeowners' association. All the successors of the consenting homeowner



are no longer bound to the articles of incorporation, the bylaws, and restrictions of the homeowners' association.

The bill provides that the joint owner of a mobile home or subdivision lot must be counted as one when determining the number of votes required for a majority and that only one vote may be counted per mobile home or subdivision lot. It permits association members to vote by secret ballot, including an absentee ballot.

This bill has no fiscal impact to state government.

## **II. Present Situation:**

### **Mobile Home Act**

Chapter 723, F.S., the "Florida Mobile Home Act" (act) was created to address the unique relationship between a mobile home owner and a mobile home park owner.<sup>1</sup> The provisions in ch. 723, F.S., apply to residential tenancies where a mobile home is placed upon a lot that is rented or leased from a mobile home park that has 10 or more lots offered for rent or lease.<sup>2</sup>

A "mobile home park" or "park" is defined as a use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.<sup>3</sup> The term "mobile home subdivision" means a subdivision of mobile homes where individual lots are owned by owners and where a portion of the subdivision or the amenities exclusively serving the subdivision are retained by the subdivision developer.<sup>4</sup>

### **Complaints**

Section 723.006(6), F.S., requires the division to give periodic, written notice to a person who files a written complaint that alleges a violation of ch. 723, F.S., or a division rule. The notice must inform the complainant whether probable cause has been found, however, it does not provide a timeframe for this notification. If the division finds that probable cause exists, the division must notify in writing the party complained against of the results of the investigation and disposition of the complaint.<sup>5</sup>

### **Prospectus or Offering Circular**

The prospectus in a mobile home park is the document that governs the landlord-tenant relationship between the park owner and the mobile home owner.<sup>6</sup> The prospectus or offering circular, together with its attached exhibits, is a disclosure document intended to afford protection to the homeowners and prospective homeowners in the mobile home park. The

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<sup>1</sup> Section 723.004, F.S.

<sup>2</sup> Section 723.002(1), F.S.

<sup>3</sup> Section 723.003(12), F.S.

<sup>4</sup> *Id.* at (14).

<sup>5</sup> Section 723.006(6), F.S.

<sup>6</sup> Section 723.012, F.S.

purpose of the document is to disclose the representations of the mobile home park owner concerning the operations of the mobile home park.<sup>7</sup>

In a mobile home park containing 26 or more lots, the park owner must file a prospectus with the division for approval.<sup>8</sup> The division maintains copies of each prospectus and all amendments to each prospectus that it has approved.<sup>9</sup>

The park owner must provide a copy of the prospectus with exhibits to each prospective lessee prior to the execution of the lot rental agreement or at the time of occupancy, whichever occurs first. The lot rental agreement is voidable by the lessee for a period of 15 days after receipt.<sup>10</sup>

The prospectus distributed to a home owner or prospective home owner is binding for the length of the tenancy, including any assumptions of that tenancy, and may not be changed except in certain specified circumstances.<sup>11</sup>

### **Rental Agreements**

Rental agreements in a mobile home park must be consistent with ch. 723, F.S.<sup>12</sup> The provisions of ch. 723, F.S., are deemed to apply to every tenancy in a mobile home park whether or not a tenancy is covered by a valid written rental agreement.<sup>13</sup>

Park owners are prohibited from offering a rental agreement for a term of less than 1 year.<sup>14</sup> If there is no written rental agreement, the rental term may not be less than 1 year from the date of initial occupancy. The initial term may be less than 1 year in order to permit the park owner to have all rental agreements within the park commence at the same time. Thereafter, all terms must be for a minimum of 1 year.<sup>15</sup>

### **Mobile Home Park Rent Increases**

The mobile home park owner has the right to increase rent “in an amount deemed appropriate by the mobile home park owner.”<sup>16</sup> The park owner must give affected mobile home owners and the board of directors of the homeowners’ association, if one has been formed, at least a 90-day notice of a lot rental increase.<sup>17</sup>

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<sup>7</sup> Section 723.011(3), F.S.

<sup>8</sup> Section 723.011(1)(a), F.S.

<sup>9</sup> Section 723.011(1)(d), F.S.

<sup>10</sup> Sections 723.011(2) and 723.014(1), F.S.

<sup>11</sup> See Rule 61B-31.001, F.A.C.

<sup>12</sup> Section 723.031(1), F.S.

<sup>13</sup> *Id.* at (2).

<sup>14</sup> Section 723.031(4), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> See s. 723.059, F.S., concerning the rights of purchasers. A purchaser of a mobile home has the right to assume the remainder of the term of any rental agreement in effect between the mobile home park owner and seller. The mobile home park owner may increase the rental amount upon the expiration of the assumed rental agreement.

<sup>17</sup> Section 723.037(1), F.S.

The amount of the lot rental increase must be disclosed to the purchaser of a mobile home and agreed to in writing by the purchaser. Lot rental increases may not be arbitrary or discriminatory between similarly situated tenants in the park, and the lot rental may not increase during the term of the rental agreement. However, the mobile home park owner may pass on, at any time during the term of the rental agreement, ad valorem property taxes and utility charges, or increases of either, if the passing on of these costs was disclosed prior to the tenancy.<sup>18</sup>

A committee of up to five people, designated by a majority of the owners or by the board of directors of the homeowners' association (if formed), and the park owner must meet no later than 60 days before the effective date of the change to discuss the reasons for the change.<sup>19</sup> At the meeting, the park owner or subdivision developer must in good faith disclose and explain all material factors resulting in the decision to increase the lot rental amount, reduce services or utilities, or change rules and regulations, including how those factors justify the specific change proposed.<sup>20</sup>

If the meeting does not resolve the issue, then additional meetings may be requested. If subsequent meetings are unsuccessful, within 30 days of the last scheduled meeting, the mobile home owners may petition the division to initiate mediation.<sup>21</sup> If the mediation does not successfully resolve the dispute, then the parties may file an action in circuit court to challenge the rental increase as unreasonable.<sup>22</sup>

### **Homeowners' Associations**

If a mobile home park owner offers a mobile home park for sale, s. 723.071, F.S., requires notice to the officers of the mobile homeowners' association who have the right to purchase the park.

In order to purchase the mobile home park pursuant to s. 723.071, F.S., the mobile home owners must form an association and two-thirds the mobile home owners must consent to become members or shareholders. All the members of the association who consent to the formation of the homeowners' association and their successors are bound to the articles of incorporation, bylaws, and restrictions that may be promulgated pursuant to the articles or bylaws.<sup>23</sup>

### ***Quorum; Voting Requirements; and Proxies***

Section 723.078(2)(b)1., F.S., provides that unless otherwise provided in the bylaws, 30 percent of the total membership is required to constitute a quorum. A member may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Regarding voting by proxy:

- Limited proxies and general proxies may be used to establish a quorum; and

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<sup>18</sup> Section 723.031(5), F.S.

<sup>19</sup> Section 723.037(4)(a), F.S.

<sup>20</sup> Section 723.037(4)(b), F.S.

<sup>21</sup> Section 723.037(5)(a), F.S.

<sup>22</sup> Section 723.0381, F.S.

<sup>23</sup> Section 723.075(1), F.S.

- Limited proxies may be used for votes taken to amend the articles of incorporation or bylaws, and any other matters that ch. 723, F.S., requires or permits a vote of members, except that no proxy may be used in the election of board members.<sup>24</sup>

Members may vote in person at member meetings.<sup>25</sup> Current law does not provide whether members may vote by secret ballot or by absentee ballot.

### III. Effect of Proposed Changes:

**Section 1** amends s. 723.006(6), F.S., to require the division to notify a complainant of the status of the investigation within 30 days and then 90 days of receipt of the complaint. Upon completion of the investigation, the division must notify the complainant and the party complained against of the results of the investigation and disposition of the complaint.

The bill also requires the division to adopt rules to implement the board member training requirements for educational programs provided in ch. 723, F.S. The rules must include the requirements for content and notice of the board member training program to assure that providers meet the minimum training requirements. The department must publish a notice of proposed rule by October 1, 2016.

**Section 2** amends s. 723.031(5), F.S., to permit mobile home park owners to pass on, at any time during the term of the rental agreement, non-ad valorem assessments or increases of non-ad valorem assessments, if the passing on of this charge was disclosed prior to the tenancy. The park owner is deemed to have disclosed the passing on of ad valorem taxes and non-ad valorem assessments if these charges were disclosed as a factor for increasing the lot rental amount in the prospectus or rental agreement. The bill defines “non-ad valorem assessments” as only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.

Additionally, the bill requires notice to be given 90 days before the renewal date of the rental agreement, if there is an increase in the lot rental amount. If the 90-day notice is not provided, then the rental agreement will remain the same until a 90-day notice of the increase in the lot rental amount is given. The notice may provide for a rental term shorter than 1 year in order to maintain the same renewal date.

**Section 3** amends s. 723.059(1), F.S., to permit the purchaser of a mobile home to cancel or rescind a contract if the purchaser’s tenancy has not been approved by the park owner 5 days before the closing of the purchase.

**Section 4** amends s. 723.075(1), F.S., to clarify that in order to exercise the rights of a homeowners’ association provided under ch. 723, F.S., mobile home owners must form an association. The bill deletes the provision that the association must be formed in order to purchase a mobile home park.

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<sup>24</sup> Section 723.078(2)(b)2., F.S.

<sup>25</sup> *Id.*

The bill allows all consenting mobile home owners to become members or shareholders of the association. The term “member” or “shareholder” is defined to mean a mobile homeowner who consents to be bound by the articles of incorporation, bylaws, and policies of the association.

The bill removes the requirement that all the successors of the consenting homeowner are also bound to the articles of incorporation, bylaws, and restrictions promulgated pursuant to the articles or bylaws. The bill specifies that the association is the representative for all the mobile home owners in all matters relating to ch. 723, F.S., upon incorporation and notice to the mobile home park owner, and regardless if the homeowner is a member of the association.

**Section 5** amends s. 723.078(2), F.S., to require the joint owners of a mobile home or subdivision lot be counted as one vote when determining the number of votes required for a majority. Only one vote may be counted per mobile home or subdivision lot. The bill provides that a majority is any number greater than 50 percent of the total number of votes. Members may vote in person at member meetings or by secret ballot, including absentee ballots. Any member may tape record or videotape meetings of the board of directors and its committees, except for meetings between the board of directors or its appointed homeowners’ committee and the park owner.

**Section 6** amends s. 723.0781, F.S., relating to board member training programs, to provide that the section becomes effective on October 1, 2016. Any member of the board of directors of homeowners’ association not in compliance with the requirements of the section may not be considered in violation of this section until after October 1, 2017.

**Section 7** provides 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.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill requires the division to adopt rules to implement the board member training requirements for educational programs provided in ch. 723, F.S. The rules must include the requirements for content and notice of the board member training program to assure that providers meet the minimum training requirements. The department must publish a notice of proposed rule by October 1, 2016.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 723.006, 723.031, 723.059, 723.075, 723.078, and 723.0781.

**IX. Additional Information:**

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

**CS/CS by Fiscal Policy on February 10, 2016:**

The CS clarifies that a homeowners' association must be created in order to exercise the rights provided in ch. 723, F.S., to homeowners' associations.

**CS by Community Affairs on January 26, 2016:**

Provides a reference for the definition of "non-ad valorem assessments;" clarifies that all mobile home owners will be represented by the mobile homeowners' association, regardless if they are a member of the association; provides a reference for secret and absentee ballots; provides that any member may tape record meetings of the board of directors and its committees, except meetings between the board of directors or its appointed homeowners' committee and the park owner; and adds a subsection providing an effective date for s. 723.0781, F.S.

B. Amendments:

None.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
	.	
	.	
	.	

