

<b>Tab 1</b>	<b>CS/SB 52 by JU, Mayfield;</b> (Similar to CS/H 06515) Relief of Cathleen Smiley by Brevard County						
<b>Tab 2</b>	<b>SB 394 by Bracy;</b> (Identical to H 00309) Fire Safety						
550922	A	S	RCS	GO, Bracy	Delete L.31 - 38.	01/23 05:44 PM	
<b>Tab 3</b>	<b>SB 448 by Brandes;</b> (Compare to H 01357) Agency for State Technology						
485758	A	S	RCS	GO, Brandes	Delete L.28 - 41.	01/23 05:44 PM	
<b>Tab 4</b>	<b>SB 806 by Baxley;</b> (Similar to H 00703) Water Management District Surplus Lands						
<del>114744</del>	D	S	WD	GO, Baxley	Delete everything after	01/23 06:00 PM	
<del>468816</del>	AA	S	WD	GO, Baxley	Delete L.29:	01/23 06:00 PM	
<b>Tab 5</b>	<b>SB 820 by Powell;</b> (Similar to H 00637) Firesafety Inspectors						
771564	A	S	RCS	GO, Powell	Delete L.28 - 31:	01/23 06:00 PM	
<b>Tab 6</b>	<b>SB 988 by Perry;</b> (Similar to CS/H 00755) Public Records/ First Responder Network Authority/Nationwide Public Safety Broadband Network						
<b>Tab 7</b>	<b>CS/SB 1216 by JU, Book;</b> (Similar to H 07019) Public Records/Videotaped Statement of a Minor						
<b>Tab 8</b>	<b>SB 1240 by Mayfield;</b> (Identical to H 00977) Retirement of Instructional Personnel and Administrative Personnel						
495220	A	S	RCS	GO, Mayfield	Delete L.154:	01/23 06:00 PM	
<b>Tab 9</b>	<b>SB 1758 by Montford;</b> (Similar to H 00493) Special Risk Class						

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY**

**Senator Baxley, Chair**  
**Senator Mayfield, Vice Chair**

**MEETING DATE:** Tuesday, January 23, 2018

**TIME:** 3:30—5:30 p.m.

**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

**MEMBERS:** Senator Baxley, Chair; Senator Mayfield, Vice Chair; Senators Galvano, Rader, Rouson, Stargel, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 52</b> Judiciary / Mayfield (Similar CS/H 6515)	Relief of Cathleen Smiley by Brevard County; Providing for the relief of Cathleen Smiley by Brevard County; providing for an appropriation to compensate Cathleen Smiley for personal injuries and damages sustained in an automobile accident caused by a Brevard County employee, etc.  SM JU     01/10/2018 Fav/CS GO     01/23/2018 Favorable RC	Favorable Yeas 6 Nays 0
2	<b>SB 394</b> Bracy (Identical H 309)	Fire Safety; Requiring the Division of State Fire Marshal to establish specified courses as a part of firefighter and volunteer firefighter training and certification; specifying the division's authority to adopt rules for training related to cancer and mental health risks within the fire service, etc.  GO     01/23/2018 Fav/CS HP RC	Fav/CS Yeas 7 Nays 0
3	<b>SB 448</b> Brandes (Compare H 1357)	Agency for State Technology; Revising certain powers, duties, and functions of the agency in collaboration with the Department of Management Services; authorizing the state data center within the agency to extend, up to a specified timeframe, certain service-level agreements; deleting a requirement for a service-level agreement to provide a certain termination notice to the agency, etc.  GO     01/23/2018 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
4	<b>SB 806</b> Baxley (Similar H 703, Compare CS/CS/H 705, Linked S 808)	Water Management District Surplus Lands; Revising the circumstances when a water management district must publish its intention to sell surplus lands; revising the process for selling certain lower valued surplus lands, etc.  EP     01/16/2018 Favorable GO     01/23/2018 Favorable RC	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Governmental Oversight and Accountability  
 Tuesday, January 23, 2018, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 820</b> Powell (Similar H 637)	Firesafety Inspectors; Prohibiting certain actions to influence a firesafety inspector to violate the Florida Fire Prevention Code, other rules of the State Fire Marshal, or ch. 633, F.S., etc.  GO 01/23/2018 Fav/CS CJ RC	Fav/CS Yeas 6 Nays 0
6	<b>SB 988</b> Perry (Similar CS/H 755)	Public Records/ First Responder Network Authority/Nationwide Public Safety Broadband Network ; Providing an exemption from public records requirements for information obtained by persons or agencies from the First Responder Network Authority and information relating to the Nationwide Public Safety Broadband Network obtained by persons or agencies from entities operating pursuant to a contract with the First Responder Network Authority; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.  GO 01/23/2018 Favorable RC	Favorable Yeas 6 Nays 0
7	<b>CS/SB 1216</b> Judiciary / Book (Similar H 7019, Compare H 7017, Linked S 1214)	Public Records/Videotaped Statement of a Minor ; Expanding the exemption from public records requirements for any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct; providing for future review and repeal of the exemption; providing a statement of public necessity, etc.  JU 01/10/2018 Fav/CS GO 01/23/2018 Favorable RC	Favorable Yeas 7 Nays 0
8	<b>SB 1240</b> Mayfield (Identical H 977)	Retirement of Instructional Personnel and Administrative Personnel; Revising limitations on the maximum length of participation in the Deferred Retirement Option Program for certain instructional personnel and administrative personnel; requiring an employer to notify the Division of Retirement of the Department of Management Services regarding any change in termination date and program participation for each affected member, etc.  GO 01/23/2018 Fav/CS ED AP	Fav/CS Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Governmental Oversight and Accountability  
Tuesday, January 23, 2018, 3:30—5:30 p.m.

---

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	<b>SB 1758</b> Montford (Similar H 493)	Special Risk Class; Adding specified Florida State Hospital employees to the class, etc.  GO 01/23/2018 Favorable AGG AP	Favorable Yeas 7 Nays 0

---

Other Related Meeting Documents

---



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
515 Knott Building

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5198

DATE	COMM	ACTION
1/4/18	SM	<b>Fav/1 amendment</b>
1/11/18	JU	<b>Fav/CS</b>
1/23/18	GO	<b>Favorable</b>
	RC	

January 2, 2018

The Honorable Joe Negrón  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **CS/SB 52** – Judiciary Committee and Senator Mayfield  
**HB 6515** – Representative Altman  
Relief of Cathleen Smiley

**SPECIAL MASTER’S FINAL REPORT**

THIS IS AN UNCONTESTED CLAIM PREDICATED UPON A CONSENT JUDGMENT ENTERED AGAINST BREVARD COUNTY TO COMPENSATE THE CLAIMANT, CATHLEEN SMILEY, FOR INJURIES SUFFERED IN A MOTOR VEHICLE ACCIDENT AS A RESULT OF THE NEGLIGENT ACTIONS OF AN EMPLOYEE OF THE COUNTY.

FINDINGS OF FACT:

On June 18, 1998, Cathleen Smiley (“Claimant”) was involved in a multi-vehicle accident caused by a bus owned and operated by Brevard County. Claimant was the driver of a 1994 Ford Ranger pickup truck that was stopped in the westbound inside lane of West Hibiscus Boulevard waiting to make a left turn. A van being driven by Howard Evarts was traveling behind Claimant at roughly 5 mph, also preparing to turn left, when a Brevard County transit bus traveling at 45 mph failed to brake and rear-ended the van leaving approximately 76 feet of skid marks. This collision caused the Evarts van to rear-end Claimant’s vehicle. At the time of the accident, Claimant was wearing her seatbelt. The driver of the County bus, Dale McKale, was dismissed from county employment as a result of this accident.

Upon impact, Claimant's head hit the rear window of her pickup truck and she was knocked unconscious. She also sustained a laceration to her head which required 38 stitches. Injuries sustained by Claimant also included a post-traumatic cervical sprain, a post-traumatic thoracic sprain, post-traumatic headaches, a left shoulder injury, and a closed head injury with post-concussive syndrome. Claimant's neurologist, Dr. Christopher Prusinski, opined that she is at a point of maximum medical improvement and that she had suffered an 8 percent whole body impairment. To this day, Claimant experiences periodic neck and left shoulder pain.

After the accident, Claimant received substantial medical care with bills totaling \$22,437.42. Claimant testified that the accident caused a strain on her family life with her husband and young children. She could no longer perform her job as a certified nursing assistant due to the physically demanding nature of the position due to her injuries. But she has since found other work that is less physically demanding.

#### **Collateral Sources**

Claimant received \$8,650 from the County for property damage to her truck. She also received \$10,000 from Allstate Insurance from personal injury protection (PIP) coverage, which went towards her medical bills and support while she could not work.

#### **Litigation History**

Claimant and her husband filed suit against the Brevard County Board of Commissioners on or around February 29, 2000. The County filed an Answer in September 25, 2000. On May 27, 2014, Claimant and the County entered into a settlement agreement. The County agreed to pay Claimant \$25,000. Due to paying out other claims from the same accident, the county reached the \$200,000 sovereign immunity cap that was in place at the time of the accident, so the settlement agreement stipulates that Claimant will be compensated once a claims bill is passed. A consent judgment was entered on January 25, 2016. The Brevard County Board of County Commissioners has approved the settlement. The County is prepared to pay using risk management reserves, and payment of this claim bill will not affect county operations. The Legislature has already passed

two claim bills for the driver and passenger of the van involved in this same accident.<sup>1</sup>

CONCLUSIONS OF LAW:

The County owned the bus driven by its employee, Mr. McKale and is covered by the provisions of s. 768.28, F.S. Section 768.28, F.S., generally allows injured parties to sue state or local governments for damages caused by their negligence or the negligence of their employees by waiving the government's sovereign immunity from tort actions. However, at the time of this accident, the statute limited the amount of damages that a plaintiff could collect from a judgment against or settlement with a government entity to \$100,000 per person and \$200,000 for all claims or judgments arising out of the same incident. Funds can be paid in excess of these limits only upon the approval of a claim bill by the Legislature. The district has settled all claims associated with this accident except for Claimant's claim.

In a negligence action, a plaintiff bears the burden of proof to establish the four elements of negligence. These elements are duty, breach, causation, and damages. *Charron v. Birge*, 37 So. 3d 292, 296 (Fla. 5th DCA 2010) (quoting *Jefferies v. Amery Leasing, Inc.*, 698 So. 2d 368, 370-71 (Fla. 5th DCA 1997)).

The driver of a motor vehicle has a duty to use reasonable care, in light of the attendant circumstances, to prevent injuring persons within the vehicle's path. *Gowdy v. Bell*, 993 So. 2d 585, 586 (Fla. 1st DCA 2008). Reasonable care is the degree of care a reasonably careful person would have used under like circumstances. *Foster v. State*, 603 So. 2d 1312, 1316 n. 3 (Fla. 1st DCA 1992).

The long-standing doctrine of *respondeat superior* provides that an employer is liable for an employee's acts committed within the course and scope of employment. *City of Boynton Beach v. Weiss*, 120 So. 3d 606, 611 (Fla. 4th DCA 2013). Florida's dangerous instrumentality doctrine imposes "vicarious liability upon the owner of a motor vehicle who voluntarily entrusts that motor vehicle to an individual whose negligent operation causes damage to another." *Aurbach v. Gallina*, 753 So. 2d 60, 62 (Fla. 2000). Motor vehicles have been considered dangerous instrumentalities under Florida

---

<sup>1</sup> House Bills 797 and 799 (2003).

law for over a century. See *Anderson v. S. Cotton Oil Co.*, 74 So. 975, 978 (Fla. 1917). Mr. McKale was employed by the County and was acting within the scope of his employment at the time of the accident. Accordingly, the negligence of Mr. McKale is attributable to the district.

**Duty & Breach**

The County employee driving the bus was acting within the scope of his employment at the time of the accident. He had a duty to exercise reasonable care while operating the bus, which he breached when he failed to brake and collided into the rear of the van driven by Mr. Evarts, causing Mr. Evarts to rear-end Claimant. Brevard County admits that its employee, Dale McKale, operated the bus in a negligent manner and the county is liable.

**Causation**

The County's breach of the duty of care caused the accident that resulted in Claimant's injuries and damages.

**Damages**

Claimant suffered various serious injuries, with medical bills totaling \$22,437.42. She will have ongoing pain for the rest of her life, and will require lifelong treatment due to her injuries. After the accident she was unable to do her job as a certified nursing assistant, resulting in a lack of employment for some time. Her injuries also contributed to the strain on her marriage, which later ended in a divorce.

ATTORNEYS FEES:

The attorney in this case submitted an affidavit affirming that his fees will not exceed 25 percent of any recovery as required by s. 768.28, F.S. Outstanding costs are \$2,343.12.

SPECIAL ISSUES:

The undersigned recommends the bill is amended to reflect that Claimant's current married name is Cathleen L. Waller.

RECOMMENDATIONS:

Based on the above findings, I recommend that Senate Bill 52 be reported FAVORABLY, AS AMENDED.

SPECIAL MASTER'S FINAL REPORT – CS/SB 52

January 2, 2018

Page 5

Respectfully submitted,

Kellie Cochran  
Senate Special Master

cc: Secretary of the Senate  
Senator Mayfield, Senate Sponsor  
Representative Altman, House Sponsor  
Jordan Jones, House Special Master

**CS by Judiciary:**

The committee substitute recognizes the Claimant's name change as the result of her marriage.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR DEBBIE MAYFIELD**  
17th District

January 11, 2018

The Honorable Dennis Baxley  
Chair, Government Oversight and Accountability  
320 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Re: SB 52

Dear Chair Baxley,

I am respectfully requesting Senate Bill 52, a claims bill for Cathleen Smiley, be placed on the agenda for your committee on Government Oversight and Accountability.

I appreciate your consideration of this bill and I look forward to working with you and the Government Oversight and Accountability. If there are any questions or concerns, please do not hesitate to call my office at 850-487-5017

Thank you,

A handwritten signature in cursive script that reads "Debbie Mayfield".

Senator Debbie Mayfield  
District 17

Cc: Diana Caldwell, Tamra Redig, Debbie Dennis, Alex Bickley

REPLY TO:

- 900 E. Strawbridge Avenue, Melbourne, Florida 32901 (321) 409-2025
- 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

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

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

**COMMITTEES:**

Education, Vice Chair  
Appropriations Subcommittee on the  
Environment and Natural Resources  
Appropriations subcommittee on General  
Government  
Banking and Insurance  
Judiciary

**JOINT COMMITTEES:**

Joint Legislative Auditing Committee,  
Alternating Chair

**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 Governmental Oversight and Accountability

---

BILL: CS/SB 394

INTRODUCER: Governmental Oversight and Accountability and Senator Bracy

SUBJECT: Fire Safety

DATE: January 24, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Caldwell	GO	Fav/CS
2.			HP	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 394 requires the Division of the State Fire Marshal (Division) to establish courses providing training related to cancer and mental health as a part of firefighter and volunteer firefighter training and certification and specifies the Division's authority to adopt rules for training related to cancer and mental health risks within the fire service.

The bill provides an effective date of July 1, 2018.

**II. Present Situation:**

**Division of the State Fire Marshal**

State law on fire prevention and control is provided in ch. 633, F.S., Section 633.104(1), F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal (Division).<sup>1</sup> Pursuant to this authority, the State Fire Marshal:

- Regulates, educates or trains, and certifies fire service personnel;<sup>2</sup>
- Investigates the causes of fires;<sup>3</sup>

---

<sup>1</sup> The head of the Department of Financial Services (DFS) is the Chief Financial Officer. The Division of the State Fire Marshal is located within the DFS. *See* s. 20.121, F.S.

<sup>2</sup> Section 633.128(1), F.S. *Also see* Ch. 633, Part IV: Fire Standards and Training, F.S.

<sup>3</sup> Sections 633.104(2)(e), and 633.112, F.S.

- Enforces arson laws;<sup>4</sup>
- Regulates the installation and maintenance of fire equipment;<sup>5</sup>
- Conducts firesafety inspections of state buildings;<sup>6</sup>
- Develops firesafety standards;<sup>7</sup>
- Provides facilities for the analysis of fire debris;<sup>8</sup> and
- Operates the Florida State Fire College.<sup>9</sup>

Additionally, the State Fire Marshal adopts by rule the Florida Fire Prevention Code, which contains or references all firesafety laws and rules regarding public and private buildings.<sup>10</sup>

The Division consists of the two bureaus: the Bureau of Fire Standards and Training (BFST), and the Bureau of Fire Prevention.<sup>11</sup> The Florida Fire College, part of the BFST, trains over 6,000 students per year.<sup>12</sup> The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities. Over 1.8 million fire and emergency reports are collected every year. These reports are entered into a database to form the basis for the State Fire Marshal's annual report.<sup>13</sup>

### **Firefighters Employment, Standards, and Training Council**

The Firefighters Employment, Standards, and Training Council (council) is housed within the DFS and consists of 14 members.<sup>14</sup> The council is authorized to make recommendations for adoption by the Division on:

- Uniform minimum standards for the employment and training of firefighters and training of volunteer firefighters.
- Minimum curriculum requirements for schools operated by or for any fire service provider<sup>15</sup> for the specific purpose of training firefighter trainees, firefighters, and volunteer firefighters.
- Matters relating to the funding, general operation, and administration of the Bureau of Fire Standards and Training (Florida State Fire College), including, but not limited to, all standards, training, curriculum, and the issuance of any certificate of competency required by ch. 633, F.S.<sup>16</sup>

<sup>4</sup> Section 633.104(2)(e), F.S.

<sup>5</sup> Section 633.104(2)(b), F.S. *Also see* s. 633.104(2)(c), F.S., and Ch. 633, Part III: Fire Protection and Suppression, F.S.

<sup>6</sup> Section 633.218, F.S.

<sup>7</sup> Ch. 633, Part II: Fire Safety and Prevention, F.S.

<sup>8</sup> Section 633.432, F.S.

<sup>9</sup> Section 633.128(1)(h)–(q), F.S. *Also see* ss. 633.428–633.434, F.S.

<sup>10</sup> Section 633.202(1), F.S.

<sup>11</sup> See <https://www.myfloridacfo.com/Division/sfm/> (last visited on Jan. 17, 2018).

<sup>12</sup> See Division of State Fire Marshal, *About the Florida State Fire Marshal*, <http://www.myfloridacfo.com/division/sfm/AbouttheStateFireMarshal.htm> (last visited on Jan. 17, 2018).

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

<sup>14</sup> Section 633.402(1), F.S.

<sup>15</sup> Section 633.102(13), F.S., defines “fire service provider” as a municipality or county, the state, the division, or any political subdivision of the state, including authorities and special districts, that employs firefighters or uses volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services.

<sup>16</sup> Section 633.402(9), F.S.

The council may also make or support studies on any aspect of firefighting employment, education, and training or recruitment.<sup>17</sup>

### **Curriculum Requirements for Firefighters**

A person applying for certification as a firefighter must:

- Be a high school graduate or the equivalent and at least 18 years of age;
- Not have been convicted of a misdemeanor relating to the certification or to perjury or false statements, or a felony or a crime punishable by imprisonment of one year or more, or be dishonorably discharged from the Armed Forces of the United States;
- Submit a set of fingerprints to the division with a current processing fee;
- Have a good moral character;
- Be in good physical condition as determined by a medical examination; and
- Be a nonuser of tobacco or tobacco products for at least one year immediately preceding application.<sup>18</sup>

The Division is responsible for establishing a Minimum Standards Course as the training and educational curriculum required in order for a firefighter to obtain a Firefighter Certificate of Compliance (FCOC).<sup>19</sup> A FCOC is issued by the Division to an individual who does all of the following:

- Satisfactorily completes the Minimum Standards Course or has satisfactorily completed training for firefighters in another state which has been determined by the Division to be at least the equivalent of the training required for the Minimum Standards Course;
- Passes the Minimum Standards Course examination within 12 months after completing the required courses; and
- Meets the character and fitness requirements in s. 633.412, F.S.<sup>20</sup>

In order for a firefighter to retain or renew his or her FCOC, every 4 years he or she must:

- Be active as a firefighter;
- Maintain a current and valid fire service instructor certificate, instruct at least 40 hours during the 4-year period, and provide proof of such instruction to the Division, which proof must be registered in an electronic database designated by the Division;
- Within 6 months before the 4-year period expires, successfully complete a Firefighter Retention Refresher Course consisting of a minimum of 40 hours of training to be prescribed by rule; and
- Within 6 months before the 4-year period expires, successfully retake and pass the Minimum Standards Course examination.<sup>21</sup>

---

<sup>17</sup> *Id.*

<sup>18</sup> Section 633.412, F.S.

<sup>19</sup> Section 633.408(1)(a), F.S.

<sup>20</sup> Section 633.408(4), F.S.

<sup>21</sup> Section 633.414(1), F.S.

## Curriculum Requirements for Volunteer Firefighters

Volunteer firefighter training consists of Part I of the Minimum Standards Course as required by ch. 633, F.S., and Chapters 69A-37 (Firefighters Standards and Training) and 69A-62 (Firefighter Employment Standards), F.A.C., to obtain a Volunteer Firefighter Certificate of Completion.<sup>22</sup> A significant portion of this training can be completed through both on-line and practical skill courses. The on-line courses can be taken in lieu of the traditional classroom lecture and satisfies most of the required academic objectives. The Part I Minimum Standards Course is 206 hours of training and the following academic components:<sup>23</sup>

- Firefighter I Curriculum consists of classroom and live fire based core training.
- National Incident Management System focuses on the history, features, principles, and organizational structure of Incident Command.
- Wildland Firefighter Training curriculum and field exercises that address the basic skills required of all wildland firefighters who must understand the behavior and factors that affect the spread of wildfires.
- EMS First Responder curriculum that is an introduction to basic life support and emergency care.

Volunteer firefighters who have successfully completed the Firefighter Part I training are able to operate in the exclusionary or hot zone<sup>24</sup> and in an Immediately Dangerous to Life or Health environment.<sup>25</sup> In order for volunteer firefighters to retain their Volunteer Firefighter Certificate of Completion, every 4 years they must serve as a volunteer firefighter or complete a 40-hour refresher course.<sup>26</sup>

## Special Certificate of Compliance

A Special Certificate of Compliance issued by the Division authorizes an individual to serve as an administrative and command head of a fire service provider.<sup>27</sup> In order to obtain a Special Certificate of Compliance, an individual must do all of the following:

- Satisfactorily complete Part I of the Minimum Standards Course;
- Pass the Minimum Standards Course examination; and
- Meet the character and fitness requirements in s. 633.412, F.S.<sup>28</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 633.408(1), F.S., to require the Division to establish by rule courses to provide training for career and volunteer firefighters related to cancer and mental health risks within the fire service.

---

<sup>22</sup> Guidelines for the Firefighter Part I Certificate of Completion Program (Volunteer Firefighter), Division of the State Fire Marshal, The Bureau of Fire Standards and Training at the Florida State Fire College, Revision 2.1, March 2017. Available at [http://www.fldfs.com/division/sfm/bfst/REV\\_2\\_1\\_Guidelines\\_FF1.pdf](http://www.fldfs.com/division/sfm/bfst/REV_2_1_Guidelines_FF1.pdf) (last visited Jan. 17, 2018).

