

Tab 1 **CS/SB 170** by **AG, Grimsley**; (Similar to H 01403) Rural Economic Development Initiative

Tab 2 **SB 300** by **Rouson (CO-INTRODUCERS) Campbell**; (Similar to CS/H 00307) Florida Commission on Human Relations

830918	A	S	RCS	GO, Rouson	Delete L.60:	01/30 01:01 PM
924600	A	S	RCS	GO, Rouson	Delete L.168 - 172:	01/30 01:01 PM

Tab 3 **SB 900** by **Flores**; (Identical to H 00695) Firefighters

516282	D	S	RCS	GO, Flores	Delete everything after	01/30 01:01 PM
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Tab 4 **CS/SB 906** by **HP, Young**; (Similar to CS/CS/H 00551) Public Records/Health Care Facilities

Tab 5 **SB 1500** by **Baxley**; (Identical to H 06033) Direct-support Organization of the Florida Commission on Community Service

Tab 6 **SB 7010** by **BI**; OGSR/Payment Instrument Transaction Information/Office of Financial Regulation

Tab 7 **SB 7012** by **BI**; OGSR/Citizens Property Insurance Corporation Policyholder Eligibility Clearinghouse

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Baxley, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Tuesday, January 30, 2018
TIME: 10:00 a.m.—12:00 noon
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	CS/SB 170 Agriculture / Grimsley (Similar H 1403)	Rural Economic Development Initiative; Revising the duties, responsibilities, and membership of the Rural Economic Development Initiative; deleting a provision limiting the number of rural areas of opportunity that may be designated; deleting a provision listing the economic development incentives for which the Governor may waive criteria requirements or similar provisions, etc. CM 11/06/2017 Favorable AG 01/11/2018 Fav/CS GO 01/30/2018 Favorable RC	Favorable Yeas 5 Nays 0
2	SB 300 Rouson (Similar CS/H 307)	Florida Commission on Human Relations; Increasing the length of time that a person alleging a prohibited personnel action under the Whistle-blower's Act has to file a complaint with the commission or the Chief Inspector General; revising the length of time by which a complainant may file a complaint with the Public Employees Relations Commission following termination of the Florida Commission on Human Relations' investigation; specifying that an aggrieved person alleging certain violations of the Florida Civil Rights Act of 1992 must file a civil action within a certain timeframe upon the commission's failure to conciliate or determine reasonable cause, etc. GO 01/30/2018 Fav/CS JU RC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, January 30, 2018, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 900 Flores (Identical H 695)	Firefighters; Granting certain benefits to a firefighter upon receiving a diagnosis of cancer if certain conditions are met; requiring an employer to make certain disability payments to a firefighter in the event of a total and permanent disability; providing for death benefits to a firefighter's beneficiary if a firefighter died as a result of cancer or cancer treatments; specifying that any costs associated with benefits granted by the act are to be borne by the employer, etc. GO 01/30/2018 Fav/CS CA AGG AP	Fav/CS Yeas 6 Nays 0
4	CS/SB 906 Health Policy / Young (Similar CS/CS/H 551)	Public Records/Health Care Facilities; Providing an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams held by an agency which depict the internal layout or structural elements of certain health care facilities; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. HP 01/16/2018 Fav/CS GO 01/30/2018 Favorable RC	Favorable Yeas 6 Nays 0
5	SB 1500 Baxley (Identical H 6033, S 1110)	Direct-support Organization of the Florida Commission on Community Service; Removing the scheduled repeal of provisions governing the commission's direct-support organization, etc. GO 01/30/2018 Favorable AP RC	Favorable Yeas 5 Nays 0
6	SB 7010 Banking and Insurance	OGSR/Payment Instrument Transaction Information/Office of Financial Regulation; Amending provisions relating to an exemption from public records requirements for certain payment instrument transaction information held by the Office of Financial Regulation; removing the scheduled repeal of the exemption, etc. GO 01/30/2018 Favorable RC	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, January 30, 2018, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 7012 Banking and Insurance	OGSR/Citizens Property Insurance Corporation Policyholder Eligibility Clearinghouse; Amending provisions relating to an exemption from public records requirements for certain proprietary business information provided by insurers to the Citizens Property Insurance Corporation policyholder eligibility clearinghouse; removing the scheduled repeal of the exemption, etc.	Favorable Yeas 6 Nays 0
		GO 01/30/2018 Favorable RC	

Other Related Meeting Documents

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 170

INTRODUCER: Agriculture Committee and Senator Grimsley

SUBJECT: Rural Economic Development Initiative

DATE: January 29, 2018

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Little</u>	<u>McKay</u>	<u>CM</u>	Favorable
2. <u>Becker</u>	<u>Becker</u>	<u>AG</u>	Fav/CS
3. <u>Caldwell</u>	<u>Caldwell</u>	<u>GO</u>	Favorable
4. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 170 makes the following changes to the Rural Economic Development Initiative (REDI):

- Removes the statutory limit of three designated rural areas of opportunity allowing for an unlimited number of designations by the Governor;
- Expands the scope of the legislative intent to include improved quality of life through improved infrastructure, education, and access to health care;
- Expands the definition and designation criteria for a rural area of opportunity (RAO);
- Reduces the number of specified agencies and organizations that are required to designate REDI representatives;
- Clarifies which individuals from specified agencies and organizations must be designated as REDI representatives;
- Provides for the appointment of five additional members from the private sector:
 - Three of the private sector members are to be appointed by the executive director of the Department of Economic Opportunity (DEO), one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;
- Authorizes the creation of ad hoc committees and provides guidance for the organization of ad hoc committees;
- Updates the annual reporting requirements; and
- Makes conforming changes to address cross-references in numerous sections of the Florida Statutes.

The impact of the bill has not yet been estimated by the Revenue Estimating Conference, but it appears it may have a negative fiscal impact, though not immediate, on revenues if the governor designates additional RAOs.

The bill is effective upon becoming law.

II. Present Situation:

Rural Economic Development Initiative

The Florida Legislature established the Rural Economic Development Initiative (REDI) in 1997 to encourage and facilitate the location and expansion of economic development projects of significant scale in rural communities.¹ The REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.² The REDI works with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs and economic development.³ Other responsibilities include the review and evaluation of the impact of statutes and rules on rural communities, and the facilitation of better access to state resources by promoting direct access and referrals to both state and regional agencies and statewide organizations.⁴

The REDI is administered by the Department of Economic Opportunity (DEO), but is a collaborative effort facilitated by a group of agencies and organizations. Numerous state agencies and organizations are required to participate in the REDI by designating a deputy secretary or higher-level staff person to serve as a REDI representative.⁵ The agencies and organizations that are statutorily required to designate a representative are:

- The Department of Transportation;
- The Department of Environmental Protection;
- The Department of Agriculture and Consumer Services;
- The Department of State;
- The Department of Health;
- The Department of Children and Families;
- The Department of Corrections;
- The Department of Education;
- The Department of Juvenile Justice;
- The Fish and Wildlife Conservation Commission;
- Each water management district;
- Enterprise Florida, Inc. (EFI);

¹ Ch. 97-278, Laws of Fla.

² Section 288.0656(3), F.S.

³ *Id.*

⁴ Section 288.0656(4) and (5), F.S.

⁵ Section 288.0656(6)(a), F.S.

- CareerSource Florida, Inc.;
- VISIT Florida;
- The Florida Regional Planning Council Association;
- The Agency for Health Care Administration; and
- The Institute for Food and Agricultural Sciences (IFAS).⁶

REDI representatives are required to have comprehensive knowledge of their agency's regulatory and service functions in addition to the state's economic goals, policies, and programs.⁷ The representatives are required to work with the REDI in reviewing, evaluating, and proposing impact mitigation of any statute or rule that may have an adverse effect on rural communities.⁸ Additionally, representatives must inform their agencies and organizations about the REDI and provide assistance to the REDI throughout the agency or organization.⁹

Rural Area of Opportunity

The law governing the REDI program defines a "rural area of opportunity" (RAO) as a rural community¹⁰ or a region comprised of rural communities, designated by the Governor, that have been adversely affected by an extraordinary economic event, a natural disaster, or severe or chronic distress.¹¹ An area may also be classified as a RAO if it presents a unique economic development opportunity of regional impact.¹² A designation of RAO must be agreed upon by the DEO and the local governments included in the RAO.¹³

Based on recommendations of the REDI, the Governor may designate up to three RAOs by executive order.¹⁴ This designation establishes these areas as priority assignments for REDI as well as allows the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development initiative.¹⁵

⁶ *Id.*

⁷ Section 288.0656(6)(b), F.S.

⁸ Section 288.0656(6)(c), F.S.

⁹ Section 288.0656(6)(d), F.S.

¹⁰ Section 288.0656(2)(e), F.S., defines a "Rural community" as a county with a population of 75,000 or fewer; a county with a population of 125,000 or fewer, which is contiguous to a county with a population of 75,000 or fewer; a municipality within such a county; or an unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in s. 288.0656(2)(c), F.S., and verified by DEO. For purposes of this paragraph, population is determined in accordance with the most recent official estimate pursuant to the state population census statute located in s. 186.901, F.S. The U.S. Census Bureau defines "rural" as all population, housing, and territory not included within an urban area, and identifies two types of urban areas, Urbanized Areas of 50,000 or more people; and Urban Clusters of at least 2,500 and less than 50,000 people.

¹¹ Section 288.0656(2)(d), F.S.

¹² *Id.*

¹³ Section 288.0656(7)(b), F.S. A designation of RAO is contingent upon the execution of a memorandum of agreement among the Department of Economic Opportunity, the governing body of the county, and the governing bodies of any municipalities included within a RAO.

¹⁴ Section 288.0656(7)(a), F.S.

¹⁵ *Id.*

Currently, there are three designated RAO areas:

- Northwest RAO: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport in Walton County. The name of this area's economic development organization is Opportunity Florida.¹⁶
- South Central RAO: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County). The name of this area's economic development organization is Florida's Heartland Regional Economic Development Initiative, Inc.¹⁷
- North Central RAO: Baker, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties. The name of this area's economic development organization is the North Florida Economic Development Partnership.¹⁸

Each RAO, by a REDI recommendation and identification by EFI, may designate catalyst projects, which must be confirmed by the DEO.¹⁹ All agencies and departments of the state are required to use all available tools and resources available to promote the creation and development of each catalyst project and the development of catalyst sites.²⁰ For purposes of the REDI program, a catalyst project is a business relocating or expanding in an RAO and serves as an economic generator of regional significance, and a catalyst site is one or more parcels of land in an RAO that is prioritized for economic development.²¹

Annual Reporting

REDI is required to submit a report to DEO on all REDI activities for the previous fiscal year as a supplement to DEO's annual report required under s. 20.60, F.S.²² This supplementary report must include:

- A status report on all projects currently being coordinated through REDI;
- The number of preferential awards and allowances made pursuant to the REDI program;
- The dollar amount of such awards, and the names of the recipients;
- A description of all waivers of program requirements granted;
- Information as to the economic impact of the projects coordinated by REDI; and
- Recommendations based on the review and evaluation of statutes and rules having an adverse impact on rural communities and proposals to mitigate such adverse impacts.

¹⁶ For additional information on Opportunity Florida, see <http://www.floridajobs.org/business-growth-and-partnerships/rural-and-economic-development-initiative/rural-areas-of-opportunity> (last viewed Nov. 2, 2017).

¹⁷ For additional information on Florida's Heartland Regional Economic Development Initiative, Inc., see <http://flaheartland.com/> (last viewed Nov. 2, 2017).

¹⁸ For additional information on the North Florida Economic Development Partnership, see <http://nflp.org/?/Home> (last viewed Nov. 2, 2017).

¹⁹ Section 288.0656(7)(c), F.S.

²⁰ *Id.*

²¹ Section 288.0656(2), F.S.

²² Section 288.0656(8), F.S.

III. Effect of Proposed Changes:

The bill:

- Modifies the goals of the REDI to include job creation, community infrastructure, the development and expansion of a skilled workforce, and improved access to healthcare;
- Authorizes the Governor to designate an unlimited number of RAOs by removing the current statutory limit of three designated RAOs;
- Expands the definition of “rural area of opportunity” to include a rural community that faces competitive disadvantages including low labor force participation, low education levels, high unemployment, a school district grade of “D” or “F” pursuant to s. 1008.34, F.S., high infant mortality rates, and high rates of diabetes and obesity;
- Requires the REDI to focus its efforts on the challenges of the state’s RAOs and economically distressed rural communities, and to work with private organizations that have an interest in the renewed prosperity and competitiveness of these communities;
- Clarifies that the REDI shall undertake outreach and capacity-building efforts in order to improve rural communities’ ability to compete in a global economy;
- Requires the REDI’s annual report to be submitted to the DEO, the President of the Senate, and the Speaker of the House of Representatives by September 1st of each year; and
- Requires the annual report to include an evaluation of organizational progress and a description of the accomplishments of the REDI.

The bill also provides for the appointment of members from the private sector to the REDI and reduces the number of agencies and organizations that are statutorily required to designate REDI representatives.

The REDI membership is required to consist of the following individuals:

- The executive director of the DEO or their designee, to serve as chair;
- The Secretary of Transportation or their designee;
- The Secretary of Environmental Protection or their designee;
- The Commissioner of Agriculture or their designee;
- The State Surgeon General or their designee;
- The Commissioner of Education or their designee;
- The President of EFI or their designee;
- The chair of the board of directors of CareerSource Florida, Inc., or their designee;
- The chair of the board of the regional economic development organization for each of the RAOs or their designee; and
- Five members from the private sector:
 - Three of the private sector members are to be appointed by the executive director of the DEO, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives.

The executive director of the DEO, the President of the Senate, and the Speaker of the House of Representatives must ensure that the diversity of the state’s business community and the state’s ethnic, racial, and gender diversity are reflected in their appointments. Such appointments are for 2-year terms, beginning on July 1 and expiring on June 30, with initial appointments beginning in July 2018. The bill provides direction for appointee vacancies and removal.

The bill authorizes the chair of the REDI to create ad hoc committees to address issues or projects relating to RAOs and economically distressed rural communities. While the bill authorizes the chair to request the head of any state agency or organization to serve on an ad hoc committee, the bill requires the chair to consider the following individuals:

- The executive director of FWC or their designee;
- The Secretary of State or their designee;
- The Secretary of Children and Families or their designee;
- The Secretary of Corrections or their designee;
- The Secretary of Juvenile Justice or their designee;
- The Secretary of Health Care Administration or their designee; or
- A board member of the Florida Regional Councils Association or their designee.²³

The bill makes conforming changes to address cross-references in ss. 163.3177, 163.3187, 257.193, 288.019, 288.06561, 290.0055, 290.06561, 337.403, 339.2818, 339.2819, 339.63, 479.16, and 627.6699, F.S.

The bill is effective upon becoming law.

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.

²³ Under existing law, these organizations and agencies are currently required to designate REDI representatives in addition to VISIT Florida and the IFAS.

B. Private Sector Impact:

Areas that are designated by the Governor as an RAO would be eligible for benefits including, but not limited to, tax credits, sales tax exemptions, higher grant amounts, longer extensions for certain permits and other programs.

C. Government Sector Impact:

The impact of the bill has not yet been estimated by the Revenue Estimating Conference, but it appears it may have a negative fiscal impact, though not immediate, on revenues if the governor designates additional RAOs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 288.0656, 163.3177, 163.3187, 257.193, 288.019, 288.06561, 290.0055, 290.06561, 337.403, 339.2818, 339.2819, 339.63, 479.16, and 627.6699.

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

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

CS by Agriculture on January 11, 2018:

The committee substitute clarifies that a community must meet one of the criteria to be a rural area of opportunity, not all of them.

B. Amendments:

None.

By the Committee on Agriculture; and Senator Grimsley

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A bill to be entitled

An act relating to the Rural Economic Development Initiative; amending s. 288.0656, F.S.; revising legislative intent relating to the Rural Economic Development Initiative; redefining the term "rural area of opportunity"; revising the duties, responsibilities, and membership of the Rural Economic Development Initiative; deleting a provision limiting the number of rural areas of opportunity that may be designated; deleting a provision listing the economic development incentives for which the Governor may waive criteria requirements or similar provisions; deleting a requirement that certain catalyst projects be identified as such by Enterprise Florida, Inc.; revising reporting requirements; amending ss. 163.3177, 163.3187, 257.193, 288.019, 288.06561, 290.0055, 290.06561, 337.403, 339.2818, 339.2819, 339.63, 479.16, and 627.6699, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(1)~~(a)~~ Recognizing that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve residents' quality of life and their local economies, specifically in terms of personal income, education,

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infrastructure, access to health care, and job creation.

~~Therefore, average wages, and strong tax bases,~~ it is the intent of the Legislature to encourage and facilitate their achievement of the following goals:

(a) Job creation, through the location and expansion of ~~major~~ economic development projects ~~of significant scale in such rural communities.~~

(b) Improved community infrastructure, including, but not limited to, roads, utilities, water and sewer systems, and communications.

(c) The development and growth of a skilled workforce.

(d) Improved access to health care.

~~(2)(b)~~ The Rural Economic Development Initiative, known as "REDI," is created within the department, and the participation of state and regional agencies in this initiative is authorized.

~~(3)(2)~~ As used in this section, the term:

(a) "Catalyst project" means a business locating or expanding in a rural area of opportunity to serve as an economic generator of regional significance for the growth of a regional target industry cluster. The project must provide capital investment on a scale significant enough to affect the entire region and result in the development of high-wage and high-skill jobs.

(b) "Catalyst site" means a parcel or parcels of land within a rural area of opportunity that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the department for the purposes of locating a catalyst project.

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59 (c) "Economic distress" means conditions affecting the
60 fiscal and economic viability of a rural community, including
61 such factors as low per capita income, low per capita taxable
62 values, high unemployment, high underemployment, low weekly
63 earned wages compared to the state average, low housing values
64 compared to the state average, high percentages of the
65 population receiving public assistance, high poverty levels
66 compared to the state average, and a lack of year-round stable
67 employment opportunities.

68 (d) "Rural area of opportunity" means a rural community, or
69 a region composed of rural communities, designated by the
70 Governor, which has been adversely affected by an extraordinary
71 economic event or severe or chronic economic distress, or which
72 faces competitive disadvantages, such as low labor force
73 participation, low educational attainment levels, high
74 unemployment, school district grades of "D" or "F" calculated
75 pursuant to s. 1008.34, high infant mortality rates, and high
76 diabetes and obesity rates, or which ~~or a natural disaster or~~
77 ~~that~~ presents a unique economic development opportunity of
78 regional impact.

79 (e) "Rural community" means:

- 80 1. A county with a population of 75,000 or fewer.
- 81 2. A county with a population of 125,000 or fewer which is
82 contiguous to a county with a population of 75,000 or fewer.
- 83 3. A municipality within a county described in subparagraph
84 1. or subparagraph 2.
- 85 4. An unincorporated federal enterprise community or an
86 incorporated rural city with a population of 25,000 or fewer and
87 an employment base focused on traditional agricultural or

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88 resource-based industries, located in a county not defined as
89 rural, which has at least three or more of the economic distress
90 factors identified in paragraph (c) and verified by the
91 department.

92
93 For purposes of this paragraph, population shall be determined
94 in accordance with the most recent official estimate pursuant to
95 s. 186.901.