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

1       **Senate Amendment**

2

3       Delete line 138

4       and insert:

5       (1) In order to exercise the rights of a homeowners'

6       association as provided in this

By the Committee on Community Affairs; and Senator Latvala

578-02622-16

2016826c1

1                   A bill to be entitled  
 2       An act relating to mobile homes; amending s. 723.006,  
 3       F.S.; revising certain notice requirements for written  
 4       complaints; requiring the Division of Florida  
 5       Condominiums, Timeshares, and Mobile Homes to adopt  
 6       rules to implement board member training requirements;  
 7       providing notice and requirements of such rules;  
 8       amending s. 723.031, F.S.; authorizing a mobile home  
 9       park owner to pass on non-ad valorem assessments to a  
 10       tenant under certain circumstances; providing that a  
 11       mobile home park owner is deemed to have disclosed the  
 12       passing on of certain taxes and assessments under  
 13       certain circumstances; requiring the non-ad valorem  
 14       assessments to be a part of the lot rental amount;  
 15       requiring that a renewed rental agreement remain under  
 16       the same terms unless certain notice is provided;  
 17       amending s. 723.059, F.S.; authorizing a mobile home  
 18       purchaser to cancel or rescind the contract to  
 19       purchase under certain circumstances; amending s.  
 20       723.075, F.S.; revising the rights that mobile home  
 21       owners exercise if they form an association;  
 22       authorizing mobile home owners to become members upon  
 23       incorporation of the association; defining the terms  
 24       "member" and "shareholder"; deleting provisions  
 25       relating to memberships of successors to home owners;  
 26       amending s. 723.078, F.S.; specifying voting  
 27       requirements for homeowners' associations; specifying  
 28       the requirements for a majority of votes; authorizing  
 29       members to vote by secret ballot and absentee ballot;  
 30       prohibiting the tape recording or videotaping of  
 31       meetings between the board of directors or its  
 32       committees and the park owner; amending s. 723.0781,

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33       F.S.; providing a date by which certain provisions are  
 34       effective; providing that board members may not be  
 35       considered in violation of such provisions until after  
 36       a specified date; providing an effective date.  
 37

38 Be It Enacted by the Legislature of the State of Florida:  
 39

40                   Section 1. Subsection (6) of section 723.006, Florida  
 41       Statutes, is amended, and subsection (15) is added to that  
 42       section, to read:

43                   723.006 Powers and duties of division.—In performing its  
 44       duties, the division has the following powers and duties:

45                   (6) With regard to any written complaint alleging a  
 46       violation of any provision of this chapter or any rule adopted  
 47       ~~promulgated~~ pursuant thereto, the division shall, within 30 days  
 48       after receipt of a written complaint, periodically notify, in  
 49       writing, the person who filed the complaint of the status of the  
 50       complaint. Thereafter, the division shall notify the complainant  
 51       of the status of the investigation within 90 days after receipt  
 52       of the written complaint. Upon completion of the investigation,  
 53       ~~the division investigation, whether probable cause has been~~  
 54       ~~found, and the status of any administrative action, civil~~  
 55       ~~action, or appellate action, and if the division has found that~~  
 56       ~~probable cause exists, it shall notify, in writing, the~~  
 57       complainant and the party complained against of the results of  
 58       the investigation and disposition of the complaint.

59                   (15) The division shall adopt rules to implement the board  
 60       member training requirements for educational programs as  
 61       provided in this chapter. The Department of Business and

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62 Professional Regulation shall publish a notice of proposed rule  
 63 pursuant to s. 120.54(3)(a) by October 1, 2016. Such rules shall  
 64 include the requirements for content and notice of the board  
 65 member training program to assure that providers meet minimum  
 66 training requirements.

67 Section 2. Subsection (5) of section 723.031, Florida  
 68 Statutes, is amended to read:

69 723.031 Mobile home lot rental agreements.—

70 (5) The rental agreement shall contain the lot rental  
 71 amount and services included. An increase in lot rental amount  
 72 upon expiration of the term of the lot rental agreement shall be  
 73 in accordance with ss. 723.033 and 723.037 or s. 723.059(4),  
 74 whichever is applicable, provided that, pursuant to s.  
 75 723.059(4), the amount of the lot rental increase is disclosed  
 76 and agreed to by the purchaser, in writing. An increase in lot  
 77 rental amount shall not be arbitrary or discriminatory between  
 78 similarly situated tenants in the park. A ~~Ne~~ lot rental amount  
 79 may not be increased during the term of the lot rental  
 80 agreement, except:

81 (a) When the manner of the increase is disclosed in a lot  
 82 rental agreement with a term exceeding 12 months and which  
 83 provides for such increases not more frequently than annually.

84 (b) For pass-through charges as defined in s. 723.003.

85 (c) That a ~~ne~~ charge may not be collected which ~~that~~  
 86 results in payment of money for sums previously collected as  
 87 part of the lot rental amount. The provisions hereof  
 88 notwithstanding, the mobile home park owner may pass on, at any  
 89 time during the term of the lot rental agreement, ad valorem  
 90 property taxes, non-ad valorem assessments, and utility charges,

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91 or increases of either, provided that the ad valorem property  
 92 taxes, non-ad valorem assessments, and ~~the~~ utility charges are  
 93 not otherwise being collected in the remainder of the lot rental  
 94 amount and provided further that the passing on of such ad  
 95 valorem taxes, non-ad valorem assessments, or utility charges,  
 96 or increases of either, was disclosed prior to tenancy, was  
 97 being passed on as a matter of custom between the mobile home  
 98 park owner and the mobile home owner, or such passing on was  
 99 authorized by law. A park owner is deemed to have disclosed the  
 100 passing on of ad valorem property taxes and non-ad valorem  
 101 assessments if ad valorem property taxes or non-ad valorem  
 102 assessments were disclosed as a factor for increasing the lot  
 103 rental amount in the prospectus or rental agreement. Such ad  
 104 valorem taxes, non-ad valorem assessments, and utility charges  
 105 shall be a part of the lot rental amount as defined by this  
 106 chapter. The term "non-ad valorem assessments" has the same  
 107 meaning as provided in s. 197.3632(1)(d). Other provisions of  
 108 this chapter notwithstanding, pass-on charges may be passed on  
 109 only within 1 year of the date a mobile home park owner remits  
 110 payment of the charge. A mobile home park owner is prohibited  
 111 from passing on any fine, interest, fee, or increase in a charge  
 112 resulting from a park owner's payment of the charge after the  
 113 date such charges become delinquent. Nothing herein shall  
 114 prohibit a park owner and a homeowner from mutually agreeing to  
 115 an alternative manner of payment to the park owner of the  
 116 charges.

117 (d) If a notice of increase in lot rental amount is not  
 118 given 90 days before the renewal date of the rental agreement,  
 119 the rental agreement must remain under the same terms until a

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120 90-day notice of increase in lot rental amount is given. The  
 121 notice may provide for a rental term shorter than 1 year in  
 122 order to maintain the same renewal date.

123 Section 3. Subsection (1) of section 723.059, Florida  
 124 Statutes, is amended to read:

125 723.059 Rights of purchaser.-

126 (1) The purchaser of a mobile home within a mobile home  
 127 park may become a tenant of the park if such purchaser would  
 128 otherwise qualify with the requirements of entry into the park  
 129 under the park rules and regulations, subject to the approval of  
 130 the park owner, but such approval may not be unreasonably  
 131 withheld. The purchaser of the mobile home may cancel or rescind  
 132 the contract for purchase of the mobile home if the purchaser's  
 133 tenancy has not been approved by the park owner 5 days before  
 134 the closing of the purchase.

135 Section 4. Subsection (1) of section 723.075, Florida  
 136 Statutes, is amended to read:

137 723.075 Homeowners' associations.-

138 (1) In order to exercise the rights provided in this  
 139 chapter s. 723.071, the mobile home owners shall form an  
 140 association in compliance with this section and ss. 723.077,  
 141 723.078, and 723.079, which shall be a corporation for profit or  
 142 not for profit and of which not less than two-thirds of all of  
 143 the mobile home owners within the park shall have consented, in  
 144 writing, to become members or shareholders. Upon incorporation  
 145 of the association such consent by two-thirds of the mobile home  
 146 owners, all consenting mobile home owners in the park may become  
 147 members or shareholders. The term "member" or "shareholder"  
 148 means a mobile home owner who consents to be bound by the

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149 articles of incorporation, bylaws, and policies of the  
 150 incorporated homeowners' association and their successors shall  
 151 become members of the association and shall be bound by the  
 152 provisions of the articles of incorporation, the bylaws of the  
 153 association, and such restrictions as may be properly  
 154 promulgated pursuant thereto. The association ~~may not~~ shall have  
 155 ~~a no~~ member or shareholder who is not a bona fide owner of a  
 156 mobile home located in the park. Upon incorporation and service  
 157 of the notice described in s. 723.076, the association shall  
 158 become the representative of all the mobile home owners in all  
 159 matters relating to this chapter, regardless of whether the  
 160 homeowner is a member of the association.

161 Section 5. Paragraphs (b) and (c) of subsection (2) of  
 162 section 723.078, Florida Statutes, are amended to read:

163 723.078 Bylaws of homeowners' associations.-

164 (2) The bylaws shall provide and, if they do not, shall be  
 165 deemed to include, the following provisions:

166 (b) *Quorum; voting requirements; proxies.-*

167 1. Unless otherwise provided in the bylaws, 30 percent of  
 168 the total membership is required to constitute a quorum.  
 169 Decisions shall be made by a majority of members represented at  
 170 a meeting at which a quorum is present.

171 2. A member may not vote by general proxy but may vote by  
 172 limited proxies substantially conforming to a limited proxy form  
 173 adopted by the division. Limited proxies and general proxies may  
 174 be used to establish a quorum. Limited proxies may be used for  
 175 votes taken to amend the articles of incorporation or bylaws  
 176 pursuant to this section, and any other matters for which this  
 177 chapter requires or permits a vote of members, except that no

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178 proxy, limited or general, may be used in the election of board  
 179 members. If a mobile home or subdivision lot is owned jointly,  
 180 the owners of the mobile home or subdivision lot must be counted  
 181 as one for the purpose of determining the number of votes  
 182 required for a majority. Only one vote per mobile home or  
 183 subdivision lot shall be counted. Any number greater than 50  
 184 percent of the total number of votes constitutes a majority.  
 185 Notwithstanding ~~the provisions of~~ this section, members may vote  
 186 in person at member meetings or by secret ballot, including  
 187 absentee ballots, as defined by the division.

188 3. A proxy is effective only for the specific meeting for  
 189 which originally given and any lawfully adjourned meetings  
 190 thereof. In no event shall any proxy be valid for a period  
 191 longer than 90 days after the date of the first meeting for  
 192 which it was given. Every proxy shall be revocable at any time  
 193 at the pleasure of the member executing it.

194 4. A member of the board of directors or a committee may  
 195 submit in writing his or her agreement or disagreement with any  
 196 action taken at a meeting that the member did not attend. This  
 197 agreement or disagreement may not be used as a vote for or  
 198 against the action taken and may not be used for the purposes of  
 199 creating a quorum.

200 (c) *Board of directors' and committee meetings.-*

201 1. Meetings of the board of directors and meetings of its  
 202 committees at which a quorum is present shall be open to all  
 203 members. Notwithstanding any other provision of law, the  
 204 requirement that board meetings and committee meetings be open  
 205 to the members does not apply to board or committee meetings  
 206 held for the purpose of discussing personnel matters or meetings

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207 between the board or a committee and the association's attorney,  
 208 with respect to potential or pending litigation, where the  
 209 meeting is held for the purpose of seeking or rendering legal  
 210 advice, and where the contents of the discussion would otherwise  
 211 be governed by the attorney-client privilege. Notice of meetings  
 212 shall be posted in a conspicuous place upon the park property at  
 213 least 48 hours in advance, except in an emergency. Notice of any  
 214 meeting in which assessments against members are to be  
 215 considered for any reason shall specifically contain a statement  
 216 that assessments will be considered and the nature of such  
 217 assessments.

218 2. A board or committee member's participation in a meeting  
 219 via telephone, real-time videoconferencing, or similar real-time  
 220 telephonic, electronic, or video communication counts toward a  
 221 quorum, and such member may vote as if physically present. A  
 222 speaker shall be used so that the conversation of those board or  
 223 committee members attending by telephone may be heard by the  
 224 board or committee members attending in person, as well as by  
 225 members present at a meeting.

226 3. Members of the board of directors may use e-mail as a  
 227 means of communication but may not cast a vote on an association  
 228 matter via e-mail.

229 4. The right to attend meetings of the board of directors  
 230 and its committees includes the right to speak at such meetings  
 231 with reference to all designated agenda items. The association  
 232 may adopt reasonable written rules governing the frequency,  
 233 duration, and manner of members' statements. Any item not  
 234 included on the notice may be taken up on an emergency basis by  
 235 at least a majority plus one of the members of the board. Such

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236 emergency action shall be noticed and ratified at the next  
 237 regular meeting of the board. Any member may tape record or  
 238 videotape meetings of the board of directors and its committees,  
 239 except meetings between the board of directors or its appointed  
 240 homeowners' committee and the park owner. The division shall  
 241 adopt reasonable rules governing the tape recording and  
 242 videotaping of the meeting.