<sup>23</sup> *Id.*

<sup>24</sup> Section 633.102(17), F.S., defines the term “Hot zone” as the area immediately around an incident where serious threat of harm exists, which includes the collapse zone for a structure fire.

<sup>25</sup> *See supra* note 23.

<sup>26</sup> Section 633.414(2), F.S.

<sup>27</sup> Section 633.408(6), F.S.

<sup>28</sup> *Id.*

This training is a requirement for obtaining a Firefighter Certificate of Compliance, Volunteer Firefighter Certificate of Completion, or Special Certificate of Compliance. The training must include cancer and mental health awareness, prevention, mitigation, and treatment. The training must specifically include lifestyle, environmental, inherited, and occupational risks, and emphasize appropriate behavior, attitude, and cultural changes within the fire service. Certified firefighters must have such training made available to them.

**Section 2** of the bill amends s. 633.508(2), F.S., to authorize the Division to adopt rules for providing education and training in the field of safety related to cancer and mental health risks within the fire service.

**Section 3** of the bill provides an effective date of July 1, 2018.

#### **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 shared 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:**

Indeterminate.

##### **C. Government Sector Impact:**

The Division's BFST will be required to modify the current curriculum for firefighter and volunteer firefighter training and certification.<sup>29</sup> This will result in either an increase in the number of hours to complete or other subject matters being removed. Changes in the

---

<sup>29</sup> Department of Financial Services, *Senate Bill 394 Analysis* (Oct. 9, 2017) (copy on file with the Senate Governmental and Accountability Committee).

training will have an impact upon the state's certification examinations as these must be adjusted to address the new topics taught during training.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 633.408 and 633.508 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 Governmental Oversight and Accountability on January 23, 2018:**

The Committee Substitute deletes provisions of original bill that would have revised qualifications for firefighter certification to require firefighter to be a nonuser of tobacco or tobacco products during his or her career in the fire service.

- B. **Amendments:**

None.



550922

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2018	.	
	.	
	.	
	.	

---

The Committee on Governmental Oversight and Accountability  
(Bracy) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 31 - 38.

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

And the title is amended as follows:

Delete lines 6 - 7

and insert:

amending s. 633.508, F.S.;

By Senator Bracy

11-00578-18

2018394\_\_

A bill to be entitled

An act relating to fire safety; amending s. 633.408, F.S.; requiring the Division of State Fire Marshal to establish specified courses as a part of firefighter and volunteer firefighter training and certification; amending s. 633.412, F.S.; revising firefighter certification requirements; amending s. 633.508, F.S.; specifying the division's authority to adopt rules for training related to cancer and mental health risks within the fire service; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (1) of section 633.408, Florida Statutes, to read:

633.408 Firefighter and volunteer firefighter training and certification.—

(1) The division shall establish by rule:

(d) Courses to provide training for career and volunteer firefighters related to cancer and mental health risks within the fire service. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, Volunteer Firefighter Certificate of Completion, or Special Certificate of Compliance. The training must include cancer and mental health awareness, prevention, mitigation, and treatment. The training must specifically include lifestyle, environmental, inherited, and occupational risks, and emphasize appropriate behavior, attitude, and cultural changes within the fire service. Certified firefighters shall have such training made available

Page 1 of 2

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

11-00578-18

2018394\_\_

to them.

Section 2. Subsection (6) of section 633.412, Florida Statutes, is amended to read:

633.412 Firefighters; qualifications for certification.—A person applying for certification as a firefighter must:

(6) Be a nonuser of tobacco or tobacco products for at least 1 year immediately preceding application and during his or her career in the fire service, as evidenced by the sworn affidavit of the applicant.

Section 3. Subsection (2) of section 633.508, Florida Statutes, is amended to read:

633.508 Workplace safety; rulemaking authority; division authority.—

(2) The division shall have the authority to adopt rules for the purpose of ensuring safe working conditions for all firefighter employees by authorizing the enforcement of effective standards, by assisting and encouraging firefighter employers to maintain safe working conditions, and by providing for education and training in the field of safety, including training related to cancer and mental health risks within the fire service. Specifically, the division may by rule adopt the most current edition of all or any part of subparts C through T and subpart Z of 29 C.F.R. s. 1910; the National Fire Protection Association, Inc., Publication 1403, Standard on Live Fire Training Evolutions, as limited by subsection (6); and ANSI A 10.4.

Section 4. This act shall take effect July 1, 2018.

Page 2 of 2

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

# APPEARANCE RECORD

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

1/23/18

Meeting Date

394

Bill Number (if applicable)

Topic FIRE SAFETY

Amendment Barcode (if applicable)

Name Wayne BERKOSKA

Job Title District Vice President

Address 4005 N. ORANGE BLOSSOM TRAIL Phone \_\_\_\_\_

Street

ORLANDO

City

FL

State

32804

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FLORIDA PROFESSIONAL FIRE FIGHTERS

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.

APPEARANCE RECORD

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

1/23/18

Meeting Date

SB 394

Bill Number (if applicable)

Topic FIRE SAFETY

Amendment Barcode (if applicable)

Name OTO DROZD III

Job Title FIRE CHIEF ORANGE COUNTY FIRE RESCUE

Address 6590 AMBER COURT

Phone 407-637-7559

Street

Orlando FL 32790

Email OTO.DROZD@OCFL.NET

City

State

Zip

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

Waive Speaking: [ ] In Support [ ] Against

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

Representing FLORIDA FIRE CHIEF ASSOCIATION

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

Lobbyist registered with Legislature: [ ] Yes [X] 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)

1/23/18

Meeting Date

394

Bill Number (if applicable)

Topic FIRE SAFETY

Amendment Barcode (if applicable)

Name JON PASQUALONE

Job Title EXECUTIVE DIRECTOR

Address 9097 SE HOPE SOUND

Phone 772 349 1507

Street

City

FL State

33455 Zip

Email INFO@FFAIA.ORG

Speaking: [ ] For [ ] Against [ ] Information

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

Representing FL FIRE MARSHALS & INSPECTORS ASSOCIATION

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

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

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

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

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

---

BILL: CS/SB 448

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Brandes

SUBJECT: Agency for State Technology

DATE: January 24, 2018      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Caldwell	GO	<b>Fav/CS</b>
2.			AGG	
3.			AP	

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 448 revises certain powers, duties, and functions of the Agency for State Technology to provide for collaboration with the Department of Management Services.

The bill authorizes the Agency for State Technology's State Data Center to extend a service-level agreement with an existing customer for up to six months. The State Data Center must file a report with the Executive Office of the Governor within specified timeframes of the signing of an extension or the scheduled expiration of the service-level agreement with the customer. The report must outline issues preventing execution of new agreement and a schedule for resolving such issues.

The bill authorizes the Agency for State Technology to plan, design, and conduct testing with information technology resources to implement services that are within the scope of the services provided by the state data center, if cost-effective.

The bill has no known fiscal impact on state funds.

The bill takes effect July 1, 2018.

## II. Present Situation:

### Enterprise Information Technology Services Management Act

Chapter 282, F.S., is known as the Enterprise Information Technology Services Management Act.<sup>1</sup>

The State Technology Office (STO) was established in the Department of Management Services (DMS) in 1997.<sup>2</sup> During the 2000 and 2001 legislative sessions,<sup>3</sup> the Legislature significantly amended statutes allowing for the consolidation and centralization of information technology (IT) assets and resources for executive branch agencies. While other sections of statute were amended to accomplish this policy direction, the primary chapter amended was Part I of Chapter 282, F.S., to either take existing powers and duties assigned to the DMS and transfer these powers and duties to the STO, or prescribe additional powers and duties to the STO to accomplish the policy direction of consolidating and centralizing IT. One of STO's new duties included developing and implementing service level agreements<sup>4</sup> with each agency that the STO provided IT services.

In 2007, the Legislature created the Agency for Enterprise Information Technology (AEIT) to oversee policies for the design, planning, project management, and implementation of enterprise IT services, to include IT security.<sup>5</sup> The State Data Center was created by the Legislature in 2008.<sup>6</sup>

In 2014, the Legislature abolished the AEIT and transferred its duties to the then newly created Agency for State Technology.<sup>7</sup>

### Agency for State Technology

The AST was created on July 1, 2014.<sup>8</sup> The executive director of AST is appointed by the Governor and confirmed by the Senate. The duties and responsibilities of the AST include:<sup>9</sup>

- Developing and publishing information technology (IT) policy for management of the state's IT resources.
- Establishing and publishing IT architecture standards.
- Establishing project management and oversight standards with which state agencies must comply when implementing IT projects.
- Performing project oversight on all state IT projects with total costs of \$10 million or more.

---

<sup>1</sup> Section 282.003, F.S.

<sup>2</sup> Chapter 97-286, L.O.F.

<sup>3</sup> Chapter 2000-164, L.O.F.; Chapter 2001-261, L.O.F.

<sup>4</sup> Section 282.0041(20), F.S., defines the term "service level agreement" to mean a written contract between the state data center and a customer entity which specifies the scope of services provided, service level, the duration of the agreement, the responsible parties, and service costs. A service-level agreement is not a rule pursuant to chapter 120.

<sup>5</sup> Chapter 2007-105, L.O.F.

<sup>6</sup> Chapter 2008-116, L.O.F.

<sup>7</sup> Chapter 2014-221, L.O.F.

<sup>8</sup> Chapter 2014-221, L.O.F.

<sup>9</sup> Section 282.0051, F.S.

- Identifying opportunities for standardization and consolidation of IT services that support common business functions and operations.
- Establishing best practices for procurement of IT products in collaboration with the DMS.
- Participating with the DMS in evaluating, conducting and negotiating competitive solicitations for state term contracts for IT commodities, consultant services, or staff augmentation contractual services.
- Collaborating with the DMS in IT resource acquisition planning.
- Developing standards for IT reports and updates.
- Upon request, assisting state agencies in development of IT related legislative budget requests.
- Conducting annual assessments of state agencies to determine compliance with IT standards and guidelines developed by the AST.
- Providing operational management and oversight of the state data center.
- Recommending other IT services that should be designed, delivered, and managed as enterprise IT services.
- Recommending additional consolidations of agency data centers or computing facilities into the state data center.
- In consultation with state agencies, proposing methodology for identifying and collecting current and planned IT expenditure data at the state agency level.
- Performing project oversight on any cabinet agency<sup>10</sup> IT project that has a total project cost of \$25 million or more and impacts one or more other agencies.
- Consulting with state agencies regarding risks and other effects for IT projects implemented by an agency that must be connected to or accommodated by an IT system administered by a cabinet agency.
- Reporting annually to the Governor, the President of the Senate and the Speaker of the House of Representatives regarding state IT standards or policies that conflict with federal regulations or requirements.
- Establishing policy for all IT-related state contracts, including state term contracts for IT commodities, consultant services, and staff augmentation services in collaboration with the DMS. The IT policy must include:
  - Identification of the IT product and service categories to be included in state term contracts.
  - Requirements to be included in solicitations for state term contracts.
  - Evaluation criteria for the award of IT-related state term contracts.
  - The term of each IT-related state term contract.
  - The maximum number of vendors authorized on each state term contract.
- In collaboration with the DMS, evaluating vendor responses for state term contract solicitations and invitations to negotiate, answering vendor questions on state term contract solicitations, and ensuring that IT policy is included in all solicitations and contracts that are administratively executed by the DMS.

---

<sup>10</sup> Section 20.03(1), F.S. The term “cabinet” means collectively the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, as specified in s. 4, Art. IV of the State Constitution.

**State Data Center Service-Level Agreements**

The State Data Center is established within the AST and provides data center services that comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and auditing requirements.<sup>11</sup> The State Data Center must enter into a service-level agreement with each customer entity to provide required type and level of service or services. If a customer fails to execute an agreement within 60 days after commencement of service, the State Data Center may cease service.

Below is a table listing the customers of the AST’s State Data Center. The customers include state agencies, a water management district, a county, local agencies, and non-profit organizations.

<b>AST Agency Customers</b>	
Agency for Health Care Administration	Department of State
Agency for Persons with Disabilities	Department of Veterans' Affairs
Department of Citrus	Executive Office of the Governor
Department of Business & Professional Regulation	Division of Emergency Management
Department of Corrections	Fish & Wildlife Conservation Commission
Department of Children & Families	Florida Commission on Human Relations
Department of Economic Opportunity	Department of Highway Safety & Motor Vehicles
Department of Environmental Protection	Justice Administrative Commission
Department of Juvenile Justice	Public Employees Relations Commission
Department of Military Affairs	Public Service Commission
Department of Management Services	Northwest Florida Water Management District
Department of Education	Santa Rosa County
Department of Elder Affairs	Miami-Dade Expressway Authority
Department of Health	Greater Orlando Aviation Authority
Department of Lottery	Children Home Society
Department of Revenue	Department of Transportation

From 2008 to 2014, s. 282.203, F.S., allowed an existing customer’s service-level agreement with the AST to continue under the terms of the previous fiscal year’s agreement, if a customer did not execute a new service-level agreement within 60 days of the agreement’s expiration.

**Funding Methodology**

The Department of Financial Services (DFS) has responsibility for the preparation of the annual Statewide Cost Allocation Plan (SWCAP) required under the provisions of the U.S. Management and Budget (OMB) Circular A-87.<sup>12</sup> The circular establishes principles and standards for determining costs for federal awards carried out through grants, cost reimbursement contracts,

<sup>11</sup> Section 282.201, F.S.

<sup>12</sup> Section 215.195(1), F.S. Also, see 2 CFR Part 225, Appendix C, Appendix D, and Appendix E.

and other agreements with state, local, and federally recognized Indian tribal governments. The SWCAP is the mechanism by which the state identifies, summarizes, and allocates statewide indirect costs. The SWCAP also includes financial and billing information for central services directly charged to agencies or programs. The DFS must ensure that the SWCAP represents the most favorable allocation of central services cost allowable to the state by the Federal government.<sup>13</sup>

Appendix C of OMB Circular A-87, defines “billed central services” as central services billed to benefited agencies and/or programs on an individual fee-for-service or similar basis. Typical expenditures of billed central services include computer services, transportation services, insurance, and fringe benefits.<sup>14</sup>

The services provided by the State Data Center to state agencies are an example of “billed central services.” The State Data Center must adhere to the SWCAP in accounting for agency resources utilized.

### **Pilot Projects**

From 2008 to 2014, s. 282.203, F.S., allowed the primary data centers to plan, design, and establish pilot projects and conduct experiments with IT resources.

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

**Section 1** amends s. 282.0051(18)(b), F.S., to clarify that the AST will evaluate vendor responses only for state term contract solicitations and invitations to negotiate that are specifically related to IT. This amendment removes ambiguity of whether the AST had a duty to evaluate state-term contract solicitations and invitation to bids that were not IT-related.

Section 282.0051(18)(c), F.S., is amended to provide that the AST will answer vendor questions only on IT-related state term contract solicitations. This amendment removes the ambiguity of whether the AST had a duty to answer vendor questions on state-term contract solicitations that were not IT-related.

Section 282.0051(18)(d), F.S., is amended to provide that the AST shall ensure all IT-related solicitations by the DMS are procured and state contracts are managed in accordance with existing policy established under s. 282.0051(18)(a), F.S. This amendment clarifies the AST’s duty does not apply to non-IT solicitations and state term contracts.

**Section 2** amends s. 282.201(2)(d), F.S., to provide a State Data Center service-level agreement may be extended for up to six months. If the State Data Center and an existing customer execute a service-level agreement extension or fail to execute a new service-level agreement, the State Data Center must submit a report to the Executive Office of the Governor within five days after the date of the executed extension, or 15 days before the scheduled expiration date of the service-level agreement. Such report must explain the specific issues preventing execution of a new service-level agreement and describe the plan and schedule for resolving those issues.

---

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

<sup>14</sup> 2 CFR Part 225, Appendix C.

In addition, this section:

- Deletes the requirement within a service-level agreement to provide certain termination notice to the AST;
- Authorizes the AST to plan, design, and conduct testing with IT resources to implement services that are within the scope of services provided by the State Data Center, if cost effective; and
- Deletes obsolete provisions related to the schedule for consolidations of agency data centers.

**Section 3** provides an effective date of July 1, 2018.

#### **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 shared 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:**

None.

##### **C. Government Sector Impact:**

According to the AST, SB 448 has no fiscal impact.<sup>15</sup>

#### **VI. Technical Deficiencies:**

None.

---

<sup>15</sup> AST, *Senate Bill 448 Analysis* (Oct. 13, 2017) (copy on file with the Senate Governmental Oversight and Accountability Committee).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends sections 282.0051 and 282.201 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 Governmental Oversight and Accountability on January 23, 2018:**

The Committee Substitute:

- Deletes provisions of the original bill revising definitions of “breach” and “incident” contained in s. 282.0041, F.S.; and
- Deletes provisions of original bill reenacting s. 943.0415, F.S., relating to the Cybercrime Office within the Department of Law Enforcement.

- B. **Amendments:**

None.



485758

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2018	.	
	.	
	.	
	.	

---

The Committee on Governmental Oversight and Accountability  
(Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 28 - 41.

Delete lines 208 - 220.

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

And the title is amended as follows:

Delete lines 3 - 4

and insert:



485758

11           amending s.  
12  
13           Delete lines 20 - 23  
14 and insert:  
15           act; providing an

By Senator Brandes

24-00700-18

2018448\_\_

1 A bill to be entitled  
 2 An act relating to the Agency for State Technology;  
 3 amending s. 282.0041, F.S.; revising definitions of  
 4 the terms "breach" and "incident"; amending s.  
 5 282.0051, F.S.; revising certain powers, duties, and  
 6 functions of the agency in collaboration with the  
 7 Department of Management Services; amending s.  
 8 282.201, F.S.; authorizing the state data center  
 9 within the agency to extend, up to a specified  
 10 timeframe, certain service-level agreements; requiring  
 11 the state data center to submit a specified report to  
 12 the Executive Office of the Governor under certain  
 13 circumstances; deleting a requirement for a service-  
 14 level agreement to provide a certain termination  
 15 notice to the agency; requiring the state data center  
 16 to plan, design, and conduct certain testing, if cost-  
 17 effective; deleting obsolete provisions relating to  
 18 the schedule for consolidations of agency data  
 19 centers; conforming provisions to changes made by the  
 20 act; reenacting s. 943.0415(2) and (3), F.S., relating  
 21 to the Cybercrime Office within the Department of Law  
 22 Enforcement, to incorporate the amendment made to s.  
 23 282.0041, F.S., in references thereto; providing an  
 24 effective date.

25  
 26 Be It Enacted by the Legislature of the State of Florida:

27  
 28 Section 1. Subsections (2) and (10) of section 282.0041,  
 29 Florida Statutes, are amended to read:

Page 1 of 8

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

24-00700-18

2018448\_\_

30 282.0041 Definitions.—As used in this chapter, the term:  
 31 (2) "Breach" has the same meaning as provided in s.  
 32 501.171(1) ~~means a confirmed event that compromises the~~  
 33 ~~confidentiality, integrity, or availability of information or~~  
 34 ~~data.~~

35 (10) "Incident" means a violation or imminent threat of  
 36 violation, whether such violation is accidental or deliberate,  
 37 of information technology resources, security policies,  
 38 ~~acceptable use policies~~, or ~~standard security~~ practices. An  
 39 imminent threat of violation refers to a situation in which the  
 40 state agency has a factual basis for believing that a specific  
 41 incident is about to occur.

42 Section 2. Subsection (18) of section 282.0051, Florida  
 43 Statutes, is amended to read:

44 282.0051 Agency for State Technology; powers, duties, and  
 45 functions.—The Agency for State Technology shall have the  
 46 following powers, duties, and functions:

47 (18) In collaboration with the Department of Management  
 48 Services:

49 (a) Establish an information technology policy for all  
 50 information technology-related state contracts, including state  
 51 term contracts for information technology commodities,  
 52 consultant services, and staff augmentation services. The  
 53 information technology policy must include:

- 54 1. Identification of the information technology product and
- 55 service categories to be included in state term contracts.
- 56 2. Requirements to be included in solicitations for state
- 57 term contracts.
- 58 3. Evaluation criteria for the award of information

Page 2 of 8

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

24-00700-18

2018448\_\_

59 technology-related state term contracts.

60 4. The term of each information technology-related state  
61 term contract.

62 5. The maximum number of vendors authorized on each state  
63 term contract.

64 (b) Evaluate vendor responses for information technology-  
65 related state term contract solicitations and invitations to  
66 negotiate.

67 (c) Answer vendor questions on information technology-  
68 related state term contract solicitations.

69 (d) Ensure that all information technology-related  
70 solicitations by the department are procured and state contracts  
71 are managed in accordance with the information technology policy  
72 established under pursuant to paragraph (a) is included in all  
73 solicitations and contracts which are administratively executed  
74 by the department.

75 Section 3. Paragraph (d) of subsection (2) of section  
76 282.201, Florida Statutes, is amended, paragraph (g) is added to  
77 that subsection, and subsection (4) of that section is amended,  
78 to read:

79 282.201 State data center.—The state data center is  
80 established within the Agency for State Technology and shall  
81 provide data center services that are hosted on premises or  
82 externally through a third-party provider as an enterprise  
83 information technology service. The provision of services must  
84 comply with applicable state and federal laws, regulations, and  
85 policies, including all applicable security, privacy, and  
86 auditing requirements.

87 (2) STATE DATA CENTER DUTIES.—The state data center shall:

Page 3 of 8

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

24-00700-18

2018448\_\_

88 (d) Enter into a service-level agreement with each customer  
89 entity to provide the required type and level of service or  
90 services. If a customer entity fails to execute an agreement  
91 within 60 days after commencement of a service, the state data  
92 center may cease service. A service-level agreement may not have  
93 an original a term exceeding 3 years, but the service-level  
94 agreement may be extended for up to 6 months. If the state data  
95 center and an existing customer entity either execute an  
96 extension or fail to execute a new service-level agreement  
97 before the expiration of an existing service-level agreement,  
98 the state data center must submit a report to the Executive  
99 Office of the Governor within 5 days after the date of the  
100 executed extension or 15 days before the scheduled expiration  
101 date of the service-level agreement, as applicable, to explain  
102 the specific issues preventing execution of a new service-level  
103 agreement and to describe the plan and schedule for resolving  
104 those issues. A service-level agreement, and at a minimum, must:

105 1. Identify the parties and their roles, duties, and  
106 responsibilities under the agreement.

107 2. State the duration of the contract term and specify the  
108 conditions for renewal.

109 3. Identify the scope of work.

110 4. Identify the products or services to be delivered with  
111 sufficient specificity to permit an external financial or  
112 performance audit.

113 5. Establish the services to be provided, the business  
114 standards that must be met for each service, the cost of each  
115 service, and the metrics and processes by which the business  
116 standards for each service are to be objectively measured and

Page 4 of 8

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

24-00700-18 2018448\_\_

117 reported.

118 6. Provide a timely billing methodology to recover the cost

119 of services provided to the customer entity pursuant to s.

120 215.422.

121 7. Provide a procedure for modifying the service-level

122 agreement based on changes in the type, level, and cost of a

123 service.