96 ~~(4)(3)~~ REDI is ~~shall be~~ responsible for coordinating and
97 focusing the efforts and resources of state and regional
98 agencies on the challenges of the state's rural areas of
99 opportunity and economically distressed rural communities. REDI
100 shall work ~~problems which affect the fiscal, economic, and~~
101 ~~community viability of Florida's economically distressed rural~~
102 ~~communities, working~~ with local governments, community-based
103 organizations, and private organizations that have an interest
104 in the renewed prosperity and competitiveness ~~growth and~~
105 ~~development of these communities to find ways to balance~~
106 ~~environmental and growth management issues with local needs.~~

107 ~~(5)(4)~~ REDI shall review and evaluate the impact of
108 statutes and rules on rural communities and ~~shall~~ work to
109 minimize any adverse impact and undertake outreach and capacity-
110 building efforts to improve the ability of rural communities to
111 compete in a global economy.

112 ~~(6)(5)~~ REDI shall facilitate better access to state
113 resources by promoting direct access and referrals to
114 appropriate state and regional agencies and statewide
115 organizations. ~~REDI may undertake outreach, capacity building,~~
116 ~~and other advocacy efforts to improve conditions in rural~~

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117 ~~communities. These activities may include sponsorship of~~
 118 ~~conferences and achievement awards.~~

119 (7) (a) REDI shall consist of the following members:

- 120 1. The executive director of the department or his or her
 121 designee, who shall serve as chair.
- 122 2. The Secretary of Transportation or his or her designee.
- 123 3. The Secretary of Environmental Protection or his or her
 124 designee.
- 125 4. The Commissioner of Agriculture or his or her designee.
- 126 5. The State Surgeon General or his or her designee.
- 127 6. The Commissioner of Education or his or her designee.
- 128 7. The President of Enterprise Florida, Inc., or his or her
 129 designee.
- 130 8. The chair of the board of directors of CareerSource
 131 Florida, Inc., or his or her designee.
- 132 9. The chair of the board of the regional economic
 133 development organization for each of the rural areas of
 134 opportunity or his or her designee.
- 135 10. Five members from the private sector, three of whom
 136 shall be appointed by the executive director of the department,
 137 one of whom shall be appointed by the President of the Senate,
 138 and one of whom shall be appointed by the Speaker of the House
 139 of Representatives.
- 140 (b) In making their appointments, the executive director,
 141 the President of the Senate, and the Speaker of the House of
 142 Representatives shall ensure that the appointments reflect the
 143 diversity of Florida's business community and have the necessary
 144 skills to assist rural communities and regions in achieving the
 145 goals specified in subsection (1).

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146 (c) The executive director, the President of the Senate,
 147 and the Speaker of the House of Representatives shall consider
 148 appointees who reflect the state's racial, ethnic, and gender
 149 diversity and who are from rural communities.

150 (d) Each appointed member shall be appointed to a 2-year
 151 term.

152 (e) Initial appointments shall be made by July 1, 2018,
 153 with members' terms expiring on June 30 of their second year of
 154 service.

155 (f) A vacancy shall be filled for the remainder of the
 156 unexpired term in the same manner as the original appointment.

157 (g) An appointed member may be removed by the appointing
 158 officer for cause. Absence of a member from three consecutive
 159 meetings results in automatic removal.

160 (h) The chair may request the head of any state agency or
 161 organization to serve on an ad hoc committee as needed to
 162 address issues or projects relating to rural areas of
 163 opportunity and economically distressed rural communities. The
 164 chair shall consider requesting the following individuals to
 165 serve on an ad hoc committee:

166 1. The executive director of the Fish and Wildlife
 167 Conservation Commission or his or her designee.

168 2. The Secretary of State or his or her designee.

169 3. The Secretary of Children and Families or his or her
 170 designee.

171 4. The Secretary of Corrections or his or her designee.

172 5. The Secretary of Juvenile Justice or his or her
 173 designee.

174 6. The Secretary of Health Care Administration or his or

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175 her designee.176 7. A board member of the Florida Regional Councils
177 Association or his or her designee.178 ~~(6) (a) By August 1 of each year, the head of each of the~~
179 ~~following agencies and organizations shall designate a deputy~~
180 ~~secretary or higher-level staff person from within the agency or~~
181 ~~organization to serve as the REDI representative for the agency~~
182 ~~or organization.~~

- 183 ~~1. The Department of Transportation.~~
- 184 ~~2. The Department of Environmental Protection.~~
- 185 ~~3. The Department of Agriculture and Consumer Services.~~
- 186 ~~4. The Department of State.~~
- 187 ~~5. The Department of Health.~~
- 188 ~~6. The Department of Children and Families.~~
- 189 ~~7. The Department of Corrections.~~
- 190 ~~8. The Department of Education.~~
- 191 ~~9. The Department of Juvenile Justice.~~
- 192 ~~10. The Fish and Wildlife Conservation Commission.~~
- 193 ~~11. Each water management district.~~
- 194 ~~12. Enterprise Florida, Inc.~~
- 195 ~~13. CareerSource Florida, Inc.~~
- 196 ~~14. VISIT Florida.~~
- 197 ~~15. The Florida Regional Planning Council Association.~~
- 198 ~~16. The Agency for Health Care Administration.~~
- 199 ~~17. The Institute of Food and Agricultural Sciences (IFAS).~~

200
201 ~~An alternate for each designee shall also be chosen, and the~~
202 ~~names of the designees and alternates shall be sent to the~~
203 ~~executive director of the department.~~

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204 (i) (b) Each REDI member who is, or is designated by, a
205 state agency or organization head ~~representative must have~~
206 ~~comprehensive knowledge of his or her agency's functions, both~~
207 ~~regulatory and service in nature, and of the state's economic~~
208 ~~goals, policies, and programs. This person~~ shall be the primary
209 point of contact for his or her agency with REDI on issues and
210 projects relating to rural areas of opportunity and economically
211 distressed rural communities and with regard to expediting
212 project review, shall ensure a prompt effective response to
213 problems arising with regard to rural issues, and shall work
214 closely with the other REDI members ~~representatives~~ in the
215 identification of opportunities for preferential awards of
216 program funds and allowances and waiver of program requirements
217 when necessary to encourage and facilitate long-term private
218 capital investment and job creation. Such members shall also
219 ensure that each district office or facility of his or her
220 agency or organization is informed about REDI and provide
221 assistance throughout the agency in the implementation of REDI
222 activities.

223 ~~(e) The REDI representatives shall work with REDI in the~~
224 ~~review and evaluation of statutes and rules for adverse impact~~
225 ~~on rural communities and the development of alternative~~
226 ~~proposals to mitigate that impact.~~

227 ~~(d) Each REDI representative shall be responsible for~~
228 ~~ensuring that each district office or facility of his or her~~
229 ~~agency is informed about the Rural Economic Development~~
230 ~~Initiative and for providing assistance throughout the agency in~~
231 ~~the implementation of REDI activities.~~

232 (8) (7) (a) REDI may recommend to the Governor up to three

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233 ~~rural areas of opportunity.~~ The Governor, may by executive
 234 order, may designate ~~up to three~~ rural areas of opportunity
 235 which will establish these areas as priority assignments for
 236 REDI, and, acting through REDI, may as well as to allow the
 237 ~~Governor, acting through REDI, to~~ waive criteria, requirements,
 238 or similar provisions of any economic development incentive.
 239 ~~Such incentives shall include, but are not limited to, the~~
 240 ~~Qualified Target Industry Tax Refund Program under s. 288.106,~~
 241 ~~the Quick Response Training Program under s. 288.047, the Quick~~
 242 ~~Response Training Program for participants in the welfare~~
 243 ~~transition program under s. 288.047(8), transportation projects~~
 244 ~~under s. 339.2821, the brownfield redevelopment bonus refund~~
 245 ~~under s. 288.107, and the rural job tax credit program under ss.~~
 246 ~~212.098 and 220.1895.~~

247 (b) Designation as a rural area of opportunity under this
 248 subsection is shall be contingent upon the execution of a
 249 memorandum of agreement among the department; the governing body
 250 of the county; and the governing bodies of any municipalities to
 251 be included within a rural area of opportunity. Such agreement
 252 must shall specify the terms and conditions of the designation,
 253 including, but not limited to, the duties and responsibilities
 254 of the county and any participating municipalities to take
 255 actions designed to facilitate the retention and expansion of
 256 existing businesses in the area, as well as the recruitment of
 257 new businesses to the area.

258 (c) Each rural area of opportunity may designate catalyst
 259 projects, ~~provided that each catalyst project is~~ specifically
 260 recommended by REDI, ~~identified as a catalyst project by~~
 261 ~~Enterprise Florida, Inc., and approved confirmed as a catalyst~~

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262 ~~project~~ by the department. All state agencies and departments
 263 shall use all available tools and resources to the extent
 264 permissible by law to promote the creation and development of
 265 each catalyst project and the development of catalyst sites.

266 ~~(9)(8)~~ Before September 1 of each year, REDI shall submit ~~a~~
 267 ~~report~~ to the department, the Governor, the President of the
 268 Senate, and the Speaker of the House of Representatives a
 269 complete and detailed report, including, but not limited to on
 270 all REDI activities for the previous fiscal year as a supplement
 271 to the department's annual report required under s. 20.60. This
 272 supplementary report must include:

273 (a) A description of the operations of ~~status report on~~ all
 274 projects currently being coordinated through REDI, the number of
 275 preferential awards and allowances made pursuant to this
 276 section, the dollar amount of such awards, ~~and~~ the names of the
 277 recipients, and an evaluation of progress toward achieving
 278 organizational goals and specific performance outcomes, as
 279 established by the department.

280 (b) A description of the accomplishments of REDI and
 281 identification of major trends, initiatives, or developments
 282 affecting the performance of a program or activity coordinated
 283 through REDI.

284 (c) A description of all waivers of program requirements
 285 granted.

286 ~~(d)(e)~~ Information as to the economic impact of the
 287 projects coordinated by REDI.

288 ~~(e)(d)~~ Recommendations based on the review and evaluation
 289 of statutes and rules having an adverse impact on rural
 290 communities and proposals to mitigate such adverse impacts.

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291 Section 2. Paragraph (e) of subsection (7) of section
292 163.3177, Florida Statutes, is amended to read:

293 163.3177 Required and optional elements of comprehensive
294 plan; studies and surveys.—

295 (7)

296 (e) This subsection does not confer the status of rural
297 area of opportunity, or any of the rights or benefits derived
298 from such status, on any land area not otherwise designated as
299 such pursuant to s. 288.0656(8) ~~s. 288.0656(7)~~.

300 Section 3. Subsection (3) of section 163.3187, Florida
301 Statutes, is amended to read:

302 163.3187 Process for adoption of small-scale comprehensive
303 plan amendment.—

304 (3) If the small scale development amendment involves a
305 site within a rural area of opportunity as defined under s.
306 288.0656(3)(d) ~~s. 288.0656(2)(d)~~ for the duration of such
307 designation, the 10-acre limit listed in subsection (1) shall be
308 increased by 100 percent to 20 acres. The local government
309 approving the small scale plan amendment shall certify to the
310 state land planning agency that the plan amendment furthers the
311 economic objectives set forth in the executive order issued
312 under s. 288.0656(8) ~~s. 288.0656(7)~~, and the property subject to
313 the plan amendment shall undergo public review to ensure that
314 all concurrency requirements and federal, state, and local
315 environmental permit requirements are met.

316 Section 4. Subsection (2) of section 257.193, Florida
317 Statutes, is amended to read:

318 257.193 Community Libraries in Caring Program.—

319 (2) The purpose of the Community Libraries in Caring

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320 Program is to assist libraries in rural communities, as defined
321 in s. 288.0656(3) ~~s. 288.0656(2)~~ and subject to the provisions
322 of s. 288.06561, to strengthen their collections and services,
323 improve literacy in their communities, and improve the economic
324 viability of their communities.

325 Section 5. Section 288.019, Florida Statutes, is amended to
326 read:

327 288.019 Rural considerations in grant review and evaluation
328 processes.—Notwithstanding any other law, and to the fullest
329 extent possible, the member agencies and organizations of the
330 Rural Economic Development Initiative (REDI) as defined in s.
331 288.0656(7)(a) ~~s. 288.0656(6)(a)~~ shall review all grant and loan
332 application evaluation criteria to ensure the fullest access for
333 rural counties as defined in s. 288.0656(3) ~~s. 288.0656(2)~~ to
334 resources available throughout the state.

335 (1) Each REDI agency and organization shall review all
336 evaluation and scoring procedures and develop modifications to
337 those procedures which minimize the impact of a project within a
338 rural area.

339 (2) Evaluation criteria and scoring procedures must provide
340 for an appropriate ranking based on the proportionate impact
341 that projects have on a rural area when compared with similar
342 project impacts on an urban area.

343 (3) Evaluation criteria and scoring procedures must
344 recognize the disparity of available fiscal resources for an
345 equal level of financial support from an urban county and a
346 rural county.

347 (a) The evaluation criteria should weight contribution in
348 proportion to the amount of funding available at the local

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349 level.

350 (b) In-kind match should be allowed and applied as
 351 financial match when a county is experiencing financial distress
 352 through elevated unemployment at a rate in excess of the state's
 353 average by 5 percentage points or because of the loss of its ad
 354 valorem base.

355 (4) For existing programs, the modified evaluation criteria
 356 and scoring procedure must be delivered to the department for
 357 distribution to the REDI agencies and organizations. The REDI
 358 agencies and organizations shall review and make comments.
 359 Future rules, programs, evaluation criteria, and scoring
 360 processes must be brought before a REDI meeting for review,
 361 discussion, and recommendation to allow rural counties fuller
 362 access to the state's resources.

363 Section 6. Section 288.06561, Florida Statutes, is amended
 364 to read:

365 288.06561 Reduction or waiver of financial match
 366 requirements.—Notwithstanding any other law, the member agencies
 367 and organizations of the Rural Economic Development Initiative
 368 (REDI), as defined in s. 288.0656(7) (a) ~~s. 288.0656(6) (a)~~, shall
 369 review the financial match requirements for projects in rural
 370 areas as defined in s. 288.0656(3) ~~s. 288.0656(2)~~.

371 (1) Each agency and organization shall develop a proposal
 372 to waive or reduce the match requirement for rural areas.

373 (2) Agencies and organizations shall ensure that all
 374 proposals are submitted to the department for review by the REDI
 375 agencies.

376 (3) These proposals shall be delivered to the department
 377 for distribution to the REDI agencies and organizations. A

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378 meeting of REDI agencies and organizations must be called within
 379 30 days after receipt of such proposals for REDI comment and
 380 recommendations on each proposal.

381 (4) Waivers and reductions must be requested by the county
 382 or community, and such county or community must have three or
 383 more of the factors identified in s. 288.0656(3) (c) ~~s.~~
 384 ~~288.0656(2) (e)~~.

385 (5) Any other funds available to the project may be used
 386 for financial match of federal programs when there is fiscal
 387 hardship, and the match requirements may not be waived or
 388 reduced.

389 (6) When match requirements are not reduced or eliminated,
 390 donations of land, though usually not recognized as an in-kind
 391 match, may be permitted.

392 (7) To the fullest extent possible, agencies and
 393 organizations shall expedite the rule adoption and amendment
 394 process if necessary to incorporate the reduction in match by
 395 rural areas in fiscal distress.

396 (8) REDI shall include in its annual report an evaluation
 397 on the status of changes to rules, number of awards made with
 398 waivers, and recommendations for future changes.

399 Section 7. Paragraph (d) of subsection (6) of section
 400 290.0055, Florida Statutes, is amended to read:

401 290.0055 Local nominating procedure.—

402 (6)

403 (d)1. The governing body of a jurisdiction which has
 404 nominated an application for an enterprise zone that is at least
 405 15 square miles and less than 20 square miles and includes a
 406 portion of the state designated as a rural area of opportunity

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407 under s. 288.0656(8) ~~s. 288.0656(7)~~ may apply to the department
 408 to expand the boundary of the existing enterprise zone by not
 409 more than 3 square miles.

410 2. The governing body of a jurisdiction which has nominated
 411 an application for an enterprise zone that is at least 20 square
 412 miles and includes a portion of the state designated as a rural
 413 area of opportunity under s. 288.0656(8) ~~s. 288.0656(7)~~ may
 414 apply to the department to expand the boundary of the existing
 415 enterprise zone by not more than 5 square miles.

416 3. An application to expand the boundary of an enterprise
 417 zone under this paragraph must be submitted by December 31,
 418 2013.

419 4. Notwithstanding the area limitations specified in
 420 subsection (4), the department may approve the request for a
 421 boundary amendment if the area continues to satisfy the
 422 remaining requirements of this section.

423 5. The department shall establish the initial effective
 424 date of an enterprise zone designated under this paragraph.

425 Section 8. Section 290.06561, Florida Statutes, is amended
 426 to read:

427 290.06561 Designation of rural enterprise zone as catalyst
 428 site.—Notwithstanding s. 290.0065(1), the Department of Economic
 429 Opportunity, upon request of the host county, shall designate as
 430 a rural enterprise zone any catalyst site as defined in s.
 431 288.0656(3)(b) ~~s. 288.0656(2)(b)~~ that was approved before
 432 January 1, 2010, and that is not located in an existing rural
 433 enterprise zone. The request from the host county must include
 434 the legal description of the catalyst site and the name and
 435 contact information for the county development authority

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436 responsible for managing the catalyst site. The designation
 437 shall provide businesses locating within the catalyst site the
 438 same eligibility for economic incentives and other benefits of a
 439 rural enterprise zone designated under s. 290.0065. The
 440 reporting criteria for a catalyst site designated as a rural
 441 enterprise zone under this section are the same as for other
 442 rural enterprise zones. Host county development authorities may
 443 enter into memoranda of agreement, as necessary, to coordinate
 444 their efforts to implement this section.

445 Section 9. Paragraph (h) of subsection (1) of section
 446 337.403, Florida Statutes, is amended to read:

447 337.403 Interference caused by utility; expenses.—

448 (1) If a utility that is placed upon, under, over, or
 449 within the right-of-way limits of any public road or publicly
 450 owned rail corridor is found by the authority to be unreasonably
 451 interfering in any way with the convenient, safe, or continuous
 452 use, or the maintenance, improvement, extension, or expansion,
 453 of such public road or publicly owned rail corridor, the utility
 454 owner shall, upon 30 days' written notice to the utility or its
 455 agent by the authority, initiate the work necessary to alleviate
 456 the interference at its own expense except as provided in
 457 paragraphs (a)-(j). The work must be completed within such
 458 reasonable time as stated in the notice or such time as agreed
 459 to by the authority and the utility owner.

460 (h) If a municipally owned utility or county-owned utility
 461 is located in a rural area of opportunity, as defined in s.
 462 288.0656(3) ~~s. 288.0656(2)~~, and the department determines that
 463 the utility is unable, and will not be able within the next 10
 464 years, to pay for the cost of utility work necessitated by a

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465 department project on the State Highway System, the department
466 may pay, in whole or in part, the cost of such utility work
467 performed by the department or its contractor.

468 Section 10. Subsection (7) of section 339.2818, Florida
469 Statutes, is amended to read:

470 339.2818 Small County Outreach Program.—

471 (7) Subject to a specific appropriation in addition to
472 funds annually appropriated for projects under this section, a
473 municipality within a rural area of opportunity or a rural area
474 of opportunity community designated under s. 288.0656(8) (a) ~~s.~~
475 ~~288.0656(7) (a)~~ may compete for the additional project funding
476 using the criteria listed in subsection (4) at up to 100 percent
477 of project costs, excluding capacity improvement projects.

478 Section 11. Paragraph (c) of subsection (4) of section
479 339.2819, Florida Statutes, is amended to read:

480 339.2819 Transportation Regional Incentive Program.—

481 (4)

482 (c) The department shall give priority to projects that:

483 1. Provide connectivity to the Strategic Intermodal System
484 developed under s. 339.64.