243 5. Except as provided in paragraph (i), a vacancy occurring  
 244 on the board of directors may be filled by the affirmative vote  
 245 of the majority of the remaining directors, even though the  
 246 remaining directors constitute less than a quorum; by the sole  
 247 remaining director; if the vacancy is not so filled or if no  
 248 director remains, by the members; or, on the application of any  
 249 person, by the circuit court of the county in which the  
 250 registered office of the corporation is located.

251 6. The term of a director elected or appointed to fill a  
 252 vacancy expires at the next annual meeting at which directors  
 253 are elected. A directorship to be filled by reason of an  
 254 increase in the number of directors may be filled by the board  
 255 of directors, but only for the term of office continuing until  
 256 the next election of directors by the members.

257 7. A vacancy that will occur at a specific later date, by  
 258 reason of a resignation effective at a later date, may be filled  
 259 before the vacancy occurs. However, the new director may not  
 260 take office until the vacancy occurs.

261 8.a. The officers and directors of the association have a  
 262 fiduciary relationship to the members.

263 b. A director and committee member shall discharge his or  
 264 her duties in good faith, with the care an ordinarily prudent

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265 person in a like position would exercise under similar  
 266 circumstances, and in a manner he or she reasonably believes to  
 267 be in the best interests of the corporation.

268 9. In discharging his or her duties, a director may rely on  
 269 information, opinions, reports, or statements, including  
 270 financial statements and other financial data, if prepared or  
 271 presented by:

272 a. One or more officers or employees of the corporation who  
 273 the director reasonably believes to be reliable and competent in  
 274 the matters presented;

275 b. Legal counsel, public accountants, or other persons as  
 276 to matters the director reasonably believes are within the  
 277 persons' professional or expert competence; or

278 c. A committee of the board of directors of which he or she  
 279 is not a member if the director reasonably believes the  
 280 committee merits confidence.

281 10. A director is not acting in good faith if he or she has  
 282 knowledge concerning the matter in question that makes reliance  
 283 otherwise permitted by subparagraph 9. unwarranted.

284 11. A director is not liable for any action taken as a  
 285 director, or any failure to take any action, if he or she  
 286 performed the duties of his or her office in compliance with  
 287 this section.

288 Section 6. Section 723.0781, Florida Statutes, is amended  
 289 to read:

290 723.0781 Board member training programs.—

291 (1) Within 90 days after being elected or appointed to the  
 292 board, a newly elected or appointed director shall certify by an  
 293 affidavit in writing to the secretary of the association that he

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294 or she has read the association's current articles of  
 295 incorporation, bylaws, and the mobile home park's prospectus,  
 296 rental agreement, rules, regulations, and written policies; that  
 297 he or she will work to uphold such documents and policies to the  
 298 best of his or her ability; and that he or she will faithfully  
 299 discharge his or her fiduciary responsibility to the  
 300 association's members.

301 (2) In lieu of this written certification, within 90 days  
 302 after being elected or appointed to the board, the newly elected  
 303 or appointed director may submit a certificate of having  
 304 satisfactorily completed the educational curriculum approved by  
 305 the division within 1 year before or 90 days after the date of  
 306 election or appointment. The educational certificate is valid  
 307 and does not have to be resubmitted as long as the director  
 308 serves on the board without interruption.

309 (3) A director who fails to timely file the written  
 310 certification or educational certificate is suspended from  
 311 service on the board until he or she complies with this section.  
 312 The board may temporarily fill the vacancy during the period of  
 313 suspension.

314 (4) The secretary of the association shall retain a  
 315 director's written certification or educational certificate for  
 316 inspection by the members for 5 years after the director's  
 317 election or the duration of the director's uninterrupted tenure,  
 318 whichever is longer. Failure to have such written certification  
 319 or educational certificate on file does not affect the validity  
 320 of any board action.

321 (5) This section becomes effective on October 1, 2016. Any  
 322 member of the board of directors of a homeowners' association

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323 not in compliance with the requirements of this section may not  
 324 be considered in violation of this section until after October  
 325 1, 2017.

326 Section 7. This act shall take effect July 1, 2016.

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## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations Subcommittee on  
Transportation, Tourism, and Economic  
Development, *Chair*  
Appropriations  
Commerce and Tourism  
Governmental Oversight and Accountability  
Regulated Industries  
Rules

**SENATOR JACK LATVALA**  
20th District

January 26, 2016

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

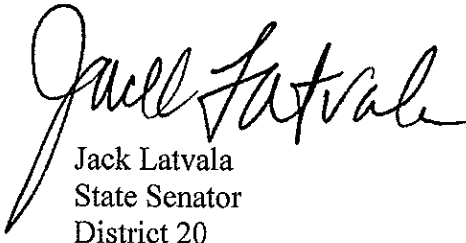
Dear Chairwoman Flores:

I respectfully request consideration of Senate Bill 826/Mobile Home at your earliest convenience.

This bill will revise notice requirements for written complaints. Additionally, the bill would allow a mobile home park owner to pass on non-ad valorem assessments to a tenant. Finally the bill modifies rules for mobile home associations and their voting requirements.

If you have any questions regarding this legislation, please contact me. Thank you in advance for your consideration.

Sincerely,

  
Jack Latvala  
State Senator  
District 20

Cc: Jennifer Hrdlicka, Staff Director; Tamra Lyon, Administrative Assistant

**REPLY TO:**

- 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: [www.flsenate.gov](http://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)

2-10-16

Meeting Date

826

Bill Number (if applicable)

Topic mobile homes

Amendment Barcode (if applicable)

Name Lori Killinger

Job Title Attorney/lobbyist

Address 315 S. Calhoun St. Ste 830

Phone 8502225702

Street

Tallahassee

City

FL

State

32301

Zip

Email lkillinge@vlw-law.com

Speaking:  For  Against  Information

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

Representing Florida Manufactured Housing ASSN.

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)

Feb 10, 2016  
Meeting Date

826  
Bill Number (if applicable)

Topic mobile homes

Amendment Barcode (if applicable)

Name Nancy Stewart

Job Title

Address 1535 Killbuck Center Blvd  
Street

Phone 850-385-7805

Tallahassee FL 32309  
City State Zip

Email nancy.stewart@nancyblackstewart.com

Speaking:  For  Against  Information

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

Representing Federation of Manufactured Home Owners of FL

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.)

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

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BILL: CS/SB 1046

INTRODUCER: Transportation Committee and Senator Hutson

SUBJECT: Farm Vehicles

DATE: February 9, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.	Wells/Miller	Miller	ATD	<b>Recommend: Favorable</b>
3.	Pace	Hrdlicka	FP	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1046 defines “covered farm vehicles” and exempts them from federal regulations relating to controlled substances and alcohol use and testing; commercial driver licenses; physical qualifications and examinations; hours of service of drivers; and vehicle inspection, repair, and maintenance. These exemptions were authorized under federal law in June 2012, and finalized under federal rule in March 2013.

The bill is expected to have a negative fiscal impact resulting from the new exemptions; however, the Revenue Estimating Conference has not analyzed the bill.

**II. Present Situation:**

**Commercial Motor Vehicle Regulation**

Currently, state and federal law regulate interstate and intrastate operation of Commercial Motor Vehicles (CMVs).<sup>1</sup> Section 316.302, F.S., requires CMVs that operate in interstate or intrastate commerce to be subject to the following parts of 49 C.F.R.:

- Part 382, Controlled Substance and Alcohol Use and Testing;
- Part 383, Commercial Driver’s License Standards;<sup>2</sup>

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<sup>1</sup> See s. 316.302, F.S. and 49 C.F.R. ch. III.

<sup>2</sup> Section 316.302, F.S., does not expressly require a commercial driver license for CMV drivers; however, federal commercial driver license regulations are enforced through ch. 322, F.S.

- Part 385, Safety Fitness Procedures;
- Part 390, General Federal Motor Carrier Safety Regulations;
- Part 391, Qualifications of Drivers;
- Part 392, Driving of Commercial Motor Vehicles;
- Part 393, Parts and Accessories Necessary for Safe Operation;
- Part 395, Hours of Service of Drivers;
- Part 396, Inspection, Repair, and Maintenance; and
- Part 397, Transportation of Hazardous Materials; Driving and Parking Rules.<sup>3</sup>

### **State Agricultural-Related Exemptions**

Both state and federal law exempt some agricultural-related CMV operations from certain federal regulations. In Florida, a person who operates a CMV solely within the state while transporting agricultural, horticulture, and forestry products from a farm or harvest place to the first place of processing, to storage, or directly to market is exempt from compliance with the following parts of 49 C.F.R.:

- Part 385, Safety Fitness Procedures;
- Part 390, General Federal Motor Carrier Safety Regulations;
- Part 391, Qualifications of Drivers;
- Part 395, Hours of Service of Drivers;
- Part 396, Inspection, Repair, and Maintenance;<sup>4</sup> and
- Part 397, Transportation of Hazardous Materials; Driving and Parking Rules.<sup>5</sup>

### ***Driver License Exemptions***

Every person driving a motor vehicle must hold a valid driver license.<sup>6</sup> However, a person is exempt from the driver license requirement while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.<sup>7</sup>

Every person driving a CMV must hold a valid commercial driver license (CDL).<sup>8</sup> However, farmers transporting agricultural products, farm supplies, or farm machinery to or from their

<sup>3</sup> 49 C.F.R. ch. III, subchapter B, Federal Motor Carrier Safety Regulations.

<sup>4</sup> Except for 49 C.F.R. s. 396.3(a)(1), relating to safe and proper operation of parts and accessories and 49 C.F.R. s. 396.9, relating to additional requirements for inspection of motor vehicles and intermodal equipment in operation.

<sup>5</sup> Section 316.302(2)(e), F.S.

<sup>6</sup> Section 322.01(27), F.S., defines “motor vehicle” as any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and motorized bicycles.

<sup>7</sup> Section 322.04(1)(b), F.S. A “farm tractor” is defined as a motor vehicle that is operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated on the roads of this state only incidentally for transportation between the owner’s or operator’s headquarters and the farm, grove, or orchard or between one farm, grove, or orchard and another; or designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. Section 322.01(20), F.S. An “implement of husbandry” is defined as any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways. Section 316.003(16), F.S.

<sup>8</sup> Section 322.53(1), F.S.

farms and within 150 miles of their farms are exempt from the CDL requirement as long as the vehicle is not used in the operation of a common or contract motor carrier.<sup>9</sup>

### ***Hours of Service Exemption***

A person who operates a CMV solely within the state who is not transporting hazardous materials that require placarding<sup>10</sup> may not drive following 10 consecutive hours off duty for:

- More than 12 hours; or
- For any period after the end of the 16<sup>th</sup> hour after coming on duty.<sup>11</sup>

Similarly, a person may not drive after:

- Having been on duty more than 70 hours in any period of seven consecutive days; or
- Having been on duty more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week.<sup>12</sup>

However, the latter weekly limit does not apply to a person operating a CMV solely within the state while transporting any unprocessed agricultural products or unprocessed food or fiber from place of harvest to the first place of processing, to storage, or directly to market during harvest periods, or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products.<sup>13</sup>

### ***Vehicle Registration Exemption***

Chapter 320, F.S., generally requires every owner or person in charge of a motor vehicle to register the vehicle, pay license taxes, and display a license plate. However, the following agricultural-related vehicles are exempt from these requirements:

- Motor vehicles operated mainly on a farm, grove, or orchard in agricultural or horticultural pursuits, that mainly travel to and from headquarters to the farm, grove, or orchard, and which use the roads only incidentally; and
- Vehicles without motive power which are used mainly for the purpose of transporting plows, harrows, fertilizer distributors, spray machines, and other farm or grove equipment and which use the roads only incidentally.<sup>14</sup>

### ***Width, Height, and Length Exemptions***

Generally, the total outside width of any vehicle or the load may not exceed 102 inches, exclusive of safety devices determined to be necessary for safe and efficient operation. A vehicle may generally not exceed a height of 13 feet, 6 inches, inclusive of the load carried. General

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<sup>9</sup> Section 322.53(2)(c), F.S.

<sup>10</sup> See 49 C.F.R. part 172, which lists the materials that are designated as hazardous materials for purposes of transportation and requires any person that transports hazardous material to comply with requirements for transport vehicle placarding.