124 8. Include a right-to-audit clause to ensure that the

125 parties to the agreement have access to records for audit

126 purposes during the term of the service-level agreement.

127 9. Provide that a service-level agreement may be terminated

128 by either party for cause only after giving the other party ~~and~~

129 ~~the Agency for State Technology~~ notice in writing of the cause

130 for termination and an opportunity for the other party to

131 resolve the identified cause within a reasonable period.

132 10. Provide for mediation of disputes by the Division of

133 Administrative Hearings pursuant to s. 120.573.

134 (g) Plan, design, and conduct testing with information

135 technology resources to implement services within the scope of

136 the services provided by the state data center, if cost-

137 effective.

138 (4) ~~SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.-~~

139 ~~(a) Consolidations of agency data centers and computing~~

140 ~~facilities into the state data center shall be made by the dates~~

141 ~~specified in this section and in accordance with budget~~

142 ~~adjustments contained in the General Appropriations Act.~~

143 ~~(b) During the 2013-2014 fiscal year, the following state~~

144 ~~agencies shall be consolidated by the specified date:~~

145 1. ~~By October 31, 2013, the Department of Economic~~

24-00700-18 2018448\_\_

146 ~~Opportunity.~~

147 2. ~~By December 31, 2013, the Executive Office of the~~

148 ~~Governor, to include the Division of Emergency Management except~~

149 ~~for the Emergency Operation Center's management system in~~

150 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~

151 ~~Starke.~~

152 3. ~~By March 31, 2014, the Department of Elderly Affairs.~~

153 4. ~~By October 30, 2013, the Fish and Wildlife Conservation~~

154 ~~Commission, except for the commission's Fish and Wildlife~~

155 ~~Research Institute in St. Petersburg.~~

156 (a)-(e) The following agency data centers are exempt from

157 state data center consolidation under this section: the

158 Department of Law Enforcement, the Department of the Lottery's

159 Gaming System, Systems Design and Development in the Office of

160 Policy and Budget, the regional traffic management centers as

161 described in s. 335.14(2) and the Office of Toll Operations of

162 the Department of Transportation, the State Board of

163 Administration, state attorneys, public defenders, criminal

164 conflict and civil regional counsel, capital collateral regional

165 counsel, and the Florida Housing Finance Corporation.

166 (b)-(d) A state agency that is consolidating its agency data

167 center or computing facility into the state data center must

168 execute a new or update an existing service-level agreement

169 within 60 days after the commencement of the service. If a state

170 agency and the state data center are unable to execute a

171 service-level agreement by that date, the agency shall submit a

172 report to the Executive Office of the Governor within 5 working

173 days after that date which explains the specific issues

174 preventing execution and describing the plan and schedule for

24-00700-18 2018448\_\_

175 resolving those issues.

176 (c)(e) Each state agency consolidating ~~scheduled for~~  
 177 ~~consolidation~~ into the state data center shall submit a  
 178 transition plan to the Agency for State Technology by July 1 of  
 179 the fiscal year before the fiscal year in which the ~~scheduled~~  
 180 consolidation will occur. Transition plans must ~~shall~~ be  
 181 developed in consultation with the state data center and must  
 182 include:

183 1. An inventory of the agency data center's resources being  
 184 consolidated, including all hardware and its associated life  
 185 cycle replacement schedule, software, staff, contracted  
 186 services, and facility resources performing data center  
 187 management and operations, security, backup and recovery,  
 188 disaster recovery, system administration, database  
 189 administration, system programming, job control, production  
 190 control, print, storage, technical support, help desk, and  
 191 managed services, but excluding application development, and the  
 192 agency's costs supporting these resources.

193 2. A list of contracts in effect, including, but not  
 194 limited to, contracts for hardware, software, and maintenance,  
 195 which identifies the expiration date, the contract parties, and  
 196 the cost of each contract.

197 3. A detailed description of the level of services needed  
 198 to meet the technical and operational requirements of the  
 199 platforms being consolidated.

200 4. A timetable with significant milestones for the  
 201 completion of the consolidation.

202 (d)(f) Each state agency consolidating ~~scheduled for~~  
 203 ~~consolidation~~ into the state data center shall submit with its

Page 7 of 8

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

24-00700-18 2018448\_\_

204 respective legislative budget request the specific recurring and  
 205 nonrecurring budget adjustments of resources by appropriation  
 206 category into the appropriate data processing category pursuant  
 207 to the legislative budget request instructions in s. 216.023.

208 Section 4. For the purpose of incorporating the amendment  
 209 made by this act to section 282.0041, Florida Statutes, in  
 210 references thereto, subsections (2) and (3) of section 943.0415,  
 211 Florida Statutes, are reenacted to read:

212 943.0415 Cybercrime Office.—There is created within the  
 213 Department of Law Enforcement the Cybercrime Office. The office  
 214 may:

215 (2) Monitor state information technology resources and  
 216 provide analysis on information technology security incidents,  
 217 threats, and breaches as defined in s. 282.0041.

218 (3) Investigate violations of state law pertaining to  
 219 information technology security incidents pursuant to s.  
 220 282.0041 and assist in incident response and recovery.

221 Section 5. This act shall take effect July 1, 2018.

Page 8 of 8

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Dennis Baxley  
Committee on Governmental Oversight and  
Accountability

**Subject:** Committee Agenda Request

**Date:** October 26, 2017

---

I respectfully request that **Senate Bill #448**, relating to **Agency for State Technology**, be placed on the:

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

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes  
Florida Senate, District 24

**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 Governmental Oversight and Accountability

---

BILL: SB 806

INTRODUCER: Senator Baxley

SUBJECT: Water Management District Surplus Lands

DATE: January 22, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Istler</u>	<u>Rogers</u>	<u>EP</u>	<b>Favorable</b>
2.	<u>Caldwell</u>	<u>Caldwell</u>	<u>GO</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

---

**I. Summary:**

SB 806 makes the following changes to the procedures a water management district (WMD) must follow when selling surplus lands:

- Provides that the first publication of the required notice of intention to sell must occur at least 30 days, but not more than 360 days, before any sale is approved by a WMD. Current law only requires that the first publication of the required notice of intent to sell take place before any sale and the change is meant to provide clarity.
- Authorizes, rather than requires, the governing board of a WMD to sell surplus parcels of land valued at \$25,000 or less to adjacent property owners. Currently, the law requires WMDs to give adjacent property owners the first opportunity to purchase these lands.
- Authorizes a WMD to sell surplus parcels of land valued at \$25,000 or less at any time to the general public for the highest price obtainable, if the parcel is not sold to an adjacent property owner.
- Defines the term “adjacent property owners” to mean “those owners whose property abuts the parcel.”

**II. Present Situation:**

There are five water management districts (WMDs) established within the state which are responsible for the administration of water resources at the regional level.<sup>1</sup> The four core mission areas of WMDs include water supply, water quality, flood protection and floodplain management, and natural systems. To accomplish these goals and responsibilities, WMDs are authorized to acquire fee or less than fee title to land.<sup>2</sup> Of the approximately 5.6 million acres of

---

<sup>1</sup> Department of Environmental Protection (DEP), *Water Management Districts*, <https://floridadep.gov/water-policy/water-policy/content/water-management-districts> (last visited Jan. 17, 2018).

<sup>2</sup> *Id.*; s. 373.139, F.S.

land that the state owns, the WMDs collectively own 2.15 million acres of land.<sup>3</sup> The following is a breakdown of the land in acres owned by each WMD:

- Northwest Florida: 210,740.
- Suwannee River: 160,330.
- St. Johns River: 625,000.
- Southwest Florida: 337,810.
- South Florida: 818,840.<sup>4</sup>

Each WMD assesses its land inventory to ensure that the present and future uses of the lands it owns will be utilized in the most effective manner and support the WMD's core mission requirements. Lands determined to be surplus may be offered for public bid and sold pursuant to s. 373.089, F.S., conveyed by a WMD to another governmental entity pursuant to s. 373.056, F.S., or used in potential real estate exchange transactions. In most cases and depending on the source of funds that were initially used to purchase the lands, the proceeds from the disposition of lands revert to the fund from which the lands were acquired to be used for the purchase of acquiring additional lands.<sup>5</sup>

### **Sale of Surplus WMD Lands**

The governing board of a WMD may sell lands, or interests or rights in lands, to which the WMD has acquired title, if the governing board declares the lands surplus. To declare lands surplus, a governing board must determine:

- For lands designated as acquired for conservation purposes, that the lands are no longer needed for conservation purposes.<sup>6</sup>
- For all other lands, that the lands are no longer needed.<sup>7</sup>

Upon determining that the lands are surplus, the governing board may dispose of conservation lands by a two-thirds vote and all other lands by a majority vote.<sup>8</sup>

The governing board of a WMD must first offer any land that was acquired in whole or in part using Florida Forever funds to the Board of Trustees of the Internal Improvement Trust Fund (BOT), unless the disposition of the land is for the following purposes:

- Linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances.
- The disposition of the fee interest in the land where a conservation easement is retained by the WMD to fulfill the conservation objectives for which the land was acquired.
- An exchange of the land for other lands that meet or exceed the conservation objectives for which the original land was acquired.

---

<sup>3</sup> DEP, *State of Florida Lands and Facilities Inventory Search*, State Lands Dashboard (01/07/2018), <http://prodenv.dep.state.fl.us/DsIPi/stateLandDashboard.action> (last visited Jan. 17, 2018).

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

<sup>5</sup> Section 373.139(6), F.S.

<sup>6</sup> FLA. CONST., art. x, s. 18.

<sup>7</sup> Section 373.089(6), F.S.

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

- To be used by a governmental entity for a public purpose.
- The portion of an overall purchase deemed surplus at the time of the acquisition.<sup>9</sup>

Any surplus lands, including lands acquired with Florida Forever funds if the BOT declines to accept title, may be sold by the WMD at any time for the highest price obtainable; however, the selling price may not be less than the appraised value of the lands, as determined by a certified appraisal obtained within 360 days before the effective date of a contract for sale.<sup>10</sup>

Before selling surplus lands, a WMD must publish a notice of its intention to sell, which includes a description of the lands to be offered for sale, in a newspaper circulated in the county in which the lands are located once each week for three successive weeks. The first publication must occur at least 30 days, but no more than 360 days, before any sale.

***Expedited process for parcels valued at \$25,000 or less***

If the governing board of a WMD determines that a parcel of land is no longer essential or necessary for conservation purposes and the parcel is valued at \$25,000 or less as determined by a certified appraisal obtained within 360 days before the effective date of the contract for sale, the governing board may determine that the parcel of land is surplus.

The governing board must publish, one time only, a notice of intention to sell in a newspaper that is published within the county in which the parcel for sale is located at least 30 days, but not more than 360 days, before any sale.<sup>11</sup> The governing board is required to send the notice of intention to sell the parcel to adjacent property owners and post notice on its website. Fourteen days after publication of the notice, the WMD may sell the parcel to an adjacent property owner or, if there are two or more owners of adjacent property, accept sealed bids and sell the parcel to the highest bidder or reject all offers.<sup>12</sup> Thirty days after publication of the notice, the WMD must accept sealed bids and may sell the parcel to the highest bidder or reject all offers.<sup>13</sup>

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

SB 806 amends s. 373.089, F.S., to revise the procedures a WMD must follow when selling surplus lands.

Under current law, a WMD must publish a notice of intention to sell in a newspaper published in the county in which the land is located for three successive weeks. The first publication of the notice must occur at least 30 days, but not more than 360 days, before any sale. The bill specifies that the first publication of the required notice must occur at least 30 days, but not more than 360 days, before any sale is approved by a WMD.

The bill revises the expedited process for surplus properties valued at \$25,000 or less to authorize, rather than require, a WMD to sell the land to an adjacent property owner. The bill

---

<sup>9</sup> Section 373.089(7), F.S.

<sup>10</sup> Section 373.089, F.S.

<sup>11</sup> Section 373.089(8), F.S.

<sup>12</sup> Section 373.089(8), F.S.

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

removes the requirement that a WMD accept sealed bids and sell the property to the highest bidder or reject all offers 30 days after publication of the notice of intention to sell.

The bill authorizes a WMD to sell a surplus parcel valued at \$25,000 or less at any time to the general public for the highest price obtainable, if the WMD does not elect to sell the parcel to the adjacent property owner.

If, however, a WMD does choose to sell to an adjacent property owner, the WMD must publish, one time only, a notice of intention to sell in a newspaper published in the county in which the land is located at least 30 days, but not more than 360 days, before any sale is approved by the WMD. The WMD is required to wait 14 days after publication of the notice before selling the parcel to an adjacent property owner. The bill defines the term “adjacent property owners” to mean “those owners whose property abuts the parcel.”

The bill takes effect July 1, 2018.

#### **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 bill may have a positive, indeterminate fiscal impact on WMDs selling surplus lands valued at \$25,000 or less by authorizing the parcels to be sold more efficiently by removing the requirement that a WMD must offer the land to adjacent property owners first and wait 30 days from publication of its notice of intention to sell before accepting offers from individuals who are not adjacent property owners.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 373.089 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.



114744

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/23/2018	.	
	.	
	.	
	.	

---

The Committee on Governmental Oversight and Accountability  
(Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 373.089, Florida Statutes, is amended to  
read:

373.089 Sale or exchange of lands, or interests or rights  
in lands.—The governing board of the district may sell lands, or  
interests or rights in lands, to which the district has acquired  
title or to which it may hereafter acquire title in the



114744

11 following manner:

12 (1) Any lands, or interests or rights in lands, determined  
13 by the governing board to be surplus may be sold by the  
14 district, at any time, for the highest price obtainable using  
15 any reasonable means, including, but not limited to, procuring  
16 real estate services, open or exclusive listings, competitive  
17 bidding, auctions, negotiated direct sales, or other related  
18 services to facilitate the sale; however, ~~in no case shall~~ the  
19 selling price may not be less than the appraised value of the  
20 lands, or interests or rights in lands, as determined by a  
21 certified appraisal obtained within 360 days before the  
22 effective date of a contract for sale.

23 (2) All sales of land, or interests or rights in land, must  
24 ~~shall~~ be for cash or upon terms and security to be approved by  
25 the governing board, but a deed therefor may ~~shall~~ not be  
26 executed and delivered until full payment is made.

27 (3) Before selling any surplus land, or interests or rights  
28 in land, the district shall publish a notice of intention to  
29 sell in a newspaper published in the county in which the land,  
30 or interests or rights in the land, is situated once each week  
31 for 3 successive weeks, three insertions being sufficient. The  
32 first publication of the required notice must occur at least 30  
33 days, but not more than 360 days, before any sale and must  
34 include a description of lands, or interests or rights in lands,  
35 to be offered for sale.

36 (4) The governing board of a district may exchange lands,  
37 or interests or rights in lands, owned by, or lands, or  
38 interests or rights in lands, for which title is otherwise  
39 vested in, the district for other lands, or interests or rights



114744

40 in lands, within the state owned by any person. The governing  
41 board shall fix the terms and conditions of any such exchange  
42 and may pay or receive any sum of money that the board considers  
43 necessary to equalize the values of exchanged properties. Land,  
44 or interests or rights in land, acquired under former s. 373.59,  
45 Florida Statutes 2014, may be exchanged only for lands, or  
46 interests or rights in lands, that otherwise meet the  
47 requirements of that section for acquisition.

48 (5) In any county having a population of 75,000 or fewer,  
49 or a county having a population of 100,000 or fewer that is  
50 contiguous to a county having a population of 75,000 or fewer,  
51 in which more than 50 percent of the lands within the county  
52 boundary are federal lands and lands titled in the name of the  
53 state, a state agency, a water management district, or a local  
54 government, those lands titled in the name of a water management  
55 district which are not essential or necessary to meet  
56 conservation purposes may, upon request of a public or private  
57 entity, be made available for purchase through the surplusizing  
58 process in this section. Priority consideration must be given to  
59 buyers, public or private, who are willing to return the  
60 property to productive use so long as the property can be  
61 reentered onto the county ad valorem tax roll. Property acquired  
62 with matching funds from a local government shall not be made  
63 available for purchase without the consent of the local  
64 government.

65 (6) Any lands the title to which is vested in the governing  
66 board of a water management district may be surplusized pursuant  
67 to the procedures set forth in this section and s. 373.056 and  
68 the following:



114744

69           (a) For those lands designated as acquired for conservation  
70 purposes, the governing board shall make a determination that  
71 the lands are no longer needed for conservation purposes and may  
72 dispose of them by a two-thirds vote.

73           (b) For all other lands, the governing board shall make a  
74 determination that such lands are no longer needed and may  
75 dispose of them by majority vote.

76           (c) For the purposes of this subsection, all lands for  
77 which title has vested in the governing board prior to July 1,  
78 1999, shall be deemed to have been acquired for conservation  
79 purposes.

80           (d) For any lands acquired on or after July 1, 1999, for  
81 which title is vested in the governing board, the governing  
82 board shall determine which parcels shall be designated as  
83 having been acquired for conservation purposes.

84           (7) (a) Notwithstanding other provisions of this section,  
85 the governing board shall first offer title to lands acquired in  
86 whole or in part with Florida Forever funds which are determined  
87 to be no longer needed for conservation purposes to the Board of  
88 Trustees of the Internal Improvement Trust Fund unless the  
89 disposition of those lands is for the following purposes:

90           1. (a) Linear facilities, including electric transmission  
91 and distribution facilities, telecommunication transmission and  
92 distribution facilities, pipeline transmission and distribution  
93 facilities, public transportation corridors, and related  
94 appurtenances.

95           2. (b) The disposition of the fee interest in the land where  
96 a conservation easement is retained by the district to fulfill  
97 the conservation objectives for which the land was acquired.



114744

98            3.(e) An exchange of the land for other lands that meet or  
99 exceed the conservation objectives for which the original land  
100 was acquired in accordance with subsection (4).

101            4.(d) To be used by a governmental entity for a public  
102 purpose.

103            5.(e) The portion of an overall purchase deemed surplus at  
104 the time of the acquisition.

105            (b) If the Board of Trustees of the Internal Improvement  
106 Trust Fund declines to accept title to the lands offered under  
107 this section, the land may be disposed of by the district under  
108 the provisions of this section.

109            (8) (a) If a parcel of land is no longer essential or  
110 necessary for conservation purposes and is valued at \$25,000 or  
111 less as determined by a certified appraisal, a broker's price  
112 opinion, or other valuation services obtained within 360 days  
113 before the effective date of a contract for the sale, as  
114 specified in subsection (1), the governing board may determine  
115 that the parcel of land is surplus and may offer to sell it to  
116 the adjacent property owners. If the governing board elects to  
117 offer for sale the parcel to adjacent property owners pursuant  
118 to this subsection, the governing board must publish the notice  
119 of intention to sell ~~must be published~~ as required under  
120 subsection (3), one time only and the governing board must  
121 ~~shall~~ send the notice of intention to sell the parcel to  
122 adjacent property owners by certified mail and publish the  
123 notice on its website. For the purpose of this subsection, the  
124 term "adjacent property owners" means those owners whose  
125 property abuts the parcel.

126            (b) Fourteen days after publication of such notice, the



114744

127 district may sell the parcel to an adjacent property owner or,  
128 if there are two or more owners of adjacent property, accept  
129 sealed bids and sell the parcel to the highest bidder or reject  
130 all offers.

131 (c) If the parcel is not sold to an adjacent property owner  
132 pursuant to paragraph (b), the district may sell the parcel at  
133 any time to the general public for the highest price obtainable  
134 using any reasonable means, including, but not limited to,  
135 procuring real estate services, open or exclusive listings,  
136 competitive bidding, auctions, negotiated direct sales, or other  
137 related services to facilitate the sale ~~Thirty days after~~  
138 ~~publication of such notice, the district shall accept sealed~~  
139 ~~bids and may sell the parcel to the highest bidder or reject all~~  
140 ~~offers.~~

141  
142 ~~If the Board of Trustees of the Internal Improvement Trust Fund~~  
143 ~~declines to accept title to the lands offered under this~~  
144 ~~section, the land may be disposed of by the district under the~~  
145 ~~provisions of this section.~~

146 Section 2. This act shall take effect July 1, 2018.

147  
148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause  
151 and insert:

152 A bill to be entitled

153 An act relating to water management district  
154 surplus lands; amending s. 373.089, F.S.; authorizing  
155 the water management districts to use any reasonable



114744

156 means to sell surplus property; specifying that  
157 certain lands acquired with Florida Forever funds may  
158 be disposed of if the Board of Trustees of the  
159 Internal Improvement Trust Fund declines to accept  
160 title; revising the process for selling certain lower  
161 valued surplus lands; defining the term "adjacent  
162 property owners"; authorizing districts to sell  
163 parcels to the general public under certain  
164 circumstances using any reasonable means to facilitate  
165 the sale; providing an effective date.



468816

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/23/2018	.	
	.	
	.	
	.	

---

The Committee on Governmental Oversight and Accountability  
(Baxley) recommended the following:

**Senate Amendment to Amendment (114744) (with title  
amendment)**

Delete line 29

and insert:

sell on its website and in a newspaper published in the county  
in which the land,

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

And the title is amended as follows:



468816

11           Delete line 156  
12 and insert:  
13           means to sell surplus property; requiring a water  
14           management district to publish its notice of intention  
15           to sell surplus lands on its website; specifying that

By Senator Baxley

12-00876-18

2018806\_\_

A bill to be entitled

An act relating to water management district surplus lands; amending s. 373.089, F.S.; revising the circumstances when a water management district must publish its intention to sell surplus lands; revising the process for selling certain lower valued surplus lands; defining the term "adjacent property owners"; providing an effective date.

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

Section 1. Subsections (3) and (8) of section 373.089, Florida Statutes, are amended to read:

373.089 Sale or exchange of lands, or interests or rights in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(3) Before selling any surplus land, or interests or rights in land, the district shall publish a notice of intention to sell in a newspaper published in the county in which the land, or interests or rights in the land, is situated once each week for 3 successive weeks, three insertions being sufficient. The first publication of the required notice must occur at least 30 days, but not more than 360 days, before any sale is approved by the district and must include a description of lands, or interests or rights in lands, to be offered for sale.

(8) (a) If a parcel of land is no longer essential or necessary for conservation purposes and is valued at \$25,000 or

Page 1 of 3

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

12-00876-18

2018806\_\_

less as determined by a certified appraisal obtained within 360 days before the effective date of a contract for the sale, as specified in subsection (1), the governing board may determine that the parcel of land is surplus and may offer to sell it to the adjacent property owners. If the governing board elects to offer for sale the parcel to adjacent property owners pursuant to this subsection, the governing board must publish the notice of intention to sell ~~must be published~~ as required under subsection (3), one time only, and the governing board must ~~shall~~ send the notice of intention to sell the parcel to adjacent property owners by certified mail and publish the notice on its website. For the purpose of this subsection, the term "adjacent property owners" means those owners whose property abuts the parcel.

(b) Fourteen days after publication of such notice, the district may sell the parcel to an adjacent property owner or, if there are two or more owners of adjacent property, accept sealed bids and sell the parcel to the highest bidder or reject all offers.