485 2. Support economic development and the movement of goods
486 in rural areas of opportunity designated under s. 288.0656(8) ~~s.~~
487 ~~288.0656(7)~~.

488 3. Are subject to a local ordinance that establishes
489 corridor management techniques, including access management
490 strategies, right-of-way acquisition and protection measures,
491 appropriate land use strategies, zoning, and setback
492 requirements for adjacent land uses.

493 4. Improve connectivity between military installations and

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494 the Strategic Highway Network or the Strategic Rail Corridor
495 Network.

496
497 The department shall also consider the extent to which local
498 matching funds are available to be committed to the project.

499 Section 12. Paragraph (b) of subsection (5) of section
500 339.63, Florida Statutes, is amended to read:

501 339.63 System facilities designated; additions and
502 deletions.—

503 (5)

504 (b) A facility designated part of the Strategic Intermodal
505 System pursuant to paragraph (a) that is within the jurisdiction
506 of a local government that maintains a transportation
507 concurrency system shall receive a waiver of transportation
508 concurrency requirements applicable to Strategic Intermodal
509 System facilities in order to accommodate any development at the
510 facility which occurs pursuant to a building permit issued on or
511 before December 31, 2017, but only if such facility is located:

512 1. Within an area designated pursuant to s. 288.0656(8) ~~s.~~
513 ~~288.0656(7)~~ as a rural area of opportunity;

514 2. Within a rural enterprise zone as defined in s.
515 290.004(5); or

516 3. Within 15 miles of the boundary of a rural area of
517 opportunity or a rural enterprise zone.

518 Section 13. Subsection (16) of section 479.16, Florida
519 Statutes, is amended to read:

520 479.16 Signs for which permits are not required.—The
521 following signs are exempt from the requirement that a permit
522 for a sign be obtained under this chapter but are required to

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523 comply with s. 479.11(4)-(8), and subsections (15)-(20) may not
 524 be implemented or continued if the Federal Government notifies
 525 the department that implementation or continuation will
 526 adversely affect the allocation of federal funds to the
 527 department:

528 (16) Signs placed by a local tourist-oriented business
 529 located within a rural area of opportunity as defined in s.
 530 288.0656(3) ~~s. 288.0656(2)~~ which are:

531 (a) Not more than 8 square feet in size or more than 4 feet
 532 in height;

533 (b) Located only in rural areas on a facility that does not
 534 meet the definition of a limited access facility, as defined in
 535 s. 334.03;

536 (c) Located within 2 miles of the business location and at
 537 least 500 feet apart;

538 (d) Located only in two directions leading to the business;
 539 and

540 (e) Not located within the road right-of-way.

541

542 A business placing such signs must be at least 4 miles from any
 543 other business using this exemption and may not participate in
 544 any other directional signage program by the department.

545

546 If the exemptions in subsections (15)-(20) are not implemented
 547 or continued due to notification from the Federal Government
 548 that the allocation of federal funds to the department will be
 549 adversely impacted, the department shall provide notice to the
 550 sign owner that the sign must be removed within 30 days after
 551 receipt of the notice. If the sign is not removed within 30 days

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552 after receipt of the notice by the sign owner, the department
 553 may remove the sign, and the costs incurred in connection with
 554 the sign removal shall be assessed against and collected from
 555 the sign owner.

556 Section 14. Paragraph (d) of subsection (14) of section
 557 627.6699, Florida Statutes, is amended to read:

558 627.6699 Employee Health Care Access Act.—

559 (14) SMALL EMPLOYERS ACCESS PROGRAM.—

560 (d) *Eligibility.*—

561 1. Any small employer that is actively engaged in business,
 562 has its principal place of business in this state, employs up to
 563 25 eligible employees on business days during the preceding
 564 calendar year, employs at least 2 employees on the first day of
 565 the plan year, and has had no prior coverage for the last 6
 566 months may participate.

567 2. Any municipality, county, school district, or hospital
 568 employer located in a rural community as defined in s.

569 288.0656(3) ~~s. 288.0656(2)~~ may participate.

570 3. Nursing home employers may participate.

571 4. Each dependent of a person eligible for coverage is also
 572 eligible to participate.

573

574 Any employer participating in the program must do so until the
 575 end of the term for which the carrier providing the coverage is
 576 obligated to provide such coverage to the program. Coverage for
 577 a small employer group that ceases to meet the eligibility
 578 requirements of this section may be terminated at the end of the
 579 policy period for which the necessary premiums have been paid.

580 Section 15. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/18

Meeting Date

170

Bill Number (if applicable)

Topic Rural Economic Dev. Initiative

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St

Phone 521-1200

Street

Tallahassee FL 32301

Email cjohnson@flchamber.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Chamber of Commerce

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 300

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Rouson and Campbell

SUBJECT: Florida Commission on Human Relations

DATE: January 30, 2018

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 300 amends various time period requirements in the Whistle-Blower's Act. The bill also changes quorum requirements for the Florida Commission on Human Relations (Commission) and revises the number of nominees that the Commission recommends for the Florida Civil Rights Hall of Fame.

The bill requires the Commission to provide notice to an aggrieved person under certain circumstances and requires a certain civil action brought by an aggrieved person to commence within a specified timeframe.

Additionally, the bill deletes registration requirements for facilities claiming the housing for older persons exemption, and deletes requirement that the Commission or the Attorney General investigate public housing discrimination complaints.

The bill takes effect on July 1, 2018.

II. Present Situation:

Florida Commission on Human Relations

Chapter 760, F.S., provides a forum for all individuals in Florida to be protected against discrimination in areas of employment, housing, certain public accommodations, and other opportunities based on race, color, religion, sex, national origin, age, handicap, marital, or familial status. Part I of Chapter 760, F.S., is known as the Florida Civil Rights Act of 1992; Part II is known as the Florida Fair Housing Act.

The Florida Commission on Human Relations (Commission) is authorized to carry out the purposes of chapter 760, F.S.¹ The Commission is also authorized to investigate allegations of violations of the Whistle-blower's Act. The Commission is housed in the Department of Management Services (DMS).² DMS does not exercise any control or supervision over the Commission.

The Commission is comprised of 12 individuals who are appointed by the Governor and confirmed by the Senate.³ The membership of the Commission is broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within Florida.⁴ At least one member of the Commission must be 60 years of age or older.⁵ The Commission is empowered to receive, initiate, investigate, seek to conciliate, hold hearings on, and act upon complaints alleging any discriminatory practice,⁶ as defined by the Florida Civil Rights Act of 1992.⁷

Quorum for Commission Meeting

While the Commission is comprised of 12 members, it currently has only eight commissioners serving on its board.⁸ All of the terms for the eight commissioners terms have expired. The commissioners are continuing to serve until they are either reappointed or until their seats are filled by another appointment.⁹

Current law provides that seven members constitute a quorum for the Commission to conduct business.¹⁰ Due to the low number of commissioners currently serving, the Commission has difficulty in meeting the seven member quorum requirement and continually cancels and reschedules meetings. If two members were to resign, the Commission could no longer conduct

¹ Section 760.03, F.S.

² Section 760.04, F.S.

³ Section 760.03(1), F.S.

⁴ Section 760.03(2), F.S.

⁵ *Id.*

⁶ Section 760.02(4), F.S., defines "discriminatory practice" to mean any practice made unlawful by the Florida Civil Rights Act of 1992.

⁷ Section 760.06(5), F.S.

⁸ *See Meet the Commissioners*, Florida Commission on Human Relations, available at http://fchr.state.fl.us/about_us/meet_the_commissioners (last visited on Jan. 26, 2018).

⁹ Florida Commission on Human Relations, *SB 300/HB 307 Bill Analysis* (2017) (copy on file with the Governmental Oversight and Accountability Committee).

¹⁰ Section 760.03(5), F.S.

official business at all.¹¹ Other government entities and commissions may satisfy their quorum requirements with a majority of their currently appointed members.¹²

Florida Civil Rights Hall of Fame

The Florida Civil Rights Hall of Fame was created by the Florida Legislature in 2010.¹³ The purpose of the program is to recognize those persons, living or deceased, who have made significant contributions to the state as leaders in the struggle for equality and justice for all persons.¹⁴ The Commission oversees and administers the Hall of Fame, excluding the normal costs of operations, repairs, and maintenance, which is the responsibility of DMS.¹⁵ The Commission must accept nominations every year and submit 10 recommendations to the Governor, who then selects up to three members for induction.¹⁶ An eligible nominee must:

- Be at least 18 years of age;
- Have been born in Florida or adopted Florida as his or her home state and base of operations; and
- Have made a significant contribution and provided exemplary leadership toward Florida's progress and achievements in civil rights.¹⁷

With its limited resources, the Commission has struggled to make the minimum number of 10 recommendations each year.¹⁸

Florida Civil Rights Act

A person aggrieved by a violation of ss. 760.01-760.10, F.S., may file a complaint with the Commission pursuant to the Florida Civil Rights Act.¹⁹ The complaint must be filed within 365 days of the alleged violation, naming the employer, employment agency, labor organization, joint labor-management committee, or person responsible for the violation and describing the violation.²⁰ The Commission must determine within 180 days whether reasonable cause exists to believe that a discriminatory practice occurred.²¹

If the Commission makes a "reasonable cause" determination, the claimant may then bring a civil action against the person named in the complaint in any court of competent jurisdiction or request an administrative hearing under provisions of ch. 120, F.S.²² A civil action must be

¹¹ See *supra* note 9.

¹² Among others, ss. 43.20(4) (Judicial Nominating Commissions), 265.003(3)(b) (Florida Veterans' Hall of Fame), 455.207(3) (Boards and Commissions within Department of Business and Professional Regulation), 456.011(3) (Boards and Commissions within Department of Health), and 472.007(4)(a) (Board of Professional Surveyors and Mappers), F.S.

¹³ Section 760.065, F.S.; see ch. 2010-53, L.O.F.

¹⁴ Section 760.065(1), F.S.

¹⁵ Section 760.065(5), F.S.

¹⁶ Section 760.065(3)(a), F.S.

¹⁷ Section 760.065(3)(b), F.S.

¹⁸ See *supra* note 9.

¹⁹ Section 760.11(1), F.S.

²⁰ *Id.*

²¹ Section 760.11(3), F.S. In the event that any other agency of the state or of any other unit of state government has jurisdiction of the subject matter of any complaint filed with the Commission and has legal authority to investigate the complaint, the Commission may refer such complaint to the agency for an investigation. See s. 760.11(2), F.S.

²² Section 760.11(4), F.S.

commenced no later than one year after the date of determination of reasonable cause by the Commission.²³ If the Commission does not find reasonable cause, the claimant may still request an administrative hearing under provisions of ch. 120, F.S.²⁴ If the Commission fails to make a determination within 180 days, the claimant may proceed as though the Commission made a reasonable cause determination.²⁵

In *Joshua v. City of Gainesville*, the Florida Supreme Court examined the interplay between the Commission finding reasonable cause and the statute of limitations.²⁶ The Court stated that the "[a]ct...does not provide clear and unambiguous guidance to those who file complaints under its provisions nor to those who are brought into court on allegations of violating its terms."²⁷ The Court held that the one-year statute of limitations for filing civil actions in s. 760.11(5), F.S., does not apply if the Commission fails to make a determination within 180 days. Instead, the Court held that the four-year statute of limitations for a cause of action based on statutory liability²⁸ applies when the Commission fails to make a determination.²⁹

Florida Fair Housing Act

Part II of ch. 760, F.S., constitutes the Florida Fair Housing Act.³⁰ It is the state's policy to provide for fair housing throughout the state.³¹ The Fair Housing Act provides that any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by a discriminatory housing practice that is about to occur may file a complaint with the Commission.³² The complainant must file the complaint within one year after the alleged discriminatory practice has occurred.³³ The Commission has 100 days after receipt of the complaint to complete its investigation and give notice in writing to the person aggrieved whether it intends to resolve it.³⁴ The Commission may attempt to resolve the complaint and eliminate or correct the alleged discriminatory housing practice through conciliation.³⁵

The provisions of the Florida Fair Housing Act apply to all housing and housing-related entities (realtors, brokers, mortgage companies, financial institutions) in Florida. In 2001, the Legislature created exemptions for which charges of housing discrimination do not apply.³⁶ For example, a single-family house sold or rented by its owner is exempted, as well as rooms or units in dwellings that provide housing for four or fewer families.³⁷

²³ Section 760.11(5), F.S.

²⁴ Section 760.11(7), F.S.

²⁵ Section 760.11(8), F.S.

²⁶ *Joshua v. City of Gainesville*, 768 So. 2d 432, 434-435 (Fla. 2000).

²⁷ *Id.*

²⁸ Section 95.11(3)(f), F.S.

²⁹ *Joshua*, 768 So. 2d at 439.

³⁰ Sections 760.20-760.37, F.S.

³¹ Section 760.21, F.S.

³² Section 760.34(1), F.S.

³³ Section 760.34(2), F.S.

³⁴ Section 760.34(1), F.S.

³⁵ *Id.*

³⁶ Section 760.29, F.S.

³⁷ Section 760.29(1)(a)1. and 2., F.S.

Certain housing for older persons is also exempt from charges of discrimination based on familial status.³⁸ Housing for older persons is any housing intended for and solely occupied by persons 62 years of age or older, or, if occupancy is by persons 55 years of age or older, at least 80 percent of the units are occupied by at least one person age 55 years or older.³⁹ The housing facility or community must also adhere to senior housing policies and procedures and comply with rules developed by the U.S. Department of Housing and Urban Development pursuant to 24 C.F.R. 100.⁴⁰ These facilities and communities must register with the Commission and renew such registration every two years and pay a \$20 fee for registration and renewal.⁴¹ The Commission may impose an administrative fine of up to \$500 for submission of false information, but there is no penalty for failure to register with the Commission.⁴² Failure to register does not prohibit a community from claiming the exemption.⁴³

The Commission has not charged a fee to register or renew facilities and communities since 2015. The Commission reports that the "registration program does not enhance or benefit the Commission in implementing its statutory requirements or carrying out its mission-critical responsibilities."⁴⁴ The registry is not determinative as to whether the community actually qualifies for the housing for older persons exemption under the Florida Fair Housing Act. A facility or community that registers is still subject to an investigation if a complaint were filed against it and would have to prove that it meets the exemption. The same is true of a facility or community that has not registered.

Discriminatory Practices in Certain Clubs

As part of the Florida Civil Rights Act, the Legislature prohibits certain clubs from discriminating against individuals based on race, color, religion, gender, national origin, handicap, age (above the age of 21), or marital status in evaluating an application for membership.⁴⁵ This prohibition only applies to clubs that have more than 400 members, provide regular meal service, and receive payment for dues, fees, use of space, facilities, services, meals, or beverages directly or indirectly from non-members for business purposes.⁴⁶ The law also prohibits the publication, circulation, issuance, display, posting, or mailing of any advertisement, notice, or solicitation that contains a statement to the effect that the accommodations, advantages, facilities, membership, or privileges of the club are denied to any individual because of race, color, religion, gender, national origin, handicap, age (above the age of 21), or marital status.⁴⁷ This prohibition does not apply to fraternal or benevolent organizations, ethnic clubs, or religious organizations where business activity is not prevalent.⁴⁸

³⁸ Section 760.29(4), F.S.

³⁹ Section 760.29(4)(b), F.S.

⁴⁰ Section 760.29(4)

⁴¹ Section 760.29(4)(e), F.S.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *See supra* note 9.

⁴⁵ Section 760.60(1), F.S.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

Any person who has been discriminated against by a club meeting these specifications may file a complaint with the Commission or with the Attorney General's Office of Civil Rights.⁴⁹ Upon receipt, the Commission or the Attorney General must provide a copy of the complaint to the club and, within 30 days, investigate the alleged discrimination and inform the complainant in writing if it intends to resolve the complaint.⁵⁰ If the Commission or the Attorney General decides to resolve the complaint, it must attempt to eliminate or correct the alleged discriminatory practices of a club by the informal methods of conference, conciliation, and persuasion.⁵¹

If the Commission or Attorney General fails to give notice of its intent to eliminate or correct the alleged discriminatory practices of a club within 30 days, or if the Commission or Attorney General fails to resolve the complaint within 30 days after giving such notice, the person or the Attorney General on behalf of the person filing the complaint may commence a civil action against the club, its officers, or its members to enforce this section.⁵² If the court finds a discriminatory practice has occurred at the club, the court may enjoin the club, its officers, or its members from engaging in such practice or may order other appropriate action.⁵³

State Employee Whistle-Blower Retaliation

The Commission is authorized to investigate any allegation of an adverse action against a state employee, former employee, applicant for employment, or an employee of a contractor with the state in retaliation for exposing gross mismanagement, fraud, wrongful act, or other violations by state government.⁵⁴ If a person is retaliated against, he or she can file a written complaint with either the Commission or the Office of the Chief Inspector General (CIG) in the Executive Office of the Governor within 60 days after the adverse action.⁵⁵

Within three working days, the Commission or the CIG must acknowledge receiving the complaint and provide copies of the complaint to the parties.⁵⁶ The Commission must then further notify, within 15 days, the complainant that their complaint has been received.⁵⁷ The Commission must then complete the fact-finding process within 90 days after receiving the complaint and provide the agency head and the complainant a report that may include recommendations to the parties or a proposed resolution of the complaint.⁵⁸

If the Commission is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Commission must terminate the investigation.⁵⁹ The Commission must then notify the complainant and agency head of the termination of the investigation, provide a

⁴⁹ Section 760.60(2), F.S.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Section 760.60(3), F.S.

⁵³ *Id.*

⁵⁴ Section 112.31895(2), F.S. *See also* s. 112.3187, F.S.

⁵⁵ Section 112.31895(1)(a), F.S.

⁵⁶ Section 112.31895(1)(b), F.S.

⁵⁷ Section 112.31895(2)(b), F.S.

⁵⁸ Section 112.31895(2)(c), F.S.

⁵⁹ Section 112.31895(3)(d), F.S.

summary of relevant facts found during the investigation, and the reasons for terminating the investigation.⁶⁰

If an agency does not implement the recommended action of the Commission in 20 days, the Commission must terminate its investigation and notify the complainant of the right to appeal to the Public Employees Relations Commission (PERC)⁶¹ or petition the agency for corrective action.⁶² A complainant may file a complaint against the employer-agency with the PERC after the termination of an investigation by the Commission.⁶³ This complaint must be filed within 60 days after receipt of a notice of termination of the investigation from the Commission.⁶⁴

III. Effect of Proposed Changes:

Section 1 amends s. 112.31895, F.S., to provide that the Commission or the CIG must respond within 5 working days after receiving a complaint, instead of three working days. The bill deletes language requiring the Commission to further notify the complainant that their complaint has been received within 15 days of receiving the complaint. The bill also amends the time for the Commission to provide a fact-finding report from 90 days to 180 days after receiving the complaint.

The bill standardizes the times before the Commission must terminate an investigation pursuant to s. 112.31895(3)(d) and (e), F.S., to 35 days. The bill also shortens the time to appeal a decision to terminate an investigation to the Public Employees Relations Commission from 60 days to 21 days.

Section 2 amends s. 760.03, F.S., to provide that a quorum for the conduct of official business by the Commission consists of a majority of the currently appointed commissioners. Also, this section provides that panels created by the Commission would be able to establish a quorum to conduct business with three commissioners on the panel.

Section 3 amends s. 760.065, F.S., to provide that the Commission may recommend up to ten nominees each year for the Governor's consideration. This change prevents the Commission from violating the law if it submits less than ten recommendations due to a lack of nominees.