<sup>11</sup> Section 316.302(2)(b), F.S.

<sup>12</sup> Section 316.302(2)(c), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Section 320.51, F.S.

vehicle length limitations vary depending on the type of vehicle; i.e., straight trucks,<sup>15</sup> semitrailers, and tandem trailer trucks.<sup>16</sup>

Certain farming and agricultural equipment are exempt from the width and height limitations. The equipment must be temporarily operated during daylight hours on a non-limited access facility, within a 50-mile radius of the real property owned, rented, managed, harvested, or leased by the equipment owner.<sup>17</sup>

Certain farming and agricultural equipment are exempt from width limitations. The equipment must not exceed 136 inches in width and must meet the following criteria:

- Used exclusively for harvesting forestry products;
- Not capable of exceeding 20 miles per hour;
- Not transported more than 10 miles between points of harvest; and
- Operated during daylight hours only, and with specified safety requirements.<sup>18</sup>

Certain farming and agricultural vehicles are exempt from length limitations. The vehicles must be used to transport peanuts, grains, soybeans, citrus, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage.<sup>19</sup>

### ***Additional Exemptions***

A person who operates a CMV solely within the state who is not transporting hazardous materials in amounts that require placarding is exempt from federal regulations that:

- Require a CMV driver to be at least 21 years of age;<sup>20</sup>
- Limit maximum driving time for property-carrying vehicles;<sup>21</sup> and
- Require duty status record-keeping (“log book”).<sup>22</sup>

In addition, a person under 18 years of age is exempt from the prohibition against operating a CMV with a gross vehicle weight of less than 26,001 pounds while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to storage or market.<sup>23</sup>

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<sup>15</sup> Section 316.003(70), F.S., defines “straight truck” as any truck on which the truck’s power unit and cargo unit are located on the same vehicle frame. Straight trucks include commonly recognized vehicles such as large pick-up trucks, flat-bed trucks, box trucks, and the like.

<sup>16</sup> See s. 316.515, F.S.

<sup>17</sup> Section 316.515(5)(c), F.S.

<sup>18</sup> Section 316.515(5)(b), F.S.

<sup>19</sup> Section 316.515(5)(a), F.S.

<sup>20</sup> Section 316.302(2)(a), F.S.

<sup>21</sup> Section 316.302(2)(a), F.S.

<sup>22</sup> Section 316.302(2)(d), F.S.

<sup>23</sup> Section 316.302(3), F.S.

### Federal Covered Farm Vehicle Exemption

The Moving Ahead for Progress in the 21st Century Act (MAP-21)<sup>24</sup> defines and exempts “covered farm vehicles” (CFVs) and their drivers from certain federal motor carrier safety regulations.<sup>25</sup> Under the MAP-21, CFV’s and their drivers are exempt from federal regulations relating to controlled substances and alcohol use and testing; commercial driver licenses; physical qualifications and examinations; hours of service of drivers; and vehicle inspection, repair, and maintenance.<sup>26</sup> However, vehicles transporting placardable quantities of hazardous materials are not eligible for the exemptions.

The MAP-21 defines a “CVF” as a straight truck or articulated vehicle<sup>27</sup> that is:

- Registered in a state with a license plate or other designation issued by the state of registration that allows law enforcement officials to identify it as a farm vehicle;
- Operated by the owner or operator of a farm or ranch, or an employee or family member;
- Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch; and
- Not used in for-hire motor carrier operations. A tenant’s use of a vehicle to transport the landlord’s share of crops pursuant to a crop share farm lease agreement is not treated as “for-hire motor carrier operations.”

The MAP-21 authorizes CFVs to maintain CFV exemption status when traveling across state lines within 150 air miles of the home farm or ranch, and anywhere within the state of registration. Specifically, CFVs that have a gross vehicle weight or gross vehicle weight rating, whichever is greater, of:

- 26,001 pounds or less may operate anywhere in the United States;
- 26,001 pounds or more may operate anywhere in the state of registration, or across state lines within 150 air miles of the home farm or ranch.<sup>28</sup>

To avoid withholding of certain federal grant funds, federal law requires states to adopt compatible regulations within 3 years after the effective date of any newly adopted or amended federal regulation. The final rule on the CFV exemptions became effective March 2013, therefore states should be complaint by March 2016.<sup>29</sup> Currently, Florida law does not authorize the federal CVF exemptions.

### III. Effect of Proposed Changes:

The bill expressly authorizes in state law new federal CFV exemptions.

**Section 1** defines “covered farm vehicle” as a straight truck, or an articulated vehicle, which is:

<sup>24</sup> Pub. L. No. 112-141

<sup>25</sup> *Id* at s. 32934.

<sup>26</sup> 49 C.F.R. parts 382; 383; 391, subpart E; 395; and 396, respectively.

<sup>27</sup> Articulated vehicles, in contrast to straight trucks, include those having a power unit coupled to the cargo-carrying unit. *See* also s. 316.003(60) and (71), F.S.

<sup>28</sup> *Supra* note 24 at s. 32101(d).

<sup>29</sup> *Infra* note 30.

- Registered in a state with a license plate, or any other designation which allows law enforcement officers to identify it as a farm vehicle;
- Operated by the owner or operator of a farm or ranch or by an employee or a family member of an owner or operator of a farm or ranch;
- Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch; and
- Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle by a tenant pursuant to a crop-share farm lease agreement to transport the landlord's portion of the crops under that agreement.

**Section 2** exempts the driver of a CFV and a CFV from the following federal motor carrier safety regulations:

- Part 382, Controlled Substance and Alcohol Use and Testing.
- Part 383, Commercial Driver's License Standards.
- Part 391, subpart E, Physical Qualifications and Examinations.
- Part 395, Hours of Service of Drivers.
- Part 396, Inspection, Repair, and Maintenance.

The CFV must be registered with a license plate or other designation issued by the state of registration when operating:

- Anywhere in this state if the CFV has a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less; or
- Anywhere in the state of registration, or across state lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated, if the CFV has a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds.

The bill, consistent with the Federal Motor Carrier Safety Administration's final rule on the matter,<sup>30</sup> does not allow the federal exemptions if the vehicle is transporting hazardous materials in amounts that require placarding.<sup>31</sup>

This section of the bill also corrects a cross-reference necessitated by the changes in the bill.

**Section 3** amends s. 322.53(2), F.S., to exempt the driver of a CFV from the requirement to hold a valid CDL, if the CFV is operated in accordance with the s. 316.302(3), F.S., as discussed in Section 2 above.

**Sections 4 and 5** amend ss. 316.3025(3)(e) and 316.3026(1), F.S., respectively, to correct cross-references necessitated by the changes in the bill.

**Section 6** provides that the bill is effective July 1, 2016.

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<sup>30</sup> See Federal Register, Vol. 78, No. 50, (March 14, 2013) at p. 16190, available at: <https://www.gpo.gov/fdsys/pkg/FR-2013-03-14/pdf/2013-05897.pdf> (last visited Feb. 4, 2016).

<sup>31</sup> *Supra* note 14.

**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:

Those qualifying for the CFV exemptions may experience a positive fiscal impact as a result of the exemption, including but not limited to, the \$75 fee for a CDL.<sup>32</sup> Farmers and ranchers may realize a positive fiscal impact should the new exemptions facilitate more efficient operations, thereby reducing costs.

## C. Government Sector Impact:

The Revenue Estimating Conference has not yet analyzed this bill. However, a negative fiscal impact resulting from the potential loss of CDL fees is likely. The DHSMV estimates a minimal fiscal impact to the department to update computer systems that can be absorbed within existing resources.<sup>33</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.302, 316.3025, 316.3026, and 322.53.

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<sup>32</sup> See the DHSMV website, *Fees*, available at: <http://www.flhsmv.gov/fees/> (last visited Feb. 5, 2016).

<sup>33</sup> *Id.*

**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 Transportation on January 20, 2016:**

The CS modifies the bill by:

- Deleting section 2 of the original bill to retain compliance with federal law.
- Creating a new subsection (3) of s. 316.302, F.S., to address CFVs, notwithstanding contrary provisions of subsections (1) and (2), to retain compliance with federal law.
- Revising language to conform to federal language relating to CFV operation.
- Correcting cross-references.

- B. **Amendments:**

None.



By the Committee on Transportation; and Senator Hutson

596-02370-16

20161046c1

A bill to be entitled

An act relating to farm vehicles; amending s. 316.003, F.S.; defining the term "covered farm vehicle" for purposes of the Florida Uniform Traffic Control Law; amending s. 316.302, F.S.; providing exemptions for covered farm vehicles and the operators of such vehicles from specified federal regulations relating to controlled substances and alcohol use and testing, commercial driver licenses, physical qualifications and examinations, hours of service of drivers, and inspection, repair, and maintenance when operating under certain conditions, notwithstanding specified statutory provisions; providing applicability; conforming a cross-reference; amending s. 322.53, F.S.; exempting the driver of a covered farm vehicle from commercial driver license requirements; amending ss. 316.3025 and 316.3026, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (94) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(94) COVERED FARM VEHICLE.—A straight truck, or an articulated vehicle, which is all of the following:

(a) Registered in a state with a license plate, or any other designation issued by that state, which allows law enforcement officers to identify it as a farm vehicle.

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(b) Operated by the owner or operator of a farm or ranch or by an employee or a family member of an owner or operator of a farm or ranch in accordance with s. 316.302(3).

(c) Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch.

(d) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (a)-(c) by a tenant pursuant to a crop-share farm lease agreement to transport the landlord's portion of the crops under that agreement.

Section 2. Present subsections (3) through (12) of section 316.302, Florida Statutes, are renumbered as subsections (4) through (13), respectively, a new subsection (3) is added to that section, and paragraph (a) of present subsection (8) is amended, to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(3) Notwithstanding any contrary provision in subsections (1) and (2), a covered farm vehicle, as defined in s. 316.003, and the operator of such vehicle are exempt from the requirements relating to controlled substances and alcohol use and testing in 49 C.F.R. part 382; commercial driver licenses in 49 C.F.R. part 383; physical qualifications and examinations in 49 C.F.R. part 391, subpart E; hours of service of drivers in 49 C.F.R. part 395; and inspection, repair, and maintenance in 49 C.F.R. part 396, when operating:

(a) Anywhere in this state if the covered farm vehicle has a gross vehicle weight or gross vehicle weight rating, whichever

Page 2 of 5

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

596-02370-16

20161046c1

62 is greater, of 26,001 pounds or less.

63 (b) Anywhere in the state of registration, or across state  
 64 lines within 150 air miles of the farm or ranch with respect to  
 65 which the vehicle is being operated, if the covered farm vehicle  
 66 has a gross vehicle weight or gross vehicle weight rating,  
 67 whichever is greater, of more than 26,001 pounds.

68  
 69 The provisions in this subsection do not apply to a vehicle  
 70 transporting hazardous materials in amounts that require  
 71 placarding pursuant to 49 C.F.R. part 172.

72 (9)(8) For the purpose of enforcing this section, any law  
 73 enforcement officer of the Department of Highway Safety and  
 74 Motor Vehicles or duly appointed agent who holds a current  
 75 safety inspector certification from the Commercial Vehicle  
 76 Safety Alliance may require the driver of any commercial vehicle  
 77 operated on the highways of this state to stop and submit to an  
 78 inspection of the vehicle or the driver's records. If the  
 79 vehicle or driver is found to be operating in an unsafe  
 80 condition, or if any required part or equipment is not present  
 81 or is not in proper repair or adjustment, and the continued  
 82 operation would present an unduly hazardous operating condition,  
 83 the officer may require the vehicle or the driver to be removed  
 84 from service pursuant to the North American Standard Out-of-  
 85 Service Criteria, until corrected. However, if continuous  
 86 operation would not present an unduly hazardous operating  
 87 condition, the officer may give written notice requiring  
 88 correction of the condition within 14 days.

89 (a) Any member of the Florida Highway Patrol or any law  
 90 enforcement officer employed by a sheriff's office or municipal

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

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91 police department authorized to enforce the traffic laws of this  
 92 state pursuant to s. 316.640 who has reason to believe that a  
 93 vehicle or driver is operating in an unsafe condition may, as  
 94 provided in subsection (11) ~~(10)~~, enforce the provisions of this  
 95 section.