(c) If the parcel is not sold to an adjacent property owner pursuant to paragraph (b), the district may sell the parcel at any time to the general public for the highest price obtainable ~~Thirty days after publication of such notice, the district shall accept sealed bids and may sell the parcel to the highest bidder or reject all offers.~~

If the Board of Trustees of the Internal Improvement Trust Fund declines to accept title to the lands offered under this section, the land may be disposed of by the district under the

Page 2 of 3

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

12-00876-18

2018806\_\_

59 provisions of this section.

60 Section 2. This act shall take effect July 1, 2018.

**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 Governmental Oversight and Accountability

---

BILL: CS/SB 820

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Powell

SUBJECT: Firesafety Inspectors

DATE: January 24, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Caldwell	GO	Fav/CS
2.			CJ	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 820 creates s. 633.217, F.S., and prohibits certain actions to influence a firesafety inspector by coercion or compensation to violate the Florida Fire Prevention Code, any rules adopted by the State Fire Marshal, or any provision of ch. 633, F.S.

The bill imposes criminal penalties for violation of the prohibited provisions. A first offense constitutes a second degree misdemeanor. A second or subsequent offense constitutes a first degree misdemeanor.

The bill takes effect on October 1, 2018.

**II. Present Situation:**

**Division of the State Fire Marshal**

State law on fire prevention and control is provided in ch. 633, F.S. Section 633.104(1), F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal (Division).<sup>1</sup> Pursuant to this authority, the State Fire Marshal:

- Regulates, educates or trains, and certifies fire service personnel;<sup>2</sup>

---

<sup>1</sup> The head of the Department of Financial Services (DFS) is the Chief Financial Officer. The Division of the State Fire Marshal is located within the DFS. *See* s. 20.121, F.S.

<sup>2</sup> Section 633.128(1), F.S. *Also see* Ch. 633, Part IV: Fire Standards and Training, F.S.

- Investigates the causes of fires;<sup>3</sup>
- Enforces arson laws;<sup>4</sup>
- Regulates the installation and maintenance of fire equipment;<sup>5</sup>
- Conducts firesafety inspections of state buildings;<sup>6</sup>
- Develops firesafety standards;<sup>7</sup>
- Provides facilities for the analysis of fire debris;<sup>8</sup> and
- Operates the Florida State Fire College.<sup>9</sup>

The Division consists of the two bureaus: the Bureau of Fire Standards and Training (BFST), and the Bureau of Fire Prevention.<sup>10</sup> The Florida Fire College, part of the BFST, trains over 6,000 students per year.<sup>11</sup> The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities. Over 1.8 million fire and emergency reports are collected every year. These reports are entered into a database to form the basis for the State Fire Marshal's annual report.<sup>12</sup>

### Florida Fire Prevention Code

The State Fire Marshal adopts by rule the Florida Fire Prevention Code (FFPC), which contains all firesafety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules.<sup>13</sup> The State Fire Marshal adopts a new edition of the FFPC every three years.<sup>14</sup> The FFPC includes national firesafety and life safety standards set forth by the National Fire Protection Association (NFPA),<sup>15</sup> including the NFPA's Fire Code (1), Life Safety Code (101) and Guide on Alternative Approaches to Life Safety (101A).<sup>16</sup>

<sup>3</sup> Sections 633.104(2)(e), and 633.112, F.S.

<sup>4</sup> Section 633.104(2)(e), F.S.

<sup>5</sup> Section 633.104(2)(b), F.S. *Also see* s. 633.104(2)(c), F.S., and Ch. 633, Part III: Fire Protection and Suppression, F.S.

<sup>6</sup> Section 633.218, F.S.

<sup>7</sup> Ch. 633, Part II: Fire Safety and Prevention, F.S.

<sup>8</sup> Section 633.432, F.S.

<sup>9</sup> Section 633.128(1)(h)–(q), F.S. *Also see* ss. 633.428–633.434, F.S.

<sup>10</sup> See <https://www.myfloridacfo.com/Division/sfm/> (last visited on Jan. 18, 2018).

<sup>11</sup> See Division of State Fire Marshal, *About the Florida State Fire Marshal*,

<http://www.myfloridacfo.com/division/sfm/AbouttheStateFireMarshal.htm> (last visited on Jan. 18, 2018).

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

<sup>13</sup> Section 633.202(1), F.S. *See also* ch. 69A-60, F.A.C.

<sup>14</sup> *Id.*

<sup>15</sup> Section 633.202(2), F.S. Founded in 1895, the NFPA is a global, nonprofit organization devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. It has developed over 300 voluntary consensus codes and standards in the areas of fire, electrical, and building safety which are widely used by state and local officials. *See* NATIONAL FIRE PROTECTION ASSOCIATION, *About NFPA*, available at <http://www.nfpa.org/about-nfpa> (last visited on Jan. 18, 2018).

<sup>16</sup> The NFPA states that the Guide on Alternative Approaches to Life Safety “is intended to be used in conjunction with the NFPA 101: Life Safety Code, not as a substitute.” NATIONAL FIRE PROTECTION ASSOCIATION, *NFPA 101A: Guide on Alternative Approaches to Life Safety*, available at <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=101A> (last visited on Jan. 18, 2018).

## **Firesafety Enforcement by Local Governments**

State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the FFPC as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.<sup>17</sup> These local enforcing authorities may adopt more stringent firesafety standards, subject to certain requirements in s. 633.208, F.S.,<sup>18</sup> but may not enact firesafety ordinances which conflict with ch. 633, F.S., or any other state law.<sup>19</sup>

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and the rules prescribed by the State Fire Marshal within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.<sup>20</sup> Each county, municipality, and special district with firesafety enforcement responsibilities is also required to employ or contract with a firesafety inspector (certified by the State Fire Marshal) to conduct all firesafety inspections required by law.<sup>21</sup>

## **Firesafety Inspectors**

Section 633.102(12), F.S., defines a firesafety inspector as an individual who holds a current and valid Fire Safety Inspector Certificate of Compliance issued by the Division under s. 633.216, F.S., who is officially assigned the duties of conducting firesafety inspections of buildings and facilities on a recurring or regular basis on behalf of the state or any county, municipality, or special district with fire safety responsibilities.<sup>22</sup> The BFST issues certifications for Firesafety Inspector I and Firesafety Inspector II.

A person applying for certification as a Firesafety Inspector I must:<sup>23</sup>

- Be a high school graduate or the equivalent and at least 18 years of age;
- Not have been convicted of a misdemeanor relating to the certification or to perjury or false statements, or a felony or a crime punishable by imprisonment of one year or more, or be dishonorably discharged from the Armed Forces of the United States;
- Submit a set of fingerprints to the Division with a current processing fee; and
- Have a good moral character.

A Firesafety Inspector I Certificate of Compliance will be issued by the Division to an individual who:<sup>24</sup>

- Successfully completes a minimum of 200 hours of basic certification training for firesafety inspectors, or has received equivalent training in another state; and

---

<sup>17</sup> Sections 633.108 and 633.208, F.S.

<sup>18</sup> See also Rule 69A-60.002, F.A.C.

<sup>19</sup> Section 633.214(4), F.S. The State Fire Marshal maintains a list of local amendments to the FFPC. This information is available at <https://www.myfloridacfo.com/Division/SFM/bfp/LocalAmendments.htm> (last visited on Jan. 18, 2018).

<sup>20</sup> Section 633.118, F.S.

<sup>21</sup> Section 633.216(1), F.S.

<sup>22</sup> See also s. 633.214(1)(a), F.S.

<sup>23</sup> Section 633.412(1)–(4), F.S.

<sup>24</sup> Section 633.216(2), F.S., and ch. 69A-39, F.A.C. See also Division of State Fire Marshal, BFST, *Certification and Testing* available at <https://www.myfloridacfo.com/Division/SFM/BFST/Standards/default.htm> (last visited on Jan. 18, 2018).

- Pass a state written examination.

The Firesafety Inspector I Certificate of Compliance is valid for a period of 4 years from the date of issuance. Renewal of this certificate includes completion of at least 54 hours of continuing education during the preceding 4 year period.<sup>25</sup>

A Firesafety Inspector II Certificate of Compliance will be issued by the Division to an individual who:<sup>26</sup>

- Is certified as a Firesafety Inspector I; and
- Successfully completes a minimum of 160 hours of certification training for firesafety inspector II, or has received equivalent training in another state.

### **Criminal Penalties**

Section 633.122, F.S., provides that a person who falsely assumes or pretends to be the State Fire Marshal, an agent of the State Fire Marshal, a firefighter, a volunteer firefighter, or a firesafety inspector by identifying herself or himself as the State Fire Marshal, an agent of the State Fire Marshal, a firefighter, a volunteer firefighter, or a firesafety inspector by wearing a uniform or presenting or displaying a badge as credentials that would cause a reasonable person to believe that she or he is a State Fire Marshal, an agent of the State Fire Marshal, a firefighter, a volunteer firefighter, or firesafety inspector commits a felony of the third degree, punishable as provided in ss. 775.082 and 775.083, F.S.,<sup>27</sup> or, if the impersonation occurs during the commission of a separate felony by that person, commits a felony of the first degree, punishable as provided in ss. 775.082 and 775.083, F.S.<sup>28</sup>

Section 468.629, F.S., prohibits a person from influencing a building code enforcement official<sup>29</sup> by coercion or compensation to violate provisions of Part XII; Building Code Administrators and Inspectors, ch. 468, F.S., the Florida Building Code,<sup>30</sup> a local building code or ordinance, or another law of this state. A person who violates this provision commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.<sup>31</sup> A person who violates any provision after a previous conviction for such violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.<sup>32</sup>

<sup>25</sup> Section 633.216(4), F.S., and Rule 69A-39.009(1)(b), F.A.C.

<sup>26</sup> See *supra* note 24 and s. 633.216(8), F.S.

<sup>27</sup> Under sections 775.082 and 775.083, F.S., a felony of the third degree is punishable by a term of imprisonment not to exceed 5 years, and a maximum fine of \$5,000.

<sup>28</sup> Under sections 775.082 and 775.083, F.S., a felony of the first degree is punishable by a term of imprisonment not to exceed 30 years, and a maximum fine of \$10,000.

<sup>29</sup> Section 468.603(3), F.S., defines building code enforcement official or enforcement official as a licensed building code administrator, building code inspector or plans examiner.

<sup>30</sup> See Part IV: Florida Building Code, ch. 533, F.S.

<sup>31</sup> Under sections 775.082 and 775.083, F.S., a misdemeanor of the first degree is punishable by a term of imprisonment not to exceed 1 year, and a maximum fine of \$1,000.

<sup>32</sup> See *supra* note 27.

### III. Effect of Proposed Changes:

**Section 1** creates s. 633.217, F.S., and prohibits influencing a firesafety inspector by threatening, coercing, tricking, persuading, interfering with, or otherwise influencing; or attempting to threaten, coerce, trick, persuade, interfere with, or otherwise attempting to influence, the firesafety inspector into violating any provision of the Florida Fire Prevention Code, any rule adopted by the State Fire Marshal, or any provision of ch. 633, F.S.

Also, the bill prohibits offering any compensation to the firesafety inspector to induce a violation of the Florida Fire Prevention Code, any rule adopted by the State Fire Marshal, or any provision of ch. 633, F.S.

Additionally, a person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.<sup>33</sup> A person who commits a second or subsequent violation of paragraph (1) commits a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.<sup>34</sup>

**Section 2** provides an effective date of October 1, 2018.

### 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 shared 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:

Indeterminate.

---

<sup>33</sup> Under sections 775.082 and 775.083, F.S., a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days, and a maximum fine of \$500..

<sup>34</sup> See *supra* note 31.

C. Government Sector Impact:

Indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 633.217 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 Governmental Oversight and Accountability on January 23, 2018:**

The Committee Substitute:

- Revises criminal penalty for first offense from first degree misdemeanor to second degree misdemeanor; and
- Revises criminal penalty for second or subsequent offense from third degree felony to first degree misdemeanor.

B. Amendments:

None.



771564

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2018	.	
	.	
	.	
	.	

---

The Committee on Governmental Oversight and Accountability  
(Powell) recommended the following:

**Senate Amendment**

Delete lines 28 - 31  
and insert:  
misdemeanor of the second degree, punishable as provided in s.  
775.082 or s. 775.083. A person who commits a second or  
subsequent violation of subsection (1) commits a misdemeanor of  
the first degree, punishable as provided in

By Senator Powell

30-00806-18

2018820\_\_

1 A bill to be entitled  
 2 An act relating to firesafety inspectors; creating s.  
 3 633.217, F.S.; prohibiting certain actions to  
 4 influence a firesafety inspector to violate the  
 5 Florida Fire Prevention Code, other rules of the State  
 6 Fire Marshal, or ch. 633, F.S.; providing criminal  
 7 penalties; providing an effective date.  
 8

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

10 Section 1. Section 633.217, Florida Statutes, is created to  
 11 read:

12 633.217 Influencing a firesafety inspector; criminal  
 13 penalties.-

14 (1) A person may not influence a firesafety inspector by:

15 (a) Threatening, coercing, tricking, persuading,  
 16 interfering with, or otherwise influencing; or attempting to  
 17 threaten, coerce, trick, persuade, interfere with, or otherwise  
 18 attempting to influence, the firesafety inspector into violating  
 19 any provision of the Florida Fire Prevention Code, any rule  
 20 adopted by the State Fire Marshal, or any provision of this  
 21 chapter.

22 (b) Offering any compensation to the firesafety inspector  
 23 to induce a violation of the Florida Fire Prevention Code, any  
 24 rule adopted by the State Fire Marshal, or any provision of this  
 25 chapter.

26 (2) A person who violates subsection (1) commits a  
 27 misdemeanor of the first degree, punishable as provided in s.  
 28 775.082 or s. 775.083. A person who violates paragraph (1) (a)  
 29

Page 1 of 2

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

30-00806-18

2018820\_\_

30 after a previous conviction for violating paragraph (1) (a)  
 31 commits a felony of the third degree, punishable as provided in  
 32 s. 775.082 or s. 775.083.

33 Section 2. This act shall take effect October 1, 2018.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Dennis Baxley, Chair  
Committee on Governmental Oversight and Accountability

**Subject:** Committee Agenda Request

**Date:** November 20, 2017

---

I respectfully request that **Senate Bill #820**, relating to Firesafety Inspectors, be placed on the:

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

A handwritten signature in black ink, appearing to read "Bobby Powell".

---

Senator Bobby Powell  
Florida Senate, District 30

APPEARANCE RECORD

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

1-23-18

Meeting Date

820

Bill Number (if applicable)

Topic FIRE SAFETY INSPECTORS

Amendment Barcode (if applicable)

Name Wayne Bernack

Job Title District Vice President

Address 4005 N. ORANGE BLOSSOM TRAIL

Street

Phone

ORLANDO

FL.

32804

City

State

Zip

Email

Speaking: [ ] For [ ] Against [ ] Information

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

Representing FLORIDA PROFESSIONAL FIREFIGHTERS

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.

# APPEARANCE RECORD

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

1/23/2018  
Meeting Date

820  
Bill Number (if applicable)

Topic Firesafety Inspectors

Amendment Barcode (if applicable)

Name Jeff Branch

Job Title Legislative Advocate

Address Bronough Rd

Phone 706 701-3655

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 Florida League of Cities

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**

January 23, 2018

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

820

*Meeting Date*

*Bill Number (if applicable)*

Topic Fire Safety Inspectors

*Amendment Barcode (if applicable)*

Name Jon Pasqualone

Job Title Executive Director

Address 9097 SE Hobe Ridge Ave

Phone 772-349-1507

*Street*

Hobe Sound

FL

33455

Email jon.pasqualone@ffmia.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Fl. Fire Marshals and Inspectors Association (FFMIA)

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)

APPEARANCE RECORD

1/23/18

Meeting Date

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

820

Bill Number (if applicable)

Topic Fire Safety Inspectors

Amendment Barcode (if applicable)

Name Steve Drozd

Job Title Fire Chief Orange County

Address 6590 Amway Ct

Phone

Orlando FL

City State Zip

Email stdrozd@ocfl.net

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] In Support [ ] Against

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

Representing Florida Fire Chiefs Association

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

Lobbyist registered with Legislature: [ ] Yes [x] 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 Governmental Oversight and Accountability

---

BILL: SB 988

INTRODUCER: Senator Perry

SUBJECT: Public Records/ First Responder Network Authority/Nationwide Public Safety  
Broadband Network

DATE: January 22, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>GO</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____

---

**I. Summary:**

SB 988 creates a public records exemption for specified information provided by the First Responder Network Authority (FirstNet) or the Nationwide Public Safety Broadband Network by a person or entity who is with FirstNet or who contracts with FirstNet.

Specifically, the bill makes confidential and exempt from public disclosure the following information:

- Information regarding the design, development, construction, deployment, and operation of network facilities;
- Network coverage, including geographical maps indicating actual or proposed locations of network infrastructure or facilities;
- Features, functions, and capabilities of network infrastructure and facilities;
- Features, functions, and capabilities of network services provided to first responders and other network users; and
- Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

In the required public necessity statement, the bill provides as justification for the exemption that the information contains proprietary business information about communication service providers. Specifically, disclosure of this information would adversely affect the business interests and network security of these providers and their networks. Additionally, the public necessity statement provides that without the exemption, competitors could appropriate the information in such a way as to impede full and fair competition, therefore disadvantaging consumers of communications services who provide services pursuant to the authority.

The provisions of this bill are subject to the Open Government Sunset Review Act and are scheduled for repeal October 2, 2023, unless the Legislature saves the exemption from repeal and reenacts it before that date.

## II. Present Situation:

### Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>4</sup> The Public Records Act states that

it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>5</sup>

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House of Representatives and the Senate.<sup>9</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>11</sup>

<sup>1</sup> FLA. CONST., art. I, s. 24(a).

<sup>2</sup> FLA. CONST., art. I, s. 24(a).

<sup>3</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>4</sup> Public records laws are found throughout the Florida Statutes.

<sup>5</sup> Section 119.01(1), F.S.

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid, and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST., art. I, s. 24(c).

<sup>10</sup> FLA. CONST., art. I, s. 24(c).

<sup>11</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’<sup>12</sup> Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.<sup>13</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>14</sup> The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.<sup>15</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>16</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>17</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>18</sup> or
- It protects trade or business secrets.<sup>19</sup>

The OGSR also requires specified questions to be considered during the review process.<sup>20</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

---

important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.  
<sup>12</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>13</sup> A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>14</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

<sup>15</sup> Section 119.15(3), F.S.

<sup>16</sup> Section 119.15(6)(b), F.S.

<sup>17</sup> Section 119.15(6)(b)1., F.S.

<sup>18</sup> Section 119.15(6)(b)2., F.S.

<sup>19</sup> Section 119.15(6)(b)3., F.S.

<sup>20</sup> Section 119.15(6)(a), F.S. The specified questions are:

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>21</sup> If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>22</sup>

### **First Responder Network Authority (FirstNet)**

The federal Middle Class Tax Relief and Job Creation Act of 2012<sup>23</sup> created the First Responder Network Authority (FirstNet) as an independent authority within the Department of Commerce. FirstNet is designed to provide emergency responders with a nationwide, high-speed, broadband network dedicated to public safety.<sup>24</sup> FirstNet begins operation in 2018.

The First Responder Network Authority's public-private partnership with AT&T provides first responders with immediate access to mission-critical capabilities over the FirstNet network. This includes priority and preemption features that give first responders their own 'fast lane' on the public safety network to communicate and share information during emergencies, large events or other situations when commercial networks could become congested. FirstNet is the only broadband network to provide ruthless preemption for public safety.<sup>25</sup>

FirstNet's enabling federal legislation<sup>26</sup> requires each Governor to determine whether to:

- Opt-in, meaning to participate in the deployment of the nationwide, interoperable network as proposed by the FirstNet State Plan, or
- Opt-out, meaning to conduct its own deployment of a radio access network, responsible for deploying, maintaining, operating, and improving a Radio Access Network that interoperates with the FirstNet network.<sup>27</sup>

Public safety agencies who elect to opt-in are eligible to sign contracts with FirstNet, which provide first responders immediate access to AT&T's commercial network on a priority basis, with preemptive access provided within the year. Additionally, AT&T will install the FirstNet Radio Access Network at no cost to opt-in jurisdictions.<sup>28</sup>

- 
1. What specific records or meetings are affected by the exemption?
  2. Whom does the exemption uniquely affect, as opposed to the general public?
  3. What is the identifiable public purpose or goal of the exemption?
  4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
  5. Is the record or meeting protected by another exemption?
  6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>21</sup> FLA. CONST. art. I, s. 24(c).

<sup>22</sup> Section 119.15(7), F.S.

<sup>23</sup> Public Law 112-96--Feb. 22, 2012.

<sup>24</sup> FirstNet, available at: <https://www.firstnet.gov/> (last visited Jan. 12, 2018).

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

<sup>26</sup> 47 U.S.C. s. 1442(e)(2).

<sup>27</sup> *Id.*

<sup>28</sup> FloridaNet, *FirstNet hits 50% 'opt-in' threshold as Indiana makes announcement*, available at: <http://www.floridanet.gov/news> (last visited Jan. 16, 2018).

## FirstNet in Florida

The Florida Governor established the FloridaNet Executive Committee to oversee the decision-making process for the state regarding FirstNet. Since mid-year 2013, the executive committee has met periodically to discuss various aspects of FirstNet.<sup>29</sup> On September 28, 2017, FirstNet provided the State Plan to the State of Florida, which required a 90-day response by the Governor to elect to opt-in or opt-out.<sup>30</sup> On December 28, 2017, the 90th day, Florida elected to opt-in to the FirstNet deployment plan<sup>31</sup>, joining 49 other states, the District of Columbia and 4 U.S. territories.<sup>32</sup> On January 19, 2018, the Northern Mariana Islands became the fifth and final territory to opt-in, bringing FirstNet participation to 100 percent.<sup>33</sup>

### III. Effect of Proposed Changes:

This bill creates a public records exemption for certain information provided by the First Responder Network Authority (FirstNet) or the Nationwide Public Safety Broadband Network by a person or entity who is with the authority or who contracts with the authority.

Specifically, the bill makes confidential and exempt from public disclosure the following information:

- Information regarding the design, development, construction, deployment, and operation of network facilities;
- Network coverage, including geographical maps indicating actual or proposed locations of network infrastructure or facilities;
- Features, functions, and capabilities of network infrastructure and facilities;
- Features, functions, and capabilities of network services provided to first responders and other network users; and
- Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

In the required public necessity statement, the bill provides as justification for the exemption that the information contains proprietary business information about communication service providers who provide services pursuant to the authority. Specifically, disclosure of this information would adversely affect the business interests and network security of these providers and their networks. Additionally, the public necessity statement provides that without the exemption, competitors could appropriate the information in such a way as to impede full and fair competition, therefore disadvantaging consumers of communications services as they relate to FirstNet.

<sup>29</sup> FirstNet, *Archived Discussions*, available at: <http://www.floridanet.gov/archived-discussions> (last visited Jan. 17, 2018).

<sup>30</sup> FloridaNet, *Florida's Public Safety Broadband Network*, available at: <http://www.floridanet.gov/events> (last visited Jan. 17, 2018).