Section 4 amends s. 760.11, F.S., to provide that if the Commission fails to determine whether there is reasonable cause within 180 days, a cause of action is subject to the same one-year statute of limitations as a claim that receives a determination of reasonable cause. The Commission is required to promptly notify the individual of the Commission's failure to conciliate or to determine reasonable cause, to inform the individual of their options, and to inform the individual that a civil action alleging a violation of the Florida Civil Rights Act is

⁶⁰ *Id.*

⁶¹ PERC is created pursuant to ch. 447, Part II, F.S., and has jurisdiction over certain state employment cases, including career service appeals, veterans preference appeals, Drug-Free Workplace Act appeals, age discrimination appeals, and Whistle-Blower Act appeals.

⁶² Section 112.31895(3)(e)3., F.S.

⁶³ Section 112.31895(4)(a), F.S.

⁶⁴ *Id.*

prohibited if not filed within 1 year after the date the Commission certifies that the notice was mailed.

The bill requires any civil action brought by an individual must be commenced within 1 year after the date the Commission certifies that the notice was mailed.

Section 5 deletes s. 760.29(4), F.S., to repeal the requirement that a facility or community that claims the exemption as housing for older persons must register with the Commission. This deletion includes the provisions for the registration and renewal fee and administrative fine for submission of false information to the Commission.

Section 6 amends s. 760.31, F.S., to delete requirement that Commission rules specify the fee, forms, and procedures utilized for registration of facilities and communities claiming an exemption as housing for older persons.

Section 7 amends s. 760.60, F.S., to delete the requirement that the Commission or the Attorney General investigate the public accommodation discrimination complaint. The bill also extends the time for the Commission or the Attorney General to resolve the dispute by informal methods from 30 days to 45 days.

Section 8 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:

Indeterminate. There is no fiscal impact to the Commission.⁶⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 112.31895, 760.03, 760.065, 760.11, 760.29, 760.31, and 760.60 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 30, 2018:

The Committee Substitute:

- Deletes provisions of original bill expanding time to file a complaint to 365 days regarding a violation of the Whistle-blower's Act;
- Deletes provisions of original bill expanding statute of limitations to 4 years for filing a civil action regarding a violation of the Florida Civil Rights Act;
- Amends s. 760.11(8), F.S., to:
 - Provide that if the Commission fails to determine whether there is reasonable cause within 180 days, a cause of action is subject to the same one-year statute of limitations as a claim that receives a determination of reasonable cause; and
 - Require the Commission to promptly notify the individual of the Commission's failure to conciliate or to determine reasonable cause, to inform the individual of their options, and to inform the individual that a civil action alleging a violation of the Florida Civil Rights Act is prohibited if not filed within 1 year after the date the Commission certifies that the notice was mailed.

B. Amendments:

None.

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

⁶⁵ See *supra* note 9.



830918

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

1
2
3 Delete line 60
4 and insert:
5 later than 60 days after the prohibited personnel action.
6

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

8 And the title is amended as follows:

9 Delete lines 3 - 7

10 and insert:



830918

11
12

Relations; amending s. 112.31895, F.S.; revising the
length of time by



924600

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 168 - 172

and insert:

complaint:τ

(a) An aggrieved person may proceed under subsection (4)τ
as if the commission determined that there was reasonable cause.

(b) The commission shall promptly notify the aggrieved
person of the failure to conciliate or to determine whether
there is reasonable cause. The notice shall provide the options



924600

11 available to the aggrieved person under subsection (4) and
12 inform the aggrieved person that a civil action is prohibited if
13 not filed within 1 year after the date the commission certifies
14 that the notice was mailed.

15 (c) Any civil action brought by an aggrieved person under
16 this subsection must be commenced within 1 year after the date
17 the commission certifies that the notice was mailed pursuant to
18 paragraph (b).

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete lines 26 - 30

23 and insert:

24 requiring the commission to provide notice to an
25 aggrieved person under certain circumstances;
26 providing notice requirements; requiring a certain
27 civil action brought by an aggrieved person to
28 commence within a specified timeframe; amending s.
29 760.29, F.S.;

By Senator Rouson

19-00406-18

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1 A bill to be entitled
 2 An act relating to the Florida Commission on Human
 3 Relations; amending s. 112.31895, F.S.; increasing the
 4 length of time that a person alleging a prohibited
 5 personnel action under the Whistle-blower's Act has to
 6 file a complaint with the commission or the Chief
 7 Inspector General; revising the length of time by
 8 which receipt of the complaint must be acknowledged
 9 and copies thereof provided to named parties; revising
 10 the commission's duties with respect to the process of
 11 fact finding regarding an allegation of a prohibited
 12 personnel action; revising the timeframes by which the
 13 commission must terminate an investigation following
 14 the receipt of the fact-finding report or the failure
 15 of an agency to implement corrective action
 16 recommendations; revising the length of time by which
 17 a complainant may file a complaint with the Public
 18 Employees Relations Commission following termination
 19 of the Florida Commission on Human Relations'
 20 investigation; amending s. 760.03, F.S.; revising what
 21 constitutes a quorum for commission meetings and
 22 panels thereof; amending s. 760.065, F.S.; revising
 23 the number of persons the commission must annually
 24 recommend to the Governor for inclusion in the Florida
 25 Civil Rights Hall of Fame; amending s. 760.11, F.S.;
 26 specifying that an aggrieved person alleging certain
 27 violations of the Florida Civil Rights Act of 1992
 28 must file a civil action within a certain timeframe
 29 upon the commission's failure to conciliate or

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30 determine reasonable cause; amending s. 760.29, F.S.;
 31 deleting provisions requiring a facility or community
 32 claiming an exemption under the Fair Housing Act to
 33 register with the commission; amending s. 760.31,
 34 F.S.; removing a requirement for commission rules, to
 35 conform to changes made by the act; amending s.
 36 760.60, F.S.; removing the requirement that the
 37 commission or the Attorney General investigate alleged
 38 discriminatory practices of a club within a specified
 39 timeframe; revising the timeframe by which a
 40 complainant or the Attorney General may commence a
 41 civil action in response to discriminatory practices
 42 of a club; providing an effective date.
 43
 44 Be It Enacted by the Legislature of the State of Florida:
 45
 46 Section 1. Subsections (1) and (2), paragraphs (d) and (e)
 47 of subsection (3), and subsection (4) of section 112.31895,
 48 Florida Statutes, are amended to read:
 49 112.31895 Investigative procedures in response to
 50 prohibited personnel actions.—
 51 (1) COMPLAINTS.—
 52 (a) If a disclosure under s. 112.3187 includes or results
 53 in alleged retaliation by an employer, the employee or former
 54 employee of, or applicant for employment with, a state agency,
 55 as defined in s. 216.011, which ~~that~~ is so affected may file a
 56 complaint alleging a prohibited personnel action, which
 57 complaint must be made by filing a written complaint with the
 58 Office of the Chief Inspector General in the Executive Office of

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59 the Governor or the Florida Commission on Human Relations, no
60 later than 365 ~~60~~ days after the prohibited personnel action.

61 (b) Within 5 ~~three~~ working days after receiving a complaint
62 under this section, the office or officer receiving the
63 complaint shall acknowledge receipt of the complaint and provide
64 copies of the complaint and any other preliminary information
65 available concerning the disclosure of information under s.
66 112.3187 to each of the other parties named in paragraph (a),
67 which parties shall each acknowledge receipt of such copies to
68 the complainant.

69 (2) FACT FINDING.—The Florida Commission on Human Relations
70 shall:

71 (a) Receive any allegation of a personnel action prohibited
72 by s. 112.3187, including a proposed or potential action, and
73 conduct informal fact finding regarding any allegation under
74 this section, to the extent necessary to determine whether there
75 are reasonable grounds to believe that a prohibited personnel
76 action under s. 112.3187 has occurred, is occurring, or is to be
77 taken.

78 ~~(b) Notify the complainant, within 15 days after receiving~~
79 ~~a complaint, that the complaint has been received by the~~
80 ~~department.~~

81 (b)(c) Within 180 ~~90~~ days after receiving the complaint,
82 provide the agency head and the complainant with a fact-finding
83 report that may include recommendations to the parties or
84 proposed resolution of the complaint. The fact-finding report
85 shall be presumed admissible in any subsequent or related
86 administrative or judicial review.

87 (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

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88 (d) If the Florida Commission on Human Relations is unable
89 to conciliate a complaint within 35 ~~60~~ days after receipt of the
90 fact-finding report, the Florida Commission on Human Relations
91 shall terminate the investigation. Upon termination of any
92 investigation, the Florida Commission on Human Relations shall
93 notify the complainant and the agency head of the termination of
94 the investigation, providing a summary of relevant facts found
95 during the investigation and the reasons for terminating the
96 investigation. A written statement under this paragraph is
97 presumed admissible as evidence in any judicial or
98 administrative proceeding but is not admissible without the
99 consent of the complainant.

100 (e)1. The Florida Commission on Human Relations may request
101 an agency or circuit court to order a stay, on such terms as the
102 court requires, of any personnel action for 45 days if the
103 Florida Commission on Human Relations determines that reasonable
104 grounds exist to believe that a prohibited personnel action has
105 occurred, is occurring, or is to be taken. The Florida
106 Commission on Human Relations may request that such stay be
107 extended for appropriate periods of time.

108 2. If, in connection with any investigation, the Florida
109 Commission on Human Relations determines that reasonable grounds
110 exist to believe that a prohibited action has occurred, is
111 occurring, or is to be taken which requires corrective action,
112 the Florida Commission on Human Relations shall report the
113 determination together with any findings or recommendations to
114 the agency head and may report that determination and those
115 findings and recommendations to the Governor and the Chief
116 Financial Officer. The Florida Commission on Human Relations may

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117 include in the report recommendations for corrective action to
 118 be taken.

119 3. If, after 35 ~~20~~ days, the agency does not implement the
 120 recommended action, the Florida Commission on Human Relations
 121 shall terminate the investigation and notify the complainant of
 122 the right to appeal under subsection (4), or may petition the
 123 agency for corrective action under this subsection.

124 4. If the Florida Commission on Human Relations finds, in
 125 consultation with the individual subject to the prohibited
 126 action, that the agency has implemented the corrective action,
 127 the commission shall file such finding with the agency head,
 128 together with any written comments that the individual provides,
 129 and terminate the investigation.

130 (4) RIGHT TO APPEAL.-

131 (a) Not more than 21 ~~60~~ days after receipt of a notice of
 132 termination of the investigation from the Florida Commission on
 133 Human Relations, the complainant may file, with the Public
 134 Employees Relations Commission, a complaint against the
 135 employer-agency regarding the alleged prohibited personnel
 136 action. The Public Employees Relations Commission shall have
 137 jurisdiction over such complaints under ss. 112.3187 and
 138 447.503(4) and (5).

139 (b) Judicial review of any final order of the commission
 140 shall be as provided in s. 120.68.

141 Section 2. Subsection (5) of section 760.03, Florida
 142 Statutes, is amended to read:

143 760.03 Commission on Human Relations; staff.-

144 (5) A quorum is necessary for the conduct of official
 145 business. Unless otherwise provided by law, a quorum consists of

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146 a majority of the commissioners who are currently appointed.
 147 ~~Seven members shall constitute a quorum for the conduct of~~
 148 ~~business; however,~~ The commission may establish panels of not
 149 less than three commissioners ~~of its members~~ to exercise its
 150 powers under the Florida Civil Rights Act of 1992, subject to
 151 such procedures and limitations as the commission may provide by
 152 rule. For such a panel, a quorum consists of three
 153 commissioners.

154 Section 3. Paragraph (a) of subsection (3) of section
 155 760.065, Florida Statutes, is amended to read:

156 760.065 Florida Civil Rights Hall of Fame.-

157 (3) (a) The commission shall annually accept nominations for
 158 persons to be recommended as members of the Florida Civil Rights
 159 Hall of Fame. The commission shall recommend up to 10 persons
 160 from which the Governor shall select up to 3 hall-of-fame
 161 members.

162 Section 4. Subsection (8) of section 760.11, Florida
 163 Statutes, is amended to read:

164 760.11 Administrative and civil remedies; construction.-

165 (8) ~~If in the event that~~ the commission fails to conciliate
 166 or determine whether there is reasonable cause on any complaint
 167 under this section within 180 days after ~~of the filing of~~ the
 168 complaint, an aggrieved person may proceed under subsection (4)
 169 as if the commission determined that there was reasonable cause,
 170 except that any civil action filed under this section must
 171 commence no more than 4 years after the date that the alleged
 172 violation occurred.

173 Section 5. Paragraph (e) of subsection (4) of section
 174 760.29, Florida Statutes, is amended to read:

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175 760.29 Exemptions.-
 176 (4)
 177 ~~(c) A facility or community claiming an exemption under~~
 178 ~~this subsection shall register with the commission and submit a~~
 179 ~~letter to the commission stating that the facility or community~~
 180 ~~complies with the requirements of subparagraph (b)1.,~~
 181 ~~subparagraph (b)2., or subparagraph (b)3. The letter shall be~~
 182 ~~submitted on the letterhead of the facility or community and~~
 183 ~~shall be signed by the president of the facility or community.~~
 184 ~~This registration and documentation shall be renewed biennially~~
 185 ~~from the date of original filing. The information in the~~
 186 ~~registry shall be made available to the public, and the~~
 187 ~~commission shall include this information on an Internet~~
 188 ~~website. The commission may establish a reasonable registration~~
 189 ~~fee, not to exceed \$20, that shall be deposited into the~~
 190 ~~commission's trust fund to defray the administrative costs~~
 191 ~~associated with maintaining the registry. The commission may~~
 192 ~~impose an administrative fine, not to exceed \$500, on a facility~~
 193 ~~or community that knowingly submits false information in the~~
 194 ~~documentation required by this paragraph. Such fines shall be~~
 195 ~~deposited in the commission's trust fund. The registration and~~
 196 ~~documentation required by this paragraph shall not substitute~~
 197 ~~for proof of compliance with the requirements of this~~
 198 ~~subsection. Failure to comply with the requirements of this~~
 199 ~~paragraph shall not disqualify a facility or community that~~
 200 ~~otherwise qualifies for the exemption provided in this~~
 201 ~~subsection.~~
 202
 203 A county or municipal ordinance regarding housing for older

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204 persons may not contravene the provisions of this subsection.
 205 Section 6. Subsection (5) of section 760.31, Florida
 206 Statutes, is amended to read:
 207 760.31 Powers and duties of commission.—The commission
 208 shall:
 209 (5) Adopt rules necessary to implement ss. 760.20–760.37
 210 and govern the proceedings of the commission in accordance with
 211 chapter 120. Commission rules shall clarify terms used with
 212 regard to handicapped accessibility, exceptions from
 213 accessibility requirements based on terrain or site
 214 characteristics, and requirements related to housing for older
 215 persons. ~~Commission rules shall specify the fee and the forms~~
 216 ~~and procedures to be used for the registration required by s.~~
 217 ~~760.29(4)(e).~~
 218 Section 7. Subsections (2) and (3) of section 760.60,
 219 Florida Statutes, are amended to read:
 220 760.60 Discriminatory practices of certain clubs
 221 prohibited; remedies.—
 222 (2) A person who has been discriminated against in
 223 violation of this act may file a complaint with the Commission
 224 on Human Relations or with the Attorney General's Office of
 225 Civil Rights. A complaint must be in writing and must contain
 226 such information and be in such form as the commission requires.
 227 Upon receipt of a complaint, the commission or the Attorney
 228 General shall provide a copy to the person who represents the
 229 club. Within 30 days after receiving a complaint, the commission
 230 or the Attorney General shall ~~investigate the alleged~~
 231 ~~discrimination and give notice in writing to the person who~~
 232 ~~filed the complaint if it intends to resolve the complaint. If~~

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233 the commission or the Attorney General decides to resolve the
234 complaint, it shall attempt to eliminate or correct the alleged
235 discriminatory practices of a club by informal methods of
236 conference, conciliation, and persuasion.

237 (3) If the commission or the Attorney General fails, within
238 30 days after receiving a complaint filed pursuant to subsection
239 (2), to give notice of its intent to eliminate or correct the
240 alleged discriminatory practices of a club, or if the commission
241 or the Attorney General fails to resolve the complaint within 45
242 ~~30~~ days after giving such notice, the person or the Attorney
243 General on behalf of the person filing the complaint may
244 commence a civil action in a court against the club, its
245 officers, or its members to enforce this section. If the court
246 finds that a discriminatory practice occurs at the club, the
247 court may enjoin the club, its officers, or its members from
248 engaging in such practice or may order other appropriate action.

249 Section 8. 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)

1/30/18

Meeting Date

SB 300

Bill Number (if applicable)

924600

Amendment Barcode (if applicable)

Topic _____

Name Tim Nungesser

Job Title Legislative Director

Address 110 East Jefferson Street

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-445-5367

Email tim.nungesser@nfib.org

Speaking: For Against Information

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

Representing National Federation of Independent Business

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)

1/30/18

Meeting Date

300

Bill Number (if applicable)

924600

Amendment Barcode (if applicable)

Topic commission on Human Relations

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St
Street

Phone 521-1200

Tallahassee FL 32301
City State Zip

Email cjohnson@fldchamber.com

Speaking: For Against Information

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

Representing Florida Chamber of Commerce

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

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: October 9, 2017

I respectfully request that **Senate Bill 300**, relating to the Florida Commission on Human Relations, be placed on the:

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

A handwritten signature in cursive script that reads "Darryl Rouson".

Senator Darryl Rouson
Florida Senate, District 19

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 900

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Flores

SUBJECT: Firefighters

DATE: January 30, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Caldwell	Caldwell	GO	Fav/CS
2.			CA	
3.			AGG	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 900 requires fire service employers of full-time firefighters to offer cancer insurance coverage to its firefighter employees. These agencies would be allowed to provide coverage through purchased insurance coverages or a self-insurance program. The bill would not affect workers compensation claims. The bill provides definitions and establishes benefits to be made available to firefighters following the diagnosis of cancer if certain conditions of employment service are met.

If approved, the bill will take effect July 1, 2018.

II. Present Situation:

According to the Department of Financial Services (DFS), Florida law does not provide benefits to firefighters who receive a diagnosis or treatment of cancer.¹ There is a provision relating to employment-related accidents and injuries of first responders. Benefits may be available upon a showing by a preponderance of the evidence that exposure to a specific toxic substance involved, at the levels to which the first responder was exposed, can cause the injury or disease sustained by the employee and that the exposure arose out of employment.²

¹ Department of Financial Services, Agency bill analysis, Nov. 29, 2017, p. 1, on file with the Senate Committee on Governmental Oversight and Accountability.

² Section 112.1815(2)(a), F.S.

The incidence of cancer among firefighters appears to be higher on average than other occupations. Firefighters work in inherently dangerous situations on a daily basis. They are exposed to many different carcinogens, either inhaled or absorbed through the skin both on the scene and in the firehouse. Studies have been conducted at the state, national, and international level resulting in the identification of cancers found to be common among firefighters.³ This information has been used to train and education firefighters to reduce exposure to carcinogens resulting from firefighting activities.

In 2010, the National Institute for Occupational Safety and Health (NIOSH) initiated a study to evaluate the cancer risk of firefighters.⁴ The study served to identify whether firefighters are at a higher risk of developing cancer related to exposure on the job. Researchers studied death related to cancer as well as specific types of cancers involved. Researchers took into consideration the types and number of fire runs, use of protective equipment, and diesel exhaust controls. The study spanned 4 years and the sample size included over 30,000 career firefighters serving in Chicago, Philadelphia, and San Francisco between 1950 and 2010. This was the largest study of firefighters ever completed.⁵

According to the 2010 study, firefighters have a 9 percent higher risk of being diagnosed with cancer and a 14 percent higher risk of dying from cancer than the general population in the United States. The cancers mostly responsible for this higher risk were respiratory (lung, mesothelioma), gastrointestinal (oral cavity, esophageal, large intestine) and kidney.⁶

III. Effect of Proposed Changes:

The bill creates a new section within Chapter 112, F.S., which addresses employees. The bill defines the terms “employer” to mean the same as in s. 112.191 F.S., and “firefighter” to mean an individual employed as a full-time firefighter within the fire department or public safety department of an employer whose primary responsibility is the prevention and extinguishing of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires.