96 Section 3. Paragraph (c) of subsection (2) of section  
 97 322.53, Florida Statutes, is amended to read:

98 322.53 License required; exemptions.—

99 (2) The following persons are exempt from the requirement  
 100 to obtain a commercial driver license:

101 (c)1. Farmers transporting agricultural products, farm  
 102 supplies, or farm machinery to or from their farms and within  
 103 150 miles of their farms, if the vehicle operated under this  
 104 exemption is not used in the operations of a common or contract  
 105 motor carrier.

106 2. Drivers of covered farm vehicles, as defined in s.  
 107 316.003, if the vehicles are operated in accordance with s.  
 108 316.302(3).

109 Section 4. Paragraph (e) of subsection (3) of section  
 110 316.3025, Florida Statutes, is amended to read:

111 316.3025 Penalties.—

112 (3)

113 (e) A civil penalty not to exceed \$5,000 in the aggregate  
 114 may be assessed for violations found in the conduct of  
 115 compliance reviews pursuant to s. 316.302(6) ~~s. 316.302(5)~~. A  
 116 civil penalty not to exceed \$25,000 in the aggregate may be  
 117 assessed for violations found in a followup compliance review  
 118 conducted within a 24-month period. A civil penalty not to  
 119 exceed \$25,000 in the aggregate may be assessed and the motor

Page 4 of 5

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

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120 carrier may be enjoined pursuant to s. 316.3026 if violations  
121 are found after a second followup compliance review within 12  
122 months after the first followup compliance review. Motor  
123 carriers found to be operating without insurance required by s.  
124 627.7415 may be enjoined as provided in s. 316.3026.

125 Section 5. Subsection (1) of section 316.3026, Florida  
126 Statutes, is amended to read:

127 316.3026 Unlawful operation of motor carriers.—

128 (1) The Office of Commercial Vehicle Enforcement may issue  
129 out-of-service orders to motor carriers, as defined in s.  
130 320.01, who, after proper notice, have failed to pay any penalty  
131 or fine assessed by the department, or its agent, against any  
132 owner or motor carrier for violations of state law, refused to  
133 submit to a compliance review and provide records pursuant to s.  
134 316.302(6) ~~s. 316.302(5)~~ or s. 316.70, or violated safety  
135 regulations pursuant to s. 316.302 or insurance requirements in  
136 s. 627.7415. Such out-of-service orders have the effect of  
137 prohibiting the operations of any motor vehicles owned, leased,  
138 or otherwise operated by the motor carrier upon the roadways of  
139 this state, until the violations have been corrected or  
140 penalties have been paid. Out-of-service orders must be approved  
141 by the director of the Division of the Florida Highway Patrol or  
142 his or her designee. An administrative hearing pursuant to s.  
143 120.569 shall be afforded to motor carriers subject to such  
144 orders.

145 Section 6. 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:** February 1, 2016

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I respectfully request that **Senate Bill #1046**, relating to Farm Vehicles, be placed on the:

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

A handwritten signature in black ink, appearing to read "Travis Hutson".

---

Senator Travis Hutson  
Florida Senate, District 6

**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.)

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

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BILL: PCS/SB 1066 (491260)

INTRODUCER: Fiscal Policy Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development) and Senator Margolis

SUBJECT: Anatomical Gifts

DATE: February 9, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 1066 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to maintain a link on its website referring customers who are renewing their driver licenses or conducting other business to the organ donation registry. According to the DHSMV, the bill codifies into law a practice that is already in place.

To the extent that the bill codifies a current practice, the bill will not have a fiscal impact on the DHSMV.

The bill is effective July 1, 2016.

**II. Present Situation:**

**Organ Donations in Florida**

Over 3,500 people in Florida are registered and waiting for organ transplants, and thousands more wait for tissue donations.<sup>1</sup> The most common types of organ transplants include the kidneys, liver, heart, lungs, and pancreas, but many other organs and tissues can be transplanted

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<sup>1</sup> Donate Life Florida, FAQs About Donation, *How many people need donated organs and tissue?* (2009), available at <https://www.donateliflorida.org/content/about/facts/faq/> (last visited Jan. 25, 2016).

or used for various other medical procedures.<sup>2</sup> Nationwide, nearly 6,000 people die each year waiting for an organ donation.<sup>3</sup>

Florida has four federally designated, non-profit organ procurement agencies exclusively responsible for facilitating the process of organ donation. Each agency serves a different region of the state. These agencies are certified by the U.S. Centers for Medicare and Medicaid Services, and operate in Florida to increase the number of registered donors and coordinate the donation process when organs become available.<sup>4</sup>

### **The Joshua Abbott Organ and Tissue Registry**

In 2008, the Legislature found that a shortage of organ and tissue donors existed in Florida, and there was a need for a statewide donor registry with online registration and enhanced donor education. The donor registry is designated as the Joshua Abbott Organ and Tissue Registry.<sup>5</sup>

The Agency for Healthcare Administration (AHCA) and the DHSMV operate of Florida's donor registry that allow for online donor registration and the recording of organ and tissue donation records submitted through the driver license identification program or through other sources. The AHCA contracted with Donate Life Florida to run the donor registry and maintain donor records.<sup>6</sup>

Floridians who are age 18 or older can join the donor registry online, at the DHSMV, at their local driver license office, or by contacting Donate Life Florida and requesting a registry from. Children ages 13 to 17 may join the registry, but the final decision on any organ donation of a minor rests with the parent or guardian. The registry collects personal information from each donor including, but not limited to, his or her name, address, date and place of birth, race, and driver's license or identification card number.<sup>7</sup>

As of February 2016 there are over 8.6 million people registered in the donor registry.<sup>8</sup> The large number of registered donors ranks the Joshua Abbott Organ and Tissue Donor Registry as the second largest donor registry in the United States in terms of enrollment.<sup>9</sup>

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<sup>2</sup> *Id.* at *What organs and tissues may be donated?*

<sup>3</sup> *Supra* note 1.

<sup>4</sup> U.S. Government Information on Organ and Tissue Donation and Transplantation, Organdonor.gov, Donate the Gift of Life, Organ Procurement Organizations, available at <http://organdonor.gov/materialsresources/materialsopolist.html> (last visited Jan. 26, 2016). LifeLink of Florida serves west Florida, LifeQuest Organ Recovery Services serves northern Florida, TransLife/Florida Hospital serves eastern Florida, and LifeAlliance Organ Recovery Agency serves southern Florida.

<sup>5</sup> Chapter 2008-223, L.O.F. The registry is currently referred to as the Joshua Abbott Organ and Tissue Donor Registry.

<sup>6</sup> Donate Life Florida, *About Donate Life Florida*, available at <https://www.donatelifeflorida.org/content/about/> (last visited Jan. 26, 2016). Section 765.5155, F.S.

<sup>7</sup> Donate Life Florida, *Sign Me Up Today*, available at <https://www.donatelifeflorida.org/register/> (last visited Jan. 26, 2016).

<sup>8</sup> Donate Life Florida, Total Registrants as of February 2016, available at <https://www.donatelifeflorida.org/> (last visited Feb. 3, 2016).

<sup>9</sup> Donate Life Florida, *2014 Annual Report*, p. 7, available at [https://www.donatelifeflorida.org/files/52\\_file.pdf](https://www.donatelifeflorida.org/files/52_file.pdf) (last visited Jan 26, 2016).

Information held in the donor registry which identifies a donor is confidential and exempt from the state's public records laws.<sup>10</sup> Donor information may be disclosed to:

- Procurement organizations certified by the AHCA; and
- Persons engaged in bona fide research if the person agrees to certain criteria.<sup>11</sup>

The funding for the donor registry and education program is provided from funds deposited into the Health Care Trust Fund.<sup>12</sup>

### **Organ Donor Registration at the DHSMV**

Section 765.521, F.S., which predates the establishment of the donor registry, requires that the AHCA and the DHSMV to implement a system to encourage potential donors to make anatomical gifts through the process of issuing and renewing driver licenses or identification cards. Approximately 95 percent of people who enroll in Florida's registry do so while obtaining or renewing a driver license.<sup>13</sup>

### **III. Effect of Proposed Changes:**

The bill requires the DHSMV to maintain an integrated link on its website that refers customers who are renewing their driver licenses or conducting other business to the organ donation registry operated under s. 765.5155, F.S. The bill codifies into law a practice that has already been put into place by the DHSMV.<sup>14</sup>

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.

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<sup>10</sup> Section 119.07(1), F.S., and FLA. CONST. art. I, s. 24(a).

<sup>11</sup> Section 765.51551, F.S. The person must submit a research plan to the AHCA detailing the exact nature of the information requested and intended use, maintain the confidentiality of the information, destroy any confidential records or information obtained after the research is concluded, and not directly or indirectly contact any donor or donee.

<sup>12</sup> Section 765.5155(4), F.S.

<sup>13</sup> *Supra* note 9 at p. 12.

<sup>14</sup> Department of Highway Safety and Motor Vehicles, *SB 1066 Agency Bill Analysis* (January 14, 2016) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

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

None.

**B. Private Sector Impact:**

The bill may increase the number of organ donors in this state.

**C. Government Sector Impact:**

To the extent that the bill codifies a current practice, the bill will not have a fiscal impact on the DHSMV.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 765.521 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 by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on January 21, 2016:**

The committee substitute removes the provision of the bill that required the DHSMV to implement procedures to require department staff to confirm electronically that each person entering a department office or facility to transact driver license services has been informed that he or she may become an organ donor. As the bill is codifying into law a practice currently in place, the committee substitute also removes the language that would have delayed the bill's implementation until the DHSMV's vehicle registration information technology modernization project is implemented.

**B. Amendments:**

None.

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

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<sup>15</sup> *Id.*





491260

594-02390-16

Proposed Committee Substitute by the Committee on Fiscal Policy  
(Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development)

A bill to be entitled

An act relating to anatomical gifts; amending s.

765.521, F.S.; requiring the Department of Highway

Safety and Motor Vehicles to maintain an integrated

website link to the organ donation registry; providing  
an effective date.

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

Section 1. Present subsections (2) and (3) of section  
765.521, Florida Statutes, are redesignated as subsections (3)  
and (4), respectively, and a new subsection (2) is added to that  
section, to read:

765.521 Donations as part of driver license or  
identification card process.—

(2) The department shall maintain an integrated link on its  
website referring a visitor renewing a driver license or  
conducting other business to the organ donation registry  
operated under s. 765.5155.

Section 2. 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.)

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

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BILL: CS/SB 1066

INTRODUCER: Fiscal Policy Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development) and Senator Margolis

SUBJECT: Anatomical Gifts

DATE: February 10, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	<u>Fav/CS</u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1066 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to maintain a link on its website referring customers who are renewing their driver licenses or conducting other business to the organ donation registry. According to the DHSMV, the bill codifies into law a practice that is already in place.

To the extent that the bill codifies a current practice, the bill will not have a fiscal impact on the DHSMV.

The bill is effective July 1, 2016.

**II. Present Situation:**

**Organ Donations in Florida**

Over 3,500 people in Florida are registered and waiting for organ transplants, and thousands more wait for tissue donations.<sup>1</sup> The most common types of organ transplants include the kidneys, liver, heart, lungs, and pancreas, but many other organs and tissues can be transplanted

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<sup>1</sup> Donate Life Florida, FAQs About Donation, *How many people need donated organs and tissue?* (2009), available at <https://www.donateliflorida.org/content/about/facts/faq/> (last visited Jan. 25, 2016).

or used for various other medical procedures.<sup>2</sup> Nationwide, nearly 6,000 people die each year waiting for an organ donation.<sup>3</sup>

Florida has four federally designated, non-profit organ procurement agencies exclusively responsible for facilitating the process of organ donation. Each agency serves a different region of the state. These agencies are certified by the U.S. Centers for Medicare and Medicaid Services, and operate in Florida to increase the number of registered donors and coordinate the donation process when organs become available.<sup>4</sup>

### **The Joshua Abbott Organ and Tissue Registry**

In 2008, the Legislature found that a shortage of organ and tissue donors existed in Florida, and there was a need for a statewide donor registry with online registration and enhanced donor education. The donor registry is designated as the Joshua Abbott Organ and Tissue Registry.<sup>5</sup>

The Agency for Healthcare Administration (AHCA) and the DHSMV operate of Florida's donor registry that allow for online donor registration and the recording of organ and tissue donation records submitted through the driver license identification program or through other sources. The AHCA contracted with Donate Life Florida to run the donor registry and maintain donor records.<sup>6</sup>

Floridians who are age 18 or older can join the donor registry online, at the DHSMV, at their local driver license office, or by contacting Donate Life Florida and requesting a registry from. Children ages 13 to 17 may join the registry, but the final decision on any organ donation of a minor rests with the parent or guardian. The registry collects personal information from each donor including, but not limited to, his or her name, address, date and place of birth, race, and driver's license or identification card number.<sup>7</sup>

As of February 2016 there are over 8.6 million people registered in the donor registry.<sup>8</sup> The large number of registered donors ranks the Joshua Abbott Organ and Tissue Donor Registry as the second largest donor registry in the United States in terms of enrollment.<sup>9</sup>

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<sup>2</sup> *Id.* at *What organs and tissues may be donated?*

<sup>3</sup> *Supra* note 1.