<sup>31</sup> Governor Rick Scott's letter to FirstNet provides, in part: "This letter serves as notice...that Florida has decided to participate in the deployment of the nationwide, interoperable broadband network as proposed in the FirstNet State Plan... I believe this is in the best interest for Florida taxpayers." Letter from Governor Rick Scott to Mike Poth, Chief Executive Officer with First Responder Network Authority (Dec. 28, 2017).

<sup>32</sup> FirstNet, *State Plans Dashboard*, available at: <https://firstnet.gov/news> (last visited Jan. 17, 2018).

<sup>33</sup> FirstNet, *State Plans Dashboard*, available at: <https://firstnet.gov/news/northern-mariana-islands-transform-communications-public-safety> (last visited Jan. 22, 2018).

The provisions of this bill are subject to the Open Government Sunset Review Act and are scheduled for repeal October 2, 2023, unless the Legislature saves the exemption from repeal and reenacts it before that date.

The bill takes effect July 1, 2018.

#### **IV. Constitutional Issues:**

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

None.

##### **B. Public Records/Open Meetings Issues:**

###### **Voting Requirement**

Article I, Section 24(c) of the Florida Constitution requires a two-thirds vote of each chamber for a public records exemption to pass.

###### **Breadth of Exemption**

Article I, Section 24(c) of the Florida Constitution requires a newly created public records exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill makes confidential and exempt certain information obtained by persons from, or who enter into contract with FirstNet. Information protected by the exemption includes information on design, development, construction, deployment, and operation of network facilities; network coverage, including geographical maps; and security, including cybersecurity on the network and associated services and products. The public necessity statement for the exemption provides that the exemption is needed to protect proprietary business information and preserve full and fair competition in the communication services industry. This bill appears to be no broader than necessary to accomplish the public necessity for this public records exemption.

##### **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:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of law.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

By Senator Perry

8-00938-18

2018988\_\_

A bill to be entitled

An act relating to public records; providing an exemption from public records requirements for information obtained by persons or agencies from the First Responder Network Authority and information relating to the Nationwide Public Safety Broadband Network obtained by persons or agencies from entities operating pursuant to a contract with the First Responder Network Authority; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Information from the First Responder Network Authority and relating to the Nationwide Public Safety Broadband Network; public records exemption.—

(1) Any information obtained by any person or agency from the First Responder Network Authority, or any information relating to the Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C. ss. 1401 et seq. obtained by any person or agency from any entity operating pursuant to a contract with the First Responder Network Authority, is confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

(2) For purposes of subsection (1), any information relating to the Nationwide Public Safety Broadband Network includes any information regarding the design, development,

Page 1 of 3

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

8-00938-18

2018988\_\_

construction, deployment, and operation of network facilities; network coverage, including geographical maps indicating actual or proposed locations of network infrastructure or facilities; the features, functions, and capabilities of network infrastructure and facilities; the features, functions, and capabilities of network services provided to first responders, as that term is defined in s. 112.1815, Florida Statutes, and other network users; the design, features, functions, and capabilities of network devices provided to first responders and other network users; and security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that any information obtained by any person or agency from the First Responder Network Authority, or any information relating to the Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C. ss. 1401 et seq. obtained by any person or agency from any entity operating pursuant to a contract with the First Responder Network Authority, be held confidential and exempt from public records requirements. Such information contains proprietary business information of communications services providers. Disclosure of such information would adversely affect the business interests and compromise the network security of such providers and of their networks. Further, disclosure of such information would impair

Page 2 of 3

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

8-00938-18

2018988\_\_

59 competition in the communications services industry because  
60 competitors could use such information to impede full and fair  
61 competition in the communications services industry to the  
62 disadvantage of their consumers. Therefore, the Legislature  
63 finds that any information obtained by any person or agency from  
64 the First Responder Network Authority, or any information  
65 relating to the Nationwide Public Safety Broadband Network  
66 established pursuant to 47 U.S.C. ss. 1401 et seq. obtained by  
67 any person or agency from any entity operating pursuant to a  
68 contract with the First Responder Network Authority, must be  
69 held confidential and exempt from disclosure under s. 119.07(1),  
70 Florida Statutes, and s. 24(a), Article I of the State  
71 Constitution.

72 Section 3. This act shall take effect July 1, 2018.



The Florida Senate

## Committee Agenda Request

**To:** Senator Dennis Baxley, Chair  
Committee on Governmental Oversight and Accountability

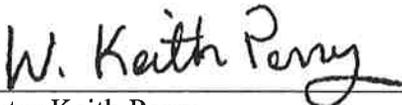
**Subject:** Committee Agenda Request

**Date:** December 15, 2017

---

I respectfully request that **Senate Bill #988**, relating to Public Records/ First Responder Network, be placed on the:

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

  
\_\_\_\_\_  
Senator Keith Perry  
Florida Senate, District 8

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/2018
Meeting Date

988
Bill Number (if applicable)

Topic Open Records - Emergency Communication - Safety Net
Amendment Barcode (if applicable)

Name Dave Singer

Job Title Facility Technician w/ AJ & T

Address 17326 133rd Trail N

Phone 561-601-1225

Jupiter FL 33478

Email Singer3112@att.net

City State Zip

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] 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.

# APPEARANCE RECORD

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

1/23  
Meeting Date

988  
Bill Number (if applicable)

Topic First Net Public Records Exemption

Amendment Barcode (if applicable)

Name Casey Reeb

Job Title State Director - Legislative Affairs

Address 150 S. Monroe St. Ste 400

Phone (850) 591-6002

Tallahassee, FL 32307

Email CR3243@AH.COM

Speaking:  For  Against  Information

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

Representing AT&T

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)

1/23/18

Meeting Date

988

Bill Number (if applicable)

Topic PUBLIC RECORDS

Amendment Barcode (if applicable)

Name GAIL MARIE PERRY

Job Title CHAIR

Address PO BOX 1766

Phone 954 850 4055

Street

POMPANO BEACH FLA 33061

City

State

Zip

Email workingdoll@hotmail.com

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

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

Representing COMMUNICATIONS WORKERS OF AMERICA COUNCIL OF FLORIDA

Appearing at request of Chair: [ ] Yes [X] 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 Governmental Oversight and Accountability

---

BILL: CS/SB 1216

INTRODUCER: Judiciary Committee and Senator Book

SUBJECT: Public Records/Videotaped Statement of a Minor

DATE: January 22, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tulloch	Cibula	JU	<b>Fav/CS</b>
2.	Brown	Caldwell	GO	<b>Favorable</b>
3.			RC	

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

COMMITTEE SUBSTITUTE - Technical Changes

---

**I. Summary:**

CS/SB 1216 expands an existing public records exemption that makes information from the videotaped statements of minor children who are alleged to be or are the victims of several specific sex offenses confidential and exempt from public records requirements. Under the bill, the exemption also applies to videotaped statements that relate to the sexual performance by a child and child pornography, as these offenses are redefined in linked bill SB 1214.

Current law prohibits and penalizes a public employee or officer with access to videotaped statements of a child victim of a sex offense from willfully and knowingly disclosing videotaped information except in limited circumstances. The bill adds to the list of offenses for which a public employee or officer may not release videotaped statements those of sexual performance by a child, and child pornography.

The public necessity statement of the bill provides as justification for the exemption that videotaped statements by child victims typically contain highly sensitive information, including a description of the sex crime in graphic detail. Release of the information could lead to further victimization, humiliation, trauma, sorrow, and emotional injury for the child and his or her family.

The provisions of this bill are subject to an Open Government Sunset Review and are scheduled for repeal October 2, 2023, unless the Legislature saves the exemption from repeal and reenacts it before that date.

The bill requires a two-thirds vote of each chamber as it expands a public records exemption.

The bill takes effect on the same day as the effective date of linked bill SB 1214, or similar legislation, if adopted in the same legislative session or an extension of the session. The current effective date of SB 1214 is October 1, 2018.

## II. Present Situation:

### Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>4</sup> The Public Records Act states that

it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>5</sup>

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

---

<sup>1</sup> FLA. CONST., art. I, s. 24(a).

<sup>2</sup> FLA. CONST., art. I, s. 24(a).

<sup>3</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>4</sup> Public records laws are found throughout the Florida Statutes.

<sup>5</sup> Section 119.01(1), F.S.

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid, and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House of Representatives and the Senate.<sup>9</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>11</sup>

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’<sup>12</sup> Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.<sup>13</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>14</sup> The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.<sup>15</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>16</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>17</sup>

---

<sup>9</sup> FLA. CONST., art. I, s. 24(c).

<sup>10</sup> FLA. CONST., art. I, s. 24(c).

<sup>11</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

<sup>12</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>13</sup> A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>14</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

<sup>15</sup> Section 119.15(3), F.S.

<sup>16</sup> Section 119.15(6)(b), F.S.

<sup>17</sup> Section 119.15(6)(b)1., F.S.

- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>18</sup> or
- It protects trade or business secrets.<sup>19</sup>

The OGSR also requires specified questions to be considered during the review process.<sup>20</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>21</sup> If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>22</sup>

### Public Records Exemptions for Crime Victims

Under current law, a document identifying the victim of a crime is generally exempt from public access requirements under the public records laws.<sup>23</sup> Such documents are exempt when they both:

- Reveal a crime victim's identity or personal identifying information, such as home and employment phone numbers or addresses or the victim's personal assets, *and*
- Specify the person who is the victim of the crime.<sup>24</sup>

There are also two categories of "special victims" for which additional public records exemptions have been deemed necessary:

- *Personally targeted abuse victims*—victims of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence may request in writing that any information that is not already confidential and exempt and reveals the victim's *location* also be deemed exempt from inspection.<sup>25</sup>

<sup>18</sup> Section 119.15(6)(b)2., F.S.

<sup>19</sup> Section 119.15(6)(b)3., F.S.

<sup>20</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>21</sup> FLA. CONST. art. I, s. 24(c).

<sup>22</sup> Section 119.15(7), F.S.

<sup>23</sup> Section 119.071(2)(j)1., F.S.

<sup>24</sup> *Id.*

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

- *The videotaped statements of child sex crime victims*—any information in a videotaped statement of a minor who is alleged to be or is a victim of sexual battery,<sup>26</sup> lewd and lascivious acts,<sup>27</sup> or other sexual misconduct as proscribed under various statutory provisions (generally concerning exhibition or depiction of sexual acts)<sup>28</sup> is confidential and exempt from public access under the Public Records Act if the videotaped statement reveals the minor's identity or other identifying information (the minor's name, face, home, phone number, school, church, etc.) and specifies that the minor is the victim of one of the proscribed sexual crimes.<sup>29</sup> The child sex crime exemption also criminally penalizes any public employee or official who willfully and knowingly discloses such information from the video.<sup>30</sup>

### III. Effect of Proposed Changes:

This bill expands the existing public records exemption that currently makes confidential and exempt from disclosure information contained in a videotaped statement of a minor alleged to be or who is a victim of sexual battery,<sup>31</sup> lewd and lascivious acts,<sup>32</sup> or other sexual misconduct as proscribed under various statutory provisions.<sup>33</sup> Under the bill, the exemption also applies if the videotaped statements relate to the sexual performance by a child<sup>34</sup> and child pornography<sup>35</sup> as those offenses are redefined and penalties added in linked bill SB 1214, which revises laws relating to child exploitation.

Current law prohibits and penalizes a public employee or officer with access to videotaped statements of a child victim of a sex offense from willfully and knowingly disclosing videotaped information except in limited circumstances. The bill adds to the list of offenses for which a public employee or officer may not release videotaped statements those of sexual performance by a child, and child pornography.

<sup>26</sup> Section 794.011(1)(h), F.S. (“Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.”).

<sup>27</sup> Chapter 800, F.S.

<sup>28</sup> Section 827.071, F.S. (prohibiting use of a child in a sexual performance and the promotion, possession, or intentionally viewing of a visual depiction of the child's sexual performance (with the exception of law enforcement investigations)); s. 847.012, F.S. (prohibiting intentional selling, renting, or loaning sexually graphic or pornographic materials to minors); s. 847.0125, F.S. (prohibiting retail display of a sexually graphic book, magazine, or other printed materials the cover of which are harmful to minors); s. 847.013, F.S. (prohibiting exposure of minors to sexually graphic or pornographic movies, exhibitions, shows, presentations, or representations); s. 847.0133, F.S. (“A person may not knowingly sell, rent, loan, give away, distribute, transmit, or show any obscene material to a minor” including drawings and written materials); s. 847.0145, F.S. (prohibiting sexual trafficking of minors).

<sup>29</sup> Section 119.071(2)(j)2.a., F.S.

<sup>30</sup> Section 119.071(2)(j)2.b., F.S.

<sup>31</sup> Section 794.011(1)(h), F.S., *supra* note 26.

<sup>32</sup> Chapter 800, F.S.

<sup>33</sup> Sections 827.071, F.S.; s. 847.012, F.S.; s. 847.0125, F.S.; s. 847.013, F.S.; s. 847.0133, F.S.; and 847.0145, F.S., *supra* note 28.

<sup>34</sup> See SB 1214, s. 31, proposing creation of 847.003, “Sexual performance by a child; penalties” to replace s. 827.071, F.S., also entitled “Sexual performance by a child; penalties,” which SB 1214 proposes to repeal.

<sup>35</sup> See SB 1214, s. 34, proposing substantial revisions to Section 847.0137, F.S., titled “Transmission of pornography by electronic device or equipment prohibited; penalties,” and renaming it “Child pornography; prohibited acts; penalties.”

The provisions of this bill are subject to an Open Government Sunset Review and are scheduled for repeal October 2, 2023, unless the Legislature saves the exemption from repeal and reenacts it before that date.

In the required statement of public necessity, the bill provides as justification for the exemption that videotaped statements by child victims typically contain highly sensitive information, including a description of the sex crime in graphic detail. Release of the information could lead to further victimization, humiliation, trauma, sorrow, and emotional injury for the child and his or her family.

The bill takes effect on the same day as the effective date of linked bill SB 1214, or similar legislation, if adopted in the same legislative session or an extension of the session. The current effective date of SB 1214 is October 1, 2018.

#### IV. Constitutional Issues:

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

None.

##### B. Public Records/Open Meetings Issues:

*Vote Requirement:* Article I, s. 24(c), of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption.

*Public Necessity Statement:* Article I, s. 24(c), of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. Here, the bill includes a public necessity statement in Section 2 and, therefore, meets this requirement.

*Breadth of Exemption:* Article I, s. 24(c), of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law.<sup>36</sup> Additionally, the Open Government Sunset Review Act (Act) provides that the stated purpose or “identifiable public purpose is served if [(A)] the exemption meets one of the [enumerated] purposes *and* [(B)] the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption[.]”<sup>37</sup>

Here, the bill’s exemption protects the sensitive personal information of child sex crime victims by limiting access to information in their videotaped statements in order to

---

<sup>36</sup>“The public records act ‘is to be construed liberally in favor of openness, and all exemptions from disclosure are to be construed narrowly and limited in their designated purpose.’” *Lightbourne v. McCollum*, 969 So. 2d 326, 333 (Fla. 2007) (quoting *City of Riviera Beach v. Barfield*, 642 So.2d 1135, 1136 (Fla. 4th DCA 1994)).

<sup>37</sup> Section 119.15(6)(b), F.S. (setting out three enumerated purposes: (1) allow effective and efficient administration of government program, (2) protect individual’s identity and sensitive personal information, (3) protect confidential business and trade information).

protect these children and their families from further victimization and trauma. Only personal, identifying information is confidential and exempt under the bill.<sup>38</sup>

Therefore, it appears that the bill does not conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish the stated purpose of the law.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill appears unlikely to have a fiscal impact on government agencies because videotaped statements of child sex crime victims are already confidential and exempt.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.071 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

**CS by Judiciary on January 10, 2018:**

The CS amends the effective date provision by filling in the “blank” for the linked bill information. The effective date is now pinned to the effective date of SB 1214 or similar legislation.

---

<sup>38</sup> Section 119.15(6)(b)2., F.S. (permitting the exemption of sensitive, personal information pertaining to individuals which could jeopardize the safety of the individual if disclosed, so long as the exemption is limited to identifying information).

B. Amendments:

None.

---

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

---

By the Committee on Judiciary; and Senator Book

590-01995-18

20181216c1

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; expanding the exemption from public records requirements for any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (j) of subsection (2) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(j)1. Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held confidential or exempt from s. 119.07(1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated

Page 1 of 4

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

590-01995-18

20181216c1

stalking, harassment, aggravated battery, or domestic violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this section.

2.a. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 847.003, ~~s. 827.071~~, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, s. 847.0137, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, held by a law enforcement agency, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section.

b. A public employee or officer who has access to a

Page 2 of 4

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

590-01995-18 20181216c1  
 59 videotaped statement of a minor who is alleged to be or who is a  
 60 victim of sexual battery, lewd acts, or other sexual misconduct  
 61 proscribed in chapter 800 or in s. 794.011, s. 847.003, ~~s.~~  
 62 ~~827.071~~, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, s.  
 63 847.0137, or s. 847.0145 may not willfully and knowingly  
 64 disclose videotaped information that reveals the minor's  
 65 identity to a person who is not assisting in the investigation  
 66 or prosecution of the alleged offense or to any person other  
 67 than the defendant, the defendant's attorney, or a person  
 68 specified in an order entered by the court having jurisdiction  
 69 of the alleged offense. A person who violates this provision  
 70 commits a misdemeanor of the first degree, punishable as  
 71 provided in s. 775.082 or s. 775.083.

72 c. This subparagraph is subject to the Open Government  
 73 Sunset Review Act in accordance with s. 119.15 and shall stand  
 74 repealed on October 2, 2023, unless reviewed and saved from  
 75 repeal through reenactment by the Legislature.

76 Section 2. The Legislature finds that it is a public  
 77 necessity that any information in a videotaped statement of a  
 78 minor who is alleged to be or who is a victim of sexual battery,  
 79 lewd acts, or other sexual misconduct as proscribed by s.  
 80 847.003, Florida Statutes, or s. 847.0137, Florida Statutes, be  
 81 made confidential and exempt from s. 119.07(1), Florida  
 82 Statutes, and s. 24(a), Article I of the State Constitution. The  
 83 Legislature finds that such information is highly sensitive and  
 84 shows the minor victim describing in graphic detail sexual acts  
 85 for which he or she is alleged to be or is a victim. If such  
 86 information regarding a minor victim of sex crimes were viewed,  
 87 copied, or publicized, it could result in trauma, sorrow,

590-01995-18 20181216c1  
 88 humiliation, or emotional injury to the minor victim and his or  
 89 her family. The Legislature finds that it is important to  
 90 strengthen the protections afforded minor victims of sex crimes  
 91 in order to ensure their privacy and to prevent their  
 92 revictimization. This exemption serves to minimize the trauma to  
 93 those minor victims because the release of such information  
 94 would compound the tragedy already visited upon their lives. For  
 95 these reasons, the Legislature finds that it is a public  
 96 necessity to make confidential and exempt any information in a  
 97 videotaped statement of a minor who is alleged to be or who is a  
 98 victim of sexual battery, lewd acts, or other sexual misconduct  
 99 as proscribed by s. 847.003, Florida Statutes, or s. 847.0137,  
 100 Florida Statutes.

101 Section 3. This act shall take effect on the same date that  
 102 SB 1214 or similar legislation takes effect, if such legislation  
 103 is adopted in the same legislative session or an extension  
 104 thereof and becomes a law.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Appropriations Subcommittee on the  
Environment and Natural Resources, *Chair*  
Appropriations  
Appropriations Subcommittee on Health and  
Human Services  
Education  
Environmental Preservation and  
Conservation  
Health Policy  
Rules

## SENATOR LAUREN BOOK

*Democratic Leader Pro Tempore*  
32nd District

January 11, 2018

Chair Dennis Baxley  
Committee on Governmental Oversight and Accountability  
525 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Baxley,

I respectfully request that you place SB 1216, relating to Public Records/Videotaped Statement of a Minor, on the agenda of the Committee on Governmental Oversight and Accountability at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book  
Senate District 32

cc: Diana Caldwell, Staff Director  
Tamra Redig, Administrative Assistant

## REPLY TO:

- 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

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

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1-23-2018

*Meeting Date*

1216

*Bill Number (if applicable)*

Topic Public Records/Videotaped Statement of a Minor

*Amendment Barcode (if applicable)*

Name Erin Choy

Job Title Immediate Past Chair

Address 404 E. Sixth Avenue

Phone 5616354168

*Street*

Tallahassee

FL

32303

Email erin.choy@gmail.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Junior Leagues of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/23/18

Meeting Date

1216

Bill Number (if applicable)

Topic PUBLIC RECORDS VIDEOTAPED STATEMENT 11001

Amendment Barcode (if applicable)

Name BILL BUNKLEY

Job Title PRESIDENT

Address PO BOX 391644

Phone 813.264.2977

Street

TAMPA

City

FL

State

33694

Zip

Email

Speaking:  For  Against  Information

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

Representing FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

---

BILL: CS/SB 1240

INTRODUCER: Governmental Oversight and Accountability and Senator Mayfield

SUBJECT: Retirement

DATE: January 24, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Caldwell	Caldwell	GO	<b>Fav/CS</b>
2.			ED	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1240 authorizes participation of employees of a special district or a not-for-profit corporation or association created by the Escambia County Board of commissioners for the purpose of owning, operating, or managing a public bus transit system in the Florida Retirement System (FRS). Beginning March 31, 2018, a current employee may elect to participate in the FRS. Such election must be in writing to the employer, be received before August 31, 2018, and is irrevocable. Employees who are hired on or after March 31, 2018, are required to participate in the FRS.

The bill also revises time limits for certain public employees who qualify to participate in the Deferred Retirement Option Program (DROP). Specifically, the bill modifies DROP for instructional and administrative personnel in grades K-12 to prevent potential classroom disruption due to the maximum participation date being reached during the school year.

Current law authorizes eligible members of DROP who are specified instructional personnel in grades K-12 to participate in DROP for up to 36 calendar months beyond the 60-month period.

Effective July 1, 2018, an employer must extend a DROP termination date to after the last day of the last calendar month of the school year for instructional personnel employed after the 60-month period. In contrast, the bill authorizes, rather than requires an employer of an instructional personnel whose 36-month extension has been reached to extend DROP participation through the last day of the last calendar month of the school year.

An employer may also extend DROP participation beyond the 60-month period for administrative personnel to accommodate the end of the school year.

An employer must notify the Division of Retirement of any change in termination date and the additional period of DROP participation for affected personnel.

The bill contains a legislative finding that its provisions fulfill an important state interest. Additionally, the bill is expected to be fiscally neutral.

The bill takes effect July 1, 2018.

