

<b>Tab 1</b>	<b>SB 46 by Galvano;</b> (Similar to CS/H 06545) Relief of Ramiro Companioni, Jr., by the City of Tampa					
631512	A	S	RCS	JU, Galvano	Delete L.9 - 148:	01/30 05:15 PM
233232	SA	S	RCS	JU, Galvano	Delete L.9 - 148:	01/30 05:15 PM
<b>Tab 2</b>	<b>SB 308 by Bean (CO-INTRODUCERS) Steube;</b> (Similar to CS/H 00009) Federal Immigration Enforcement					
<b>Tab 3</b>	<b>CS/SB 514 by HP, Young;</b> (Similar to CS/CS/H 00429) Transplant of Human Tissue					
<b>Tab 4</b>	<b>SB 694 by Brandes (CO-INTRODUCERS) Bracy;</b> (Compare to H 00481) Mandatory Sentences					
<b>Tab 5</b>	<b>SB 1042 by Brandes (CO-INTRODUCERS) Passidomo;</b> (Similar to CS/H 00771) Notaries Public					
<del>268372</del>	A	S	WD	JU, Brandes	Delete L.533 - 553:	01/30 05:09 PM
<del>436070</del>	A	S	WD	JU, Brandes	btw L.1145 - 1146:	01/30 05:09 PM
<b>Tab 6</b>	<b>SB 1348 by Perry;</b> (Identical to CS/H 00883) Community Development Districts					
819964	A	S	RCS	JU, Perry	Delete L.48 - 99:	01/30 05:15 PM
<b>Tab 7</b>	<b>SM 940 by Rodriguez;</b> (Similar to CS/H 00147) Puerto Rico					
<b>Tab 8</b>	<b>SM 1382 by Rodriguez (CO-INTRODUCERS) Torres;</b> (Similar to CS/H 00381) Venezuela					
<b>Tab 9</b>	<b>SB 1580 by Stargel;</b> (Similar to H 01323) Florida Guide to a Healthy Marriage					
<b>Tab 10</b>	<b>SB 904 by Powell;</b> (Identical to H 00599) Lis Pendens					
520686	D	S	RCS	JU, Steube	Delete everything after	01/30 05:16 PM
970832	AA	S	RCS	JU, Powell	btw L.156 - 157:	01/30 05:16 PM
<b>Tab 11</b>	<b>SB 1028 by Thurston;</b> (Similar to H 01285) Corporations					
<b>Tab 12</b>	<b>SB 1034 by Steube;</b> (Similar to H 01043) Mediation					
738538	A	S		JU, Steube	Delete L.77 - 82:	01/09 06:07 PM

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

**JUDICIARY**  
**Senator Steube, Chair**  
**Senator Benacquisto, Vice Chair**

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** *Toni Jennings Committee Room, 110 Senate Office Building*

**MEMBERS:** Senator Steube, Chair; Senator Benacquisto, Vice Chair; Senators Bracy, Bradley, Flores, Garcia, Gibson, Mayfield, Powell, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 46</b> Galvano (Similar CS/H 6545)	Relief of Ramiro Companioni, Jr., by the City of Tampa; Providing for the relief of Ramiro Companioni, Jr., by the City of Tampa; providing for an appropriation to compensate Mr. Companioni for injuries sustained as a result of the negligence of an employee of the City of Tampa, etc.  SM JU      01/30/2018 Fav/CS GO RC	Fav/CS Yeas 10 Nays 0
2	<b>SB 308</b> Bean (Similar CS/H 9)	Federal Immigration Enforcement; Citing this act as the "Rule of Law Adherence Act"; creating provisions relating to federal immigration enforcement; prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to comply with and support the enforcement of federal immigration law; authorizing a board of county commissioners to adopt an ordinance to recover costs for complying with an immigration detainer; authorizing local governmental entities and law enforcement agencies to petition the Federal Government for reimbursement of certain costs, etc.  JU      01/30/2018 Temporarily Postponed RC	Temporarily Postponed
3	<b>CS/SB 514</b> Health Policy / Young (Similar CS/CS/H 429)	Transplant of Human Tissue; Requiring the Department of Health to develop and publish an educational pamphlet which contains certain information on the risks and benefits of transplants; requiring the department to notify physicians of the availability of the pamphlet, etc.  HP      01/23/2018 Fav/CS JU      01/30/2018 Favorable RC	Favorable Yeas 10 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Judiciary

Tuesday, January 30, 2018, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 694</b> Brandes (Compare H 481, CS/S 602)	Mandatory Sentences; Authorizing a court to issue a sentence shorter than a mandatory minimum term of imprisonment for a person convicted of trafficking if the court makes certain findings on the record, etc.  CJ 12/04/2017 Favorable JU 01/30/2018 Favorable ACJ AP	Favorable Yeas 7 Nays 3
5	<b>SB 1042</b> Brandes (Similar CS/H 771)	Notaries Public; Revising provisions relating to use of the office of notary public; requiring electronic signatures to include access protection; providing that a person applying for a notary public commission must provide proof of identity to the Executive Office of the Governor, rather than the Department of State, upon request; specifying the manner by which an online notary public must verify the identity of a principal or a witness, etc.  JU 01/30/2018 Favorable GO RC	Favorable Yeas 10 Nays 0
6	<b>SB 1348</b> Perry (Identical CS/H 883)	Community Development Districts; Authorizing adjacent lands located within the county or municipality which a petitioner anticipates adding to the boundaries of a new community development district to also be identified in a petition to establish the new district under certain circumstances; providing that the amendment of a district by the addition of a parcel does not alter the transition from landowner voting to qualified elector voting; requiring the petitioner to cause to be recorded a certain notice of boundary amendment upon adoption of the ordinance expanding the district, etc.  CA 01/23/2018 Favorable JU 01/30/2018 Fav/CS RC	Fav/CS Yeas 10 Nays 0
7	<b>SM 940</b> Rodriguez (Similar CS/HM 147)	Puerto Rico; Urging Congress to apply law and policy in Puerto Rico without discrimination or inequality and to incorporate the Commonwealth of Puerto Rico into the United States, etc.  JU 01/30/2018 Favorable RC	Favorable Yeas 10 Nays 0

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Tuesday, January 30, 2018, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SM 1382</b> Rodriguez (Similar CS/HM 381)	Venezuela; Requesting U.S. Congress to urge President Nicolás Maduro to allow the delivery of humanitarian assistance and requesting Congress to continue and intensify financial sanctions against President Nicolás Maduro and the government of Venezuela and instruct appropriate federal agencies to hold President Nicolás Maduro and officials of the government of Venezuela accountable for violations of law and abuses of internationally recognized human rights, etc.  JU 01/30/2018 Favorable RC	Favorable Yeas 10 Nays 0
9	<b>SB 1580</b> Stargel (Similar H 1323)	Florida Guide to a Healthy Marriage; Creating the Marriage Education Committee within the Department of Children and Families; requiring the clerk of each circuit court to post an electronic copy of the guide on the court's website and to distribute printed copies of the guide if they are made available; prohibiting a county court judge or clerk of the circuit court from issuing a marriage license unless he or she is first presented with a statement verifying that both parties have obtained and read the guide or have viewed an electronic presentation containing certain information, etc.  JU 01/30/2018 Favorable CF RC	Favorable Yeas 9 Nays 1
10	<b>SB 904</b> Powell (Identical H 599)	Lis Pendens; Providing that a person who acquires for a value a lien on property during the course of specified legal actions takes such lien free of claims in certain circumstances; specifying the effect of a valid, recorded notice of lis pendens in certain circumstances involving a judicial sale, etc.  JU 01/30/2018 Fav/CS CM RC	Fav/CS Yeas 10 Nays 0
11	<b>SB 1028</b> Thurston (Similar H 1285)	Corporations; Authorizing social purpose corporations and benefit corporations to omit certain information from annual benefit reports; requiring that annual benefit reports expressly state that such information was omitted, etc.  CM 01/22/2018 Favorable JU 01/30/2018 Favorable RC	Favorable Yeas 10 Nays 0



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Tuesday, January 30, 2018, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	<b>SB 1034</b> Steube (Similar H 1043)	Mediation; Requiring that insurance carrier representatives who attend circuit court mediation have specified settlement authority and the ability to immediately consult by specified means with persons having certain additional settlement authority; limiting the information that may be included in the mediator's report to the court, etc.  JU 01/10/2018 Temporarily Postponed JU 01/25/2018 Temporarily Postponed JU 01/30/2018 Temporarily Postponed BI	Temporarily Postponed
13	Other Related Meeting Documents		



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**

515 Knott Building

**Mailing Address**

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

DATE	COMM	ACTION
1/25/18	SM	Unfavorable
1/31/18	JU	Fav/CS
	GO	
	RC	

January 25, 2018

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

Re: **CS/SB 46** – Judiciary Committee and Senator Bill Galvano  
**HB 6545** – Representative David Santiago  
Relief of Ramiro Companioni, Jr.

### SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$17,828,800.00 OF LOCAL MONEY BASED ON A JURY AWARD AGAINST THE CITY OF TAMPA TO COMPENSATE RAMIRO COMPANIONI FOR THE PERMANENT INJURIES HE SUFFERED IN A COLLISION WITH A CITY WATER DEPARTMENT TRUCK.

#### FINDINGS OF FACT:

##### **Generally - The Accident**

On November 22, 1996, the City of Tampa Water Department directed three employees, each driving a separate department pick-up truck, to East Hillsborough Avenue for the purpose of restoring the access to water valve boxes, which had been paved over, along that road. Three trucks were parked eastbound one behind the other in the far right lane of E. Hillsborough Ave. just before Rose Lane, which intersects from the south, and between N. 48th and 50th Streets, intersecting from the north. East Hillsborough Ave. is a six-lane thoroughfare with an additional center lane designated for left turns from both directions.

According to the drivers' depositions taken December 1, 1998, the City trucks were parked in the outside lane in the

following order at the water valve: farthest west, at the rear of the line of trucks, was a truck driven by Mr. John Allen which pulled a large arrow sign that was set up to warn oncoming cars to merge left into the inner lanes. In front of the truck pulling the sign was a truck carrying tools and supplies driven by Mr. Foster. In front of Mr. Foster's truck was the water valve, and in front of the water valve was Mr. Faustino Pierola's truck which contained asphalt for the road repair.

The trial testimony of the drivers appears to conflict with the depositions as to the order of the two trucks driven by Mr. Foster and Mr. Pierola. At the trial, Mr. Pierola stated that he was in the middle truck, although he appeared to be uncertain. Mr. Pierola stated "okay -- I took off -- I think Foster -- wait a second -- I took off, okay, everything was clear and Foster was right beside me." Mr. Foster did not testify at the trial.

Just before noon, with repairs on the water valve completed, the crew of three left for lunch and intended to turn left onto North 50th Street. Mr. Allen, the driver of the rear truck pulling the arrow sign, testified that he pulled out first into the middle lane, going around the first two trucks, and returning to the outside lane as he was going to turn into a vacant lot to take down the arrow sign. While Mr. Allen was far enough down E. Hillsborough Ave. that it appears his truck did not factor into the accident, all drivers testified that the arrow sign was still erect and flashing.

In both the deposition and at trial, Mr. Pierola stated that before he pulled out from the outside lane, he checked his mirrors, looked over his shoulder, and seeing each of the eastbound lanes clear, pulled into the middle lane, straightened, looked again and seeing that it was clear, pulled into the inside lane. Mr. Pierola stated that he was traveling up to 20 to 25 miles per hour. During this time, all witness stated that no traffic was sighted traveling east on E. Hillsborough Ave. The posted speed limit for E. Hillsborough Ave. is 45 mph.

Just after entering into the inside lane and approximately 185 feet from the water valve, Mr. Pierola heard a crash and saw yellow pieces of plastic fly about. Thinking that a barricade fell from his truck, he immediately moved to the center turn

lane and stopped within 116 feet. When he looked back, he saw a man lying in the street, bleeding profusely. When he exited his truck, he saw a motorcycle wedged underneath the back of the truck. The driver of the motorcycle was Mr. Ramiro Companioni, Jr. He suffered severe and permanent injury as a result of the accident.

### **Accident Details**

Mr. Companioni stated that he could not recall much about the accident. In his deposition dated December 1, 1998, he stated he was travelling 40 to 45 mph on the inside lane of E. Hillsborough Ave. He did not recall much traffic. Beyond that, Mr. Companioni stated that he could vaguely recall what happened in the accident. He further stated that it would be unfair to tell what he remembered about the accident due to the tremendous medication he was under after the accident. The last thing he remembered was turning left onto Hillsborough.

According to the police report, Mr. Pierola travelled 116.5 feet from the time he was hit by the motorcycle until he came to a complete stop in the center turn lane. He travelled straight in the inside lane for approximately 54 feet before angling into the inside lane and travelled approximately 62 feet before coming to a complete stop. The police photos show scrape marks in the road made by the motorcycle being dragged under the truck which confirm Mr. Pierola travelled straight a distance in the middle lane before angling into the center turn lane. From the police report and the information provided by the City's expert, Dr. Charles Benedict, it can be determined that Mr. Pierola traveled east approximately 183 feet, during which he left his parking space and merged into the middle, then inside lanes.

Both in the depositions and at trial, each of the City drivers stated that they never saw a motorcycle on E. Hillsborough Ave. when initially pulling out or when changing lanes. Mr. Foster stated that he did see the motorcycle just as it hit the truck.

### **Expert Testimony**

At the trial, both parties presented experts to reconstruct the accident.

Claimant's Expert: The Claimant offered Mr. Dennis Payne, an expert accident reconstruction specialist. He was a former Highway Patrolman and had attended numerous reconstruction courses at the Department of Highway Safety and Motor Vehicles, community colleges, and universities and attended other courses in conjunction with the private sector. He began reconstruction work as a private consultant in 1982. Mr. Payne stated he used Mr. Companioni's medical records, police photos of the City truck and of the accident, and an inspection of the motorcycle to reconstruct the accident.

Mr. Payne stated that the difference in speed between the truck and the motorcycle when it hit was 20 mph. He based this decision on the "way the bumper had been twisted." He "looked at the damage to the motorcycle . . . at the injury pattern, and the fact that the rider survived the collision." Mr. Payne discussed a federal government standard of a 30 mph barrier crash which is what is estimated the human body can withstand and still live. Because a motorcycle doesn't have the protections, Mr. Payne concluded that the difference in speed of travel between Mr. Companioni and the city truck was 20 miles per hour was reasonable because humans can survive that force and Mr. Companioni survived the crash. If Mr. Pierola was travelling 25 mph, then, stated Mr. Payne, Mr. Companioni was travelling 45 mph.

The police photographs show damage to the left half to the City truck's rear bumper. Mr. Payne opines that the damage is consistent with the motorcycle travelling in a straight line and the truck being at an angle when the motorcycle hit it.

City of Tampa's Expert: The City offered Dr. Charles Benedict as their expert witness. Dr. Benedict has a Bachelor's degree in mathematics with an engineering science minor from Florida State University (1963) and a Bachelors, Masters, and PhD in mechanical engineering with an emphasis on kinematics (kinematics is the study of motion of the path that something follows) and dynamics machine design (the study of the forces through acceleration or impact or whatever that cause the body or something such as the body to move in a given direction) from University of Florida (1971). Dr. Benedict is a registered engineer in Florida and Georgia (and was applying to South Carolina and Alabama). He has been a consultant since 1971. He participated in

motor dynamics training at Watkins Glenn, NY, riding numerous motorcycles, and has reconstructed motorcycle accidents for 35 years.

Dr. Benedict relied on depositions, accident reports, and photographs, and conducted a reconstruction on E. Hillsborough Ave. He stated he used the physical evidence of the accident and worked backward to determine what happened. At trial Dr. Benedict provided the following conclusions:

- Based on the reconstruction work, the time from when the trucks left their standing position to the point of impact was approximately 19 seconds.
- The motorcycle was traveling somewhere around 65 mph or faster and it was in the middle lane coming up behind the trucks.
- On E. Hillsborough Ave. there is a dip in the road where a motorcycle would not be visible nor could the rider see very far down the road. Once on the straightaway, visibility from that dip to the point of impact is 1050 feet.
- The motorcycle would have been in the dip west of where the accident occurred and would not be visible to the trucks at the time they were initially pulling out.
- Travelling the 1050 feet at 45 mph, a driver has 16 seconds to see the City trucks and react before time of impact. Travelling at 65 mph, a driver has 11 seconds.
- As the motorcycle approached the back of the trucks in the middle lane, it veered left toward the inside lane to go around the trucks at the same time that the truck in the front moved into the inside lane.
- The motorcycle was leaned over to the left as it was going around the trucks and it was also in the process of slowing down.
- Mr. Companioni thrust down on his brakes and his bike was going faster than the wheels were turning. He was veering to the left to get around the truck, but before he came back to the right, he released the rear brake causing an opposite reaction of the bike (known as "highsiding"<sup>i</sup>) to come back upright and throw Mr. Companioni off into the back end of the tailgate and the bumper.
- The motorcycle continued the highside rotation to come down on its right side with its wheels facing the

truck, caved in the bumper, and began sliding underneath the left side of the truck and at the same time swiveling front wheel first, to where the truck dragged the motorcycle to a stop.

- The motorcycle was going 55 mph when it struck the truck, and the truck was going 20 mph. The difference in velocity was 35 mph, which was consistent with the damage to the truck.
- Had Mr. Companioni been going 40 to 45 miles per hour, he would have been able to avoid the accident completely. If he stayed in the middle lane and applied brakes to the near maximum for that motorcycle, he could have slowed down to 20 mph before he got to the truck and avoided the accident.

At the special master hearing, Dr. Benedict further explained his interpretation of the evidence.

- In a police photograph of the back tire, a striation about 20 inches long and just left of center can be observed (this measurement was confirmed by Mr. Payne). Dr. Benedict states that this is an indication of the motorcycle being in a slight left turn and the back wheel turning very slowly, not locked. Mr. Payne stated this was caused by the tow truck hauling the motorcycle onto its truck while the wheel was in gear. However, the police photograph shows the striation present when the motorcycle was under the truck.
- Photographs of the muffler exhibited striations at angles consistent with sliding wheels first on its right side. At the point where the muffler enters the engine, the area shows evidence of pivoting (as it hits and slides under the truck) and then being ground down as the motorcycle front wheel wedges under the truck. At final rest, photographs show the muffler no longer touching the ground. Photographs also show striation in the road bed consistent with the grinding of the muffler end.
- Police photographs of the road bed area show the truck and motorcycle traveling a short distance in the same forward direction, just before and as the motorcycle hits the truck, and then moving to the left into the center turn lane.
- Police photographs of the truck tailgate indicate that Mr. Companioni was thrown off his motorcycle before he hit. Marks on the tailgate appeared to be a glove

print and indent made by the helmet. Injuries to Mr. Companioni were consistent with hitting the bumper of the truck.

- Dr. Benedict refuted claims that the motorcycle struck the truck head-on as the front tire was not damaged. He also refuted the idea that the motorcycle slid down on its right side as the driver would have road rash and grinding injuries.

## **Injuries**

Mr. Companioni suffered devastating injuries. Upon arrival at the Trauma Unit at Tampa General, it was noted the Mr. Companioni's rectum was "fileted" through the scrotum. The primary physician was Dr. Michael Albrink, a board certified trauma and general surgeon who teaches at USF Medical School. Dr. Albrink testified that, "his legs were ripped apart, like breaking a wish bone apart." He suffered multiple open fractures of the pelvis, shoulder, elbow, lumbar vertebrae, and right knee. He sustained a bowel injury and a ruptured urethra. He lost portions of his colon and suffered massive bleeding and damage to his peritoneal cavity and organs. His anus was ripped and sphincter ruined, which has resulted in a permanent colostomy. He injured the nerves to his genitals, which destroyed sexual function. Both the femoral artery and sciatic nerve were severely injured. Mr. Companioni was in an induced coma in the ICU for approximately a month. He remained in ICU and the floor at Tampa General until the end of February 1997, and then was transferred to its inpatient rehabilitation center before being released to home health care months later. He battled with numerous complications, infections, and bed sores, and has had more than twenty surgeries since sustaining his injury.

Mr. Companioni underwent a tracheostomy and has tracheal scarring, and now has frequent difficulty with swallowing. With portions of his colon missing and the intestinal damage, his diet is limited. He has had hernias in his abdomen and is at risk to develop bowel blockages. He must use a colostomy bag and wear it at all times. He has bladder spasms and incontinence. He also has frequent, excruciatingly painful kidney stones. His core muscles were ripped apart in the crash and were further injured due to the multiple surgeries, leaving his core muscles scarred, atrophied, and weakened. His four lower vertebrae and coccyx have been fused.



Mr. Companioni has suffered life-long, severely disabling injuries to his right hip and leg. His right hip is fused, so it is without motion and he has limited range of motion in his knee and his ankle. One-third of the right quadriceps has been removed. Dr. Albrink stated that he has arthritis and bone calcification in his right knee and hip joint so severe that he may someday be forever wheelchair bound. A Greenfield filter was surgically inserted to prevent deep vein blood clots. Dr. Albrink testified that “[H]e’s at risk to have problems where he could lose his leg . . . [d]ue to any number of combinations of things. Lack of innervation most of all.”

Mr. Companioni wears a right leg brace, mostly for support and stability. He has constant burning pain throughout the right hip, buttocks, and all the way down his right leg. Due to his dependence on a cane, he has developed carpal tunnel syndrome in his left wrist. His current medical team includes a primary care/general internist, and specialists in general surgery, orthopedic surgery, gastroenterology, urology, podiatry, and occasionally neurology.

Mr. Companioni’s quality of life has been catastrophically affected. He was an active, healthy man in his thirties. He was in top physical condition and served honorably in the Naval Reserve. He will never have children and meaningful female companionship is very difficult.

Although Dr. Albrink said at trial that Mr. Companioni’s resulting injuries could reduce his life expectancy, the life table provides that he has a life expectancy of almost 44 years from the date of the accident (until 2040).

### **Economic Damages**

Mr. Companioni is totally and permanently disabled. He had been an executive chef and ice sculptor, sometimes working up to 80 hours a week. He had earned \$45,000 plus benefits while working for a year in Mexico, and was earning \$30,000 annually just before the accident. He had hopes of one day opening his own restaurant. In addition, Mr. Companioni was in the Naval Reserves, earning \$200 to \$300 per week (averaging \$13,000 annually). He has since retired from the Reserves as he was unable to continue service.

Mr. Companioni currently receives \$980 monthly in Social Security disability and is eligible for Medicare benefits. Although difficult, he has tried to continue working part-time earning an average of \$2,500 annually.

The Claimant submitted a closing statement dated August 21, 2012, pursuant to Court Order to disburse \$100,000 of recovery per Sovereign Immunity limits of liability.

Medical liens that are related to a governmental entity or have a subrogation lien interest or right and letter of protection:

<b>Creditor</b>	<b>Amount due</b>	<b>Motion% pd</b>
Winn-Dixie (Employer health insurance provider)	\$472,635.59	\$4,641.46
Health and Social Services	\$475.00	\$9.25
ACS Recovery Group (Medicaid)	\$0.00	\$0.00
Humana Financial Recovery Reduced balance from \$32,496.63 to benefit client	\$0.00	\$0.00
Vincent DiCarlo, M.D & Asso. (LOP 1/30/04 D.R.Stahl PA)	\$4,851.76	\$82.52
<b>Total</b>	<b>\$477,962.35</b>	<b>\$4,733.23</b>
Difference (amt. due - paid)	<b>\$473,229.12</b>	

Medical liens that are not covered under a letter of protection and for which the Claimant has a due and outstanding balance:

<b>Creditor</b>	<b>Amount due</b>	<b>Motion% pd</b>
Tampa General (reduced from \$21,522.29 to benefit client)	\$0.00	\$0.00
Tampa General (reduced from \$14,098.359 to benefit client)	\$0.00	\$0.00

AR Resources - Acct. #9473 (Tampa Bay surgery)	\$100.00	\$2.60
Gulf Coast Collections - TGH/#2101299110 & 2073759249	\$650.00	\$10.74
Gulf Coast Collections - USF/#12105745, 14340454, 14562834	\$187.00	\$7.83
Preferred Group of Tampa - USF Physical Group	\$3,974.34	\$66.02
Preferred Group UCH - Carrolwood/Florida Hospital	\$200.00	\$7.83
FFCC - Columbus, Inc (Place MRI)	\$114.75	\$2.60
Merchant Associates - Tower - #7591102, 7559634, 12426722	\$152.00	\$4.00
<b>TOTAL</b>	<b>\$5,378.09</b>	<b>\$101.62</b>
<b>Difference</b>	<b>\$5,276.47</b>	

The Claimant lists additional providers, but the closing statement indicates the balance owed them was unknown. Therefore, the remaining balance according to the closing statement is \$478,505.59. Beyond the closing statement, the claimant has not provided any further medical lien information. The record states that future medical expenses may be \$2,000 per year, and Mr. Companioni may require a hip replacement, if it is possible.

#### LEGAL PROCEEDINGS:

The accident occurred on November 22, 1996. A trial was held March 23 through 26, 2004 in the Circuit Court of the 13th Judicial Circuit, in and for Hillsborough County, Civil Division, before Judge Herbert Baumann, Jr. The jury found the City of Tampa 90 percent negligent, Ramiro Companioni, Jr., 10 percent negligent, and total damages of \$19,932,000. The damages were not separated into any categories.

In April 2004, the City moved for a new trial. The trial court issued a final judgment order on April 5, 2004. The City filed a motion to amend its motion for a new trial, and to alter the judgment on April 15, 2004. On May 6, 2004 the City filed its amended motion for new trial and a hearing was held October 5, 2004. The motion stated grounds relating to counsel

misconduct, jury misconduct, the verdict being against the weight of the evidence, a misperception by the jury of instructions, and the jury verdict being excessive based on undue sympathy. An order granting a new trial was issued by the court on January 6, 2005.

On March 30, 2007, the Second District Court of Appeal (Second DCA) reversed the order granting a new trial and remanded the matter to the trial court for reinstatement of the jury verdict. The trial court was to conduct further proceedings to dispose of the City's motions for remittitur, to alter or amend judgment, and other grounds raised for the new trial. On October 19, 2007, the trial court heard the issues on remand, and on January 22, 2008, issued its order denying motions for new trial and remittitur. On October 28, 2009, the Second DCA again reversed the trial court, but this time the DCA ordered the trial court to conduct a new trial.

On December 16, 2010, the Florida Supreme Court quashed the Second DCA opinion (51 So. 3d 452, Fla. 2010) and remanded it for consideration of whether the trial court abused its discretion in denying a new trial. On remand, if the Second DCA were to conclude that the City is not entitled to a new trial, then the DCA was to consider any other remaining claims not reached in its prior opinion, including the City's claim that the verdict was excessive.

On November 23, 2011, the Second DCA affirmed the trial court's order denying the City's motion for a new trial and remittitur. On August 12, 2012, the trial court issued an order granting the plaintiff's petition for equitable distribution of the proceeds to Peachtree Settlement Services, to the plaintiff, and to medical providers.

CLAIMANT'S ARGUMENTS:

The Claimant argues that on November 22, 1996, the City of Tampa, through its employee, Mr. Faustino Pierola, negligently entered into the inside lane of E. Hillsborough Avenue into the path of Mr. Ramiro Companioni, Jr. Claimant argues that Mr. Companioni was unable to stop his motorcycle in time to avoid crashing into the rear of the City's pick-up truck. Mr. Companioni suffered severe injuries that required multiple operations and continual medical attention. Mr. Companioni is permanently and severely disabled and is unable to sustain long term employment.

RESPONDENT'S POSITION:

Respondent City of Tampa argues that Mr. Companioni had a record of reckless driving before and after the accident implying that he was at fault; that he has received just compensation; and that the City did not receive a fair trial.

CONCLUSIONS OF LAW:

The Claimant relies on s. 316.085(2), F.S. (1996), that the City of Tampa had a duty to not enter the inside lane occupied by Mr. Companioni. That subsection states:

No vehicle shall be driven from a direct course in any lane on any highway until the driver has determined that the vehicle is not being approached or passed by any other vehicle in the lane or on the side to which the driver desires to move and that the move can be completely made with the safety and without interfering with the safe operation of any vehicle approaching from the same direction.

Mr. Pierola stated that before he pulled into the second lane, he straightened, then looked again and seeing that it was clear, pulled into the third lane. He stated he was travelling between 20 and 25 mph. If Mr. Companioni was travelling in the inside lane, and Mr. Pierola moved from the middle lane to the inside lane where he was struck by Mr. Companioni, the City would have breached its duty to safely operate a vehicle. However, it appears that the City's liability could be diminished if Mr. Companioni was not operating his vehicle safely as the statute provides: "and without interfering with the safe operation of any vehicle approaching from the same direction."

Excessive speed is not a safe operation of a vehicle. See s. 316.183, F.S. (1996). Mr. Companioni testified that he was travelling between 40 and 45 mph and knew that the speed limit for E. Hillsborough Ave. was 45 mph. His expert, Mr. Payne, testified that Mr. Companioni was travelling 45 mph because the velocity of the City truck (25 mph) plus his estimated crash impact (20 mph) equaled 45 mph. Mr. Payne's explanation of his crash impact estimate does not appear to be supported by any fact. Although Mr. Steve Aguilar, who was interviewed at the scene, stated that he saw the motorcycle just before it hit and estimated that it was travelling around 40 mph, he later testified at trial that he looked up just as he heard the crash.

Moreover, it is not clear that the accident occurred with Mr. Companioni travelling in the inside lane, even though he testified so. Dr. Benedict provided compelling testimony as to how the accident happened. If Mr. Companioni was travelling in the middle lane, the testimony explains why the drivers never saw him when they looked into their side or rear view mirrors. When the trucks moved out and into the middle lane, it appeared that E. Hillsborough Ave. was clear because Mr. Companioni was in the dip 1050 feet east. If Mr. Pierola was in the middle lane and looking in his side mirror for traffic in the inside lane, he would not have seen Mr. Companioni, as he would have been behind Mr. Foster's truck in the middle lane. Nor would Mr. Companioni have seen Mr. Pierola as he moved to the inside lane as it was probably at the same time, and at that point, too late to stop.

Section 316.185, F.S. (1996), provides in part:

The fact that the speed of a vehicle is lower than the prescribed limits shall not relieve the driver from the duty to decrease speed when . . . special hazards exist or may exist with respect to other traffic, . . . and speed shall be decreased as may be necessary . . . to avoid colliding with any . . . vehicle in compliance with legal requirements and the duty of all persons to use due care.

Evidence was presented that Mr. Companioni was not travelling at an excessive speed. Mr. Payne opined that Mr. Companioni could have been going 45 mph. However, the slower speed does not account for the damages incurred by the truck and motorcycle or the injuries suffered by Mr. Companioni.

The police report, made at the time of the accident, estimated Mr. Companioni's speed at 70 mph based upon the damage observed. City expert Dr. Benedict estimated that Mr. Companioni was travelling 65 mph, and had slowed to 55 mph at the time of impact. Dr. Benedict based his estimation on the damage to the truck, motorcycle, and Mr. Companioni's injuries. The weight of the evidence suggests that excessive speed appears to have been a factor in this accident.

Section 316.1925(1), F.S. (1996), states:

Any person operating a vehicle upon the streets or highways within the state shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such a manner shall constitute careless driving and a violation of this section.

At trial, Mr. Companioni stated, “. . . I was going down the far left lane which is my habit. . . . I got to go over the bridge. And I may have been -- there may have been some trucks on the right-hand side. I didn't pay attention too much to them because they were two lanes over from me. At that point I didn't consider them any threat because they weren't nowhere near me and I had no intentions of going over to them. . . . So I was basically looking forward, no traffic around me, just minding my business going forward.” Finally, Mr. Companioni recalled, “. . . all I remember is trying to just brace myself because it seemed like I just stopped and that was it. . . . Just putting my hands out because I was -- I hit a wall.” It appears that Mr. Companioni was not paying attention to the circumstances of a flashing arrow sign and the City trucks moving onto the highway.

The motor vehicle statutes require that all drivers drive in a careful and prudent manner in order to avoid accidents. Each driver must act in a manner that does not create a hazard. It appears that Mr. Companioni did not exercise sufficient caution as he approached the City trucks. He saw them and chose to ignore them. Dr. Benedict's testimony showed that Mr. Companioni had ample time to assess the situation and put himself in a more defensive posture to avoid the accident, but did not.

This claim is very complicated. The transcripts of the trial reveal complex reconstruction theories confused by the questions and legal wrangling by both attorneys. There were essentially no reliable witnesses to the accident as none could testify that they at any time saw the motorcycle before impact. Mr. Companioni stated he did not remember much about the accident, and he did not trust the memories he does have because of the heavy medication he was on after the accident. The drivers of each of the City trucks said they never saw the motorcycle approaching, although Mr. Foster

stated he saw the moment of impact. Two other witnesses saw the City trucks pull away and looked up after they heard the motorcycle strike the truck, but the witnesses never actually saw the motorcycle moving down E. Hillsborough Ave. Finally, there are the injuries that are horrific. It is impressive that Mr. Companioni lived through the accident and is able to walk today. His quality of life, no matter how impressive his recovery, is one that few would want.

Legal analysis for a claim requires that the claim satisfy the elements of a negligence case: duty, breach of duty, causation, and damages.

The City has a duty to make sure the inside lane was clear before merging into it, but is not liable if the accident was caused by Mr. Companion's failure to safely operate his motorcycle. Florida law makes all drivers responsible for the safe operation of their vehicles. Based upon the evidence presented, it appears that Mr. Companioni was not driving in a safe manner considering the congestion being created by the City trucks. He had ample opportunity to assess conditions ahead and failed to modify his speed to avoid the accident.

Based upon the foregoing, I find that the City met its duty to merge safely into the next lane and by driving in a safe manner and was not the legal cause of Mr. Companion's damages. I further find that Mr. Companioni drove at an excessive speed and failed to pay attention to the traffic ahead of him. Thus, Mr. Companioni failed to meet his burden to prove that the City is liable for his injuries.

#### SPECIAL ISSUES:

Before and after the accident, Mr. Companioni had numerous moving traffic violations and also received many speeding tickets. Additionally, he has had other experiences as a defendant within the criminal justice system. In contrast, Mr. Pierola has no record of traffic citations.

#### INDEMNITY:

The City of Tampa has no commercial insurance that could be used to fund this claim bill. The City is self-insured and maintains a general liability reserve for the purpose of satisfying all City-wide lawsuits, claims, and associated costs. As of October 1, 2014, the general liability reserve balance was \$9,733,630 (unaudited). This amount is



designated for the purpose of satisfying all City-wide lawsuits and claims.

Since October 1, 2014, (the beginning of its fiscal year), the City has spent \$687,629 for settlements and expenses from the budgeted amount stated above. The City fully expects to continually satisfy additional pending City-wide claims. To the extent that the funds in the general liability reserve are insufficient to pay City-wide claims and this claim bill, the City will need to use general fund revenue which have been previously budgeted for general governmental operations.

ATTORNEYS FEES:

The bill provides that all fees and related costs are to be capped at 25 percent. The claimant's attorneys and lobbyists agree that they will follow the law of the enacted claim bill.

After the Final Judgment was upheld on appeal, attorney fees were paid on the underlying claim in accordance with the statutory cap of 25 percent pursuant to s. 768.28, F.S.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that SB 46, be reported UNFAVORABLY.

Respectfully submitted,

Diana Caldwell  
Senate Special Master

cc: Secretary of the Senate

**CS by Judiciary:**

The committee substitute replaces the detailed descriptions of the claimant's motor vehicle accident and resulting injuries with a more general description of the accident and a statement that the claimant and the City of Tampa have agreed to settle the claim for \$5 million. Additionally, the committee substitute waives all "lien interests relating to the treatment and care" of the claimant except the federal portions of any of those liens.

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"Highsiding" is best understood by beginning with the contrasting "lowside" crash. In a lowside crash, the bike's rear tire loses traction, or friction; the rear end begins to slide sideways; it begins to move forward at an angle to the front tire, but, due to the loss of friction, moves faster than the front tire; the bike and rider tend to lean away from the direction of the slide; if this continues, the bike falls over on its side, with the rider falling with it.

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The highside begins with a lowside situation (with a loss of rear tire traction and a sideways skid), which is followed by a recovery of traction and an ejection of the rider off the top of the bike. Assume, for example, that the rider has applied the rear brake hard, with the rear tire losing traction and sliding to the rider's right, with the rear wheel moving forward faster than the front wheel and with the bike and rider leaning to the rider's left. If the rider releases the brake, the back tire regains traction and grabs the road, abruptly ending the slide of the rear tire. Momentum, however, causes the upper part of the bike to continue forward at a higher speed, and the bike not only comes upright, it continues on and is thrown onto its right side, throwing the rider in the process.

**All Things (Safety Oriented) Motorcycle**, *Highside Dynamics, What happens and how to prevent it*, James R. Davis, Jan. 04, 2006, [http://www.msgroup.org/forums/mtt/topic.asp?TOPIC\\_ID=2192](http://www.msgroup.org/forums/mtt/topic.asp?TOPIC_ID=2192) .  
Steve Munden, Math & Science Tutoring, Motorcycling, Skiing, & Shooting Instruction., *Traction Management for Motorcyclists- and what happens when you blow it*, <http://stevemunden.com/sides.html>



631512

LEGISLATIVE ACTION

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

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The Committee on Judiciary (Galvano) recommended the following:

**Senate Amendment**

Delete lines 9 - 148  
and insert:

WHEREAS, on November 22, 1996, Ramiro Companioni, Jr., was seriously injured while operating his motorcycle on East Hillsborough Avenue in Tampa, Florida, as a result of a collision with a City of Tampa Water Department truck, and

WHEREAS, a lawsuit was filed and in 2004 a final judgment was entered in favor of Mr. Companioni in the amount of \$17,928,800 against the City of Tampa, based on a jury verdict



631512

in the amount of \$19,932,000, and

WHEREAS, after appeals and all legal remedies were exhausted, claim bills have been filed annually since the 2014 Regular Session seeking the full amount of the final judgment, plus interest, for Mr. Companioni, and

WHEREAS, the parties have agreed to a compromised settlement in the amount of \$5 million, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The City of Tampa is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$5 million, to fund a special needs trust created for the exclusive use and benefit of Ramiro Companioni, Jr., as compensation for injuries and damages sustained as described in this act.

Section 3. The amount paid by the City of Tampa pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Mr. Companioni. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the amount awarded under this act.

Section 4. It is the intent of the Legislature that the state and local government lien interests relating to the treatment and care of Ramiro Companioni, Jr., if any, are hereby



631512

41 waived or extinguished.



233232

LEGISLATIVE ACTION

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

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The Committee on Judiciary (Galvano) recommended the following:

**Senate Substitute for Amendment (631512)**

Delete lines 9 - 148  
and insert:

WHEREAS, on November 22, 1996, Ramiro Companioni, Jr., was seriously injured while operating his motorcycle on East Hillsborough Avenue in Tampa, Florida, as a result of a collision with a City of Tampa Water Department truck, and

WHEREAS, a lawsuit was filed and in 2004 a final judgment was entered in favor of Mr. Companioni in the amount of \$17,928,800 against the City of Tampa, based on a jury verdict



233232

in the amount of \$19,932,000, and

WHEREAS, after appeals and all legal remedies were exhausted, claim bills have been filed annually since the 2014 Regular Session seeking the full amount of the final judgment, plus interest, for Mr. Companioni, and

WHEREAS, the parties have agreed to a compromised settlement in the amount of \$5 million, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The City of Tampa is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$5 million, to fund a special needs trust created for the exclusive use and benefit of Ramiro Companioni, Jr., as compensation for injuries and damages sustained as described in this act.

Section 3. The amount paid by the City of Tampa pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Mr. Companioni. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the amount awarded under this act.

Section 4. Excluding the federal portions of any liens, Medicaid or otherwise, which the claimant must pay, it is the intent of the Legislature that the lien interests relating to



233232

41 the treatment and care of Ramiro Companioni, Jr., are hereby  
42 waived or extinguished.





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations Subcommittee on Higher  
Education, *Chair*  
Appropriations  
Education  
Governmental Oversight and Accountability  
Rules

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission

**SENATOR BILL GALVANO**

21st District

January 16, 2018

Senator Greg Steube  
Committee on Judiciary  
515 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Chairman Steube:

I respectfully request that SB 46 Relief of Ramiro Companioni, Jr., by the City of Tampa be scheduled for a hearing in the Committee on Judiciary, at your earliest convenience.

If I can provide additional documentation to you on this, please do not hesitate to contact me. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", is written over a horizontal line.

Bill Galvano

cc: Tom Cibula  
Joyce Butler

**REPLY TO:**

- ☐ 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205 (941) 741-3401
- ☐ 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

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

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-30

Meeting Date

46

Bill Number (if applicable)

Topic COMPANONI CLAIM BILL

Amendment Barcode (if applicable)

Name JASON UNGER

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

Address 301 S. DUNWOOTH ST

Street

Phone 577 9090

TLH FL

City

State

Zip

Email junge@gray-robinson.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of Tampa

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

## APPEARANCE RECORD

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

1/30/18  
Meeting Date46  
Bill Number (if applicable)Topic Claim Bill Ramiro Companion

Amendment Barcode (if applicable)

Name Lance BlockJob Title AttorneyAddress 5189 WidenfieldPhone 850-499-1980Tallahassee FL 32309  
City State ZipEmail lance@lanceblocklaw.comSpeaking: ☒ For ☐ Against ☒ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing RAMIRO COMPANIONAppearing at request of Chair: ☐ Yes ☐ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

**APPEARANCE RECORD**

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

11/30  
Meeting Date

416  
Bill Number (if applicable)

Topic Chair Bill

Amendment Barcode (if applicable)

Name Bill Peables

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

Address POB 10930  
Salalame  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone 880 866 3029

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing City of Tampa

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 308

INTRODUCER: Senators Bean and Steube

SUBJECT: Federal Immigration Enforcement

DATE: January 29, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	<b>Pre-meeting</b>
2.			RC	

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**I. Summary:**

SB 308 creates the “Rule of Law Adherence Act.” The act requires state entities, law enforcement agencies, and local governmental entities and their officials to cooperate with federal immigration authorities in enforcing federal immigration laws. The bill is divided into four main sections: Findings and Definitions; Duties; Enforcement; and Miscellaneous. In establishing a framework for state officials to support the enforcement of federal immigration law, the bill:

- Requires a covered government body to comply with and support the enforcement of federal immigration law.
- Prohibits a state entity, local governmental entity, or law enforcement agency from having a law or procedure which impedes a law enforcement agency from communicating or cooperating with a federal immigration agency on immigration enforcement.
- Prohibits any restriction on a covered body’s ability to use, maintain, or exchange immigration information for certain purposes.
- Provides procedures for a law enforcement agency and court to follow when an arrested person cannot provide proof of lawful presence in the United States or is subject to an immigration detainer.
- Requires any sanctuary policies currently in effect be repealed within 90 days after the effective date of the act.
- Authorizes a board of county commissioners to enact an ordinance requiring those detained pursuant to a properly issued immigration detainer to reimburse the county for its costs of complying with the detainer.
- Requires an official or employee of a covered body to report a violation of the act to the Attorney General or state attorney. Failure to report a violation may result in suspension or removal from office.
- Authorizes the Attorney General or a state attorney to seek an injunction against a government body that violates the act.

- Imposes a civil penalty of at least \$1,000 but no more than \$5,000 for each day a policy is in effect that violates the act.
- Creates a civil cause of action for a person injured by the conduct of an alien unlawfully present in the United States against a government body whose violation of the act contributed to the person's injury.
- Prohibits the expenditure of public funds to reimburse or defend a public official or employee who violates the act.
- Suspends state grant funding eligibility for 5 years for a government body that violates the act.

## II. Present Situation:

### Federal Immigration Law

The Federal Government's authority to regulate immigration law is established in the United States Constitution. This power is extensive. The Constitution grants Congress the power to "establish an uniform Rule of Naturalization,"<sup>1</sup> and to "regulate Commerce with foreign Nations."<sup>2</sup> Additional authority is found in the Federal Government's broad powers over foreign affairs.<sup>3</sup>

The individual states are not granted similar powers under the Constitution and they may not encroach upon federal authority in this area. When states enact immigration laws, they are often challenged on the grounds that the law is preempted by federal law under the Supremacy Clause of the Constitution.<sup>4</sup> The federal preemption doctrine is a principle of law which holds that federal laws take precedence over state laws, and as such, states may not enact laws that are inconsistent with the federal law.

Yet, the U.S. Supreme Court has noted that this vast federal power is not without limits. In *De Canas v. Bica*, a 1976 decision, the U.S. Supreme Court held that federal immigration law does not inherently preempt state court jurisdiction over all matters involving immigration issues. The Court noted that it has never held that every state statute "which in any way deals with aliens is a regulation of immigration and thus *per se* pre-empted by this constitutional power."<sup>5</sup> In *Arizona v. United States*,<sup>6</sup> a 2012 U.S. Supreme Court ruling, the Court similarly stated that "In preemption analysis, courts should assume that 'the historic police powers of the States' are not superseded 'unless that was the clear and manifest purpose of Congress.'"

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<sup>1</sup> U.S. CONST. art. 1, s. 8, cl. 4.

<sup>2</sup> U.S. CONST. art. 1, s. 8, cl. 3.

<sup>3</sup> *Toll v. Moreno*, 458 U.S. 1 (1982).

<sup>4</sup> U.S. CONST. art. 6. The Supremacy Clause states that the Constitution and federal laws "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding."

<sup>5</sup> *De Canas v. Bica*, 424 U.S. 351, 355 (1976).

<sup>6</sup> *Arizona v. United States*, 567 U.S. 387, 400 (2012).

## **Tenth Amendment and Anti-Commandeering Doctrine**

While the Federal Government has substantial authority to preempt state or local immigration regulations, the authority is restricted by the anti-commandeering principles of the Tenth Amendment.<sup>7</sup> Those principles prevent Congress from “commandeering” or forcing state or local governments to implement a federal regulatory program.<sup>8</sup> Some state and local jurisdictions have relied on this principle to avoid enforcing federal immigration policies and, as a result, have established sanctuary jurisdictions.<sup>9</sup>

## **Sanctuary Jurisdictions**

Although the term “sanctuary jurisdiction” is not defined in federal statute or regulation, it is generally understood to be a jurisdiction that has adopted a law or policy intended to significantly limit participation in the enforcement of federal immigration activities. States and municipalities have adopted varying degrees of sanctuary policies which have taken on multiple forms. Some jurisdictions have adopted “don’t enforce” policies in which law enforcement is restricted from cooperating with federal immigration authorities who are attempting to apprehend removable aliens. Other jurisdictions have adopted “don’t ask” policies that restrict law enforcement officials from inquiring about someone’s immigration status. Yet other entities have adopted “don’t tell” policies that restrict local law enforcement officials from sharing information with federal immigration officials. These last measures are primarily directed at preventing federal immigration officials from relying on the information to identify and arrest for removal aliens who are unlawfully present. Some jurisdictions have even adopted policies that prevent law enforcement officials from alerting federal immigration official about the release status of aliens who are incarcerated.<sup>10</sup>

## **Immigration Law and Removals**

The Federal Government, through immigration law,<sup>11</sup> seeks to control the number and type of aliens who are granted permission to enter, remain in the United States, and become citizens. Just as the Federal Government has established criteria for entering the country, it has also established formal criteria and procedures for removing or deporting an alien from this country who has violated the immigration laws. An alien may be removed for a number of reasons,

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<sup>7</sup> The Tenth Amendment to the United States Constitution provides “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

<sup>8</sup> *New York v. U.S.*, 505 U.S. 144, 188 (1992). In weighing whether a federal law that created incentives for states to dispose of low-level radioactive waste violated the anti-commandeering doctrine the Court held, “Whatever the outer limits of that sovereignty may be, one thing is clear: The Federal Government may not compel the States to enact or administer a federal regulatory program.” See also *Printz v. United States*, 521 U.S. 898 (1997). The Court has also held that every federal requirement imposed on state or local entities is not necessarily a violation of the anti-commandeering doctrine. Some federal statutes that require states to collect and report information to federal agencies are acceptable. *Reno v. Condon*, 528 U.S. 141 (2000).

<sup>9</sup> Sarah S. Herman, Congressional Research Service, *State and Local “Sanctuary” Policies Limiting Participation in Immigration Enforcement*, (March 23, 2017) <https://fas.org/sgp/crs/homesec/R44795.pdf>.