<sup>4</sup> U.S. Government Information on Organ and Tissue Donation and Transplantation, Organdonor.gov, Donate the Gift of Life, Organ Procurement Organizations, available at <http://organdonor.gov/materialsresources/materialsopolist.html> (last visited Jan. 26, 2016). LifeLink of Florida serves west Florida, LifeQuest Organ Recovery Services serves northern Florida, TransLife/Florida Hospital serves eastern Florida, and LifeAlliance Organ Recovery Agency serves southern Florida.

<sup>5</sup> Chapter 2008-223, L.O.F. The registry is currently referred to as the Joshua Abbott Organ and Tissue Donor Registry.

<sup>6</sup> Donate Life Florida, *About Donate Life Florida*, available at <https://www.donatelifeflorida.org/content/about/> (last visited Jan. 26, 2016). Section 765.5155, F.S.

<sup>7</sup> Donate Life Florida, *Sign Me Up Today*, available at <https://www.donatelifeflorida.org/register/> (last visited Jan. 26, 2016).

<sup>8</sup> Donate Life Florida, Total Registrants as of February 2016, available at <https://www.donatelifeflorida.org/> (last visited Feb. 3, 2016).

<sup>9</sup> Donate Life Florida, *2014 Annual Report*, p. 7, available at [https://www.donatelifeflorida.org/files/52\\_file.pdf](https://www.donatelifeflorida.org/files/52_file.pdf) (last visited Jan 26, 2016).

Information held in the donor registry which identifies a donor is confidential and exempt from the state's public records laws.<sup>10</sup> Donor information may be disclosed to:

- Procurement organizations certified by the AHCA; and
- Persons engaged in bona fide research if the person agrees to certain criteria.<sup>11</sup>

The funding for the donor registry and education program is provided from funds deposited into the Health Care Trust Fund.<sup>12</sup>

### **Organ Donor Registration at the DHSMV**

Section 765.521, F.S., which predates the establishment of the donor registry, requires that the AHCA and the DHSMV to implement a system to encourage potential donors to make anatomical gifts through the process of issuing and renewing driver licenses or identification cards. Approximately 95 percent of people who enroll in Florida's registry do so while obtaining or renewing a driver license.<sup>13</sup>

### **III. Effect of Proposed Changes:**

The bill requires the DHSMV to maintain an integrated link on its website that refers customers who are renewing their driver licenses or conducting other business to the organ donation registry operated under s. 765.5155, F.S. The bill codifies into law a practice that has already been put into place by the DHSMV.<sup>14</sup>

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.

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<sup>10</sup> Section 119.07(1), F.S., and FLA. CONST. art. I, s. 24(a).

<sup>11</sup> Section 765.51551, F.S. The person must submit a research plan to the AHCA detailing the exact nature of the information requested and intended use, maintain the confidentiality of the information, destroy any confidential records or information obtained after the research is concluded, and not directly or indirectly contact any donor or donee.

<sup>12</sup> Section 765.5155(4), F.S.

<sup>13</sup> *Supra* note 9 at p. 12.

<sup>14</sup> Department of Highway Safety and Motor Vehicles, *SB 1066 Agency Bill Analysis* (January 14, 2016) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

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

None.

**B. Private Sector Impact:**

The bill may increase the number of organ donors in this state.

**C. Government Sector Impact:**

To the extent that the bill codifies a current practice, the bill will not have a fiscal impact on the DHSMV.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 765.521 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 February 10, 2016:**

As recommended by the Appropriations Subcommittee on Transportation, Tourism, and Economic Development, the committee substitute removes the provision of the bill that required the DHSMV to implement procedures to require department staff to confirm electronically that each person entering a department office or facility to transact driver license services has been informed that he or she may become an organ donor. As the bill is codifying into law a practice currently in place, the committee substitute also removes the language that would have delayed the bill's implementation until the DHSMV's vehicle registration information technology modernization project is implemented.

**B. Amendments:**

None.

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

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<sup>15</sup> *Id.*

By Senator Margolis

35-01057A-16

20161066\_\_

1                   A bill to be entitled  
2           An act relating to anatomical gifts; amending s.  
3           765.521, F.S.; requiring the Department of Highway  
4           Safety and Motor Vehicles to maintain an integrated  
5           website link to the organ donation registry; requiring  
6           the department to establish a procedure to confirm  
7           electronically that persons transacting driver license  
8           services at a department office or facility have been  
9           informed that they may become organ donors; providing  
10          applicability; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Present subsections (2) and (3) of section  
15           765.521, Florida Statutes, are redesignated as subsections (3)  
16           and (4), respectively, and a new subsection (2) is added to that  
17           section, to read:

18           765.521 Donations as part of driver license or  
19           identification card process.—

20           (2) The department shall maintain an integrated link on its  
21           website referring a visitor renewing a driver license or  
22           conducting other business to the organ donation registry  
23           operated under s. 765.5155. The department shall establish a  
24           procedure that requires department staff to confirm  
25           electronically that each person entering a department office or  
26           facility to transact driver license services has been informed  
27           that he or she may become an organ donor.

28           Section 2. The amendment made by this act to s. 765.521(2),  
29           Florida Statutes, shall apply upon the development and  
30           implementation of a vehicle registration system modernization  
31           project by the Department of Highway Safety and Motor Vehicles.

32           Section 3. This act shall take effect July 1, 2016.



## 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

January 24, 2016

The Honorable Anitere Flores  
The Florida Senate  
413 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Flores,

I respectfully request that SB 1066, Anatomical Gifts, be placed on the agenda for the next meeting of the Fiscal Policy Committee. This bill will codify current Department of Highway Safety and Motor Vehicle practice of placing a link to the Donate Life website on the HSMV website, providing easy access to sign up to be an organ donor when re-registering your car or updating your driver license online.

Thank you for your consideration. Please let me know if I can provide any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Gardiner".

#### 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](http://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.)

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

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BILL: CS/SB 1174

INTRODUCER: Community Affairs Committee and Senator Diaz de la Portilla

SUBJECT: Residential Facilities

DATE: February 9, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	<b>Fav/CS</b>
2.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<b>Favorable</b>
3.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1174 requires a radius of 1,200 feet between a community residential home licensed for 7 to 14 residents and a home licensed for 6 or fewer residents which otherwise meets the definition of community residential home. The bill does not impact community residential homes already licensed and in operation prior to July 1, 2016.

The bill is not expected to have a fiscal impact on the state.

**II. Present Situation:**

**Community Residential Homes**

Historically, community housing options for persons with disabilities, frail elderly persons, dependent or delinquent children, and persons with mental illnesses have been limited. Although the transition from providing services in large institutions to community-based programs began in the 1970s,<sup>1</sup> the availability of safe, appropriate, and affordable housing in Florida has been an

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<sup>1</sup> Normalization and deinstitutionalization have long been held to provide benefits to individuals with special needs. Normalization is a social science theory based upon the proposition "that the quality of life increases as an individual's access to culturally typical activities and settings increases." Deinstitutionalization seeks to remove individuals from placement in the more restrictive environment of institutions to the less restrictive environment of mainstream society. Working in concert these two principles encourage the development of community-based living arrangements for individuals with special needs. See American Psychologist, *Normalization and Deinstitutionalization of Mentally Retarded Individuals:*



ongoing challenge. The primary obstacle was the opposition to establishing affordable housing or housing for persons with disabilities or special needs in residential neighborhoods. In an attempt to address this issue the Legislature enacted s. 419.001, F.S., which establishes the siting requirements applicable to local governments for community residential homes.

A community residential home is a home consisting of 7 to 14 unrelated residents who operate as the functional equivalent of a family, including supervision and care by supportive staff necessary to meet the physical, emotional, and social needs of the residents.<sup>2</sup> Residency in a community residential home is limited to individuals who are or have:<sup>3</sup>

- A “developmentally disability,” defined in s. 393.063, F.S., as a person with a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, down syndrome,<sup>4</sup> spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely;
- “Frail elders,” defined in s. 429.65(9), F.S., as a functionally impaired elderly person who is 60 years of age or older and who has physical or mental limitations that restrict the person’s ability to perform the normal activities of daily living and that impede the person’s capacity to live independently;
- “Handicapped,” defined in s. 760.22(7)(a), F.S., as a person who has a physical or mental impairment which substantially limits one or more major life activities, or has a record of having, or is regarded as having, such physical or mental impairment;
- Nondangerous persons who have a “mental illness,” defined in s. 394.455(18), F.S., as an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person’s ability to meet the ordinary demands of living; or
- Children found to be dependent by a court as defined in ss. 39.01(15) and 984.03 F.S., or in need of services defined in ss. 984.03(9) and 985.03(8), F.S.

Community residential homes must be licensed by the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, or the Agency for Health Care Administration (collectively the “licensing entities”).<sup>5</sup>

### ***Local Government Approval of Proposed Community Residential Homes***

A local government is responsible for the site approval of a proposed community residential home. A sponsoring agency<sup>6</sup> is required to notify the chief executive officer of the local government in writing when a site for a community residential home has been selected in an area zoned for multifamily use.<sup>7</sup> The notice must include the address of the site, the residential

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*Controversy and Facts*, August 1987, Vol 42, No. 8, p. 809-816, available at: <http://mn.gov/mnddc/parallels2/pdf/80s/87/87-NDI-LAB.pdf> (last visited Feb. 7, 2016).

<sup>2</sup> Section 419.001(1)(a), F.S.

<sup>3</sup> Section 419.001(1)(e), F.S.

<sup>4</sup> Ch. 2016-3 L.O.F., s. 6 (amending s. 393.063(9), F.S., effective July 1, 2016).

<sup>5</sup> Section 419.001(1)(b), F.S.

<sup>6</sup> Section 419.001(1)(f), F.S., defines “sponsoring agency” as an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

<sup>7</sup> Section 419.001(3)(a), F.S.

licensing category, the number of residents, and the community support requirements of the program. The notice must also contain a statement from the licensing entity indicating the licensing status of the home, and how the home meets applicable licensing criteria for the safe care and supervision of the residents. The sponsoring agency must provide the local government with the most recently published data that identifies all community residential homes in the district in which the proposed site is to be located. The local government reviews the notification from the sponsoring agency to determine if the siting is in accordance with local zoning ordinances.<sup>8</sup> The local government has up to 60 days to approve or deny the siting of the home. If the local government does not respond within 60 days, the sponsoring agency may establish the home at the site selected.<sup>9</sup>

A local government may not deny the siting of a community residential home unless the site selected:

- Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area;
- Does not meet licensing criteria; or
- Would substantially alter the nature and character of the area by being located within a radius of:
  - 1,200 feet of another existing community residential home, if located in a multi-family zone; or
  - 500 feet of an area of single-family zoning.<sup>10</sup>

Florida law also addresses siting requirements for homes with 6 or fewer residents which otherwise meet the definition of a community residential home. These homes are considered a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances.<sup>11</sup> These homes are allowed in a single- or multi-family zoned area, and do not require approval by the local government provided:

- The home does not exist within a radius of 1,000 feet of another such home; and
- The sponsoring agency notifies the local government at the time of occupancy that the home is licensed.<sup>12</sup>

The law is silent as to which zoning requirement (within a radius of 1,200 feet or within a radius of 1,000 feet) applies when determining the proper distance between a community residential home licensed for 7- 14 residents and a home licensed for 6 or fewer residents which otherwise meets the definition of a community residential home.

### III. Effect of Proposed Changes:

**Section 1** amends s. 419.001(2), F.S., to require a radius of 1,200 feet between a community residential home licensed for 7 to 14 residents and a home licensed for 6 or fewer residents which otherwise meets the definition of a community residential home. The bill does not impact community residential homes already licensed and in operation prior to July 1, 2016.

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<sup>8</sup> *Id.*

<sup>9</sup> Section 419.001(3)(b), F.S.