## II. Present Situation:

### Compulsory Participation in the Florida Retirement System

Participation in the Florida Retirement System (FRS) is compulsory for all officers and employees except as otherwise provided.<sup>1</sup> Each officer or employee, as a condition of employment, becomes a member of the system on the date of employment. Section 121.051, F.S., provides for exceptions to the compulsory participation for various officers and employees of the certain participating employees as of specified dates.<sup>2</sup>

### The Deferred Retirement Option Program

The Deferred Retirement Option Program (DROP) is a program under which an eligible member of the Florida Retirement System who has reached his or her normal retirement date may elect to participate. While participating in DROP, a member's retirement benefits accumulate in the Florida Retirement System (FRS) Trust Fund, earning tax-deferred interest compounded monthly for the specified period of the DROP participation, while continuing employment with his or her Florida Retirement System employer. When the drop participation period ends, the employee must terminate all employment with all FRS employers or forfeit his or her DROP benefits and any monthly retirement benefits received after DROP participation ended. Upon termination of employment, the member receives the total DROP benefits and also receives the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in DROP by an eligible member beyond the initial 60-month period as authorized by law is on an annual contractual basis for all participants.<sup>3</sup>

An eligible member may elect to participate in DROP for a period not to exceed a maximum of 60 calendar months. However, an exception to participate in DROP for up to 36 calendar months beyond the 60-month period apply to members:

- Who are instructional personnel employed by the Florida School for the Deaf and the Blind and authorized by the Board of Trustees of the Florida School for the Deaf and the Blind,

---

<sup>1</sup> Section 121.051, F.S.

<sup>2</sup> See s. 121.051(1)(a)-(d), F.S.

<sup>3</sup> Section 121.091, F.S. See also FRS TODAY, Florida Retirement System, Pension Plan Member Handbook, 2017 Edition, p. 39 [https://www.rol.frs.state.fl.us/forms/member\\_handbook.pdf](https://www.rol.frs.state.fl.us/forms/member_handbook.pdf) (last visited January 15, 2017).

- Who are instructional personnel as defined in s. 1012.01(2)(a)-(d), F.S., in grades K-12 and authorized by the district school superintendent, or
- Who are instructional personnel as defined in s. 1012.01(2)(a), F.S., employed by a developmental research school and authorized by the school's director, or if the school has no director, by the school's principal.

Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.<sup>4</sup> For most members of the pension plan, normal retirement occurs at 30 years of service or age 62.<sup>5</sup> For members in the Special Risk and Special Risk Administrative Support Classes, normal retirement occurs at 25 years of service or age 55.<sup>6</sup> Members initially enrolled in the pension plan on or after July 1, 2011, have longer vesting requirements. For unreduced benefits for members initially enrolled after that date, most members must complete 33 years of service or attain age 65, and members in the Special Risk classes must complete 30 years of service or attain age 60.<sup>7</sup>

There are certain termination requirements and reemployment limitations that affect retirement benefits if a retiree is employed with an FRS-participating employer during the first 12 calendar months after the effective retirement date without DROP participation or after the DROP termination date. If a retiree returns to work during the first six calendar months of retirement or after his DROP termination date, then his retirement application is voided and all retirement benefits, including any funds accumulated during DROP participation, must be repaid to the FRS Trust Fund. This restriction applies even if the particular position held is not covered by the FRS. A retiree cannot become a newly hired employee until after meeting the definition of termination by remaining unemployed for six calendar months.<sup>8</sup>

A retiree may not receive both wages paid by an FRS-participating employer and an FRS retirement benefit in the same month during the seventh through twelfth calendar months of retirement or after the DROP termination date. There are no exceptions to this reemployment limitation during this period. This restriction applies even if the particular position held is not covered by the FRS. A retiree must inform the Division of Retirement if he works for an FRS-participating employer during the reemployment limitation period.

Suspended retirement benefits for the months a reemployed retiree is employed by an FRS-participating employer during the reemployment limitation period will never be paid to the retiree. The reemployed retiree and his employing agency are jointly and severally liable for repaying any retirement benefits the employee receives while working during this period.

There are no limits on working for an FRS-participating employer after a retiree has been retired for 12 calendar months.

---

<sup>4</sup> Section 121.091, F.S.

<sup>5</sup> Section 121.021(29)(a)1., F.S.

<sup>6</sup> Section 121.021(29)(b)1., F.S.

<sup>7</sup> Sections 121.021(29)(a)2. and (b)2., F.S.

<sup>8</sup> Section 121.021(39), F.S.

If a retiree is re-employed with an FRS participating employer, he or she will be required to sign a statement that his reemployment does not violate these provisions.

### III. Effect of Proposed Changes:

**Section 1** amends s. 121.051, F.S., relating to compulsory participation to authorize participation of employees of a special district or a not-for-profit corporation or association created by the Escambia County Board of commissioners for the purpose of owning, operating, or managing a public bus transit system in the FRS. Beginning March 31, 2018, a current employee may elect to participate in the FRS. Such election must be in writing to the employer, be received before August 31, 2018, and is irrevocable. Employees who are hired on or after March 31, 2018, are required to participate in the FRS.

**Section 2** amends s. 121.091(13)(b), F.S., to require instructional personnel who are authorized to extend DROP participation beyond the 60-month period to have a termination date that is the last day of the last calendar month of the school year<sup>9</sup> within the DROP extension granted by the employer beginning July 1, 2018. To illustrate, if a member enters DROP December 2019, the termination date would be the last day of the school year 2021 (approximately 30 to 31 months).

In addition, if, on July 1, 2018, a member's DROP participation has already been extended for the maximum 36 calendar months and the extension period concludes before the end of the school year, the member's DROP participation may be extended through the last day of the last calendar month of that school year. To illustrate this instance, assume a member's termination date is again December 2019. Under this bill, the member could continue working an additional six months (assuming the school year ends May 31, 2020). The employer is required to notify the Division of Retirement (division), Department of Management Services, of the change in termination date and the additional period of DROP participation for the affected instructional personnel.

The bill also provides for administrative personnel in grades K-12, as defined in s. 1012.01(3), F.S., who have a DROP termination date on or after July 1, 2018, may be authorized to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year. Such administrative personnel may have DROP participation extended until the last day of the last calendar month of the school year in which their original DROP termination date occurred if a date other than the last day of the last calendar month of the school year is designated. The employer is required to notify the division of the change in termination date and the additional period of DROP participation for the affected administrative personnel. Illustrations in the preceding paragraphs apply to this provision as well.

**Section 3** provides a legislative finding that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by

---

<sup>9</sup> Section 1001.42(4)(f), F.S.: provides that school districts are responsible for adopting policies for the opening and closing of schools and fix uniform dates and requires that schools do not open before Aug. 10. In addition, S. 1011.62(1)(f), F.S.: provides the supplemental academic instruction categorical fund for the operation of schools through the Florida Education Finance Program (FEFP) and references the regular 180-day school term.

governmental retirement systems. The finding further declares that these persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of ch. 112, F.S. The Legislature determines and declares that this act fulfills an important state interest.

**Section 4** provides that the act takes effect July 1, 2108.

#### **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 shared with counties and municipalities.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. Other Constitutional Issues:**

Section 14, art. X, of the State Constitution provides:

A government unit responsible for any retirement or pension system supported in whole or in part by public funds shall not after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

The impact of the bill is expected to be fiscally neutral (see below). Therefore, as the provisions of the bill are actuarially sound, the bill appears to be constitutionally compliant.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

Qualifying instructional and administrative personnel will not incur potential penalties for continued employment to the end of the school year, and instead may earn additional interest on their deferred benefits as a result of the extended time spent in DROP.

**C. Government Sector Impact:**

Indeterminate. A school may otherwise have to hire to fill the vacant position, therefore the effect of the bill appears to have a neutral fiscal impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 121.091 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 Governmental Oversight and Accountability on January 23, 2018:**

The CS:

- Revises the title to be an act relating to retirement.
- Amends s. 121.051, F.S., relating to compulsory participation to authorize participation by employees of a special district or a not-for-profit corporation or association created by the Escambia County Board of commissioners for the purpose of owning, operating, or managing a public bus transit system in the FRS.
- Beginning March 31, 2018, a current employee may elect to participate in the FRS. Such election must be in writing to the employer, be received before August 31, 2018, and is irrevocable.
- Employees who are hired on or after March 31, 2018, are required to participate in the FRS.

**B. Amendments:**

None.



495220

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2018	.	
	.	
	.	
	.	

---

The Committee on Governmental Oversight and Accountability  
(Mayfield) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 154

and insert:

Section 3. Effective upon becoming a law, paragraph (d) of  
subsection (1) of section 121.051, Florida Statutes, is amended,  
and paragraph (e) is added to that subsection, to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(d) Beginning March 31, 2018, an employee of a dependent



495220

11 special district or a not-for-profit corporation or association  
12 created by the Board of County Commissioners of Escambia County  
13 for the purpose of owning, operating, or managing a public bus  
14 transit system, may elect to participate in the Florida  
15 Retirement System by notifying his or her employer in writing on  
16 or before August 31, 2018. Employees electing to participate  
17 within the election period shall become members of the Florida  
18 Retirement System, and the election is irrevocable. Such  
19 employees who are hired on or after March 31, 2018, shall be  
20 required to participate in the Florida Retirement System.

21 (e) The following persons are not eligible to participate  
22 in the Florida Retirement System:

23 1. Employees of a not-for-profit corporation or association  
24 created by the Board of County Commissioners of Palm Beach  
25 County for the purpose of owning, operating, or managing a  
26 public bus transit system formerly operated or managed by a  
27 private corporation subject to 49 U.S.C. s. 5333(b).

28 2. Persons who perform services as a consultant or an  
29 independent contractor, as defined by the division.

30 Section 4. Except as otherwise expressly provided in this  
31 act, this act shall take effect July 1, 2018.

32  
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete lines 2 - 12

36 and insert:

37 An act relating to retirement; amending s. 121.091,  
38 F.S.; revising limitations on the maximum length of  
39 participation in the Deferred Retirement Option



495220

40 Program for certain instructional personnel and  
41 administrative personnel; requiring an employer to  
42 notify the Division of Retirement of the Department of  
43 Management Services regarding any change in  
44 termination date and program participation for each  
45 affected member; providing a statement of important  
46 state interest; amending s. 121.051, F.S.; authorizing  
47 certain employees to elect to participate in the  
48 Florida Retirement System during a specified period;  
49 requiring membership in the system under certain  
50 circumstances; providing effective dates.

By Senator Mayfield

17-00421A-18

20181240\_\_

1 A bill to be entitled  
 2 An act relating to retirement of instructional  
 3 personnel and administrative personnel; amending s.  
 4 121.091, F.S.; revising limitations on the maximum  
 5 length of participation in the Deferred Retirement  
 6 Option Program for certain instructional personnel and  
 7 administrative personnel; requiring an employer to  
 8 notify the Division of Retirement of the Department of  
 9 Management Services regarding any change in  
 10 termination date and program participation for each  
 11 affected member; providing a statement of important  
 12 state interest; providing an effective date.  
 13  
 14 Be It Enacted by the Legislature of the State of Florida:  
 15  
 16 Section 1. Paragraph (b) of subsection (13) of section  
 17 121.091, Florida Statutes, is amended to read:  
 18 121.091 Benefits payable under the system.—Benefits may not  
 19 be paid under this section unless the member has terminated  
 20 employment as provided in s. 121.021(39) (a) or begun  
 21 participation in the Deferred Retirement Option Program as  
 22 provided in subsection (13), and a proper application has been  
 23 filed in the manner prescribed by the department. The department  
 24 may cancel an application for retirement benefits when the  
 25 member or beneficiary fails to timely provide the information  
 26 and documents required by this chapter and the department's  
 27 rules. The department shall adopt rules establishing procedures  
 28 for application for retirement benefits and for the cancellation  
 29 of such application when the required information or documents

Page 1 of 6

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

17-00421A-18

20181240\_\_

30 are not received.  
 31 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and  
 32 subject to this section, the Deferred Retirement Option Program,  
 33 hereinafter referred to as DROP, is a program under which an  
 34 eligible member of the Florida Retirement System may elect to  
 35 participate, deferring receipt of retirement benefits while  
 36 continuing employment with his or her Florida Retirement System  
 37 employer. The deferred monthly benefits shall accrue in the  
 38 Florida Retirement System on behalf of the member, plus interest  
 39 compounded monthly, for the specified period of the DROP  
 40 participation, as provided in paragraph (c). Upon termination of  
 41 employment, the member shall receive the total DROP benefits and  
 42 begin to receive the previously determined normal retirement  
 43 benefits. Participation in the DROP does not guarantee  
 44 employment for the specified period of DROP. Participation in  
 45 DROP by an eligible member beyond the initial 60-month period as  
 46 authorized in this subsection shall be on an annual contractual  
 47 basis for all participants.  
 48 (b) Participation in DROP.—Except as provided in this  
 49 paragraph, an eligible member may elect to participate in DROP  
 50 for a period not to exceed a maximum of 60 calendar months.  
 51 1.a. An eligible member may elect to participate in DROP  
 52 for a period not to exceed a maximum of 60 calendar months.  
 53 However, members who are instructional personnel employed by the  
 54 Florida School for the Deaf and the Blind and authorized by the  
 55 Board of Trustees of the Florida School for the Deaf and the  
 56 Blind, who are instructional personnel as defined in s.  
 57 1012.01(2) (a)-(d) in grades K-12 and authorized by the district  
 58 school superintendent, or who are instructional personnel as

Page 2 of 6

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

17-00421A-18 20181240\_\_

59 defined in s. 1012.01(2)(a) employed by a developmental research  
 60 school and authorized by the school's director, or if the school  
 61 has no director, by the school's principal, may participate in  
 62 DROP for up to 36 calendar months beyond the 60-month period.  
 63 Effective July 1, 2018, instructional personnel who are  
 64 authorized to extend DROP participation beyond the 60-month  
 65 period must have a termination date that is the last day of the  
 66 last calendar month of the school year within the DROP extension  
 67 granted by the employer. If, on July 1, 2018, the member's DROP  
 68 participation has already been extended for the maximum 36  
 69 calendar months and the extension period concludes before the  
 70 end of the school year, the member's DROP participation may be  
 71 extended through the last day of the last calendar month of that  
 72 school year. The employer shall notify the division of the  
 73 change in termination date and the additional period of DROP  
 74 participation for the affected instructional personnel.

75 b. Administrative personnel in grades K-12, as defined in  
 76 s. 1012.01(3), who have a DROP termination date on or after July  
 77 1, 2018, may be authorized to extend DROP participation beyond  
 78 the initial 60 calendar month period if the administrative  
 79 personnel's termination date is before the end of the school  
 80 year. Such administrative personnel may have DROP participation  
 81 extended until the last day of the last calendar month of the  
 82 school year in which their original DROP termination date  
 83 occurred if a date other than the last day of the last calendar  
 84 month of the school year is designated. The employer shall  
 85 notify the division of the change in termination date and the  
 86 additional period of DROP participation for the affected  
 87 administrative personnel.

17-00421A-18 20181240\_\_

88 2. Upon deciding to participate in DROP, the member shall  
 89 submit, on forms required by the division:  
 90 a. A written election to participate in DROP;  
 91 b. Selection of DROP participation and termination dates  
 92 that satisfy the limitations stated in paragraph (a) and  
 93 subparagraph 1. The termination date must be in a binding letter  
 94 of resignation to the employer establishing a deferred  
 95 termination date. The member may change the termination date  
 96 within the limitations of subparagraph 1., but only with the  
 97 written approval of the employer;  
 98 c. A properly completed DROP application for service  
 99 retirement as provided in this section; and  
 100 d. Any other information required by the division.

101 3. The DROP participant is a retiree under the Florida  
 102 Retirement System for all purposes, except for paragraph (5)(f)  
 103 and subsection (9) and ss. 112.3173, 112.363, 121.053, and  
 104 121.122. DROP participation is final and may not be canceled by  
 105 the participant after the first payment is credited during the  
 106 DROP participation period. However, participation in DROP does  
 107 not alter the participant's employment status, and the member is  
 108 not deemed retired from employment until his or her deferred  
 109 resignation is effective and termination occurs as defined in s.  
 110 121.021.

111 4. Elected officers are eligible to participate in DROP  
 112 subject to the following:  
 113 a. An elected officer who reaches normal retirement date  
 114 during a term of office may defer the election to participate  
 115 until the next succeeding term in that office. An elected  
 116 officer who exercises this option may participate in DROP for up

17-00421A-18 20181240\_\_

117 to 60 calendar months or no longer than the succeeding term of  
118 office, whichever is less.

119 b. An elected or a nonelected participant may run for a  
120 term of office while participating in DROP and, if elected,  
121 extend the DROP termination date accordingly; however, if such  
122 additional term of office exceeds the 60-month limitation  
123 established in subparagraph 1., and the officer does not resign  
124 from office within such 60-month limitation, the retirement and  
125 the participant's DROP is null and void as provided in sub-  
126 subparagraph (c)5.d.

127 c. An elected officer who is dually employed and elects to  
128 participate in DROP must terminate all employment relationships  
129 as provided in s. 121.021(39) for the nonelected position within  
130 the original 60-month period or maximum participation period as  
131 provided in subparagraph 1. For DROP participation ending:

132 (I) Before July 1, 2010, the officer may continue  
133 employment as an elected officer as provided in s. 121.053. The  
134 elected officer shall be enrolled as a renewed member in the  
135 Elected Officers' Class or the Regular Class, as provided in ss.  
136 121.053 and 121.122, on the first day of the month after  
137 termination of employment in the nonelected position and  
138 termination of DROP. Distribution of the DROP benefits shall be  
139 made as provided in paragraph (c).

140 (II) On or after July 1, 2010, the officer may continue  
141 employment as an elected officer but must defer termination as  
142 provided in s. 121.053.

143 Section 2. The Legislature finds that a proper and  
144 legitimate state purpose is served when employees and retirees  
145 of the state and its political subdivisions, and the dependents,

17-00421A-18 20181240\_\_

146 survivors, and beneficiaries of such employees and retirees, are  
147 extended the basic protections afforded by governmental  
148 retirement systems. These persons must be provided benefits that  
149 are fair and adequate and that are managed, administered, and  
150 funded in an actuarially sound manner, as required by s. 14,  
151 Article X of the State Constitution and part VII of chapter 112,  
152 Florida Statutes. Therefore, the Legislature determines and  
153 declares that this act fulfills an important state interest.

154 Section 3. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-23-18

Meeting Date

1240

Bill Number (if applicable)

495 220

Amendment Barcode (if applicable)

Topic FRS

Name RICHARD GENTRY

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

Address 2305 Braeburn Circle

Street

Phone 751-1837

Tallahassee FL 32309

City

State

Zip

Email Rgentry@comcast.net

Speaking:  For  Against  Information

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

Representing Escambia 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**  
**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 Governmental Oversight and Accountability

---

BILL: SB 1758

INTRODUCER: Senator Montford

SUBJECT: Special Risk Class

DATE: January 22, 2018      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Caldwell	GO	<b>Favorable</b>
2.			AGG	
3.			AP	

---

**I. Summary:**

SB 1758 revises criteria for membership in the special risk class to include specified employees of the Florida State Hospital.

The bill takes effect on Jan. 1, 2019.

**II. Present Situation:**

**The Florida Retirement System**

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.<sup>1</sup> The FRS is a contributory system, with most members contributing three percent of their salaries.<sup>2</sup>

The FRS is a multi-employer, contributory plan, governed by the Florida Retirement System Act in Chapter 121, F.S. As of June 30, 2017, the FRS had 637,643 active members, 406,374 annuitants, 16,150 disabled retirees, and 32,233 active participants of the Deferred Retirement

---

<sup>1</sup> Florida Retirement System Pension Plan and Other State Administered Retirement Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2017, at p. 33. Available online at: [https://www.rol.frs.state.fl.us/forms/2016-17\\_CAFR.pdf](https://www.rol.frs.state.fl.us/forms/2016-17_CAFR.pdf). (Last visited January 3, 2018.)

<sup>2</sup> Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. Members in the Deferred Retirement Option Program do not contribute to the system.

Option Program (DROP).<sup>3</sup> As of June 30, 2017, the FRS consisted of 995 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and also includes the 173 cities and 260 special districts that have elected to join the system.<sup>4</sup>

The membership of the FRS is divided into five membership classes:

- The Regular Class<sup>5</sup> consists of 552,600 active members, plus 3,116 in renewed membership;
- The Special Risk Class<sup>6</sup> includes 71,612 active members;
- The Special Risk Administrative Support Class<sup>7</sup> has 93 active members;
- The Elected Officers' Class<sup>8</sup> has 2,082 active members, plus 85 in renewed membership; and
- The Senior Management Service Class<sup>9</sup> has 7,912 members, plus 116 in renewed membership.<sup>10</sup>

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:

- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.

### ***The Special Risk Class of the FRS***

The Special Risk Class of the FRS consists of state and local government employees who meet the criteria for special risk membership. The class covers persons employed in law enforcement, firefighting, criminal detention, and emergency and forensic medical care who meet statutory criteria for membership as set forth in s. 121.0515, F.S.

In originally establishing the Special Risk Class of membership in the FRS, the Legislature recognized that persons employed in certain categories of positions:

are required to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties, may find that they are not able, without risk to the health and safety of themselves, the public, or their

<sup>3</sup> Florida Retirement System Pension Plan and Other State Administered Retirement Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2017, at p. 144.

<sup>4</sup> *Id.*, at 180.

<sup>5</sup> The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

<sup>6</sup> The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S.

<sup>7</sup> The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

<sup>8</sup> The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

<sup>9</sup> The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

<sup>10</sup> All figures from Florida Retirement System Pension Plan and Other State Administered Retirement Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2017, at p. 147.

coworkers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other membership classes and that, if they find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom.<sup>11</sup>

A person who is a member in the Special Risk Class may retire at an earlier age and is eligible to receive higher disability and death benefits than Regular Class members.

### ***Investment Plan***

In 2000, the Legislature created the Public Employee Optional Retirement Program (investment plan), a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.

A member vests immediately in all employee contributions paid to the investment plan.<sup>12</sup> With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.<sup>13</sup> Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.<sup>14</sup> The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.<sup>15</sup> An FRS member who qualifies for disability while enrolled in the investment plan must apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.<sup>16</sup>

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.<sup>17</sup> The SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.<sup>18</sup>

---

<sup>11</sup> Section 121.0515(1), F.S.

<sup>12</sup> Section 121.4501(6)(a), F.S.

<sup>13</sup> If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, then any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

<sup>14</sup> Section 121.591, F.S.

<sup>15</sup> See s. 121.4501(16), F.S.

<sup>16</sup> Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate an in-line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line of duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

<sup>17</sup> Section 121.4501(8), F.S.

<sup>18</sup> FLA CONST. art. IV, s. 4.

### ***Pension Plan***

The pension plan is administered by the secretary of the Department of Management Services through the Division of Retirement.<sup>19</sup> Investment management is handled by the State Board of Administration.

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.<sup>20</sup> For members enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.<sup>21</sup> Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.<sup>22</sup> For most members of the pension plan, normal retirement (when first eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.<sup>23</sup> For public safety employees in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.<sup>24</sup> Members initially enrolled in the pension plan on or after July 1, 2011, have longer service requirements. For members initially enrolled after that date, the member must complete 33 years of service or attain age 65, and members in the Special Risk classes must complete 30 years of service or attain age 60.<sup>25</sup>

### ***Optional Retirement Programs***

Eligible employees may choose to participate in one of three retirement programs instead of participating in the FRS:

- Members of the Senior Management Service Class may elect to enroll in the Senior Management Service Optional Annuity Program;<sup>26</sup>
- Members in specified positions in the State University System may elect to enroll in the State University System Optional Retirement Program;<sup>27</sup> and
- Members in specified positions at a Florida College institution may elect to enroll in the State Community College System Optional Retirement Program.<sup>28</sup>

---

<sup>19</sup> Section 121.025, F.S.