<sup>10</sup> *Id.*

<sup>11</sup> The Immigration and Nationality Act of 1952 and its amendments contain the current body of immigration law. It is contained in 8 U.S.C.A., Title 8 – Aliens and Nationality.

including entering the country illegally, remaining longer than a visa authorizes, committing marriage fraud to obtain entry, or committing certain crimes.<sup>12</sup>

### Immigration Detainers

An immigration detainer<sup>13</sup> is a notice that the Department of Homeland Security issues to a law enforcement agency, whether federal, state, or local, to notify the agency that Immigration and Customs Enforcement (ICE) intends to assume custody of someone in that law enforcement agency's custody. A detainer serves three purposes:

- To notify a law enforcement agency that ICE intends to assume custody of an alien once he or she is no longer subject to that agency's detention;
- To request information from the law enforcement agency about the alien's upcoming release so that ICE may gain custody before the alien is released from custody; and
- To request the law enforcement agency to maintain custody of an alien who would otherwise be released for no more than 48 hours to permit ICE enough time to assume custody.<sup>14</sup>

According to U.S. Immigration and Customs Enforcement, detainers are an essential tool ICE needs to identify and remove criminal aliens who are currently in the custody of federal, state, or local law enforcement. ICE is dependent on state and local law enforcement to partner with them in this effort.<sup>15</sup>

Whether to comply with a federal immigration detainer has been a challenging issue for local law enforcement agencies. For many years, sheriffs' offices simply honored detainers and provided the requested information about the detention or upcoming release of someone held in custody. In 2014, this changed. Two federal court cases<sup>16</sup> questioned the legality of detaining an inmate based solely upon a detainer from ICE when there was no accompanying probable cause to support the detention.<sup>17</sup> In both cases the plaintiffs were detained pursuant to ICE detention orders. Information was provided to the counties which indicated that investigations were being undertaken to learn whether the plaintiffs were candidates for removal and deportation. Both counties were ultimately held civilly liable for an unlawful seizure, even though the counties complied with a federal regulation cited in the detainer form that gave them the apparent authority to detain the inmates. Not surprisingly, ICE detainers have been interpreted by federal courts to be requests, not mandatory commands that deprive an agency of any discretion whether to detain an alien. In *Galarza*, the court noted that under the Tenth Amendment, immigration

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<sup>12</sup> 8 U.S.C. s. 1227.

<sup>13</sup> For a copy of the current detainer form issued by the Department of Homeland Security, see <https://www.ice.gov/sites/default/files/documents/Document/2017/I-247A.pdf>.

<sup>14</sup> *Ice Detainers: Frequently Asked Questions*, U.S. Immigration and Customs Enforcement, <https://www.ice.gov/ice-detainers-frequently-asked-questions>.

<sup>15</sup> *Id.* The authority to issue a detainer stems from federal regulations found at 8 C.F.R. § 287.7, which arises from the Secretary's power under the Immigration and Nationality Act § 103(a)(3), 8 U.S.C. 1103(a)(3), to issue "regulations ... necessary to carry out [her] authority" under the INA, and from ICE's general authority to detain individuals who are subject to removal or removal proceedings."

<sup>16</sup> *Galarza v. Szalczyk*, 745 F. 3d 634 (3d Cir. 2014) and *Miranda-Olivares v. Clackamas County*, No. 3:12-cv-02317-ST, 2014 WL 1414305 (D. Ore. April 11, 2014).

<sup>17</sup> Florida Sheriffs Association, *Legal Alert: ICE Detainers* (on file with the Senate Committee on Judiciary).



officials may not command state and local officials to imprison suspected aliens, because doing so would be inconsistent with the anti-commandeering principle of the Tenth Amendment.<sup>18</sup>

### **New Enforcement Policy Between ICE and 17 Florida Sheriffs**

On January 17, 2018, the U.S. Immigration and Customs Enforcement office issued a news release announcing that 17 basic ordering agreements had been agreed to with sheriffs around the state. These agreements detail “a new process to clarify that aliens held by these jurisdictions are held under the color of federal authority.” As such, the local law enforcement jurisdictions receive “liability protection from potential litigation as a result of faithfully executing their public safety duties.” The news release stated that sheriffs will no longer have to choose between releasing criminal illegal aliens from their custody back into the community or exposing themselves to potential civil liability for violating the alien’s civil rights. The participating sheriffs will also receive compensation for complying with the detainers.<sup>19</sup>

### **Texas Legislation and Litigation**

In 2017, Texas enacted SB 4, a law that, among other things, directs certain law enforcement entities to comply with ICE immigration detainer requests.<sup>20</sup> Several cities moved for preliminary injunctive relief against the implementation and enforcement of the bill before it became effective. The plaintiffs challenged the bill in Federal District Court on the grounds of federal preemption and violations of First amendment free speech and Fourth Amendment search and seizure protections.<sup>21</sup> The court granted a preliminary injunction preventing five sections of the law from taking effect. The state appealed to the U.S. Court of Appeals for the Fifth Circuit and requested a stay of each injunction. The Fifth Circuit stayed part of the district court’s injunction and denied part of the state’s request. The court denied the state’s request with regard to the provisions that address actions or policies “materially limiting” enforcement, and provisions related to the “endorsement” of policies. However, the court did stay the injunction with regard to two important components, keeping the components in effect during the pendency of litigation.

The first of these components prohibits local law enforcement entities and others from materially limiting persons having authority that may impact immigration matters from “assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.”<sup>22</sup> The second component of the Texas legislation that remains in effect during the litigation is the component that requires law enforcement agencies to “comply with, honor, and fulfill” any immigration detainer request.”<sup>23</sup>

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<sup>18</sup> *Galarza*, 745 F. 3d at 643.

<sup>19</sup> U.S. Immigration and Customs Enforcement, News Release (Jan. 17, 2018) (on file with the Senate Committee on Judiciary).

<sup>20</sup> *Texas Senate Bill 4 (2017-2018)*, <https://legiscan.com/TX/bill/SB4/2017>.

<sup>21</sup> *City of El Cenizo, et al., v. State of Texas, et. al.*, SA-17-CV-404-OLG (W.D. Tex. Aug. 30, 2017).

<sup>22</sup> *City of El Cenizo, et al, v. State of Texas, et al.*, No. 17-50762 (5th Cir. Sept. 25, 2017). The appellate court, however, acknowledged that the words “materially limits” may need to be clarified.

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

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

#### **The Rule of Law Adherence Act**

SB 308 creates the “Rule of Law Adherence Act” in chapter 908, F.S. The act seeks to ensure state and local government cooperation in the enforcement of federal immigration laws. The act is divided into four general categories: Findings and Definitions; Duties; Enforcement; and Miscellaneous.

#### ***Part I – Findings and Definitions***

##### Findings and Intent (s. 908.101, F.S.)

The first legislative findings note two important state interests:

- State and local governments and their officials owe the citizens and other persons lawfully present a duty to assist the Federal Government with enforcement of immigration laws, including the duty to comply with federal immigration detainers; and
- In the interest of public safety and adherence to federal law, the state must support federal immigration enforcement efforts and ensure that those efforts are not impeded by laws, policies, or similar procedures.

The third and final point is that state and local entities and their officials who encourage the unlawful presence of persons in the state or who shield those persons from personal responsibility for their unlawful actions breach their duty and should be held accountable.

Definitions are provided for 8 terms used in the bill. Those definitions are discussed, when necessary, in the context of the provisions of the bill.

#### ***Part II – Duties***

##### Sanctuary Policies are Prohibited (s. 908.201, F.S.)

A state entity, local governmental entity, or law enforcement agency is prohibited from adopting or having a sanctuary policy. A sanctuary policy is generally defined as a law or policy which contravenes 8 U.S.C. s. 1373(a) or (b), by:

- Prohibiting or restricting information between a Federal, state, or local government agency and the Immigration and Naturalization Service regarding the citizenship or immigration status of an individual; or
- Prohibiting or restricting a Federal, state, or local government entity from sending, requesting, receiving, maintaining, or exchanging information regarding the immigration status of an individual to, or from, the Immigration and Naturalization Service.

Additionally, a sanctuary policy means a policy which knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with regard to federal immigration enforcement, including, but not limited to, limiting or preventing a state entity, local governmental entity, or law enforcement agency from:

- Complying with an immigration detainer;
- Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in its custody;

- Providing a federal immigration agency access to an inmate for an interview;
- Initiating an immigration status investigation; or
- Providing a federal immigration agency with an inmate's incarceration status or release date.

#### Cooperation with Federal Immigration Authorities is Required (s. 908.202, F.S.)

A state entity, law enforcement agency, or local governmental entity must comply with and support the enforcement of federal immigration law. However, this requirement only applies to an official, representative, agent, or employee when he or she is acting within the scope of official duties or scope of employment.

The bill prohibits any restrictions on a state entity, local governmental entity, or law enforcement agency's ability to:

- Send information regarding a person's immigration status to, or requesting, receiving, or reviewing that information from a federal immigration agency;
- Record and maintain immigration information for purposes of the act;
- Exchange immigration information with a federal immigration agency, state entity, local governmental entity, or law enforcement agency;
- Use immigration information to determine eligibility for a public benefit, service, or license;
- Use immigration information to verify a claim of residence or domicile if a determination of residence or domicile is required under federal or state law, local government ordinance or regulation, or pursuant to a judicial order;
- Use immigration information to comply with an immigration detainer; or
- Use immigration information to confirm the identity of a person who is detained by a law enforcement agency.

#### Criminal Cases

The bill requires a judge in a criminal case to order a secure correctional facility<sup>24</sup> where the defendant is to be confined to reduce a defendant's sentence by not more than 7 days if the facility determines that the reduction will facilitate the defendant's seamless transfer into federal custody if he or she is subject to an immigration detainer. The judge must indicate on the record that the defendant is subject to an immigration detainer or otherwise indicate that the defendant is subject to transfer into federal custody when making the order. If a judge does not have this information at the time of sentencing, he or she must issue the order to the secure correctional facility as soon as the information becomes available.

#### Transport

The bill permits a law enforcement agency that has received verification from a federal immigration agency that an alien in the law enforcement agency's custody is unlawfully present in the United States to securely transport the alien to a federal facility in this state or to a point of transfer to federal custody outside the jurisdiction of the agency. However, the law enforcement agency must first obtain judicial authorization before transporting the alien outside of the state.

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<sup>24</sup> The term "secure correctional facility" is defined as a state correctional institution in s. 944.02, F.S., or a county detention facility or municipal detention facility in s. 951.23, F.S.

### Victims or Witnesses

The cooperation and support requirements in this section do not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim or witness to a criminal offense if the victim or witness timely cooperates in good faith in the investigation or prosecution of the crime. A victim or witness's cooperation must be documented in the entity's or agency's investigative records, and the entity or agency must retain the records for at least 10 years for the purposes of audit, verification, or inspection by the Auditor General.

### Duties Related to Certain Arrested Persons (s. 908.203, F.S.)

The bill details procedures for a law enforcement agency to follow when a person is arrested and he or she cannot provide proof of lawful presence in the United States. Within 48 hours of the arrest and before he or she is released on bond, the agency must review any information available from a federal immigration agency. If the information reveals that the person is not a citizen and is unlawfully present, the agency must:

- Provide immediate notice of the person's arrest and charges to a federal immigration agency;
- Notify the judge authorized to grant or deny the person's release on bail of that information; and
- Record that information in the person's case file.

A law enforcement agency is not required to perform this duty when a person is transferred to it from another agency if the previous agency performed the duty before the transfer. A judge who receives notice of a person's immigration status pursuant to this duty must record the status in the court record.

### Duties Related to Immigration Detainers (s. 908.204, F.S.)

The bill establishes the duties of a law enforcement agency when it has custody of someone subject to an immigration detainer. If an agency has custody of a person subject to a detainer, the agency must:

- Inform the judge who is authorized to grant or deny bail of the detainer;
- Record the detainer information in the person's case file; and
- Comply with, honor, and fulfill the requests made in the detainer.

A law enforcement agency is not required to perform the three duties listed above for a person who is transferred from another law enforcement agency if the previous agency performed the duty before transferring custody. Additionally, a judge who receives notice that someone is subject to an immigration detainer must ensure that the detainer information is recorded in the court record, regardless of whether the detainer notice is received before or after a judgment is rendered in the case.

### Reimbursement of Costs from a Detained Person (s. 908.205, F.S.)

The bill authorizes a board of county commissioners to adopt an ordinance requiring any person detained pursuant to an immigration detainer to reimburse the county for any expenses incurred in detaining that person. However, the person is not liable for expenses if a federal immigration agency determines that the immigration detainer was improperly issued.

The bill also authorizes a local government or a law enforcement agency to petition the Federal Government for the reimbursement of detention and compliance costs when the costs are incurred in support of federal immigration law.

Duty to Report Violations (s. 908.206, F.S.)

An official or employee of a state entity, local governmental entity, or law enforcement agency must promptly report a known or probable violation of the act to either the Attorney General or a state attorney having jurisdiction over the entity or agency. If he or she willfully and knowingly fails to report a known or probable violation of the act, he or she may be suspended or removed from office under general law and Article IV section 7 of the State Constitution.<sup>25</sup>

The bill protects, pursuant to the state's Whistleblower Act,<sup>26</sup> any official or employee of a state entity, local governmental entity, or law enforcement agency who is retaliated against by the entity or agency or denied employment because he or she complied with the duty to report.

Implementation (s. 908.207, F.S.)

Chapter 908, F.S., which is the substance of the bill must be implemented to the fullest extent authorized by federal law regulating immigration and the legislative findings announced earlier in the bill.

***Part III – Enforcement***

Complaints (s. 908.301, F.S.)

The Attorney General must provide, through the Department of Legal Affairs' website, the format for someone to submit a complaint alleging that a violation of this chapter has occurred. Complaints are also permitted that are anonymous or submitted in a different format. Anyone has standing to submit a complaint.

Penalties (s. 908.302, F.S.)

The responsibility to investigate credible complaints rests with the state attorney for the county where the state entity is headquartered or where a local governmental entity or law enforcement agency is located. The results of the investigation must be provided to the Attorney General in a timely manner.

When the state attorney receives a complaint, the entity in question must comply with a document request by the state attorney. If the state attorney determines that a request is valid, he or she, no later than 10 days after the determination is made, must provide written notification to the entity that:

- The complaint has been filed.

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<sup>25</sup> Article IV, section 7 of the State Constitution provides that the Governor may suspend "any state officer not subject to impeachment . . . or any county officer for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor." The Senate then "may. . . remove from office or reinstate the suspended official . . ."

<sup>26</sup> Section 112.3187, F.S.

- The state attorney has determined that the complaint is valid.
- The state attorney is authorized to file an action to enjoin the violation if the entity does not comply with chapter 908, F.S., on or before the 60th day after notice is provided.

Within 30 days after receiving a written notice from the state attorney of a violation, the entity must provide the state attorney with a copy of:

- The entity's written policies and procedures regarding federal immigration agency enforcement actions, including policies and procedures for immigration detainers.
- Each immigration detainer received from a federal immigration agency in the current calendar year-to-date as well as the two previous calendar years.
- Each response sent by the entity for an immigration detainer in the current calendar year-to-date and the two previous calendar years.

The Attorney General, the state attorney who conducted the investigation, or a state attorney who has been ordered by the Governor<sup>27</sup> to conduct an investigation, may institute proceedings in circuit court to enjoin an entity or law enforcement agency found to be in violation of this act. The circuit court is required to expedite the action, including setting a hearing at the earliest practicable time.

Upon an adjudication, or as provided in a consent decree,<sup>28</sup> that a sanctuary policy violation has occurred, the court must enjoin the unlawful sanctuary policy and order the violating entity to pay a civil penalty to the state of at least \$1,000, but not more than \$5,000, for each day the sanctuary policy was in effect. This calculation begins on October 1, 2018, or the date the policy was first enacted, whichever occurs later, and is measured until the date the injunction was granted. The court maintains continuing jurisdiction over the parties and subject matter and may enforce its orders by imposing additional civil penalties as provided for in the bill and with contempt proceedings as provided by law. Payments must be remitted to the Chief Financial Officer who will deposit the payment into the General Revenue fund.

When a court approves a consent decree or grants an injunction or civil penalty as discussed above, the court must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates the act and identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal of prohibition of the sanctuary policy. The court must provide a copy of the consent decree or order with written findings to the Governor within 30 days after issuing the decree or order. The sanctuary policymaker identified in an order, injunction, or penalty may be suspended or removed from office under the provisions of general law or the State Constitution.<sup>29</sup>

The bill prohibits using public funds to defend or reimburse a sanctuary policymaker, official, or entity who knowingly and willfully violates the provisions of the act unless the payment is required by law.

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<sup>27</sup> Section 27.14, F.S. authorizes the Governor to issue an executive order requiring a state attorney from one circuit to replace a state attorney for an investigation, case, or matter "for any other good and sufficient reason" when the Governor determines that the ends of justice would be best served."

<sup>28</sup> A consent decree, sometimes referred to as a consent order, is a court decree in which all parties agree. BLACK'S LAW DICTIONARY (10th ed. 2014).

<sup>29</sup> See footnote 22 above.

Civil Causes of Action for Personal Injury or Wrongful Death (s. 908.303, F.S.)

The bill provides a cause of action for someone injured or killed by the tortious acts or omissions of an alien unlawfully present in the United States. The cause of action may be against a state entity, local governmental entity, or law enforcement agency for violation of a sanctuary policy prohibition or for not cooperating with federal immigration authorities.

To prevail, the injured person or personal representative must prove by the greater weight of the evidence:

- The existence of a sanctuary policy in violation of s. 908.201, F.S., as discussed above and either:
  - A failure to comply with the provisions requiring cooperation with the federal immigration authorities that results in the alien having access to the person harmed; or
  - A failure to comply with an immigration detainer that results in the alien having access to the person harmed.

A trial by jury is a matter of right in these actions. A final judgment for a plaintiff must include written findings of fact that describe with specificity the existence and nature of the violative sanctuary policy and identify each policymaker who voted for the policy, allowed it to be implemented, or voted against its repeal or prohibition. The court must provide the Governor a copy of the final judgment within 30 days after the judgment is rendered. A sanctuary policymaker identified in the final judgment may be suspended or removed from office as provided by law.

The bill does not create a private cause of action against a state entity, local governmental entity, or law enforcement agency that complies with the bill.

Ineligibility for State Grant Funding (s. 908.304, F.S.)

If a state entity, local governmental entity, or law enforcement agency is found to have a sanctuary policy in effect that is a violation of chapter 908, F.S., that entity is not eligible to receive funding from a nonfederal grant program administered by state agencies that receive funding from the General Appropriations Act for 5 years from the date of adjudication that the policy is a violation of the chapter.

The state attorney must notify the Chief Financial Officer of an adjudicated violation of this chapter and provide him or her with a copy of the final court injunction, order, or judgment. When the CFO receives the notice, he or she must timely inform that pertinent state agencies of the adjudicated violation and direct the agencies to cancel all pending grant applications and enforce the ineligibility of the entity. These provisions do not apply to:

- Funding received as a result of an appropriation to a specifically named entity or agency in the General Appropriations Act or other law; or
- Grants awarded before an adjudication that an entity had a sanctuary policy in effect that was a violation of this chapter.

***Part IV – Miscellaneous*****Education Records (s. 908.401, F.S.)**

The bill provides that it does not apply to the release of education records of an agency or institution, unless that release conforms to the provisions of the Family Educational rights and Privacy Act of 1974. For purposes of that bill, education records mean those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for the agency or institution. Education records do not include records of instructional, supervisory, and administrative personnel, records maintained by a law enforcement unit of the educational agency or institution, certain employment records for people who are not in attendance at the agency or institution, and medical or psychological records used in treating a student.<sup>30</sup>

**Discrimination Prohibited (s. 908.401, F.S.)**

The bill prohibits discrimination based upon a person's gender, race, religion, national origin, or physical disability, except as authorized by the United States Constitution or State Constitution.

**Repeal of Sanctuary Policies Required (Section 3)**

Any sanctuary policy, as defined in the bill, and in effect on its effective date must be repealed within 90 days after the act's effective date.

**Effective Dates**

The act takes effect on July 1, 2018, but the sections pertaining to enforcement penalties contained in s. 908.302, F.S., and civil causes of action for injury or death by an unlawfully present alien, s. 908.303, F.S., take effect on October 1, 2018.

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

This bill will likely result in litigation challenging the constitutionality of its provisions much like the challenges to somewhat similar Texas legislation. The Texas legislation

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<sup>30</sup> 20 U.S.C. 1232g(a)(4)(A) and (B).



was challenged on the grounds of federal preemption, vagueness, violations of the First Amendment and Fourth Amendments to the United States Constitution, chilling protected activity, and violations of the Equal Protection Clause of the United States Constitution. The ultimate resolution of *City of El Cenizo, et al, v. State of Texas* will likely provide guidance to any federal courts that must examine the constitutionality of this bill.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

This bill may reduce the costs of crime to the private sector to the extent that the bill facilitates the removal of criminal aliens who have a tendency for recidivism. To the extent that the bill reduces the supply of labor provided by aliens who may not be legally employed, the bill may result in an increase in wages or labor costs or higher employment levels for citizens and aliens who are legally authorized to work.

**C. Government Sector Impact:**

The bill requires local governments and law enforcement agencies to honor ICE immigration detainers. The bill does not state that these costs will be reimbursed by ICE. The bill, however in s. 908.205, F.S., authorizes a board of county commissioners to adopt an ordinance requiring a detained person to reimburse the county for expenses related to the detainer. Also, a local governmental entity or law enforcement agency may petition the Federal Government for reimbursement of its detention costs and the costs of compliance with federal requests.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 908.101, 908.402, 908.102, 908.302, 908.303, 908.201, 908.202, 908.203, 908.204, 908.205, 908.206, 908.207, 908.301, 908.304, and 908.401.

**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.

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

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By Senator Bean

4-00355-18

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1 A bill to be entitled  
 2 An act relating to federal immigration enforcement;  
 3 providing a short title; creating ch. 908, F.S.,  
 4 relating to federal immigration enforcement; providing  
 5 legislative findings and intent; providing  
 6 definitions; prohibiting sanctuary policies; requiring  
 7 state entities, local governmental entities, and law  
 8 enforcement agencies to comply with and support the  
 9 enforcement of federal immigration law; prohibiting  
 10 restrictions by such entities and agencies on taking  
 11 certain actions with respect to information regarding  
 12 a person's immigration status; providing requirements  
 13 concerning certain criminal defendants subject to  
 14 immigration detainers or otherwise subject to transfer  
 15 to federal custody; authorizing a law enforcement  
 16 agency to transport an unauthorized alien under  
 17 certain circumstances; providing an exception to  
 18 reporting requirements for crime victims or witnesses;  
 19 requiring recordkeeping relating to crime victim and  
 20 witness cooperation in certain investigations;  
 21 specifying duties concerning certain arrested persons;  
 22 specifying duties concerning immigration detainers;  
 23 authorizing a board of county commissioners to adopt  
 24 an ordinance to recover costs for complying with an  
 25 immigration detainer; authorizing local governmental  
 26 entities and law enforcement agencies to petition the  
 27 Federal Government for reimbursement of certain costs;  
 28 requiring report of violations; providing penalties  
 29 for failure to report a violation; providing whistle-

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

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30 blower protections for persons who report violations;  
 31 requiring the Attorney General to prescribe the format  
 32 for submitting complaints; providing requirements for  
 33 entities to comply with document requests from state  
 34 attorneys concerning violations; providing for  
 35 investigation of possible violations; providing for  
 36 injunctive relief and civil penalties; requiring  
 37 written findings; prohibiting the expenditure of  
 38 public funds for specified purposes; providing a cause  
 39 of action for personal injury or wrongful death  
 40 attributed to a sanctuary policy; providing that a  
 41 trial by jury is a matter of right; requiring written  
 42 findings; requiring a court to provide a copy of the  
 43 final judgment to the Governor within 30 days after  
 44 rendition; providing for suspension or removal from  
 45 office of a sanctuary policymaker; providing for  
 46 ineligibility for funding from nonfederal grant  
 47 programs for a specified duration; providing for  
 48 applicability to certain education records;  
 49 prohibiting discrimination on specified grounds;  
 50 requiring repeal of existing sanctuary policies within  
 51 a specified period; providing effective dates.

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

54  
 55 Section 1. Short title.—This act may be cited as the "Rule  
 56 of Law Adherence Act."

57 Section 2. Chapter 908, Florida Statutes, consisting of  
 58 sections 908.101-908.402, is created to read:

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

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## CHAPTER 908

## FEDERAL IMMIGRATION ENFORCEMENT

## PART I

## FINDINGS AND DEFINITIONS

908.101 Legislative findings and intent.—The Legislature finds that it is an important state interest that state entities, local governmental entities, and their officials owe an affirmative duty to all citizens and other persons lawfully present in the United States to assist the Federal Government with enforcement of federal immigration laws within this state, including complying with federal immigration detainers. The Legislature further finds that it is an important state interest that, in the interest of public safety and adherence to federal law, this state support federal immigration enforcement efforts and ensure that such efforts are not impeded or thwarted by state or local laws, policies, practices, procedures, or customs. State entities, local governmental entities, and their officials who encourage persons unlawfully present in the United States to locate within this state or who shield such persons from personal responsibility for their unlawful actions breach this duty and should be held accountable.

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

(1) "Federal immigration agency" means the United States Department of Justice, the United States Department of Homeland Security, or any successor agency and any division of such agency, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, or any other federal agency charged with the enforcement of immigration law. The term includes an official or employee of such agency.

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(2) "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357. For purposes of this subsection, an immigration detainer is deemed facially sufficient if:

(a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but the form is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law.

(3) "Inmate" means a person in the custody of a law enforcement agency.

(4) "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in the state and includes municipal police departments, sheriff's offices, state police departments, state university and college police

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departments, and the Department of Corrections. The term includes an official or employee of such agency.

(5) "Local governmental entity" means any county, municipality, or other political subdivision of this state. The term includes a person holding public office or having official duties as a representative, agent, or employee of such entity.

(6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or authorized by a state entity, local governmental entity, or law enforcement agency which contravenes 8 U.S.C. s. 1373(a) or (b), or which knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with respect to federal immigration enforcement, including, but not limited to, limiting or preventing a state entity, local governmental entity, or law enforcement agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the state entity, local governmental entity, or law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Initiating an immigration status investigation; or

(e) Providing a federal immigration agency with an inmate's incarceration status or release date.

(7) "Sanctuary policymaker" means a state or local elected official, or an appointed official of a local governmental entity governing body, who has voted for, allowed to be implemented, or voted against repeal or prohibition of a

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sanctuary policy.

(8) "State entity" means the state or any office, board, bureau, commission, department, branch, division, or institution thereof, including institutions within the State University System and the Florida College System. The term includes a person holding public office or having official duties as a representative, agent, or employee of such entity.

## PART II

### DUTIES

908.201 Sanctuary policies prohibited.—A state entity, law enforcement agency, or local governmental entity may not adopt or have in effect a sanctuary policy.

908.202 Cooperation with federal immigration authorities.—

(1) A state entity, local governmental entity, or law enforcement agency shall fully comply with and, to the fullest extent authorized by law, support the enforcement of federal immigration law. This subsection is only applicable to an official, representative, agent, or employee of such entity or agency when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.

(2) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency may not prohibit or in any way restrict another state entity, local governmental entity, or law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:

(a) Sending such information to or requesting, receiving, or reviewing such information from a federal immigration agency for purposes of this chapter.

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(b) Recording and maintaining such information for purposes of this chapter.

(c) Exchanging such information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.

(d) Using such information to determine eligibility for a public benefit, service, or license pursuant to federal or state law or an ordinance or regulation of a local governmental entity.

(e) Using such information to verify a claim of residence or domicile if a determination of residence or domicile is required under federal or state law, an ordinance or regulation of a local governmental entity, or a judicial order issued pursuant to a civil or criminal proceeding in this state.

(f) Using such information to comply with an immigration detainer.

(g) Using such information to confirm the identity of a person who is detained by a law enforcement agency.

(3) (a) This subsection only applies in a criminal case in which:

1. The judgment requires the defendant to be confined in a secure correctional facility; and

2. The judge:

a. Indicates in the record under s. 908.204 that the defendant is subject to an immigration detainer; or

b. Otherwise indicates in the record that the defendant is subject to a transfer to federal custody.

(b) In a criminal case described by paragraph (a), the judge shall, at the time of pronouncement of a sentence of

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confinement, issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant's sentence by a period of not more than 7 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term "secure correctional facility" means a state correctional institution, as defined in s. 944.02, or a county detention facility or a municipal detention facility, as defined in s. 951.23.

(c) If the applicable information described by subparagraph (a)2. is not available at the time the sentence is pronounced in the case, the judge shall issue the order described by paragraph (b) as soon as the information becomes available.

(4) Notwithstanding any other provision of law, if a law enforcement agency has received verification from a federal immigration agency that an alien in the law enforcement agency's custody is unlawfully present in the United States, the law enforcement agency may securely transport such alien to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. A law enforcement agency shall obtain judicial authorization before securely transporting such alien to a point of transfer outside of this state.

(5) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if such victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or

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prosecution of such offense.

(6) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (5), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document such victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain such records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.

908.203 Duties related to certain arrested persons.-

(1) If a person is arrested and is unable to provide proof of his or her lawful presence in the United States, not later than 48 hours after the person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall:

(a) Review any information available from a federal immigration agency.

(b) If information obtained under paragraph (a) reveals that the person is not a citizen of the United States and is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq., the law enforcement agency shall:

1. Provide immediate notice of the person's arrest and charges to a federal immigration agency.

2. Provide notice of that fact to the judge authorized to grant or deny the person's release on bail under chapter 903.

3. Record that fact in the person's case file.

(2) A law enforcement agency is not required to perform a duty imposed by subsection (1) with respect to a person who is

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transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before transferring custody of the person.

(3) A judge who receives notice of a person's immigration status under this section shall ensure that such status is recorded in the court record.

908.204 Duties related to immigration detainers.-

(1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:

(a) Provide to the judge authorized to grant or deny the person's release on bail under chapter 903 notice that the person is subject to an immigration detainer.

(b) Record in the person's case file that the person is subject to an immigration detainer.

(c) Comply with, honor, and fulfill the requests made in the immigration detainer.

(2) A law enforcement agency is not required to perform a duty imposed by paragraph (1) (a) or paragraph (1) (b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before transferring custody of the person.

(3) A judge who receives notice that a person is subject to an immigration detainer shall ensure that such fact is recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

908.205 Reimbursement of costs.-

(1) A board of county commissioners may adopt an ordinance

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requiring a person detained pursuant to an immigration detainer to reimburse the county for any expenses incurred in detaining the person pursuant to the immigration detainer. A person detained pursuant to an immigration detainer is not liable under this section if a federal immigration agency determines that the immigration detainer was improperly issued.

(2) A local governmental entity or law enforcement agency may petition the Federal Government for reimbursement of the entity's or agency's detention costs and the costs of compliance with federal requests when such costs are incurred in support of the enforcement of federal immigration law.

#### 908.206 Duty to report.—

(1) An official, representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency shall promptly report a known or probable violation of this chapter to the Attorney General or the state attorney having jurisdiction over the entity or agency.

(2) An official, representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency who willfully and knowingly fails to report a known or probable violation of this chapter may be suspended or removed from office pursuant to general law and s. 7, Art. IV of the State Constitution.

(3) A state entity, local governmental entity, or law enforcement agency may not dismiss, discipline, take any adverse personnel action as defined in s. 112.3187(3) against, or take any adverse action described in s. 112.3187(4)(b) against, an official, representative, agent, or employee for complying with subsection (1).

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(4) Section 112.3187 of the Whistle-blower's Act applies to an official, representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency who is dismissed, disciplined, subjected to any adverse personnel action as defined in s. 112.3187(3) or any adverse action described in s. 112.3187(4)(b), or denied employment because he or she complied with subsection (1).

908.207 Implementation.—This chapter shall be implemented to the fullest extent authorized by federal law regulating immigration and the legislative findings and intent declared in s. 908.101.

#### PART III

##### ENFORCEMENT

908.301 Complaints.—The Attorney General shall prescribe and provide through the Department of Legal Affairs' website the format for a person to submit a complaint alleging a violation of this chapter. This section does not prohibit the filing of an anonymous complaint or a complaint not submitted in the prescribed format. Any person has standing to submit a complaint under this chapter.

#### 908.302 Enforcement; penalties.—

(1) The state attorney for the county in which a state entity is headquartered or in which a local governmental entity or law enforcement agency is located has primary responsibility and authority for investigating credible complaints of a violation of this chapter. The results of an investigation by a state attorney shall be provided to the Attorney General in a timely manner.

(2) (a) A state entity, local governmental entity, or law



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enforcement agency for which the state attorney has received a complaint shall comply with a document request from the state attorney related to the complaint.

(b) If the state attorney determines that a complaint filed against a state entity, local governmental entity, or law enforcement agency is valid, the state attorney shall, not later than the 10th day after the date of the determination, provide written notification to the entity that:

1. The complaint has been filed.

2. The state attorney has determined that the complaint is valid.

3. The state attorney is authorized to file an action to enjoin the violation if the entity does not come into compliance with the requirements of this chapter on or before the 60th day after the notification is provided.

(c) No later than the 30th day after the day a state entity or local governmental entity receives written notification under paragraph (b), the state entity or local governmental entity shall provide the state attorney with a copy of:

1. The entity's written policies and procedures with respect to federal immigration agency enforcement actions, including the entity's policies and procedures with respect to immigration detainers.

2. Each immigration detainer received by the entity from a federal immigration agency in the current calendar year-to-date and the two prior calendar years.

3. Each response sent by the entity for an immigration detainer described by subparagraph 2.

(3) The Attorney General, the state attorney who conducted

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the investigation, or a state attorney ordered by the Governor pursuant to s. 27.14 may institute proceedings in circuit court to enjoin a state entity, local governmental entity, or law enforcement agency found to be in violation of this chapter. The court shall expedite an action under this section, including setting a hearing at the earliest practicable date.

(4) Upon adjudication by the court or as provided in a consent decree declaring that a state entity, local governmental entity, or law enforcement agency has violated this chapter, the court shall enjoin the unlawful sanctuary policy and order that such entity or agency pay a civil penalty to the state of at least \$1,000 but not more than \$5,000 for each day that the sanctuary policy was in effect commencing on October 1, 2018, or the date the sanctuary policy was first enacted, whichever is later, until the date the injunction was granted. The court shall have continuing jurisdiction over the parties and subject matter and may enforce its orders with imposition of additional civil penalties as provided for in this section and contempt proceedings as provided by law.

(5) An order approving a consent decree or granting an injunction or civil penalty pursuant to subsection (4) must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy in violation of s. 908.201 and that identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal or prohibition of the sanctuary policy. The court shall provide a copy of the consent decree or order granting an injunction or civil penalty which contains the written findings required by this subsection to the Governor within 30 days after the date of

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rendition. A sanctuary policymaker identified in an order approving a consent decree or granting an injunction or civil penalty may be suspended or removed from office pursuant to general law and s. 7, Art. IV of the State Constitution.

(6) A state entity, local governmental entity, or law enforcement agency ordered to pay a civil penalty pursuant to subsection (4) shall remit payment to the Chief Financial Officer, who shall deposit such payment into the General Revenue Fund.

(7) Except as required by law, public funds may not be used to defend or reimburse a sanctuary policymaker or an official, representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency who knowingly and willfully violates this chapter.

908.303 Civil cause of action for personal injury or wrongful death attributed to a sanctuary policy; trial by jury; required written findings.—

(1) A person injured in this state by the tortious acts or omissions of an alien unlawfully present in the United States, or the personal representative of a person killed in this state by the tortious acts or omissions of an alien unlawfully present in the United States, has a cause of action for damages against a state entity, local governmental entity, or law enforcement agency in violation of ss. 908.201 and 908.202 upon proof by the greater weight of the evidence of:

(a) The existence of a sanctuary policy in violation of s. 908.201; and

(b) 1. A failure to comply with a provision of s. 908.202 resulting in such alien's having access to the person injured or

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killed when the tortious acts or omissions occurred; or

2. A failure to comply with a provision of s. 908.204(1) (c) resulting in such alien's having access to the person injured or killed when the tortious acts or omissions occurred.

(2) A cause of action brought pursuant to subsection (1) may not be brought against a person who holds public office or who has official duties as a representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency, including a sanctuary policymaker.

(3) Trial by jury is a matter of right in an action brought under this section.

(4) A final judgment entered in favor of a plaintiff in a cause of action brought pursuant to this section must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy in violation of s. 908.201 and that identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal or prohibition of the sanctuary policy. The court shall provide a copy of the final judgment containing the written findings required by this subsection to the Governor within 30 days after the date of rendition. A sanctuary policymaker identified in a final judgment may be suspended or removed from office pursuant to general law and s. 7, Art. IV of the State Constitution.

(5) Except as provided in this section, this chapter does not create a private cause of action against a state entity, local governmental entity, or law enforcement agency that complies with this chapter.

908.304 Ineligibility for state grant funding.—

(1) Notwithstanding any other provision of law, a state

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entity, local governmental entity, or law enforcement agency shall be ineligible to receive funding from nonfederal grant programs administered by state agencies that receive funding from the General Appropriations Act for a period of 5 years from the date of adjudication that such state entity, local governmental entity, or law enforcement agency had in effect a sanctuary policy in violation of this chapter.

(2) The Chief Financial Officer shall be notified by the state attorney of an adjudicated violation of this chapter by a state entity, local governmental entity, or law enforcement agency and be provided with a copy of the final court injunction, order, or judgment. Upon receiving such notice, the Chief Financial Officer shall timely inform all state agencies that administer nonfederal grant funding of the adjudicated violation by the state entity, local governmental entity, or law enforcement agency and direct such agencies to cancel all pending grant applications and enforce the ineligibility of such entity for the prescribed period.

(3) This subsection does not apply to:

(a) Funding that is received as a result of an appropriation to a specifically named state entity, local governmental entity, or law enforcement agency in the General Appropriations Act or other law.

(b) Grants awarded before the date of adjudication that such state entity, local governmental entity, or law enforcement agency had in effect a sanctuary policy in violation of this chapter.

#### PART IV

#### MISCELLANEOUS

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

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908.401 Education records.—This chapter does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s. 1232g.

908.402 Discrimination prohibited.—A state entity, a local governmental entity, or a law enforcement agency, or a person employed by or otherwise under the direction or control of such an entity, may not base any actions under this chapter on the gender, race, religion, national origin, or physical disability of a person except to the extent authorized by the United States Constitution or the State Constitution.

Section 3. A sanctuary policy, as defined in s. 908.102, Florida Statutes, as created by this act, that is in effect on the effective date of this act must be repealed within 90 days after that date.

Section 4. Except for sections 908.302 and 908.303, Florida Statutes, as created by this act, which shall take effect October 1, 2018, this act shall take effect July 1, 2018.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Greg Steube, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 11, 2018

---

I respectfully request that **Senate Bill # 308**, relating to Federal Immigration Enforcement, be placed on the:

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

A handwritten signature in cursive script that reads "Aaron Bean".

---

Senator Aaron Bean  
Florida Senate, District 4

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/18

Meeting Date

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

308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Scott D. McCoy

Job Title Senior Policy Counsel

Address P.O. Box 10708

Phone 850-521-5042

Street

Tally

FL

32302

City

State

Zip

Email scott.mccoy@splcenter.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Southern Poverty Law Center

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.

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S-001 (10/14/14)

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

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

1-30-18

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration ENF

Amendment Barcode (if applicable)

Name Kayla Peterson

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

Address 14 Surrey Road  
Street

Phone 561-972-1304

Palm Beach Gardens, FL 33418  
City State Zip

Email peteronkayla19@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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**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 308

Bill Number (if applicable)

Topic Federal Immigration

Name Tania Myrtel

Job Title Constituent

Address 5709 Baynton Cove way

Street

Baynton Beach Florida

City

State

33437

Zip

Phone 561-860-3327

Email Startightmyrtel@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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**APPEARANCE RECORD**

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1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Jack White

Job Title Constituent

Address Key Lime Blvd

Street

West Palm Beach

City

FL

State

33412

Zip

Phone \_\_\_\_\_

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)



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

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1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enf

Name Rhyanne Suarez

Job Title constituent

Address 1321 NW 12nd Ave

Street

Plantation, FL 33313

City

State

Zip

Phone 954-593-7954

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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**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

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Jamare Steem

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

Address 8625 Palisades Lake Drive  
Street

Phone 561 412 9913

West Palm Beach Florida 33411  
City State Zip

Email jamarejanelle@me.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

Jan 30, 2018  
Meeting Date

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SB 308  
Bill Number (if applicable)

Topic Anti-immigration ENF

Name Alexandra Smith

Job Title Constituent

Address 1200 Virginia Ave  
Street

Phone \_\_\_\_\_

Clewiston FL  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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**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

308

Bill Number (if applicable)

Topic

Federal Immigration ENF

Amendment Barcode (if applicable)

Name

Daniela Mavea-Smith

Job Title

Constituent

Address

14840 SW. 104 St. #98

Phone

Street

Miami

FL

33196

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

\_\_\_\_\_

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

1-30-18  
Meeting Date

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

SB 308  
Bill Number (if applicable)

Topic Federal Immigration

Amendment Barcode (if applicable)

Name Anne-Christine Surin

Job Title Social Work Student

Address \_\_\_\_\_ Phone \_\_\_\_\_  
Street

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing UCF

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

1-30-18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Ana Contreras

Job Title Social Work Student

Address 10524 Leader Ln  
Street

Phone 407-953-8912

Orlando  
City

FL  
State

32825  
Zip

Email anacontreras95@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing University of Central Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

1-30-18

Meeting Date

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SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Name Pamela Mahaffy

Job Title retired

Address 11122 103<sup>rd</sup> Ter. Nth.

Street

Largo, FL 33778

City

State

Zip

Phone 989 7090574

Email jmahaffy45@live.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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**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-308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name John W. MAHAFFY

Job Title VICE CHAIRMAN UAW SUNCOAST RETIRED

Address 11122 103 RD TERRACE  
Street

Phone 989 709 0574

LARGO FL 33778  
City State Zip

Email JMahaffy45@LIVE.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

1/30/2018  
Meeting Date

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308  
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Bernardo Ibarra

Job Title Electrician

Address 191 Dawson Brown Rd  
Street

Phone 386-717-5146

Deleon Springs FL 32130  
City State Zip

Email ibarra1983@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

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1/30/18  
Meeting Date

308  
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Troy Joyner

Job Title Electrician

Address 93 N. Ridgwood Ave  
Street

Phone 386 451 5588

Ormond Bch. FL 32174  
City State Zip

Email T.Joyner2056@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/18

Meeting Date

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

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Jerome Bradley

Job Title Housing Case Manager

Address 315 Prairie Rose Lane

Phone 561-706-6524

Street

Boca Raton, FL 33487

City

State

Zip

Email jerome.bradley24@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Atlantic University

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-30-18

Meeting Date

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Teresa Campanilla

Job Title concerned citizen

Address Lock Street 15044 Polk Ave Phone \_\_\_\_\_  
Street

Dade City FL 33523 Email \_\_\_\_\_  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Farm worker Selfhelp

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1-30-2018

Meeting Date

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

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Diane Edwards

Job Title Executive Asst

Address 37240 Lock St  
Street

Phone (352) 567-31432  
(813) 293-7170

Dade City FL 33523  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information  
Not Speaking

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

Representing Farmworkers Self-Help Inc

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.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/30/2018

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Julio Calderon

Job Title Organizer

Address 2800 Biscayne Blvd. Suite 800  
Street

Phone \_\_\_\_\_

Miami FL 33137  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Immigrant Coalition

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

1-30-18

Meeting Date

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Londa Edwards

Job Title concerned citizen

Address 37121 Lock St  
Street

Phone 813 293 7172

Dade City FL 33523  
City State Zip

Email Londa EDC@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Farmworkers Self-Help Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

1-30-2018

Meeting Date

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

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name David Benson

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

Address 37124 Lock St

Phone 3525671432

Street

Dade City

FL

33523

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Farm Workers Self-Help Inc

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Carrow Garrison

Job Title MSW Student with Florida State University

Address Phone

Street

Tallahassee

FL

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

## APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name David fernandez

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

Address 138 S. Monroe St.

Street

Phone \_\_\_\_\_

Tallahassee

City

FL

State

32301

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing SelfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/2018

Meeting Date

308

Bill Number (if applicable)

Topic

SB 308 Immigration Enforcement

Amendment Barcode (if applicable)

Name

Phelicia Stiel

Job Title

Attorney

Address

113 S. Monroe Street

Phone

(850) 877-3525

Street

Tallahassee

Fl.

32301

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

League of Women Voters of Florida

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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S-001 (10/14/14)

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

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

1-30-18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Roger Simmermaker

Job Title CEO/President - Consumer Patriotism Corp

Address 13112 Aronowink Lane

Phone 407-234-4626

Street

Orlando FL 32828

City

State

Zip

Email how2buyamerican@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name David Sleeth

Job Title Legislative Policy Director

Address

Street

Phone

305-587-3405

City

State

Zip

Email

dsleeth@engagewsa.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Engage

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

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

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

01/30/2018  
Meeting Date

308  
Bill Number (if applicable)

Topic Senate Bill 308 Immigration Bill

Amendment Barcode (if applicable)

Name Nathali Quezada

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

Address 4439 Naomi drive

Phone 561-801-4217

Street

Lake Worth

FL

33463

Email Nathalie.quezada@gstar  
school.org

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No      Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/18  
Meeting Date

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

308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement  
Amendment Barcode (if applicable)

Name Kiska Sanders

Job Title Social Worker (Child Welfare)

Address 14500 NW 38 Ave  
Street

Phone (7) 707-9042

Miami 33055  
City State Zip

Email Kiska.Sanders@my.miami-dade.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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

1-30-2018

Meeting Date

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

308

Bill Number (if applicable)

Topic

SB 308

Amendment Barcode (if applicable)

Name

Margarita Romo

Job Title

Executive Director

Address

37240 Lock St

Phone

352 567 1432

Street

Dade City

FL

State

33523

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☒

In Support

☒

Against

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

*Totally Against*

Representing

FARMWORKERS

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)



# APPEARANCE RECORD

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

1-30-18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Rebecca Wood

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

Address 896 Wilmington Lane  
Street

Phone \_\_\_\_\_

Orange Park FL 32065  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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 308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Samantha Zane

Job Title Student

Address 4850 First Coast Tech Pkwy

Phone

Street

Jacksonville FL 32224

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/31/17  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic SB 308

Amendment Barcode (if applicable)

Name Rev. Joe Parramore

Job Title Faith Leader

Address 6099 Pat Thomas Pkwy

Phone 850-812-0584

Street

Quincy

FL

State

32351

Zip

Email rev.joe.parramore@gaia.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FL Clergy United

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic SB 308

Amendment Barcode (if applicable)

Name Deneeka Moodie

Job Title MSW Student FAU

Address 1605 NW 80th Ave 240

Street

Margate

City

FL

State

33063

Zip

Phone (954) 854-7280

Email Dmoodie2015@gmail

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

1-30-18

Meeting Date

308

Bill Number (if applicable)

Topic

Immigrant

Amendment Barcode (if applicable)

Name

Karen Woodbury

Job Title

student

Address

3733 Star Leaf Rd

Phone

904-450-0634

Street

Jacksonville

FL

32210

Email

Karen.Woodbury@gmail.com

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

myself

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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S-001 (10/14/14)

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

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

1/30/17  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic SB 308 Immigration

Amendment Barcode (if applicable)

Name DANISA HOLMES

Job Title SUB teacher

Address 8300 N Sherman Cir  
Street

Phone 954-494-5814

Miramar FL 33025  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Atlantic University

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

1/30/2018  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic SB 308: Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Jennifer Santana

Job Title BSW Student

Address 408 Sparrow Branch Circle  
Street  
St Johns FL 32259  
City State Zip

Phone 805-469-3190

Email N00964678@unf.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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 808

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Veronica Prisco

Job Title MSW Student

Address 2441 Lake Vista Ct Apt 211

Street

Phone (772) 201 3224

Casselberry

FL

32707

City

State

Zip

Email VeronicaPrisco@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)



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

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

1-30-18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic SB 308

Amendment Barcode (if applicable)

Name Angela Heck

Job Title MSW UCF Student

Address 15336 Torpoint Rd  
Street

Phone \_\_\_\_\_

Winter Garden, FL 34787  
City State Zip

Email ahack@knights.ucf.edu

Speaking: ☒ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

**APPEARANCE RECORD**

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

1/30/18  
Meeting DateSB 308  
Bill Number (if applicable)Topic SB - 308

Amendment Barcode (if applicable)

Name Kathleen HopkinsJob Title Masters Social work student@UCFAddress 4254 Spoleto Circle  
StreetPhone N/AOviedo  
CityFL  
State32765  
ZipEmail N/ASpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ NoLobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/30/

Meeting Date

SB 308

~~SB 308~~

Bill Number (if applicable)

Topic SB 308: Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Aniza Cantillo

Job Title Student

Address 2041 Dixie Belle Dr Apt D

Phone 786-337-5506

Street

Orlando

City

FL

State

32812

Zip

Email anizacantillo@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/18

Meeting Date

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

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Victoria Nelson

Job Title Case Manager

Address 12037 Ashton Manor Way

Phone

Street

Orlando

FL

32828

Email

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/30/14

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Glibriel Jimenez

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

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.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

01/30/2018  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Dylan Kastner

Job Title Student

Address 9850 first coast tech pkwy  
Street

Phone 727-643-3009

Jacksonville FL 32224  
City State Zip

Email dylan.j.kastner@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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

1/30/18

(Meeting Date)

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

SB 308

(Bill Number (if applicable))

Topic SB 308 Anti-Immigrant Bill

(Amendment Barcode (if applicable))

Name Lisa Moore

Job Title Student at FSU

Address 1000 High Rd Apt 708

Phone (850) 480-8240

Street

Tallahassee

FL

32304

City

State

Zip

Email LKM16B@MY.FSU.EDU

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic

Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name

Rebecca B.