<sup>10</sup> Section 419.001(3)(c), F.S.

<sup>11</sup> Section 419.001(2), F.S.

<sup>12</sup> *Id.*

**Section 2** provides that the bill is effective on 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:

The bill may impact siting decisions of operators of community residential homes. Operators licensed for 7 to 14 residents who also operate a home licensed for 6 or fewer residents would have to locate the second home more than 1,200 feet from the larger home.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 419.001 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 Community Affairs on January 26, 2016:**

Provides that homes of six or fewer which otherwise meet the definition of a community residential home are not to be within a 1,200 foot radius of another existing community residential home in single-family or multifamily zoning.

- B. **Amendments:**

None.

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

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By the Committee on Community Affairs; and Senator Diaz de la Portilla

578-02620-16

20161174c1

1 A bill to be entitled  
 2 An act relating to residential facilities; amending s.  
 3 419.001, F.S.; specifying applicability of siting  
 4 requirements for community residential homes;  
 5 providing applicability with respect to local land use  
 6 and zoning; providing an effective date.  
 7  
 8 Be It Enacted by the Legislature of the State of Florida:  
 9  
 10 Section 1. Subsection (2) of section 419.001, Florida  
 11 Statutes, is amended to read:  
 12 419.001 Site selection of community residential homes.—  
 13 (2) Homes of six or fewer residents which otherwise meet  
 14 the definition of a community residential home shall be deemed a  
 15 single-family unit and a noncommercial, residential use for the  
 16 purpose of local laws and ordinances. Homes of six or fewer  
 17 residents which otherwise meet the definition of a community  
 18 residential home shall be allowed in single-family or  
 19 multifamily zoning without approval by the local government,  
 20 provided that such homes are shall not be located within a  
 21 radius of 1,000 feet of another existing such home with six or  
 22 fewer residents or within a radius of 1,200 feet of another  
 23 existing community residential home. Such homes with six or  
 24 fewer residents are shall not be required to comply with the  
 25 notification provisions of this section; provided that, before  
 26 prior to licensure, the sponsoring agency provides the local  
 27 government with the most recently published data compiled from  
 28 the licensing entities that identifies all community residential  
 29 homes within the jurisdictional limits of the local government  
 30 in which the proposed site is to be located in order to show  
 31 that there is not a home of six or fewer residents which

Page 1 of 2

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

578-02620-16

20161174c1

32 otherwise meets the definition of a ~~no other~~ community  
 33 residential home ~~is~~ within a radius of 1,000 feet and not a  
 34 community residential home within a radius of 1,200 feet of the  
 35 proposed home ~~with six or fewer residents~~. At the time of home  
 36 occupancy, the sponsoring agency must notify the local  
 37 government that the home is licensed by the licensing entity.  
 38 For purposes of local land use and zoning determinations, this  
 39 subsection does not affect the legal nonconforming use status of  
 40 any community residential home lawfully permitted and operating  
 41 as of July 1, 2016.

42 Section 2. This act shall take effect July 1, 2016.  
 43

Page 2 of 2

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Chair*  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Community Affairs  
Finance and Tax  
Regulated Industries  
Rules

**SENATOR MIGUEL DIAZ de la PORTILLA**  
40th District

February 4, 2016

The Honorable Anitere Flores  
Chair  
Fiscal Policy

Via email

Madam Chair:

CS SB 1174 has a final reference to Fiscal Policy. The bill has passed unanimously out of Community Affairs and Children, Families and Elder Affairs.

I would appreciate it if you could hear the bill at your next scheduled meeting.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla  
State Senator, District 40

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

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://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)

2/10/14  
Meeting Date

SB1174  
Bill Number (if applicable)

Topic Residential Facilities

Amendment Barcode (if applicable)

Name Diana Arteaga

Job Title Director of Govt Relations

Address 444 SW 2nd Ave 10th floor  
Street

Phone \_\_\_\_\_

Miami FL  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing City of Miami

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)

1174

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name JESS McCARTY

Job Title

Address 111 NW 1<sup>ST</sup> 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

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Chair*  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Community Affairs  
Finance and Tax  
Regulated Industries  
Rules

**SENATOR MIGUEL DIAZ de la PORTILLA**  
40th District

February 9, 2016

The Honorable Anitere Flores  
Chair  
Fiscal Policy

Via Email

Dear Chair Flores:

CS/SB 1174 is on your agenda for Wednesday, February 10<sup>th</sup>.

I would appreciate it if you would permit my assistant, Patricia Gosney, to present the bill on my behalf. I will be in another committee.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla  
Senator, District 40

Cc: Ms. Jennifer Hrdlicka, Staff Director;  
Ms. Tamra Lyon, Committee Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://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.)

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

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**BILL:** PCS/SB 7036 (163570)

**INTRODUCER:** Fiscal Policy Committee (Recommended by the Appropriations Subcommittee on Education) and Governmental Oversight and Accountability Committee

**SUBJECT:** School District Purchasing

**DATE:** February 9, 2016

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	_____	McVaney	_____	<b>GO Submitted as Committee Bill</b>
1.	Sikes	Elwell	AED	<b>Recommend: Fav/CS</b>
2.	Pace	Hrdlicka	FP	<b>Pre-meeting</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 7036 requires each district school board and Florida College System institution board of trustees to review the state term contracts and purchasing agreements available through the Department of Management Services (DMS) pursuant to s. 287.056, F.S., before purchasing nonacademic commodities and services. The bill also:

- Requires each bid specification for nonacademic commodities and services to include a statement that the state term contracts and purchasing agreements have been reviewed; and
- Authorizes each district school board to use the cooperative state purchasing programs managed through the regional consortium service organizations.

The bill may result in indeterminate cost savings for district school boards.

## II. Present Situation:

### Chapter 287, Florida Statutes

Chapter 287, F.S., regulates state agency<sup>1</sup> procurement of personal property and services.<sup>2</sup> Agencies may use a variety of procurement methods, depending on the cost<sup>3</sup> and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These include the following:

- "Single source contracts," which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- "Invitations to bid," which are used when an agency determines that standard services or goods will meet needs, wide competition is available, and the vendor's experience will not greatly influence the agency's results;
- "Requests for proposals," which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- "Invitations to negotiate," which are used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex, customized, mission-critical services, by an agency dealing with a limited number of vendors.<sup>4</sup>

Generally, local governments are not subject to the procurement provisions of ch. 287, F.S.; however, they may look to the chapter for guidance in the procurement of goods and services. Many local governments have local policies or ordinances to address competitive solicitations.

### State Contracts and Purchasing Agreements

Statewide contracts and purchasing agreements enable eligible users to pool their buying power to lower total costs and reduce administrative burden in the purchase of products and services.<sup>5</sup> The DMS competitively procures state term contracts and establishes purchasing agreements for selected products and services.<sup>6</sup> State agencies must, and other eligible users may, purchase commodities and contractual services from state term contracts and purchasing agreements.<sup>7</sup> Other eligible users include any local government; school board or other special district,

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<sup>1</sup> Section 287.012(1), F.S., defines "agency" as any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges.

<sup>2</sup> See s. 287.001, F.S.

<sup>3</sup> For example, s. 287.057(1), F.S., requires all projects that exceed \$35,000 to be competitively bid. Section 287.012(6), F.S., defines "competitive solicitation" as the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement. However, other contractual services and commodities are not subject to competitive-solicitation requirements. See s. 287.057(3)(e), F.S.

<sup>4</sup> Section 287.057, F.S.

<sup>5</sup> Department of Management Services, *State Contracts and Agreements*, available at [http://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements](http://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements) (last visited Feb. 2, 2016).

<sup>6</sup> Section 287.042(1)(a) and (2)(a), F.S.

<sup>7</sup> Section 287.056(1), F.S.

authority, or government entity; and any independent, nonprofit college or university located within the state and accredited by the Southern Association of Colleges and Schools.<sup>8</sup>

### **School Purchasing Requirements**

Purchases by school districts and Florida College System institutions must comply with requirements of law and rules of the State Board of Education.<sup>9</sup> Each school district and the Florida College System institution board of trustees is required to establish purchasing rules and regulations.<sup>10</sup> The district school board and the Florida College System institution board are permitted to make purchases from current county contracts if such contracts are to the economic advantage of these entities and the county purchasing agent is authorized by law to make purchases for the benefit of other governmental agencies within the county.<sup>11</sup>

School district purchasing regulations must be secured from the DMS and prior to any purchase the school district must give consideration to the lowest price available under the DMS regulations. The DMS should meet with education administrators to expand the inventory of standard items for common usage in all schools.<sup>12</sup>

Section 1001.451, F.S., authorizes school districts with 20,000 or fewer unweighted full-time equivalent students, certain developmental (laboratory) schools, and the Florida School for the Deaf and the Blind to enter into cooperative agreements to form regional consortium service organizations to provide purchasing.

Section 1006.27, F.S., requires the Department of Education to assist district school boards with procuring school buses, contractual needs, equipment, and supplies at reasonable prices by providing a plan under which district school boards may voluntarily pool their bids for such purchases.

Section 1006.283, F.S., authorizes a consortium of school districts to implement an instructional materials program that includes purchase of instructional materials.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 1010.04, F.S., to require each district school board and Florida College System institution board of trustees to review the available DMS state term contracts and purchasing agreements to determine if it is economically advantageous to use the state term contracts and purchasing agreements before purchasing nonacademic commodities and services. The bill also:

- Requires each bid specification for nonacademic commodities and services to include a statement that the state term contracts and purchasing agreements have been reviewed; and
- Authorizes each district school board to use the cooperative state purchasing programs managed through the regional consortium service organizations.

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<sup>8</sup> Section 287.056(1), F.S., and Rule 60A-1.005, F.A.C.

<sup>9</sup> Section 1010.04(1)(a), F.S.

<sup>10</sup> Section 1010.04(2), F.S. *See also* Rules 6A-1.012, and 6A-14.0734 F.A.C.

<sup>11</sup> Section 1010.04(3), F.S.

<sup>12</sup> Section 1001.42(12)(j), F.S.

**Section 2** provides that the bill is effective July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shares with 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 may shift some contracting dollars towards businesses that have entered into purchasing agreements with the DMS and vendors who hold state term contracts.

C. Government Sector Impact:

District school boards and Florida College System institutions may realize some cost savings to the extent goods and services are available at lower costs through the state term contracts and purchasing agreements. District school boards may also realize cost savings by utilizing cooperative state purchasing programs managed through regional consortium service organizations.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill amends section 1010.04 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 by Appropriations Subcommittee on Education on January 28, 2016:**

The committee substitute:

- Requires district school boards to review the Department of Management Services' state term contracts and purchasing agreements prior to purchasing nonacademic commodities and contractual services, rather than requiring district school boards use these state term contracts and purchasing agreements, and extends the review requirement to Florida College System institution boards of trustees.
- Requires each bid specification for nonacademic commodities and services to include a statement that the state term contracts and purchasing agreements have been reviewed.
- Authorizes each district school board to use the cooperative state purchasing programs managed through the regional consortium service organizations.

- B. **Amendments:**

None.



163570

594-02723-16

Proposed Committee Substitute by the Committee on Fiscal Policy  
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to school district purchasing;  
amending s. 1010.04, F.S.; requiring each district  
school board and Florida College System institution  
board of trustees to review certain agreements and  
contracts before purchasing nonacademic commodities  
and contractual services under certain circumstances  
to determine whether their use is economically  
advantageous; requiring that bid specifications  
include a specified statement; authorizing each  
district school board to also use specified  
cooperative state purchasing programs; providing an  
effective date.

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

Section 1. Subsection (1) of section 1010.04, Florida  
Statutes, is amended to read:

1010.04 Purchasing.—

(1) (a) Purchases and leases by school districts and Florida  
College System institutions shall comply with the requirements  
of law and rules of the State Board of Education.

(b) Before purchasing nonacademic commodities and  
contractual services, each district school board and Florida  
College System institution board of trustees shall review the  
purchasing agreements and state term contracts available under  
s. 287.056 to determine whether it is in the board's or the



163570

594-02723-16

board of trustees' economic advantage to use the agreements and  
contracts. Each bid specification for nonacademic commodities  
and contractual services must include a statement indicating  
that the purchasing agreements and state term contracts  
available under s. 287.056 have been reviewed. Each district  
school board may also use the cooperative state purchasing  
programs managed through the regional consortiums service  
organizations pursuant to their authority under s. 1001.451(3).  
(c) ~~(b)~~ Purchases and leases by state universities shall  
comply with the requirements of law and regulations of the Board  
of Governors.