<sup>20</sup> Section 121.021(45)(a), F.S.

<sup>21</sup> Section 121.021(45)(b), F.S.

<sup>22</sup> Section 121.091, F.S.

<sup>23</sup> Section 121.021(29)(a)1., F.S.

<sup>24</sup> Section 121.021(29)(b)1., F.S.

<sup>25</sup> Sections 121.021(29)(a)2. and (b)2., F.S.

<sup>26</sup> The Senior Management Service Optional Annuity Program (SMSOAP) was established in 1986 for members of the Senior Management Service Class. Employees in eligible positions may irrevocably elect to participate in the SMSOAP rather than the FRS. Section 121.055(6), F.S.

<sup>27</sup> Eligible participants of the State University System Optional Retirement Program (SUSORP) are automatically enrolled in the SUSORP. However, the member must execute a contract with a SUSORP provider within the first 90 days of employment or the employee will default into the pension plan. If the employee decides to remain in the SUSORP, the decision is irrevocable and the member must remain in the SUSORP as long as the member remains in a SUSORP-eligible position. Section 121.35, F.S.

<sup>28</sup> If the member is eligible for participation in a State Community College System Optional Retirement Program, the member must elect to participate in the program within 90 days of employment. Unlike the other optional programs, an employee who elects to participate in this optional retirement program has one opportunity to transfer to the FRS. Section 1012.875, F.S.

**Contribution Rates**

FRS employers are responsible for contributing a specified percentage of the member’s monthly compensation to the Division of Retirement to be distributed into the FRS Contributions Clearing Trust Fund. The employer contribution rate is a blended contribution rate set by statute, which is the same percentage regardless of whether the member participates in the pension plan or the investment plan.<sup>29</sup> The rate is determined annually based on an actuarial study by the Department of Management Services that calculates the necessary level of funding to support all of the benefit obligations under both FRS retirement plans.

In the annual actuarial valuation of the Florida Retirement System based on July 1, 2017, plan assets and liabilities, Milliman, Inc., the state actuary, determined the following key data relating to the FRS pension plan.<sup>30</sup>

	<b>Valuation Results (in \$ billions)</b>			
	<b>July 1, 2014</b>	<b>July 1, 2015</b>	<b>July 1, 2016</b>	<b>July 1, 2017</b>
Actuarial Liability	\$160.1	\$165.5	\$170.4	\$178.6
Actuarial Value of Assets	\$138.6	\$143.2	\$145.5	\$150.6
Unfunded Actuarial Liability	\$21.5	\$22.3	\$24.9	\$28.0
Funded Percentage (Actuarial Value of Assets/Actuarial Liability)	86.6%	86.5%	85.4%	84.3%

The state actuary determines a rate associated with the normal cost of the pension plan (funding the prospective benefits) and a rate necessary to amortize the unfunded actuarial liabilities (UAL) over a thirty year period. The following are the current employer contribution rates<sup>31</sup> for each class and the blended rates recommended by the state actuary beginning in July 2018:<sup>32</sup>

<sup>29</sup> Section 121.70(1), F.S.

<sup>30</sup> Florida Retirement System Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2017, at 125.

<sup>31</sup> Section 121.71(4) and (5), F.S.

<sup>32</sup> Letter to Ms. Elizabeth Stevens, *Re: Blended Proposed Statutory Rates for the 2018-2019 Plan Year Reflecting a Uniform UAL Rate for All Membership Classes and DROP*, dated December 6, 2017 (on file with the Senate Committee on Governmental Accountability and Oversight).

Membership Class	Current Rates Effective July 1, 2017		Recommended Rates to be effective July 1, 2018	
	Normal Cost	UAL Rate	Normal Cost	UAL Rate
Regular Class	2.90%	3.03%	3.04%	3.500%
Special Risk Class	11.86%	9.69%	12.18%	10.60%
Special Risk Administrative Support Class	3.83%	29.80%	3.64%	29.62%
Elected Officer’s Class				
• Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	6.45%	42.69%	6.65%	48.38%
• Justices and Judges	11.67%	26.25%	12.00%	27.05%
• County Officers	8.54%	35.24%	8.50%	38.48%
Senior Management Service Class	4.29%	16.70%	4.45%	17.89%
Deferred Retirement Option Program	4.17%	7.96%	4.41%	7.96%

For all membership classes, except the DROP and certain members with renewed membership, employees contribute three percent of their compensation towards retirement.<sup>33</sup>

After employer and employee contributions are placed into the FRS Contributions Clearing Trust Fund, the allocations under the investment plan are transferred to third-party administrators to be placed in the employee’s individual investment accounts, whereas contributions under the pension plan are transferred into the FRS Trust Fund.<sup>34</sup>

**Florida State Hospital**

The Florida State Hospital located in Chattahoochee, Florida is a state psychiatric hospital operated by the Department of Children and Families that offers civil and forensic services.<sup>35</sup> Forensic services for persons who are charged with a felony, are mentally ill, and have been found to be incompetent to proceed with their trial due to mental illness, or who have been acquitted of a felony by reason of insanity are governed by ss. 916.111-916.185, F.S.

The hospital’s civil services is comprised of the following 3 units:

- Civil Admissions evaluates and provides psychiatric services primarily for newly admitted acutely ill male and female civil residents between the ages of 18 and 64;
- Civil Transition Program serves civil residents and individuals previously in a forensic setting who no longer need that level of security and with court approval may reside in a lesser restrictive civil environment; and
- Specialty Care Program serves a diverse population of individuals requiring mental health treatment and services, including civil and forensic step downs.

<sup>33</sup> Section 121.71(3), F.S.

<sup>34</sup> See ss. 121.4503 and 121.72(1), F.S.

<sup>35</sup> See <http://www.myflfamilies.com/service-programs/mental-health/fsh/services-programs> (last visited on Jan. 19, 2018).

The hospital's forensic services evaluates and treats persons with felony charges who have been adjudicated incompetent to stand trial or not guilty by reason of insanity. Forensic services is comprised of the following two units;

- Forensic Admission is a maximum security facility that assesses new admissions, provides short-term treatment and competency restoration for defendants found incompetent to stand trial, and behavior stabilization for persons committed as not guilty by reason of insanity; and
- Forensic Central provides longer term treatment and serves a seriously and persistently mentally ill population who are incompetent to proceed or not guilty by reason of insanity.

### III. Effect of Proposed Changes:

**Section 1** amends s. 121.0515, F.S., to add specified Florida State Hospital employees to the Special Risk Class.

These employees must be a member of the FRS and employed in the following job classes and must spend at least 65 percent of his or her time performing duties that involve contact with patients or inmates at the Florida State Hospital:

- Abuse registry counselor (class code 5961).
- Barber/beautician (class codes 6201, 6205, and 6206).
- Behavioral program associate (class codes 5750 and 5762).
- Behavioral program specialist (class codes 5751 and 5763).
- Certified radiologic technologist (class codes 5523, 5524, 5527, and 5528).
- Chaplain (class codes 5819 and 5820).
- Child protective investigator (class code 8371).
- Child protective field support consultant (class code 8374).
- Children, youth, and families counselor (class code 5954).
- Classroom teacher (class codes 4144 and 4147).
- Custodial trainer (class code 6530).
- Custodial worker (class codes 6511 and 6526).
- Dental assistant (class codes 5632 and 5633).
- Dental hygienist (class code 5641).
- Dental technician (class code 5644).
- Dietetic technician (class code 5594).
- Direct services aide (class code 5702).
- Education and training specialist (class code 1328).
- Food control specialist (class code 6217).
- Food support worker (class code 6213).
- Groundskeeper (class code 6394).
- Health support aide (class codes 5504 and 5505).
- Human services counselor (class codes 5934, 5936, 5937, 5940, and 5941).
- Human services program analyst (class code 5871).
- Human services program consultant (class codes 5918, 5919, and 5920).
- Human services program records analyst (class code 5864).
- Human services program specialist (class code 5877).

- Human services worker (class codes 5706, 5709, 5781, and 5784).
- Librarian (class code 4315).
- Librarian specialist (class codes 4318 and 4319).
- Medical laboratory technician (class codes 5047 and 5048).
- Pharmacy technician (class codes 5500 and 5501).
- Rehabilitation therapist (class codes 5562 and 5563).
- Residential unit specialist (class code 5736).
- Senior chaplain (class code 5823).
- Social services counselor (class codes 5953 and 5960).
- Storekeeper (class codes 0918, 0921, and 0922).
- Teacher aide (class codes 4133 and 4142).
- Therapy aide (class codes 5556 and 5557).
- Training specialist (class codes 1322 and 1324).
- Unit treatment and rehab specialist (class codes 5776 and 5791).
- Vocational instructor (class codes 1309, 1310, 1311, 1312, 1313, and 1315).
- Volunteer services center specialist (class code 6000).
- Volunteer services specialist (class code 5997).

**Section 2** provides findings that the bill fulfills an important state interest.

**Section 3** provides an effective date of Jan. 1, 2019.

#### **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 shared with counties and municipalities.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

Article X, section 14 of the Florida Constitution provides:

A governmental unit responsible for any retirement or pension system supported in whole or in part by public funds shall not after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

An actuarial study has not been completed to comply with Article X, section 14 of the Florida Constitution.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The impact is unknown at this time. The bill does not provide the funding necessary to implement the enhanced benefit enhancement.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially section 121.0515 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Montford

3-01146-18

20181758\_\_

1                                   A bill to be entitled  
 2           An act relating to the Special Risk Class; amending s.  
 3           121.0515, F.S.; adding specified Florida State  
 4           Hospital employees to the class; conforming cross-  
 5           references; declaring that the act fulfills an  
 6           important state interest; providing an effective date.  
 7  
 8   Be It Enacted by the Legislature of the State of Florida:  
 9  
 10           Section 1. Paragraph (h) of subsection (2), subsection (3),  
 11           and paragraph (d) of subsection (8) of section 121.0515, Florida  
 12           Statutes, are amended to read:  
 13           121.0515 Special Risk Class.—  
 14           (2) MEMBERSHIP.—  
 15           (h) Effective August 1, 2008, "special risk member"  
 16           includes any member who meets the special criteria for continued  
 17           membership set forth in paragraph (3) (k) ~~(3) (j)~~.  
 18           (3) CRITERIA.—A member, to be designated as a special risk  
 19           member, must meet the following criteria:  
 20           (a) Effective October 1, 1978, the member must be employed  
 21           as a law enforcement officer and be certified, or required to be  
 22           certified, in compliance with s. 943.1395, except that, however,  
 23           sheriffs and elected police chiefs are not required to be  
 24           certified ~~excluded from meeting the certification requirements~~  
 25           ~~of this paragraph~~. In addition, the member's duties and  
 26           responsibilities must include the pursuit, apprehension, and  
 27           arrest of law violators or suspected law violators; or as of  
 28           July 1, 1982, the member must be an active member of a bomb  
 29           disposal unit whose primary responsibility is the location,

Page 1 of 11

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

3-01146-18

20181758\_\_

30           handling, and disposal of explosive devices; or the member must  
 31           be the supervisor or command officer of a member or members who  
 32           have such responsibilities. Administrative support personnel,  
 33           including, but not limited to, those whose primary duties and  
 34           responsibilities are in accounting, purchasing, legal, and  
 35           personnel, are not included;  
 36           (b) Effective October 1, 1978, the member must be employed  
 37           as a firefighter and be certified, or required to be certified,  
 38           in compliance with s. 633.408 and be employed solely within the  
 39           fire department of a local government employer or an agency of  
 40           state government with firefighting responsibilities. In  
 41           addition, the member's duties and responsibilities must include  
 42           on-the-scene fighting of fires; as of October 1, 2001, fire  
 43           prevention or firefighter training; as of October 1, 2001,  
 44           direct supervision of firefighting units, fire prevention, or  
 45           firefighter training; or as of July 1, 2001, aerial firefighting  
 46           surveillance performed by fixed-wing aircraft pilots employed by  
 47           the Florida Forest Service of the Department of Agriculture and  
 48           Consumer Services; or the member must be the supervisor or  
 49           command officer of a member or members who have such  
 50           responsibilities. Administrative support personnel, including,  
 51           but not limited to, those whose primary duties and  
 52           responsibilities are in accounting, purchasing, legal, and  
 53           personnel, are not included. All periods of creditable service  
 54           in fire prevention or firefighter training, or as the supervisor  
 55           or command officer of a member or members who have such  
 56           responsibilities, and for which the employer paid the special  
 57           risk contribution rate, are included;  
 58           (c) Effective October 1, 1978, the member must be employed

Page 2 of 11

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

3-01146-18

20181758\_\_

59 as a correctional officer and be certified, or required to be  
 60 certified, in compliance with s. 943.1395. In addition, the  
 61 member's primary duties and responsibilities must include ~~be~~ the  
 62 custody, and physical restraint ~~if when~~ necessary, of prisoners  
 63 or inmates within a prison, jail, or other criminal detention  
 64 facility, or while on work detail outside the facility, or while  
 65 being transported; or as of July 1, 1984, the member must be the  
 66 supervisor or command officer of a member or members who have  
 67 such responsibilities. Administrative support personnel,  
 68 including, but not limited to, those whose primary duties and  
 69 responsibilities are in accounting, purchasing, legal, and  
 70 personnel, are not included; however, wardens and assistant  
 71 wardens, as defined by rule, are included;

72 (d) Effective October 1, 1999, the member must be employed  
 73 by a licensed Advance Life Support (ALS) or Basic Life Support  
 74 (BLS) employer as an emergency medical technician or a paramedic  
 75 and be certified in compliance with s. 401.27. In addition, the  
 76 member's primary duties and responsibilities must include on-  
 77 the-scene emergency medical care or as of October 1, 2001,  
 78 direct supervision of emergency medical technicians or  
 79 paramedics, or the member must be the supervisor or command  
 80 officer of one or more members who have such responsibility.  
 81 Administrative support personnel, including, but not limited to,  
 82 those whose primary responsibilities are in accounting,  
 83 purchasing, legal, and personnel, are not included;

84 (e) Effective January 1, 2001, the member must be employed  
 85 as a community-based correctional probation officer and be  
 86 certified, or required to be certified, in compliance with s.  
 87 943.1395. In addition, the member's primary duties and

3-01146-18

20181758\_\_

88 responsibilities must be the supervised custody, surveillance,  
 89 control, investigation, and counseling of assigned inmates,  
 90 probationers, parolees, or community controllees within the  
 91 community; or the member must be the supervisor of a member or  
 92 members who have such responsibilities. Administrative support  
 93 personnel, including, but not limited to, those whose primary  
 94 duties and responsibilities are in accounting, purchasing, legal  
 95 services, and personnel management, are not included; however,  
 96 probation and parole circuit and deputy circuit administrators  
 97 are included;

98 (f) Effective January 1, 2001, the member must be employed  
 99 in one of the following classes and must spend at least 75  
 100 percent of his or her time performing duties that ~~which~~ involve  
 101 contact with patients or inmates in a correctional or forensic  
 102 facility or institution:

- 103 1. Dietitian (class codes 5203 and 5204);
- 104 2. Public health nutrition consultant (class code 5224);
- 105 3. Psychological specialist (class codes 5230 and 5231);
- 106 4. Psychologist (class code 5234);
- 107 5. Senior psychologist (class codes 5237 and 5238);
- 108 6. Regional mental health consultant (class code 5240);
- 109 7. Psychological Services Director-DCF (class code 5242);
- 110 8. Pharmacist (class codes 5245 and 5246);
- 111 9. Senior pharmacist (class codes 5248 and 5249);
- 112 10. Dentist (class code 5266);
- 113 11. Senior dentist (class code 5269);
- 114 12. Registered nurse (class codes 5290 and 5291);
- 115 13. Senior registered nurse (class codes 5292 and 5293);
- 116 14. Registered nurse specialist (class codes 5294 and

3-01146-18 20181758\_\_

117 5295);

118 15. Clinical associate (class codes 5298 and 5299);

119 16. Advanced registered nurse practitioner (class codes

120 5297 and 5300);

121 17. Advanced registered nurse practitioner specialist

122 (class codes 5304 and 5305);

123 18. Registered nurse supervisor (class codes 5306 and

124 5307);

125 19. Senior registered nurse supervisor (class codes 5308

126 and 5309);

127 20. Registered nursing consultant (class codes 5312 and

128 5313);

129 21. Quality management program supervisor (class code

130 5314);

131 22. Executive nursing director (class codes 5320 and 5321);

132 23. Speech and hearing therapist (class code 5406); or

133 24. Pharmacy manager (class code 5251);

134 (g) Effective October 1, 2005, through June 30, 2008, the

135 member must be employed by a law enforcement agency or medical

136 examiner's office in a forensic discipline recognized by the

137 International Association for Identification and must qualify

138 for active membership in the International Association for

139 Identification. The member's primary duties and responsibilities

140 must include the collection, examination, preservation,

141 documentation, preparation, or analysis of physical evidence or

142 testimony, or both, or the member must be the direct supervisor,

143 quality management supervisor, or command officer of one or more

144 individuals with such responsibility. Administrative support

145 personnel, including, but not limited to, those whose primary

3-01146-18 20181758\_\_

146 responsibilities are clerical or in accounting, purchasing,

147 legal, and personnel, are not included;

148 (h) Effective July 1, 2008, the member must be employed by

149 the Department of Law Enforcement in the crime laboratory or by

150 the Division of State Fire Marshal in the forensic laboratory in

151 one of the following classes:

152 1. Forensic technologist (class code 8459);

153 2. Crime laboratory technician (class code 8461);

154 3. Crime laboratory analyst (class code 8463);

155 4. Senior crime laboratory analyst (class code 8464);

156 5. Crime laboratory analyst supervisor (class code 8466);

157 6. Forensic chief (class code 9602); or

158 7. Forensic services quality manager (class code 9603);

159 (i) Effective July 1, 2008, the member must be employed by

160 a local government law enforcement agency or medical examiner's

161 office and must spend at least 65 percent of his or her time

162 performing duties that involve the collection, examination,

163 preservation, documentation, preparation, or analysis of human

164 tissues or fluids or physical evidence having potential

165 biological, chemical, or radiological hazard or contamination,

166 or use chemicals, processes, or materials that may have

167 carcinogenic or health-damaging properties in the analysis of

168 such evidence, or the member must be the direct supervisor of

169 one or more individuals having such responsibility. If a special

170 risk member changes to another position within the same agency,

171 he or she must submit a complete application as provided in

172 paragraph (4) (a);

173 (j) Effective January 1, 2019, the member must be employed

174 in any of the following classes and must spend at least 65

3-01146-18 20181758\_\_

175 percent of his or her time performing duties that involve  
 176 contact with patients or inmates at Florida State Hospital:  
 177 1. Abuse registry counselor (class code 5961).  
 178 2. Barber/beautician (class codes 6201, 6205, and 6206).  
 179 3. Behavioral program associate (class codes 5750 and  
 180 5762).  
 181 4. Behavioral program specialist (class codes 5751 and  
 182 5763).  
 183 5. Certified radiologic technologist (class codes 5523,  
 184 5524, 5527, and 5528).  
 185 6. Chaplain (class codes 5819 and 5820).  
 186 7. Child protective investigator (class code 8371).  
 187 8. Child protective field support consultant (class code  
 188 8374).  
 189 9. Children, youth, and families counselor (class code  
 190 5954).  
 191 10. Classroom teacher (class codes 4144 and 4147).  
 192 11. Custodial trainer (class code 6530).  
 193 12. Custodial worker (class codes 6511 and 6526).  
 194 13. Dental assistant (class codes 5632 and 5633).  
 195 14. Dental hygienist (class code 5641).  
 196 15. Dental technician (class code 5644).  
 197 16. Dietetic technician (class code 5594).  
 198 17. Direct services aide (class code 5702).  
 199 18. Education and training specialist (class code 1328).  
 200 19. Food control specialist (class code 6217).  
 201 20. Food support worker (class code 6213).  
 202 21. Groundskeeper (class code 6394).  
 203 22. Health support aide (class codes 5504 and 5505).

3-01146-18 20181758\_\_

204 23. Human services counselor (class codes 5934, 5936, 5937,  
 205 5940, and 5941).  
 206 24. Human services program analyst (class code 5871).  
 207 25. Human services program consultant (class codes 5918,  
 208 5919, and 5920).  
 209 26. Human services program records analyst (class code  
 210 5864).  
 211 27. Human services program specialist (class code 5877).  
 212 28. Human services worker (class codes 5706, 5709, 5781,  
 213 and 5784).  
 214 29. Librarian (class code 4315).  
 215 30. Librarian specialist (class codes 4318 and 4319).  
 216 31. Medical laboratory technician (class codes 5047 and  
 217 5048).  
 218 32. Pharmacy technician (class codes 5500 and 5501).  
 219 33. Rehabilitation therapist (class codes 5562 and 5563).  
 220 34. Residential unit specialist (class code 5736).  
 221 35. Senior chaplain (class code 5823).  
 222 36. Social services counselor (class codes 5953 and 5960).  
 223 37. Storekeeper (class codes 0918, 0921, and 0922).  
 224 38. Teacher aide (class codes 4133 and 4142).  
 225 39. Therapy aide (class codes 5556 and 5557).  
 226 40. Training specialist (class codes 1322 and 1324).  
 227 41. Unit treatment and rehab specialist (class codes 5776  
 228 and 5791).  
 229 42. Vocational instructor (class codes 1309, 1310, 1311,  
 230 1312, 1313, and 1315).  
 231 43. Volunteer services center specialist (class code 6000).  
 232 44. Volunteer services specialist (class code 5997); or

3-01146-18

20181758\_\_

233 ~~(k)-(j)~~ The member must have already qualified for and be  
 234 actively participating in special risk membership under  
 235 paragraph (a), paragraph (b), or paragraph (c), must have  
 236 suffered a qualifying injury as defined in this paragraph, must  
 237 not be receiving disability retirement benefits as provided in  
 238 s. 121.091(4), and must satisfy the requirements of this  
 239 paragraph.

240 1. The ability to qualify for the class of membership  
 241 defined in paragraph (2) (h) occurs when two licensed medical  
 242 physicians, one of whom is a primary treating physician of the  
 243 member, certify the existence of the physical injury and medical  
 244 condition that constitute a qualifying injury as defined in this  
 245 paragraph and ~~that~~ the member has reached maximum medical  
 246 improvement after August 1, 2008. The certifications from the  
 247 licensed medical physicians must include, at a minimum, that the  
 248 injury to the special risk member has resulted in a physical  
 249 loss, or loss of use, of at least two of the following: left  
 250 arm, right arm, left leg, or right leg; and that:

251 a. ~~The~~ ~~That~~ ~~this~~ physical loss or loss of use is total and  
 252 permanent, unless ~~except~~ ~~if~~ the loss of use is due to a physical  
 253 injury to the member's brain, in which event the loss of use is  
 254 permanent with at least 75 percent loss of motor function with  
 255 respect to each arm or leg affected.