Job Title

Address

Street

Phone

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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S-001 (10/14/14)



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

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic SB308

Amendment Barcode (if applicable)

Name Michele Rios

Job Title MSW student

Address 1121 Summit PL Circle Apt A  
Street

Phone 561-601-2518

W. P. B.  
City

FL  
State

33415  
Zip

Email Michie marie@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FAU

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

31 Jan. 2018

Meeting Date

SB 308

Bill Number (if applicable)

Topic SB 308

Amendment Barcode (if applicable)

Name Caitlin Fehrs

Job Title Social work MSW student / Crime Victim Advocate

Address 1635 NW Fork Rd

Street

Phone 304 677 3816

Stuart

City

FL

State

34994

Zip

Email cfehrs2017@fgu.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Immigrants

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.*

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/18

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

SB 308

Meeting Date

Bill Number (if applicable)

Topic

Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name

Yulan

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

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.

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S-001 (10/14/14)

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

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

Meeting Date

1/30/18

Bill Number (if applicable)

308

Topic

SB 308

Amendment Barcode (if applicable)

Name

Haidee Cano

Job Title

MSW student

Address

209 Cartney Lakes Circle

Phone

786-223-5692

Street

West Palm Beach, FL 33401

City

State

Zip

Email

haideecano@gmail.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

FAU-MSW

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/31/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic SB 308 Federal Immigration Enforcement Amendment Barcode (if applicable)

Name Tracy Taylor

Job Title MSW Student

Address 6110 N. Ocean Blvd

Street

Phone 917 225 6200

City

Ocean Ridge FL

State

Zip

33435

Email tracytaylor207@Eau.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing I'm a citizen of Palm Beach 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.

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S-001 (10/14/14)

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

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

1/30/18  
Meeting Date

SB308  
Bill Number (if applicable)

Topic Fed. Immigration Enforcement

Amendment Barcode (if applicable)

Name Arlene Jimenez

Job Title BSW Student - FAU

Address 8118 Florenza Dr.

Phone 917-583-5854

Boynton Beach, FL 33472  
City State Zip

Email AJimenez2017@fauc.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/30/8  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic SB 308 - Federal Immigration Enf

Amendment Barcode (if applicable)

Name Tiffany Hodgson - NASW BSW FL Rep.

Job Title Barry University - School of Social Work

Address  
Street

Phone 954-856-5231

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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

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

11/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Breanna McIntosh

Job Title Student at Florida Atlantic University

Address 7198 NW 48<sup>th</sup> CT

Street

Lauderhill

City

FL

State

33319

Zip

Phone (954) 305-7554

Email bmcintosh2017@fau.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)



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

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

11/30/18

Meeting Date

SB308

Bill Number (if applicable)

Topic SB308

Amendment Barcode (if applicable)

Name Mireya Medina Silvagnoli

Job Title Child Advocate Manager

Address 4343 Melaleuca Ln

Phone 561-215-4151

Street

Lake Worth FL 33461

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Atlantic Univ / Guardian ad Litem Program

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/2018

Meeting Date

308

Bill Number (if applicable)

Topic Federal Immigrant Enforcement

Amendment Barcode (if applicable)

Name Shacey Stevenson

Job Title Social Worker (Child Welfare)

Address 3047 Red Mangrove Lane North

Phone 954-213-2749

Street

St. Lande Island FL

City

State

33312

Zip

Email ShaceyStevenson@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Berry University

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic FEDERAL IMMIGRATION ENT

Amendment Barcode (if applicable)

Name MAGDA E. CHARRIS

Job Title INVESTIGATOR

Address 2821 SW 73RD WAY #1801

Street

Phone 954-864-6977

DAVIE, FL 33314

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing BARRY UNIV.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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

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

01-30-18

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Johanna Rodriguez

Job Title Barry University Social Work

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 NASW-FL + Barry University

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Ileyna Gil

Job Title Student

Address 507 Pinnacle Cove Blvd Apt 207

Street

Phone 407-285-2793

Orlando

City

FL

State

32824

Zip

Email Ileyna-Gil@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Jordan Nodelman

Job Title Social Worker

Address Barry University  
Street

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ Yes ☐ Against  
(The Chair will read this information into the record.)

Representing NASW-FL

Against @

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

01/30/2018

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Cassandra Tenzer

Job Title Social Worker

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 NASW-FI @ Barry University School of Social Work

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

Jan 31 2018

Meeting Date

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

308

Bill Number (if applicable)

Topic Sanctuary Cities

Amendment Barcode (if applicable)

Name Dr. Carolyn Zonia

Job Title Physician

Address 620 Plantwood

Phone \_\_\_\_\_

Street

City

SEB

FL

State

32459

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)



**APPEARANCE RECORD**

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic SB 308 Federal Immigration

Amendment Barcode (if applicable)

Name Patricia ColasJob Title Social Work

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

UCF

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

11/30/18

Meeting Date

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

308

Bill Number (if applicable)

Topic Immigrant

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Exec. Director

Address 579 E. Call St.  
Street

Phone 850-321-9386

Tallahassee FL 32301  
City State Zip

Email fcfep

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Center for Fiscal & Economic Policy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18  
Meeting Date

308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Angela H

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Palm Beach Garden

City

State

FL

Zip

33418

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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

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

01/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Pamela Benavente

Job Title Student (UCF)

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 \_\_\_\_\_

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.*

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Jennifer Weber

Job Title UNF Social work student

Address 8343 Chason Rd W

Phone

Street

Jacksonville

City

FL

State

32244

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

# APPEARANCE RECORD

1-30-18

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

308

Meeting Date

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title MS

Address 625 E. Broadway St

Phone 850-251-4200

Street

Jallahassee

FL

32308

Email barbaradevane@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL NOW

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.

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**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

S.B. 308  
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Preston Drummer

Job Title Retired

Address 6713 Champlain Road  
Street

Phone 904-707-6697

Jacksonville, Florida 32209  
City State Zip

Email Drumpp1@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing My Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

S-001 (10/14/14)

## THE FLORIDA SENATE

## APPEARANCE RECORD

1/30/18

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

Meeting Date

SB 308

Bill Number (if applicable)

Topic Banning Sanctuary Policies

Amendment Barcode (if applicable)

Name Kirk BaileyJob Title Political DirectorAddress 4343 W. Flagler St.Phone 786-363-2713

Street

Miami

FL

33134

City

State

Zip

Email kbailey@aclufl.orgSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing American Civil Liberties Union of FloridaAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic ~~IMF~~ IMF

Amendment Barcode (if applicable)

Name Cliff Myrtel

Job Title Constituent

Address 5709 Boynton Cove Way

Street

Phone 561 860-1144

Boynton Beach

City

FL

State

33437

Zip

Email cliffmyrtel123@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

## APPEARANCE RECORD

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

9/30/2018

Meeting Date

58308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Federal Immigration EnforcementJob Title social work student - Olga L. OrobóñezAddress 6792 SW 40 ST, Davie FL 33314Phone 786-603 4161

Street

Dave FL 33314

City

State

Zip

Email oobonez2016@fau.eduSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing Self.Appearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2. PM

Meeting Date

SB 308

Bill Number (if applicable)

Topic Fed immigration enforcement

Amendment Barcode (if applicable)

Name Don Rimbrell

Job Title Retired

Address 1398 Freeman Rd

Phone 850 545 2652

Street Lamoine

City FL

State 32336

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2pm  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration enforcement  
~~prohibiting sanctuary cities~~

Amendment Barcode (if applicable)

Name Elizabeth Bevin

Job Title Retired Attorney

Address 1398 FREEM  
Street

Phone 850 545 9320

Lamont  
City State Zip

Email don.kumbrell@fla.senate.gov

Speaking: ☐ For ☐ Against ☐ Information

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

Representing none

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.

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S-001 (10/14/14)

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

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

1/30/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Stefanie Ortiz

Job Title Student (UCF) BSW

Address 4606 Caverns Drive  
Street

Phone 407-745-7884

Kissimmee  
City

FL  
State

34758  
Zip

Email stefanie.ortiz@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing The Hispanic Community

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

1-30-18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal immigration ~~enforcement~~ <sup>enforcement</sup>

Amendment Barcode (if applicable)

Name Sebene Norman

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

Address 5516 Cannon Way 14<sup>e</sup>  
Street

Phone 561-399-7820

West palm beach fl  
City State Zip

Email sebene102399@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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

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

1-30-18

Meeting Date

308

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Susan Smith

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

Address 16111 Vanderbilt Dr

Phone 813.926-2768

Street

Odessa

FL

33556

City

State

Zip

Email stsmith822@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/30/18  
Meeting Date

SB-308  
Bill Number (if applicable)

Topic immigration

Amendment Barcode (if applicable)

Name Michelle Francis

Job Title Student

Address 777 Glades Road

Phone 561-297-6000

Street

Boca Raton FL 33431

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FAU-

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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SB 308

THE FLORIDA SENATE

## APPEARANCE RECORD

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

Jan. 20, 2018  
Meeting Date308  
Bill Number (if applicable)Topic Sanctuary Cities

Amendment Barcode (if applicable)

Name Amir ElhamoulyJob Title ProfessorAddress 263 Gallows CirclePhone 4076921417Street  
Winter Park FL 32792  
City State ZipEmail amir@jhu.eduSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing SelfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1-30-18

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

SB 308

Meeting Date

Bill Number (if applicable)

Topic Sanctuary Cities

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Self

Address 1130 Crestview Ave

Phone

(850) 322-7599

Street

Tallahassee

FL

32303

Email

Amalie.datz@mac.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/30/18

Meeting Date

SB388

Bill Number (if applicable)

Topic Fed Immigration

Amendment Barcode (if applicable)

Name Brenda Lee Lennick

Job Title Retired USMC

Address 420 E Park Ave #3

Phone 8506658456

Street

Tally

FL

32307

City

State

Zip

Email mrs.sapienza@gmail

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Veterans For Peace

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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# APPEARANCE RECORD

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

1/30/18  
Meeting Date

308  
Bill Number (if applicable)

Topic immigration

Amendment Barcode (if applicable)

Name Fanny Ballester

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

Address 1264 Green Vista ct.  
Street  
APOPKA, FL. 32712  
City State Zip

Phone 407-304-6207

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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**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

308  
Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Tirso Moreno

Job Title General Coordinator

Address 1264 Apogee Blvd  
Street

Phone 407 810 3330

Apogee FL 32703  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Farmworker Assoc. of Florida

Appearing at request of Chair: ☐ Yes ☒ No      Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Yesica Ramirez

Job Title

Address 1249 Rossman Dr

Street

Phone 407 427 2090

APOLKA

City

FL

State

32703

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Maria Vasquez

Job Title

Address

Phone

Street

Apopka

City

FL

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Eugenia Echeverria

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Arpopka

FL

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



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

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

1/30/2018

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Tara Wells / Social Worker Students @ BU

Job Title Social worker

Address 3 Edinburgh Dr

Phone 713-598-9224

Street

PBG

City

FL

State

33418

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information  
*wave*

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

Representing Social work students @ BU

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Andres Torrens

Job Title Clinical Director

Address 122 Casa Grande Ct.

Phone 561 951-0892

Street

City

State

Zip

Palm Beach Gardens, FL 33418

Email artorrens@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing National Association of Social Workers

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

# APPEARANCE RECORD

1-30-18

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

SB 308

Meeting Date

Bill Number (if applicable)

Topic IMMIGRATION

Amendment Barcode (if applicable)

Name Jim Junecko

Job Title Constituent

Address 441 33<sup>rd</sup> St. N, # 712

Phone 407-346-3525

Street

St. Petersburg FL 33713

City

State

Zip

Email Jim.Junecko@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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**APPEARANCE RECORD**

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Estelle RoseboroughJob Title MSW Student - Saint Leo UniversityAddress 929 Delaney Circle Apt 103

Street

Brandon FL 33511

City

State

Zip

Phone 813-966-7242Email cobq11@outlook.comSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing Saint Leo University Social WorkAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/20/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Begum Becerik

Job Title Community Outreach & Events Coordinator

Address 1507 S Hawassee Rd. Ste 212

Phone (407) 440-9252 Ext. 300

Street

Orlando

City

FL

State

32825

Zip

Email bbecerik@cew.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CAIR FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

## APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Fed. Immigration Enforcement

Amendment Barcode (if applicable)

Name Eliza BrumbaughJob Title Director of LiteracyAddress 8400 49th St N  
Street

Phone \_\_\_\_\_

Pineles Park FL 33781  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/30/18

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Molly Nelson

Job Title Site coordinator

Address 3120 54th Ave N.

Phone

Street

St. Pete

City

FL

State

33714

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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

308

Bill Number (if applicable)

Topic FEDERAL IMMIGRATION ENFORCEMENT

Amendment Barcode (if applicable)

Name DAPHNEE SAINVIL

Job Title POLICY ADVISOR

Address 115 S. ANDREWS AVE.  
Street

Phone 954-253-7320

FT. LAUDERDALE

City

FL

State

33301

Zip

Email dsainvil@broward.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing BROWARD COUNTY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/17  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Natalie Fundora

Job Title Political Affairs Assistant of FSU National Organization for Women

Address 11009 Sunset Ln Phone 786 899 8026  
Street

Tallahassee FL 32303 Email plurican@gmail.com  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FSU National Organization for Women

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.

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S-001 (10/14/14)

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

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

1/30/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Shellie Beckham

Job Title BSW Social Work Student

Address \_\_\_\_\_  
Street

Phone 904-859-8091

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

## APPEARANCE RECORD

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

1/30/17

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Tori Stefzer

Job Title MSW Intern

Address 340 SE Mizner Blvd.

Street

Phone 954-621-6076

Boca Raton

City

FL

State

33437

Zip

Email

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing NASW

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1-30-18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration

Amendment Barcode (if applicable)

Name Christine Saint Louis

Job Title Bus Driver

Address 2319 Meadow Oak Cir

Street

Phone 407-756-0334

Kissimmee FL 34746

City

State

Zip

Email byersgirl@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

## APPEARANCE RECORD

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

1-30-18  
Meeting DateSB 308  
SB0  
Bill Number (if applicable)Topic Federal Immigration

Amendment Barcode (if applicable)

Name Kenchi LincolnJob Title Bus operatorAddress 2319 meadow oak cir  
StreetPhone 107 535 2434Kissimmee FL 34746  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing selfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

JAN 30, 2018

Meeting Date

308

Bill Number (if applicable)

Topic FEDERAL (imm) ENFORCEMENT

Amendment Barcode (if applicable)

Name LINDA GELLER-SCHWARTZ

Job Title STATE POLICY ADVOCATE ~~HA~~

Address 6861 CALLE DEL PAZ S

Phone 561 362-8069

Street

BOCA RATON

City

FL

State

33433

Zip

Email lndgellerschwartz

@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against

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

Representing NATIONAL COUNCIL of JEWISH WOMEN

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/2018  
Meeting Date

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

SB 308  
Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Cristina Farah

Job Title Social Worker Student

Address 509 Putnam Rd  
Street

Phone 305 965 2494

WRB 33405  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Barny University

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

11/30/2018

Meeting Date

SB 308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Joy Lambert

Job Title Social Work Student

Address 819 SW 3rd Street

Phone 305-333-8889

Street

Hallandale

FL

State

33009

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Jeff Barry University

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.

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S-001 (10/14/14)

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

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

SB308  
Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Topic Sanctuary Cities

Amendment Barcode (if applicable) \_\_\_\_\_

Name Lynn Gordon

Job Title MSW student

Address 2631 NE 144 Ave  
Street

Phone 561-307-1990

City

State

Zip

Email lgordon1028@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NASW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Raymundo Herrera

Job Title

Address

Phone

Street

Dade City

City

FL

State

33523

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/30/10

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Maria Angelica Stefanski

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Dade City

FL

33523

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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# APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Maria Stefanski

Job Title

Address

Phone

Street

Dade City

FL

State

33523

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic SB 308

Amendment Barcode (if applicable)

Name Pamela Cornett

Job Title

Address

Street

Tampa

City

FL

State

33612

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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# APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic SB 308: Federal Immigration Bill

Amendment Barcode (if applicable)

Name Lurvin Lizardo

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Tampa

City

FL

State

33615

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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

SB308

Bill Number (if applicable)

Topic

Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name

Stephane Wall

Job Title

Address

Street

Kissimmee

City

FL

State

34741

Zip

Phone

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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

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S-001 (10/14/14)



# APPEARANCE RECORD

11/30/18

Meeting Date

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

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Julio Rodriguez

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

Address \_\_\_\_\_

Street

Tampa

City

FL

State

33605

Zip

Phone \_\_\_\_\_

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-30-2018

Meeting Date

SB 308

Bill Number (if applicable)

Topic SB 308 - Immigration

Amendment Barcode (if applicable)

Name Lakey Lowe

Job Title Graduate Teaching Assistant - FSU

Address 1571 Melvin St

Phone FSU 345-0018

Street

Tallahassee FL 32301

City

State

Zip

Email butterflylake@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

305 1/30/18  
Meeting Date

308  
Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Antonia Frejo

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

Address 349 E. 8th  
Street

Phone 407 575-4382

Alhambra FL 32703  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

01-30-18

Meeting Date

SB 308

Bill Number (if applicable)

Topic FEDERAL IMMIGRATION ENFORCEMENT

Amendment Barcode (if applicable)

Name RODHINA ANWAR

Job Title SELF EMPLOYED / ACTIVIST

Address PO Box 1869

Street

Phone 850 774-2505

LYNN HAVEN FL 32444

City

State

Zip

Email anwarrodhina@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CAIR FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Heba Albibi

Job Title Student

Address 3400 Nautical Dr  
Street

Phone \_\_\_\_\_

Southport  
City

FL  
State

32409  
Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Cair Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Federal immigration enforcement

Amendment Barcode (if applicable)

Name Muhammad Ahmad

Job Title Student

Address 305 W 34th place

Phone 850 532 5508

Street

Burma city

City

Florida

State

32805

Zip

Email hammad02@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Cair-Fl

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Jan. 30, 2018

Meeting Date

308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Alaa Hussein

Job Title Student

Address 3332 Token Road, Panama City

Phone \_\_\_\_\_

Street

City

State

Zip

FL 32405

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-30-18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Elma Ahmad

Job Title Adm Asst

Address 305 W 34th Pl

Phone 850-376-9146

Street

Panama City

FL

32405

City

State

Zip

Email eahmad@pcastfl.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CALR-FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



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

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

1-30-18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Irene Daoud

Job Title Student

Address 111 Cottonwood Circle  
Street

Phone (850) 252-3491

Lynn Haven Florida  
City State Zip

Email idaoud@pcasfl.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Cair - FI

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/2018

Meeting Date

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

SB 308

Bill Number (if applicable)

Federal

Topic SB 308 Immigration

Amendment Barcode (if applicable)

Name Winifred Wrice

Job Title BSW Student (NASW)

Address

Phone 904-662-6298

Street Jacksonville Fla 32277

City

State

Zip

Email mitchellwinifred@qahos

Speaking: ☐ For ☐ Against ☐ Information

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

Representing NASW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18  
Meeting Date

\$ 308  
Bill Number (if applicable)

Topic Immigration - SB 308

Amendment Barcode (if applicable)

Name Yammy Gonzalez

Job Title BSW student w/ NASW

Address Tuckersville FL 32218  
Street City State Zip

Phone 907-516-6562

Email Yammy11@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NASW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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## APPEARANCE RECORD

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

1-18-18

Meeting Date

308

Bill Number (if applicable)

Topic

Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name

Mohammed AlKadiah

Job Title

Address

1317 Airport Dr Apt F12

Phone 850-960-2979

Street

Tallahassee

FL

32304

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

# APPEARANCE RECORD

01/30/18  
Meeting Date

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

SB 308  
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Patrick Arnel Sabillon

Job Title Student

Address 624 Island Shores Drive  
Street  
Greeneaves, FL 33413  
City State Zip

Phone 561 306 9676

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FSU Advocates for Immigrant + Refugee Rights

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Immigration Bill

Amendment Barcode (if applicable)

Name Ramy Naseir

Job Title Student

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 Cair FL (Muslim Day)

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

6/30/18  
Meeting Date

308  
Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Badar Belhaj

Job Title Student

Address 1639 Corey Wood Cir  
Street

Phone (776) 385-6678

Tallahassee FL 32304  
City State Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CAIR FL (Muslim Day)

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name HIBA RAHIM

Job Title CAIR-FL

Address 8317 Front Beach Rd. #37B  
Street

Phone 850-890-2627

Panama City Beach FL 32407  
City State Zip

Email hrahim@cair.com  
~~hira@cair.com~~

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)



# APPEARANCE RECORD

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

308

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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

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S-001 (10/14/14)

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

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

1-30-18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic IMMIGRATION ENFORCEMENT

Amendment Barcode (if applicable)

Name DAVID COUCH

Job Title AUTOMOTIVE TECH

Address 5054 RED FOX RUN  
Street

Phone \_\_\_\_\_

TALLAH. FL. 32303  
City State Zip

Email dc1@centurylink.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

01-30-2018

Meeting Date

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

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Caryn Jones

Job Title Social Worker

Address 9233 Hawks Run Lane

Street

Phone 904-422-5296

City

State

Zip

Email Caryn.jones03@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NASW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

1-30-18

Meeting Date

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

SB 308

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Kammeron Brown

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

Address 1008 Redbud Ave  
Street

Phone \_\_\_\_\_

Tallahassee  
City

FL  
State

32303  
Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Hanna Kenawy

Job Title student

Address 107 Alabama Ave  
Street

Phone

Lynn Haven FL 32444  
City State Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing CAIR-FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

## APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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S-001 (10/14/14)

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

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

1/30/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic FEDERAL IMMIGRATION ENFORCEMENT

Amendment Barcode (if applicable)

Name MAHAM IREAN

Job Title STUDENT

Address 7029 GRASSY POINT RD Phone 850-2522-884  
Street

Panama City FL 32409 Email \_\_\_\_\_  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CLAIR FL

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

July 30, 2018  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Tareq Daoud

Job Title Student

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 CAIR Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18  
Meeting Date

308  
Bill Number (if applicable)

Topic Sanctuary Cities

Amendment Barcode (if applicable)

Name Jacqui Carmona

Job Title Political Director

Address 48 700 S Royal Poinciana Blvd Phone 305 283 4558

Street

Miami  
City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing AFSCME FL

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1-30-18

Meeting Date

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Albert Balido

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

Address 201 W Park Ave #100

Phone 800257 3410

Street Tallahassee

City FL State 3230 Zip

Email Albert@antebellumfla.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Unidos US

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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 308

Bill Number (if applicable)

Topic

SB 308

Amendment Barcode (if applicable)

Name

Shila McMahon

Job Title

Assistant Professor, Barry University

Address

11903 N. 2<sup>nd</sup> Ave

Phone

732.484.8358

Street

Miami Shores

FL

City

State

Zip

Email

smcmahan@barry.edu

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

NASW-FL

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

## APPEARANCE RECORD

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

01/30/18  
Meeting DateSB308  
Bill Number (if applicable)Topic Federal Immigration Enforcement Amendment Barcode (if applicable)Name Cathy MacenaJob Title Social WorkAddress 670 NW 48st  
StreetPhone 786-704-6759Miami  
CityFL  
State33127  
ZipEmail Cathy.macena@mymail.barry.eduSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing Barry UniversityAppearing at request of Chair: ☐ Yes ☐ NoLobbyist 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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18  
Meeting Date

SB 308  
Immigration  
Bill Number (if applicable)

Topic Immigration Reform

Amendment Barcode (if applicable)

Name Dr. Natalia Shtompel

Job Title Professor, Barry University

Address 11300 NE 2nd St.  
Street

Phone 305 899 3928

Miami Shores FL 33161  
City State Zip

Email nshtompel@barry.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Barry University Social Work, NASW

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.

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S-001 (10/14/14)

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

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

1/30/18  
Meeting Date

308  
Bill Number (if applicable)

Topic FEDERAL Immigration Enforcement

Amendment Barcode (if applicable)

Name CHARO VALERO

Job Title FL STATE POLICE DIRECTOR

Address 8235 NE 87 2ND AVE  
Street

Phone 786 442 8199

Miami FL 33137  
City State Zip

Email CHARO@LATINAHOUSE.ORG

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL LATINA ADVOCACY NETWORK

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.

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S-001 (10/14/14)

**APPEARANCE RECORD**

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

1/30/18  
Meeting Date308  
Bill Number (if applicable)Topic Immigration

Amendment Barcode (if applicable)

Name Daniella LevineJob Title County CommissionerAddress 111 NW 1st St. Suite 220  
StreetPhone 305-375-5218Miami  
CityFL  
State33133  
Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing selfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Kaya Gravitfer

Job Title Journalist

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 CAIR - Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

13018

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration enforcement

Amendment Barcode (if applicable)

Name Arturo Cardoza

Job Title

Address

Street

Deland

City

FL

State

32720

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

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

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

30 Jan 2018  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Taeann Dennis

Job Title student

Address 400 W College Av  
Street

Phone (850) 494-7010

Tallahassee FL 32301  
City State Zip

Email taeann.dennis@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Advocates for Immigrant and Refugee Rights at FSU

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.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

30 FEB 0

Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Reform

Amendment Barcode (if applicable)

Name José Almanza

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

Address Brooks Blvd SWI AV  
Street

Phone \_\_\_\_\_

Deland FL 32720  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/2018

Meeting Date

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

308

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name MARCUS DIXON

Job Title Political Director

Address 2881 Corporate Way

Phone (305) 720-1627

Street

Miramar

City

FL

State

33025

Zip

Email Marcus.Dixon@seiufl.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SEIU Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

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

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

01-30-18  
Meeting Date

SB308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Camelia Frias

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Deland Fl.

City

State

Zip

32720

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-30-18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic federal Immigration Enforcement Amendment Barcode (if applicable)

Name Marcos Cuisantu

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

Address \_\_\_\_\_ Phone \_\_\_\_\_

Street

Pierston  
City

FL  
State

32180  
Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

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

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

1/30/18

Meeting Date

SR308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Florna Muñoz

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Dadeland

FL

State

32720

Zip

Email \_\_\_\_\_

City

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Rose Antoinette

Job Title FSU College of Social Work Student

Address 600 Dixie Drive

Street

Phone 739 628-7169

Tallahassee

City

FL

State

32304

Zip

Email roalib@my.fsu.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NASW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



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

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

01/30/2018

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Isabel Díez

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

M Key Biscayne

FL

33149

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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

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

1/30/2018  
Meeting Date

SB308  
Bill Number (if applicable)

Topic federal immigration enforcement

Amendment Barcode (if applicable)

Name Alejandra de la Camara

Job Title student

Address 5785 SW 49th St  
Street

Phone \_\_\_\_\_

Miami FL 33155  
City State Zip

Email aledelacamara@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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

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

1/30

Meeting Date

SB 305

Bill Number (if applicable)

Topic

FEDERAL IMMIGRATION ENFORCEMENT

Amendment Barcode (if applicable)

Name

CAROL C. EDWARDS

Job Title

PROFESSOR

Address

~~208~~ 208 HANK MEADOW DR

Phone

850-575-2631

Street

TALL

FL

32312

City

State

Zip

Email

carol.edwards@fsu.edu

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

NASW

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/30/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement Amendment Barcode (if applicable)

Name Laurie Woodward

Job Title Mom

Address \_\_\_\_\_

Street

33029

City

FL

State

Zip

Phone 954 392.8135

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Mom's

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/30/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal immigration enforcement

Amendment Barcode (if applicable)

Name Saima Farooqui

Job Title

Address

Street

COCONUT CREEK FL

City

State

33073

Zip

Phone

Email Saima.farooqui@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CAIR

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Phone

Street

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Immigration Enforcement

Name Josian Savlock

Amendment Barcode (if applicable)

Job Title

Address 5940 NW 16<sup>th</sup> PLACE, Apt #3  
Street  
SUNRISE, FL, 33313  
City State Zip

Phone 954-829-0248

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

1-30-18  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Willie Briley

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

Address 5310 NW 89th Terr  
Street

Phone 305-903-7811

SUNRISE FL 33351  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



# APPEARANCE RECORD

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

1/30/18

SB 308

Meeting Date

Bill Number (if applicable)

Topic Immigration B.A.

Amendment Barcode (if applicable)

Name Jeremiah Tattersall

Job Title Student

Address 230 NW 14th Ave

Phone 352-222-1991

Street

Gainesville

FL

32601

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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## APPEARANCE RECORD

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

30/1/2018

Meeting Date

SB308

Bill Number (if applicable)

Topic FEDERAL IMMIGRATION REFORM

Amendment Barcode (if applicable)

Name MAJO CARDENAS

Job Title STUDENT/SECOND VP of NOW

Address 1405 SOUTHWOOD PLANTATION RD

Phone 813 679 7887

Street

TALLAHASSEE, FL

City

State

Zip

Email mjc159@my.fsu.edu

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FSU NATIONAL ORGANIZATION FOR WOMEN

Appearing at request of Chair: ☒ Yes ☐ NoLobbyist 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.

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S-001 (10/14/14)

# APPEARANCE RECORD

1/30/2018  
Meeting Date

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

SB 308  
Bill Number (if applicable)

Topic Federal immigration Enforcement

Amendment Barcode (if applicable)

Name Ruth C. Horicette

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

Address \_\_\_\_\_ Phone \_\_\_\_\_

Street

Coral Springs  
City

FL  
State

33065  
Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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# APPEARANCE RECORD

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

1/30/2018

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name \_\_\_\_\_

Job Title Student

Address TAMARAC FL 33319  
Street

Phone \_\_\_\_\_

TAMARAC FL 33319  
City State Zip

Email CamilleA2014@Fawcett.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/30/18

Meeting Date

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

5B 3 D4

Bill Number (if applicable)

Topic

Immigration

Amendment Barcode (if applicable)

Name

David Ayala

Job Title

Organizer

Address

17304 P.D. Box

Phone

5726 40485

Street

Windermere Fl 34786

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Lahno Tassie

PRLOF

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

01/30/2018  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Kira Romero - Craft

Job Title Managing Attorney

Address 520 S. Lakemont Ave  
Street

Phone 407 443 8006

Winter Park FL 32792  
City State Zip

Email Kiracraft@icloud.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \$ Latina Justice PRLDEF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

1/30/2018

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Lara Ghanman

Job Title Law student

Address 5048 Hawkstone Dr.  
Street

Phone (386) 589-2366

Sanford FL 32771  
City State Zip

Email lgghanman01@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Council on Florida Muslim Capitol Day

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

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

1/30/2018  
Meeting Date

5B308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Ozeman Zafar

Job Title Assistant Principal

Address 17993 Tropical Cove Drive  
Street

Phone (407) 780-8707

Tampa FL 33647  
City State Zip

Email ozafar87@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Muslim Capital Day

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



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

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

SB 308  
Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Topic FEDERAL IMMIGRATION

Amendment Barcode (if applicable) \_\_\_\_\_

Name HUMAYUN MALIK

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

Address 635 WHITMAN COVE

Phone \_\_\_\_\_

Street

LONGWOOD

City

FL

State

32750

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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

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

SB 308

Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Topic Federal Immigration Bill

Amendment Barcode (if applicable) \_\_\_\_\_

Name Hatem Farid

Job Title Manager

Address 5910 E. 130th Ave

Phone 813 -355-6991

Street

Tampa

City

FL

State

33617

Zip

Email Hatem.farid@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

01/30/2018

Meeting Date

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

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Diana Halum

Job Title Student

Address 7321 Guilford Pine Lane, Apollo Beach

Phone 813-520-1490

Street

Apollo Beach

FL

33572

City

State

Zip

Email halum.diana@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Muslim Capitol Day

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/2018

Meeting Date

SB 308

Bill Number (if applicable)

Topic Federal Immigration Enforcement Amendment Barcode (if applicable)

Name Haneen Ali

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

Address \_\_\_\_\_

Street

Jacksonville

City

FL

State

32207

Zip

Phone ~~830 670 2800~~

Email hanin.ali@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

01/30/2018  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Law Enforcement

Amendment Barcode (if applicable)

Name Joshua Katz

Job Title Public School Teacher

Address 20204 Quinella St.

Phone 407-625-0097

Orlando FL 32833  
City State Zip

Email jakatz87@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Himself

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.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Federal Law Enforcement

Amendment Barcode (if applicable)

Name Margaret Dominguez

Job Title Teacher

Address 7019 Buttonbush Loop

Phone 219-413-1009

Street

Harmony

City

FL

State

34773

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/27/18

Meeting Date

SB308

Bill Number (if applicable)

Topic Federal Law Enforcement

Amendment Barcode (if applicable)

Name Seon Ashby

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

Address 14254 Golden Roindra Blvd  
Street

Phone 407 489 8322

Orlando FL 32828  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

## APPEARANCE RECORD

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

1/30/18

Meeting Date

308

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Ingrid DelgadoJob Title Associate for Social Concerns Respect LifeAddress 201 W Park Av

Street

Phone

Tallahassee

City

FL

State

32301

Zip

Email

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Florida Conference of Catholic BishopsAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/2018  
Meeting Date

SB 308  
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Adam Marking

Job Title Interfaith Director

Address \_\_\_\_\_

Phone 815 745 5812

Street

Tampa

City

FL

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Council on American Islamic Relations

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/SB 514

INTRODUCER: Health Policy Committee and Senator Young

SUBJECT: Transplant of Human Tissue

DATE: January 29, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	<b>Fav/CS</b>
2.	Stallard	Cibula	JU	<b>Favorable</b>
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 514 requires the Department of Health to develop a pamphlet that contains the following information on the risks and benefits of human cell and tissue transplants:

- An overview of the risks of transmission of infectious diseases associated with a transplant;
- A summary of the standards of testing and screening of donors;
- A summary of processing methods used to reduce the risk of the transmission of bacteria and disease;
- A statement acknowledging the importance of limiting information provided to the supplier about the recipient; and
- A statement acknowledging the generosity of donors.

The Department must publish the pamphlet on its website and electronically notify physicians when it is available.

**II. Present Situation:**

**Tissue Donation and Transplantation**

Organ and tissue donation and transplantation is the process of surgically removing an organ or tissue from one person (the donor) and transplanting it into another person (the recipient).

Transplantation may be necessary because the recipient's organ or tissue has failed or has been

damaged by disease or injury. Transplantable organs include the kidneys, liver, heart, lungs, pancreas and intestine.<sup>1</sup> And transplantable tissue includes:

- Skin, which can be used as a temporary dressing for burns, serious abrasions and other exposed areas;
- Heart, valves used to replace defective valves;
- Tendons, used to repair torn ligaments on knees or other joints;
- Veins, used in cardiac by-pass surgery;
- Corneas, used to restore sight; and
- Bone, used in orthopedic surgery to facilitate healing of fractures or to prevent amputation.<sup>2</sup>

The Organ Procurement and Transplantation Network (OPTN) regulates how donor organs are matched and allocated to patients on the waiting list.<sup>3</sup> Non-profit, federally designated organ procurement organizations (OPOs) work closely with the OPTN, hospitals, and transplant centers to facilitate the organ donation and transplantation process,<sup>4</sup> including conducting a thorough medical and social history of the potential donor to help determine the suitability of his or her organs for transplantation.<sup>5</sup>

The Department of Health (DOH) is responsible for the state's public health system to promote, protect, and improve the health of all people in the state. This includes regulating human tissue donation and transplantation.<sup>6</sup> Absent limited exceptions, every donation of human tissue, cells, skin, organs, blood, or plasma for transfusion or transplantation to another person must be tested for HIV infection<sup>7</sup> and any other communicable diseases specified by rule of the DOH or undergo a DOH approved process capable of killing the causative agent of those diseases.<sup>8,9</sup> The DOH, by rule,<sup>10</sup> requires that blood, organs, and tissue be tested for the following additional infectious disease agents, as identified by the federal regulation:

- Hepatitis B virus;
- Hepatitis C virus;
- Human T-lymphotropic virus, type I; and
- Human T-lymphotropic virus, type II.<sup>11</sup>

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<sup>1</sup> Donate Life Florida, *Frequently Asked Questions*, <https://www.donateliflorida.org/categories/donation/> (last visited Jan. 27, 2018).

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

<sup>3</sup> U.S. Government Information on Organ Donation and Transplantation, U.S. Department of Health & Human Services, *The Organ Transplant Process*, <https://organdonor.gov/about/process/transplant-process.html> (last visited Jan. 27, 2018).

<sup>4</sup> Donate Life Florida, *Organ Procurement Organizations and Transplant Centers*, <https://www.donateliflorida.org/local-resources/transplant-centers/> (last visited Jan. 17, 2018).

<sup>5</sup> Organ Procurement and Transplantation Network, U.S. Department of Health and Human Services, *The Basic Path of Donation*, <https://optn.transplant.hrsa.gov/learn/about-donation/the-basic-path-of-donation/> (last visited Jan. 27, 2018).

<sup>6</sup> Section 381.001, F.S.

<sup>7</sup> Testing for HIV infection is required for both type 1 and type 2 HIV. *See* 21 C.F.R. §§ 610.40 and 1270.21 (2017).

<sup>8</sup> Section 381.0041(3), F.S.

<sup>9</sup> Section 381.0041(1), (3), F.S.

<sup>10</sup> Rule 64D-2.005, F.A.C.

<sup>11</sup> *See* 21 C.F.R. §§ 610.40 and 1270.21 (2017).

## **The Zika Virus and Transplant Tissue Testing**

In March 2016, the U.S. Department of Health and Human Services, Food and Drug Administration (FDA), Center for Biologics Evaluation and Research issued non-binding recommendations on donor screening to reduce the risk of the Zika virus's transmission to human cells, tissues, and cellular products. The recommendations included the review of a potential donor's medical records for any clinical evidence of the Zika virus. Under the recommendations, a donor was considered ineligible if he or she:

- Had a medical diagnose of a Zika virus infection in the past six months;
- Was a resident of, or traveled to, an area with active Zika virus transmission within the past six months; or
- Had sex with a male diagnosed with a Zika virus infection in the past six months who had resided in, or traveled to, an area with active Zika virus transmission within the past six months.<sup>12</sup>

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

The bill requires the Department of Health to develop a pamphlet that contains the following information on the risks and benefits of human cell and tissue transplants:

- An overview of the risks of transmission of infectious diseases associated with a transplant;
- A summary of the standards of testing and screening of donors;
- A summary of processing methods used to reduce the risk of the transmission of bacteria and disease;
- A statement acknowledging the importance of limiting information provided to the supplier about the recipient; and
- A statement acknowledging the generosity of donors.

The Department must publish the pamphlet on its website and electronically notify physicians when it is available.

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

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

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

None.

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

None.

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<sup>12</sup> The FDA has authority to issue guidance to industry in accordance with 21 CFR 10.115(g)(2). See U.S. Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research, *Donor Screening Recommendations to Reduce the Risk of Transmission of Zika Virus by Human Cells, Tissues, and Cellular and Tissue-Based Products - Guidance for Industry*, <https://www.fda.gov/downloads/biologicsbloodvaccines/guidancecomplianceregulatoryinformation/guidances/tissue/ucm488582.pdf> (last visited Jan. 27, 2018).

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Health will incur an unknown cost in developing the educational pamphlet, in publishing it on the website, and in notifying physicians of the pamphlet's availability.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 381.0041 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/SB 514 by Health Policy on January 23, 2018:**

The CS removed the requirement for health care providers to warn potential transplant recipients of the risks of contracting ZIKV. Instead, the DOH must develop a pamphlet addressing the risks and benefits of human cells and tissue transplants; publish the pamphlet on its website; and electronically notify physicians when the pamphlet is available.

B. Amendments:

None.

By the Committee on Health Policy; and Senator Young

588-02379-18

2018514c1

A bill to be entitled

An act relating to transplant of human tissue;  
amending s. 381.0041, F.S.; requiring the Department  
of Health to develop and publish an educational  
pamphlet which contains certain information on the  
risks and benefits of transplants; requiring the  
department to notify physicians of the availability of  
the pamphlet; providing an effective date.

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

Section 1. Subsection (13) is added to section 381.0041,  
Florida Statutes, to read:

381.0041 Donation and transfer of human tissue; testing  
requirements.—

(13) The department shall develop an educational pamphlet  
that contains information on the risks and benefits of human  
cell, tissue, and cellular- and tissue-based product  
transplants. The department shall publish the pamphlet on its  
website and shall electronically notify physicians when the  
pamphlet becomes available. At a minimum, the pamphlet must  
include all of the following:

(a) An overview of the infectious disease transmission  
risks associated with a transplant.

(b) A summary of the standards for the testing and  
screening of donors.

(c) A summary of processing methods that are used to reduce  
the risk of transmission of bacteria and infectious diseases in  
donated human cells, tissues, and cellular- and tissue-based

Page 1 of 2

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

588-02379-18

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products before transplantation.

(d) A statement acknowledging the importance of limiting  
information provided to the supplier of the human cells, tissue,  
or cellular- or tissue-based product on the recipient of the  
transplant.

(e) A statement acknowledging the generosity of donors of  
human cells, tissues, and cellular- and tissue-based products.

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

Page 2 of 2

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



## 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 24, 2018

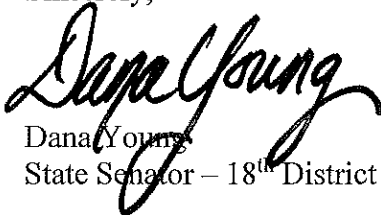
Senator Greg Steube, Chair  
Senate Judiciary Committee  
515 Knott Building  
404 S. Monroe Street  
Tallahassee, Florida 32399-1100

Dear Chair Steube,

My Senate Bill 514 relating to Transplant of Human Tissue 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 – 18<sup>th</sup> District

cc: Tom Cibula, Staff Director – Senate Judiciary 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](http://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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 694

INTRODUCER: Senators Brandes and Bracy

SUBJECT: Mandatory Sentences

DATE: January 29, 2018

REVISED: 1/31/18

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Jones	CJ	<b>Favorable</b>
2.	Stallard	Cibula	JU	<b>Favorable</b>
3.			ACJ	
4.			AP	

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**I. Summary:**

SB 694 authorizes a court to sentence a drug trafficker below the current law's mandatory minimum prison term if the court finds that the person did not perform any of the following acts:

- Engage in a continuing criminal enterprise;
- Use or threaten violence or use a weapon during the commission of the crime; or
- Cause a death or serious bodily injury.

In general terms, drug trafficking involves the sale, manufacture, delivery, importation, or possession of specified large amounts of various substances, such as cocaine, marijuana, and LSD.

Under current law, every drug-trafficking offense is subject to mandatory minimum prison sentences ranging from 3 years to life. These mandatory minimum sentences vary depending on the controlled substance that a person traffics and the amount of the substance.

A court that is authorized to deviate below the mandatory minimum sentences set forth in the drug-trafficking statute is nonetheless generally constrained by the minimum sentence produced by this state's minimum felony sentence calculation statutes. And the minimum sentence produced by these calculations may be lower or higher than the applicable mandatory minimum set forth in the drug-trafficking statute.

The Legislature's Office of Economic and Demographic Research estimates that the bill will have a "negative indeterminate" prison bed impact (an unquantifiable decrease in prison beds). See Section V. Fiscal Impact Statement.



## **II. Present Situation:**

### **Overview**

A person who commits one of the crimes of trafficking in a controlled substance is subject to the mandatory minimum sentences set forth in the drug-trafficking statute.<sup>1</sup> These statutory minimum sentences are mandatory in the sense that courts generally have no authority to impose prison terms or fines that are below them. The mandatory minimum sentences vary depending on the drug trafficked and how much of it was trafficked. For instance, if a person traffics in cocaine in an amount of at least 28 grams, but less than 200 grams, he or she must be sentenced to at least 3 years in prison and must pay a fine of \$50,000.<sup>2</sup> However, for an amount of at least 400 grams, but less than 150 kilograms, a trafficker must be sentenced to at least 15 years in prison and must pay a fine of \$250,000.<sup>3</sup>

Although courts have little authority to sentence a drug trafficker below the mandatory minimums, prosecutors can effectively avoid the imposition of a particular mandatory minimum sentence by charging a person whose crime would qualify for that sentence with an offense that carries a lower minimum sentence.

### **Sentencing for Drug-Trafficking Crimes**

A judge may sentence a drug trafficker within a range determined by the statutes. The minimum prison sentence and fine for a given drug-trafficking offense is the corresponding mandatory minimum set forth in the drug-trafficking statute. Regarding the fines, the minimums are also the maximums.<sup>4</sup>

As for maximum prison sentences, a drug trafficker generally may be sentenced to no more than 30 years, as set forth in the general sentencing statute. However, the minimum prison sentence for trafficking in particularly large amounts of certain controlled substances is life in prison.<sup>5</sup>

### **Courts' Limited Ability to Divert from Mandatory Minimum Sentences**

There are few circumstances in which a court of its own accord may depart from a mandatory minimum term. A court may depart from a mandatory minimum term if the defendant is a youthful offender.<sup>6</sup> A court may also depart from a mandatory minimum term for a violation of s. 316.027(2)(c), F.S. (driver involved in a fatal crash fails to stop and remain at the scene of a crash), if the court “finds that a factor, consideration or circumstance clearly demonstrates that

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<sup>1</sup> See s. 893.135, F.S.

<sup>2</sup> Section 893.135(1)(b)1.a., F.S.

<sup>3</sup> Section 893.135(1)(b)1.c., F.S.

<sup>4</sup> Section 775.083, F.S., sets forth the maximum fines for first degree felonies as a class. The maximum there set forth is \$10,000. However, this statute also states that this maximum is subject to other statutes. The drug-trafficking statute sets mandatory minimum fines for particular drug-trafficking offenses, and all of these minimums are higher than \$10,000. Moreover they are not set forth as minimums, but as *the* fine that must be paid by a person who commits the corresponding drug-trafficking offense.

<sup>5</sup> Under some circumstances, trafficking is even punishable by death. See, e.g., s. 893.135(1)(b)2.-3., F.S.

<sup>6</sup> Section 958.04, F.S.

imposing a mandatory minimum term of imprisonment would constitute or result in an injustice.”<sup>7</sup>

### **Prosecutorial Discretion as a Means of Avoiding Mandatory Minimum Sentences**

Prosecutors have “complete discretion” in the charging decision.<sup>8</sup> The exercise of this discretion may determine whether or not a defendant is subject to a mandatory minimum term or a reduced mandatory minimum term. A prosecutor could determine in a particular case that mandatory minimum sentencing is too severe and thus decide to avoid the imposition of the sentence by charging a crime that has a lesser mandatory minimum sentence or no mandatory minimum sentence.

For example, a prosecutor could offer a plea to attempted drug trafficking or to a violation of the statute that prohibits selling non-trafficking amounts of certain controlled substances; neither of these violations carries a mandatory minimum term. A prosecutor could also offer a plea to a drug trafficking violation that carries a 3-year mandatory minimum term, even though the defendant could be prosecuted for a drug-trafficking violation that carries a longer mandatory minimum term. Further, a prosecutor could move the court to reduce or suspend a sentence if the defendant renders substantial assistance.<sup>9</sup>

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

The bill authorizes a court to sentence a drug trafficker below the current law’s mandatory minimum prison term if the court finds that, in relation to a trafficking offense for which the person is being sentenced, he or she did not perform any of the following acts:

- Engage in a continuing criminal enterprise;<sup>10</sup>
- Use or threaten violence or use a weapon during the commission of the crime; or
- Cause a death or serious bodily injury.