The bill provides that upon a diagnosis of cancer, a firefighter is entitled to certain benefits if the firefighter has been employed by his or her employer for at least 5 continuous years, has not used tobacco products for at least the preceding 5 years, and has not been employed in any other position in the preceding years which is proven to create a higher risk for cancer. The benefits are:

³ Occupation and Cancer, American Cancer Society, <https://www.cancer.org/content/dam/cancer-org/cancer-control/en/booklets-flyers/occupation-and-cancer-fact-sheet.pdf>; 15 Jobs That Put You at a Higher Risk of Cancer, <https://www.cheatsheet.com/money-career/jobs-put-higher-cancer-risk.html/?a=viewall>; Cancer Facts and Figures, American Cancer Society, <https://www.cancer.org/research/cancer-facts-statistics/all-cancer-facts-figures.html>; Exposure–response relationships for select cancer and non-cancer health outcomes in a cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950–2009), [https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-\(2015\).pdf](https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-(2015).pdf).

⁴ A copy of the study is on file with the Senate Committee on Governmental Oversight and Accountability. *See also*, Exposure–response relationships for select cancer and non-cancer health outcomes in a cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950–2009), [https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-\(2015\).pdf](https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-(2015).pdf).

⁵ <http://www.modernfirefighter.com/cancer-the-unseen-firefighter-killer/> (last visited January 25, 2018).

⁶ *Supra*, note 1.

- Cancer treatment, at no cost to the firefighter, covered within an employer-sponsored health plan or through a group health insurance trust fund, or a rider added to such policy. The firefighter may not be required to contribute toward any deductible, co-payment, or coinsurance amount for the treatment of cancer. The employer may timely reimburse the firefighter for out-of-pocket deductible, copayment, or coinsurance costs incurred by the firefighter.
- A one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer.

The benefits must be made available by a former employer of a firefighter for 10 years following the date that the firefighter terminates employment, so long as the firefighter has otherwise met the employment criteria when he or she terminated employment and was not subsequently employed as a firefighter following that date. A firefighter's cancer diagnosis must be considered an injury or illness incurred in the line of duty by the employer for purposes of determining leave time and employee retention policies.

Employer-sponsored retirement plans, in which firefighters participate, must consider the firefighter totally and permanently disabled if her or she is prevented from rendering useful and effective service as a firefighter and is likely to remain disabled continuously and permanently due to the diagnosis of cancer or circumstances arising out of the treatment of cancer.

If the firefighter does not participate in an employer-sponsored retirement plan, the employer must provide a disability retirement plan that provides the firefighter with at least 42 percent of his or her annual salary, at no cost to the firefighter, until the firefighter's death as coverage for disabilities attributable to the diagnosis of cancer or disabilities arising out of the treatment of cancer. The employer must also provide a death benefit to the firefighter's beneficiary, at no cost to the firefighter or his or her beneficiary, totaling at least 42 percent of the firefighter's most recent annual salary for at least 10 years following the firefighter's death as a result of cancer or circumstances arising out of the treatment of cancer.

A firefighter who dies as a result of cancer or circumstances arising out of the treatment of cancer is considered to have died while engaged in the performance of his or her firefighter duties and all of the benefits arising out of such death are available to the deceased firefighter's beneficiary.⁷

The costs of purchasing the insurance policy or providing benefits through a self-funded system must be borne solely by the employer that employs firefighters and may not be funded by individual firefighters, by any group health insurance trust fund funded partially or wholly by firefighters, or by any self-insured trust fund that provides health insurance coverage which is funded partially or wholly by firefighters.

The division of the State Fire Marshal within the Department of Financial services must adopt rules to establish employer cancer prevention best practices as it relates to personal protective equipment, decontamination, fire suppression apparatus, and fire stations.

⁷ See s. 112.191(2)(a), F.S., provides for a death of a firefighter that occurs while engaged in the performance of his or her duties, is accidentally killed or receives accidental bodily injury which subsequently results in the loss of the firefighter's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.

The bill contains a legislative finding that determines and declares that this act fulfills an important state interest.

The act would take effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Subsection (a) of s. 18, Art. VII of the Florida Constitution provides in pertinent part that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds . . . unless the legislature has determined that such law fulfills an important state interest and unless: . . . the expenditure is required to comply with a law that applies to all persons similarly situated.”

This bill includes legislative findings that the bill fulfills important state interests (see section 9), and the bill applies to all persons similarly situated (those employers participating in the Florida Retirement System), including state agencies, school boards, universities, community colleges, 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:

Firefighters will receive the benefits of cancer insurance and will not be required to pay the associated premiums.

C. Government Sector Impact:

Employers of firefighters will incur costs to pay the insurance premiums or bear the self-insurance costs as required by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 112.1816 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 30, 2018:

- Revises the benefits to which firefighters are entitled upon a diagnosis of cancer to provide that the benefits are an alternative to pursuing workers' compensation benefits under chapter 440.
- Changes the entitlement benefit from a group health insurance or self-insurance policy to the benefit of cancer treatment that is covered within an employer-sponsored health plan or through a group health insurance trust fund.
- Allows an employer to timely reimburse the firefighter for out-of-pocket deductible, copayment or coinsurance costs incurred by the firefighter for treatment authorized by the bill.
- Limits the cash payout of \$25,000 to one-time, and upon the firefighter's initial diagnosis of cancer.
- Requires that employers must make the authorized benefits available for 10 years after the date its former firefighter employee terminates employment so long as the firefighter otherwise met the criteria (5 years continuous employment, no tobacco product use, not employed in other high risk for cancer occupation) specified when he or she terminated employment and was not subsequently employed as a firefighter following that date.
- Limits to purposes of determining leave time and employee retention policies (rather than policies and the provision of benefits), the requirement that the cancer diagnosis must be considered an injury or illness incurred in the line of duty by the employer.
- If the firefighter does not participate in an employer-sponsored retirement plan:
 - Requires total and permanent disabilities attributable to the diagnosis of cancer arising out of the treatment of cancer in order for the employer to provide a disability retirement plant that provides the firefighter with at least 42 percent of his or her annual salary until the firefighter's death.
 - Requires the employer to provide a death benefit to the firefighter's beneficiary, totaling at least 42 percent of the firefighter's most recent annual salary for at least 10 years following the firefighter's death as a result of the cancer or circumstance arising out of the treatment of cancer.
- Specifies that the Division of State Fire Marshal must adopt rules to "establish employer cancer prevention best practices as it relates to personal protective equipment, decontamination, fire suppression apparatus, and fire stations" rather than "best practices."

B. Amendments:

None.

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



516282

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 112.1816, Florida Statutes, is created
to read:

112.1816 Firefighters; cancer diagnosis.-

(1) As used in this section, the term:

(a) "Employer" has the same meaning as in s. 112.191.

(b) "Firefighter" means an individual employed as a full-



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11 time firefighter within the fire department or public safety
12 department of an employer whose primary responsibility is the
13 prevention and extinguishing of fires; the protection of life
14 and property; and the enforcement of municipal, county, and
15 state fire prevention codes and laws pertaining to the
16 prevention and control of fires.

17 (2) Upon a diagnosis of cancer, a firefighter is entitled
18 to the following benefits, as an alternative to pursuing
19 workers' compensation benefits under chapter 440, if the
20 firefighter has been employed by his or her employer for at
21 least 5 continuous years, has not used tobacco products for at
22 least the preceding 5 years, and has not been employed in any
23 other position in the preceding 5 years which is proven to
24 create a higher risk for any cancer:

25 (a) Cancer treatment, at no cost to the firefighter,
26 covered within an employer-sponsored health plan or through a
27 group health insurance trust fund. The health plan, trust fund,
28 or insurance policy, or a rider added to such policy, may not
29 require the firefighter to contribute toward any deductible,
30 copayment, or coinsurance amount for the treatment of cancer.
31 The employer may timely reimburse the firefighter for out-of-
32 pocket deductible, copayment, or coinsurance costs incurred by
33 the firefighter in complying with this paragraph.

34 (b) A one-time cash payout of \$25,000, upon the
35 firefighter's initial diagnosis of cancer.

36
37 The benefits specified in paragraphs (a) and (b) must be made
38 available by a former employer of a firefighter for 10 years
39 following the date that the firefighter terminates employment,



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40 so long as the firefighter otherwise met the criteria specified
41 in this subsection when he or she terminated employment and was
42 not subsequently employed as a firefighter following that date.
43 For purposes of determining leave time and employee retention
44 policies, a firefighter's cancer diagnosis must be considered an
45 injury or illness incurred in the line of duty by the employer.

46 (3) (a) If the firefighter participates in an employer-
47 sponsored retirement plan, the retirement plan must consider the
48 firefighter totally and permanently disabled if he or she is
49 prevented from rendering useful and effective service as a
50 firefighter and is likely to remain disabled continuously and
51 permanently due to the diagnosis of cancer or circumstances
52 arising out of the treatment of cancer.

53 (b) If the firefighter does not participate in an employer-
54 sponsored retirement plan, the employer must provide a
55 disability retirement plan that provides the firefighter with at
56 least 42 percent of his or her annual salary, at no cost to the
57 firefighter, until the firefighter's death as coverage for total
58 and permanent disabilities attributable to the diagnosis of
59 cancer arising out of the treatment of cancer.

60 (4) (a) If the firefighter participated in an employer-
61 sponsored retirement plan, the retirement plan must consider the
62 firefighter to have died in the line of duty if he or she dies
63 as a result of cancer or circumstances arising out of the
64 treatment of cancer.

65 (b) If the firefighter did not participate in an employer-
66 sponsored retirement plan, the employer must provide a death
67 benefit to the firefighter's beneficiary, at no cost to the
68 firefighter or his or her beneficiary, totaling at least 42



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69 percent of the firefighter's most recent annual salary for at
70 least 10 years following the firefighter's death as a result of
71 cancer or circumstances arising out of the treatment of cancer.

72 (c) Firefighters who die as a result of cancer or
73 circumstances arising out of the treatment of cancer are
74 considered to have died in the manner as described in s.
75 112.191(2) (a) and all of the benefits arising out of such death
76 are available to the deceased firefighter's beneficiary.

77 (5) The costs of purchasing an insurance policy that
78 provides the cancer benefits contained in this section, or the
79 costs of providing such benefits through a self-funded system,
80 must be borne solely by the employer that employs firefighters
81 and may not be funded by individual firefighters, by any group
82 health insurance trust fund funded partially or wholly by
83 firefighters, or by any self-insured trust fund that provides
84 health insurance coverage which is funded partially or wholly by
85 firefighters.

86 (6) The Division of State Fire Marshal within the
87 Department of Financial Services shall adopt rules to establish
88 employer cancer prevention best practices as it relates to
89 personal protective equipment, decontamination, fire suppression
90 apparatus, and fire stations.

91 Section 2. The Legislature determines and declares that
92 this act fulfills an important state interest.

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

94
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete everything before the enacting clause



516282

98 and insert:

99 A bill to be entitled

100 An act relating to firefighters; creating s. 112.1816,
101 F.S.; providing definitions; granting certain benefits
102 to a firefighter upon receiving a diagnosis of cancer
103 if certain conditions are met; requiring an employer
104 to make certain disability payments to a firefighter
105 in the event of a total and permanent disability;
106 providing for death benefits to a firefighter's
107 beneficiary if a firefighter died as a result of
108 cancer or cancer treatments; specifying that any costs
109 associated with benefits granted by the act are to be
110 borne by the employer; requiring the Division of State
111 Fire Marshal to adopt certain rules; providing a
112 declaration of important state interest; providing an
113 effective date.

By Senator Flores

16-00168B-18

2018900__

A bill to be entitled

An act relating to firefighters; creating s. 112.1816, F.S.; providing definitions; granting certain benefits to a firefighter upon receiving a diagnosis of cancer if certain conditions are met; requiring an employer to make certain disability payments to a firefighter in the event of a total and permanent disability; providing for death benefits to a firefighter's beneficiary if a firefighter died as a result of cancer or cancer treatments; specifying that any costs associated with benefits granted by the act are to be borne by the employer; requiring the Division of the State Fire Marshal to adopt certain rules; providing a declaration of important state interest; providing an effective date.

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

Section 1. Section 112.1816, Florida Statutes, is created to read:

112.1816 Firefighters; cancer diagnosis.—

(1) As used in this section, the term:

(a) "Employer" has the same meaning as in s. 112.191.

(b) "Firefighter" means an individual employed as a full-time firefighter within the fire department or public safety department of an employer whose primary responsibility is the prevention and extinguishing of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the

Page 1 of 4

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

16-00168B-18

2018900__

prevention and control of fires.

(2) Upon a diagnosis of cancer, a firefighter is entitled to the following benefits, at no cost to the firefighter, if the firefighter has been employed by his or her employer for at least 5 continuous years, has not used tobacco products for at least the preceding 5 years, and has not been employed in any other position in the preceding 5 years which is proven to create a higher risk for any cancer:

(a) A group health insurance or self-insurance policy that provides cancer treatment using the same health care network as the group health insurance or self-insurance policy provided to all other employees of the employer. The policy, or a rider added to the group health insurance or self-insurance policy, may not require the firefighter to contribute toward any premium, deductible, copayment, or coinsurance amount. The policy must remain available, at no cost to the firefighter, for at least 10 years after the firefighter leaves employment.

(b) A cash payout of \$25,000.

For purposes of determining employer policies and the provision of benefits, a firefighter's cancer diagnosis must be considered an injury or illness incurred in the line of duty by the employer.

(3) (a) If the firefighter participates in an employer-sponsored retirement plan, the retirement plan must consider the firefighter totally and permanently disabled if he or she is prevented from rendering useful and effective service as a firefighter and is likely to remain disabled continuously and permanently due to the diagnosis of cancer or circumstances

Page 2 of 4

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

16-00168B-18

2018900__

59 arising out of the treatment of cancer.

60 (b) If the firefighter does not participate in an employer-
 61 sponsored retirement plan, the employer must provide a
 62 disability retirement plan that provides the firefighter with at
 63 least 42 percent of his or her annual salary, at no cost to the
 64 firefighter, until the firefighter's death as coverage for
 65 disabilities attributable to the diagnosis of cancer or
 66 disabilities arising out of the treatment of cancer.

67 (4) (a) If the firefighter participated in an employer-
 68 sponsored retirement plan, the retirement plan must consider the
 69 firefighter to have died in the line of duty if he or she dies
 70 as a result of cancer or circumstances arising out of the
 71 treatment of cancer.

72 (b) If the firefighter did not participate in an employer-
 73 sponsored retirement plan, the employer must provide a death
 74 benefit to the firefighter's beneficiary, at no cost to the
 75 firefighter or his or her beneficiary, totaling at least 42
 76 percent of the firefighter's most recent annual salary for at
 77 least 10 years following the firefighter's death.

78 (c) Firefighters who die as a result of cancer or
 79 circumstances arising out of the treatment of cancer are
 80 considered to have died in the manner as described in s.
 81 112.191(2) (a) and all of the benefits arising out of such death
 82 are available to the deceased firefighter's beneficiary.

83 (5) The costs of purchasing an insurance policy that
 84 provides the benefits contained in this section, or the costs of
 85 providing such benefits through a self-funded system, must be
 86 borne solely by the employer that employs firefighters and may
 87 not be funded by individual firefighters, by any group health

Page 3 of 4

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

16-00168B-18

2018900__

88 insurance trust fund funded partially or wholly by firefighters,
 89 or by any self-insured trust fund that provides health insurance
 90 coverage which is funded partially or wholly by firefighters.

91 (6) The Division of the State Fire Marshal within the
 92 Department of Financial Services shall adopt rules to establish
 93 employer best practices regarding how to prevent or reduce the
 94 incidence of cancer among firefighters.

95 Section 2. The Legislature determines and declares that
 96 this act fulfills an important state interest.

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

Page 4 of 4

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/18
Meeting Date

900
Bill Number (if applicable)

Topic Firefighter Cancer Benefits

Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Sr. Legislative Advocate

Address PO Box 1757
Street

Phone 850-701-3621

Tallahassee FL 32033
City State Zip

Email ahughes@flcities.com

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

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

1/30/18
Meeting Date

Topic Firefighter Cancer Bill Number 900
(if applicable)
Name Jim Tolley Amendment Barcode _____
(if applicable)
Job Title President Fla Prof Firefighters
Address 343 west madison st. Phone 850 224 7333
Street
Tallahassee City State Zip
E-mail JimT@FPFP.org

Speaking: For Against Information

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.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-30-18

Meeting Date

900

Bill Number (if applicable)

Topic FIRE FIGHTER CANCER COVERAGE

Amendment Barcode (if applicable)

Name DAVID PEREZ

Job Title 2801 SILVER ST.

Address _____

Phone 786-255-5791

Street

Coral Gables

FL

33013

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Coral Gables Firefighters Local 1210

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)

1/30/18
Meeting Date

SB 900
Bill Number (if applicable)

Topic Firefighters

Amendment Barcode (if applicable)

Name Manny Reyes

Job Title Lobbyist / Miami-Dade Fire Local 1403

Address 2121 Ponce de Leon 11th floor

Phone 305-282-9199

Coral Gables FL 33134
City State Zip

Email Manny@PereiraReyes.com

Speaking: For Against Information

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

Representing Miami-Dade Fire Local 1403

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)

1/30/18

Meeting Date

SB 900

Bill Number (if applicable)

Topic Firefighters

Amendment Barcode (if applicable)

Name Commissioner Daniella Levine-Cava

Job Title Miami-Dade County Commissioner

Address 111 NW 1st St

Phone _____

Street

Miami

City

FL

State

33128

Zip

Email _____

Speaking: For Against Information

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

Representing Miami-Dade County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: January 22, 2018

I respectfully request that **Senate Bill #900**, relating to Firefighters, be placed on the:

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

Anitere Flores

Senator Anitere Flores
Florida Senate, District 39

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 906

INTRODUCER: Health Policy Committee and Senator Young

SUBJECT: Public Records/Health Care Facilities

DATE: January 29, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	Fav/CS
2.	Brown	Caldwell	GO	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 906 provides a public records exemption for certain building plans, blueprints, and other construction documents received by an agency. Current law makes exempt from public records disclosure building plans, blueprints, schematic drawings, and diagrams of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, and a hotel or motel development. The bill applies the existing public records exemption to building plans and other construction documents provided by a health care facility to, in this case, the Agency for Health Care Administration (AHCA).

A health care facility is defined as a hospital, ambulatory surgical center, nursing home, hospice, or intermediate care facility for the developmentally disabled.

In the required statement of public necessity, the bill provides as justification for the exemption that the exemption is needed to ensure the safety of staff, patients, and visitors, due to recent security threats against health care facilities. Building plans include diagrams and details depicting the internal layout and structural elements of the facility, release of which could be misappropriated by terrorists and other criminals in planning an attack on a facility.

The bill includes a provision for an Open Government Sunset Review and provides an automatic repeal date of October 2, 2023, unless reviewed and saved from repeal before that time by the Legislature.

A two-thirds vote of each chamber is required for passage because the bill creates a public records exemption.

The bill takes effect upon becoming law.