256 b. ~~The~~ ~~That~~ ~~this~~ physical loss or loss of use renders the  
 257 member physically unable to perform the essential job functions  
 258 of his or her special risk position.

259 c. ~~That~~, Notwithstanding this physical loss or loss of use,  
 260 the individual can perform the essential job functions required  
 261 by the member's new position, as provided in subparagraph 3.

3-01146-18

20181758\_\_

262 d. ~~That~~ Use of artificial limbs is not possible or does not  
 263 alter the member's ability to perform the essential job  
 264 functions of the member's position.

265 e. ~~That~~ The physical loss or loss of use is a direct result  
 266 of a physical injury and not a result of any mental,  
 267 psychological, or emotional injury.

268 2. For the purposes of this paragraph, "qualifying injury"  
 269 means an injury sustained in the line of duty, as certified by  
 270 the member's employing agency, by a special risk member that  
 271 does not result in total and permanent disability as defined in  
 272 s. 121.091(4) (b). An injury is a qualifying injury if the injury  
 273 is a physical injury to the member's physical body resulting in  
 274 a physical loss, or loss of use, of at least two of the  
 275 following: left arm, right arm, left leg, or right leg.  
 276 Notwithstanding any other provision of this section, an injury  
 277 that would otherwise qualify as a qualifying injury is not  
 278 ~~considered~~ a qualifying injury if and when the member ceases  
 279 employment with the employer for whom he or she was providing  
 280 special risk services on the date the injury occurred.

281 3. The new position, as described in sub-subparagraph 1.c.,  
 282 which ~~that~~ is required for qualification as a special risk  
 283 member under this paragraph is not required to be a position  
 284 with essential job functions that entitle an individual to  
 285 special risk membership. Whether a new position as described in  
 286 sub-subparagraph 1.c. exists and is available to the special  
 287 risk member is a decision to be made solely by the employer in  
 288 accordance with its hiring practices and applicable law.

289 4. This paragraph does not grant or create additional  
 290 rights for any individual to continued employment or to be hired

3-01146-18

20181758\_\_

291 or rehired by his or her employer that are not already provided  
292 ~~by state law within the Florida Statutes~~, the State  
293 Constitution, the Americans with Disabilities Act, if  
294 applicable, or any other ~~applicable state or~~ federal law.

295 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

296 (d) Notwithstanding any other provision of this subsection,  
297 this subsection does not apply to any special risk member who  
298 qualifies for continued membership pursuant to paragraph (3) (k)  
299 ~~(3) (j)~~.

300 Section 2. The Legislature finds that a proper and  
301 legitimate state purpose is served when employees and retirees  
302 of the state and its political subdivisions, and the dependents,  
303 survivors, and beneficiaries of such employees and retirees, are  
304 extended the basic protections afforded by governmental  
305 retirement systems. These persons must be provided benefits that  
306 are fair and adequate and are managed, administered, and funded  
307 in an actuarially sound manner, as required by s. 14, Article X  
308 of the State Constitution and part VII of chapter 112, Florida  
309 Statutes. Therefore, the Legislature determines and declares  
310 that this act fulfills an important state interest.

311 Section 3. This act shall take effect January 1, 2019.



The Florida Senate

## Committee Agenda Request

**To:** Senator Dennis Baxley, Chair  
Senate Committee on Governmental Oversight and Accountability

**Subject:** Committee Agenda Request

**Date:** January 12, 2018

---

I respectfully request that SB 1758 on Special Risk Class be placed on the:

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

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

---

Senator Bill Montford  
Florida Senate, District 3

# APPEARANCE RECORD

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

JAN 23, 2018  
Meeting Date

SB 1758  
Bill Number (if applicable)

Topic SPECIAL RISK CLASS STATE HOSPITAL

Amendment Barcode (if applicable)

Name Steve MOSLEY

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

Address 890 CLEVELAND ST  
Street

Phone 321-917-4765

TAUSVILLE, FL 32780  
City State Zip

Email SMOSLEY@IAM610.ORG

Speaking:  For  Against  Information

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

Representing myself

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.

# APPEARANCE RECORD

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

1-23-18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic Special Risk Retirement

Amendment Barcode (if applicable)

Name Jeff Estes

Job Title Facilities Meeh,

Address 3747 Canberra Cte

Phone 321-360-2531

Street

Titusville

City

FLA

State

32780

Zip

Email jestes15@yahoo.com

Speaking:  For  Against  Information

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

Representing Self + Family

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.

# APPEARANCE RECORD

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

SB1758

Bill Number (if applicable)

Meeting Date

Topic Special Risk class

Amendment Barcode (if applicable)

Name Raymond Caldwell

Job Title Laborer

Address 552 Bison Cr.

Phone 407-670-4560

Street

Apopka FL

32712

Email

City

State

Zip

Speaking:  For  Against  Information

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

Representing Self

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.

APPEARANCE RECORD

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

1/23/18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic

SB 1758 / Special Risk Class

Amendment Barcode (if applicable)

Name

Alfred Tumin

Job Title

Union Rep 517

Address

662 Durango Way

Phone

407 247 7463

Street

Altamonte Springs FL

32714

Email

atumin@yellow.com

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

Self

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.

# APPEARANCE RECORD

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

1/23/2018  
Meeting Date

SB1758

Bill Number (if applicable)

Topic Special Risk Retirement

Amendment Barcode (if applicable)

Name Mike Phillips

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

Address 6084 Kowal Lane

Phone 321-652-2089

Street

Cocoa FL 32927

City

State

Zip

Email mphilips185@cedco.com

Speaking:  For  Against  Information

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

Representing myself

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.

# APPEARANCE RECORD

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

1/23/18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic SPECIAL RISK RETIREMENT

Amendment Barcode (if applicable)

Name MURRAY CALDWELL

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

Address 146 E. PARK LN

Street

Phone (321) 292-4258

Cocoa Bch

City

FL

State

32931

Zip

Email MURRYN@AOL.COM

Speaking:  For  Against  Information

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

Representing SELF

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)

1-23-18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic Special Risk Class

Amendment Barcode (if applicable)

Name Melissa Braswell

Job Title Customer Service

Address \_\_\_\_\_

Phone 813-375-2965

Street

Seffner

City

FL

State

33547

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

23 JAN 2018

Meeting Date

SB 1758

Bill Number (if applicable)

Topic SPECIAL RISK CLASS

Amendment Barcode (if applicable)

Name KIMBERELY SMITH

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

Address \_\_\_\_\_

Phone 813-626-5136

Street

LITHIA

FL

33547

Email \_\_\_\_\_

City

State

Zip

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  
**APPEARANCE RECORD**

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

1/23/18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic SPECIAL RISK CLASS STATE HOSPITAL EMPLOYEE

Amendment Barcode (if applicable)

Name NORWOOD ORRICK

Job Title CET II

Address

Street

TAMPA

City

FL

State

Zip

Phone 813 239 9663

Email

Speaking:  For  Against  Information

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

Representing SELF

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**

02-23-18

Meeting Date

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

SB 1758

Bill Number (if applicable)

Topic Support SB 1758 - State Hospital Emp Special Risk Class

Amendment Barcode (if applicable)

Name Christina Regalado

Job Title Engineer

Address

Street

Tampa

City

FL

State

33602

Zip

Phone 813 - 229 - 1553

Email

Speaking:  For  Against  Information

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

Representing self

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)

# APPEARANCE RECORD

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

1-23-18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic Special Risk Retirement

Amendment Barcode (if applicable)

Name Christina Sears

Job Title Engineering & Ops Tech

Address 6200 Brandt Street

Phone 315-567-6522

Street

Cocoa

FL

32927

City

State

Zip

Email cmsears712@gmail.com

Speaking:  For  Against  Information

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

Representing Myself

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.

APPEARANCE RECORD

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

01/25/2018

Meeting Date

SB 1758

Bill Number (if applicable)

Topic Special Rock Retirement

Amendment Barcode (if applicable)

Name Richard Gailand

Job Title I AM AW LLTB

Address 7140 Milton Ave

Phone 407-448-2549

Street

Port St. John

FL

32927

City

State

Zip

Email g.gailand@hotmail.com

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

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

Representing myself

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

Lobbyist registered with Legislature: [ ] Yes [X] 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.

# APPEARANCE RECORD

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

1/23/18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic SPECIAL RISK RETIREMENT

Amendment Barcode (if applicable)

Name DAN FADEN

Job Title SAFETY SPECIALIST

Address 3750 PONDEROSA

Phone 321-907-2177

Street

GRANT-VALKARIA

FL

32950

Email

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

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

Representing SELF + FAMILY

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.

# APPEARANCE RECORD

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

1-23-14  
Meeting Date

1758  
Bill Number (if applicable)

Topic SPECIAL RISK CLAS

Amendment Barcode (if applicable)

Name LEIGH LOYD

Job Title TECHNICIAN

Address 1219 TIFFANY LN  
Street

Phone \_\_\_\_\_

PENSACOLA  
City State Zip

Email leigh.loyd@yahoo.com

Speaking:  For  Against  Information

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

Representing CONSTITUENT

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.**

APPEARANCE RECORD

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

23 Jan 18

Meeting Date

1758

Bill Number (if applicable)

Topic special Risk class state Employees

Amendment Barcode (if applicable)

Name Brad Jarveys

Job Title Aviation life support systems

Address 16394 Aruba dr

Phone 850 2924958

Street

Pensacola

FL

32506

City

State

Zip

Email brad.jarveys@rocketmail.com

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

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

Representing Constituant

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)

23 JAN 2018

Meeting Date

1758

Bill Number (if applicable)

Topic SPECIAL RISK CLASS STATE EMPLOYEES

Amendment Barcode (if applicable)

Name Mark Lewellyn

Job Title AIRCRAFT WELDER

Address 6200 Hwy 393

Phone 850 6

Crestview

City

FL

State

32539

Zip

Email Mark-lewellyn@cox.net

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

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

Representing CONSTITUENT

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)

1/23/2018  
Meeting Date

SB 1758  
Bill Number (if applicable)

Topic SPECIAL RISK CLASS

Amendment Barcode (if applicable)

Name ROBERT REDMOND

Job Title TECHNICIAN / TELECOMMUNICATIONS

Address PO BOX 21088  
Street

Phone 727 851 6342

ST PETERSBURG FL 33742  
City State Zip

Email LFSBAND@GMAIL.COM

Speaking:  For  Against  Information

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

Representing SELF

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)

1/23/2018  
Meeting Date

SB 1758  
Bill Number (if applicable)

Topic Special Risk Class

Amendment Barcode (if applicable)

Name Jason Smith

Job Title Cable Splicer / Realtor

Address Pasco County

Phone 813-626-5136

Street

NPR

FL

City

State

Zip

Email

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  
**APPEARANCE RECORD**

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

1/23/2018  
Meeting Date

SB1758  
Bill Number (if applicable)

Topic Special Risk class

Amendment Barcode (if applicable)

Name Scott Lossy

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

Address 725 Shore Dr. E  
Street

Phone 571-661-5645

Odessa FL 33742  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Self

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.

# APPEARANCE RECORD

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

1/23/18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic SPECIAL RISK CLASS

Amendment Barcode (if applicable)

Name GLENDIA ABICENT

Job Title SERVICES TECHNICIAN

Address 4305 SW 98 AV

Phone 786-376-1181

Street

MIAMI,

FL

33165

City

State

Zip

Email GLENDIA

Speaking:  For  Against  Information

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

Representing SELF

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)

1/23/18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic Retirement

Amendment Barcode (if applicable)

Name Dr. Ana Ciereszko

Job Title Legislative Director Unit

Address 11420 N. Kendall Drive

Phone 305 321 0016

Street

Miami

FL

33176

Email aciereszko@yahoo.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing United Faculty of Miami Dade College

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

1-23-2018

Meeting Date

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

SB 1758

Bill Number (if applicable)

Topic SPECIAL RISK CLASS STATE HOSPITAL EMP.

Amendment Barcode (if applicable)

Name FRANK ANGEL

Job Title RETIREE

Address 200 COLLEGE AVENUE

Phone 708-955-6254

Street

TALLAHASSEE

FL

32301

Email YAW28474@GMAIL.COM

City

State

Zip

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

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

Representing SELF

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

Lobbyist registered with Legislature: [ ] Yes [X] 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)

1/23/18

Meeting Date

SB 1758

Bill Number (if applicable)

"Employees"

Topic Special Risk Class State Hospital

Amendment Barcode (if applicable)

Name SALANDRA BENTON

Job Title Community Organizer

Address Po Box 954

Phone (877)567-2237

Street

Tinsville FL 32781

City

State

Zip

Email SHAFSLMR@MSD.COM

Speaking:  For  Against  Information

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

Representing "Myself"

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)

1/23/2018

Meeting Date

1758

Bill Number (if applicable)

Topic Special Risk Class

Amendment Barcode (if applicable)

Name Michael Weichert

Job Title AIRCRAFT MECHANIC

Address 3167 OHARA DR

Phone 727 992 8119

Street

New Port Richey FL

City

State

Zip

Email mikewjet@yahoo.com

Speaking:  For  Against  Information

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

Representing SELF & FAMILY

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.

# APPEARANCE RECORD

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

1-23-2018  
Meeting Date

1758  
Bill Number (if applicable)

Topic Special Risk Class

Amendment Barcode (if applicable)

Name John Newgarden

Job Title Elec Tech

Address 784 Bryants Landing  
Street

Phone \_\_\_\_\_

Wawa  
City

FL  
State

32468  
Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing SELF

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)

23 JAN 18  
Meeting Date

1758  
Bill Number (if applicable)

Topic SPECIAL RISK CLASS

Amendment Barcode (if applicable)

Name WILLIAM THEODORE

Job Title AIRCRAFT MECHANIC

Address 9002 TARAWYND CT

Phone 813 924 3825

Street

ODESSA FL 33556

Email

City

State

Zip

Speaking:  For  Against  Information

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

Representing SELF

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)

1/23/18

Meeting Date

SB 1758

Bill Number (if applicable)

Topic SB 1758 Special Risk Class by Montford Amendment Barcode (if applicable)

Name JACQUE CARMONA

Job Title DIRECTOR

Address 700 S. ROYAL POINCIANA BLVD Phone 305 283 4558

Street

MIAMI

FL

City

State

Zip

Email JCARMONA@AFSCME.ORG

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

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

Representing AFSCME

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

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

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

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

APPEARANCE RECORD

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

1-23-18 Meeting Date

1258 Bill Number (if applicable)

Topic SPECIAL RISK CLASS, ST. JOHNS HOSPITAL EMP.

Amendment Barcode (if applicable)

Name RICHARD R. POWELL

Job Title LOCAL UNION PRESIDENT

Address 524 1st St. Street

Phone 561-640-5559

W.P.B. City Fla. 33413 State Zip

Email

Speaking: [ ] For [ ] Against [ ] Information

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

Representing CWA/AF-CIO, FL.

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

Lobbyist registered with Legislature: [ ] Yes [x] 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.

# APPEARANCE RECORD

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

1/23/18  
Meeting Date

SBI758  
Bill Number (if applicable)

Topic Special Risk Class State Hospital Emp.

Amendment Barcode (if applicable)

Name Michael Kimmel

Job Title Maintenance Mechanic

Address 9128 Hampton Cove Ct S.  
Street

Phone 904 234 3838

Jacksonville FL 32225  
City State Zip

Email markkimmel

Speaking:  For  Against  Information

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

Representing Machinists Union

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)

1/23/2018

Meeting Date

1758

Bill Number (if applicable)

Topic Hospital Employees Special Risk

Amendment Barcode (if applicable)

Name Dave Singer

Job Title Facility Technician

Address 17326 133rd Trail N.

Phone 561-601-1225

Street

Jupiter FL 33478

Email Singer3112@bellsouth.net

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] 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 [x] 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.

# APPEARANCE RECORD

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

1/23/18  
Meeting Date

1758  
Bill Number (if applicable)

Topic HOSPITAL EMPLOYEE

Amendment Barcode (if applicable)

Name GAIL MARIE PERRY

Job Title CHAIR

Address PO BOX 1766

Phone \_\_\_\_\_

Street POMPANO BEACH FL 33061  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing COMMUNICATIONS WORKERS of AMERICA COUNCIL of FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

# APPEARANCE RECORD

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

1-23-18

Meeting Date

1758

Bill Number (if applicable)

Topic SPECIAL RISK

Amendment Barcode (if applicable)

Name Wayne Bernoska

Job Title District Vice President

Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FLORIDA PROFESSIONAL FIREFIGHTERS

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: SB 401

Case No.:

Type:

Caption: Senate Committee on Government Oversight and Accountability

Judge:

Started: 1/23/2018 3:32:59 PM

Ends: 1/23/2018 4:04:35 PM

Length: 00:31:37

3:33:03 PM Meeting called to order by Chair Baxley  
3:33:06 PM Roll call  
3:33:19 PM Quorum  
3:33:43 PM SB 1758 by Sen. Montford, Special Risk Class  
3:36:12 PM Steve Mosley, Titusville, waives in support  
3:36:21 PM Jeff Espee, Titusville, waives in support  
3:36:27 PM Raymond Caldwell, Apopka, waives in support  
3:36:33 PM Alfred Timmon, Altamonte Springs, waives in support  
3:36:41 PM Mike Phillips, Cocoa, waives in support  
3:36:48 PM Murray Caldwell, Cocoa Beach, waives in support  
3:36:55 PM Mellissa Brasswell, Seffner, waives in support  
3:36:58 PM Kimberly Smith, Lithia, waives in support  
3:37:06 PM Norwid Orrick, Tampa, waives in support  
3:37:10 PM Christina Regaldo, Tampa, waives in support  
3:37:16 PM Christina Sears, Cocoa, waives in support  
3:37:23 PM Richard Gilland, Pt. St. Joe, waives in support  
3:37:28 PM Dan Faden, Grant-Valkeria, waives in support  
3:37:37 PM Leigh Loyd, Pensacola, waives in support  
3:37:43 PM Brad Jarveis, Pensacola, waives in support  
3:37:47 PM Mark Lewellyn, Crestview, waives in support  
3:37:56 PM Robert Redmond, St. Pete, waives in support  
3:38:01 PM Jason Smith, NPR, Fl., waives in support  
3:38:05 PM Scott Losry, Oldsmar, waives in support  
3:38:15 PM Glenda Abicht, Miami, waives in support  
3:38:33 PM Dr. Ana Cierieszko, Miami, waives in support  
3:38:35 PM Frank Angel, Tallahassee, waives in support  
3:38:45 PM Salandra Benton, Titusville, waives in support  
3:38:48 PM Michael Weihert, New Port Richey, waives in support  
3:39:00 PM John Newgarden, Wewa, waives in support  
3:39:03 PM William Theodore, Odessa, waives in support  
3:39:09 PM Jacqui Carmona, Director, AFSCME, waives in support  
3:39:19 PM Richard R. Poulette, Local Union President, CWA/AFL-CIO, waives in support  
3:39:24 PM Michael Kimmel, Machinists Union, waives in support  
3:39:29 PM Dave Singer, Jupiter, waives in support  
3:39:39 PM Gail Marie Perry, Chair, Communications Workers of America Council of Florida, waives in support  
3:39:48 PM Wayne Bernoska, District VP, Fla. Professional Firefighters, waives in support  
3:40:31 PM Senator Montford waives to close  
3:40:47 PM SB 1758 Reported Favorably  
3:41:21 PM SB 448 presented by Senator Brandes  
3:42:07 PM Amendment barcode 485758 presented  
3:42:38 PM Waives close on amendment  
3:42:42 PM Amendment #485758 adopted  
3:42:57 PM Senator Brandes waives to close  
3:43:12 PM CS/SB 448 Reported Favorably  
3:43:42 PM SB 394 by Senator Bracy, Fire Safety  
3:44:28 PM Amendment Barcode 550922 presented  
3:44:54 PM Senator Bracy waives to close  
3:45:05 PM Amendment # 550922 is adopted  
3:45:15 PM Wayne Bernoska, Dis. VP, Fla. Professional Firefighters, waives in support  
3:45:36 PM Speaker Otto Drozd, III, Fla. Fire Chief Assoc.,  
3:47:26 PM Jon Pasqualauje, ED, Fla. Fire Marshalls and Inspectors Association, waives in support  
3:47:49 PM Senator Bracy closes

**3:48:14 PM** CS/SB 394 Reported Favorably  
**3:49:09 PM** CS/SB 1216 by Senator Book, Public Records/Videotaped Statement of Minor  
**3:50:48 PM** Erin Choy, Immediate Past Chair, Jr. Leagues of Florida, waives in support  
**3:50:54 PM** Bill Bunkley President, Fla. Ethics and Religious Liberty Commission, waives in support  
**3:51:13 PM** Senator Book waives close  
**3:51:33 PM** CS/SB 1216 Reported Favorably  
**3:52:12 PM** SB 806 by Senator Baxley, Water Management District Surplus Lands  
**3:53:00 PM** Delete all amendment Barcode 114744 withdrawn  
**3:53:12 PM** Amendment to amendment Barcode 468816 withdrawn  
**3:53:32 PM** Senator Baxley waives close  
**3:53:50 PM** SB 806 Report Favorably  
**3:55:06 PM** CS/SB 52 by Senator Mayfield, Relief of Cathleen Smiley by Brevard County  
**3:55:56 PM** Senator Mayfield waives to close  
**3:56:16 PM** CS/SB 52 Reported Favorably  
**3:56:29 PM** SB 1240 by Senator Mayfield, Retirement of Instructional Personnel and Administrative Personnel  
**3:57:25 PM** Amendment Barcode 495220 presented  
**3:58:26 PM** Richard Gentry, Escambia County, waives in support  
**3:58:34 PM** Amendment 495220 adopted  
**3:58:58 PM** Senator Mayfield closes  
**3:59:13 PM** CS/SB 1240 Reported Favorably  
**3:59:35 PM** SB 820 by Senator Powell, Firesafety Inspectors  
**4:00:09 PM** Amendment Barcode 771564 presented  
**4:00:49 PM** Amendment 771564 adopted  
**4:01:13 PM** Wayne Bernoska, Dist. VP, FL Professional Firefighters, waives in support  
**4:01:19 PM** Jeff Branch, Legislative Advocate, Fla. League of Cities, waives in support  
**4:01:29 PM** Speaker for the bill, Jon Pasqualone, ED, Fla. Fire Marshalls and Inspectors Assoc. (FFMIA)  
**4:02:10 PM** Otto Drozd waives in support  
**4:02:19 PM** Senator Powell waives close  
**4:02:36 PM** CS/SB 820 Reported Favorably  
**4:03:01 PM** SB 988 presented by Senator Perry  
**4:03:32 PM** Dave Singer, Jupiter, waives in support  
**4:03:35 PM** Casey Reed, State Dir., Leg. Affairs, AT&T, waives in support  
**4:03:43 PM** Gail Marie Perry, waives in support  
**4:03:56 PM** Senator Perry waives close  
**4:04:07 PM** SB 988 Reported Favorably  
**4:04:26 PM** Motion by Senator Stargel to be shown as voting favorably for SB's 394 and 1216; motion adopted  
**4:04:30 PM** Meeting adjourned