The bill applies to all drug trafficking acts (possession, sale, manufacture, delivery, and importation) and to most, if not all, drug trafficking mandatory minimum terms of imprisonment (ranging from 3 years to life).<sup>11</sup> The bill does not authorize departure from mandatory fines.

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<sup>7</sup> Section 316.027(2)(g), F.S.

<sup>8</sup> “Under Florida’s constitution, the decision to charge and prosecute is an executive responsibility, and the state attorney has complete discretion in deciding whether and how to prosecute.” *State v. Bloom*, 497 So.2d 2, 3 (Fla. 1986).

<sup>9</sup> Sections 790.163(2), 790.164(2), 893.135(4), and 921.0024(1)(b), F.S. However, lower-level dealers or peripheral actors may have little, if any, information beneficial to prosecutors. Inmate population data reported in a 2009 Senate interim report indicated that the average sentence of inmates with a lower-level trafficking offense was above the mandatory minimum term, while the average sentence of inmates with a higher-level trafficking offense was below the mandatory minimum term. *A Policy Analysis of Minimum Mandatory Sentencing for Drug Traffickers*, Interim Report 2010-109 (October 2009), p. 7, Committee on Criminal Justice, The Florida Senate, [http://archive.flsenate.gov/data/Publications/2010/Senate/reports/interim\\_reports/pdf/2010-109cj.pdf](http://archive.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-109cj.pdf).

<sup>10</sup> Section 893.20(1), F.S., provides that any person who commits three or more felonies under ch. 893, F.S., in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management and who obtains substantial assets or resources from these acts is guilty of engaging in a continuing criminal enterprise.

<sup>11</sup> The drug-trafficking statute imposes a mandatory life sentence for trafficking in especially large amounts of certain substances. However, these mandatory life sentence are never described as a “mandatory minimum” sentences like the rest of

The bill impacts the drug-trafficking statute, which prohibits a person from knowingly selling, delivering, importing, manufacturing, or possessing specified large quantities of the following controlled substances:

- Cannabis or cannabis plants;<sup>12</sup>
- Cocaine;<sup>13</sup>
- Various opiates or opioids, such as opium, morphine, heroin, hydromorphone, codeine, hydrocodone, oxycodone, fentanyl, and carfentanil and other fentanyl derivatives;<sup>14</sup>
- Phencyclidine;<sup>15</sup>
- Methaqualone;<sup>16</sup>
- Amphetamine or methamphetamine;<sup>17</sup>
- Flunitrazepam;<sup>18</sup>
- Gamma-hydroxybutyric acid (GHB);<sup>19</sup>
- Gamma-butyrolactone (GBL);<sup>20</sup>
- 1,4-Butanediol;<sup>21</sup>
- Specified phenethylamines and cathinones, substituted<sup>22</sup> phenethylamines, and substituted cathinones;<sup>23</sup>

the mandatory minimum sentences imposed by the statute. Nonetheless, the mandatory life sentence that is required for certain offenses seems to be a mandatory minimum sentence, and thus a sentence to which the bill would apply.

<sup>12</sup> Section 893.135(1)(a), F.S.

<sup>13</sup> Section 893.135(1)(b), F.S.

<sup>14</sup> Section 893.135(1)(c), F.S.

<sup>15</sup> Section 893.135(1)(d), F.S. Phencyclidine “is a hallucinogen formerly used as a veterinary anesthetic, and briefly as a general anesthetic for humans.” “Phencyclidine,” PubChem, U.S. National Library of Medicine, <https://pubchem.ncbi.nlm.nih.gov/compound/phencyclidine> (last visited on Jan. 30, 2018).

<sup>16</sup> Section 893.135(1)(e), F.S. Methaqualone “is a quinazoline derivative with hypnotic and sedative properties.” “Methaqualone,” PubChem, U.S. National Library of Medicine, <https://pubchem.ncbi.nlm.nih.gov/compound/6292> (last visited on Nov. 21, 2017).

<sup>17</sup> Section 893.135(1)(f), F.S.

<sup>18</sup> Section 893.135(1)(g), F.S. “Flunitrazepam, trade name Rohypnol, is a central nervous system depressant in a class of drugs called benzodiazepines.” “Flunitrazepam (Rohypnol),” Center for Substance Abuse Research, <http://www.cesar.umd.edu/cesar/drugs/rohypnol.asp> (last visited on Jan. 29, 2018).

<sup>19</sup> Section 893.135(1)(h), F.S. “Gamma-hydroxybutyric acid (GHB) is a naturally occurring analog of gamma-aminobutyric acid (GABA) that has been used in research and clinical medicine for many years. GHB was used clinically as an anesthetic in the 1960s but was withdrawn due to side effects that included seizures and coma.” Kapoor P., Revati Deshmukh R., and Kukreja I., “GHB Acid: A rage or reprove” (abstract) (Oct.–Dec. 2013) 4(4): 173, *Journal of Advanced Pharmaceutical Technology and Research*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3853692/> (last visited on Jan. 29, 2018). “The primary effects of GHB use are those of a CNS [central nervous system] depressant[.]” *Id.*

<sup>20</sup> Section 893.135(1)(i), F.S. “Analogues that are often substituted for GHB include GBL (gamma butyrolactone) and 1,4 BD (also called just “BD”), which is 1,4-butanediol.” “Drug Fact Sheet/GHB” (undated), U.S. Drug Enforcement Administration (on file with the Senate Committee on Criminal Justice).

<sup>21</sup> Section 893.135(1)(j), F.S.

<sup>22</sup> “The term ‘substituted’ is a general term that means a portion of the chemical structure is removed and replaced with a different chemical structure.” Staff Analysis (CS/CS/SB 150) (April 27, 2017), p. 11, n. 58, The Florida Senate, <http://www.flsenate.gov/Session/Bill/2017/150/Analyses/2017s00150.ap.PDF> (last visited on Jan. 29, 2018).

<sup>23</sup> Section 893.135(1)(k), F.S. “Phenethylamines” is a broad category of “psychoactive substances.” Sanders B., Lankenau S., Bloom J., and Hathazi D., “‘Research chemicals’: Tryptamine and Phenethylamine Use Among High Risk Youth” (2008) 43(3-4): 389, *Substance Use & Misuse*, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2536767/> (last visited on Jan. 29, 2018). “Cathinone ... is a monoamine alkaloid found in the shrub *Catha edulis* (Khat)[.]” and is “[c]losely related to ephedrine, cathine and other amphetamines[.]” “Cathinone,” PubChem, U.S. National Library of Medicine, <https://pubchem.ncbi.nlm.nih.gov/compound/Cathinone#section=Top> (last visited on Jan. 29, 2018).

- Lysergic acid diethylamide (LSD);<sup>24</sup>
- Specified synthetic cannabinoids;<sup>25</sup> and
- N-benzyl phenethylamines.<sup>26</sup>

A court that is authorized to deviate below the mandatory minimum sentences set forth in the drug-trafficking statute is nonetheless generally constrained by the minimum sentence produced by this state's minimum sentence calculation statutes.<sup>27</sup> And the minimum sentence produced by this calculation may be lower or higher than the mandatory minimum set forth in the drug-trafficking statute.

The felony sentencing statute takes into account a host of factors to determine the minimum sentence that a court may impose on a felon. These factors include crimes for which the felon is being sentenced, prior offenses, and any injury suffered by the felon's victim. Each of these items are assigned number values that increase as their severity increases—the more severe the offense and the more severe the injury to a victim, the more points are assessed. These numbers are then factored into a multi-step formula. The number produced by this formula determines the minimum sentence that the court may impose on the felon before it.

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

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

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

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

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

None.

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

None.

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

The bill does not provide for retroactive application. Consequently, drug trafficking departures authorized by the bill would apply to applicable drug trafficking offenses

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<sup>24</sup> Section 893.135(1)(l), F.S.

<sup>25</sup> Section 893.135(1)(m), F.S. "Synthetic [c]annabinoids are chemicals that act as cannabinoid receptor agonists. Chemically they are not similar to cannabinoids but ... they are cannabinoid-like in their activity." "Synthetic Cannabinoids Drug Information," Redwood Toxicology Laboratory, [https://www.redwoodtoxicology.com/resources/drug\\_info/synthetic\\_cannabinoids](https://www.redwoodtoxicology.com/resources/drug_info/synthetic_cannabinoids) (last visited on Jan. 29, 2018).

<sup>26</sup> Section 893.135(1)(n), F.S.

<sup>27</sup> See ss. 921.0022-921.0024, F.S. However, there are a number of circumstances in which a court may sentence a felon to a lesser sentence than is produced by the sentence calculation statutes. See ss. 921.0024-921.0027, F.S.

committed on or after July 1, 2018, the effective date of the bill. “In Florida, without clear legislative intent to the contrary, a law is presumed to apply prospectively.”<sup>28</sup>

Additionally, Article X, Section 9 of the Florida Constitution, provides that repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime previously committed.<sup>29</sup> This prohibition applies even if the retroactive application does not disadvantage the offender.<sup>30</sup>

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation has not yet reviewed the bill. The Legislature’s Office of Economic and Demographic Research’s (EDR) preliminary estimates that the bill will have a “negative indeterminate” prison bed impact (an unquantifiable decrease in prison beds).<sup>31</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill does not explicitly state whether it applies to mandatory sentences of life imprisonment set forth in the drug-trafficking statute. The bill specifically refers to “mandatory minimum” sentences imposed under the drug-trafficking statute. The statute never uses the words “mandatory minimum” sentence to refer to sentences or life imprisonment. The Legislature may wish to amend the bill to clarify its intent.

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<sup>28</sup> *Bates v. State*, 750 So. 2d 6, 10 (Fla. 1999) (in the absence of explicit legislative direction, the court refused to retroactively apply amendments to a sentencing statute to offenses committed before the effective date of the amendments).

<sup>29</sup> This constitutional provision operates as a savings clause to preserve laws in effect at the time of a defendant’s crime that affect prosecution or punishment of the defendant for that crime.

<sup>30</sup> See *Castle v. State*, 305 So. 2d 794, 796 (Fla. 4th DCA 1974), *affirmed*, 330 So.2d 10 (Fla. 1976) (Florida’s saving clause prohibits retroactive application of a reduced penalty for arson to a defendant sentenced under the pre-amended arson statute).

<sup>31</sup> E-mail and prison bed impact analysis from EDR staff to staff of the Senate Committee on Criminal Justice, dated Nov. 20, 2017 (on file with the Senate Committee on Criminal Justice).

**VIII. Statutes Affected:**

This bill substantially amends section 893.135 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.

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

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By Senator Brandes

24-00431A-18

2018694\_\_

A bill to be entitled

An act relating to mandatory sentences; amending s. 893.135, F.S.; authorizing a court to issue a sentence shorter than a mandatory minimum term of imprisonment for a person convicted of trafficking if the court makes certain findings on the record; providing an effective date.

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

Section 1. Present subsections (6) and (7) of section 893.135, Florida Statutes, are redesignated as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(6) Notwithstanding any mandatory minimum term of imprisonment under this section, the court may sentence a person who has been convicted of an offense under this section to a term of imprisonment less than the mandatory minimum if the court finds on the record that all of the following circumstances exist:

(a) The person did not engage in a continuing criminal enterprise as defined in s. 893.20(1).

(b) The person did not use or threaten violence or use a weapon during the commission of the crime.

(c) The person did not cause a death or serious bodily injury.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Greg Steube  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 12, 2018

---

I respectfully request that **Senate Bill #694**, relating to **Mandatory Sentences**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

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

Senator Jeff Brandes  
Florida Senate, District 24



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

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

Jan 30  
Meeting Date

SB694  
Bill Number (if applicable)

Topic Mandatory Minimums

Amendment Barcode (if applicable)

Name Mia Diaz

Job Title Executive Assistant & Office Manager

Address 100 N. Bronaugh St. Phone 786 443 8643  
Street

Tallahassee FL 32301 Email \_\_\_\_\_  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Tax Watch

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

694

Bill Number (if applicable)

Topic Sentencing

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title State Director

Address 824 N. Duval St

Phone 904.557.7006

Street RAI

City FL State FL Zip 32303

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Right on Crime

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.

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S-001 (10/14/14)

110 SOB  
9:00

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

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

1/30/2018

694

*Meeting Date*

*Bill Number (if applicable)*

Topic Mandatory Minimums

*Amendment Barcode (if applicable)*

Name Sal Nuzzo

Job Title VP of Policy

Address 100 N Duval Street

Phone 850-322-9941

*Street*

Tallahassee

FL

32301

Email snuzzo@jamesmadison.org

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The James Madison Institute

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

S-001 (10/14/14)

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

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

1.30.18

*Meeting Date*

694

*Bill Number (if applicable)*

Topic Mandatory Sentences

*Amendment Barcode (if applicable)*

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

*Street*

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

*City*

*State*

*Zip*

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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

1-30-18

Meeting Date

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

SB 694

Bill Number (if applicable)

Topic Sentencing

Amendment Barcode (if applicable)

Name Greg Newburn

Job Title State Policy Director

Address PO Box 142933

Phone 352.682.2542

Street

Gainesville

City

FL

State

32614

Zip

Email gnewburn@Famm.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FAMM

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

# APPEARANCE RECORD

694  
684

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

1/30/18

Meeting Date

Bill Number (if applicable)

Topic Mandatory Minimum Sentencing

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe Street

Phone (850) 681-0024

Street Tallahassee

Email jorge@flapartners.com

City FL State 32301 Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Fla. Association of Criminal Defense Lawyers

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.

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S-001 (10/14/14)

## APPEARANCE RECORD

1/30/18

Meeting Date

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

SB 694

Bill Number (if applicable)

Topic

Mandatory Minimum

Amendment Barcode (if applicable)

Name

David Ayala

Job Title

234 Organizer

Address

1734 PO Box

Phone

407-284-0488

Street -

Windermere

State

FL

Zip

34758

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Florida Rights Restoration Coalition

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.

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S-001 (10/14/14)

## APPEARANCE RECORD

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

01/30/18

Meeting Date

SB 694

Bill Number (if applicable)

Topic Mandatory Minimum

Amendment Barcode (if applicable)

Name Kira Romero-CraftJob Title Managing AttorneyAddress 520 S Lakemont Ave

Street

Phone 407 443 0006

City

Winter Park FL 32792

State

Zip

Email KiraCraft@icloud.comSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)Representing FRRCAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

694

Bill Number (if applicable)

Topic Mandatory Sentences

Amendment Barcode (if applicable)

Name Hon. Stacy Scott

Job Title Public Defender, 8th Circuit

Address 151 SW 2nd Ave

Phone \_\_\_\_\_

Street

Gainesville

State

FL

Zip

32607

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Public Defender Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1042

INTRODUCER: Senator Brandes

SUBJECT: Notaries Public

DATE: January 30, 2018

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

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

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## **I. Summary:**

SB 1042 permits a notary public to register to provide online notarizations to people both in and out-of-state using audio/video technology. A notary public seeking to provide online notarizations must still qualify, be appointed and commissioned by the Governor, and be governed by the traditional provisions set forth in chapter 117, F.S. However, the bill divides chapter 117, F.S., into two parts and creates Part II, which sets forth the requirements for those notaries who also want to register with the Governor to provide online notarizations.

The bill requires that any notary public registered for and offering online notarizations carry a one million dollar insurance policy to protect against errors and omissions in addition to being bonded. The bill also gives rule-making authority to the Governor and the Agency for State Technology to refine the types of “identity proofing” technology notary publics are required to use to verify a person’s identity remotely. Additionally, notaries offering online services must take the upmost care in maintaining online security, particularly over their electronic journal, electronic signature, and electronic seal.

## **II. Present Situation:**

### **Notary Publics in Florida**

A notary public is a public officer under the Florida Constitution,<sup>1</sup> and “and an impartial agent of the State.”<sup>2</sup> “[I]n the performance of his or her duties, [a notary public] exercises a delegation of the State’s sovereign power as in attesting the genuineness of any deeds or writings in order to

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<sup>1</sup> Art. II, s. 5, FLA. CONST.

<sup>2</sup> 58 AM. JUR. 2D Notaries Public § 1.

render them available as evidence of the facts therein contained and in administering oaths and attesting to the authenticity of signatures.”<sup>3</sup>

As a public officer, notary publics are constitutionally required to give a bond (as required by law) and swear or affirm to uphold the Constitutions of the United States and Florida.<sup>4</sup> Notary publics are appointed and commissioned by the Governor to four-year terms,<sup>5</sup> and are authorized under Florida law to perform six basic duties:<sup>6</sup>

- Administer oaths or affirmations;<sup>7</sup>
- Take acknowledgments[;]<sup>8</sup>
- Solemnize marriages[;]<sup>9</sup>
- Attest to photocopies[;]<sup>10</sup>
- Verify vehicle identification numbers (VINs)[;]<sup>11</sup> [and]
- Certify the contents of a safe-deposit box[.]<sup>12</sup>

Importantly, a notary may only exercise the foregoing duties within the physical boundaries of the State of Florida.<sup>13</sup> Generally, a notary may not charge more than \$10 per notarial act and may not charge a fee for notarizing a vote-by-mail ballot.<sup>14</sup>

A notary public may provide an electronic signature that is unique, verifiable, under the notary’s sole control, and attached to a document in a way revealing any subsequent alteration.<sup>15</sup> When a signature must be accompanied by a notary public seal, the requirement is met when the notary public includes his or her full legal name, the words “Notary Public State of Florida,” the expiration date of the notary’s commission, and the notary’s commission number.<sup>16</sup> The seal may

<sup>3</sup> *Id.* (footnotes omitted). See also BLACK’S LAW DICTIONARY (10th ed. 2014) (“The notary public, or notary, is an official known in nearly all civilized countries. The office is of ancient origin. In Rome, during the republic, it existed, the title being *tabelliones forenses*, or *personae publicae*; and there are records of the appointment of notaries by the Frankish kings and the Popes as early as the ninth century. They were chiefly employed in drawing up legal documents; as scribes or scriveners they took minutes and made short drafts of writings, either of a public or a private nature. In modern times their more characteristic duty is to attest the genuineness of any deeds or writings, in order to render the same available as evidence of the facts therein contained.”) (quoting Benjamin F. Rex, *The Notaries’ Manual* § 1, at 1–2 (J.H. McMillan ed., 6th ed. 1913)).

<sup>4</sup> See n. 1, *supra*. See s. 117.01(3) & (7), F.S. ((3) requiring that, as part of oath, notary must swear he or she understands the English language, has read ch. 117, and understands duties, responsibilities, limitations, and powers; (7) requiring that notary give a bond in the amount of \$7,500 in the event the notary breaches duties, both a physical and electronic copy of which is to be kept on file with the Department of State).

<sup>5</sup> Section 117.01(1), F.S.

<sup>6</sup> Executive Office of the Governor, State of Florida, *Governor’s Reference Manual for Notaries Public*, p. 13 (Dec. 13, 2016).

<sup>7</sup> Section 117.03, F.S.

<sup>8</sup> Section 117.04, F.S.

<sup>9</sup> Section 117.045, F.S.

<sup>10</sup> Section 117.05(12)(a), F.S.

<sup>11</sup> Section 319.23(3)(a)2., F.S.

<sup>12</sup> Section 655.94(1), F.S.

<sup>13</sup> See n. 5, *supra*.

<sup>14</sup> Section 117.05(2), F.S.

<sup>15</sup> Section 117.021(2), F.S.

<sup>16</sup> Section 117.021(3), F.S.

also be applied to a physical paper copy using a rubber stamp containing the foregoing information.<sup>17</sup>

Additionally, as a public officer, a notary public is held to high standards and is subject to discipline, including suspension by the Governor and removal by the Senate, for malfeasance, misfeasance, or neglect in the performance of his or her duties.<sup>18</sup> A notary public is also subject to criminal penalties for certain unlawful uses of the notary commission (such as notarizing his or her own signature),<sup>19</sup> and liable to pay fees for certain civil infractions (such as notarizing a document when the signor is not in the notary's presence).<sup>20</sup>

### **Becoming a Notary Public in Florida**

In order to be eligible to become a notary public in Florida, a person must:

- Be at least 18 years of age;
- Be a Florida resident or permanent resident alien with a recorded declaration of domicile;
- Maintain Florida residence throughout the appointment; and
- Be able to read, write, and understand the English language.<sup>21</sup>

To apply to be a notary public in Florida, the application form provided by the Department of State must be completed, signed, sworn, and filed along with the appropriate applications fees.<sup>22</sup> Because the bond must be attached, the bonding agency usually submits the application in both a paper and electronic format.<sup>23</sup> The oath of office and notary bond must accompany the notary's application when filed with the Department of State.<sup>24</sup> Applicants must also provide the following as part of the application:

- Personal identification information;
- Affidavit of good character from a reference who has known the applicant for at least one year and is not a relative;
- Ten-year history of any licenses and discipline;
- Statement regarding whether the applicant has ever been convicted of a felony or had his or her civil rights restored; and
- Any other information requested by the Governor's office to confirm eligibility.<sup>25</sup>

### **Notary's Duty to Confirm Identity and Physical Presence for Signing**

One of the notary public's primary duties is to verify the identity of the person who is signing a document. If the person is personally known to the notary public or provides "satisfactory

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<sup>17</sup> Section 117.05(3), F.S.

<sup>18</sup> Art. IV, s. 7, FLA. CONST.; s. 117.01(4), F.S.

<sup>19</sup> Section 117.05(1), F.S. (providing violation is a third degree felony). *See also* s. 117.05(3)(d), (7), & (8), F.S.; s. 117.105, F.S.; s. 117.107, F.S.

<sup>20</sup> Section 117.107(9), F.S. (providing violation is a civil infraction punishable by a fine of up to \$5,000).

<sup>21</sup> *See* n. 5, *supra*.

<sup>22</sup> Section 117.01(2), F.S. (requiring \$25 application fee, \$10 commission fee, and \$4 educational surcharge, except that the commission fee is waived for veterans with a 50 percent disability).

<sup>23</sup> *See* n. 6 at p. 7, *supra*.

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

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

evidence” by producing valid identification or witnesses or both verifying that the person is who he or she claims to be, the notary may notarize the document.<sup>26</sup>

Additionally, generally the person signing the document, as well as any witness, must be in the notary’s physical presence at the time of presenting identification and signing.<sup>27</sup> It is the physical presence requirement that the proposed bill seeks to redefine.

### **Online Notarization**

Because of new audio/video technologies, such as FaceTime and Skype, two or more people may be able to both see and hear one another in real time using a computer or mobile device, even though they are in different states. This means a notary public can view a person’s face, using audio/video technology, while simultaneously reviewing the person’s identification and other credentials.

One article explains how online notarization works:

The process is pretty straightforward: You upload a document to an app or website and get connected with a notary by video, on a split screen; you verify your identity by showing a government-issued photo ID, and the notary witnesses you signing your name on screen using your finger or mouse. Then, the notary adds their electronic signature and a digital version of a stamp or seal. The whole transaction is recorded and secured on the cloud in compliance with retention rules; both the signer and the notary can get copies.

Right now, even though notarization apps and sites are accessible by everyone, the participating notaries themselves are certified and based only in Virginia and Texas. Nevada will also join those states; it enacted a remote notarization law on June 9.<sup>28</sup>

Virginia was the first to pass a remote notarization law in 2012.<sup>29</sup>

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

**Section 1:** The bill divides ch. 117, F.S. into two parts: Part I entitled “General Provisions,” and Part II entitled “Online Notarizations.”

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<sup>26</sup> Section 117.05(5), F.S.

<sup>27</sup> Section 117.05(4), F.S. *See also* Effect of the Bill, Part I, *infra*, amending multiple provisions in chapter 117, F.S., to clarify that “physical presence” can include an appearance by audio/video technology.

<sup>28</sup> Lauren Silverman, *Notaries are Starting to Put Down The Stamp and Pick Up a Webcam*, National Public Radio, All Tech Considered (June 12, 2017), <https://www.npr.org/sections/alltechconsidered/2017/06/12/532586426/notaries-are-starting-to-put-down-the-stamp-and-pick-up-a-webcam> (last visited Jan. 29, 2018).

<sup>29</sup> *Id.* *See* Office of the Secretary of the Commonwealth of Virginia, Notary Public Division, *A Handbook For Virginia Notary Publics*, <https://governor.virginia.gov/media/2089/NotaryHandbook.pdf> (last visited Jan. 29, 2018). *See also* <https://notarize.com/>, a Virginia-based online platform offering online notary services. The video on the homepage also explains how the process works. *Id.* (last visited January 29, 2018).

With the exception of the effective date,<sup>30</sup> the remaining sections of the bill can be grouped as follows: Group (A), Sections 2 through 5; Group B, Sections 6 through 19; and Group (C), Sections 18 through 27.

**Group (A): Sections 2 through 5** of the bill amend current provisions of chapter 117, F.S., which will now be part of Part I. And Part I is now the General Provisions governing how to become a notary public and the duties and responsibilities of a notary. The bill adds language to three of the existing provisions in Part 1 in order to set out some of the additional requirements a notary must follow in order to register to do online notarizations.

Most significantly, the bill adds that notary publics who wish to register with the Governor's office to do online notarizations must maintain an insurance policy of at least \$1 million to protect against errors and omissions (s. 117.01, F.S.).

The bill also provides that a notary must use a password- or code-protected electronic signature, and, presumably for security reasons, the notary cannot be required to use technology the notary has not selected (s. 117.02, F.S.). The bill also sets out a form certificate a notary must essentially use when notarizing an attested copy of an electronic document (s. 117.05, F.S.), and provides that the prohibitions in s. 117.107, F.S., do not apply to electronic signatures and seals necessary to perform online notarizations.

Additionally, the bill provides that a notary must submit proof of identity to the Governor's office rather than the Secretary of State (s. 117.05, F.S.).

Other changes to Part 1 primarily clarify that a signer of document may "personally appear" before a notary either in person or by "audio-video communication technology," and that an online notary must comply with Part II, *infra*. The bill also amends the various notarial form certificates in s. 117.05, F.S., to add an option for the notary to select: "The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization[.]"

**Group (B): Sections 6 through 19** create new provisions of chapter 117, F.S., specifically governing online notary services.

The bill clarifies in ss. 117.209, 117.225, and 117.235, F.S., that an online notary: must satisfy all the traditional notary requirements of Part I; is still subject to Part I; and may perform any of the notarial acts listed in Part I online *except* online marriage rites. An online notary may also charge a fee not to exceed \$25 *in addition to* the fees authorized by Part I (s. 117.275, F.S.).

Additionally, s. 117.225, F.S., sets out the registration requirements for online notaries. Online notaries must:

- Satisfy qualification requirements of Part I;
- Pay the online notarization application fee of \$25;
- Provide proof of professional liability insurance (the bill adds that it must be \$1 million under Part I);
- Submit a signed and sworn registration to the Governor's office; and

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<sup>30</sup> See Section 28, *infra*.

- Identify the audio/video communication technology and identity proofing methods to be used online, which must
  - Comply with the standards promulgated by the Governor’s office; or
  - If there are no standards, be consistent with a later provision, s. 117.295(2), F.S.

The bill requires an online notary to keep extensive records of each online notarization in an electronic journal, which includes retaining the a copy of the audio/video and recording the logistical details concerning when, for who, and what type of notarial act was completed. These records must be retained for 10 years. (s. 117.245, F.S.). The bill also requires that an online notary take strict security measures to keep the electronic journal as well as a back-up of the journal, the notary’s electronic signature, and the notary’s electronic seal under his or her exclusive possession or control (s. 117.255, F.S.).

Procedurally, the bill provides that an online notary may notarize documents for people in other states so long as the notary verifies the identities of the principle signer and witnesses at the time of signing; and, if out-of-state, confirms that the principle signer consents to a Florida-based notary public and consents to comply with Florida law (s. 117.265, F.S.). An online notary may verify identification of a principle signer or a witness as follows:

- The notary’s personal knowledge of the person; or
- The remote presentation of a government-issued identification card subjected to a credibility analysis and “identification proofing” using “knowledge-based authentication” (similar to personal questions a credit card company asks to verify identity (mother’s maiden name, father’s middle name, etc.).

If the notary is not satisfied that a person’s identity has been verified, the notary must decline to do the online notarization.

Additionally, the bill provides that the Governor’s office and Agency for State Technology have rulemaking authority to further specify and refine the technological processes mentioned in Part II (s. 117.295, F.S.).

Section 117.305, F.S., provides that Part II supersedes 15 U.S.C. s. 7002, the federal Electronic Signatures in Global and National Commerce Act. This is expressly permitted by 15 U.S.C. s. 7002 when a state has adopted the Uniform Electronic Transactions Act,<sup>31</sup> which Florida did in 2000.<sup>32</sup> Section 117.305, F.S., also provides that the requirements in section 15 U.S.C. s. 7001(c) concerning consumer disclosures, and the requirement of 15 U.S.C. s. 7003(b) concerning the delivery of certain legal documents are not superseded or limited.

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<sup>31</sup> See Uniform Law Commission, Acts, *Electronic Transactions Act*, <http://www.uniformlaws.org/Narrative.aspx?title=Why%20States%20Should%20Adopt%20UETA> (last visited Jan. 29, 2018) (“The **Uniform Electronic Transactions Act (UETA)** allows the use of electronic records and electronic signatures in any transaction, except transactions subject to the Uniform Commercial Code. The fundamental purpose of this act is to remove perceived barriers to electronic commerce. The UETA is a procedural statute. It does not mandate either electronic signatures or records, but provides a means to effectuate transactions when they are used. The primary objective is to establish the legal equivalence of electronic records and signatures with paper writings and manually-signed signatures.”

<sup>32</sup> Section 668.50, F.S.

**Group (C): Sections 18 through 27** of the bill make conforming or necessary collateral changes to several provisions outside of chapter 117, F.S., most of which apply to the recording of real estate conveyances under of chapter 695, F.S. Significantly, the bill amends s. 28.222, F.S., to permit the clerk of a circuit court to record documents “originally created and executed using an electronic signature” citing to Florida’s Uniform Real Property Electronic Recording Act,<sup>33</sup> that are “certified to be true and correct paper printout[s] by a notary public[.]”

**Section 28:** The bill has an effective date of July 1, 2018.

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

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

**A. Tax/Fee Issues:**

Notaries who wish to provide online services must pay an additional \$25 registration fee.

**B. Private Sector Impact:**

The availability of online notarial services may be more convenient for those who need the services.

**C. Government Sector Impact:**

The bill will likely add to the regulatory and record-keeping responsibilities of the Department of State and the Office of the Governor.

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

The signature and seal information at the bottom of the new form certificate added as s. 117.05(12)(c) is not consistent with the other form certificates contained in s. 117.05, F.S.

#### **VII. Related Issues:**

None.

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<sup>33</sup> Section 695.27, F.S.



**VIII. Statutes Affected:**

This bill substantially amends sections 117.01, 117.021, 117.05, 117.107, 28.222, 92.50, 95.231, 689.01, 694.08, 695.03, 695.04, 695.05, 695.09, and 695.28, Florida Statutes.

This bill creates sections 117.201, 117.209, 117.215, 117.225, 117.235, 117.245, 117.255, 117.265, 117.275, 117.285, 117.295, 117.305, 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.

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

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268372

LEGISLATIVE ACTION

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

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The Committee on Judiciary (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 533 - 553  
and insert:

(1) An online notary public may perform any of the  
functions authorized under part I of this chapter as an online  
notarization, excluding:

(a) Solemnizing the rites of matrimony;

(b) A notarial act in connection with the creation and  
execution of a will, codicil, or revocable trust for  
testamentary purposes; and



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(c) A contract, an agreement, or a waiver subject to ss. 732.701 and 732.702.

(2) If a notarial act requires a principal to appear before or in the presence of the online notary public, the principal may appear before the online notary public by means of audio-video communication technology that meets the requirements of this chapter and any rules adopted by the Executive Office of the Governor under s. 117.295.

(3) An online notary public may perform a notarial act as an online notarization as authorized under this chapter regardless of the physical location of the principal at the time of the notarial act, provided the notary public is physically located in this state while performing the online notarization.

(4) The validity of an online notarization performed by an online notary public appointed in this state shall be determined by applicable laws of this state regardless of the physical location of the principal at the time of the notarial act.

Section 8. Section 117.215, Florida Statutes, is created to read:

117.215 Relation to other laws.—With the exception of laws governing the creation and execution of wills, codicils, and revocable trusts for testamentary purposes, or contracts, agreements, or waivers subject to ss. 732.701 and 732.702:

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

And the title is amended as follows:

Delete line 29

and insert:

online notarizations; providing exceptions; creating



436070

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/30/2018	.	
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The Committee on Judiciary (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1145 and 1146  
insert:

Section 28. Subsection (1) of section 709.2202, Florida  
Statutes, is amended to read:

709.2202 Authority that requires separate signed  
enumeration.—

(1) Notwithstanding s. 709.2201, an agent may exercise the  
~~following~~ authority specified in paragraphs (a)-(g) only if the  
principal signed or initialed next to each specific enumeration



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of the authority, the exercise of the authority is consistent with the agent's duties under s. 709.2114, the power of attorney was witnessed and notarized in person without use of the online electronic witnessing provisions of s. 117.285 or the online notarization provisions of part II of chapter 117, and the exercise is not otherwise prohibited by another agreement or instrument:

(a) Create an inter vivos trust;

(b) With respect to a trust created by or on behalf of the principal, amend, modify, revoke, or terminate the trust, but only if the trust instrument explicitly provides for amendment, modification, revocation, or termination by the settlor's agent;

(c) Make a gift, subject to subsection (4);

(d) Create or change rights of survivorship;

(e) Create or change a beneficiary designation;

(f) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan; or

(g) Disclaim property and powers of appointment.

This subsection does not invalidate a power of attorney or any authority granted therein to an agent where such authority is granted in a power of attorney witnessed and notarized through the use of the online electronic witnessing provisions of s. 117.285 or the online notarization provisions of part II of chapter 117, except that a power of attorney or other authority so witnessed and notarized is not effective to grant any power specified in paragraphs (a)-(g).



436070

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

42 And the title is amended as follows:

43       Between lines 87 and 88

44 insert:

45       amending s. 709.2202, F.S.; specifying that certain  
46       authority granted through a power of attorney  
47       requiring separate signed enumeration may not be  
48       executed by online notarization or witnessed  
49       electronically; providing for construction;

By Senator Brandes

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1 A bill to be entitled  
 2 An act relating to notaries public; providing  
 3 directives to the Division of Law Revision and  
 4 Information; amending s. 117.01, F.S.; revising  
 5 provisions relating to use of the office of notary  
 6 public; requiring a notary public who registers as an  
 7 online notary public to maintain certain liability  
 8 insurance; amending s. 117.021, F.S.; requiring  
 9 electronic signatures to include access protection;  
 10 prohibiting a person from requiring a notary public to  
 11 perform a notarial act with certain technology;  
 12 authorizing the Department of State, in collaboration  
 13 with the Agency for State Technology, to adopt rules  
 14 for certain purposes; amending s. 117.05, F.S.;  
 15 providing that a person applying for a notary public  
 16 commission must provide proof of identity to the  
 17 Executive Office of the Governor, rather than the  
 18 Department of State, upon request; revising  
 19 limitations on notary fees to conform to changes made  
 20 by the act; providing for inclusion of certain  
 21 information in a jurat or notarial certificate;  
 22 providing for compliance with online notarization  
 23 requirements; providing for notarial certification of  
 24 a printed electronic record; revising statutory forms  
 25 for jurats and notarial certifications; amending s.  
 26 117.107, F.S.; providing applicability; revising  
 27 prohibited acts; creating s. 117.201, F.S.; providing  
 28 definitions; creating s. 117.209, F.S.; authorizing  
 29 online notarizations; providing an exception; creating

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30 s. 117.215, F.S.; specifying the application of other  
 31 laws in relation to online notarizations; creating s.  
 32 117.225, F.S.; providing registration and  
 33 qualification requirements for online notaries public;  
 34 creating s. 117.235, F.S.; authorizing the performance  
 35 of certain notarial acts; creating s. 117.245, F.S.;  
 36 requiring a notary public to keep an electronic  
 37 journal of online notarizations; specifying the  
 38 information that must be included for each online  
 39 notarization; requiring an online notary public to  
 40 take certain steps regarding the maintenance and  
 41 security of the electronic journal; creating s.  
 42 117.255, F.S.; providing requirements for the use of  
 43 electronic journals, signatures, and seals; requiring  
 44 a notary public to provide notification of the theft,  
 45 vandalism, or loss of an electronic journal,  
 46 signature, or seal; authorizing an online notary  
 47 public to make copies of electronic journal entries  
 48 and provide access to related recordings under certain  
 49 circumstances; authorizing an online notary public to  
 50 charge a fee for making and delivering such copies;  
 51 creating s. 117.265, F.S.; prescribing online  
 52 notarization procedures; specifying the manner by  
 53 which an online notary public must verify the identity  
 54 of a principal or a witness; requiring an online  
 55 notary public to take certain measures as to the  
 56 security of technology used; specifying that an  
 57 electronic notarial certificate must identify the  
 58 performance of an online notarization; specifying that

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59 noncompliance does not impair the validity of a  
 60 notarial act or the notarized electronic record;  
 61 creating s. 117.275, F.S.; providing fees for online  
 62 notarizations; creating s. 117.285, F.S.; authorizing  
 63 a notary public to supervise the witnessing of  
 64 electronic records of online notarizations; creating  
 65 s. 117.295, F.S.; providing standards for electronic  
 66 and online notarizations; authorizing the Executive  
 67 Office of the Governor, in collaboration with the  
 68 Agency for State Technology, to adopt certain rules;  
 69 creating s. 117.305, F.S.; superseding certain  
 70 provisions of federal law regulating electronic  
 71 signatures; amending s. 28.222, F.S.; requiring the  
 72 clerk of the circuit court to record certain  
 73 instruments; amending s. 92.50, F.S.; defining the  
 74 term "before"; amending s. 95.231, F.S.; providing a  
 75 limitation period for certain recorded instruments;  
 76 amending s. 689.01, F.S.; providing for witnessing of  
 77 documents in connection with real estate conveyances;  
 78 providing for validation of certain recorded  
 79 documents; amending s. 694.08, F.S.; providing for  
 80 validation of certain recorded documents; amending s.  
 81 695.03, F.S.; providing and revising requirements for  
 82 making acknowledgments, proofs, and other documents;  
 83 defining the term "before"; amending ss. 695.04,  
 84 695.05, and 695.09, F.S.; conforming provisions to  
 85 changes made by the act; amending s. 695.28, F.S.;  
 86 providing for validity of recorded documents;  
 87 conforming provisions to changes made by the act;

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88 providing an effective date.

89  
 90 Be It Enacted by the Legislature of the State of Florida:

91  
 92 Section 1. The Division of Law Revision and Information is  
 93 directed to:

94 (1) Create part I of chapter 117, Florida Statutes,  
 95 consisting of ss. 117.01-117.108, Florida Statutes, to be  
 96 entitled "General Provisions."

97 (2) Create part II of chapter 117, Florida Statutes,  
 98 consisting of ss. 117.201-117.305, Florida Statutes, to be  
 99 entitled "Online Notarizations."

100 Section 2. Subsection (1) of section 117.01, Florida  
 101 Statutes, is amended, and subsection (9) is added to that  
 102 section, to read:

103 117.01 Appointment, application, suspension, revocation,  
 104 application fee, bond, and oath.—

105 (1) The Governor may appoint as many notaries public as he  
 106 or she deems necessary, each of whom must ~~shall~~ be at least 18  
 107 years of age and a legal resident of this ~~the~~ state. A permanent  
 108 resident alien may apply and be appointed and shall file a  
 109 recorded declaration of domicile with his or her application a  
 110 ~~recorded Declaration of Domicile~~. The residence required for  
 111 appointment must be maintained throughout the term of  
 112 appointment. Notaries public are ~~shall be~~ appointed for 4 years  
 113 and shall use and exercise the office of notary public only  
 114 while the notary public is within the boundaries of this state.  
 115 An applicant must be able to read, write, and understand the  
 116 English language.

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117 (9) A notary public who registers as an online notary  
 118 public with the Executive Office of the Governor must maintain a  
 119 liability insurance policy providing coverage in the amount of  
 120 at least \$1 million which protects errors and omissions related  
 121 to online notarization.

122 Section 3. Present subsections (4) and (5) of section  
 123 117.021, Florida Statutes, are renumbered as subsections (5) and  
 124 (6), respectively, a new subsection (4) is added to that  
 125 section, and subsection (2) and present subsection (5) of that  
 126 section are amended, to read:

127 117.021 Electronic notarization.—

128 (2) In performing an electronic notarial act, a notary  
 129 public shall use an electronic signature that is:

130 (a) Unique to the notary public;

131 (b) Capable of independent verification;

132 (c) Retained under the notary public's sole control and  
 133 includes access protection through the use of passwords or codes  
 134 under control of the notary public; and

135 (d) Attached to or logically associated with the electronic  
 136 document in a manner that any subsequent alteration to the  
 137 electronic document displays evidence of the alteration.

138 (4) A person may not require a notary public to perform a  
 139 notarial act with respect to an electronic record with a form of  
 140 technology that the notary public has not selected to use.

141 (6)(5) The Department of State, in collaboration with the  
 142 Agency for State Technology, may adopt rules to ensure the  
 143 security, reliability, and uniformity of signatures and seals  
 144 authorized in this section.

145 Section 4. Subsection (1), paragraph (a) of subsection (2),

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146 subsections (4) and (5), paragraph (a) of subsection (12), and  
 147 subsections (13) and (14) of section 117.05, Florida Statutes,  
 148 are amended, and paragraph (c) is added to subsection (12) of  
 149 that section, to read:

150 117.05 Use of notary commission; unlawful use; notary fee;  
 151 seal; duties; employer liability; name change; advertising;  
 152 photocopies; penalties.—

153 (1) A ~~No~~ person may not ~~shall~~ obtain or use a notary public  
 154 commission in other than his or her legal name, and it is  
 155 unlawful for a notary public to notarize his or her own  
 156 signature. Any person applying for a notary public commission  
 157 must submit proof of identity to the Executive Office of the  
 158 Governor ~~Department of State~~ if so requested. Any person who  
 159 violates ~~the provisions of~~ this subsection commits ~~is guilty of~~  
 160 a felony of the third degree, punishable as provided in s.  
 161 775.082, s. 775.083, or s. 775.084.

162 (2) (a) The fee of a notary public may not exceed \$10 for  
 163 any one notarial act, except as provided in s. 117.045 or s.  
 164 117.275.

165 (4) When notarizing a signature, a notary public shall  
 166 complete a jurat or notarial certificate in substantially the  
 167 same form as those found in subsection (13). The jurat or  
 168 certificate of acknowledgment shall contain the following  
 169 elements:

170 (a) The venue stating the location of the notary at the  
 171 time of the notarization in the format, "State of Florida,  
 172 County of ....."

173 (b) The type of notarial act performed, an oath or an  
 174 acknowledgment, evidenced by the words "sworn" or

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175 "acknowledged."

176 (c) That the signer personally appeared before the notary  
177 public at the time of the notarization either by physical  
178 presence or by means of audio-video communication technology as  
179 authorized under part II of this chapter.

180 (d) The exact date of the notarial act.

181 (e) The name of the person whose signature is being  
182 notarized. It is presumed, absent such specific notation by the  
183 notary public, that notarization is to all signatures.

184 (f) The specific type of identification the notary public  
185 is relying upon in identifying the signer, either based on  
186 personal knowledge or satisfactory evidence specified in  
187 subsection (5).

188 (g) The notary's official signature.

189 (h) The notary's name, typed, printed, or stamped below the  
190 signature.

191 (i) The notary's official seal affixed below or to either  
192 side of the notary's signature.

193 (5) A notary public may not notarize a signature on a  
194 document unless he or she personally knows, or has satisfactory  
195 evidence, that the person whose signature is to be notarized is  
196 the individual who is described in and who is executing the  
197 instrument. A notary public shall certify in the certificate of  
198 acknowledgment or jurat the type of identification, either based  
199 on personal knowledge or other form of identification, upon  
200 which the notary public is relying. In the case of an online  
201 notarization, the online notary public shall comply with the  
202 requirements set forth in part II of this chapter.

203 (a) For purposes of this subsection, the term "personally

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204 knows" means having an acquaintance, derived from association  
205 with the individual, which establishes the individual's identity  
206 with at least a reasonable certainty.

207 (b) For the purposes of this subsection, the term  
208 "satisfactory evidence" means the absence of any information,  
209 evidence, or other circumstances which would lead a reasonable  
210 person to believe that the person whose signature is to be  
211 notarized is not the person he or she claims to be and any one  
212 of the following:

213 1. The sworn written statement of one credible witness  
214 personally known to the notary public or the sworn written  
215 statement of two credible witnesses whose identities are proven  
216 to the notary public upon the presentation of satisfactory  
217 evidence that each of the following is true:

218 a. That the person whose signature is to be notarized is  
219 the person named in the document;

220 b. That the person whose signature is to be notarized is  
221 personally known to the witnesses;

222 c. That it is the reasonable belief of the witnesses that  
223 the circumstances of the person whose signature is to be  
224 notarized are such that it would be very difficult or impossible  
225 for that person to obtain another acceptable form of  
226 identification;

227 d. That it is the reasonable belief of the witnesses that  
228 the person whose signature is to be notarized does not possess  
229 any of the identification documents specified in subparagraph  
230 2.; and

231 e. That the witnesses do not have a financial interest in  
232 nor are parties to the underlying transaction; or

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233 2. Reasonable reliance on the presentation to the notary  
 234 public of any one of the following forms of identification, if  
 235 the document is current or has been issued within the past 5  
 236 years and bears a serial or other identifying number:

237 a. A Florida identification card or driver license issued  
 238 by the public agency authorized to issue driver licenses;

239 b. A passport issued by the Department of State of the  
 240 United States;

241 c. A passport issued by a foreign government if the  
 242 document is stamped by the United States Bureau of Citizenship  
 243 and Immigration Services;

244 d. A driver license or an identification card issued by a  
 245 public agency authorized to issue driver licenses in a state  
 246 other than Florida, a territory of the United States, or Canada  
 247 or Mexico;

248 e. An identification card issued by any branch of the armed  
 249 forces of the United States;

250 f. A veteran health identification card issued by the  
 251 United States Department of Veterans Affairs;

252 g. An inmate identification card issued on or after January  
 253 1, 1991, by the Florida Department of Corrections for an inmate  
 254 who is in the custody of the department;

255 h. An inmate identification card issued by the United  
 256 States Department of Justice, Bureau of Prisons, for an inmate  
 257 who is in the custody of the department;

258 i. A sworn, written statement from a sworn law enforcement  
 259 officer that the forms of identification for an inmate in an  
 260 institution of confinement were confiscated upon confinement and  
 261 that the person named in the document is the person whose

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262 signature is to be notarized; or

263 j. An identification card issued by the United States  
 264 Bureau of Citizenship and Immigration Services.

265 (12) (a) A notary public may supervise the making of a  
 266 photocopy of an original document or the duplication or printout  
 267 of an electronic record and attest to the trueness of the copy,  
 268 provided the document is neither a vital record in this state,  
 269 another state, a territory of the United States, or another  
 270 country, nor a public record, if a copy can be made by the  
 271 custodian of the public record.

272 (c) A notary public must use a certificate in substantially  
 273 the following form in notarizing an attested copy of an  
 274 electronic document:

275

276 STATE OF FLORIDA

277 COUNTY OF .....

278

279 On this .... day of ....., ...(year)..., I attest that the  
 280 preceding or attached document is a true, exact, complete, and  
 281 unaltered copy duplicated before me or printed by me from an  
 282 electronic record of ...(description of electronic record)...  
 283 presented to me by the document's custodian, .....  
 284 At the time of duplication or printing, no security features, if  
 285 any present on the electronic record, indicated that the record  
 286 had been altered since execution.

287

288 ...(Signature of Notary Public - State of Florida)...  
 289 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
 290

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(13) The following notarial certificates are sufficient for the purposes indicated, if completed with the information required by this chapter. The specification of forms under this subsection does not preclude the use of other forms.

(a) For an oath or affirmation:

STATE OF FLORIDA  
COUNTY OF .....