Section 2. 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.)

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

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BILL: SB 7036

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: School District Purchasing

DATE: February 9, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	_____	McVaney	_____	<b>GO Submitted as Committee Bill</b>
1.	Sikes	Elwell	AED	<b>Recommend: Fav/CS</b>
2.	Pace	Hrdlicka	FP	<b>Pre-meeting</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

SB 7036 requires each district school board, when purchasing nonacademic commodities and services, to use state term contracts and purchasing agreements available through the Department of Management Services (DMS), unless the district school board determines that it is not the economic advantage of that school district to use the contracts and agreements.

For each determination that the agreements and contracts are not to the economic advantage of the school district, the district school board must provide a written statement justifying such determination and post the statement on the district school board's website.

The bill may result in indeterminate cost savings for district school boards.



## II. Present Situation:

### Chapter 287, Florida Statutes

Chapter 287, F.S., regulates state agency<sup>1</sup> procurement of personal property and services.<sup>2</sup> Agencies may use a variety of procurement methods, depending on the cost<sup>3</sup> and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These include the following:

- "Single source contracts," which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- "Invitations to bid," which are used when an agency determines that standard services or goods will meet needs, wide competition is available, and the vendor's experience will not greatly influence the agency's results;
- "Requests for proposals," which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- "Invitations to negotiate," which are used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex, customized, mission-critical services, by an agency dealing with a limited number of vendors.<sup>4</sup>

Generally, local governments are not subject to the procurement provisions of ch. 287, F.S.; however, they may look to the chapter for guidance in the procurement of goods and services. Many local governments have local policies or ordinances to address competitive solicitations.

### State Contracts and Purchasing Agreements

Statewide contracts and purchasing agreements enable eligible users to pool their buying power to lower total costs and reduce administrative burden in the purchase of products and services.<sup>5</sup> The DMS competitively procures state term contracts and establishes purchasing agreements for selected products and services.<sup>6</sup> State agencies must, and other eligible users may, purchase commodities and contractual services from state term contracts and purchasing agreements.<sup>7</sup> Other eligible users include any local government; school board or other special district,

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<sup>1</sup> Section 287.012(1), F.S., defines "agency" as any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges.

<sup>2</sup> See s. 287.001, F.S.

<sup>3</sup> For example, s. 287.057(1), F.S., requires all projects that exceed \$35,000 to be competitively bid. Section 287.012(6), F.S., defines "competitive solicitation" as the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement. However, other contractual services and commodities are not subject to competitive-solicitation requirements. See s. 287.057(3)(e), F.S.

<sup>4</sup> Section 287.057, F.S.

<sup>5</sup> Department of Management Services, *State Contracts and Agreements*, available at [http://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements](http://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements) (last visited Feb. 2, 2016).

<sup>6</sup> Section 287.042(1)(a) and (2)(a), F.S.

<sup>7</sup> Section 287.056(1), F.S.

authority, or government entity; and any independent, nonprofit college or university located within the state and accredited by the Southern Association of Colleges and Schools.<sup>8</sup>

### **School Purchasing Requirements**

Purchases by school districts and Florida College System institutions must comply with requirements of law and rules of the State Board of Education.<sup>9</sup> Each school district and the Florida College System institution board of trustees is required to establish purchasing rules and regulations.<sup>10</sup> The district school board and the Florida College System institution board are permitted to make purchases from current county contracts if such contracts are to the economic advantage of these entities and the county purchasing agent is authorized by law to make purchases for the benefit of other governmental agencies within the county.<sup>11</sup>

School district purchasing regulations must be secured from the DMS and prior to any purchase the school district must give consideration to the lowest price available under the DMS regulations. The DMS should meet with education administrators to expand the inventory of standard items for common usage in all schools.<sup>12</sup>

Section 1001.451, F.S., authorizes school districts with 20,000 or fewer unweighted full-time equivalent students, certain developmental (laboratory) schools, and the Florida School for the Deaf and the Blind to enter into cooperative agreements to form regional consortium service organizations to provide purchasing.

Section 1006.27, F.S., requires the Department of Education to assist district school boards with procuring school buses, contractual needs, equipment, and supplies at reasonable prices by providing a plan under which district school boards may voluntarily pool their bids for such purchases.

Section 1006.283, F.S., authorizes a consortium of school districts to implement an instructional materials program that includes purchase of instructional materials.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 1010.04, F.S., to require each district school board, when purchasing nonacademic commodities and services, to use the state term contracts and purchasing agreements available through the DMS, unless the district school board determines that it is not to the economic advantage of that school district to use the agreements and contracts.

For each determination that the agreements and contracts are not to the economic advantage of the school district, the district school board must provide a written statement justifying such determination and post the statement on the district school board's website.

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<sup>8</sup> Section 287.056(1), F.S., and Rule 60A-1.005, F.A.C.

<sup>9</sup> Section 1010.04(1)(a), F.S.

<sup>10</sup> Section 1010.04(2), F.S. *See also* Rules 6A-1.012, and 6A-14.0734 F.A.C.

<sup>11</sup> Section 1010.04(3), F.S.

<sup>12</sup> Section 1001.42(12)(j), F.S.

**Section 2** provides that the bill is effective July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shares with 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 may shift some contracting dollars towards businesses that have entered into purchasing agreements with the DMS and vendors who hold state term contracts.

C. Government Sector Impact:

District school boards may realize some cost savings to the extent goods and services are available at lower costs through the state term contracts and purchasing agreements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill amends section 1010.04 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.)

**See PCS 163570 by Fiscal Policy (Recommended by Appropriations Subcommittee on Education on January 28, 2016).**

- B. **Amendments:**

None.

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

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By the Committee on Governmental Oversight and Accountability

585-01765-16

20167036\_\_

1 A bill to be entitled  
 2 An act relating to school district purchasing;  
 3 amending s. 1010.04, F.S.; requiring each district  
 4 school board to use certain agreements and contracts  
 5 for purchasing nonacademic commodities and contractual  
 6 services under certain circumstances; requiring a  
 7 district school board to post a written justification  
 8 for certain determinations on the board's website;  
 9 providing an effective date.  
 10  
 11 Be It Enacted by the Legislature of the State of Florida:  
 12  
 13 Section 1. Subsection (1) of section 1010.04, Florida  
 14 Statutes, is amended to read:  
 15 1010.04 Purchasing.—  
 16 (1) (a) Purchases and leases by school districts and Florida  
 17 College System institutions shall comply with the requirements  
 18 of law and rules of the State Board of Education.  
 19 (b) For purchasing nonacademic commodities and contractual  
 20 services, each district school board must use the purchasing  
 21 agreements and state term contracts available under s. 287.056,  
 22 unless the district school board determines that it is not to  
 23 the economic advantage of that school district to use the  
 24 agreements and contracts. For each determination that the  
 25 agreements and contracts are not to the economic advantage of  
 26 the school district, the district school board must provide a  
 27 written statement justifying such determination and post the  
 28 statement on the district school board's website.  
 29 (c) (b) Purchases and leases by state universities shall

Page 1 of 2

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

585-01765-16

20167036\_\_

30 comply with the requirements of law and regulations of the Board  
 31 of Governors.  
 32 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

APPEARANCE RECORD

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

2-10-14

Meeting Date

7036

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Bob Harris

Job Title \_\_\_\_\_

Address 2418 Centennial Play

Phone 222-0720

Street

Tallahassee

State

FL

32308

Zip

Email bharris@lawfla.com

City

Speaking:  For  Against  Information

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

Representing Panhandle Area Educational Consortium (PAEC)

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.

# CourtSmart Tag Report

Room: KN 412

Caption: Senate Fiscal Policy Committee

Case No.:

Judge:

Type:

Started: 2/10/2016 10:36:28 AM

Ends: 2/10/2016 10:58:45 AM

Length: 00:22:18

10:36:29 AM Meeting called to order  
10:36:33 AM Roll call  
10:36:55 AM Tab #2 - CS/CS/SB 514 - Senator Richter to explain the bill  
10:37:40 AM Questions for the sponsor?  
10:38:25 AM Sen. Margolis with a question  
10:38:50 AM Chair asks if any further questions  
10:38:57 AM Speaker cards  
10:39:06 AM David Ramba waives in support of the bill  
10:39:14 AM Martha Cleaver waives in support  
10:39:21 AM Sen. Richter waives close  
10:39:29 AM Bill 514 passes favorably  
10:39:49 AM Tab #1 - CS/SB 114 - Senator Montford recognized to explain bill  
10:40:15 AM Amendment 384912  
10:40:38 AM Amendment 384912 adopted  
10:40:45 AM Amendment 770408  
10:40:59 AM Amendment 770408 adopted  
10:41:15 AM Amendment 196828 explained  
10:41:24 AM Amendment 196828 adopted  
10:41:34 AM Amendment 714176 explained by Senator Sachs  
10:41:54 AM Amendment 714176 adopted  
10:42:05 AM Back to bill as amended  
10:42:09 AM Appearance card by Mindy Gould  
10:42:57 AM Senator Montford recognized for further explanation of SB 114  
10:43:10 AM No debate or questions  
10:44:09 AM Sen. Montford waives close  
10:44:16 AM Roll call for passage  
10:44:22 AM SB 114 passes favorably  
10:44:42 AM Tab #4 - SB 1046 - Senator Hutson to explain the bill  
10:44:49 AM Sen. Hutson recognized to explain bill  
10:45:03 AM Question of the sponsor?  
10:45:12 AM Sen. Hays with question  
10:45:20 AM Sen. Hutson with response  
10:46:00 AM Sen. Hays with another question  
10:46:06 AM Sen. Hutson with response  
10:46:13 AM Sen. Hukill with a question  
10:46:39 AM Sen. Hutson with response  
10:47:08 AM Sen. Hays with another question  
10:47:13 AM Sen. Hutson with response  
10:47:26 AM Sen. Flores request staff to clarify  
10:47:37 AM Staff Director Jennifer Hrdlicka with clarification  
10:48:05 AM Appearance card from Mr. Spratt  
10:48:40 AM Mr. Spratt representing Florida Nursery Growers and landscape Association  
10:49:00 AM Appearance card from Lance Pierce waiving in support  
10:49:09 AM Debate?  
10:49:11 AM No debate  
10:49:15 AM Sen. Hutson waived close  
10:49:19 AM Roll call for passage  
10:49:23 AM SB 1046 passes favorably  
10:49:44 AM Tab #3 - SB 826  
10:49:54 AM Sen. Latvala recognize to explain the bill  
10:51:24 AM Amendment 189590  
10:51:47 AM Amendment introduced

10:51:56 AM Sen. Latvala recognized to explain amendment  
10:52:14 AM Question from Sen. Abruzzo  
10:52:24 AM Response from Sen. Latvala  
10:52:34 AM No further questions  
10:52:39 AM No debate  
10:52:41 AM Amendment 189590 adopted  
10:52:45 AM Back on bill as amended  
10:52:50 AM Appearance card from Nancy Stewart waives in support  
10:53:01 AM Lori Kilinger waives in support  
10:53:09 AM No debate  
10:53:11 AM Sen. Latvala to close  
10:53:32 AM Roll call for passage  
10:53:38 AM SB 826 passes favorable  
10:53:59 AM Tab #5 - SB 1066 - Senator Margolis recognized to explain the bill  
10:54:29 AM Questions?  
10:55:21 AM Subcommittee on Transportation, Tourism, and Economic Development recommends PCS 491260  
10:55:39 AM no debate  
10:55:43 AM Sen. Margolis waives her close  
10:55:48 AM Roll call for passage  
10:55:54 AM SB 1066 passes favorably  
10:56:09 AM Chair Flores announces that Senate Bill 7036 will not be considered today  
10:56:21 AM Tab #6 - CS/SB 1174  
10:56:56 AM Tab #6 - CS/SB 1174 - Pat Gosney (Senator Diaz de la Portilla's aide) is recognized to explain bill  
10:57:21 AM No questions  
10:57:31 AM Appearance card - Mr. McCarty waives in support  
10:57:40 AM Appearance card - Mrs. Artega waives in support  
10:57:53 AM No debate  
10:57:55 AM Roll call for passage  
10:58:00 AM CS/SB 1174 passes favorably  
10:58:08 AM Sen. Bradley favorable vote SB 114  
10:58:29 AM Meeting adjourned