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.¹ 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.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ 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.⁵

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.⁶ 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.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

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.⁹ The exemption must

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ 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.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ 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.”

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

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

⁹ FLA. CONST., art. I, s. 24(c).

explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.¹¹

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹² 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.¹³

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.¹⁴ 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.¹⁵ 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.¹⁶ 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;¹⁷

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *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.

¹² 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).

¹³ 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).

¹⁴ 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.

¹⁵ Section 119.15(3), F.S.

¹⁶ Section 119.15(6)(b), F.S.

¹⁷ 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;¹⁸ or
- It protects trade or business secrets.¹⁹

The OGSR also requires specified questions to be considered during the review process.²⁰ 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.²¹ 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.²²

General Public Records Exemption from Inspection or Copying of Public Records

Current law provides a general public records exemption for building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of designated facilities and which are held by an agency.

Facilities to which the exemption applies are:

- An attraction and recreation facility;
- An entertainment or resort complex;
- An industrial complex;
- A retail and service development;
- An office development; and
- A hotel or motel development.²³

Agency for Health Care Administration (AHCA) Review of Health Care Facility Building Plans

The Office of Plans and Construction (Office) within the AHCA is primarily responsible for ensuring that hospitals, nursing homes, ambulatory surgical centers, and Intermediate Care

¹⁸ Section 119.15(6)(b)2., F.S.

¹⁹ Section 119.15(6)(b)3., F.S.

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

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?

²¹ FLA. CONST. art. I, s. 24(c).

²² Section 119.15(7), F.S.

²³ Section 119.071(3)(c)1., F.S.

Facilities for the Developmentally Disabled are safe, functional, and provide safety-to-life for the patients and residents. The Office reviews and approves facilities' plans and specifications and surveys their construction. These licensed health care facilities must notify the Office in writing before any equipment replacements, renovations, additions, or new facilities are created. Plans and specifications for these activities must be approved before any construction begins. Architects, engineers, and other plans and construction personnel survey facilities under construction and, when necessary, write reports for required corrections to the construction before approval of the project is given.²⁴

Schematics, preliminary plans and construction documents received by the AHCA and other government agencies for hospitals, ambulatory surgical centers, nursing homes and intermediate care facilities for the developmentally disabled are subject to release as public records. These plans include building floor plans, communication systems, medical gas systems, electrical systems, and other physical plant and security details. Recent security threats have been shared by state and federal security and emergency preparedness officials that describe the targeting of health care facilities by terrorists. Because architectural and engineering plans reviewed and held by government agencies include information regarding emergency egress, locking arrangements, critical life safety systems, and restricted areas, these plans could be used by criminals or terrorists to examine the physical plant for vulnerabilities.²⁵

III. Effect of Proposed Changes:

Section 1 amends s. 119.071, F.S., to exempt building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of a health care facility. The bill defines "health care facility" as a hospital, ambulatory surgical center, nursing home, hospice, or intermediate care facility for the developmentally disabled. This exemption currently exists for an attraction and recreation facility, entertainment or resort complex, industrial complex, retail and services development, office development, and hotel and motel development.

As the bill makes the information exempt, rather than confidential and exempt from disclosure, the AHCA may have some discretion in releasing the information.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and establishes an automatic repeal date of October 2, 2023, unless saved from repeal before that time by the Legislature.

Section 2 of the bill provides the required public necessity statement. The bill provides that, because the plans and blueprints of health care facilities are held by the AHCA, they are subject to public records laws and may be obtained by criminals and terrorists who plan to exploit vulnerabilities in the health care facilities' physical plants. These documents should be made exempt from disclosure to ensure the safety of the health care facility's staff, patients, and visitors. The bill states that it is a public necessity to exempt these records from public records

²⁴ AHCA, Office of Plans and Construction, available at: <http://ahca.myflorida.com/MCHQ/Plans/> (last visited Jan. 25, 2018).

²⁵ AHCA, *HB 551 Legislative Bill Analysis* (Nov. 28, 2017) (on file with the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Health Policy).

laws in order to prevent possible terrorist or criminal actions and to reduce these facilities' exposure to security threats.

Section 3 provides that the bill takes effect upon becoming law.

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:

Voting Requirement

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

Public Necessity Statement

Article I, Section 24(c) of the Florida Constitution requires a public necessity statement for a newly created or expanded public-records exemption. The Florida Constitution provides that an exemption must state with specificity the public necessity of the exemption. The public necessity statement provides that the exemption is needed to protect the safety of the health care facility's staff, patients, and visitors, to prevent possible terrorist or criminal actions, and to reduce these facilities' exposure to security threats against health care facilities.

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 exempts only building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of a health care facility. This exemption already applies to other specified structures and facilities. Therefore, the bill appears to be no broader than necessary to accomplish the public necessity of the 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 substantially amends section 119.071 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 Health Policy on January 16, 2018:

The CS rewords the public necessity statement to make grammatical changes and to eliminate a reference to information on emergency generators being made exempt from public records laws.

B. Amendments:

None.

By the Committee on Health Policy; and Senator Young

588-02149-18

2018906c1

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements for building plans, blueprints,
 5 schematic drawings, and diagrams held by an agency
 6 which depict the internal layout or structural
 7 elements of certain health care facilities; providing
 8 for future legislative review and repeal of the
 9 exemption; providing a statement of public necessity;
 10 providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Paragraph (c) of subsection (3) of section
 15 119.071, Florida Statutes, is amended to read:
 16 119.071 General exemptions from inspection or copying of
 17 public records.—
 18 (3) SECURITY.—
 19 (c)1. Building plans, blueprints, schematic drawings, and
 20 diagrams, including draft, preliminary, and final formats, which
 21 depict the internal layout or structural elements of an
 22 attractions and recreation facility, entertainment or resort
 23 complex, industrial complex, retail and service development,
 24 office development, health care facility, or hotel or motel
 25 development, which records are held by an agency are exempt from
 26 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 27 2. This exemption applies to any such records held by an
 28 agency before, on, or after the effective date of this act.
 29 3. Information made exempt by this paragraph may be

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

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30 disclosed to another governmental entity if disclosure is
 31 necessary for the receiving entity to perform its duties and
 32 responsibilities; to the owner or owners of the structure in
 33 question or the owner's legal representative; or upon a showing
 34 of good cause before a court of competent jurisdiction.
 35 4. This paragraph does not apply to comprehensive plans or
 36 site plans, or amendments thereto, which are submitted for
 37 approval or which have been approved under local land
 38 development regulations, local zoning regulations, or
 39 development-of-regional-impact review.
 40 5. As used in this paragraph, the term:
 41 a. "Attractions and recreation facility" means any sports,
 42 entertainment, amusement, or recreation facility, including, but
 43 not limited to, a sports arena, stadium, racetrack, tourist
 44 attraction, amusement park, or pari-mutuel facility that:
 45 (I) For single-performance facilities:
 46 (A) Provides single-performance facilities; or
 47 (B) Provides more than 10,000 permanent seats for
 48 spectators.
 49 (II) For serial-performance facilities:
 50 (A) Provides parking spaces for more than 1,000 motor
 51 vehicles; or
 52 (B) Provides more than 4,000 permanent seats for
 53 spectators.
 54 b. "Entertainment or resort complex" means a theme park
 55 comprised of at least 25 acres of land with permanent
 56 exhibitions and a variety of recreational activities, which has
 57 at least 1 million visitors annually who pay admission fees
 58 thereto, together with any lodging, dining, and recreational

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59 facilities located adjacent to, contiguous to, or in close
60 proximity to the theme park, as long as the owners or operators
61 of the theme park, or a parent or related company or subsidiary
62 thereof, has an equity interest in the lodging, dining, or
63 recreational facilities or is in privity therewith. Close
64 proximity includes an area within a 5-mile radius of the theme
65 park complex.

66 c. "Industrial complex" means any industrial,
67 manufacturing, processing, distribution, warehousing, or
68 wholesale facility or plant, as well as accessory uses and
69 structures, under common ownership that:

70 (I) Provides onsite parking for more than 250 motor
71 vehicles;

72 (II) Encompasses 500,000 square feet or more of gross floor
73 area; or

74 (III) Occupies a site of 100 acres or more, but excluding
75 wholesale facilities or plants that primarily serve or deal
76 onsite with the general public.

77 d. "Retail and service development" means any retail,
78 service, or wholesale business establishment or group of
79 establishments which deals primarily with the general public
80 onsite and is operated under one common property ownership,
81 development plan, or management that:

82 (I) Encompasses more than 400,000 square feet of gross
83 floor area; or

84 (II) Provides parking spaces for more than 2,500 motor
85 vehicles.

86 e. "Office development" means any office building or park
87 operated under common ownership, development plan, or management

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88 that encompasses 300,000 or more square feet of gross floor
89 area.

90 f. "Health care facility" means a hospital, ambulatory
91 surgical center, nursing home, hospice, or intermediate care
92 facility for the developmentally disabled.

93 ~~g.f.~~ "Hotel or motel development" means any hotel or motel
94 development that accommodates 350 or more units.

95 6. This paragraph is subject to the Open Government Sunset
96 Review Act in accordance with s. 119.15 and shall stand repealed
97 on October 2, 2023, unless reviewed and saved from repeal
98 through reenactment by the Legislature.

99 Section 2. The Legislature finds that it is a public
100 necessity that the building plans, blueprints, schematic
101 drawings, and diagrams of a health care facility should be made
102 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
103 Article I of the State Constitution to ensure the safety of the
104 health care facility's staff, patients, and visitors. Building
105 plans, blueprints, schematic drawings, diagrams, preliminary
106 plans, and construction documents the Agency for Health Care
107 Administration and other governmental agencies receive which
108 depict the internal layout or structural elements of hospitals,
109 ambulatory surgical centers, nursing homes, hospices, and
110 intermediate care facilities for the developmentally disabled
111 are currently public records and are subject to release upon
112 request. The Agency for Health Care Administration reviews the
113 building plans for proposed health care facility construction to
114 ensure compliance with building codes and agency rules and
115 standards in order to protect the public health and safety.
116 These building plans include diagrams and schematics of building

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117 floor plans, communication systems, medical gas systems,
118 electrical systems, and other physical plant and security
119 details depicting the internal layout and structural elements of
120 the health care facilities. Recent security threats have been
121 shared by state and federal security and emergency preparedness
122 officials which describe the targeting of health care facilities
123 by terrorists. Because architectural and engineering plans
124 reviewed and held by governmental agencies include information
125 regarding emergency egress, locking arrangements, critical life
126 safety systems, and restricted areas, these plans could be used
127 by criminals or terrorists to examine the physical plant for
128 vulnerabilities. Information contained in these documents could
129 aid in the planning of, training for, and execution of criminal
130 actions including infant abduction, cybercrime, arson, and
131 terrorism. Consequently, the Legislature finds that the public
132 records exemption created by this act is a public necessity to
133 reduce exposure to security threats and protect the public.

134 Section 3. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 906

Bill Number (if applicable)

Topic Public Record Exemption

Amendment Barcode (if applicable)

Name Orlando Pryor

Job Title Legislative Affairs Director

Address 2727 Mahan Dr.
Street

Phone 850-412-3626

Tallahassee
City

FL
State

32308
Zip

Email _____

Speaking: For Against Information

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

Representing Agency for Health Care Administration

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Appropriations Subcommittee on Pre-K - 12
Education, *Vice Chair*
Commerce and Tourism
Communications, Energy, and Public Utilities
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DANA YOUNG

18th District

January 17, 2018

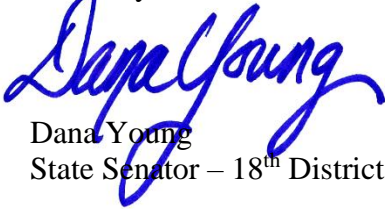
Senator Dennis Baxley, Chair
Governmental Oversight and Accountability Committee
525 Knott Building
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Baxley,

My Senate Bill 906 relating to Public Records/Health Care Facilities has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Should you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dana Young
State Senator – 18th District

cc: Diana Caldwell, Staff Director – Governmental Oversight and Accountability Committee

REPLY TO:

- 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1500

INTRODUCER: Senator Baxley

SUBJECT: Direct-support Organization of the Florida Commission on Community Service

DATE: January 29, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Caldwell	GO	Favorable
2.	_____	_____	AP	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1500 removes the scheduled repeal date of October 1, 2018, for the Florida Commission on Community Service’s direct support organization, the Volunteer Florida Foundation.

The effective date of the bill is July 1, 2018.

II. Present Situation:

Citizen Support Organizations and Direct-support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

CSO and DSO Transparency and Reporting Requirements (s. 20.058, F.S.)

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs created or authorized pursuant to law or executive order and created, approved, or administered by a state agency.¹ Specifically, the law requires each CSO and DSO to annually submit, by August 1, the following information related to its organization, mission, and finances to the agency it supports:²

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;

¹ Chapter 2014-96, Laws of Fla.

² Section 20.058(1), F.S.

- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).³

Each agency receiving the above information must make the information available to the public through the agency's website. If the CSO or DSO maintains a website, the agency's website must provide a link to the website of the CSO or DSO.⁴ Additionally, any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the information.⁵ If a CSO or DSO fails to submit the required information for two consecutive years, the agency must terminate the contract with the CSO or DSO.⁶

By August 15 of each year, each agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and Office of Program Policy Analysis and Government Accountability the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO.⁷

Lastly, a law creating or authorizing the creation of a CSO or DSO must state that the creation of or authorization for the CSO or DSO is repealed on October 1 of the fifth year after enactment, unless reviewed and saved from repeal through reenactment by the Legislature. CSOs and DSOs in existence on July 1, 2014, must be reviewed by the Legislature by July 1, 2019.⁸

CSO and DSO Audit Requirements (s. 215.981, F.S.)

Section 215.981, F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.⁹ The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the DSO or CSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.

Additionally, the Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of the accounts and

³ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501.

⁴ Section 20.058(2), F.S.

⁵ Section 20.058(4), F.S.

⁶ *Id.*

⁷ Section 20.058(3), F.S.

⁸ Section 20.058(5), F.S.

⁹ The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

records of the DSO.¹⁰ The Auditor General is authorized to require and receive any records from the DSO, or from its independent auditor.¹¹

CSO and DSO Ethics Code Requirements (s. 112.3251, F.S.)

Section 112.3251, F.S., requires a CSO or DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S. A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.¹²

Florida Volunteer and Community Service Act of 2001

The Legislature passed HB 47 (2001), the Florida Volunteer and Community Service Act of 2001 (Act) “to promote the development of better communities by fostering greater civic responsibility through volunteerism and service to the community.”¹³ The Act directed the Executive Office of the Governor to “establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives by public agencies, scholastic institutions, private institutions, and individuals that establish and implement programs that encourage and reward volunteerism.”¹⁴ The programs and initiatives developed pursuant to the Act must have the following purposes and objectives:

- To place increased priority on citizen participation and volunteerism as a means of addressing the increasingly complex problems facing Florida’s communities.
- To encourage local community leaders to implement strategies that expand civic participation.
- To promote the concept and practice of corporate citizenship.
- To build the enthusiasm, dedication, and combined expertise of individual citizens and public and private systems to find new and creative ways to effectively use volunteerism and community service.
- To foster the alignment of community volunteer resources with the goals of the state.
- To implement policy and administrative changes that encourage and enable individuals to participate in volunteer and community service activities.
- To encourage nonprofit agencies to interweave volunteers into the fabric of their service delivery as a means of increasing the effectiveness and efficiency of their services.
- To support and promote volunteer service to all citizens as an effective means to address community needs and foster a collective commitment to lifelong community service.
- To recognize National Volunteer Week as a time to encourage all citizens of Florida to participate in local service projects.
- To recognize the value of individual volunteers and volunteer and service organizations and programs and to honor and celebrate the success of volunteers.

¹⁰ Section 11.45(3)(d), F.S.

¹¹ *Id.*

¹² Section 112.3251, F.S.

¹³ Chapter 2001-84, L.O.F. and s. 14.295(2), F.S.

¹⁴ *Id.*

- To encourage volunteer and service efforts to point children in the right direction and to endow them with the character and competence they need to achieve success in life.¹⁵

The Florida Commission on Community Service

The Florida Commission on Community Service (Commission),¹⁶ administratively housed within the Executive Office of the Governor, serves as an advisory board to the Governor, the Cabinet,¹⁷ the Legislature, and appropriate state agencies and entities on matters relating to volunteerism and community service.¹⁸ The Commission is required to consist of no less than 15 and no more than 25 voting members¹⁹ which are appointed on a bipartisan basis by the Governor and confirmed by the Senate.²⁰ Voting members may represent one, or any combination of the following categories, so long as each of the respective categories is represented:

- A representative of a community-based agency or organization.
- The Commissioner of Education or designee thereof.
- A representative of local labor organizations.
- A representative of local government.
- A representative of business.
- An individual between the ages of 16 and 25, inclusive, who is a participant in or a supervisor of a service program for school-age youth, or of a campus-based or national service program.
- A representative of a national service program.
- An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth.
- An individual with experience in promoting service and volunteerism among older adults.²¹

Members of the Commission serve without compensation²² for terms of 3 years²³ and meet at the call of its chair or at the request of a majority of its total voting membership, but shall meet at least biannually.²⁴ A majority of the total voting membership shall constitute a quorum, and the affirmative vote of a majority of a quorum is necessary to take official action.²⁵ The Commission is required to:

¹⁵ Section 14.295(3), F.S.

¹⁶ The Commission is also known as Volunteer Florida. See About Us and History, VOLUNTEER FLORIDA, <https://www.volunteerflorida.org/about/> (last visited on Jan. 24, 2018).

¹⁷ Section 20.03(1), F.S., defines the term “Cabinet” to mean collectively the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, as specified in the s. 4, Art. IV of the State Constitution.

¹⁸ Section 14.29(2), F.S. Any number of nonvoting members may be appointed by the Governor.

¹⁹ Section 14.29(3)(a), F.S. Also, no more than 50 percent plus one of the voting members of the Commission may be aligned with the same political party. See Section 14.29(3)(b), F.S.

²⁰ Section 14.29(3)(a), F.S.

²¹ *Id.* Other members may include educators, experts in the delivery of human educational, environmental, or public safety services, representatives of Indian tribes, out-of-school or at-risk youth, and representatives of programs that are administered by or receive assistance from the Domestic Volunteer Service Act of 1973, as amended.

²² Section 14.29(6), F.S. Voting members may must be reimbursed for per diem and travel expenses in accordance with s. 112.061, F.S.

²³ Section 14.29(4), F.S.

²⁴ Section 14.29(5), F.S.

²⁵ *Id.*

- Annually elect a chair and a vice chair. To be eligible to serve as chair, an individual must be a voting member of the Commission.
- Employ an executive director, who shall be initially designated by the Governor, to carry out the provisions of this section. The executive director shall report directly to the Commission. The executive director shall be the chief administrative officer of the Commission.
- Prepare an annual report detailing its activities during the preceding year and, to the extent possible, compile and synthesize any reports that it accepted on behalf of the Governor. The Commission's report shall be presented to the Governor no later than January 15, with copies to the President of the Senate and the Speaker of the House of Representatives. The report shall also include specific recommendations for any necessary legislation, administrative, or regulatory reform, and the Commission's assessment of the state of volunteerism in Florida.²⁶

The Commission is permitted, but not required, to perform the following actions:²⁷

- Secure assistance from all state departments and agencies in order for the Commission to avail itself of expertise at minimal cost.
- Procure information and assistance from the state or any political subdivision, municipal corporation, public officer, or governmental department or agency thereof.
- Apply for and accept funds, grants, gifts, and services from local, state, or federal government, or from any of their agencies, or any other public or private source and is authorized to use funds derived from these sources to defray administrative costs, implement programs as may be necessary to carry out the Commission's charge, and assist agencies, institutions, and individuals in the implementation of programs pursuant to the Act. The Commission may also authorize Volunteer Florida, Inc., the Commission's nonprofit DSO, to assist in securing training, technical assistance, and other support needed to accomplish the intent and purposes of the Act.
- Contract for necessary goods and services.