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this .... day of ....., ...(year)..., by ...(name of person making statement)....

...(Signature of Notary Public - State of Florida)...  
...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
Personally Known ..... OR Produced Identification  
.....  
Type of Identification Produced.....

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA  
COUNTY OF .....

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this .... day of ....., ...(year)..., by ...(name of person acknowledging)....

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...(Signature of Notary Public - State of Florida)...  
...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
Personally Known ..... OR Produced Identification  
.....  
Type of Identification Produced.....

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA  
COUNTY OF .....

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this .... day of ....., ...(year)..., by ...(name of person)... as ...(type of authority, . . . e.g. officer, trustee, attorney in fact)... for ...(name of party on behalf of whom instrument was executed)....

...(Signature of Notary Public - State of Florida)...  
...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
Personally Known ..... OR Produced Identification  
.....  
Type of Identification Produced.....

(14) A notary public must make reasonable accommodations to provide notarial services to persons with disabilities.

(a) A notary public may notarize the signature of a person who is blind after the notary public has read the entire instrument to that person.

(b) A notary public may notarize the signature of a person

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349 who signs with a mark if:

350 1. The document signing is witnessed by two disinterested

351 persons;

352 2. The notary prints the person's first name at the

353 beginning of the designated signature line and the person's last

354 name at the end of the designated signature line; and

355 3. The notary prints the words "his (or her) mark" below

356 the person's signature mark.

357 (c) The following notarial certificates are sufficient for

358 the purpose of notarizing for a person who signs with a mark:

359 1. For an oath or affirmation:

360

361 ... (First Name)... ... (Last Name)...

362 ... His (or Her) Mark...

363

364 STATE OF FLORIDA

365 COUNTY OF .....

366

367 Sworn to and subscribed before me by means of [] physical

368 presence or [] online notarization, this .... day of .....,

369 ... (year)..., by ... (name of person making statement)..., who

370 signed with a mark in the presence of these witnesses:

371

372 ... (Signature of Notary Public - State of Florida)...

373 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

374 Personally Known ..... OR Produced Identification

375 .....

376 Type of Identification Produced.....

377

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378 2. For an acknowledgment in an individual capacity:

379

380 ... (First Name)... ... (Last Name)...

381 ... His (or Her) Mark...

382

383 STATE OF FLORIDA

384 COUNTY OF .....

385

386 The foregoing instrument was acknowledged before me by means of

387 [] physical appearance or [] online notarization, this .... day

388 of ....., ... (year)..., by ... (name of person

389 acknowledging)..., who signed with a mark in the presence of

390 these witnesses:

391

392 ... (Signature of Notary Public - State of Florida)...

393 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

394 Personally Known ..... OR Produced Identification

395 .....

396 Type of Identification Produced.....

397

398 (d) A notary public may sign the name of a person whose

399 signature is to be notarized when that person is physically

400 unable to sign or make a signature mark on a document if:

401 1. The person with a disability directs the notary to sign

402 in his or her presence;

403 2. The document signing is witnessed by two disinterested

404 persons;

405 3. The notary writes below the signature the following

406 statement: "Signature affixed by notary, pursuant to s.

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117.05(14), Florida Statutes," and states the circumstances of the signing in the notarial certificate.

(e) The following notarial certificates are sufficient for the purpose of notarizing for a person with a disability who directs the notary to sign his or her name:

1. For an oath or affirmation:

STATE OF FLORIDA  
COUNTY OF .....

Sworn to (or affirmed) before me by means of [] physical presence or [] online notarization, this .... day of ....., ... (year) ..., by ... (name of person making statement) ..., and subscribed by ... (name of notary) ... at the direction of ~~and in the presence of~~ ... (name of person making statement) ..., and in the presence of these witnesses:

...(Signature of Notary Public - State of Florida) ...  
...(Print, Type, or Stamp Commissioned Name of Notary Public) ...  
Personally Known ..... OR Produced Identification  
.....  
Type of Identification Produced.....

2. For an acknowledgment in an individual capacity:

STATE OF FLORIDA  
COUNTY OF .....

The foregoing instrument was acknowledged before me by means of

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[] physical presence or [] online notarization, this .... day of ....., ... (year) ..., by ... (name of person acknowledging) ... and subscribed by ... (name of notary) ... at the direction of ~~and in the presence of~~ ... (name of person acknowledging) ..., and in the presence of these witnesses:

...(Signature of Notary Public - State of Florida) ...  
...(Print, Type, or Stamp Commissioned Name of Notary Public) ...  
Personally Known ..... OR Produced Identification  
.....  
Type of Identification Produced.....

Section 5. Subsections (2) and (9) of section 117.107, Florida Statutes, are amended to read:

117.107 Prohibited acts.—

(2) A notary public may not sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits his or her ability to make a written signature and unless the notary public has first submitted written notice to the Department of State with an exemplar of the facsimile signature stamp. This subsection does not apply to or prohibit the use of an electronic signature and seal by a notary public performing online notarizations in accordance with the requirements of this chapter.

(9) A notary public may not notarize a signature on a document if the person whose signature is being notarized does not appear before the notary public either by means of physical presence or by means of audio-video communication technology as authorized under part II of this chapter ~~is not in the presence~~

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of the notary public at the time the signature is notarized. Any notary public who violates this subsection is guilty of a civil infraction, punishable by penalty not exceeding \$5,000, and such violation constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this subsection that the notary public acted without intent to defraud. A notary public who violates this subsection with the intent to defraud is guilty of violating s. 117.105.

Section 6. Section 117.201, Florida Statutes, is created to read:

117.201 Definitions.—As used in this part, the term:

(1) "Appear before," "before," "appear personally before," or "in the presence of," as used in this chapter and in ss. 92.50 and 695.03, means in:

(a) The same physical location as another person and close enough to see, hear, communicate with, and exchange credentials with that person; or

(b) A different physical location from another person, but able to see, hear, and communicate with the person by means of audio-video communication technology.

(2) "Audio-video communication technology" means technology approved by the Executive Office of the Governor or authorized in this part which enables real-time, two-way communication using electronic means in which participants are able to see, hear, and communicate with one another.

(3) "Credential analysis" means a process or service operating according to criteria approved by the Executive Office of the Governor or by this part through which a third party

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confirms the validity of a government-issued identity credential or data thereon through review of public and proprietary data sources.

(4) "Government-issued identity credential" means any approved credential for verifying identity set forth in s. 117.05(5)(b)2.

(5) "Identity proofing" means a process or service operating according to criteria approved by the Executive Office of the Governor or by this part, through which a third party confirms the identity of an individual through review of public and proprietary data sources.

(6) "Knowledge-based authentication" means a form of identity proofing based on a set of questions formulated from public and proprietary data sources for which the principal has not provided a previous answer during the course of the identity proofing.

(7) "Online notarization" means the performance of an electronic notarization by means of audio-video communication technology and which meets standards provided in this chapter.

(8) "Online notary public" means a notary public who has registered with the Executive Office of the Governor to perform online notarizations under this part or a civil-law notary appointed under chapter 118.

(9) "Principal" means an individual whose electronic signature is acknowledged, witnessed, or attested to in an online notarization or who takes an oath or affirmation from the online notary public.

(10) "Remote presentation" means transmission of an image of a government-issued identity credential that is of sufficient

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quality to enable the online notary public through communication technology to identify the individual seeking the notary's services and to perform credential analysis through audio-video communication technology.

Except where the context otherwise requires, any term defined in s. 668.50(2) has the same meaning when used in this part.

Section 7. Section 117.209, Florida Statutes, is created to read:

117.209 Authority to perform online notarizations.—

(1) An online notary public may perform any of the functions authorized under part I of this chapter as an online notarization, excluding solemnizing the rites of matrimony.

(2) If a notarial act requires a principal to appear before or in the presence of the online notary public, the principal may appear before the online notary public by means of audio-video communication technology that meets the requirements of this chapter and any rules adopted by the Executive Office of the Governor under s. 117.295.

(3) An online notary public may perform a notarial act as an online notarization as authorized under this chapter, regardless of the physical location of the principal at the time of the notarial act, provided the notary public is physically located in this state while performing the online notarization.

(4) The validity of an online notarization performed by an online notary public appointed in this state shall be determined by applicable laws of this state regardless of the physical location of the principal at the time of the notarial act.

Section 8. Section 117.215, Florida Statutes, is created to

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read:

117.215 Relation to other laws.—

(1) If a provision of law requires a signature, a statement, or an instrument to be acknowledged, sworn, affirmed, or made under oath, or is subject to penalty of perjury:

(a) The acknowledgement or proof may be made by any of the officials listed and in the manner described in s. 695.03.

(b) The requirement may be satisfied by an online notarization if made in accordance with the online notarization provisions of this part or in conformance with the laws of the notary public's appointing state.

(2) If a provision of law requires a signature or an act to be witnessed, compliance with the online electronic witnessing standards prescribed in s. 117.285 satisfies that requirement.

Section 9. Section 117.225, Florida Statutes, is created to read:

117.225 Registration; qualifications.—A notary public may complete registration as an online notary public with the Executive Office of the Governor by:

(1) Satisfying the qualification requirements for appointment as a notary public under part I of this chapter.

(2) Paying an online notary public application fee in the amount of \$25.

(3) Providing proof of a professional liability insurance policy as required under s. 117.01(9).

(4) Submitting a registration as an online notary public to the Executive Office of the Governor, signed and sworn to by the applicant.

(5) Identifying the audio-video communication technology



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581 and identity proofing methods that the online notary public  
 582 intends to use in performing online notarizations. If the  
 583 Executive Office of the Governor and the Agency for State  
 584 Technology has established standards for approval of technology  
 585 pursuant to this part, the technology and methods selected by  
 586 the online notary must be in conformance with such standards. If  
 587 a form of technology conforms to the standards, the Executive  
 588 Office of the Governor and the Agency for State Technology must  
 589 approve the use of the technology. If the Executive Office of  
 590 the Governor and the Agency for State Technology have not yet  
 591 established such standards, the online notary public must  
 592 identify technologies that are consistent with the requirements  
 593 of s. 117.295(2).

594 Section 10. Section 117.235, Florida Statutes, is created  
 595 to read:

596 117.235 Performance of notarial acts.—

597 (1) An online notary public is subject to part I to the  
 598 same extent as a notary public appointed and commissioned only  
 599 under that part, including the provisions of s. 117.021 relating  
 600 to electronic notarizations.

601 (2) An online notary public may perform notarial acts as  
 602 provided by part I in addition to performing online  
 603 notarizations as authorized and pursuant to the provisions of  
 604 this part.

605 Section 11. Section 117.245, Florida Statutes, is created  
 606 to read:

607 117.245 Electronic journal of online notarizations.—

608 (1) An online notary public shall keep a secure electronic  
 609 journal of electronic records notarized by the online notary

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610 public. For each online notarization, the electronic journal  
 611 entry must contain all of the following:  
 612 (a) The date and time of the notarization.  
 613 (b) The type of notarial act.  
 614 (c) The type, the title, or a description of the electronic  
 615 record or proceeding.  
 616 (d) The printed name and address of each principal involved  
 617 in the transaction or proceeding.  
 618 (e) Evidence of identity of each principal involved in the  
 619 transaction or proceeding in the form of:  
 620 1. A statement that the person is personally known to the  
 621 online notary public;  
 622 2. A notation of the type of identification document  
 623 provided to the online notary public;  
 624 3. A copy of the government-issued identity credential  
 625 provided; and  
 626 4. A copy of any other identity credential or information  
 627 provided.  
 628 (f) An indication that the principal satisfactorily passed  
 629 the identity proofing.  
 630 (g) An indication that the government-issued identity  
 631 credential satisfied the credential analysis.  
 632 (h) A recording of the audio-video communication in which:  
 633 1. The principal and any witnesses appeared before the  
 634 notary public.  
 635 2. The identity of each was confirmed.  
 636 3. The notarial act was performed.  
 637 (i) The fee, if any, charged for the notarization.  
 638 (2) The online notary public shall take reasonable steps

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639 to:

640 (a) Ensure the integrity, security, and authenticity of  
 641 online notarizations.

642 (b) Maintain a backup record of the electronic journal  
 643 required by subsection (1).

644 (c) Protect the backup record from unauthorized access or  
 645 use.

646 (3) The electronic journal required by subsection (1) shall  
 647 be maintained for at least 10 years after the date of the  
 648 notarial act.

649 (4) An omitted or incomplete entry in the electronic  
 650 journal does not impair the validity of the notarial act or of  
 651 the electronic record notarized, but may be introduced as  
 652 evidence to establish violations of this chapter; as an  
 653 indication of possible fraud, forgery, or impersonation; or for  
 654 other evidentiary purposes.

655 Section 12. Section 117.255, Florida Statutes, is created  
 656 to read:

657 117.255 Use of electronic journal, signature, and seal.—An  
 658 online notary public shall:

659 (1) Take reasonable steps to ensure that any registered  
 660 device used to create an electronic signature is current and has  
 661 not been revoked or terminated by the device's issuing or  
 662 registering authority.

663 (2) Keep his or her electronic journal, electronic  
 664 signature, and electronic seal secure and under his or her sole  
 665 control, which includes control in the form of access protection  
 666 using passwords or codes under control of the online notary  
 667 public. The online notary public may not allow another person to

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668 use or access his or her electronic journal, electronic  
 669 signature, or electronic seal.

670 (3) Use his or her electronic signature only for performing  
 671 online notarization.

672 (4) Attach or logically associate the online notary  
 673 public's electronic signature and seal to the electronic  
 674 notarial certificate of an electronic record in a manner that is  
 675 capable of independent verification using tamper-evident  
 676 technology that renders any subsequent change or modification to  
 677 the electronic record evident.

678 (5) Immediately notify an appropriate law enforcement  
 679 agency and the Executive Office of the Governor of theft or  
 680 vandalism of his or her electronic journal, electronic  
 681 signature, or electronic seal. An online notary public shall  
 682 immediately notify the Executive Office of the Governor of the  
 683 loss or use by another person of the online notary public's  
 684 electronic journal, electronic signature, or electronic seal.

685 (6) Make electronic copies, upon request, of the pertinent  
 686 entries in the electronic journal and provide access to the  
 687 related audio-video communication recordings to the title agent,  
 688 settlement agent, or title insurer who engaged the online notary  
 689 with regard to a real estate transaction. The online notary  
 690 public may charge a reasonable fee for making and delivering  
 691 electronic copies of a given series of related electronic  
 692 records. The online notary public shall disclose the amount of  
 693 such fee to the requester before making the electronic copies.

694 Section 13. Section 117.265, Florida Statutes, is created  
 695 to read:

696 117.265 Online notarization procedures.—

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697 (1) An online notary public physically located in this  
 698 state may perform an online notarization that meets the  
 699 requirements of this part regardless of whether the principal or  
 700 any witnesses are physically located in this state at the time  
 701 of the online notarization. An online notarial act performed in  
 702 accordance with this part is deemed to have been performed  
 703 within this state and is governed by the applicable laws of this  
 704 state.

705 (2) In performing an online notarization, an online notary  
 706 public shall verify the identity of a principal at the time that  
 707 the signature is taken by using audio-video communication  
 708 technology and processes that meet the requirements of this part  
 709 and record the entire two-way audio-video conference session  
 710 between the notary public and the principal and any subscribing  
 711 witnesses. A principal may not act in the capacity of a witness  
 712 for the online notarization.

713 (3) In performing an online notarization of a principal not  
 714 located within the state, an online notary public must confirm  
 715 that the principal desires for the notarial act to be performed  
 716 by a Florida notary public and governed by the applicable laws  
 717 of this state.

718 (4) An online notary public shall confirm the identity of  
 719 the principal or any witness by:

720 (a) The online notary public's personal knowledge of each  
 721 such individual; or

722 (b) All of the following, as the same may be refined or  
 723 supplemented in rules adopted pursuant to s. 117.295:

724 1. Remote presentation of a government-issued identity  
 725 credential by each individual;

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726 2. Credential analysis of each government-issued identity  
 727 credential; and

728 3. Identity proofing of each individual, in the form of  
 729 knowledge-based authentication or another method of identity  
 730 proofing that conforms to standards established by the Executive  
 731 Office of the Governor.

732 If the online notary public is unable to satisfy subparagraphs  
 733 (b)1.-3., or if the databases consulted for identity proofing do  
 734 not contain sufficient information to permit authentication, the  
 735 online notary public is not authorized to perform the online  
 736 notarization.

737 (5) The online notary public shall take reasonable steps to  
 738 ensure that the audio-video communication technology used in an  
 739 online notarization is secure from unauthorized interception.

740 (6) The electronic notarial certificate for an online  
 741 notarization must include a notation that the notarization is an  
 742 online notarization.

743 (7) Except as expressly modified in this part, the  
 744 requirements of part I of this chapter apply to an online  
 745 notarization and an online notary public.

746 (8) Any failure to comply with the procedures set forth in  
 747 this section does not impair the validity of the notarial act or  
 748 the electronic record that was notarized, but may be introduced  
 749 as evidence to establish violations of this chapter; as an  
 750 indication of possible fraud, forgery, or impersonation; or for  
 751 other evidentiary purposes.

752 Section 14. Section 117.275, Florida Statutes, is created  
 753 to read:

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117.275 Fees for online notarization.—An online notary public or the online notary public's employer may charge a fee, not to exceed \$25, for performing an online notarization in addition to any other fees authorized under part I of this chapter. Fees for services other than the provision of notarial acts are not governed by this section.

Section 15. Section 117.285, Florida Statutes, is created to read:

117.285 Witnessing of online notarization.—An online notary public or an official of another state authorized under the laws of that state to perform online notarization of documents may supervise the witnessing of electronic records by the same audio-video communication technology used for online notarization, as follows:

(1) The identity of each witness must be verified in the same manner as the identity of the principal.

(2) A witness may physically be present with the principal or remote from the principal so long as the witness and the principal may see and hear one another in real time using audio-video communication technology.

(3) The witness is present in either physical proximity to the principal or through audio-video communication technology at the time the principal affixes the electronic signature and hears the principal make a statement to the effect that the principal has signed the electronic record.

Section 16. Section 117.295, Florida Statutes, is created to read:

117.295 Standards for electronic and online notarization; rulemaking authority.—

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(1) The Legislature intends that the standards applicable to electronic notarization under s. 117.021 and for online notarization under this part reflect future improvements in technology and methods of assuring the identity of principals and the security of an electronic record. Further, the Executive Office of the Governor, in collaboration with the Agency for State Technology, may adopt rules and standards necessary to implement the requirements of this chapter and such other rules and standards as may be required to facilitate the integrity, security, and reliability of online notarization, including standards regarding identity proofing, credential analysis, unauthorized interception, remote presentation, tamper-evident technology, and audio-video communication technology, and may publish lists of technologies that satisfy the standards and are approved for use in online notarizations.

(2) Identity proofing, credential analysis, unauthorized interception, remote presentation, tamper-evident technology, and audio-video communication technology shall be governed by the following minimum standards:

(a) Identity proofing by means of knowledge-based authentication shall have, at a minimum, the following security characteristics:

1. The principal must be presented with five or more questions with a minimum of five possible answer choices per question.

2. Each question must be drawn from a third-party provider of public and proprietary data sources and be identifiable to the principal's social security number or other identification information, or the principal's identity and historical events

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813 records.

814 3. Responses to all questions must be made within a 2-  
815 minute time constraint.

816 4. The principal must answer a minimum of 80 percent of the  
817 questions correctly.

818 5. The principal may be offered one additional attempt in  
819 the event of a failed attempt.

820 6. During the second attempt, the principal may not be  
821 presented with questions from the prior attempt.

822 (b) Credential analysis must include:

823 1. A comparison of the presented government-issued identity  
824 credential and data thereon against public or proprietary data  
825 sources to confirm that one or more data elements conform to the  
826 asserted identity; or

827 2.a. The inspection of one or more readable format features  
828 to verify that they conform to those specified by the issuing  
829 state or country;

830 b. The reading of any bar codes contained on the credential  
831 to verify that they contain data corresponding to the asserted  
832 identity information of the principal; and

833 c. An attempt to verify any micro-printing contained on the  
834 credential.

835 (c) Tamper-evident technology requirements are deemed  
836 satisfied by use of technology that renders any subsequent  
837 change or modification to the electronic record evident.

838 (d) Audio-video communication technology used in completing  
839 online notarizations must meet the following requirements:

840 1. The signal transmission must be secure from interception  
841 or access by anyone other than the participants communicating.

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842 2. The technology must provide sufficient audio clarity and  
843 video resolution to enable the notary to communicate with the  
844 principal and to confirm the identity of the principal using  
845 identification methods described in s. 117.265.

846  
847 An online notary public is not responsible for the security of  
848 the systems used by the principal or others to access the online  
849 notarization session.

850 Section 17. Section 117.305, Florida Statutes, is created  
851 to read:

852 117.305 Relation to federal law.—This part supersedes the  
853 Electronic Signatures in Global and National Commerce Act as  
854 authorized under 15 U.S.C. s. 7002, but does not modify, limit,  
855 or supersede the requirements set forth in 15 U.S.C. s. 7001(c)  
856 or authorize the electronic delivery of any order, notice, or  
857 document described in 15 U.S.C. s. 7003(b).

858 Section 18. Present paragraph (h) of subsection (3) of  
859 section 28.222, Florida Statutes, is redesignated as paragraph  
860 (i), and a new paragraph (h) is added to that subsection, to  
861 read:

862 28.222 Clerk to be county recorder.—

863 (3) The clerk of the circuit court shall record the  
864 following kinds of instruments presented to him or her for  
865 recording, upon payment of the service charges prescribed by  
866 law:

867 (h) Copies of any instruments originally created and  
868 executed using an electronic signature, as defined in s. 695.27,  
869 and certified to be a true and correct paper printout by a  
870 notary public in accordance with chapter 117 or by a title

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871 agency, an authorized intermediary, or other approved party, if  
 872 the county recorder is not prepared to accept electronic  
 873 documents for recording electronically.

874 Section 19. Subsection (4) is added to section 92.50,  
 875 Florida Statutes, to read:

876 92.50 Oaths, affidavits, and acknowledgments; who may take  
 877 or administer; requirements.—

878 (4) DEFINITION.—As used in this section, the term “before”  
 879 means:

880 (a) In the same physical location as another person and  
 881 close enough to see, hear, communicate with, and exchange  
 882 credentials with that person; or

883 (b) In a different physical location from another person  
 884 but able to see, hear, and communicate with the person by means  
 885 of audio-video communication technology.

886 Section 20. Subsection (1) of section 95.231, Florida  
 887 Statutes, is amended to read:

888 95.231 Limitations where deed or will on record.—

889 (1) Five years after the recording of an instrument  
 890 required to be executed in accordance with s. 689.01; 5 years  
 891 after the recording of a power of attorney accompanying and used  
 892 for an instrument required to be executed in accordance with s.  
 893 689.01; or 5 years after the probate of a will purporting to  
 894 convey real property, from which it appears that the person  
 895 owning the property attempted to convey, affect, or devise it,  
 896 the instrument, power of attorney, or will shall be held to have  
 897 its purported effect to convey, affect, or devise, the title to  
 898 the real property of the person signing the instrument, as if  
 899 there had been no lack of seal or seals, witness or witnesses,

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900 defect in, failure of, or absence of acknowledgment or  
 901 relinquishment of dower, in the absence of fraud, adverse  
 902 possession, or pending litigation. The instrument is admissible  
 903 in evidence. A power of attorney validated under this subsection  
 904 shall be valid only for the purpose of effectuating the  
 905 instrument with which it was recorded.

906 Section 21. Section 689.01, Florida Statutes, is amended to  
 907 read:

908 689.01 How real estate conveyed.—

909 (1) No estate or interest of freehold, or for a term of  
 910 more than 1 year, or any uncertain interest of, in or out of any  
 911 messuages, lands, tenements or hereditaments shall be created,  
 912 made, granted, transferred or released in any other manner than  
 913 by instrument in writing, signed in the presence of two  
 914 subscribing witnesses by the party creating, making, granting,  
 915 conveying, transferring or releasing such estate, interest, or  
 916 term of more than 1 year, or by the party's lawfully authorized  
 917 agent, unless by will and testament, or other testamentary  
 918 appointment, duly made according to law; and no estate or  
 919 interest, either of freehold, or of term of more than 1 year, or  
 920 any uncertain interest of, in, to, or out of any messuages,  
 921 lands, tenements or hereditaments, shall be assigned or  
 922 surrendered unless it be by instrument signed in the presence of  
 923 two subscribing witnesses by the party so assigning or  
 924 surrendering, or by the party's lawfully authorized agent, or by  
 925 the act and operation of law. No seal shall be necessary to give  
 926 validity to any instrument executed in conformity with this  
 927 section. Corporations may execute any and all conveyances in  
 928 accordance with the provisions of this section or ss. 692.01 and

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692.02.

(2) For purposes of this chapter:

(a) Any requirement that an instrument be signed in the presence of two subscribing witnesses may be satisfied by witnesses being present and electronically signing by means of audio-video communication technology under standards applicable to online notarization provided in chapter 117 or in conformance with the laws of other states that authorize online notarization of instruments.

(b) The act of witnessing an electronic signature is satisfied if a witness is present either in physical proximity to the principal or by audio-video communication technology at the time the principal affixes his or her electronic signature and hears the principal make a statement acknowledging that the principal has signed the electronic record.

(3) All witnesses heretofore made or taken pursuant to subsection (2) are validated and, upon recording, may not be denied to have provided constructive notice based on any alleged failure to have strictly complied with this section, as currently or previously in effect, or the laws governing notarization of instruments, including online notarization, in this state or any other state.

Section 22. Section 694.08, Florida Statutes, is amended to read:

694.08 Certain instruments validated, notwithstanding lack of seals or witnesses, or defect in acknowledgment, ~~etc.~~—

(1) Whenever any power of attorney has been executed and delivered, or any conveyance has been executed and delivered to any grantee by the person owning the land therein described, or

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conveying the same in an official or representative capacity, and has, for a period of 7 years or more been spread upon the records of the county wherein the land therein described has been or was at the time situated, and one or more subsequent conveyances of said land or parts thereof have been made, executed, delivered and recorded by parties claiming under such instrument or instruments, and such power of attorney or conveyance, or the public record thereof, shows upon its face a clear purpose and intent of the person executing the same to authorize the conveyance of said land or to convey the said land, the same shall be taken and held by all the courts of this state, in the absence of any showing of fraud, adverse possession, or pending litigation, to have authorized the conveyance of, or to have conveyed, the fee simple title, or any interest therein, of the person signing such instruments, or the person in behalf of whom the same was conveyed by a person in an official or representative capacity, to the land therein described as effectively as if there had been no defect in, failure of, or absence of the acknowledgment or the certificate of acknowledgment, if acknowledged, or the relinquishment of dower, and as if there had been no lack of the word "as" preceding the title of the person conveying in an official or representative capacity, of any seal or seals, or of any witness or witnesses, and shall likewise be taken and held by all the courts of this state to have been duly recorded so as to be admissible in evidence;

(2) Provided, however, that this section shall not apply to any conveyance the validity of which shall be contested or have been contested by suit commenced heretofore or within 1 year of

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the effective date of this law.

Section 23. Section 695.03, Florida Statutes, is amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials.-

(1) To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated by a civil-law notary or notary public who affixes her or his official seal, before the officers and in the following form and manner following:

(a) Within this state. ~~(1) WITHIN THIS STATE.~~ An acknowledgment or a proof made within this state may be made before a judge, clerk, or deputy clerk of any court; a United States commissioner or magistrate; or a notary public or civil-law notary of this state, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. ~~All affidavits and acknowledgments heretofore made or taken in this manner are hereby validated.~~

(b) Outside of State but within the United States. ~~(2) WITHOUT THIS STATE BUT WITHIN THE UNITED STATES.~~ An acknowledgment or a proof of a person located outside ~~made out~~ of this state but within the United States may be made before a notary public, a civil-law notary, of this state or by a commissioner of deeds appointed by the Governor of this state; a judge or clerk of any court of the United States or of any state, territory, or district; a United States commissioner or magistrate; or a notary public, justice of the peace, master in

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chancery, or registrar or recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. If the acknowledgment or proof is made before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, "I am a Notary Public of the State of ...(state)..., and my commission expires on ...(date)...."

(c) Within Foreign Countries. ~~(3) WITHIN FOREIGN COUNTRIES.~~ If the acknowledgment, affidavit, oath, legalization, authentication, or proof of a person is made in a foreign country, it may be made before a commissioner of deeds appointed by the Governor of this state to act in such country; before a notary public of such foreign country or a civil-law notary of this state or of such foreign country who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by the Laws or Articles of War of the United States to perform the duties of notary public, and the certificate of acknowledgment, legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term "civil-law notary" means a civil-law



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notary as defined in chapter 118 or an official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction, in which jurisdiction the affixing of her or his official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction.

(d) Validation.—All affidavits, oaths, acknowledgments, legalizations, authentications, or proofs made or taken in any manner as set forth in paragraphs (a)-(c) are validated and upon recording may not be denied to have provided constructive notice based on any alleged failure to have strictly complied with this section, as currently or previously in effect, or the laws governing notarization of instruments in chapter 117 or in the place where such notary public or other authorized person is commissioned or authorized to act.

(2) As used in this section, the term "before" means:

(a) In the same physical location as another person and close enough to see, hear, communicate with, and exchange credentials with that person; or

(b) In a different physical location from another person but able to see, hear, and communicate with the person by means of audio-video communication technology.

~~All affidavits, legalizations, authentications, and acknowledgments heretofore made or taken in the manner set forth above are hereby validated.~~

Section 24. Section 695.04, Florida Statutes, is amended to read:

695.04 Requirements of certificate.—The certificate of the

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20181042\_\_

officer before whom the acknowledgment or proof is taken, except for a certificate legalizing or authenticating the signature of a person executing an instrument concerning real property pursuant to s. 695.03(1)(c) ~~s. 695.03(3)~~, shall contain and set forth substantially the matter required to be done or proved to make such acknowledgment or proof effectual as set forth in s. 117.05.

Section 25. Section 695.05, Florida Statutes, is amended to read:

695.05 Certain defects cured as to acknowledgments and witnesses.—All deeds, conveyances, bills of sale, mortgages or other transfers of real or personal property within the limits of this state, heretofore or hereafter made and received bona fide and upon good consideration by any corporation, and acknowledged for record by ~~before~~ some officer, stockholder or other person interested in the corporation, grantee, or mortgagee as a notary public or other officer authorized to take acknowledgments of instruments for record within this state, shall be held, deemed and taken as valid as if acknowledged by the proper notary public or other officer authorized to take acknowledgments of instruments for record in this state not so interested in said corporation, grantee or mortgagee; and said instrument whenever recorded shall be deemed notice to all persons; provided, however, that this section shall not apply to any instrument heretofore made, the validity of which shall be contested by suit commenced within 1 year of the effective date of this law.

Section 26. Section 695.09, Florida Statutes, is amended to read:

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1103 695.09 Identity of grantor.—No acknowledgment or proof  
 1104 shall be taken, except as set forth in s. 695.03(1)(c) ~~or~~  
 1105 ~~695.03(3)~~, by any officer within or without the United States  
 1106 unless the officer knows, or has satisfactory proof, that the  
 1107 person making the acknowledgment is the individual described in,  
 1108 and who executed, such instrument or that the person offering to  
 1109 make proof is one of the subscribing witnesses to such  
 1110 instrument.

1111 Section 27. Section 695.28, Florida Statutes, is amended to  
 1112 read:

1113 695.28 Validity of recorded electronic documents.—

1114 (1) A document that is otherwise entitled to be recorded  
 1115 and that was or is submitted to the clerk of the court or county  
 1116 recorder by electronic or other means and accepted for  
 1117 recordation is deemed validly recorded and provides notice to  
 1118 all persons notwithstanding:

1119 (a) That the document was received and accepted for  
 1120 recordation before the Department of State adopted standards  
 1121 implementing s. 695.27; ~~or~~

1122 (b) Any defects in, deviations from, or the inability to  
 1123 demonstrate strict compliance with any statute, rule, or  
 1124 procedure relating to electronic signatures, electronic  
 1125 witnesses, electronic notarization, or online notarization, or  
 1126 for submitting or recording to submit or record an electronic  
 1127 document in effect at the time the electronic document was  
 1128 executed or was submitted for recording;

1129 (c) That the document was signed, witnessed, or notarized  
 1130 electronically or that witnessing or notarization may have been  
 1131 done outside the physical presence of the notary public or

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1132 principal in accordance with chapter 117 or the laws of another  
 1133 state regarding the notarization of documents; or

1134 (d) That the document recorded was a certified printout of  
 1135 a document to which one or more electronic signatures have been  
 1136 affixed.

1137 (2) This section does not alter the duty of the clerk or  
 1138 recorder to comply with s. 28.222, s. 695.27, or any rules  
 1139 adopted pursuant to those sections that section.

1140 (3) This section does not preclude a challenge to the  
 1141 validity or enforceability of an instrument or electronic record  
 1142 based upon fraud, forgery, impersonation, duress, undue  
 1143 influence, minority, illegality, unconscionability, or any other  
 1144 basis not in the nature of those matters described in subsection  
 1145 (1).

1146 Section 28. This act shall take effect July 1, 2018.



The Florida Senate

## Committee Agenda Request

**To:** Senator Greg Steube  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** December 24, 2017

---

I respectfully request that **Senate Bill #1042**, relating to **Notaries Public**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

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

Senator Jeff Brandes  
Florida Senate, District 24

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

1042

Bill Number (if applicable)

Topic

Bill - Notaries Public

Amendment Barcode (if applicable)

Name

Kenneth Pratt

Job Title

SVP of Govt. Affairs

Address

1001 Thomasville Rd

Phone

224-2245

Street

Wellahome

FL

32303

City

State

Zip

Email

kpratt@floridabankers.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Florida Bankers Association

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

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

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

1/30/18

*Meeting Date*

1042

*Bill Number (if applicable)*

Topic Remote Notaries

*Amendment Barcode (if applicable)*

Name Trey Goldman

Job Title Legislative Counsel

Address 200 South Monroe Street

Phone 850-224-1400

*Street*

Tallahassee

FL

32301

Email treyg@floridarealtors.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Realtors

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

Meeting Date

SB 1042

Bill Number (if applicable)

Topic

Online Notaries

Amendment Barcode (if applicable)

Name

Beth Vecchioli (pronounced Vetch-ee-lee)

Job Title

Sr. Director, Gov't. Consulting

Address

215 S Monroe St., Ste 500

Phone

850-224-1585

Street

City

Tallahassee

State

FL

Zip

32301

Email

bvecchioli@carthagefields.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Stewart Title Guaranty Co.

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

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

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

JAN 30, 2018

Meeting Date

1042

Bill Number (if applicable)

Topic REMOVE NOTARIES

Amendment Barcode (if applicable)

Name DAVID DANIEL

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

Address 311 EAST PARK AVENUE  
Street

Phone 224-5081

TALLAHASSEE FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLORIDA LAND TIME ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No      Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



# APPEARANCE RECORD

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

11/30/18

Meeting Date

1042

Bill Number (if applicable)

436070

Amendment Barcode (if applicable)

Topic Notaries

Name Brittany Finkbeiner

Job Title Attorney

Address 215 S. Monroe St. Ste 215

Street

Phone (850) 999-4100

Tallahassee

City

FL

State

32301

Zip

Email bfinkbein@deanwead.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Real Property Probate + Trust Law Section

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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

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

11/30/18

Meeting Date

1042

Bill Number (if applicable)

Topic Notaries

Amendment Barcode (if applicable)

Name Doug Bell

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

Address 119 S. Monroe St  
Street

Phone 205-9000

TLH  
City

FL  
State

Zip

Email doug.bell@mhdfirm.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Westcor Land Title Ins Co.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

**APPEARANCE RECORD**

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

11/30/18

Meeting Date

1042

Bill Number (if applicable)

268372

Amendment Barcode (if applicable)

Topic NotariesName Brittany FinkbeinerJob Title AttorneyAddress 215 S. Monroe St. Ste 815

Street

Phone (850) 999-4100Tallahassee

City

FL

State

32301

Zip

Email bFinkbeiner@deanweal.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Real Property, Probate + Trust Law SectionAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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

1-30-18

Meeting Date

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

Bill 2

SB1042

Bill Number (if applicable)

Amendment 436070

Amendment Barcode (if applicable)

Topic NOTARY

Name MICHAEL CHODOS

Job Title SVP, GENERAL COUNSEL

Address 2231 Crystal Dr, Suite 711

Street

ARLINGTON

City

VA

State

22207

Zip

Phone 310 480 6138

Email michael@notarize.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing NOTARIZE

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 Judiciary

---

BILL: SB 1348

INTRODUCER: Judiciary Committee and Senator Perry

SUBJECT: Community Development Districts

DATE: January 31, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1348 authorizes Community Development Districts (CDDs) of less than 2,500 acres and solely in one county or municipality to include a list of parcels in the CDD's establishment petition that the CDD expects to add within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include these additional parcels. The bill also provides that the expansion of CDD boundaries to include these parcels does not alter the time period for transition from a landowner board to a board composed of qualified electors under s. 190.006, F.S., and states that the parcels may be added even if the resulting CDD is greater than 2,500 acres.

**II. Present Situation:**

**Overview**

In general terms, a community development district (CDD) is a "local unit of special-purpose government" which is often created to facilitate the funding and management of new housing developments.

Expanding a CDD involves a somewhat different process depending on its original size. For CDDs that began as less than 2,500 acres in size, a person must file a petition with the county. For larger CDDs, a person must file a petition, along with a \$1,500 filing fee, with the Florida

Land and Water Adjudicatory Commission (FLWAC). Then, in either case, a public hearing must be held.

However, special requirements apply if someone is seeking a particularly large expansion of a CDD. Any expansion of more than 50 percent of the initial size of the CDD or more than 1,000 acres must be processed according to the statute that governs creation of a new CDD.

### **CDDs in General**

Chapter 190, F.S., the “Uniform Community Development District Act of 1980,”<sup>1</sup> sets forth the exclusive and uniform procedures for establishing and operating a community development district (CDD).<sup>2</sup> This type of independent special district<sup>3</sup> is an alternative method to manage and finance basic services for community development.<sup>4</sup> There are currently 642 active CDDs in Florida.<sup>5</sup>

A CDD must act within the constraints of applicable comprehensive plans, ordinances, and regulations of the local general-purpose government.<sup>6</sup> CDDs have certain general powers, including the authority to:

- Assess and impose ad valorem taxes upon lands in the CDD;
- Bring lawsuits (and be sued);
- Participate in the state retirement system;
- Contract for services;
- Borrow money;
- Accept gifts;
- Adopt rules and orders pursuant to the Administrative Procedure Act (APA);<sup>7</sup>
- Maintain an office;
- Lease;
- Issue bonds;
- Raise money by user charges or fees; and
- Levy and enforce special assessments.<sup>8</sup>

The statutes also authorizes additional special powers pertaining to public improvements and facilities, such as systems for water management, water supply, sewer, and wastewater management, as well as roads, bridges, culverts, street lights, buses, trolleys, transit shelters,

---

<sup>1</sup> Section 190.001, F.S.

<sup>2</sup> Sections 190.004 and 190.005, F.S.

<sup>3</sup> A “special district” is “a unit of local government created for a special purpose... within a limited geographic boundary ... created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.” Section 189.012(6), F.S. An “independent special district” is a special district that does not mean any of the criteria listed in s. 189.012(2), F.S. Additionally, any special district including more than one county is an independent special district, unless the district lies wholly within a single municipality. Section 189.012(3), F.S.

<sup>4</sup> Section 190.003(6), F.S.

<sup>5</sup> Department of Economic Opportunity, *Official List of Special Districts Online – Directory*, available at <http://specialdistrictreports.floridajobs.org/webreports/mainindex.aspx> (last visited Jan. 28, 2017).

<sup>6</sup> Section 190.004(3), F.S.

<sup>7</sup> Ch. 120, F.S.

<sup>8</sup> Section 190.011, F.S.

ridesharing facilities and services, parking improvements, signage, environmental contamination, conservation areas, mitigation areas, and wildlife habitat.<sup>9</sup> With the consent of the applicable local general-purpose government with jurisdiction over the affected area, a CDD may plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- Improvements such as parks and recreational areas;
- Fire prevention and control;
- School buildings and related structures;
- Security;
- Control and elimination of mosquitoes and other arthropods of public health importance; and
- Waste collection and disposal.<sup>10</sup>

### **Establishing a CDD**

#### ***Petition for Rulemaking by the Florida Land and Water Adjudicatory Commission***

The process for establishing a CDD depends upon its size. CDDs of 2,500 acres or more are established by petitioning the Florida Land and Water Adjudicatory Commission (FLWAC)<sup>11</sup> to adopt an administrative rule creating the district.<sup>12</sup> The statute requires each petition to contain specified information, including the written consent to establishing the CDD by all landowners<sup>13</sup> of real property to be included in the district.<sup>14</sup> Prior to filing, the petitioner must submit copies of the petition and pay separate filing fees of \$15,000 each to the county and any municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district.<sup>15</sup> The counties and municipalities required to receive copies of the petition may conduct public hearings and express support or objection to the proposed district by resolution and by stating their position before the FLWAC.<sup>16</sup> Additionally, a public hearing on the petition must be held in the county where the CDD will be located; these hearings are conducted under the requirements of the APA<sup>17</sup> before an administrative law judge.<sup>18</sup> Once the hearing process is complete, the entire record is submitted to the FLWAC, reviewed by staff, and placed on the FLWAC meeting agenda for final

<sup>9</sup> Section 190.012(1), F.S. The rule or ordinance establishing the CDD may restrict the special powers authorized in this subsection. Section 190.005(1)(f) and (2)(d), F.S.

<sup>10</sup> Section 190.012(2), F.S.

<sup>11</sup> Created by s. 380.07, F.S., the FLWAC is comprised of the Administration Commission, which in turn is created by s. 14.202, F.S., and is composed of the Governor and Cabinet. This distinction affects the requirements for an affirmative vote by the FLWAC. Unless otherwise provided in law, the statutory voting requirements for the Administration Commission apply and affirmation by the FLWAC requires approval by the Governor and at least two Cabinet members.

<sup>12</sup> Section 190.005(1), F.S.

<sup>13</sup>“Landowner” means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a condominium unit; it does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. Landowner shall also mean the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years. Section 190.003(14), F.S.

<sup>14</sup> Section 190.005(1)(a), F.S.

<sup>15</sup> Section 190.005(1)(b), F.S.

<sup>16</sup> Section 190.005(1)(c), F.S.

<sup>17</sup> The general hearing requirements are stated in ss. 120.569 and 120.57(1), F.S.

<sup>18</sup> Section 190.005(1)(d), F.S.; Rules 42-1.009 & 42-1.012, F.A.C. Chapter 42-1, F.A.C., the procedural rules of the FLWAC, remains substantially unchanged since its adoption in 1982.



consideration with the petition.<sup>19</sup> If the petition is approved, staff of the FLWAC initiates proceedings to adopt the rule creating the CDD.

### ***Petition for Ordinance Creating a CDD***

CDDs of less than 2,500 acres are generally established by ordinance of the county having jurisdiction over the majority of land in the area in which the CDD is to be located.<sup>20</sup> A petition to establish a CDD is filed with the county commission.<sup>21</sup> After conducting a local public hearing before a hearing officer,<sup>22</sup> the commission may adopt an ordinance creating the CDD.<sup>23</sup> If any of the land proposed for inclusion in the CDD lies within the area of a municipality, the county cannot create the district without approval of the affected municipality.<sup>24</sup>

However, if all the land proposed for inclusion in the CDD lies within the territorial jurisdiction of a municipality, the petition is filed with that municipality which then exercises the duties otherwise performed by the county commission.<sup>25</sup> In this case, the CDD would be created by municipal ordinance. Within 90 days after receiving the petition, the county commission (or municipality, as applicable) may transfer the petition to the FLWAC.<sup>26</sup> Finally, if all the land of the proposed CDD lies within the territorial jurisdiction of two or more municipalities or two or more counties, the petition must be filed with the FLWAC even if the total area is less than 2,500 acres.<sup>27</sup>

### **Requirements for Notice, Meeting, and Vote of Landowners in a CDD**

The powers of a CDD are exercised by the board of supervisors elected by the landowners of the district.<sup>28</sup> The board must have five members serving 2- or 4-year terms.<sup>29</sup> The initial members of the board are designated in the original petition to create the CDD and serve until new members are elected after the district is established.<sup>30</sup> A meeting of landowners for the purpose of electing the board must be held within 90 days after the effective date of the rule or ordinance creating the district.<sup>31</sup> Each landowner is entitled to one vote for each acre owned.<sup>32</sup> The top two candidates are elected to 4-year terms, while the next three candidates are elected to 2-year terms.<sup>33</sup> A new board election, held among the qualified electors of the district, occurs when either the board proposes to exercise its ad valorem taxing authority or 6 years after the

---

<sup>19</sup> Section 190.005(1)(e), F.S. A similar process is followed when the FLWAC considers a proposed merger of existing CDDs. *See* FLWAC Agenda Item 1 and attachments (Aug. 16, 2011), at

<http://www.myflorida.com/myflorida/cabinet/agenda11/0816/FLWAC0816.pdf> (last visited Jan. 18, 2017).

<sup>20</sup> Section 190.005(2), F.S.

<sup>21</sup> Section 190.005(2)(a), F.S. The petition must contain the same information as required for submission to the FLWAC.

<sup>22</sup> Section 190.005(2)(b), F.S. The hearing must follow the same notice and procedural requirements as the local hearing for petitions before the FLWAC.

<sup>23</sup> *See* s. 190.005(2)(d), F.S.

<sup>24</sup> Section 190.005(2)(e), F.S.

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

<sup>26</sup> Section 190.005(2)(f), F.S.

<sup>27</sup> Section 190.005(2)(e), F.S.

<sup>28</sup> Section 190.006(1), F.S.

<sup>29</sup> *Id.*

<sup>30</sup> Sections 190.005(1)(a)3., and 190.005(2)(a), F.S.

<sup>31</sup> Section 190.006(2)(a), F.S.

<sup>32</sup> Section 190.006(2)(b), F.S.

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

formation of the district (10 years for districts exceeding 5,000 acres).<sup>34</sup> Elections of board members by qualified electors are non-partisan general elections conducted by the supervisor of elections.<sup>35</sup>

### **Financial Reporting by a CDD**

CDDs are subject to the financial reporting requirements of Chapters, 189, 190, and 218, F.S.<sup>36</sup> The district manager is responsible for drafting a proposed budget on or before June 15 of each year.<sup>37</sup> The board of the CDD considers the proposed budget, makes amendments as necessary, and adopts the budget by resolution.<sup>38</sup> After the board adopts the budget, a public hearing on the budget is held and the board may make further changes as it deems necessary.<sup>39</sup> At least 60 days prior to adoption, the district is required to submit its budget to the local government entities having jurisdiction over the area.<sup>40</sup> This submission is for the purposes of disclosure and information only, but the local government entities may submit written comments to the CDD board.<sup>41</sup> CDDs are also required to take affirmative steps to provide full disclosure of information related to public financing and maintenance of improvements constructed by the district.<sup>42</sup> The district must provide any developer of residential property in the district with sufficient copies of this information to be able to provide a copy to each prospective initial purchaser of property.<sup>43</sup> Districts must file disclosures of this information in the property records of each county in which the district is located.<sup>44</sup> The Department of Economic Opportunity (DEO) is required to keep a current list of districts and their disclosures of public financing.<sup>45</sup>

CDDs, like other special districts, also must comply with the annual financial reporting and financial audit reporting requirements of Chapter 218, F.S.<sup>46</sup> A CDD with revenues or total expenditures or expenses in excess of \$100,000 is required to have an annual audit conducted by an independent certified public accountant.<sup>47</sup> The auditor shall review the financial accounts and records of the district, reports on compliance and internal control, management letters, and financial statements, as required by rules adopted by the Auditor General.<sup>48</sup> The auditor must present these findings to the chair of the district's governing board and submit a copy of the

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<sup>34</sup> Sections 190.006(3)(a)1.-2., F.S. For CDDs with less than certain minimum numbers of qualified electors after 6 or 10 years, as applicable, the district landowners shall continue to elect the board members (s. 190.006(3)(a)2.a., F.S.) until the number of qualified electors in the district exceeds the statutory minimum (s. 190.006(3)(a)2.b., F.S.).

<sup>35</sup> Section 190.006(3)(b), F.S. The statute does not specify which supervisor of elections conducts the board election if the district encompasses property in more than one county.

<sup>36</sup> Sections 189.013 and 190.008(1), F.S.

<sup>37</sup> Section 190.008(2)(a), F.S.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Section 190.008(2)(b), F.S.

<sup>41</sup> Section 190.008(2)(b)-(c), F.S.

<sup>42</sup> Section 190.009(1), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Section 190.009(2), F.S.

<sup>46</sup> Sections 189.016(9), F.S. and 190.008(1), F.S.

<sup>47</sup> Section 218.39(1), F.S. An entity is exempt from this requirement if it is informed by the first day of the fiscal year that the Auditor General will be conducting an audit of the entity for that fiscal year.

<sup>48</sup> Section 218.39(2), F.S. The rules of the Auditor General are Rules 10.550, 10.650, 10.700, 10.800, and 10.850, F.A.C. See Rule 61H1-20.0093, F.A.C.

report to the Auditor General.<sup>49</sup> The audit report is a public record once the report is submitted by the auditor to the district.<sup>50</sup> All CDDs are required to file an annual financial report with the Department of Financial Services.<sup>51</sup>

### **Expansion or Contraction of a CDD**

A landowner or the board of a CDD may petition for the boundaries of the district to be expanded or contracted.<sup>52</sup> If the petition seeks to expand the district boundaries, the petition must include a proposed timetable for the construction of any district services in the new area, the estimated cost of constructing the proposed services, and the designation of the future land use plan for the area from the relevant local government local comprehensive plan.<sup>53</sup> If the petition seeks to contract the district boundaries, the petition must include a list of services and facilities currently provided by the district to the removed area, as well as the future land use plan for the area from the relevant local government local comprehensive plan.<sup>54</sup>

For districts established by county ordinance, the petition for expansion or contraction must be filed with the county commission, but there is no filing fee requirement.<sup>55</sup> The county commission then conducts a public hearing on the petition in the same manner as for other ordinance amendments. For districts established by FLWAC rule, the petitioner must pay a \$1,500 filing fee to each county or municipality in which the proposed resulting CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district, and the required public meeting is conducted by the board of the CDD instead of a hearing officer.<sup>56</sup>

The amount of land that can be added to a CDD is restricted. Whether a district was initially established by FLWAC rule or county or municipal ordinance, the cumulative additions to the district may not be greater than the lesser of 50 percent of the land area of the initial district or 1,000 acres.<sup>57</sup>

### **Merger of a CDD**

A CDD may be merged with another CDD with the filing of a petition for merger that states the elements for establishing a new CDD, including being evaluated by the criteria for creating a new district and the submission of the filing fee.<sup>58</sup> A CDD may also be merged with other types of special districts using the process for creating a new district, with the CDD inheriting the rights and associated obligations of property and creditors of the merged special district(s).<sup>59</sup> A CDD merging with another type of special district is required to enter a merger agreement to

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<sup>49</sup> Sections 218.39(5) and (7), F.S.

<sup>50</sup> See s. 119.0713(3), F.S.

<sup>51</sup> Section 218.32(1)(a), F.S.

<sup>52</sup> Section 190.046(1), F.S.

<sup>53</sup> Section 190.046(1)(a), F.S.

<sup>54</sup> *Id.*

<sup>55</sup> Section 190.046(1)(b), F.S.

<sup>56</sup> Section 190.046(1)(d)1.-4., F.S.

<sup>57</sup> Section 190.046(1)(e), F.S.

<sup>58</sup> Section 190.046(3), F.S.

<sup>59</sup> *Id.*

allocate indebtedness to be assumed by the new CDD and the process for retiring the debt.<sup>60</sup> The approval of the merger agreement and the petition by the board of supervisors of the CDD is deemed to constitute the consent of the district landowners.<sup>61</sup>

A CDD may also be merged with up to four other CDDs created by the same local general-purpose government, as long as the membership of each board of directors is composed entirely of qualified electors.<sup>62</sup> This method may be used even if the merged district would have been required to receive FLWAC approval if the CDD was being newly created. The filing of a petition approved by the board of each CDD applying constitutes consent of the landowners within each district.

Before filing the merger petition, each CDD must hold a public hearing to take comment on the proposed merger, the merger agreement, and the assignment of board seats.<sup>63</sup> The hearing must be noticed at least 14 days beforehand. If any CDD withdraws after the public hearing, the remaining districts considering merger must hold a public hearing on a revised merger agreement between the remaining parties. The petition may not be filed for at least 30 days after the last public hearing.

### III. Effect of Proposed Changes:

**Section 1** amends s. 190.046, F.S., to provide that a petition to establish a new CDD of less than 2,500 acres located solely in one county or municipality may identify “sufficiently contiguous” lands beyond the CDD’s boundaries which the petitioner anticipates expanding the CDD to include within 10 years after the effective date of the ordinance establishing the district. However, these additional lands must be within the same county or municipality as the CDD. Additionally, the petition must include the legal description of these contiguous lands, the name of the current landowners, the acreage of each parcel, and the current land use designation of each parcel. The petitioner must provide notice to the current landowners of the filing of the petition, the date and time of the public hearing on the petition, and the name and address of the petitioner at least 14 days before the public hearing concerning the creation of the CDD. A parcel may only be included with written consent of the landowner.

After the district is established, a person may then petition the county or municipality to amend the boundaries of the CDD to include the previously identified parcel that was a proposed addition to the CDD before its establishment. A filing fee may not be charged for this petition. Additionally, each petition must include:

- A metes and bounds description of each parcel to be added;
- A new legal description by metes and bounds of the district with the added parcels;
- Written consent of all landowners of the parcels to be added;
- A map of the district including the parcels to be added;
- A description of the development proposed on each additional parcel; and
- A copy of the original petition identifying the parcel to be added.

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Section 190.046(4)(a), F.S.

<sup>63</sup> Section 190.046(4)(c), F.S.

Before filing the petition with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

Once the petition is determined to be sufficient and complete, the county or municipality must process the addition of the parcel to the CDD as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance, even if, after adding such parcels, the district exceeds 2,500 acres.

The petitioner must publish a notice of the intent to amend the ordinance that establishes the district in a newspaper of general circulation in the proposed district. This notice is in addition to any notice required for the adoption of the ordinance amendment. The notice must be published at least 10 days before the scheduled hearing on the ordinance amendment and may be published in the section of the newspaper reserved for legal notices. The notice must include a general description of the land to be added to the district and the data and the time of the scheduled hearing to amend the ordinance. The petitioner must mail or hand-deliver the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

The amendment of a district by the addition of a parcel does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, F.S., even if the total size of the district after the addition exceeds 5,000 acres. After adoption of the ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

The bill provides that this new method of adding lands to a district does not preclude the addition of lands using procedures in other provisions of s. 190.046, F.S.

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

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

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Line 62 states that “a person” may petition the county or municipality to amend the boundaries of the CDD to annex property included in the petition creating the district. It is unclear if this provision could be exercised by persons other than the board of the district or the landowner of the property to be added.

Similarly, line 79 states that the “person” must provide the petition to the CDD and to the owner of the proposed additional parcel before filing the county or municipality if the owner is not the petitioner.

**VIII. Statutes Affected:**

This bill substantially amends section 190.046 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 Judiciary January 30, 2018:**

The underlying bill permitted a petition to create a community development district that met certain criteria to identify “adjacent” parcels of land that a petitioner anticipates expanding the CDD to include within 10 years. The committee substitute instead requires these lands to be “sufficiently contiguous.” In light of how this term is used elsewhere in chapter 190, F.S., the wording change may require the lands not only to be connected, but to be connected in such a way that it would be reasonably possible for a CDD function well across the original and additional lands.

B. Amendments:

None.

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

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819964

LEGISLATIVE ACTION

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

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The Committee on Judiciary (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 48 - 99  
and insert:  
county or one municipality, sufficiently contiguous lands  
located within the county or municipality which the petitioner  
anticipates adding to the boundaries of the district within 10  
years after the effective date of the ordinance establishing the  
district may also be identified. If such sufficiently contiguous  
land is identified, the petition must include a legal  
description of each additional parcel within the sufficiently





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contiguous land, the current owner of the parcel, the acreage of the parcel, and the current land use designation of the parcel. At least 14 days before the hearing required under s. 190.005(2) (b), the petitioner must give the current owner of each such parcel notice of filing the petition to establish the district, the date and time of the public hearing on the petition, and the name and address of the petitioner. A parcel may not be included in the district without the written consent of the owner of the parcel.

1. After establishment of the district, a person may petition the county or municipality to amend the boundaries of the district to include a previously identified parcel that was a proposed addition to the district before its establishment. A filing fee may not be charged for this petition. Each such petition must include:

a. A legal description by metes and bounds of the parcel to be added;

b. A new legal description by metes and bounds of the district;

c. Written consent of all owners of the parcel to be added;

d. A map of the district including the parcel to be added;

e. A description of the development proposed on the additional parcel; and

f. A copy of the original petition identifying the parcel to be added.

2. Before filing with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.



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3. Once the petition is determined sufficient and complete, the county or municipality must process the addition of the parcel to the district as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance for parcels identified in the original petition, even if, by adding such parcels, the district exceeds 2,500 acres.

4. The petitioner shall cause to be published in a newspaper of general circulation in the proposed district a notice of the intent to amend the ordinance that establishes the district, which notice shall be in addition to any notice required for adoption of the ordinance amendment. Such notice must be published at least 10 days before the scheduled hearing on the ordinance amendment and may be published in the section of the newspaper reserved for legal notices. The notice must include a general description of the land to be added to the district and the date and time of the scheduled hearing to amend the ordinance. The petitioner shall deliver, including by mail or hand delivery, the notice of the

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

And the title is amended as follows:

Delete line 3

and insert:

amending s. 190.046, F.S.; authorizing sufficiently  
contiguous lands

By Senator Perry

8-01270-18

20181348\_\_

1 A bill to be entitled  
 2 An act relating to community development districts;  
 3 amending s. 190.046, F.S.; authorizing adjacent lands  
 4 located within the county or municipality which a  
 5 petitioner anticipates adding to the boundaries of a  
 6 new community development district to also be  
 7 identified in a petition to establish the new district  
 8 under certain circumstances; providing requirements  
 9 for the petition; providing notification requirements  
 10 for the petition; prohibiting a parcel from being  
 11 included in the district without the written consent  
 12 of the owner of the parcel; authorizing a person to  
 13 petition the county or municipality to amend the  
 14 boundaries of the district to include a certain parcel  
 15 after establishment of the district; prohibiting a  
 16 filing fee for such petition; providing requirements  
 17 for the petition; requiring the person to provide the  
 18 petition to the district and to the owner of the  
 19 proposed additional parcel before filing the petition  
 20 with the county or municipality; requiring the county  
 21 or municipality to process the addition of the parcel  
 22 to the district as an amendment to the ordinance that  
 23 establishes the district once the petition is  
 24 determined sufficient and complete; authorizing the  
 25 county or municipality to process all such petitions  
 26 even if the addition exceeds specified acreage;  
 27 providing notice requirements for the intent to amend  
 28 the ordinance establishing the district; providing  
 29 that the amendment of a district by the addition of a

Page 1 of 4

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

8-01270-18

20181348\_\_

30 parcel does not alter the transition from landowner  
 31 voting to qualified elector voting; requiring the  
 32 petitioner to cause to be recorded a certain notice of  
 33 boundary amendment upon adoption of the ordinance  
 34 expanding the district; providing construction;  
 35 providing an effective date.  
 36

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

38  
 39 Section 1. Paragraph (h) is added to subsection (1) of  
 40 section 190.046, Florida Statutes, to read:

41 190.046 Termination, contraction, or expansion of  
 42 district.—

43 (1) A landowner or the board may petition to contract or  
 44 expand the boundaries of a community development district in the  
 45 following manner:

46 (h) For a petition to establish a new community development  
 47 district of less than 2,500 acres on land located solely in one  
 48 county or one municipality, adjacent lands located within the  
 49 county or municipality which the petitioner anticipates adding  
 50 to the boundaries of the district within the next 10 years may  
 51 also be identified. If such adjacent land is identified, the  
 52 petition must include a legal description of each additional  
 53 parcel within the adjacent land, the current owner of the  
 54 parcel, the acreage of the parcel, and the current land use  
 55 designation of the parcel. At least 14 days before the hearing  
 56 required under s. 190.005(2)(b), the petitioner must give the  
 57 current owner of each such parcel notice of filing the petition  
 58 to establish the district, the date and time of the public

Page 2 of 4

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

8-01270-18

20181348\_\_

59 hearing on the petition, and the name and address of the  
 60 petitioner. A parcel may not be included in the district without  
 61 the written consent of the owner of the parcel.

62 1. After establishment of the district, a person may  
 63 petition the county or municipality to amend the boundaries of  
 64 the district to include a previously identified parcel that was  
 65 a proposed addition to the district before its establishment. A  
 66 filing fee may not be charged for this petition. Each such  
 67 petition must include:

68 a. A legal description by metes and bounds of the parcel to  
 69 be added;

70 b. A new legal description by metes and bounds of the  
 71 district;

72 c. Written consent of all owners of the parcel to be added;

73 d. A map of the district including the parcel to be added;

74 e. A description of the development proposed on the  
 75 additional parcel; and

76 f. A copy of the original petition identifying the parcel  
 77 to be added.

78 2. Before filing with the county or municipality, the  
 79 person must provide the petition to the district and to the  
 80 owner of the proposed additional parcel, if the owner is not the  
 81 petitioner.

82 3. Once the petition is determined sufficient and complete,  
 83 the county or municipality must process the addition of the  
 84 parcel to the district as an amendment to the ordinance that  
 85 establishes the district. The county or municipality may process  
 86 all petitions to amend the ordinance for parcels identified in  
 87 the original petition, even if, by adding such parcels, the

8-01270-18

20181348\_\_

88 district exceeds 2,500 acres.

89 4. The petitioner shall cause to be published in a  
 90 newspaper of general circulation in the proposed district a  
 91 notice of the intent to amend the ordinance that establishes the  
 92 district, which notice shall be in addition to any notice  
 93 required for adoption of the ordinance amendment. Such notice  
 94 must be published at least 10 days before the scheduled hearing  
 95 on the ordinance amendment and may be published in the section  
 96 of the newspaper reserved for legal notices. The notice must  
 97 include a general description of the land to be added to the  
 98 district and the date and time of the scheduled hearing to amend  
 99 the ordinance. The petitioner shall mail the notice of the  
 100 hearing on the ordinance amendment to the owner of the parcel  
 101 and to the district at least 14 days before the scheduled  
 102 hearing.

103 5. The amendment of a district by the addition of a parcel  
 104 pursuant to this paragraph does not alter the transition from  
 105 landowner voting to qualified elector voting pursuant to s.  
 106 190.006, even if the total size of the district after the  
 107 addition of the parcel exceeds 5,000 acres. Upon adoption of the  
 108 ordinance expanding the district, the petitioner must cause to  
 109 be recorded a notice of boundary amendment which reflects the  
 110 new boundaries of the district.

111 6. This paragraph is intended to facilitate the orderly  
 112 addition of lands to a district under certain circumstances and  
 113 does not preclude the addition of lands to any district using  
 114 the procedures in the other provisions of this section.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Greg Steube, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 30, 2018

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I respectfully request that **Senate Bill #1348**, relating to Community Development Districts, be placed on the:

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

A handwritten signature in cursive script that reads "W. Keith Perry".

---

Senator Keith Perry  
Florida Senate, District 8

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

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

Representing

Appearing at request of Chair:



Yes



No

Lobbyist registered with Legislature:



Yes



No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SM 940

INTRODUCER: Senator Rodriguez

SUBJECT: Puerto Rico

DATE: January 29, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	<b>Favorable</b>
2.			RC	

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## **I. Summary:**

SM 940 urges Congress to incorporate the territory and resident United States citizens of Puerto Rico into the United States and apply, without discrimination or inequality, all law and policy in Puerto Rico on the same basis as in a state of the union.

Puerto Rico is currently classified as an “unincorporated territory.” An unincorporated territory is an area where Congress has not expressly and fully extended all of the United States Constitution within the meaning of Article IV, Section 3. In contrast, an “incorporated territory” is a territory to which the United States Constitution fully applies. Although Puerto Rico has been a possession of the United States since 1898, it has never been incorporated into the United States as other territories have been.

The memorial recounts the historical and legal relationship of the United States and Puerto Rico since 1898. It concludes by urging Congress to incorporate the territory and United States resident citizens of Puerto Rico into the United States.

## **II. Present Situation:**

### **The Commonwealth of Puerto Rico**

#### ***Status***

The Commonwealth of Puerto Rico is an unincorporated territory of the United States. The term “commonwealth” does not convey a particular relationship or political status but broadly describes a self-governing area that has adopted and operates under its own constitution. Congress will not unilaterally withdraw a commonwealth’s right to govern itself. An “unincorporated territory” is an area where Congress has not expressly and fully extended the United States Constitution with the meaning of Article IV, Section 3 of the United States

Constitution.<sup>1</sup> An “incorporated territory” is defined as a territory to which the U.S. Constitution is fully applicable. Persons born in incorporated territories on or after the time the territory became part of the United States may claim citizenship under the 14th Amendment.<sup>2</sup>

### *History and Developments*

In the late 1800s and early 1900s, the sovereignty of the United States was extended to territories overseas. Unlike Alaska and Hawaii, these outlying territories were not considered to be a part of this country and it was determined that the Constitution did not fully apply to them. At the end of the Spanish-American War, Spain ceded Puerto Rico to the United States under the terms of the Treaty of Paris of 1899<sup>3</sup> and a brief U.S. military government was established.

In 1900, Congress passed the Foraker Act which established a civilian form of government in Puerto Rico and provided for an elected, non-voting member of Congress known as a Resident Commissioner in Congress.<sup>4</sup> The act also applied certain federal laws to the islands and “made United States coins sole legal tender in payment of debts . . . .”<sup>5</sup>

The U.S. Supreme Court decided a series of cases between 1901 and 1904, known collectively as the “Insular Cases.”<sup>6</sup> The term insular means pertaining to, or constituting, an island.<sup>7</sup> The Constitutional struggle in those cases was whether the United States could acquire territories and people without making those territories states.<sup>8</sup> The Court ultimately decided that the territories belonged to the United States, but were not a part of the United States. Incorporated territories were distinguished from unincorporated territories, and those distinctions remain today. For Puerto Rico, this meant that constitutional protections only apply if they are fundamental and that there is no guarantee of statehood.<sup>9</sup>

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<sup>1</sup> Article IV, Section 3 provides that “New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.”

“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.”

<sup>2</sup> U.S. DEPARTMENT OF STATE, FOREIGN AFFAIRS MANUAL AND HANDBOOK, 7 FAM 1121.2-1, DEFINITION OF TERMS, ACQUISITION OF U.S. NATIONALITY IN U.S. TERRITORIES AND POSSESSIONS, [https://fam.state.gov/FAM/07FAM/07FAM1120.html#M1121\\_2\\_1](https://fam.state.gov/FAM/07FAM/07FAM1120.html#M1121_2_1)

<sup>3</sup> *Id.*, at 7 FAM 1121.1, How Territories and Possessions Were Acquired.

<sup>4</sup> Library of Congress, The World of 1898: The Spanish-American War, Foraker Act (Organic Act of 1900), <http://www.loc.gov/rr/hispanic/1898/foraker.html>

<sup>5</sup> 48 U.S.C. s. 731 *et seq.*, Codification note after s. 755, <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title48/html/USCODE-2009-title48-chap4-subchapI.htm>.

<sup>6</sup> Legal scholars disagree as to which cases should be the actual Insular cases. The various lists often include: *DeLima v. Bidwell*, 182 U.S. 1 (1901), *Goetze v. United States*, 182 U.S. 221 (1901), *Armstrong v. United States*, 182 U.S. 243 (1901), *Downes v. Bidwell*, 182 U.S. 244 (1901), *Huus v. New York & Porto Rico S.S. Co.*, 182 U.S. 392 (1901), *Dooley v. United States*, 183 U.S. 151 (1901); *Fourteen Diamond Rings v. United States*, 183 U.S. 176 (1901), *Hawaii v. Mankichi*, 190 U.S. 197 (1903), *Kepner v. United States*, 195 U.S. 100 (1904), *Dorr v. United States*, 195 U.S. 138 (1904), *Gonzales v. Williams*, 192 U.S. 1 (1904). Insular Cases, Wikipedia [https://en.wikipedia.org/wiki/Insular\\_Cases](https://en.wikipedia.org/wiki/Insular_Cases).

<sup>7</sup> The American Heritage Dictionary 667 (1985).

<sup>8</sup> Lana Birbrair, *The Insular Cases; Constitutional Experts Assess the Status of Territories Acquired in the Spanish American War*, Harvard Law Today (March 18, 2014), <https://today.law.harvard.edu/insular-cases-constitutional-experts-assess-status-territories-acquired-spanish-american-war-video/>.

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



The Jones-Shafroth Act of 1917<sup>10</sup> granted citizenship to all residents of Puerto Rico.<sup>11</sup> The act established a bill of rights for the territory,<sup>12</sup> created a bicameral legislature,<sup>13</sup> and increased the term of the Resident Commissioner from two to four years.<sup>14</sup> However, Puerto Rico remained an unincorporated territory of the United States.

Under the Nationality Act of 1940, which was effective from 1941-1952, Puerto Rico came under the definition of the “United States” but was not made an incorporated territory. Pursuant to the Immigration and Nationality Act of 1952,<sup>15</sup> which is presently in effect, people born in Puerto Rico on or after December 24, 1952, receive U.S. citizenship at the time of their birth on the same terms as people born in other parts of the United States.

### ***Modern Self-Government***

Congress passed the Puerto Rico Federal Relations Act of 1950 which laid the foundation for self-government. The act permitted the Legislature of Puerto Rico to call for an island-wide referendum to establish a constitutional convention to draft a constitution. The constitution was required to provide a republican form of government and include a bill of rights.<sup>16</sup> The new constitution was approved by the voters on March 3, 1952, by Congress on July 3, 1952,<sup>17</sup> and became effective on July 25, 1952.<sup>18</sup>

### ***Puerto Rico’s Population Today***

According to the United States Census Bureau, Puerto Rico’s estimated population was 3,337,177 people as of July 1, 2017.<sup>19</sup> The Pew Research Center states that 84,000 people left Puerto Rico in 2015 for the United States mainland. This migration is due in large measure to the economic recession that has lasted for almost a decade. Similarly, tax revenues have also declined further creating financial problems for the island.<sup>20</sup> Many residents who leave Puerto Rico settle in Florida. As of 2014, more than 1 million Hispanics of Puerto Rican origin have settled here.<sup>21</sup>

### ***Natural Disasters***

Hurricane Irma, one of the Atlantic’s most powerful storms, skirted north of Puerto Rico on September 5, 2017, as a Category 5 storm. High winds, rain, and flashfloods damaged the island,

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<sup>10</sup> “An Act to Provide a Civil Government for Porto Rico, and for Other Purposes” (sic), Pub. L. No. 64-368, 39 Stat. 951 (Mar. 2, 1917) (Jones-Shafroth Act). Generally codified at 48 U.S.C. ch. 4.

<sup>11</sup> Jones-Shafroth Act, s. 5.

<sup>12</sup> Jones-Shafroth Act, s. 2.

<sup>13</sup> Jones-Shafroth Act, s. 25.

<sup>14</sup> Jones-Shafroth Act, s. 29.

<sup>15</sup> *Supra* at 2, 7 FAM 1121.4-2

<sup>16</sup> 48 U.S.C. ss. 731a-731e.

<sup>17</sup> Pub. L. No. 82-447 (July 3, 1952).

<sup>18</sup> Department of State, Office of the Historian, Foreign Relations of the United States, 1952-1954, United Nations Affairs, Volume III, Document 911 (Sept. 2, 1953), <https://history.state.gov/historicaldocuments/frus1952-54v03/d911>.

<sup>19</sup> United States Census Bureau, QuickFacts, Puerto Rico, <https://www.census.gov/quickfacts/PR>.

<sup>20</sup> Jens Manuel Krogstad, Pew Research Center, Puerto Ricans Leave in Record Numbers for Mainland U.S. (Oct. 14, 2015) <http://www.pewresearch.org/fact-tank/2015/10/14/puerto-ricans-leave-in-record-numbers-for-mainland-u-s/>.

<sup>21</sup> *Id.*

wiping out electricity to almost two-thirds of the residents, and leaving at least three people dead.<sup>22</sup>

On September 20, 2017, Hurricane Maria made landfall as a Category 4 storm, devastating the island. The infrastructure was crippled. Electricity was cut off to all of the island. Many homes and buildings were destroyed, roads became impassable rivers. Access to clean water and food was severely limited. The damage has been estimated at \$94 billion.<sup>23</sup>

### ***Rights and Benefits***

United States citizens residing in Puerto Rico today have many of the same rights, privileges, and immunities enjoyed by citizens of all states in the same manner as if Puerto Rico were a state.<sup>24</sup> Residents in Puerto Rico may qualify for benefits under Old-Age, Survivors, and Disability Insurance administered by the Social Security Administration.<sup>25</sup> Those in Puerto Rico may also enroll in Medicaid and the Children's Health Insurance Program (CHIP).<sup>26</sup> However, Supplemental Security Income benefits are not provided to residents in Puerto Rico.<sup>27</sup>

For the purposes of federal income taxes, resident United States citizens of Puerto Rico are treated differently than United States citizens in other states. Puerto Rico residents may exclude all sources of income from sources in the Commonwealth when reporting income for United States income taxes. Those taxpayers do not need to file a tax return if all income is from sources in Puerto Rico. However, if they have income from sources outside Puerto Rico that exceeds the filing thresholds, they are required to file a United States tax return.<sup>28</sup>

Although the residents of Puerto Rico enjoy many privileges of U.S. citizens, they do not have a voting representative in the U.S. House of Representatives, are not represented by two Senators in the U.S. Senate, nor do they have a vote in the U.S. presidential elections.

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

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto. Memorials often

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<sup>22</sup> Alex Johnson, Daniel Arkin, Jason Cumming, and Bill Karins, NBC News, *Hurricane Irma Skirts Puerto Rico, Leaves 1 Million Without Power* (Sept. 7, 2017), <https://www.nbcnews.com/storyline/hurricane-irma/hurricane-irma-skirts-puerto-rico-lashing-it-powerful-winds-flooding-n799086>.

<sup>23</sup> Reliefweb, United Nations Office for the Coordination of Humanitarian Affairs, *Quick Facts: Hurricane Maria's Effect on Puerto Rico* (Jan. 19, 2018), <https://reliefweb.int/report/puerto-rico-united-states-america/quick-facts-hurricane-marias-effect-puerto-rico>.

<sup>24</sup> 48 U.S.C. s. 737.

<sup>25</sup> Social Security Administration, *2016 Annual Statistical Supplement: Social Security (Old-Age, Survivors, and Disability Insurance)*, <https://www.ssa.gov/policy/docs/statcomps/supplement/2016/oasdi.pdf>.

<sup>26</sup> As of June 2105, 1,671,657 people in Puerto Rico were enrolled in Medicaid or CHIP. At <https://www.medicaid.gov/medicaid/by-state/puerto-rico.html>.

<sup>27</sup> Social Security Administration, *2016 Annual Statistical Supplement: Supplemental Security Income*, <https://www.ssa.gov/policy/docs/statcomps/supplement/2016/ssi.pdf>.

<sup>28</sup> INTERNAL REVENUE SERVICE, TOPIC NUMBER 901: TOPIC NUMBER: 901 - IS A PERSON WITH INCOME FROM PUERTO RICO REQUIRED TO FILE A U.S. FEDERAL INCOME TAX RETURN? (Updated Jan. 4, 2018), <https://www.irs.gov/taxtopics/tc901>.

express the Legislature's desire that Congress take action on a certain matter or request that Congress propose an amendment to the United States Constitution.<sup>29</sup>

This memorial urges Congress to incorporate the territory and resident United States citizens of Puerto Rico into the United States and apply all law and policy in Puerto Rico, without discrimination or inequality, on the same basis as in a state of the union.

Copies of the memorial are to be sent to the President, the President of the United States Senate, the Speaker of the House of Representatives, and each member of the Florida delegation to Congress.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

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

None.

#### **VII. Related Issues:**

None.

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<sup>29</sup>Office of Bill Drafting Services, *Manual for Drafting Legislation*, The Florida Senate, at 137-138. (2009), available at <http://intranet.flsenate.gov/Document?filePath=/Publications%20and%20Forms/Publications/&fileName=Bill%20Drafting%20Manual.pdf>.

**VIII. Statutes Affected:**

None.

**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.

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

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By Senator Rodriguez

37-01203-18

2018940\_\_

Senate Memorial

A memorial to the Congress of the United States, urging Congress to apply law and policy in Puerto Rico without discrimination or inequality and to incorporate the Commonwealth of Puerto Rico into the United States.

WHEREAS, since 1898, the United States has administered the islands of Puerto Rico and its population as an unincorporated territory of the United States, and

WHEREAS, less than two years after acceding to sole and exclusive sovereignty over the islands of Puerto Rico, in 1900 the United States Congress enacted the law known as the Foraker Act, providing a civilian government for the territory, and

WHEREAS, in the *Insular Cases*, the United States Supreme Court recognized that the United States Constitution applies within the unincorporated territories of the United States, but the scope of such application was less than the full guarantees of individual liberty accorded to those residing in states or incorporated territories of the Union, and

WHEREAS, in 1917, the United States Congress enacted the Jones-Shafroth Act, providing for greater self-government and granting United States citizenship to all residents of Puerto Rico, and

WHEREAS, in the decision *Balzac v. People of Porto Rico*, the United States Supreme Court reiterated the holding of the *Insular Cases* and ruled that the United States Constitution applied only in part in the unincorporated territories, thus affirming the denial of right to trial by jury to the petitioner

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37-01203-18

2018940\_\_

in that case, and

WHEREAS, the United States Supreme Court in *Balzac* also found that incorporation into the United States was a key step to statehood for any territory, and the incorporation could only be accomplished by express congressional declaration or by "implication so strong as to exclude any other view," and

WHEREAS, in 1950, Congress authorized the people of Puerto Rico to conduct a constitutional convention for the purpose of developing a constitution providing for more complete self-government by Puerto Rico, requiring such constitution to provide both a republican form of government and a bill of rights, and

WHEREAS, requiring a republican form of government to each state is a duty of the United States Congress under Article IV, section 4 of the United States Constitution, and

WHEREAS, pursuant to the authority granted by the United States Congress, the people of Puerto Rico met in convention and drafted a constitution meeting the requirements of the 1950 act, and the United States Congress approved the Constitution of the Commonwealth of Puerto Rico in 1952, and

WHEREAS, the territorial histories of other states such as Louisiana, Alaska, and Hawaii demonstrate a similar progress of self-government, from early congressional acts establishing basic civil government, to a more formally structured government conducted by the people of the particular territory, and eventually approval of an official state constitution, and

WHEREAS, the Constitution of the Commonwealth of Puerto Rico was approved before congressional approval of the proposed state constitutions for Alaska and Hawaii, and the subsequent

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admission of those states into the Union, and

WHEREAS, the granting of United States citizenship to the people of Puerto Rico, requiring their self-governing constitution to provide for a republican form of government and a bill of rights, admitting residents of Puerto Rico into the Armed Forces of the United States in which they have bravely and honorably defended the United States as duty has required, integrating all aspects of the economy of Puerto Rico into the greater economy of the United States, and evolving the Puerto Rico laws and judicial system from their Spanish origins into provisions and process consistent with the laws and jurisprudence of the United States, creates the strong and clear implication that Puerto Rico *de facto* has been incorporated into the United States, and

WHEREAS, citizens of the United States residing in Puerto Rico currently are not entitled to the same treatment under certain federal laws, such as the provision of Supplemental Security Income from the Social Security Administration, as are other citizens of the United States residing in the several states of the Union, and

WHEREAS, the denial of equal treatment of United States citizens residing in Puerto Rico under certain federal laws is justified solely on the basis that Puerto Rico is not incorporated into the United States despite over one hundred years of assimilation into the culture, economy, and political process of the United States, and

WHEREAS, the recent catastrophic impacts to Puerto Rico of Hurricanes Irma and Maria, and the federal response to the resulting humanitarian crisis, demonstrate a compelling need for

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37-01203-18

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the incorporation of Puerto Rico into the United States so that responses to natural disasters in Puerto Rico have the same priority and are conducted on the same basis as federal responses to natural disasters elsewhere in the United States, and

WHEREAS, integration into the United States, while necessary to move towards statehood, will not automatically confer statehood on Puerto Rico, NOW, THEREFORE,

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

That the United States Congress is urged to incorporate the territory and resident United States citizens of Puerto Rico into the United States and to apply all law and policy in Puerto Rico on the same basis as in a state of the union without discrimination or inequality.

BE IT FURTHER RESOLVED that the Secretary of State dispatch copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Finance and Tax  
Appropriations Subcommittee on General  
Government  
Commerce and Tourism  
Community Affairs  
Ethics and Elections  
Appropriations Subcommittee on Civil and Criminal  
Justice  
Rules

### SENATOR JOSE JAVIER RODRIGUEZ

*Deputy Democratic Whip*  
37th District

January 9<sup>th</sup>, 2018

Chairman Greg Steube  
Committee on Judiciary  
515 Knott Building  
404 S. Monroe St.  
Tallahassee, FL 32399-1100  
*Sent via email to steube.greg@flsenate.gov*

Chairman Steube,

I respectfully request that you place SM 940 relating to Puerto Rico on the agenda of the Committee on Judiciary at your earliest convenience.

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

Regards,

A handwritten signature in black ink, appearing to read "JR", with a stylized flourish at the end.

Senator José Javier Rodríguez  
District 37, Miami

CC: Tom Cibula, Staff Director  
Joyce Butler, Committee Administrative Assistant

### REPLY TO:

- ☐ 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 854-0365
- ☐ 220 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5037

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SM 1382

INTRODUCER: Senators Rodriguez and Torres

SUBJECT: Venezuela

DATE: January 30, 2018

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Tulloch	Cibula	JU	<b>Favorable</b>
2. _____	_____	RC	_____

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**I. Summary:**

SM 1382 is a memorial recognizing the humanitarian aid crisis in Venezuela and the violations of its citizens' rights at the hands of the Venezuelan President, Nicolás Maduro, and the Venezuelan government. The memorial is addressed to the Congress of the United States, and makes three requests:

- (1) That Congress urge President Maduro to allow delivery of humanitarian aid, in particular food and medicine;
- (2) That Congress not only maintain current financial sanctions but intensify financial sanctions against President Maduro and the Venezuelan government; and
- (3) That Congress instruct all federal agencies to hold the President Maduro and officials of the Venezuelan government responsible for violations and abuses of internationally recognized human rights.

**II. Present Situation:**

**Venezuela Today**

Today, "Venezuela is formally a multiparty, constitutional republic[.]"<sup>1</sup> However, "for more than a decade, political power has been concentrated in a single party with an increasingly authoritarian executive exercising significant control over the legislative, judicial, citizen, and electoral branches of government."<sup>2</sup>

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<sup>1</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor. *Venezuela 2016 Human Rights Report, Executive Summary*, p. 1, <https://www.state.gov/documents/organization/265834.pdf> (last visited Jan. 27, 2018).

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



### ***Hugo Chávez and the Bolivarian Revolution***

In 1998, military Lieutenant Colonel Hugo Chávez was elected president of Venezuela “amid disenchantment with established parties.”<sup>3</sup> President Chávez launched the “Bolivarian Revolution,” named for Venezuelan hero, Simón Bolívar. As part of the Bolivarian Revolution, President Chávez brought in a “new constitution, socialist and populist economic and social policies funded by high oil prices, and increasingly vocal anti-US foreign policy.”<sup>4</sup> Venezuela also officially became the Bolivarian Republic of Venezuela in 1999.<sup>5</sup>

From 2001 until his death in 2013, Chávez expanded “the state’s role in the economy through expropriations of major enterprises, strict currency exchange and price controls that discourage private sector investment and production, and overdependence on the petroleum industry for revenues, among others.”<sup>6</sup> And Venezuela’s over-dependence on oil exports quickly became detrimental. “As oil prices rose during the 2000s and early 2010s, the Chávez government used oil revenues, as well as foreign borrowing, to spend generously on domestic social programs[,]” but “did not create a stabilization fund.”<sup>7</sup> “When oil prices crashed by nearly 50% in 2014,” the government under Chávez’s successor, Nicolás Maduro, “was ill-equipped to soften the blow to the Venezuelan economy.”<sup>8</sup>

### ***Chavos’s “Successor,” President Nicolás Maduro***

Following Chavez’s death in April of 2013, his hand-picked successor, Nicolás Maduro of the United Socialist Party of Venezuela (PSUV) was elected president.<sup>9</sup> Because Maduro was elected by an extremely narrow 1.5 percent margin “amid allegations of pre- and postelection fraud including government interference, the use of state resources by the ruling party, and voter manipulation[,]”<sup>10</sup> the election results were challenged by the opposition.<sup>11</sup> By the end of 2013, Maduro was given emergency powers by the National Assembly for a year to deal with

<sup>3</sup> See . BBC News, *Venezuela profile – Timeline* (Nov. 1, 2017), <http://www.bbc.com/news/world-latin-america-19652436>. In 1992, then Colonel Hugo Chavez made two coup attempts and was jailed for two years. *Id.*

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

<sup>5</sup> Ministerio de Comunicación e Información, *Constitution of the Bolivarian Republic of Venezuela* (1999, English Translation), <http://venezuela-us.org/live/wp-content/uploads/2009/08/constitucioningles.pdf>.

<sup>6</sup> See n. 3, *supra*. For example, in 2001, Chavez used an enabling act to pass 49 laws aimed at redistributing land and wealth. *Id.* In 2005, he signed a decree to eliminate large estates, which ranchers viewed as an attack on private property. In 2007, he announced that “key energy and telecommunications companies will be nationalised under [an] 18-month enabling act approved by parliament.” *Id.* Also that year, the Venezuelan government expropriated operations by two US oil companies after they refused to hand over majority control. *Id.* In 2010, Chavez devalued the Venezuelan currency, the bolivar, “by 17% against the US dollar for ‘priority’ imports and by 50% for items considered non-essential, to boost revenue from oil exports after [the] economy shrank 5.8% in [the] last quarter of 2009.” *Id.* In 2010, parliament granted Chavez special powers to deal with devastating floods, prompting opposition fears of greater authoritarianism.” *Id.* In 2012, to battle inflation, the Venezuelan government extended price controls on basic goods, and “President Chavez threatens to expropriate companies that do not comply with the price controls.” *Id.*

<sup>7</sup> Congressional Research Service Report, *Venezuela: Background and U.S. Policy*, May 10, 2017, p. 10, [https://www.everycrsreport.com/files/20170510\\_R44841\\_fa3ec514ed07bb711220465fb833d0432061f98a.pdf](https://www.everycrsreport.com/files/20170510_R44841_fa3ec514ed07bb711220465fb833d0432061f98a.pdf).

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

<sup>9</sup> *Id.* at 1.

<sup>10</sup> Bureau of Democracy, Human Rights, and Labor, United States Department of State, *Country Reports on Human Rights Practices for 2015, Venezuela 2015 Human Rights Report*, <https://www.state.gov/documents/organization/253261.pdf>.

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

Venezuela's 50 percent inflation rate. This decision was also met with opposition protests. President Maduro used the temporary powers to limit profit margins.<sup>12</sup>

### ***February and March 2014 Opposition Protests and Violence***

In light of Maduro's "razor-thin victory and the rise of the opposition," in 2014 through the present, Maduro has attempted to "consolidate his authority" and suppress opposition.<sup>13</sup> According to the Congressional Research Service, in 2014, Maduro's security forces and allied civilian groups "violently suppressed protests and restricted freedom of speech and assembly."<sup>14</sup> An international non-government watch group, Human Rights Watch, documented "45 cases from Caracas and three states, involving more than 150 victims, in which security forces . . . abused the rights of protesters and other people in the vicinity of demonstrations."<sup>15</sup> Specifically, in most of the cases documented by Human Rights Watch,

[A]buse victims were arbitrarily arrested and held for up [to] 48 hours or longer – frequently in military installations. There they were subjected to further abuse, including brutal beatings and, in several cases, electric shocks or burns.

Detainees with serious injuries – such as wounds from rubber bullets and broken bones from beatings – were denied or delayed access to medical attention, exacerbating their suffering, despite their repeated requests to see a doctor. In several cases, national guardsmen and police also subjected detainees to severe psychological abuse, including threatening them with death and rape.

In at least 10 cases documented, Human Rights Watch believes that the abusive tactics employed by security forces constituted torture.

The fact that the abuses were carried out repeatedly, by multiple security forces, in multiple locations across three states and the capital – including in controlled environments such as military installations and other state institutions, and over the six-week period Human Rights Watch reviewed – supports the conclusion that the abuses were part of a systematic practice, Human Rights Watch said.

<sup>12</sup> See n. 1. *supra*.

<sup>13</sup> See n. 7. *supra* p. 1.

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

<sup>15</sup> *Id.* Human Rights Watch, *Venezuela: Unarmed Protestors Beaten, Shot; Prosecutors, Judges Complicit in Rights Violations* (May. 5, 2014), <https://www.hrw.org/news/2014/05/05/venezuela-unarmed-protestors-beaten-shot>. Based on reports of the Human Rights Watch and other, in December 2014, the U.S. Congress passed the "Venezuela Defense of Human Rights and Civil Society Act," noting that,

As of September 1, 2014, 41 people had been killed, approximately 3,000 had been arrested unjustly, and more than 150 remained in prison and faced criminal charges as a result of antigovernment demonstrations throughout Venezuela. . . .Opposition leader Leopoldo Lopez was arrested on February 18, 2014, in relation to the protests and was unjustly charged with criminal incitement, conspiracy, arson, and property damage. . . .Since his arrest, Lopez has been held in solitary confinement and has been denied 58 out of 60 of his proposed witnesses at his ongoing trial. . . .As of September 1, 2014, not a single member of the public security forces of the Government of Venezuela had been held accountable for acts of violence perpetrated against antigovernment protesters.

PUBLIC LAW 113–278 (Dec. 18, 2014), <https://www.congress.gov/113/plaws/publ278/PLAW-113publ278.pdf> (last visited January 28, 2018). See also Irene Caselli, BBC News, *What lies behind the protests in Venezuela?* (March 27, 2014), <http://www.bbc.com/news/world-latin-america-26335287> (last visited January 27, 2018). See also n. 1, *supra*.

Nearly all of the 150 victims were denied basic due process rights. Many were held incommunicado and denied access to lawyers until minutes before their judicial hearings, which were often scheduled in the middle of the night without any plausible justification. Prosecutors and judges routinely turned a blind eye to evidence suggesting that detainees had been abused in detention, including obvious signs of physical abuse.

The scope of these and other due process violations in multiple jurisdictions across several states highlights the failure of the judicial body to fulfill its role as a safeguard against abuse of state power, Human Rights Watch said.<sup>16</sup>

### ***December 2014 U.S. Response***

Based on reports of Human Rights Watch and others, in December 2014, the U.S. Congress passed the “Venezuela Defense of Human Rights and Civil Society Act” (Act) authorizing the President to “impose targeted sanctions on persons responsible for violations of human rights of antigovernment protesters in Venezuela.”<sup>17</sup> The Act’s findings indicate that, as of September 2014, “41 people had been killed, approximately 3,000 had been arrested unjustly, and more than 150 remained in prison and faced criminal charges as a result of antigovernment demonstrations throughout Venezuela.”<sup>18</sup> The Act also notes that opposition leader, Leopoldo Lopez, who was arrested in February 2014 in connection with the protests, was “unjustly charged with criminal incitement, conspiracy, arson, and property damage,” had been “held in solitary confinement,” and had been “denied 58 out of 60 of his proposed witnesses at his ongoing trial.”<sup>19</sup> Meanwhile, as noted by the Act, “not a single member” of the Government’s public security forces “had been held accountable for acts of violence perpetrated against antigovernment protesters.”<sup>20</sup>

Additionally, the Act’s findings noted that Venezuela was experiencing serious criminal and economic problems. Venezuela’s murder rate rose sharply between 1999 and 2013 to a rate of 79 people out of every 100,000.<sup>21</sup> Venezuela’s inflation rate in 2013 was 56.30, “the highest level of inflation in the Western Hemisphere and the third highest level of inflation in the world behind South Sudan and Syria.”<sup>22</sup> The Venezuelan Government’s imposition of currency controls further exacerbated Venezuela’s economic problems and was deemed “the most problematic factor for doing business in Venezuela.”<sup>23</sup> As a result, the March 2014 scarcity index indicated that “fewer than one in 4 basic goods” was “unavailable at any given time” in Venezuela.<sup>24</sup>

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<sup>16</sup>*Id.*

<sup>17</sup> PUBLIC LAW 113–278 (Dec. 18, 2014), <https://www.congress.gov/113/plaws/publ278/PLAW-113publ278.pdf>.

<sup>18</sup>*Id.*

<sup>19</sup>*Id.*

<sup>20</sup>*Id.*

<sup>21</sup>*Id.* Venezuela’s rising crime rate was the reason student protestors took to the streets in February 2014. See Irene Caselli, BBC News, *What lies behind the protests in Venezuela?* (Mar. 27, 2014), <http://www.bbc.com/news/world-latin-america-26335287> (last visited January 27, 2018). See also n. 1, *supra*.

<sup>22</sup> PUBLIC LAW 113–278 (Dec. 18, 2014), <https://www.congress.gov/113/plaws/publ278/PLAW-113publ278.pdf>.

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

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

### ***2015 to Present: Venezuela Politics***

Maduro's government continued to "crack down" on political opposition in 2015, 2016, and 2017. According to the Congressional Reporting Service, "[t]he number of political prisoners detained remained relatively constant from 2014 to 2016 (at an average of 100 prisoners at any given time), but the total number of political arrests made from 2014 to 2016 exceeded 6,800."<sup>25</sup>

The opposition fought on and, in December 2015, won Venezuela's legislative elections by a landslide, capturing "a two-thirds majority in Venezuela's National Assembly—a major setback for Maduro."<sup>26</sup> However, the Venezuelan Supreme Court, under extensive influence by Maduro's administration, issued a ruling blocking "three newly elected National Assembly representatives from the [opposition party] from taking office[.]"<sup>27</sup> As a result, the opposition in the National Assembly was "deprived . . . of the two-thirds majority needed to submit bills directly to referendum and remove Supreme Court justices, among other extensive powers."<sup>28</sup>

The Venezuelan Supreme Court went further in January 2016, blocking "numerous laws approved by the legislature,"<sup>29</sup> undermining its autonomy, ignoring the separation of powers, and enabling "the president to govern through a series of emergency decrees."<sup>30</sup> As a result of these court decisions, Maduro's party, the United Socialist Party, was able to thwart the opposition's efforts to institute a constitutional recall of the president.<sup>31</sup> Additionally, "gubernatorial elections slated for December 2016 were summarily postponed."<sup>32</sup>

Then on March 29, 2017, the Venezuelan Supreme Court made a "power grab" by attempting to dissolve the National Assembly and assume all legislative responsibilities. According to the Congressional Reporting Service, this sparked protests, international condemnation, and "a rare public rebuke by the attorney general (who was appointed by Chávez), who deemed the rulings illegal." "President Maduro urged the court to revise those decisions on March 30[,]" [a]lthough the Supreme Court's reversal was incomplete[.]<sup>33</sup>

The opposition party began massive, sustained protests again on March 30, 2017, some of which were met with "repression by government forces (including the National Guard) and allied civilian militias."<sup>34</sup> These protests intensified when it was announced on April 7, 2017, that Maduro's opponent in the 2013 election, Henrique Capriles, "would be barred from seeking office for 15 years due to 'administrative irregularities' in the state government."<sup>35</sup> As of April

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<sup>25</sup> See n. 7, p. 6, *supra*.

<sup>26</sup> Bureau of Democracy, Human Rights and Labor, United States Department of State, *Venezuela 2016 Human Rights Report, Executive Summary*, p. 1, <https://www.state.gov/documents/organization/265834.pdf> and n. 7, *supra*.

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

<sup>28</sup> See n. 7, *supra*.

<sup>29</sup> *Id.*

<sup>30</sup> See n. 26, *supra*.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> See n. 7, p. 7, *supra*.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

26, 2017, “ongoing violent clashes between protesters and government forces . . . had claimed 26 lives and resulted in 1,300 detentions.”<sup>36</sup>

President Maduro convened a Constituent Assembly in May 2017 through a presidential decree, “despite a constitutional requirement that a public referendum be held beforehand in order to rewrite the constitution.”<sup>37</sup> According to Human Rights Watch,

The assembly is made up exclusively of government supporters chosen through an election in July that Smartmatic, a British company hired by the government to verify the results, later alleged was fraudulent. The Constituent Assembly has sweeping powers that go well beyond drafting a constitution.