The Commission administers \$31.7 million in federal, state and local funding for national service and volunteer programs across the state.”²⁸ The Commission administers national service programs like AmeriCorps, which offers Floridians the opportunity to engage in intensive service to their communities while increasing capacity for nonprofits and other service organizations. The Commission's grantees include schools, educational foundations, nonprofits, faith-based organizations, and other community organizations. The Commission is also the lead agency for coordinating volunteers and donations for the Florida Division of Emergency Management.²⁹

DSO for the Florida Commission on Community Service

The Commission is authorized to create a DSO which is:

- A Florida corporation, not for profit, incorporated under the provisions of Chapter 617, F.S., and approved by the Secretary of State;
- Organized and operated exclusively to receive, hold, invest, and administer property and funds and to make expenditures to or for the benefit of the program; and

²⁶ Section 14.29(7), F.S.

²⁷ Section 14.29(8), F.S.

²⁸ See About Us, VOLUNTEER FLORIDA, <https://www.volunteerflorida.org/about/> (last visited on Jan. 24, 2018).

²⁹ *Id.* See History, VOLUNTEER FLORIDA.

- An organization which the Commission, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state.³⁰

The DSO is required to operate under a written contract with the Commission. The contract must provide for:

- Approval of the articles of incorporation and bylaws of the DSO by the Commission.
- Submission of an annual budget for the approval of the Commission.
- Annual certification by the Commission that the DSO is complying with the terms of the contract and in a manner consistent with the goals and purposes of the Commission and in the best interest of the state.³¹
- The reversion to the Commission, or the state if the Commission ceases to exist, of moneys and property held in trust by the DSO if the DSO is no longer approved to operate.
- The fiscal year of the DSO, to begin July 1 of each year and end June 30 of the following year.
- The disclosure of material provisions of the contract and the distinction between the board of directors and the DSO to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.³²

The members of the DSO's board of directors must include members of the Commission.³³ The Commission may authorize the DSO to use its personal services, facilities, and property, except money.³⁴ Additionally, the Commission is required to adopt rules prescribing the procedures by which the DSO is governed and any conditions with which it must comply to use property, facilities, or personal services of the Commission.³⁵

Funds held by the DSO may be held in a separate depository account and subject to the provisions of the contract with the commission.³⁶ Such funds may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the DSO. The DSO must provide for an annual financial audit in accordance with s. 215.981, F.S.³⁷

The statutory authority for the Commission's DSO is scheduled to repeal on October 1, 2018, unless reviewed and saved from repeal by the Legislature.³⁸

Volunteer Florida Foundation, Inc.

The Commission established a not-for-profit corporation, the Volunteer Florida Foundation, Inc. (VFF), in May 2010, to serve as its DSO. The VFF provides the mechanism for the state to secure private funding and to properly review organizations requesting funding. The VFF is

³⁰ Section 14.29(9)(a), F.S.

³¹ The certification must be reported in the official minutes of a Commission meeting. *See* s. 14.29(9)(b)3., F.S.

³² Section 14.29(9)(b), F.S.

³³ Section 14.29(9)(c), F.S.

³⁴ Section 14.29(9)(d), F.S.

³⁵ Section 14.29(9)(e), F.S.

³⁶ Section 14.29(9)(f), F.S.

³⁷ Section 14.29(9)(g), F.S.

³⁸ Section 14.29(9)(h), F.S.

governed by a board of directors subject to approval by the Commission.³⁹ The board must consist of not less than nine members and not more than fifteen members, each serving a term of 3 years.⁴⁰ The VFF board is responsible for raising funds, approving distribution of funds, and providing oversight of the fund.⁴¹

The VFF administers the Florida Disaster Fund, the State of Florida's official private fund to assist communities in times of disaster.⁴² In 2017, the Florida Disaster Fund provided \$1,250,000 in grants to 59 non-profit partners to support four separate disaster events, including response following Hurricane Irma. The VFF also raises funds to support the Commission's programs, which put national service and volunteers to work in schools and communities across the state, and to support Governor's initiatives, including Florida's Black History Month and Hispanic Heritage Month celebrations, the Florida Gubernatorial Fellows Program, as well as honoring the state's outstanding volunteers, veterans, and educators.⁴³

Senate Professional Staff Review of the Volunteer Florida Foundation

Section 14.29(9), F.S., the statutory authority for the Commission's DSO, is scheduled to repeal on October 1, 2018, unless reviewed and saved from repeal by the Legislature. Professional staff of the Senate Committee on Governmental Oversight and Accountability reviewed the VFF to verify its compliance with applicable Florida Statutes.

Staff found that VFF is a DSO that supports the Commission in its mission to "deliver high-impact national service and volunteer programs across the state."⁴⁴ During the 2017 interim, staff met with representatives of VFF and the Commission to discuss the DSO's operations and structure and to receive documents to assist with the review. After reviewing the submitted documents and reviewing the other requirements to which VFF is subject, staff concluded that it appears VFF is in compliance with its enabling legislation, s. 14.29, F.S., as well as the DSO requirements in s. 20.058, F.S.

Senate professional staff reviewed relevant VFF records from Fiscal Years 2013-14, 2014-15, 2015-16, and 2016-17, and found that the VFF is an active DSO that supports the Commission.

Senate professional staff identified minor technical deficiencies in which the VFF was not in full compliance with the applicable Florida Statutes.⁴⁵ These deficiencies are largely administrative or procedural. The VFF will resolve each deficiency presented by Senate professional staff and intend to comply with the applicable Florida Statutes moving forward.

³⁹ See About Us, Transparency, Governance, VOLUNTEER FLORIDA, <https://www.volunteerflorida.org/volunteer-florida-foundation/> (last visited on Jan. 24, 2018).

⁴⁰ Rule 27O-1.001(2)(c), F.A.C. See also VFF Bylaws (copy on file with the Senate Governmental and Accountability Committee).

⁴¹ Email from Bonnie Hazleton, Chief Operating Officer, Volunteer Florida (Dec. 18, 2017) (copy on file with the Senate Governmental Oversight and Accountability Committee).

⁴² Volunteer Florida Foundation Fact Sheet (copy on file with the Senate Governmental and Accountability Committee).

⁴³ See Foundation, VOLUNTEER FLORIDA FOUNDATION, <https://www.volunteerflorida.org/volunteer-florida-foundation/> (last visited on Jan. 24, 2018).

⁴⁴ *Id.*

⁴⁵ See Florida Senate Review of the Florida Commission on Community Service Direct-support Organization, Staff Findings and Recommendations (Jan. 26, 2018) (on file with the Senate Governmental Oversight and Accountability Committee).

III. Effect of Proposed Changes:

Section 1 amends s. 14.29, F.S., to save from repeal the Commission's DSO, which is currently scheduled for repeal on October 1, 2018.

Section 2 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:

By saving the DSO from repeal, this bill sustains a source of financial and other assistance to Floridians affected by natural disasters and supports Governor's initiatives such as Florida's Black History Month and Hispanic Heritage Month celebrations.

C. Government Sector Impact:

The bill has an indeterminate impact on state government. If the DSO is not saved from repeal, the Commission may need to find another source of funding for the Florida Disaster Fund and initiatives for the Governor's office.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 14.29 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Baxley

12-01456A-18

20181500__

A bill to be entitled

An act relating to the direct-support organization of the Florida Commission on Community Service; amending s. 14.29, F.S.; removing the scheduled repeal of provisions governing the commission's direct-support organization; providing an effective date.

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

Section 1. Subsection (9) of section 14.29, Florida Statutes, is amended to read:

14.29 Florida Commission on Community Service.—

(9) (a) The commission may establish a direct-support organization which is:

1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and funds and to make expenditures to or for the benefit of the program.

3. An organization which the commission, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state.

(b) The direct-support organization shall operate under written contract with the commission. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the commission.

2. Submission of an annual budget for the approval of the

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commission. The budget must comply with rules adopted by the commission.

3. Certification by the commission that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the commission and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the commission.

4. The reversion to the commission, or the state if the commission ceases to exist, of moneys and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate for the commission or the commission ceases to exist.

5. The fiscal year of the direct-support organization, to begin July 1 of each year and end June 30 of the following year.

6. The disclosure of material provisions of the contract and the distinction between the board of directors and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(c) The members of the direct-support organization's board of directors must include members of the commission.

(d) The commission may authorize a direct-support organization to use its personal services, facilities, and property, except money, subject to the provisions of this section. A direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin may not use the property, facilities, or personal services of the

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59 commission. For the purposes of this subsection, the term
60 "personal services" includes full-time personnel and part-time
61 personnel as well as payroll processing.

62 (e) The commission shall adopt rules prescribing the
63 procedures by which the direct-support organization is governed
64 and any conditions with which the direct-support organization
65 must comply to use property, facilities, or personal services of
66 the commission.

67 (f) Moneys of the direct-support organization may be held
68 in a separate depository account in the name of the direct-
69 support organization and subject to the provisions of the
70 contract with the commission. Such moneys may include membership
71 fees, private donations, income derived from fundraising
72 activities, and grants applied for and received by the direct-
73 support organization.

74 (g) The direct-support organization shall provide for an
75 annual financial audit in accordance with s. 215.981.

76 ~~(h) This subsection is repealed effective October 1, 2018,~~
77 ~~unless reviewed and saved from repeal by the Legislature.~~

78 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: SB 7010

INTRODUCER: Banking and Insurance Committee

SUBJECT: OGSR/Payment Instrument Transaction Information/Office of Financial Regulation

DATE: January 29, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Billmeier</u>	<u>Knudson</u>		BI Submitted as Committee Bill
1.	<u>Brown</u>	<u>Caldwell</u>	<u>GO</u>	Favorable
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 7010 is based on an Open Government Sunset Review (OGSR) of a public records exemption for certain information contained in the check cashing database maintained by the Office of Financial Regulation (OFR). Check cashers licensed by the OFR must enter certain information about transactions that exceed \$1,000 into a check cashing database.

The exemption upon which the OGSR is based makes confidential and exempt payment instrument transaction information held by the OFR which identifies a licensee, payor, payee, or conductor. The public necessity statement of the original exemption provides as justification for the exemption that disclosure of the information would reveal sensitive personal financial information including paycheck amounts, salaries, and business activities. Additionally, without the exemption, disclosure of the information could reveal business information that is traditionally private. The justification upon which the exemption is based remains valid. For this reason, the bill deletes the scheduled repeal of the exemption.

The bill requires a majority vote for passage. If the bill passes, the exemption would be permanent.

The bill takes effect 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.¹ This applies to the official business

¹ FLA. CONST., art. I, s. 24(a).

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.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ 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.⁵

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.⁶ 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.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

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.⁹ 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.¹⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.¹¹

² FLA. CONST., art. I, s. 24(a).

³ 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.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ 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.”

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

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

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *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.

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹² 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.¹³

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁴ 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.¹⁵ 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.¹⁶ 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;¹⁷
- 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;¹⁸ or
- It protects trade or business secrets.¹⁹

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

¹² 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).

¹³ 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).

¹⁴ 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.

¹⁵ Section 119.15(3), F.S.

¹⁶ Section 119.15(6)(b), F.S.

¹⁷ Section 119.15(6)(b)1., F.S.

¹⁸ Section 119.15(6)(b)2., F.S.

¹⁹ Section 119.15(6)(b)3., F.S.

²⁰ 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?

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²¹ 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.²²

The Office of Financial Regulation (OFR) Check Cashing Database

The Office of Financial Regulation (OFR) licenses and regulates check cashers pursuant to chapter 560, F.S. In 2013, the OFR was directed to issue a competitive solicitation for “a statewide, real time, online check cashing database to combat fraudulent check cash activity.”²³ The OFR launched the database on October 1, 2015.²⁴ Florida law imposes various requirements on check cashers. A licensee must maintain copies of each payment instrument cashed.²⁵ If the payment instrument exceeds \$1,000, the following additional information must be maintained:

- Customer files, as prescribed by rule, on all customers who cash corporate payment instruments that exceed \$1,000;
- Copies of personal identification with a photograph of each customer used as identification and presented by the customer;
- Thumbprints of each customer taken by the licensee when the payment instrument is presented for negotiation or payment.²⁶

The licensee must enter the following information into the check cashing database before cashing a payment instrument in excess of \$1,000:

- Transaction date;
- Payor name as displayed on the payment instrument;
- Payee name as displayed on the payment instrument;
- Conductor name, if different from the payee name;
- Amount of the payment instrument;
- Amount of currency provided;
- Type of payment instrument, which may include personal, payroll, government, corporate, third-party, or another type of instrument;
- Amount of the fee charged for cashing of the payment instrument;
- Branch or location where the payment instrument was accepted;
- The type of identification and identification number presented by the payee or conductor; and
- Payee’s workers’ compensation insurance policy number or exemption certificate number, if the payee is a business.²⁷

-
- 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?

²¹ FLA. CONST. art. I, s. 24(c).

²² Section 119.15(7), F.S.

²³ Section 560.310(4), F.S.; Chapter 2013-139, Laws of Florida.

²⁴ Office of Financial Regulation, *Florida Office of Financial Regulation Announces New Tool to Combat Financial Fraud* (Sept. 3, 2015), available at <https://www.flofr.com/PressReleaseDetail.aspx?id=4562> (last visited Jan. 24, 2018).

²⁵ Section 560.310(1), F.S.

²⁶ Section 560.310(2)(a)-(c), F.S.

²⁷ Section 560.310(2)(d), F.S.

The Legislature provided for the creation of the database as a tool to combat workers' compensation insurance premium fraud.²⁸ A common fraud scheme works as follows. A "facilitator" creates a shell company and purchases a minimal workers' compensation insurance policy²⁹ in the name of the shell company. The facilitator then allows an uninsured subcontractor to use the shell company name and workers' compensation insurance policy, for a fee, to obtain work from general contractors. After the subcontractor completes work, the general contractor pays the subcontractor wages with a company check made payable to the shell company. The facilitator cashes the check at a check cashing business, collects a fee for providing the insurance policy, and pays the subcontractor in cash. The subcontractor benefits because it has been able to operate using a minimal insurance policy and does not have to pay the full premium for workers' compensation coverage. The costs of these fraudulent schemes are absorbed by contractors and subcontractors who do not commit fraud.

The Department of Financial Services (DFS) uses the check cashing database and workers' compensation premium information held by the DFS to investigate insurance fraud. For example, the DFS could contrast information on the check cashing database showing a company cashed checks for \$50,000 with workers' compensation insurance filings that the company only reported \$10,000 in payroll. The DFS would investigate the company for compliance with workers' compensation laws and for insurance fraud. Additionally, the money service business could be alerted of the inconsistency, and refuse the check at the time it is presented.³⁰ Without the "real time" information obtained from the check cashing database, some fraud schemes might not be discovered until the OFR examines a licensee during its routine 5 year examination. The "shell" companies used to perpetrate the fraud scheme may only exist for a few months before the facilitator creates another company. Therefore, the ability of the OFR to access timely information is critical.

The DFS recently made an arrest in a workers' compensation fraud case. The DFS alleges that the defendant attempted to avoid payment workers' compensation insurance premium by underreporting the number of staff employed, the company's payroll, and the company's scope of work. In this case the defendant claimed that his company's annual payroll was \$273,786 and was quoted a workers' compensation insurance premium of \$25,311. DFS investigators determined the defendant cashed at least 620 checks worth nearly \$6.5 million at various check cashing businesses throughout Florida. If the defendant had accurately reported his payroll, his premium would have exceeded \$1 million.³¹

²⁸ Committee on Appropriations, The Florida Senate, *Bill Analysis and Fiscal Impact Statement of CS/SB 410*, April 25, 2013, at p. 1

²⁹ The facilitator typically obtains a policy covering a small number of workers in a low risk occupation so the premium paid to the insurer is minimal. Once the facilitator obtains a certificate of insurance, the facilitator can allow multiple contractors or subcontractors to use it and can charge a fee much less than the cost of workers' compensation coverage.

³⁰ Office of Financial Regulation, Department of Financial Services, *A Report by Money Service Business Facilitated-Workers' Compensation Fraud Work Group* at p. 11 (available at https://www.myfloridacfo.com/siteDocs/MoneyServiceBusiness/WC_MSBReport-Rec.pdf (last visited Jan. 24, 2018)).

³¹ Office of Financial Regulation, Department of Financial Services, *\$1 Million Workers' Comp Scam Leads to Arrest of Construction Company Owner*, (Nov. 3, 2017); available at <https://www.myfloridacfo.com/sitePages/newsroom/pressRelease.aspx?id=4939> (last visited Jan. 24, 2018).

The DFS has investigated 86 cases involving “shell” companies and premium fraud since July 2016, and identified over \$196 million in transactions believed to be fraudulent. Twenty four people were arrested in various cases during fiscal year 2015-2016.³²

Confidential and Exempt Information from the Check Cashing Database

Section 560.312, F.S., provides that payment instrument transaction information held by the OFR pursuant to s. 560.310, F.S., which identifies a licensee, payor, payee, or conductor is confidential and exempt from disclosure. The Legislature made such information confidential and exempt because disclosure would “reveal sensitive personal financial information about payees and conductors” including “paycheck amounts, salaries, and business activities.”³³ The Legislature further found that public disclosure of licensees or payors would reveal business information that is traditionally private.³⁴ While information that identifies licensees, payors, payees, or conductors is confidential and exempt, other information is not.

Concerns Over Allowing Identifying Information to be Made Public

Staff with the OFR express concern that if identifying information were to be made public, persons or entities identified could be targets of crime. For example, the check cashing database contains information revealing the number of transactions over \$1,000 at a specific location on specific dates. If criminals were to access the database and learn that a certain location cashed a large number of checks on a certain day each month, that location or the persons conducting business at that location could face a higher risk of robbery.

In addition, the exemption applies to all persons who may use a check cashing business. For example, an individual without a bank account may choose to cash his or her paycheck at a check cashing business. The Legislature has specifically found that sensitive financial information such as paychecks and salary amounts is traditionally private.³⁵ If the exemption were to be repealed, many traditionally private transactions would be subject to public review.

Questions for the Legislature to Consider

Section 119.15, F.S., provides that an exemption shall be maintained only if it serves an identifiable public purpose, and the exemption may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects information of a sensitive personal nature concerning individuals, the release of which information would jeopardize the safety of such individuals. However, in exemptions

³² Department of Financial Services Memorandum from the Bureau Chief of Worker’s Compensation Fraud to the Director of the Investigative and Forensic Services Division dated October 13, 2017 (on file with the Committee on Governmental Oversight and Accountability and the Committee on Banking and Insurance).

³³ Chapter 2013-155, L.O.F.

³⁴ *Id.*

³⁵ *Id.*

under this subparagraph, only information that would identify the individuals may be exempted; or

- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.³⁶

If the Legislature finds an identifiable public purpose, it must also find that the purpose is sufficiently compelling to override the strong public policy of open government and that the purpose cannot be accomplished without the exemption.

III. Effect of Proposed Changes:

This bill is based on an Open Government Sunset Review of a public records exemption for certain information contained in the check cashing database maintained by the Office of Financial Regulation. Check cashers licensed by the OFR must enter certain information about transactions that exceed \$1,000 into a check cashing database.