In August, as soon as the assembly started operating, its members assumed all legislative powers and fired Attorney General Ortega Díaz, a former government loyalist who had become an outspoken critic in late March, and appointed a government supporter to the position.<sup>38</sup>

Between April and July 2017, government security forces along with armed, pro-government civilian groups, attacked anti-government protesters. As of July 31, 2017, Attorney General Díaz’s office reported that 124 people had been killed, and that her office had investigated nearly 2,000 cases of injuries during such crackdowns.<sup>39</sup> Between April and November 2017, about 5,400 people were arrested in connection to the protests.<sup>40</sup> After being fired, in August 2017, Attorney General Díaz went into exile.<sup>41</sup>

### ***2015 to Present: Venezuela Economic Hardship and Humanitarian Crisis***

Other protests occurred in 2016, accompanied by rioting and looting, due to a severe shortage of food, medicine, and other basic goods, as well as the 75 percent devaluation of Venezuela’s currency, the bolivar. Estimates put Venezuela’s 2016 rate of inflation at 254 percent and 2017 rate of inflation at 1,133 percent. Additionally, since 2013, Venezuela’s economy has contracted by 30 percent. In August 2016, six checkpoints at the border into Colombia were opened so that the people could enter and buy food and goods. “[A]ccording to a 2016 national survey . . . , 27% of people across the country eat only once a day and 93.3% of households lack enough income to purchase food.”<sup>42</sup>

Due to the growing economic crisis in Venezuela, the Vatican mediated talks between Maduro’s administration and the opposition in October 2016. However, those talks failed, and President Maduro has not allowed international humanitarian aid into the country.<sup>43</sup>

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<sup>36</sup> *Id.*

<sup>37</sup> Human Rights Watch, *Venezuela, Events of 2017*, <https://www.hrw.org/world-report/2018/country-chapters/venezuela#56edeb> (last visited Jan. 28, 2017).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> See n. 1, *supra*.

<sup>42</sup> See n. 7, p. 7, *supra*.

<sup>43</sup> *Id.* at p. 6.

Additionally, healthcare in Venezuela is a serious concern:

Venezuela's health system has been affected severely by budget cuts, with shortages of medicines and basic supplies. Some hospitals face critical shortages of antibiotics, intravenous solutions, and even food, and 50% of operating rooms in public hospitals are not in use. Pharmacies also are facing shortages, with more than 85% of drugs reported to be unavailable or difficult to find, according to the Pharmaceutical Federation of Venezuela. Declining immunization rates have resulted in a resurgence of diseases that once were eradicated, including diphtheria, a disease that affected 324 people in 2016 (with no cases recorded in 2015). According to health ministry data, infant mortality reportedly increased by 30% from 2015 to 2016 and maternal mortality increased by 65.8%. Mosquito-borne illnesses also increased significantly, with cases of malaria climbing 76.4% from 2015 to more than 240,600. Zika cases rose from 51 in 2015 to more than 59,000 last year. The government has stopped sharing timely health surveillance statistics with the Pan American Health Organization, the regional arm of the World Health Organization, a development that could endanger neighboring countries.<sup>44</sup>

### ***U.S. Responses***

President Trump and the State Department have called for the release of opposition leader Leopoldo Lopez and the rest of Venezuela's political prisoners.<sup>45</sup> Additionally, on August 24, 2017, President Trump signed Executive Order 13808 to impose financial sanctions on the government of Venezuela (defined as including the Central Bank and other entities owned or controlled by the government, such as the state-owned oil company). Executive Order 13808 restricts Venezuela's access to the U.S. financial system by prohibiting persons and entities in the U.S. from engaging in certain financial transactions with the government of Venezuela.<sup>46</sup>

Recently, on January 24, 2018, Senator Marco Rubio sent a letter to President Trump requesting that the United States continue to increase pressure on the government of Venezuela. Senator Rubio also requested that President Trump direct United Nations Ambassador Nikki Haley to call an emergency session concerning Venezuela and that the U.N. create "a special envoy for Venezuela to monitor and address these issues."<sup>47</sup>

Additionally, Senator Rubio sent a letter to Attorney General Jeff Sessions on January 24, 2018, requesting that the U.S. Department of Justice "immediately pursue an investigation into the credible allegations of drug trafficking and other illicit activities by senior Venezuelan

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at p. 17.

<sup>46</sup> Exec. Order No. 13808, 3 C.F.R. 41155 (2017).

<sup>47</sup> Letter from Senator Marco Rubio to President Donald J. Trump, Jan. 24, 2018 [https://www.rubio.senate.gov/public/\\_cache/files/c84827a1-0820-44a4-81c2-0c60fac84780/420654A53A2B5EC99405DE6C9F9EC94E.1-24-18-letter-to-president-trump-on-venezuela-cc-ambassador-haley.pdf](https://www.rubio.senate.gov/public/_cache/files/c84827a1-0820-44a4-81c2-0c60fac84780/420654A53A2B5EC99405DE6C9F9EC94E.1-24-18-letter-to-president-trump-on-venezuela-cc-ambassador-haley.pdf).



government officials in order to better understand the nexus between criminal actors and members of Maduro's inner circle.”<sup>48</sup>

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

In recognition of the humanitarian aid crisis in Venezuela and the violations of its citizens' rights at the hands of the Venezuelan President, Nicolás Maduro, and the Venezuelan government, the memorial makes three primary requests:

- (1) First, the memorial requests that the United States Congress urge Venezuelan President Nicolás Maduro to allow delivery of humanitarian aid, in particular food and medicine.
- (2) Second, the memorial requests that the United States Congress not only maintain current financial sanctions but intensify financial sanctions against President Maduro and the Venezuelan government.
- (3) Finally, the memorial requests that the Congress of the United States instruct all federal agencies to hold the President Maduro and officials of the Venezuelan government responsible for violations and abuses of internationally recognized human rights.

Additionally, the memorial directs that copies should be dispatched to the President U.S. Senate President, U.S. House Speaker, and to each member of Florida's delegation in both houses of Congress.

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

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

None.

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

None.

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

None.

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

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

None.

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<sup>48</sup> Letter from Senator Marco Rubio to U.S. Attorney General Jeff Sessions, January 24, 2018, [https://www.rubio.senate.gov/public/\\_cache/files/6f7169ca-57f2-4a14-b9ab-5a75f2f898dd/B121BE2FE5E397A987A89C9BA3134E9D.1-24-18-letter-to-attorney-general-jeff-sessions-re-venezuela.pdf](https://www.rubio.senate.gov/public/_cache/files/6f7169ca-57f2-4a14-b9ab-5a75f2f898dd/B121BE2FE5E397A987A89C9BA3134E9D.1-24-18-letter-to-attorney-general-jeff-sessions-re-venezuela.pdf). The letter also notes that “Luis Almagro, Secretary-General of the Organization of American States (OAS), has appointed international experts to assess the need for an international legal body to investigate corrupt acts and human rights abuses by the Maduro regime[.]” and requests that Attorney General Sessions support that effort. *Id.*

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

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

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

None.

**B. Amendments:**

None.



By Senator Rodriguez

37-00895-18

20181382\_\_

Senate Memorial

A memorial to the Congress of the United States, requesting Congress to urge President Nicolás Maduro to allow the delivery of humanitarian assistance and requesting Congress to continue and intensify financial sanctions against President Nicolás Maduro and the government of Venezuela and instruct appropriate federal agencies to hold President Nicolás Maduro and officials of the government of Venezuela accountable for violations of law and abuses of internationally recognized human rights.

WHEREAS, the hallmark of democracy is the free and peaceful exercise of rights guaranteed under the constitution of a democratically elected government, and

WHEREAS, in an effort to secure his personal rule and oppress Venezuelan freedoms, President Nicolás Maduro manipulated elections, established a congress under his control, nationalized private industry, abandoned private property rights, and generally assumed control over Venezuela's government and its institutions, and

WHEREAS, the deterioration of basic governance and the economic crisis in Venezuela have led to an unprecedented humanitarian situation in which people are suffering from severe shortages of basic food products and essential medicines, and

WHEREAS, despite the massive shortages of basic food products and essential medicines, President Nicolás Maduro has rejected repeated requests from civil society organizations to bring humanitarian aid into the country, and

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37-00895-18

20181382\_\_

WHEREAS, more than 8 million Venezuelans voted symbolically for a free and democratic government, and

WHEREAS, President Nicolás Maduro has sought to silence peaceful opposition to his government by killing innocent citizens of Venezuela for their political views, and

WHEREAS, those who cherish democratic principles condemn the perpetration of oppression and intimidation against the Venezuelan people, and

WHEREAS, to ensure the demise of such oppression and intimidation, it is imperative that the United States Government remain committed to continuing and intensifying financial sanctions against President Nicolás Maduro and the government of Venezuela, and

WHEREAS, the people of Florida stand proudly with the people of Venezuela in the face of tyranny, NOW, THEREFORE,

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

That the Congress of the United States is requested to urge President Nicolás Maduro to allow the delivery of humanitarian assistance and is further requested to continue and intensify financial sanctions against President Nicolás Maduro and the government of Venezuela and to direct appropriate federal agencies to hold President Nicolás Maduro and officials of the government of Venezuela accountable for violations of law and abuses of internationally recognized human rights.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the

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

37-00895-18

20181382\_\_

59 United States House of Representatives, and to each member of  
60 the Florida delegation to the United States Congress.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Finance and Tax  
Appropriations Subcommittee on General  
Government  
Commerce and Tourism  
Community Affairs  
Ethics and Elections  
Appropriations Subcommittee on Civil and Criminal  
Justice  
Rules

### SENATOR JOSE JAVIER RODRIGUEZ

*Deputy Democratic Whip*  
37th District

January 16<sup>th</sup>, 2018

Chairman Steube  
Committee on Judiciary  
515 Knott Building  
404 S. Monroe St.  
Tallahassee, FL 32399-1100  
*Sent via email to steube.greg@flsenate.gov*

Chairman Steube,

I respectfully request that you place SM 1382 relating to Venezuela on the agenda of the Committee on Judiciary at your earliest convenience.

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

Regards,

A handwritten signature in black ink, appearing to read "JR", with a stylized flourish at the end.

Senator José Javier Rodríguez  
District 37, Miami

CC: Tom Cibula, Staff Director  
Joyce Butler, Committee Administrative Assistant

### REPLY TO:

- ☐ 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 854-0365
- ☐ 220 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5037

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1580

INTRODUCER: Senator Stargel

SUBJECT: Florida Guide to a Healthy Marriage

DATE: January 19, 2018

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Farach	Cibula	JU	<b>Favorable</b>
2. _____	_____	GO	_____
3. _____	_____	RC	_____

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**I. Summary:**

SB 1580 creates the Marriage Education Committee within the Department of Children and Families. The bill directs the committee to convene every 10 years and create and update the Florida Guide to a Healthy Marriage. The guide will provide information regarding conflict management, communication skills, family expectations, financial management, domestic violence prevention, and parenting responsibilities. The bill further requires that applicants for a marriage license verify as a condition of receiving the license that they have read or accessed the information in the guide.

**II. Present Situation:**

As of 2016, Florida ranked in the top ten states in the nation for highest divorce rates.<sup>1</sup> Divorce or marital dissolution has numerous detrimental emotional, economic, and social effects. Studies suggest that children whose parents divorce or have marital discord are more likely to experience lower levels of psychological well-being in adulthood.<sup>2</sup>

Economic ramifications of divorce include how taxpayer costs of divorce and unmarried childbearing affects poverty results in \$112 billion each year incurred at the federal, state, and local levels.<sup>3</sup> These costs arise from increased taxpayer expenditures for antipoverty, criminal justice, and education programs, and through lower levels of taxes paid by individuals who, as

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<sup>1</sup> CDC/NCHS, NATIONAL VITAL STATISTICS SYSTEM, MARRIAGE RATES BY STATE: 1990, 1995, AND 1996-2016, [www.cdc.gov/nchs/data/dvs/state\\_marriage\\_rates\\_90\\_95\\_99-16.pdf](http://www.cdc.gov/nchs/data/dvs/state_marriage_rates_90_95_99-16.pdf).

<sup>2</sup> Paul R. Amato and Juliana M. Sobolewski, *The Effects of Divorce and Marital Discord on Adult Children's Psychological Well-Being*, AMERICAN SOCIOLOGICAL REVIEW, Vol. 66, No. 6 (Dec., 2001), pp. 900-921 [http://www.jstor.org/stable/3088878?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/3088878?seq=1#page_scan_tab_contents).

<sup>3</sup> BENJAMIN SCAFIDI, THE TAXPAYER COSTS OF DIVORCE AND UNWED CHILDBEARING: FIRST-EVER ESTIMATES FOR THE NATION AND ALL FIFTY STATES, INSTITUTE FOR AMERICAN VALUES, 2008.

adults, earn less because of reduced opportunities as a result of having been more likely to grow up in poverty.<sup>4</sup>

### **Issuance of Marriage License**

Prior to applying for a marriage license in this state, the parties must first, either separately or together, complete a premarital preparation course of at least 4 hours of coursework.<sup>5</sup> A Florida county court judge or clerk of the circuit court must have a statement in writing, signed by both parties, which specifies whether the parties have completed a premarital preparation course.<sup>6</sup> Furthermore, the applicants must also supply a statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the *Family Law Handbook*<sup>7</sup> or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306.<sup>8</sup> Participants who can provide proof of their completion of the course will have their marriage license fee reduced by \$32.50.<sup>9</sup> The Florida Statutes provides a list of qualified instructors who are eligible to provide a premarital preparation course.<sup>10</sup>

### **The Family Law Handbook**

The Family Law Section of The Florida Bar creates *The Family Law Handbook*, which explains the sections of Florida law pertaining to the rights and responsibilities under Florida law of marital partners to each other and to their children, both during a marriage and upon dissolution. These handbooks are available from the clerk of the circuit court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill-building classes are available.<sup>11</sup> The material contained in the handbook may also be provided through videotape or other suitable electronic media. The information contained in the handbook or other electronic media presentation must be reviewed and updated annually.<sup>12</sup>

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

### **Publication of the Florida Guide to a Healthy Marriage**

SB 1580 calls for the formation of the Marriage Education Committee within the Department of Children and Families. This committee will come into existence every 10 years and it will be tasked with creating Florida Guide to a Healthy Marriage, as well as editing and updating the text. At a minimum, the guide must include all of the following:

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

<sup>5</sup> Section 741.0305(1), F.S.

<sup>6</sup> Section 741.04(2), F.S.

<sup>7</sup> *See* s. 741.04(2)(b), F.S.

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

<sup>9</sup> Section 741.0305(1), F.S.

<sup>10</sup> Section 741.0305(3)(a) identifies the qualified instructors of the premarital preparation course as a psychologists, clinical social workers, marriage and family therapists, mental health counselors, certain official representatives of religious institutions who have relevant training, and other providers designated by a judicial circuit.

<sup>11</sup> Section 741.0306, F.S.

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

- (a) Resources on the following topics: conflict management, communication skills, family expectations, financial management, domestic violence prevention, and parenting responsibilities.
- (b) Advice from marriage education and family advocates to assist couples in forming and maintaining long-term marital relationships.
- (c) Information on premarital education resources, marriage enrichment education, and resources available to couples to help them restore a marriage potentially facing dissolution.
- (d) Contact information and website links to additional resources and local professional and community services to further assist couples with marital relationships.

Several other states also require premarital counseling and publish prenuptial guidebooks in order to assist with marriage. For example, the Utah Premarital Agreement Act requires that an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.<sup>13</sup> Premarital counseling has also been linked to overall more where both parties reported higher levels of satisfaction with their relationship than partners who did have premarital counseling.<sup>14</sup> This success rate, however, is also linked to the quality of available prenuptial counseling and resources that the partners have access to.<sup>15</sup>

### **Committee Formation**

The committee is to consist of six marriage education and family advocates, two of whom appointed by the Governor, two appointed by the President of the Senate, and two appointed by the Speaker of the House of Representatives. The appointees serve 1-year terms or until the committee has completed its work, whichever is earlier. Each decennial committee must submit the completed guide to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Funding is to come from private sources to pay for the design and layout of the guide, and the committee may raise funds from private sources to cover the costs of printing and the distribution of guides in printed format. If adequate funds are not raised to cover the costs of printing and the distribution of guides in printed format, the guides are not required to be printed or distributed.

The bill takes effect July 1, 2018.

## **IV. Constitutional Issues:**

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

None.

<sup>13</sup> Utah Code Annotated § 30-8-1 (LexisNexis 2017).

<sup>14</sup> “Using a large random survey of 4 middle American states, the authors found that participation in premarital education was associated with higher levels of satisfaction and commitment in marriage and lower levels of conflict-and also reduced odds of divorce,” Scott M. Stanley, Paul R. Amato, Christine A. Johnson, & Howard J. Markman, *Premarital education, marital quality, and marital stability: Findings from a large, random household survey*, JOURNAL OF FAMILY PSYCHOLOGY, Vol. 20(1), 117-126 (2006), <http://dx.doi.org/10.1037/0893-3200.20.1.117>.

<sup>15</sup> Walter R. Schumm & Wallace Denton, *Trends in Premarital Counseling*, JOURNAL OF MARITAL AND FAMILY THERAPY (Oct. 1979), <https://www.deepdyve.com/lp/wiley/trends-in-premarital-counseling-a0VGE2PsyU>.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

The Florida Guide to a Healthy Marriage may result in financial benefits to those who have a strong marriage as a result of the guide.

**C. Government Sector Impact:**

Premarital counseling as provided by the Florida Guide to a Healthy Marriage could potentially reduce the state divorce rate, which may then reduce the taxpayer expenditures for antipoverty programs, criminal justice programs, and education programs that are associated with or the result of divorce.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 741.04, Florida Statutes.  
This bill creates section 741.0304, 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.

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

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By Senator Stargel

22-01088C-18

20181580\_\_

1 A bill to be entitled  
 2 An act relating to a Florida Guide to a Healthy  
 3 Marriage; creating s. 741.0307, F.S.; creating the  
 4 Marriage Education Committee within the Department of  
 5 Children and Families; specifying that the committee  
 6 must be appointed and shall convene decennially;  
 7 requiring the initial committee to create the Florida  
 8 Guide to a Healthy Marriage and subsequent decennial  
 9 committees to review and update the contents of the  
 10 guide; specifying the membership of and appointment  
 11 process for the committee; limiting the terms of  
 12 committee members; providing for the filling of  
 13 vacancies; requiring each committee to submit the  
 14 completed guide to the Governor and the Legislature;  
 15 requiring that certain content be included in the  
 16 guide; requiring the committee to oversee the design  
 17 and layout of the guide; requiring the committee to  
 18 raise funds from private sources to pay for the design  
 19 and layout of the guide; authorizing the committee to  
 20 raise funds from private sources to cover guide  
 21 printing and distribution costs; providing that guides  
 22 are not required to be printed or distributed unless  
 23 adequate funds are raised to cover the costs of  
 24 printing and distribution; requiring the clerk of each  
 25 circuit court to post an electronic copy of the guide  
 26 on the court's website and to distribute printed  
 27 copies of the guide if they are made available;  
 28 encouraging the clerk of each circuit court to provide  
 29 a list of course providers and websites where certain

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20181580\_\_

30 classes are available; amending s. 741.04, F.S.;  
 31 prohibiting a county court judge or clerk of the  
 32 circuit court from issuing a marriage license unless  
 33 he or she is first presented with a statement  
 34 verifying that both parties have obtained and read the  
 35 guide or have viewed an electronic presentation  
 36 containing certain information; providing an effective  
 37 date.  
 38

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

40  
 41 Section 1. Section 741.0307, Florida Statutes, is created  
 42 to read:

43 741.0307 Marriage Education Committee; Florida Guide to a  
 44 Healthy Marriage.-

45 (1) There is created within the Department of Children and  
 46 Families, for administrative purposes only, the Marriage  
 47 Education Committee, which must be appointed and shall convene  
 48 every 10 years. The initial committee, which must be appointed  
 49 by September 1, 2018, shall create the Florida Guide to a  
 50 Healthy Marriage, while subsequent decennial committees, which  
 51 must be appointed by September 1 of the applicable year, shall  
 52 review and update the contents of the guide. The committee  
 53 consists of six marriage education and family advocates, two  
 54 appointed by the Governor, two appointed by the President of the  
 55 Senate, and two appointed by the Speaker of the House of  
 56 Representatives. The appointees shall serve 1-year terms or  
 57 until such time as the committee has completed its work,  
 58 whichever is earlier. A vacancy on the committee must be filled

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for the unexpired portion of the member's term in the same manner as the original appointment. Each decennial committee shall submit the completed guide to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(2) At a minimum, the guide must include all of the following:

(a) Resources on the following topics: conflict management, communication skills, family expectations, financial management, domestic violence prevention, and parenting responsibilities.

(b) Advice from marriage education and family advocates to assist couples in forming and maintaining long-term marital relationships.

(c) Information on premarital education resources, marriage enrichment education, and resources available to couples to help them restore a marriage potentially facing dissolution.

(d) Contact information and website links to additional resources and local professional and community services to further assist couples with marital relationships.

(3) The Marriage Education Committee shall oversee the design and layout of the guide. The committee shall raise funds from private sources to pay for the design and layout of the guide, and the committee may raise funds from private sources to cover the costs of printing and the distribution of guides in printed format. If adequate funds are not raised to cover the costs of printing and the distribution of guides in printed format, the guides are not required to be printed or distributed.

(4) The clerk of each circuit court shall post an electronic copy of the guide on the court's website. If the

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Marriage Education Committee provides printed copies of the guide to clerks' offices, each clerk must make the guide available to marriage license applicants. The clerk of each circuit court is encouraged to provide a list of course providers and websites where marriage and relationship skill-building classes are available.

Section 2. Paragraph (c) is added to subsection (2) of section 741.04, Florida Statutes, to read:

741.04 Marriage license issued.—

(2) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her:

(c) A statement that verifies that both parties have obtained and read or have otherwise accessed the information contained in the Florida Guide to a Healthy Marriage created under s. 741.0307 or have viewed an electronic media presentation of information regarding conflict management, communication skills, family expectations, financial management, domestic violence prevention, and parenting responsibilities.

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Finance and Tax, *Chair*  
Appropriations Subcommittee on Health and Human Services, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Children, Families, and Elder Affairs  
Communications, Energy, and Public Utilities  
Governmental Oversight and Accountability  
Military and Veterans Affairs, Space, and Domestic Security

### SENATOR KELLI STARGEL

*Deputy Majority Leader*  
22nd District

January 16, 2018

The Honorable Greg Steube  
Senate Judiciary Committee, Chair  
515 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Chair Steube:

I respectfully request that SB 1580, related to *Florida Guide to a Healthy Marriage*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Kelli Stargel  
State Senator, District 22

Cc: Tim Cibula/ Staff Director  
Joyce Butler/ AA

### REPLY TO:

- ☐ 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- ☐ 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/SB 904

INTRODUCER: Judiciary Committee and Senator Powell

SUBJECT: Lis Pendens

DATE: January 31, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cibula	Cibula	JU	<b>Fav/CS</b>
2.			CM	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 904 makes changes relating to judicial processes governed by chapter 48, F.S. One section of the bill clarifies a statute describing how long a notice of lis pendens precludes the attachment of liens or other interests on a property that is sold in a judicial sale. Several other sections revise statutes governing service of process.

As clarified by the bill, a notice of lis pendens precludes the attachment of liens or other interests on the property until the instrument transferring title to the property is recorded. These provisions are a response to a recent appellate court opinion. Due to its particular wording, the opinion could be read to allow liens to be enforced against a foreclosed property during the gap between the date that the property is sold at a judicial sale and the date that the instrument transferring title is recorded.

The changes relating to service of process allow:

- A certified process server to serve, with respect to civil process, any nonenforceable civil process.
- A process server to serve the spouse of the person to be served in any county of the state, not just the county of their shared residence.
- A process server to serve the registered agent of a limited liability company at additional types of addresses used as the business address by the agent. These addresses include the address of a virtual office, executive office, or minisuite.

- Any process server to electronically sign return-of-service forms that document the date and time of service, which is a convenience currently reserved for process servers employed by a sheriff.

## II. Present Situation:

A notice of lis pendens,<sup>1</sup> upon recording in the official records of the county, provides notice that a property is the subject of litigation. The notice essentially warns parties who are not involved in the litigation, such as subsequent purchasers or encumbrancers, that any interest they acquire in the property while the litigation is pending may be adversely affected by the outcome of the case.<sup>2</sup> In other words, the notice of lis pendens helps potential purchasers or encumbrancers of a property avoid becoming embroiled in the dispute and protects the plaintiff from intervening liens and interests that would impair any property rights claimed.<sup>3</sup>

### The Lis Pendens Statute

The current statutory scheme regulating the procedural requirements and effect of notices of lis pendens had its origins in common law. As modified by statute, “[a]n action in any of the state or federal courts in this state operates as a lis pendens on any real or personal property involved therein or to be affected thereby only if a notice of lis pendens is recorded in the official records of the county where the property is located.”<sup>4</sup>

The following information must be contained in a notice of lis pendens:

- The names of the parties to the lawsuit.
- The date that the lawsuit was filed, the date of the clerk’s electronic receipt, or the case number of the lawsuit.
- The name of the court in which the suit is pending.
- A description of the property involved or to be affected.
- A statement of the relief sought as to the property.<sup>5</sup>

Once a lis pendens is filed, a holder of an unrecorded interest or lien who fails to timely intervene in the proceedings may lose the right to those interests as described below:

[T]he recording of such notice of lis pendens . . . constitutes a bar to the enforcement against the property described in the notice of all interests and liens, including, but not limited to, federal tax liens and levies, unrecorded at the time of recording the notice unless the holder of any such unrecorded interest or lien intervenes in such proceedings within 30 days after the recording of the notice. If the holder of any such unrecorded interest or lien does not intervene in the proceedings and *if such proceedings are*

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<sup>1</sup> “Lis pendens” is Latin for a pending lawsuit. BLACK’S LAW DICTIONARY (10th ed. 2014).

<sup>2</sup> *Chiusolo v. Kennedy*, 614 So. 2d 491, 492 (Fla. 1993).

<sup>3</sup> *Id.* (Thus, lis pendens exists at least in part to prevent third-party purchasers from “buying” a lawsuit when they purchase the property.) *Id.* at n. 1.

<sup>4</sup> Section 48.23(1)(a), F.S.

<sup>5</sup> Section 48.23(1)(c), F.S.

*prosecuted to a judicial sale of the property described in the notice, the property shall be forever discharged from all such unrecorded interests and liens.*<sup>6</sup>

## **The Ober Opinions**

### ***Ober I, the Withdrawn Opinion***

On August 24, 2016, the Fourth District Court of Appeal issued an opinion in *Ober v. Town of Lauderdale-by-the-Sea*, which was later withdrawn and replaced with a substitute opinion.<sup>7</sup> The issue in the opinions required the court to interpret the meaning of the foregoing portions of the lis pendens statute. Specifically, the court sought to determine whether the statute bars the enforcement of liens recorded after a final judgment of foreclosure but before a judicial sale of the property.

Under the facts of the case, a bank recorded a notice of lis pendens on a property as part of a foreclosure proceeding that it initiated on November 26, 2007. On September 22, 2008, the bank obtained a foreclosure judgment on the property. Then, between July 13, 2009, and October 27, 2011, the Town of Lauderdale-by-the-Sea recorded seven code enforcement liens. Finally, the property was sold at a judicial sale to James Ober on September 27, 2012, more than 4 years after the foreclosure judgment. After purchasing the property, Mr. Ober filed suit to quiet title and the town counterclaimed to foreclose on its liens.

In its first *Ober* decision, the district court recognized that the lis pendens statute “does not provide an end date for the lis pendens.” Then the court sought to identify an end date to “avoid the absurd result of a lis pendens precluding any lien from ever being placed on the property in perpetuity.”

Upon reviewing a portion of the lis pendens statute which states, “[a]n action in any of the state or federal courts in this state operates as a lis pendens . . . only if a notice of lis pendens is recorded,”<sup>8</sup> the court declared that the

plain meaning of [the] provision indicates that the action itself is the actual lis pendens, which takes effect if and when a notice is filed. The lis pendens therefore logically must terminate along with the action. The “action” in this case was the foreclosure action initiated by the non-party bank, which terminated thirty days after the court’s issuance of a final judgment.

The court ultimately held that “a lis pendens bars liens only through final judgment, and does not affect the validity of liens after that date, even if they are before the actual sale of the property.” The court went on to state that the *Ober* “case appears to reveal a misstatement of the law” in the Final Judgment of Foreclosure form incorporated into the Florida Rules of Civil Procedure. The

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<sup>6</sup> Section 48.23(1)(d), F.S.

<sup>7</sup> *Ober v. Town of Lauderdale-by-the-Sea* No. 4D14-4597 (Fla. 4th DCA 2016). The withdrawn opinion is no longer available on Westlaw, but it is available without reference, pages, or volume numbers at findlaw.com at <http://caselaw.findlaw.com/fl-district-court-of-appeal/1746796.html>.

<sup>8</sup> Section 48.23(1)(a), F.S.

form, according to the court, incorrectly suggests that “all liens from the filing of the lis pendens until the certificate of sale<sup>9</sup> is filed are discharged.”

### ***Ober II, the Substitute Opinion***

The Fourth District Court of Appeal’s initial opinion in *Ober* “shocked the mortgage lending community by holding that the protections traditionally afforded by the recordation of a lis pendens terminated 30 days after the entry of final judgment of foreclosure even when the sale had not yet occurred.”<sup>10</sup> The opinion, going against the traditional understanding of the statute, was expected to disrupt the sale of title insurance, the real estate market, and reduce bids on properties at foreclosure sales, which would result more in foreclosed property owners facing liability for deficiency judgments.<sup>11</sup>

However, the court granted *Ober*’s motion for rehearing and issued a substitute opinion, essentially reversing its initial opinion.<sup>12</sup> In the substitute opinion, the court stated:

We reject the Town’s argument that the statute applies only to liens existing or accruing prior to the date of the final judgment. The language of the statute is broad, applying to “all interests and liens.” Significantly, the statute expressly contemplates that its preclusive operation continues through a “judicial sale.” This is consistent with how foreclosure suits operate in the real world.<sup>13</sup>

The court’s opinion also indicates that several groups that are active participants in real estate transactions filed amicus briefs in opposition to the court’s initial decision. The Florida Bankers Association advised the court that foreclosure suits are “unlike many civil lawsuits in that ‘much remains to be accomplished after entry of final judgment, including the foreclosure sale, the issuance of certificates of sale and title, and, in many instances, the prosecution of a deficiency claim, all under court supervision.’”<sup>14</sup> The court also noted that the Business Law Section of The Florida Bar explained that the statement of law, which the court previously criticized, in the Final Judgment of Foreclosure form “reflects the common understanding of the operation of the lis pendens statute.”<sup>15</sup>

In concluding its substitute opinion, the court recognized that precluding the attachment of local code enforcement liens between a final judgment of foreclosure and the judicial sale of a foreclosed property presents the practical problem of collecting fines for code violations. This problem, according to the court, is in the province of the Legislature.<sup>16</sup>

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<sup>9</sup> A certificate of sale is a document that the clerk of court will file and serve on the affected parties after the judicial sale of the property. The certificate will identify when notices of the sale were published in a newspaper and identify the purchaser and the amount paid for the property. Afterwards, the clerk will record a certificate of title transferring title of the property to the purchaser. Section 45.031(4) and (6), F.S.

<sup>10</sup> Lauren Reynolds, *The Resurrection of Lis Pendens: Ober Reversed on Rehearing*, 20 No. 17 CONSUMER FIN. SERVICES L. REP. 26 (Feb. 28, 2017).

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

<sup>12</sup> *Ober v. Town of Lauderdale-by-the-Sea*, 218 So. 3d 952 (Fla. 4th DCA 2017), *cert. denied*, 2017 WL 3883662 (Fla. 2017).

<sup>13</sup> *Id.* at 954.

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

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

<sup>16</sup> *Id.* at 954-55.

## **Real Property Probate & Trust Law Section of The Florida Bar**

Although, the Fourth District Court of Appeal reversed itself, the Real Property, Probate, and Trust Law Section of The Florida Bar is pursuing legislative changes to the lis pendens statute.<sup>17</sup> The wording of the court's substitute opinion in *Ober* described the preclusive effect of a notice of lis pendens as continuing "through a 'judicial sale.'"<sup>18</sup> As such, the court may have inadvertently created a gap between a judicial sale and the recording of a certificate of title during which liens may attach to a foreclosed property. This gap in some cases, may last "days, weeks, or months."<sup>19</sup>

Accordingly, the changes pursued by the Section are intended to "preserve the widely understood interpretation of the statute, that . . . a lis pendens remains in effect through the recording of an instrument transferring title pursuant to a judicial sale."<sup>20</sup> This change will "provide the purchaser [of foreclosed property] with title free and clear of intervening subordinate interests or liens."<sup>21</sup>

## **Service of Process**

Service of process involves the delivery of papers such as pleadings, complaints, and subpoenas in connection with judicial proceedings. These documents must be delivered by a process server who is disinterested in the outcome of the case. There are four types of individuals who are authorized to serve process: sheriffs' officers, special process servers, certified process servers, and those authorized to serve civil witness subpoenas under the rules of civil procedure.<sup>22</sup> Certified process servers may serve "initial nonenforceable civil process, criminal witness subpoenas, and criminal summonses."<sup>23</sup>

Typically, personal service is accomplished by personal delivery of the process to its intended recipient.<sup>24</sup> In some cases, however, the statutes allow for service on others in place of the intended recipient. For example, process may be made on the intended recipient's spouse "if the cause of action is not an adversary proceeding between the spouse and the person to be served, if the spouse requests such service, and if the spouse and person to be served are residing together in the same dwelling."<sup>25</sup>

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<sup>17</sup> Real Property, Probate, and Trust Law Section of The Florida Bar, *White Paper: Proposal to Amend Section 48.23, Fla. Stat. (Lis Pendens)* (Oct. 10, 2017) (On file with the Senate Committee on Judiciary).

<sup>18</sup> *Ober v. Town of Lauderdale-by-the-Sea*, 218 So. 3d 952, 954 (Fla. 4th DCA 2017), *cert. denied*, 2017 WL 3883662 (Fla. 2017).

<sup>19</sup> Real Property, Probate and Trust Law Section, *supra* n. 1.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> See ss. 48.021(1), 48.27, F.S., and Fla.R.Civ.P. 1.070.

<sup>23</sup> Section 48.021(1), F.S.

<sup>24</sup> Section 48.031(1)(a), F.S.

<sup>25</sup> Section 48.031(2)(a), F.S.



Substitute service is also allowed if the only address discoverable through public records for the person to be served is a private mailbox, a virtual office, or an executive office or minisuite.<sup>26</sup> In these instances, substitute service may be made by leaving a copy of the process with the person in charge of the facility.

Similarly, service may be made on a limited liability company by serving the process on its registered agent.<sup>27</sup> The agent's business address for service of process must be the same as the agent's registered office, but this address may be a residence or a private mailbox.<sup>28</sup>

When a process server serves process, the process server must place "on the first page of at least one of the processes served, the date and time of service and his or her identification number and initials for all service of process."<sup>29</sup> The process server must also sign a return-of-service form identifying all the initial pleadings delivered and served with the process. If the process server is employed by a sheriff, he or she may sign the form with an electronic signature.<sup>30</sup> The person who requested service or the person authorized to serve the process must file the form with the court.<sup>31</sup>

When service of process must be made on a person who is outside this state, the statutes state that the process "shall be made . . . by any officer authorized to serve process in the state where the person is served."<sup>32</sup> The statutes further provide that the officer's affidavit, which identifies the time, manner, and place of service, should be filed with the court.

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

#### **Notices of Lis Pendens**

A notice of lis pendens is notice recorded in the official records of a county warning that the outcome of litigation involving the property may affect the interests of future purchasers or encumbrancers, such as those who may enforce a lien against the property. This bill clarifies that a notice of lis pendens precludes the attachment of liens or other interests on a foreclosed property until the instrument transferring title to the property is recorded. This clarification to the lis pendens statute, according to the Real Property, Probate, and Trust Law Section of The Florida Bar, is consistent with "the long established and accepted understanding of the lis pendens statute."<sup>33</sup>

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<sup>26</sup> Section 48.031(6)(a), F.S. A virtual office is "an office that provides communications services, such as telephone or facsimile services, and address services without providing dedicated office space, and where all communications are routed through a common receptionist." Section 48.031(6)(b), F.S. An executive office or mini suite is "an office that provides communications services, such as telephone and facsimile services, a dedicated office space, and other supportive services, and where all communications are routed through a common receptionist." *Id.*

<sup>27</sup> Section 48.062, F.S.

<sup>28</sup> Sections 605.0113(1)(a) and 48.062(4), F.S.

<sup>29</sup> Section 48.031(5), F.S.

<sup>30</sup> Section 48.21(1), F.S.

<sup>31</sup> Section 48.031(5), F.S.

<sup>32</sup> Section 48.194(1), F.S.

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

The bill is a response to a recent appellate court opinion interpreting the current lis pendens statute. Due to its particular wording, the opinion could be read to allow liens to be enforced against a foreclosed property during the gap between the date that the property is sold at a judicial sale and the date that the instrument transferring title is recorded.

The bill declares that because of its clarifying nature, the changes to the lis pendens statute apply to actions pending on the effective date of the bill.<sup>34</sup>

### **Service of Process**

This bill allows certified process servers to serve a wider variety of process. Under current law, these process servers, with respect to civil process, may serve only the initial nonenforceable civil process. Under the bill, they may serve any nonenforceable civil process.

The bill also allows for substituted service on a spouse in any county, not just the county of residence of the spouse and person to be served as provided in current law.

Under the bill, a registered agent for a limited liability company may be served at additional types of business addresses. Existing law contemplates that a registered agent will be served at the address of a business or the agent's private mailbox or home. The bill allows the registered agent to be served at a virtual office, executive office, or minisuite.

The bill allows out-of-state service of process to be made by any person authorized to serve process in that state. In contrast, current law requires that out-of-state service of process be made by an officer authorized to serve process in the state.

Under the bill, any process server may sign return of service forms with an electronic signature. Under current law, this convenience is reserved for process servers employed by a sheriff.

Finally, the bill allows certified process servers to apply dark window tinting to the windows of their motor vehicles. Currently, only vehicles used by private investigators, those with a medical exemption, and law enforcement agencies may use dark window tinting.

### **Effective Date**

The bill takes effect upon becoming a law.

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<sup>34</sup> Courts presume that when the Legislature amends a statute, a change in the meaning of the statute is intended. *Hill v. State*, 143 So. 3d 981, 986 (Fla. 4th DCA 2014) However, courts also "recognize that, at times, a mere change in the language of a statute 'does not necessarily indicate an intent to change the law' because the intent may be to clarify what was doubtful and to erase misapprehension as to existing law." *Id.* (quoting *State ex rel. Szabo Food Servs., Inc. of N.C. v. Dickinson*, 286 So. 2d 529, 531 (Fla.1973)). Similarly, "if the Legislature amends a statute shortly after a controversy arises with respect to the interpretation of the statute, then the amendment may be considered to be a legislative interpretation of the original statute rather than a substantive change to the statute." *Leftwich v. Florida Dept. of Corr.*, 148 So. 3d 79, 83 (Fla. 2014) (citing *Lowry v. Parole & Prob. Comm'n*, 473 So. 2d 1248, 1250 (Fla. 1985)). Accordingly, these interpretive principles support the assertion in the bill that it clarifies existing law and that the bill may apply to pending actions without violating the constitutional restrictions on retroactive laws.

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

Because of the bill clarifies existing law, it does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in article VII, section 18 of the Florida Constitution.

**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 precluding the attachment of liens or other interests to a foreclosed property between the judicial sale and the transfer of title to the new purchaser, the bill may simplify or prevent the complication of real estate transaction.

**C. Government Sector Impact:**

This bill may limit the ability of local governments to collect fines for code violations by ensuring that local governments cannot enforce a lien against a foreclosed property between the date of the foreclosure sale and the date title to the property is transferred to the purchaser.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 48.23, 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 Judiciary on January 30, 2018:**

The original bill amended a statute relating to lis pendens. The committee substitute also makes changes to statutes governing process servers and service of process.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
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The Committee on Judiciary (Steube) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 48.021, Florida  
Statutes, is amended to read:

48.021 Process; by whom served.—

(1) All process shall be served by the sheriff of the  
county where the person to be served is found, except ~~initial~~  
nonenforceable civil process, criminal witness subpoenas, and  
criminal summonses may be served by a special process server



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appointed by the sheriff as provided ~~for~~ in this section or by a certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-48.31~~. Civil witness subpoenas shall ~~may~~ be served by any person authorized by rules of civil procedure.

Section 2. Subsections (2) and (5) and paragraph (a) of subsection (6) of section 48.031, Florida Statutes, are amended to read:

48.031 Service of process generally; service of witness subpoenas.—

(2)(a) Substituted ~~Substitute~~ service ~~may be made~~ on the spouse of the person to be served may be made at any place in a the county by an individual authorized under s. 48.021 or s. 48.27 to serve process in that county, if the cause of action is not an adversarial ~~adversary~~ proceeding between the spouse and the person to be served, if the spouse requests such service or the spouse is also a party to the action, and if the spouse and person to be served reside ~~are residing~~ together in the same dwelling, regardless of whether such dwelling is located in the county where substituted service is made.

(b) Substituted ~~Substitute~~ service may be made on an individual doing business as a sole proprietorship at his or her place of business, during regular business hours, by serving the person in charge of the business at the time of service if two attempts to serve the owner are ~~have been~~ made at the place of business.

(5) A person serving process shall place, on the first page only of at least one of the processes served, the date and time of service, his or her initials, and, if applicable, his or her identification number ~~and initials for all service of process.~~



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~~The person serving process shall list on the return of service form all initial pleadings delivered and served along with the process.~~ The person requesting service or the person authorized to serve the process shall file the return-of-service form with the court.

(6) (a) If the only address for a person to be served which is discoverable through public records is a private mailbox, a virtual office, or an executive office or mini suite, substituted ~~substitute~~ service may be made by leaving a copy of the process with the person in charge of the private mailbox, virtual office, or executive office or mini suite, but only if the process server determines that the person to be served maintains a mailbox, a virtual office, or an executive office or mini suite at that location.

Section 3. Subsection (4) of section 48.062, Florida Statutes, is amended to read:

48.062 Service on a limited liability company.—

(4) If the address ~~provided~~ for the registered agent, member, or manager is a residence, a ~~or~~ private mailbox, a virtual office, or an executive office or mini suite, service on the domestic or foreign limited liability company, ~~domestic or foreign~~, may be made by serving the registered agent, member, or manager in accordance with s. 48.031.

Section 4. Subsection (1) of section 48.194, Florida Statutes, is amended to read:

48.194 Personal service outside state.—

(1) Except as otherwise provided herein, service of process on persons outside of this state shall be made in the same manner as service within this state by any person ~~officer~~



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authorized to serve process in the state where the person is served. No order of court is required. ~~An affidavit of the officer shall be filed, stating the time, manner, and place of service.~~ A The court may consider the return-of-service form described in s. 48.21 affidavit, or any other competent evidence, in determining whether service has been properly made. Service of process on persons outside the United States may be required to conform to the provisions of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

Section 5. Subsection (1) of section 48.21, Florida Statutes, is amended to read:

48.21 Return of execution of process.—

(1) Each person who effects service of process shall note on a return-of-service form attached thereto, the date and time when it comes to hand, the date and time when it is served, the manner of service, the name of the person on whom it was served, and, if the person is served in a representative capacity, the position occupied by the person. The return-of-service form must list all pleadings served and be signed by the person who effects the service of process. However, a person who is authorized under this chapter to serve process and ~~employed by a sheriff who effects such the~~ service of process may sign the return-of-service form using an electronic signature ~~certified by the sheriff.~~

Section 6. Paragraphs (b) and (d) of subsection (1) of section 48.23, Florida Statutes, is amended to read:

48.23 Lis pendens.—

(1)





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99           (b)1. An action that is filed for specific performance or  
100 that is not based on a duly recorded instrument has no effect,  
101 except as between the parties to the proceeding, on the title  
102 to, or on any lien upon, the real or personal property unless a  
103 notice of lis pendens has been recorded and has not expired or  
104 been withdrawn or discharged.

105           2. Any person acquiring for value an interest in, or lien  
106 upon, the real or personal property during the pendency of an  
107 action described in subparagraph 1., other than a party to the  
108 proceeding or the legal successor by operation of law, or  
109 personal representative, heir, or devisee of a deceased party to  
110 the proceeding, shall take such interest or lien exempt from all  
111 claims against the property that were filed in such action by  
112 the party who failed to record a notice of lis pendens or whose  
113 notice expired or was withdrawn or discharged, and from any  
114 judgment entered in the proceeding, notwithstanding the  
115 provisions of s. 695.01, as if such person had no actual or  
116 constructive notice of the proceeding or of the claims made  
117 therein or the documents forming the causes of action against  
118 the property in the proceeding.

119           (d) Except for the interest of persons in possession or  
120 easements of use, the recording of such notice of lis pendens,  
121 provided that during the pendency of the proceeding it has not  
122 expired pursuant to subsection (2) or been withdrawn or  
123 discharged, constitutes a bar to the enforcement against the  
124 property described in the notice of all interests and liens,  
125 including, but not limited to, federal tax liens and levies,  
126 unrecorded at the time of recording the notice unless the holder  
127 of any such unrecorded interest or lien intervenes in such



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proceedings within 30 days after the recording of the notice. If the holder of any such unrecorded interest or lien does not intervene in the proceedings and if such proceedings are prosecuted to a judicial sale of the property described in the notice, the property shall be forever discharged from all such unrecorded interests and liens. A valid recorded notice of lis pendens of such proceedings prosecuted to a judicial sale remains in effect through the recording of any instrument transferring title to the property pursuant to the final judgment unless it expires, is withdrawn, or it is otherwise discharged. If the notice of lis pendens expires or is withdrawn or discharged, the expiration, withdrawal, or discharge of the notice does not affect the validity of any unrecorded interest or lien.

Section 7. The changes made by this act to s. 48.23, Florida Statutes, are intended to clarify existing law and shall apply to actions pending on the effective date of this act.

Section 8. Paragraph (a) of subsection (2) of section 48.27, Florida Statutes, is amended to read:

48.27 Certified process servers.—

(2)(a) The addition of a person's name to the list authorizes him or her to serve ~~initial~~ nonenforceable civil process on a person found within the circuit where the process server is certified when a civil action is ~~has been~~ filed against such person in the circuit court or in a county court in the state. Upon filing an action in circuit or county court, a person may select from the list for the circuit where the process is to be served one or more certified process servers to serve ~~initial~~ nonenforceable civil process.



520686

Section 9. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to judicial process; amending s.  
48.021, F.S.; revising authority of special process  
servers; revising a cross-reference; requiring that  
civil witness subpoenas be served by certain persons;  
amending s. 48.031, F.S.; revising requirements for  
substituted service on the spouse of the person to be  
served; revising requirements for documenting service  
of process; conforming terminology; amending s.  
48.062, F.S.; revising requirements for service on  
limited liability companies; amending s. 48.194, F.S.;  
revising provisions specifying who may serve process  
outside of the state; revising requirements for  
documenting that service has been properly made  
outside the state; amending s. 48.21, F.S.; revising  
requirements for return-of-service forms; authorizing  
certain persons to electronically sign return-of-  
service forms; amending s. 48.23, F.S.; providing that  
a person who acquires for a value a lien on property  
during the course of specified legal actions takes  
such lien free of claims in certain circumstances;  
specifying the effect of a valid, recorded notice of  
lis pendens in certain circumstances involving a



520686

186       judicial sale; providing applicability; amending s.  
187       48.27, F.S.; revising authority of certified process  
188       servers; conforming terminology; providing an  
189       effective date.