The exemption upon which the OGSR is based makes confidential and exempt payment instrument transaction information held by the OFR which identifies a licensee, payor, payee, or conductor. The public necessity statement of the original exemption provides as justification for the exemption that disclosure of the information would reveal sensitive personal financial information including paycheck amounts, salaries, and business activities. Additionally, without the exemption, disclosure of the information could reveal business information that is traditionally private. The justification upon which the exemption is based remains valid. For this reason, the bill deletes the scheduled repeal of the exemption.

The bill requires a majority vote for passage. If the bill passes, the exemption would be permanent.

The bill takes effect 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:

The bill continues a current exemption but does not expand the scope of an existing exemption. Therefore, a simple majority vote of the members present and voting in each house of the Legislature is required for passage.

³⁶ Section 119.15(6)(b), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Maintaining the exemption will allow the private sector to continue to maintain the confidentiality of financial information, such as the identity of persons who cash checks in amounts of \$1,000 or greater, which has historically been confidential.

Preserving the ability of the OFR to timely investigate and prosecute fraud will maintain a more level playing field for legitimate contractors.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 560.312 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 the Committee on Banking and Insurance

597-01994-18

20187010__

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 560.312, F.S., relating
 4 to an exemption from public records requirements for
 5 certain payment instrument transaction information
 6 held by the Office of Financial Regulation; removing
 7 the scheduled repeal of the exemption; providing an
 8 effective date.

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

11
 12 Section 1. Section 560.312, Florida Statutes, is amended to
 13 read:

14 560.312 Database of payment instrument transactions;
 15 confidentiality.-

16 (1) Payment instrument transaction information held by the
 17 office pursuant to s. 560.310 which identifies a licensee,
 18 payor, payee, or conductor is confidential and exempt from s.
 19 119.07(1) and s. 24(a), Art. I of the State Constitution.

20 (2) (a) A licensee may access information that it submits to
 21 the office for inclusion in the database.

22 (b) The office, to the extent permitted by state and
 23 federal law, may enter into information-sharing agreements with
 24 the department, law enforcement agencies, and other governmental
 25 agencies and, in accordance with such agreements, may provide
 26 the department, law enforcement agencies, and other governmental
 27 agencies with access to information contained in the database
 28 for use in detecting and deterring financial crimes and workers'
 29 compensation violations, pursuant to chapter 440. Any department

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

597-01994-18

20187010__

30 or agency that receives confidential information from the office
 31 under this paragraph must maintain the confidentiality of the
 32 information, unless, and only to the extent that, a court order
 33 compels production of the information to a specific party or
 34 parties.

35 ~~(3) This section is subject to the Open Government Sunset~~
 36 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
 37 ~~on October 2, 2018, unless reviewed and saved from repeal~~
 38 ~~through reenactment by the Legislature.~~

39 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
APPEARANCE RECORD

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

1/30/2018

Meeting Date

SB 7010

Bill Number (if applicable)

Topic SB 7010 - OGSR/Payment Instrument Transaction Information/Office of Financial Regulation

Amendment Barcode (if applicable)

Name Jamie Mongiovi

Job Title Office of Financial Regulation

Address 200 East Gaines Street

Phone 850-410-9601

Street

Tallahassee

Florida

32303

Email jamie.mongiovi@flofr.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Office of Financial Regulation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
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 7012

INTRODUCER: Banking and Insurance Committee

SUBJECT: OGSR/Citizens Property Insurance Corporation Policyholder Eligibility Clearinghouse

DATE: January 29, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Matiyow</u>	<u>Knudson</u>		BI Submitted as Committee Bill
1.	<u>Brown</u>	<u>Caldwell</u>	<u>GO</u>	Favorable
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 7012 provides an Open Government Sunset Review of a public records exemption that makes confidential and exempt proprietary business information provided by participating insurers to the Citizens Property Insurance Corporation’s clearinghouse program (clearinghouse). The proprietary business information is shared with the clearinghouse to facilitate placing risks with participating private market insurers instead of Citizens when applicants or current Citizens policyholders seek new or renewal property insurance coverage from Citizens. Participating insurers use their own proprietary business information in the identification and selection of risks within the program before an offer of coverage is made.

The original public necessity statement upon which the public records exemption is based provides as justification for the exemption that public disclosure of the detailed data required for the program from participating insurers could result in a substantial chilling effect on insurer participation and, ultimately undermine the success of the program.

Justification for the public records exemption remains valid. Therefore, the bill deletes the repeal of the public records exemption.

The bill requires passage by a simple majority vote of each chamber.

The bill takes effect 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.¹ 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.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ 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.⁵

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.⁶ 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.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

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.⁹ 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.¹⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.¹¹

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ 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.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ 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.”

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

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

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *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.’¹² 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.¹³

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.¹⁴ 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.¹⁵ 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.¹⁶ 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;¹⁷
- 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;¹⁸ or
- It protects trade or business secrets.¹⁹

The OGSR also requires specified questions to be considered during the review process.²⁰ 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.

¹² 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).

¹³ 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).

¹⁴ 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.

¹⁵ Section 119.15(3), F.S.

¹⁶ Section 119.15(6)(b), F.S.

¹⁷ Section 119.15(6)(b)1., F.S.

¹⁸ Section 119.15(6)(b)2., F.S.

¹⁹ Section 119.15(6)(b)3., F.S.

²⁰ 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.²¹ 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.²²

Citizens Property Insurance Corporation Policyholder Eligibility Clearinghouse Program (clearinghouse)

The Legislature established the Citizens Property Insurance Corporation policyholder eligibility clearinghouse program (clearinghouse) in 2013.²³ The program identifies private-market property insurance options for homeowners who believe Citizens may be their only choice for property insurance. When an applicant applies for coverage with Citizens, the Citizens agent enters information from the application into the clearinghouse. Participating private-market companies review the information in determining whether to offer coverage. If so, the agent provides the applicant with a quote sheet that includes a side-by-side list of offers received. The quote sheet indicates which offers are comparable to Citizens and whether any of the offers falls within the threshold of no more than 15 percent greater than Citizens current rate for new policies and 0 percent of Citizens current rate for renewal policies. If an offer from a participating private market insurer falls within these thresholds, the applicant is ineligible for coverage with Citizens.²⁴ Renewal applicants made ineligible for coverage due to a private market offer through the clearinghouse can reapply and be rated as a renewal if, within the first 3 years of leaving Citizens, their private market rate increased by greater than 10 percent in one year.²⁵

To date, a total of 15 private market insurers participate in the clearinghouse.²⁶ Since its launch in 2014, thru December 12, 2017, a total of 45,835 new policies and \$13.56 billion in Coverage A has been channeled away from Citizens.²⁷ Additionally, during this same time frame, 8,880

-
- 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?

²¹ FLA. CONST. art. I, s. 24(c).

²² Section 119.15(7), F.S.

²³ Chapter 2013-60, L.O.F.

²⁴ Sections 627.3518(5), and 627.351(6)(n)6., F.S.

²⁵ *Id.*

²⁶ Citizens Property Insurance Corporation, *Clearinghouse*, available at: <https://www.citizensfla.com/clearinghouse> (Last visited Jan. 25, 2018).

²⁷ Citizens Property Insurance Corporation, *Citizens Market Accountability and Advisory Committee Depopulation and Clearinghouse Update*, Dec. 12, 2017, available at: <https://www.citizensfla.com/documents/20702/6045232/20171212+05+Depopulation+and+Clearinghouse+Update.pdf/4f2151bc-a9fb-4bc6-874a-4c01072b58be> (Last visited Jan. 25, 2018).

renewal policies consisting of \$1.55 billion in Coverage A has also been channeled out of Citizens and into the private market.²⁸

Public Records Exemption for Proprietary Business Information

In addition to establishing the clearinghouse, the 2013 Legislature provided a public records exemption for proprietary business information submitted to the clearinghouse.²⁹ Specifically, the exemption made confidential and exempt proprietary business information provided to the clearinghouse by insurers, which is used to identify and select risks for an offer of coverage.

Proprietary business information, for purposes of the public records exemption, is information, regardless of form or characteristics, owned or controlled by an insurer which:

- Is identified by the insurer as proprietary business information and is intended to be and is treated by the insurer as private in that the disclosure of the information would cause harm to the insurer, an individual, or the company's business operations and has not been disclosed unless disclosed pursuant to a statutory requirement, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public;
- Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to the clearinghouse; and
- Includes, but is not limited to:
 - Trade secrets.
 - Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Proprietary business information may be found in underwriting criteria or instructions which are used to identify and select risks for an offer of coverage through the program and are shared with the clearinghouse to facilitate the shopping of risks by participating insurers.³⁰

The clearinghouse may, however, disclose confidential and exempt proprietary business information:

- If the insurer to which it pertains gives prior written consent;
- If required by a court order; or
- If given to another state agency in this or another state or a federal agency provided the recipient agrees in writing to maintain the confidential and exempt status of the information.

As justification for the public records exemption, the public necessity statement provides, in part:

Obtaining offers of coverage from authorized insurers through the clearinghouse will provide more choices for consumers and reduce the corporation's exposure and potential for imposing assessments on its policyholders and policyholders in the private market. In order for the program to efficiently determine whether there are authorized insurers interested in making an offer of coverage for a particular risk, a substantial amount of detailed data from participating insurers must be

²⁸ *Id.*

²⁹ Chapter 2013-61, L.O.F.; Section 627.3518(11), F.S. Chapter 2013-61, L.O.F., originally placed the public records exemption in subsection (10) of s. 627.3518, F.S., but it has subsequently been renumbered.

³⁰ Section 627.3518(11)(a), F.S.

provided Public disclosure of the detailed data could result in a substantial chilling effect on insurer participation in the program and thereby undermine the program's success.³¹

III. Effect of Proposed Changes:

The bill provides an Open Government Sunset Review (OGSR) of a public records exemption that makes confidential and exempt proprietary business information provided by participating insurers to the Citizens clearinghouse program. The proprietary business information is shared with the clearinghouse to facilitate placing risks with participating private market insurers instead of Citizens when applicants or current Citizens policyholders seek new or renewal property insurance coverage from Citizens. Participating insurers use their own proprietary business information in the identification and selection of risks within the program before an offer of coverage is made.

The original public necessity statement upon which the public records exemption is based provides as justification for the exemption that public disclosure of the detailed data required for the program from participating insurers could result in a substantial chilling effect on insurer participation and, ultimately undermine the success of the program.

Justification for the public records exemption remains valid. Therefore, the bill deletes the repeal of the public records exemption.

The bill requires passage by a simple majority vote of each chamber.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill complies with the requirement of article I, section 24 of the State Constitution that a public records exemption created by the Legislature may only contain exemptions from the constitutional public access requirements and shall relate to one subject.

C. Trust Funds Restrictions:

None.

³¹ Chapter 2013-61, L.O.F.

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

None.

B. Private Sector Impact:

If the exemption is repealed, insurers may stop participating in the clearinghouse program and Citizens efforts to depopulate could be negatively impacted.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 627.3518 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 the Committee on Banking and Insurance

597-01997-18

20187012__

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 627.3518, F.S.,
 4 relating to an exemption from public records
 5 requirements for certain proprietary business
 6 information provided by insurers to the Citizens
 7 Property Insurance Corporation policyholder
 8 eligibility clearinghouse; removing the scheduled
 9 repeal of the exemption; providing an effective date.

10

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

12

13 Section 1. Subsection (11) of section 627.3518, Florida
 14 Statutes, is amended to read:

15 627.3518 Citizens Property Insurance Corporation
 16 policyholder eligibility clearinghouse program.—The purpose of
 17 this section is to provide a framework for the corporation to
 18 implement a clearinghouse program by January 1, 2014.

19 (11) Proprietary business information provided to the
 20 corporation's clearinghouse by insurers with respect to
 21 identifying and selecting risks for an offer of coverage is
 22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 23 of the State Constitution.

24 (a) As used in this subsection, the term "proprietary
 25 business information" means information, regardless of form or
 26 characteristics, which is owned or controlled by an insurer and:

27 1. Is identified by the insurer as proprietary business
 28 information and is intended to be and is treated by the insurer
 29 as private in that the disclosure of the information would cause

Page 1 of 3

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30 harm to the insurer, an individual, or the company's business
 31 operations and has not been disclosed unless disclosed pursuant
 32 to a statutory requirement, an order of a court or
 33 administrative body, or a private agreement that provides that
 34 the information will not be released to the public;

35 2. Is not otherwise readily ascertainable or publicly
 36 available by proper means by other persons from another source
 37 in the same configuration as provided to the clearinghouse; and

38 3. Includes, but is not limited to:

39 a. Trade secrets.

40 b. Information relating to competitive interests, the
 41 disclosure of which would impair the competitive business of the
 42 provider of the information.

43

44 Proprietary business information may be found in underwriting
 45 criteria or instructions which are used to identify and select
 46 risks through the program for an offer of coverage and are
 47 shared with the clearinghouse to facilitate the shopping of
 48 risks with the insurer.

49 (b) The clearinghouse may disclose confidential and exempt
 50 proprietary business information:

51 1. If the insurer to which it pertains gives prior written
 52 consent;

53 2. Pursuant to a court order; or

54 3. To another state agency in this or another state or to a
 55 federal agency if the recipient agrees in writing to maintain
 56 the confidential and exempt status of the document, material, or
 57 other information and has verified in writing its legal
 58 authority to maintain such confidentiality.

Page 2 of 3

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

597-01997-18

20187012__

59 ~~(e) This subsection is subject to the Open Government~~
60 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
61 ~~repealed on October 2, 2018, unless reviewed and saved from~~
62 ~~repeal through reenactment by the Legislature.~~

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/30/18
Meeting Date

7012
Bill Number (if applicable)

Topic Citizens Public Records Exemption

Amendment Barcode (if applicable)

Name Candace Bunker

Job Title _____

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 Citizens Property Insurance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Environmental Preservation and
Conservation, *Vice Chair*
Appropriations
Appropriations Subcommittee on the Environment
and Natural Resources
Appropriations Subcommittee on Higher
Education
Education
Governmental Oversight and Accountability

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR LINDA STEWART

13th District

January 30, 2018

Chair Baxley:

Please excuse my absence from this morning's Governmental Oversight and Accountability meeting. As we discussed, it was necessary for me to present a bill before another committee. Thank you for your kind consideration.

Sincerely,

A handwritten signature in black ink that reads "Linda Stewart". The signature is written in a cursive, flowing style.

Senator Linda Stewart

REPLY TO:

- 1726 S. Bumby Avenue, Orlando, Florida 32806 (407) 893-2422 FAX: (888) 263-3680
- 205 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Committee on Governmental Oversight and Accountability

Judge:

Started: 1/30/2018 10:03:46 AM

Ends: 1/30/2018 10:36:17 AM

Length: 00:32:32

10:03:48 AM Meeting called to order
10:04:01 AM Roll Call - Quorum is present
10:04:19 AM Chair, directions for meeting
10:04:32 AM Tab 6 - SB 7010 by Senator Flores, OSGR/Payment Instrument Transaction Inf./Office of Financial Regulation
10:05:05 AM Sen. Flores explains bill
10:05:15 AM Questions on Bill? None
10:05:20 AM Appearance?
10:05:32 AM Jamie Mongiovi, Office of Financial Regulation/ Fla. Office of Financial Reg.,waives in support
10:05:37 AM Debate? None
10:05:41 AM Sen. Young waives close
10:05:46 AM Roll Call SB 7010
10:05:57 AM Favorable
10:06:10 AM Tab 7 - SB 7012 by Sen. Flores, OSGR/Citizens Property Insurance Corporation Policyholder Eligibility Clearinghouse
10:06:22 AM Questions? None.
10:06:34 AM Appearance forms?
10:06:40 AM Candace Bunker, Citizens Property Insurance, waives in support
10:06:44 AM Debate? None
10:06:50 AM Sen. Flores waives close
10:07:02 AM Roll Call on SB 7012- Favorable
10:07:15 AM Tab 3 - SB 900 - by Sen. Flores, Firefighters
10:07:38 AM Late Filed Strike all amendment #516282
10:09:58 AM Questions on amendment
10:10:37 AM Sen. Rader, question on workers comp
10:10:46 AM Response by Sen. Flores
10:11:47 AM Questions?
10:12:06 AM Question by Sen. Stargel, workers comp. complications for firefighters
10:12:17 AM Response by Sen. Flores
10:12:49 AM Chair, questions on strike all amendment? None.
10:12:58 AM Appearance cards on strike all? None
10:13:04 AM Debate? Objections to amendment? None.
10:13:12 AM No objections. Show amendment adopted. Back on bill as amended
10:13:35 AM Amber Hughes, Fla. League of Cities, speaking against the bill
10:16:18 AM Sen. Baxley question of Amber, will bill help with issue of recruit and retention of first responders?
10:16:26 AM Response by Amber
10:17:37 AM Jim Tolley, President Fla. Prof. Firefighters, Prof. Firefighters of Florida, speaking for the bill
10:20:03 AM David Perez, Coral Gables Firefighters Local 1210, waives in support
10:20:28 AM Manny Reyes, Lobbyist, Miami-Dade Fire Local 1403, speaking for the bill
10:21:19 AM Daniell Levie-Cava, Miami-Dade County Commissioner, speaking for the bill
10:23:11 AM Debate on bill as amended? None
10:23:19 AM Sen. Flores waives close
10:24:15 AM Roll Call CS/SB 900 - favorable
10:24:27 AM Tab 4 - CS/SB 906 by Sen. Young, Public Records/Health Care Facilities
10:25:21 AM Questions? None
10:25:32 AM Appearance forms?
10:25:36 AM Orlando Pya, Agency for Health Care Administration, waives in support
10:25:47 AM Sen. Young waives to close
10:26:04 AM Roll Call CS/SB 906 favorable
10:26:23 AM Tab 2 - SB 300 by Sen. Rouson
10:28:33 AM Questions on bill? None.
10:28:45 AM Amendment # 830918 by Sen. Rouson

10:29:05 AM Questions, appearance cards, debate on amendment? None.
10:29:13 AM Sen. Rouson waive to close on amendment
10:29:17 AM Amendment is adopted
10:29:28 AM Amendment # 924600 by Sen. Rouson
10:29:52 AM Questions, appearance forms?
10:30:02 AM Tim Nungesser, Leg. Director, Nat. Fed. of Indep. Business, waives in support
10:30:12 AM Carolyn Johnson, Policy Director, Fla. Chamber of Commerce, waives in support
10:30:35 AM Objections, to amendment? None. Show amendment 924600 adopted.
10:30:46 AM Questions on bill as amended? None
10:30:52 AM Sen. Rouson waives close
10:31:04 AM Roll call CS/SB 300, Favorable
10:31:55 AM Tab 1 - CS/SB 170 by Sen. Grimsley, Rural Economic Development Initiative
10:32:57 AM Questions? Appearance?
10:33:08 AM Carolyn Johnson, waives in support
10:33:14 AM Debate? None
10:33:21 AM Sen. Grimsley waives close
10:33:33 AM Roll Call CS/SB 170 -favorable
10:33:50 AM Sen. Mayfield in chair
10:34:05 AM Tab 5 - 1500 by Sen. Baxley, Direct-Support Organization of the Florida Commission on Community Service
10:35:06 AM Questions? Appearance? Debate? None
10:35:11 AM Sen. Baxley waives close
10:35:20 AM Roll Call - SB 1500 - Favorable
10:35:31 AM Sen. Baxley back in chair
10:35:39 AM Comments by Chair
10:36:01 AM Sen. Mayfield, go on record for SB's 900, 906, 7010, 7012 show as favorable vote
10:36:04 AM Chair, closing comments
10:36:17 AM Sen. Rader moves to adjourn