970832

LEGISLATIVE ACTION

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

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The Committee on Judiciary (Powell) recommended the following:

**Senate Amendment to Amendment (520686) (with title amendment)**

Between lines 156 and 157  
insert:

Section 9. Subsection (3) of section 316.29545, Florida Statutes, is amended to read:

316.29545 Window sunscreening exclusions; medical exemption; certain law enforcement vehicles and private investigative service vehicles exempt.—

(3) The department shall exempt from the window



970832

12 sunscreensing restrictions of ss. 316.2953, 316.2954, and  
13 316.2956 vehicles that are owned or leased by process servers  
14 certified pursuant to s. 48.29 and private investigators or  
15 private investigative agencies licensed under chapter 493.

16  
17 ===== T I T L E   A M E N D M E N T =====

18 And the title is amended as follows:

19       Delete line 188

20 and insert:

21       servers; conforming terminology; amending s.  
22       316.29545, F.S.; exempting certified process servers  
23       from certain window sunscreensing restrictions;  
24       providing an

By Senator Powell

30-00662A-18

2018904\_\_

A bill to be entitled

An act relating to lis pendens; amending s. 48.23, F.S.; providing that a person who acquires for a value a lien on property during the course of specified legal actions takes such lien free of claims in certain circumstances; specifying the effect of a valid, recorded notice of lis pendens in certain circumstances involving a judicial sale; providing applicability; providing an effective date.

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

Section 1. Paragraphs (b) and (d) of subsection (1) of section 48.23, Florida Statutes, is amended to read:

48.23 Lis pendens.—

(1)

(b)1. An action that is filed for specific performance or that is not based on a duly recorded instrument has no effect, except as between the parties to the proceeding, on the title to, or on any lien upon, the real or personal property unless a notice of lis pendens has been recorded and has not expired or been withdrawn or discharged.

2. Any person acquiring for value an interest in, or lien upon, the real or personal property during the pendency of an action described in subparagraph 1., other than a party to the proceeding or the legal successor by operation of law, or personal representative, heir, or devisee of a deceased party to the proceeding, shall take such interest or lien exempt from all claims against the property that were filed in such action by

30-00662A-18

2018904\_\_

the party who failed to record a notice of lis pendens or whose notice expired or was withdrawn or discharged, and from any judgment entered in the proceeding, notwithstanding the provisions of s. 695.01, as if such person had no actual or constructive notice of the proceeding or of the claims made therein or the documents forming the causes of action against the property in the proceeding.

(d) Except for the interest of persons in possession or easements of use, the recording of such notice of lis pendens, provided that during the pendency of the proceeding it has not expired pursuant to subsection (2) or been withdrawn or discharged, constitutes a bar to the enforcement against the property described in the notice of all interests and liens, including, but not limited to, federal tax liens and levies, unrecorded at the time of recording the notice unless the holder of any such unrecorded interest or lien intervenes in such proceedings within 30 days after the recording of the notice. If the holder of any such unrecorded interest or lien does not intervene in the proceedings and if such proceedings are prosecuted to a judicial sale of the property described in the notice, the property shall be forever discharged from all such unrecorded interests and liens. A valid recorded notice of lis pendens of such proceedings prosecuted to a judicial sale remains in effect through the recording of any instrument transferring title to the property pursuant to the final judgment unless it expires, is withdrawn, or it is otherwise discharged. If the notice of lis pendens expires or is withdrawn or discharged, the expiration, withdrawal, or discharge of the notice does not affect the validity of any unrecorded interest

30-00662A-18

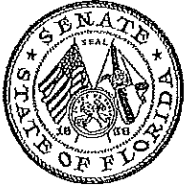
2018904\_\_

or lien.

Section 2. This act is intended to clarify existing law and shall apply to actions pending on the effective date of this act.

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





The Florida Senate  
**Committee Agenda Request**

**To:** Senator Greg Steube, Chair  
Committee on Judiciary

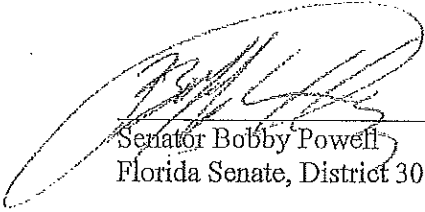
**Subject:** Committee Agenda Request

**Date:** December 6, 2017

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I respectfully request that **Senate Bill #904**, relating to Lis Pendens, be placed on the:

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



---

Senator Bobby Powell  
Florida Senate, District 30

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

904  
Bill Number (if applicable)

Topic Process Servers/ his Pendants

Amendment Barcode (if applicable)

Name Michael Compton

Job Title Legislative Chairman for FAPPS

Address 224 Harvey Mill Rd Phone \_\_\_\_\_  
Street

Crawfordsville, FL 32327 Email \_\_\_\_\_  
City State Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FAPPS ON Amendment

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

**APPEARANCE RECORD**

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

11/30/18  
Meeting Date

904  
Bill Number (if applicable)

Topic Lis Pendens

Amendment Barcode (if applicable)

Name Brittany Finkbeiner

Job Title Attorney

Address 215 S. Monroe St. Ste. 815

Phone (850) 999-4100

Street

Tallahassee

City

FL

State

32301

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Real Property, Probate + Trust Law Section

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/18

(Meeting Date)

904

Bill Number (if applicable)

Topic

Process SERVERS / LisPendens

Amendment Barcode (if applicable)

Name

MARTY BOWEN

Job Title

Address

108 E. Jefferson

Phone

800-228-3804

Street

Tallahassee FL

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

FAPPS - ON Amendment

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

1-30-18

Meeting Date

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

904

Bill Number (if applicable)

Topic Process Sewer / LOS PERDENS

Amendment Barcode (if applicable)

Name MICHAEL NOLAN

Job Title LEGISLATOR COMMITTEE

Address 7498 ANGLEWOOD LANE

Phone 800-562-6088

Street

TALLAHASSEE, FL 32309

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☒ In Support ☐ Against

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

Representing FAPPS ON ADAMSDALE

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1028

INTRODUCER: Senator Thurston

SUBJECT: Corporations

DATE: January 29, 2018

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McKay	CM	<b>Favorable</b>
2. Davis	Cibula	JU	<b>Favorable</b>
3. _____	_____	RC	_____

---

## **I. Summary:**

SB 1028 allows state banks and trust companies to form as social purpose corporations or benefit corporations. Social purpose corporations and benefit corporations are formed to make profits, but also to use corporate assets to pursue public interest goals. They differ from not-for-profit entities because they are for-profit entities and are permitted to distribute dividends to shareholders.

The bill also authorizes social purpose corporations and benefit corporations to omit confidential information from their annual benefit reports, but the entity must expressly state that it has omitted the information from the report.

State banks and trust companies are authorized to modify their form articles of incorporation with the Office of Financial Regulation (OFR) to include provisions required for social purpose corporations or benefit corporations. They are also authorized to approve special stock offering plans.

## **II. Present Situation:**

### **State-Chartered Banks or Trust Companies**

The Office of Financial Regulation regulates state-chartered depository and non-depository financial institutions and financial service companies. One of the OFR's primary goals is to provide for and promote the safety and soundness of financial institutions while preserving the integrity of Florida's markets and financial service industries.<sup>1</sup> The OFR has regulatory authority over banks and trust companies, pursuant to ch. 658, F.S., of the Financial Institutions Codes ("codes"). These banks and trust companies operate pursuant to part I of ch. 607, F.S., relating to

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<sup>1</sup> Section 655.001, F.S.

for-profit corporations, to the extent that ch. 607, F.S., does not conflict with, or is expressly superseded by, the codes.

A corporation that seeks to organize as a state-chartered bank or trust company in Florida must submit an application for authority to organize to the OFR.<sup>2</sup> The application must include the financial, business, and reasonably required biographical information for each proposed director, executive officer, and, if applicable, each trust officer.<sup>3</sup> The OFR is required to grant the corporation's request to organize if it meets certain criteria relating to local conditions, capitalization, paid-in capital-in surplus, qualifications of the proposed officer and directors, the corporate name of the proposed state bank or trust company, and provision of suitable quarters at the location.<sup>4</sup>

After OFR grants a corporation's approval to organize, the corporation must submit its articles of incorporation and filing fee to the OFR to become chartered and begin its corporate existence as a banking corporation or trust company.<sup>5</sup> The OFR must then provide the proposed directors with form articles of incorporation that reflect only those provisions that are required under s. 658.23, F.S. and part I of ch. 607, F.S., dealing with for-profit corporations.<sup>6</sup>

Currently, state banks and trust companies are not permitted to be formed as social purpose or benefit corporations.<sup>7</sup>

### **Social Purpose Corporations and Benefit Corporations, Generally**

In 2014, the Florida Legislature adopted legislation that governs social purpose corporations and benefit corporations.<sup>8</sup> These “hybrid corporations” serve dual purposes. They allow their directors and officers to both optimize stockholder welfare, commonly viewed as profit maximization, and create general public benefit.<sup>9</sup> Public benefit is generally defined as having a positive effect, or minimizing negative effects, on the environment or on one or more categories of people or entities, other than shareholders in their capacity as shareholders, of an artistic, charitable, economic, educational, cultural, literary, religious, social, ecological, or scientific nature.<sup>10</sup> Social purpose and benefit corporations retain profit-making goals, and therefore do not qualify as charities or not-for-profit corporations; however, their directive to create public benefit distinguishes them from traditional corporations.<sup>11</sup>

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<sup>2</sup> Section 658.19, F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 658.21, F.S.

<sup>5</sup> Section 658.23(1), F.S.

<sup>6</sup> See, e.g., Florida Office of Financial Regulation, *Model Articles of Incorporation Bank, Trust Company, or Association* (Revised Jul. 2005), [https://www.flofr.com/PDFs/model\\_articles\\_OFR.pdf](https://www.flofr.com/PDFs/model_articles_OFR.pdf).

<sup>7</sup> Section 658.30(1), F.S.

<sup>8</sup> Chapter 2014-209, ss. 7-33, Laws of Fla (creating ss. 607.501-607.613, F.S., “Social Purpose Corporations” and “Benefit Corporations” effective Jul. 1, 2014).

<sup>9</sup> John Montgomery Business Law Today, *Mastering the Benefit Corporation* (Jul. 2, 2016), available at [https://www.americanbar.org/publications/blt/2016/07/02\\_montgomery.html](https://www.americanbar.org/publications/blt/2016/07/02_montgomery.html).

<sup>10</sup> Section 607.502(6), F.S.

<sup>11</sup> Stuart Cohn, Stuart Ames, *Now It's Easier Being Green: Florida's New Benefit and Social Purpose Corporations* at 2 (Nov. 2014) 88-Nov. Fla. B.J. 38, <https://www.floridabar.org/news/tfb-journal/?durl=/divcom%2fjn%2fjnjournal01%2ensf%2f8c9f13012b96736985256aa900624829%2fc655f4f9d7d009b585257d7e004bcb18%21OpenDocument>.

The primary difference between a social purpose corporation (governed by part II of ch. 607, F.S.) and a benefit corporation (governed by part III of ch. 607, F.S.) is the public benefit purpose imposed upon each of the corporations.<sup>12</sup> A social purpose corporation must pursue or create one or more public benefits, which may be specific.<sup>13</sup> In contrast, a benefit corporation must pursue or create a “general public benefit,” which is a broad purpose intended to encompass many societal and environmental factors that are affected by the business and operations of the corporation.<sup>14</sup> For both types of corporation, the directors and officers are required to consider the effects of any corporate action or inaction upon the benefit goals of the corporation. Both of these corporations can be the subject of a benefit enforcement proceeding to compel them to pursue or create a general or specific public benefit.<sup>15</sup> However, neither corporation, nor any of its directors and officers, may be found monetarily liable for a failure to create or pursue public benefit. For-profit corporations and their officers and directors are not subject to a requirement to pursue public benefit.

As of May 2017, 32 states permitted benefit corporations<sup>16</sup> and four states have legislation that allows social purpose corporations.<sup>17</sup> Kickstarter, Ben & Jerry’s, Patagonia, and King Arthur Flour are examples of benefit corporations that all operate with a commitment to environmental and social factors, as well as to their shareholders’ financial interests.<sup>18</sup> Virginia Community Capital was the first federally chartered bank to become a benefit corporation in April 2016.<sup>19</sup>

### **Annual Benefit Report**

Section 607.612, F.S., requires benefit corporations to prepare an annual benefit report (report). The report must contain information such as:<sup>20</sup>

- A description of the ways the benefit corporation pursued the general and specific public benefit goal;
- An explanation of the third-party standard against which the benefit corporation’s performance is assessed, if applicable;
- The contact information of certain directors and officers; and
- If any benefit director resigned from, refused to stand for reelection to, or was removed from his or her position.

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

<sup>13</sup> Section 607.506, F.S.

<sup>14</sup> Section 607.606, F.S.

<sup>15</sup> Sections 607.602, 607.511, 607.611 F.S.

<sup>16</sup> Benefit Corporation Gateway, *State-by-State Guide*, <http://www.benefitcorporationgateway.org/h/entrepreneurs-main/state-by-state-guide/> (last visited Jan. 28, 2018).

<sup>17</sup> Rob Esposito, Shawn Pelsinger, *Social Enterprise Law Tracker: Status Tool*, <http://socentlawtracker.org/#/spcs> (last visited Jan. 26, 2018).

<sup>18</sup> B Lab, *FAQ’s*, <http://benefitcorp.net/faq> (last visited Jan. 19, 2018).

<sup>19</sup> Cision PRWeb, *For-Profit Bank Becomes First Benefit Corporation Bank in U.S.* (Apr. 4, 2016), <http://www.prweb.com/releases/2016/03/prweb13301237.htm>.

<sup>20</sup> Section 607.612, F.S.



A social purpose corporation's annual benefit report is substantially similar to a benefit corporation's, but it need only describe how it pursued a *particular* rather than *general* public benefit.<sup>21</sup>

These annual benefit reports are not required to be audited or certified by a third-party standards provider, such as B-Lab, unless a corporation's articles of incorporation state otherwise.<sup>22</sup>

Additionally, a social purpose or benefit corporation must deliver its annual benefit report to each of its shareholders and post the report publicly.<sup>23</sup> If a social purpose or benefit corporation fails to publicly furnish its annual benefit report, one of its shareholders may bring an action to compel its provision in circuit court. The court may award the suing shareholder costs and attorney's fees.

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

#### **Authorization to Form as a Social Purpose or Benefit Corporation (Section 3)**

The bill amends s. 658.23, F.S., to allow state banks and trust companies regulated under ch. 658, F.S., to form as social purpose or benefit corporations. Specifically, the banks and trust companies that seek to form as a social purpose or benefit corporation may amend the OFR's form articles of incorporation to conform the articles to the requirements of parts II or III of ch. 607, F.S.

Currently, these banks and trust companies must file articles of incorporation as a for-profit corporation under part I of ch. 607, F.S.

#### **Authorization to Form and Hold Authorized Meetings (Section 4)**

The bill amends s. 658.30, F.S., to clarify that bank and trust companies are subject to ch. 607, F.S., including parts II or III (Social Purpose Corporations and Benefit Corporations), to the extent that ch. 658, F.S., does not directly conflict or expressly supersede. The bill permits meetings of stockholders, directors, and committees as authorized under part I of ch. 607.

#### **Authorization to Omit Confidential Information from Annual Report (Sections 1 and 2)**

The bill amends sections 607.512 and 607.612, F.S., to allow social purpose corporations and benefit corporations to omit information required to be kept confidential under state or federal law from their annual benefit reports. If the social purpose corporation or benefit corporation does omit the information, however, it must expressly state that it did so in its annual benefit report. This allows banks and trust companies that form as social purpose or benefit corporations to maintain the confidentiality of information that is required to be confidential under the Financial Institution Codes.

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<sup>21</sup> Section 607.512(1)(a)1., F.S.

<sup>22</sup> Sections 607.512(3), 607.612(4), F.S.

<sup>23</sup> Sections 607.513 and 607.613, F.S.

**Authorization for Special Stock Approval (Section 5)**

The bill amends s. 658.36, F.S., changes in capital, to permit the inclusion of social purpose corporations and benefit corporations in the special stock approval provisions that currently pertain to state banks and trust companies.

**Effective Date (Section 6)**

The bill takes effect July 1, 2018.

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

It may be more difficult for a benefit or social purpose corporation's annual benefit report to be measured against a third-party standard if information is omitted from the report. This may frustrate the purpose of certain investors, who may choose to divest themselves of a company with a redacted annual benefit report.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

While the provisions in sections 1 and 2 of the bill are made with the intent to allow banks to keep information confidential as required by law, the amendments will have the effect of allowing all social purpose or benefit corporations to omit confidential information.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 607.512, 607.612, 658.23, 658.30, and 658.36.

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

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

None.

**B. Amendments:**

None.

By Senator Thurston

33-01230-18

20181028\_\_

A bill to be entitled

An act relating to corporations; amending ss. 607.512 and 607.612, F.S.; authorizing social purpose corporations and benefit corporations to omit certain information from annual benefit reports; requiring that annual benefit reports expressly state that such information was omitted; amending s. 658.23, F.S.; authorizing banking or trust corporation applicants to modify form articles to include certain provisions; amending s. 658.30, F.S.; providing that the provisions of part II of ch. 607, F.S., entitled "Social Purpose Corporations," and part III of ch. 607, F.S., entitled "Benefit Corporations," extend to certain banks and trust companies under certain circumstances; amending s. 658.36, F.S.; providing applicability for parts II and III of ch. 607, F.S.; providing an effective date.

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

Section 1. Subsection (4) is added to section 607.512, Florida Statutes, to read:

607.512 Preparation of annual benefit report.—

(4) Notwithstanding this section, any information that must be included in the annual benefit report which is required by state or federal law to be kept confidential may be omitted from the annual benefit report. If any such information is omitted, the annual benefit report must expressly state that such information was omitted pursuant to this subsection.

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

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Section 2. Subsection (5) is added to section 607.612, Florida Statutes, to read:

607.612 Preparation of annual benefit report.—

(5) Notwithstanding this section, any information that must be included in the annual benefit report which is required by state or federal law to be kept confidential may be omitted from the annual benefit report. If any such information is omitted, the annual benefit report must expressly state that such information was omitted pursuant to this subsection.

Section 3. Subsection (2) of section 658.23, Florida Statutes, is amended, and subsection (1) of that section is republished, to read:

658.23 Submission of articles of incorporation; contents; form; approval; filing; commencement of corporate existence; bylaws.—

(1) Within 3 months after approval by the office and the appropriate federal regulatory agency, the applicant shall submit its duly executed articles of incorporation to the office, together with the filing fee due the Department of State under s. 607.0122.

(2) The articles of incorporation ~~must~~ shall contain:

(a) The name of the proposed bank or trust company.

(b) The general nature of the business to be transacted or a statement that the corporation may engage in any activity or business permitted by law. Such statement ~~must~~ shall authorize all such activities and business by the corporation.

(c) The amount of capital stock authorized, showing the maximum number of shares of par value common stock and of preferred stock, and of every kind, class, or series of each,

Page 2 of 5

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

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together with the distinguishing characteristics and the par value of all shares.

(d) The amount of capital with which the corporation will begin business, which may not be less than the amount required by the office pursuant to s. 658.21.

(e) A provision that the corporation is to have perpetual existence unless existence is terminated pursuant to the financial institutions codes.

(f) The initial street address of the main office of the corporation, which must ~~shall~~ be in this state.

(g) The number of directors, which must ~~shall~~ be five or more, and the names and street addresses of the members of the initial board of directors.

(h) A provision for preemptive rights, if applicable.

(i) A provision authorizing the board of directors to appoint additional directors, pursuant to s. 658.33, if applicable.

The office shall provide to the proposed directors form articles of incorporation which must include only those provisions required under this section or under ~~part I of~~ chapter 607. The form articles may be modified by the applicant to include any of the additional provisions required by part II or part III of chapter 607 which are necessary for a corporation to be a social purpose or benefit corporation. The form articles shall be acknowledged by the proposed directors and returned to the office for filing with the Department of State.

Section 4. Section 658.30, Florida Statutes, is amended to read:

Page 3 of 5

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

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20181028

658.30 Application of the Florida Business Corporation Act.—

(1) When not in direct conflict with or superseded by specific provisions of the financial institutions codes, the provisions of the Florida Business Corporation Act, part I of chapter 607 and, if applicable, part II or part III of chapter 607, extend to state banks and trust companies formed under the financial institutions codes. This section shall be liberally construed to accomplish the purposes stated herein.

(2) Without limiting the generality of subsection (1), stockholders, directors, and committees of state banks and trust companies may hold meetings in any manner authorized by part I of chapter 607 and, if applicable, part II or part III of chapter 607, and any action by stockholders, directors, or committees required or authorized to be taken at a meeting may be taken without a meeting in any manner authorized by part I of chapter 607.

Section 5. Subsection (3) of section 658.36, Florida Statutes, is amended to read:

658.36 Changes in capital.—

(3) If a bank or trust company's capital accounts have been diminished by losses to less than the minimum required pursuant to the financial institutions codes, the market value of its shares of capital stock is less than the present par value, and the bank or trust company cannot reasonably issue and sell new shares of stock to restore its capital accounts at a share price of par value or greater of the previously issued capital stock, the office, notwithstanding any other provisions of part I of chapter 607 and, if applicable, part II or part III of chapter

Page 4 of 5

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

33-01230-18

20181028\_\_

117 607, or the financial institutions codes, may approve special  
118 stock offering plans.

119 (a) Such plans may include, but are not limited to,  
120 mechanisms for stock splits including reverse splits;  
121 revaluations of par value of outstanding stock; changes in  
122 voting rights, dividends, or other preferences; and creation of  
123 new classes of stock.

124 (b) The plan must be approved by majority vote of the bank  
125 or trust company's entire board of directors and by holders of  
126 two-thirds of the outstanding shares of stock.

127 (c) The office shall disapprove a plan that provides unfair  
128 or disproportionate benefits to existing shareholders,  
129 directors, executive officers, or their related interests. The  
130 office shall also disapprove any plan that is not likely to  
131 restore the capital accounts to sufficient levels to achieve a  
132 sustainable, safe, and sound financial institution.

133 (d) For any bank or trust company that the office  
134 determines to be a failing financial institution pursuant to s.  
135 655.4185, the office may approve special stock offering plans  
136 without a vote of the shareholders.

137 Section 6. This act shall take effect July 1, 2018.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Education  
Judiciary  
Regulated Industries  
Rules

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

### SENATOR PERRY E. THURSTON, JR.

*Democratic Caucus Rules Chair*  
33rd District

January 23, 2018

The Honorable Greg Steube  
326 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Travis Hutson,

Please be advised that I am writing this letter with regards to my bill, SB 1028: Corporations. It has been referred to the Senate Judiciary Committee. I am respectfully requesting that you place the bill on your committee's calendar for the next committee week.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Respectfully,

*Perry E. Thurston, Jr.*

Perry E. Thurston, Jr., District 33

CC: Lizbeth Benacquisto, Vice Chair  
Tom Cibula, Staff Director  
Joyce Butler, Committee Administrative Assistant

### REPLY TO:

☐ 2151 NW 6th Street, Fort Lauderdale, Florida 33311 (954) 321-2705 FAX: (888) 284-6086  
☐ 208 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

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

JOE NEGRON  
President of the Senate

ANITERE FLORES  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

1.30.2018

Meeting Date

1028

Bill Number (if applicable)

Topic Corporations

Amendment Barcode (if applicable)

Name Katie Crofoot

Job Title Abst. VP of Gov't Relations

Address 1001 Thomasville Rd  
Street

Phone 850.224.2265

Tallahassee FL 32303  
City State Zip

Email KCROF08T@FloridaBankers.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Bankers Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1034

INTRODUCER: Senator Steube

SUBJECT: Mediation

DATE: January 9, 2017

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Stallard	Cibula	JU	<b>Pre-meeting</b>
2. _____	_____	BI	_____

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**I. Summary:**

SB 1034 reduces the settlement authority that an insurance carrier representative must have at a mediation conference and authorizes a circuit court to compel the attendance of interested nonparties at a mediation conference. Additionally, the bill restricts what a mediator may disclose in its report to the court if the parties reach no agreement, but the bill expands what may be in the report if the parties reach a partial agreement.

The current Florida Statutes authorize courts to order parties to mediation conducted according to the Florida Rules of Civil Procedure. The rules currently address the attendance and settlement authority of parties and their representatives, but not the attendance of interested nonparties, such as lienholders.

Under the rules, an insurance carrier representative attending mediation must have authority to settle up to the lesser of the policy limit or the plaintiff's last demand. Under the bill, however, the insurance carrier representative attending mediation must have authority to settle only up to the insurer's reserve on the claim, which would be less than the policy limits and may be less than the plaintiff's last demand. Nonetheless, the attending representative must have immediate access to a person who has authority to settle up to the lesser of the policy limits or the plaintiff's last demand.

The bill also authorizes a circuit court, upon a party's motion, to compel lienholders or other interested nonparties to attend a mediation conference.

Finally, the bill sets forth what may be in a mediator's report to a court regarding the result of a mediation process. If no agreement is reached in mediation, the report may say only that no agreement was reached. This is more restrictive than the current rule, which permits additional information to be included if the parties consent. In the case of a partial or complete agreement, the current rules require the mediator to report the existence of the agreement, "without comment," to the court. Regarding a complete agreement, the bill is consistent with current rule,

stating that the mediator's report may state only that a complete agreement was reached. Regarding a partial agreement, the bill permits the report to state only that such an agreement was reached, unless any claims or parties were eliminated from the litigation by virtue of the partial agreement. And if a claim or party was eliminated by virtue of a partial agreement, the report may list these claims or parties.

## II. Present Situation:

Mediation is a process in which a neutral third person acts to facilitate the resolution of a lawsuit or other dispute between two or more parties.<sup>1</sup> The statutes currently authorize courts to use mediation to aid in resolving cases, but the statutes also provide that many of the procedural aspects of mediation are to be governed by the Florida Rules of Civil Procedure.<sup>2</sup> Depending on the type of case, there are different circumstances under which a court would refer the matter to mediation. In a lawsuit for money damages, the court must refer the matter to mediation upon the request of a party if the party is willing and able to pay the costs of the mediation or the costs can be equitably divided between the parties.<sup>3</sup> However, a court need not refer such a case to mediation if it is one of medical malpractice or debt collection, is a landlord-tenant dispute not involving personal injury, is governed by the Small Claims Act, or involves one of the few other circumstances set forth in statute.<sup>4</sup>

Beyond these cases that a court *must* refer to mediation, the court *may*, in general, refer all or part of any other filed civil action to mediation.<sup>5</sup>

Rule 1.720, Florida Rules of Civil Procedure, governs the mediation process, including who exactly must attend the mediation conference and what settlement authority these persons must have.<sup>6</sup>

Each party must attend the mediation conference and is subject to sanctions for failure to attend without good cause.<sup>7</sup> And Rule 1.720, Fla. R. Civ. P., specifies that unless a special circumstance applies as described in the rule, "a party is deemed to appear at a mediation conference if the following persons are physically present:"

- The party or party representative having full authority to settle without further consultation;
- The party's counsel of record, if any; and
- A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to settle in an amount up to the amount of the plaintiff's last demand or policy limits, whichever is less, without further consultation.<sup>8</sup>

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<sup>1</sup> Fla. Jur. 2d, Arbitration and Award §113.

<sup>2</sup> Section 44.102(1), F.S.

<sup>3</sup> Section 44.102(2)(a), F.S.

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

<sup>5</sup> Additionally, a court is required or authorized to refer certain family law and dependency matters to litigation, as specified in s. 44.102(2)(c)-(d), F.S.

<sup>6</sup> There is no Florida Statute that has similar provisions.

<sup>7</sup> Rule 1.720(f), Fla. R. Civ. P.

<sup>8</sup> Rule 1.720(b), Fla. R. Civ. P.

“Party representative having full authority to settle” is defined in the rule as “the final decision maker with respect to all issues presented by the case who has the legal capacity to execute a binding settlement agreement on behalf of the party.”<sup>9</sup>

Moreover, each party must provide to the court and all parties a written notice, 10 days prior to the conference, which identifies who will attend the conference as a party representative or insurance carrier representative. This notice must also confirm that these persons have the required settlement authority.<sup>10</sup>

At the conclusion of the mediation process, the mediator must report the result of the mediation to the court.<sup>11</sup> If the parties do not reach an agreement, the mediator must report the lack of agreement to the court “without comment or recommendation.”<sup>12</sup> However, if the parties consent, the mediator’s report may also identify pending motions, outstanding legal issues, or other “actions” which, “if resolved or completed, would facilitate the possibility of a settlement.”<sup>13</sup>

If the parties come to a partial or final agreement, a report of the agreement or a stipulation of dismissal shall be filed with the court.<sup>14</sup>

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

#### **Overview**

The bill reduces the settlement authority that an insurance carrier representative must have at a mediation conference and authorizes a circuit court to compel the attendance of interested nonparties at a mediation conference. With respect to the report that a mediator must provide the court at the conclusion of mediation, the bill restricts what a mediator may disclose in its report to the court if the parties reach no agreement, but the bill expands what may be in the report if the parties reach a partial agreement. To the extent that these issues are addressed differently in the Florida Rules of Civil Procedure, the Supreme Court may choose to conform the rules to the provisions of the bill.

#### **Insurance Carrier Representative’s Required Settlement Authority**

Under the Florida Rules of Civil Procedure, one of the persons that must be physically present at a mediation conference in order for a party to be deemed to be in appearance is an insurance representative for any insured party. Moreover, the insurance representative must have full authority to settle, without consultation, in an amount up to the lesser of the policy limits or the plaintiff’s last demand. However, this requirement may be modified by court order or stipulation of the parties.<sup>15</sup>

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<sup>9</sup> Rule 1.720(c), Fla. R. Civ. P.

<sup>10</sup> Rule 1.720(e), Fla. R. Civ. P.

<sup>11</sup> However, if the agreement is not transcribed or signed, a stipulation of dismissal may be filed with the court instead of a report of the agreement. Rule 1.730(b), Fla. R. Civ. P.

<sup>12</sup> Rule 1.730(a), Fla. R. Civ. P.

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

<sup>14</sup> Rule 1.730(b), Fla. R. Civ. P.

<sup>15</sup> Rule 1.720(b)(3), Fla. R. Civ. P.

Under the bill, an insurance carrier representative attending a mediation conference must have authority to settlement up to the amount of the insurance carrier's "reserve on the claims." The reserve on a claim, though not defined in the bill or the Florida Statutes, appears to be the amount of money set aside by an insurance carrier to pay a claim that has not yet been settled.<sup>16</sup> However, the representative must have the ability to immediately consult during the mediation conference with the person having authority to settle above the reserve, up to the lesser of the policy limit or the plaintiff's last demand. As such, the bill requires less settlement authority than does the current rule for the insurance representative who attends the mediation conference.

Failure to comply with these requirements subjects an insurance carrier representative to sanctions in the same manner as a party who fails to appear while having the required settlement authority. These sanctions, which may be imposed upon motion by the court, include mediation fees, attorneys' fees, and costs. The current rules, on the other hand, do not include the threat of sanctions for the insurance carrier itself, but instead for a party whose insurance representative does not show at all or shows up without proper settlement authority.

### **Compelling Interested Third Parties to Attend a Mediation Conference**

Currently, there appears to be no law or rule authorizing circuit courts to compel interested third parties, such as lienholders, to attend a mediation conference.<sup>17</sup>

Under the bill, the court may, upon motion of any party, order a third to attend and participate in a mediation conference if:

- The third party claims a lien or other asserted interest on proceeds that a party may receive as part of a mediated settlement agreement;
- "The presence of the third party can be compelled by service of an order to appear for mediation served in the same manner as service of process according to law [;]" and
- The third party's presence will facilitate the mediation process.

The designated representative of the third party that was compelled to attend must have the ability to settle its entire claim or have the ability to immediately consult with a person who has this authority.<sup>18</sup>

Finally, a third party ordered to attend a mediation conference who fails to do so is subject to sanctions in the same manner as a party who fails to appear.

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<sup>16</sup> See INTERNATIONAL RISK MANAGEMENT INSTITUTE, INC., *claims reserve*, *Glossary of Insurance & Risk management Terms*, <https://www.irmi.com/online/insurance-glossary/terms/c/claims-reserve.aspx> (last visited Jan. 9, 2018);

INVESTOPEDIA, *Claims Reserve*, <https://www.investopedia.com/terms/c/claims-reserve.asp> (last visited Jan. 9, 2018).

<sup>17</sup> An example of an interested nonparty would be the Agency for Health Care Administration, which administers the Medicaid program in Florida. Assuming the plaintiff was a Medicaid recipient and that the agency paid to treat the plaintiff for the injuries that were allegedly caused by the defendant, the agency would likely have a reimbursement claim (often referred to as a "lien") on any recovery resulting from a mediated settlement.

<sup>18</sup> The person consulted by the third-party representative must be available to teleconference with the mediator at the mediator's request.

### **Mediator's Report**

The bill modifies what may be in a mediator's report to the court regarding the result of a mediation process. If no agreement is reached at mediation, the report may say only that no agreement was reached. Current rule permits the parties to consent to the report's containing additional information, such as pending motions or issues in discovery.<sup>19</sup>

If a complete agreement is reached in mediation, the mediator's report may state only this. And this appears consistent with current rule, which requires the mediator to report "the existence" of the agreement to the court "without comment" within 10 days of the agreement being signed or transcribed.<sup>20</sup>

If a partial agreement is reached, the report may in general state only this. However, the report may also list any claims or parties that were eliminated from the litigation by virtue of the partial agreement. Beyond this, "no additional information may be disclosed." Current rule, on the other hand, appears more restrictive, as it permits the reporting only of the existence of the agreement, "without comment."<sup>21</sup>

### **Effective Date**

The bill takes effect July 1, 2018.

## **IV. Constitutional Issues:**

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

None.

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

None.

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

None.

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

Section 2 of the bill authorizes a court, upon a party's motion, to compel a lienholder or other interested nonparty to attend a circuit court mediation conference. This raises the issue of whether a circuit court could constitutionally exercise this power over a nonparty to a lawsuit, even with a purported statutory grant of such power. There appears to be no case law on point. However, circuit courts have long exercised power over persons who are not parties to cases, such as over persons compelled to attend jury duty and nonparties subpoenaed to appear as witnesses in criminal or civil cases. Moreover, courts have

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<sup>19</sup> Rule 1.730(a), Fla. R. Civ. P.

<sup>20</sup> Further, Rule 1.730(b), Fla. R. Civ. P., prohibits the reporting of any agreement to the court except as provided in the rule.

<sup>21</sup> *Id.*

authority “to do all things that are reasonably necessary for the administration of justice within the scope of [their] jurisdiction, subject to valid existing laws and constitutional provisions.”<sup>22</sup> Accordingly, assuming a circuit court has jurisdiction over a given case, the court would appear to have the authority to compel interested nonparties to attend mediation based on the court’s inherent powers and those granted to the court under the bill.

Another constitutional issue is whether any of the statutes created by the bill constitute impermissible rules of “practice and procedure,” which generally are regarded as the province of only the judiciary.<sup>23</sup> The Legislature’s authority, on the other hand, includes the enactment “substantive” law.<sup>24</sup> The Florida Supreme Court has stated that where it “has promulgated rules that relate to practice procedure, and a statute provides a contrary practice or procedure, the statute is unconstitutional to the extent of the conflict.”<sup>25</sup> As such, where the statutes created by the bill modify current Florida Rules of Civil Procedure these statutes may be unconstitutional. However, were a court to invalidate procedural provisions of the statutes created by the bill, the court may nonetheless permit any substantive provisions of these statutes to remain in effect if these provisions are “severable” from the invalid portions.<sup>26</sup> Moreover, the Florida Supreme Court has previously acknowledged that procedural statutes, though invalid, are helpful expressions of the will of the Legislature and the Supreme Court has adopted the statutory provisions as rules.<sup>27</sup>

If the constitutionality of the bill is challenged, the Court will likely recognize that the Legislature enacted statutes authorizing and in some cases requiring the courts to use mediation before the courts enacted rules of procedure regulating mediation in more detail. Additionally, the differences between the bill and the procedural rules are subtle

<sup>22</sup> *Rose v. Palm Beach County*, 361 So. 2d 135, 137 (Fla.1978).

<sup>23</sup> Article V, section 2(a) of the Florida Constitution provides the Supreme Court of Florida with exclusive authority to “adopt rules for the practice and procedure in all courts.”

<sup>24</sup> The Florida Supreme Court explained the basic distinction between substantive and procedural laws in *Haven Fed. Sav. & Loan Ass’n v. Kirian*, 579 So. 2d 730, 732 (Fla. 1991):

*Substantive law* has been defined as that part of the law which creates, defines, and regulates rights, or that part of the law which courts are established to administer. *It includes those rules and principles which fix and declare the primary rights of individuals with respect towards their persons and property.* On the other hand, *practice and procedure* “encompass the course, form, manner, means, method, mode, order, process or steps by which a party enforces substantive rights or obtains redress for their invasion. ‘Practice and procedure’ may be described as the machinery of the judicial process as opposed to the product thereof.” It is the method of conducting litigation involving rights and corresponding defenses.

(emphasis in the original) (quoting *In re Fla. Rules of Crim. Pro.*, 272 So. 2d 65, 66 (1972))

<sup>25</sup> *Massey v. David*, 979 So.2d 931, 937 (Fla. 1998)

<sup>26</sup> See *Allen v. Butterworth*, 756 So. 2d 52, 57 (Fla. 2000) (“An unconstitutional portion of a general law may be deleted and the remainder allowed to stand if the unconstitutional provision can be logically separated from the remaining provisions, i.e., if the expressed legislative purpose can be accomplished independently of those provisions which are void, if the valid and invalid provisions are not inseparable, if the Legislature would have passed one without the other, and if an act complete in itself remains after the invalid provisions are stricken.”)

<sup>27</sup> See, e.g., *In re Rules of Civil Procedure*, 281 So. 2d 204 (Fla. 1973) (stating that the “Supreme Court has considered [laws enacted by the Legislature relating to practice and procedure] as expressing the intent of the Legislature and has formulated rules of practice and procedure that attempts [sic] to conform with the intent of the Legislature and at the same time further the orderly procedure in the judicial branch.”).

and consistent with the purposes of mediation. As such, one might argue that the bill's requirements for the settlement authority of those at a mediation conference and the final reports of mediators are substantive in that they further define what mediation is. Finally, the Court often adopts rules in response to legislation.<sup>28</sup>

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

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

None.

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

The bill may make it more difficult to schedule a mediation conference and thus to settle a given case. This could arise where, whether or not in good faith, a party moves the court to require each of a large number of lienholders to attend mediation, thus causing a scheduling problem. On the other hand, the bill could reduce the overall costs of fully resolving a case by bringing all interested persons to the mediation table, perhaps to fully resolve not only the claims raised in the complaint but also ancillary matters such as reimbursement claims, subrogation claims, and liens.

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

The bill may reduce court costs by fostering settlements of not only the claims contained in a lawsuit but of liens or other claims to the proceeds of a mediated settlement. However, the Office of the State Courts Administrator has not provided an analysis of the impact on the bill on judicial workloads.

## **VI. Technical Deficiencies:**

The bill repeatedly refers to “mediation” where it seems to be referring to just one aspect of mediation—a mediation conference. The Legislature may wish to amend the bill accordingly.

Also, “reserve on the claims” is an important term in the bill, but is not defined in the bill and does not appear to be defined in the Florida Statutes. Accordingly, the Legislature may wish to amend the bill to define this term.

## **VII. Related Issues:**

None.

## **VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 44.407, 44.408, and 44.409.

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<sup>28</sup> See generally, *id.*; *Perez v. Bell South Telecommunications, Inc.*, 138 So. 3d 492, 498 n. 12 (“We take comfort here in the fact that the Florida Supreme Court periodically adopts all legislative changes to the Florida Evidence Code to the extent they are procedural.”) (citing *In re Amendments to the Florida Evidence Code*, 825 So. 2d 339, 341 (Fla. 2002)); *In re Amendments to the Florida Family Law Rules of Procedure*, 987 So. 2d 65 (Fla. 2008).

**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.

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

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738538

LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Steube) recommended the following:

**Senate Amendment**

Delete lines 77 - 82  
and insert:

(4) A third party or the designated representative of a  
third party ordered to attend a mediation may participate via  
telephone or videoconference unless the order expressly requires  
personal attendance. If participating via telephone or  
videoconference, a third party or the designated representative  
may complete and submit necessary documentation via electronic  
means during the mediation.



738538

12       (5) Any person or persons consulted by the third-party  
13 representative must be available to teleconference with the  
14 mediator at the mediator's request.

15       (6) A third party ordered to attend a mediation conference  
16 who fails to appear is subject to sanctions in the same manner  
17 as a party who fails to appear.

By Senator Steube

23-01254-18

20181034\_\_

1 A bill to be entitled  
 2 An act relating to mediation; creating s. 44.407,  
 3 F.S.; requiring that insurance carrier representatives  
 4 who attend circuit court mediation have specified  
 5 settlement authority and the ability to immediately  
 6 consult by specified means with persons having certain  
 7 additional settlement authority; requiring certain  
 8 persons to be available to teleconference with the  
 9 mediator under certain circumstances; providing  
 10 sanctions for insurance carriers that fail to comply  
 11 in good faith; creating s. 44.408, F.S.; providing  
 12 that certain third parties may be compelled to attend  
 13 mediation in circuit court under certain  
 14 circumstances; providing that such third parties may  
 15 not be compelled to pay any portion of the mediator's  
 16 fees or costs; requiring that the designated  
 17 representatives of such third parties have full  
 18 authority to settle certain amounts or interests or be  
 19 able to immediately consult by specified means with  
 20 the person having such authority; requiring that  
 21 certain persons be available to teleconference with  
 22 the mediator upon the request of the mediator;  
 23 providing sanctions for certain third parties who fail  
 24 to appear; creating s. 44.409, F.S.; limiting the  
 25 information that may be included in the mediator's  
 26 report to the court; providing an effective date.

28 Be It Enacted by the Legislature of the State of Florida:  
 29

23-01254-18

20181034\_\_

30 Section 1. Section 44.407, Florida Statutes, is created to  
 31 read:  
 32 44.407 Insurance carrier representative's settlement  
 33 authority at circuit court mediation.—  
 34 (1) An insurance carrier representative attending a circuit  
 35 court mediation must have:  
 36 (a) Full authority to settle up to the amount of the  
 37 insurance carrier's reserve on the claims subject to mediation;  
 38 and  
 39 (b) The ability to immediately consult during the mediation  
 40 by electronic or telephonic means with the person having  
 41 authority to settle above the amount of the insurance carrier's  
 42 reserve on the claims subject to mediation, up to the applicable  
 43 insurance policy limit or the amount of the plaintiff's last  
 44 demand, whichever is less.  
 45 (2) The person or persons consulted by the insurance  
 46 carrier representative in attendance must be available to  
 47 teleconference with the mediator at the mediator's request.  
 48 (3) An insurance carrier appearing for mediation which does  
 49 not comply in good faith with this section is subject to  
 50 sanctions in the same manner as a party that fails to appear  
 51 with the required settlement authority.  
 52 Section 2. Section 44.408, Florida Statutes, is created to  
 53 read:  
 54 44.408 Compelling interested third parties to attend  
 55 circuit court mediation.—  
 56 (1) Upon motion of any party, a court may order a third  
 57 party to attend a circuit court mediation and participate in  
 58 good faith in the mediation process if all of the following

23-01254-18

20181034\_\_

59 apply:

60 (a) The third party claims a lien or other asserted  
 61 interest in the proceeds of any funds that a party may receive  
 62 as part of a mediated settlement agreement.

63 (b) The presence of the third party can be compelled by  
 64 service of an order to appear for mediation served in the same  
 65 manner as service of process according to law.

66 (c) The presence of the third party at the mediation will  
 67 facilitate the mediation process.

68 (2) A third party ordered to attend a mediation who appears  
 69 and participates in good faith may not be compelled to pay any  
 70 portion of the mediator's fees or costs.

71 (3) The designated representative of a third party ordered  
 72 to attend a mediation who appears on behalf of the third party  
 73 must have full authority to settle the amount of the third-  
 74 party's lien or other asserted interest or have the ability to  
 75 immediately consult with the person having such authority by  
 76 electronic or telephonic means during the mediation conference.

77 (4) The person or persons consulted by the third-party  
 78 representative in attendance must be available to teleconference  
 79 with the mediator at the mediator's request.

80 (5) A third party ordered to attend a mediation conference  
 81 who fails to appear is subject to sanctions in the same manner  
 82 as a party who fails to appear.

83 Section 3. Section 44.409, Florida Statutes, is created to  
 84 read:

85 44.409 Mediator's report.—

86 (1) Except as provided in subsection (2), the mediator's  
 87 report to the court may only state one of the following:

23-01254-18

20181034\_\_

88 (a) A complete agreement was reached.

89 (b) A partial agreement was reached.

90 (c) No agreement was reached.

91 (2) If a partial agreement was reached which eliminates  
 92 claims or parties from the litigation, a list of such claims and  
 93 parties may be provided, but no additional information may be  
 94 disclosed.

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

# CourtSmart Tag Report

Room: EL 110

Case No.:

Caption: Senate Judiciary Committee

Type:

Judge:

Started: 1/30/2018 2:05:13 PM

Ends: 1/30/2018 3:41:16 PM Length: 01:36:04

2:05:14 PM	Roll call by Administrative Assistant Joyce Butler
2:05:32 PM	Quorum Present
2:05:51 PM	SB 46 presented by Senator Galvano
2:06:21 PM	Amendment Barcode 233232 presented
2:06:47 PM	Amendment adopted
2:07:01 PM	waive in support
2:07:12 PM	jason unger waives in support
2:07:19 PM	galvano waives close
2:07:42 PM	SB 46 Reported Favorably
2:07:54 PM	CS/SB 514 presented by Senator Young
2:09:08 PM	waives close
2:09:31 PM	CS/SB 514 Reported Favorably
2:09:54 PM	SB 1580 presented by Stargel
2:10:52 PM	Question by Senator Gibson
2:11:42 PM	Response by Senator Stargel
2:12:15 PM	Follow-up by Senator Gibson
2:14:39 PM	Response by Senator Stargel
2:16:41 PM	Follow-up by Senator Gibson
2:16:50 PM	Response by Senator Stargel
2:17:26 PM	Question by Senator Thurston
2:17:44 PM	Response
2:18:22 PM	Follow-up by Senator Thurston
2:18:44 PM	Response by Senator Stargel
2:19:02 PM	Follow-up
2:19:23 PM	Response by Senator Stargel
2:19:54 PM	Follow-up
2:20:29 PM	Response by Senator Stargel
2:21:28 PM	Bill Bunkley waives in support
2:21:36 PM	Speaker John Stemberger
2:23:34 PM	Question by Senator Powell
2:24:15 PM	Response by Speaker John Stemberger
2:24:47 PM	Question by Senator Thurston
2:24:52 PM	Response by Speaker John Stemb

2:25:50 PM	Amber Kelly wsives in syupport
2:26:03 PM	Response by John stemberger
2:26:15 PM	Speaker Richard Albertson
2:28:45 PM	Question by Senator Powell
2:28:56 PM	Response by Speaker Richard Albertson
2:29:57 PM	Question by Senator Thurston
2:30:07 PM	Response by Speaker Richard Albertson
2:30:30 PM	Debate by Senator Gibson
2:33:34 PM	Debate by Senator Thurston
2:35:11 PM	Debate by Senator Powell
2:36:34 PM	Senator Stargel closes
2:37:29 PM	SB 1580 Reported Favorably
2:37:45 PM	SB 308 presented by Senator Bean
2:40:26 PM	SB 308 Temporarily Postponed
2:40:43 PM	SM 940 presented by Senator Rodriguez
2:42:21 PM	Senator Rodriguez waives close
2:42:41 PM	SM 940 Reported Favorably
2:43:01 PM	Senator Bradley voted favorably on
2:43:15 PM	Senator Powell voted favorably
2:43:32 PM	SM 1382 presented by Senator Rodriguez
2:44:19 PM	Senator Rodriguez waives close
2:44:35 PM	SM 1382 Reported Favorably
2:45:02 PM	SB 904 presented by Senator Powell
2:45:45 PM	Amendment Barcode 520686 presented by Senator Steube
2:46:29 PM	Amendment adopted
2:46:44 PM	Amendment barcode 970832 presented by Senator Powell
2:47:12 PM	Amendment adopted
2:47:27 PM	Amendment 520686 adopted
2:47:35 PM	Question by Senator Thurston
2:47:47 PM	Response by Senator Powell
2:48:22 PM	Michael Compton waives in support
2:48:29 PM	Brittany Finkbeiner waives in support
2:48:31 PM	Marty Bowen
2:48:35 PM	Michael Nolan
2:48:42 PM	Senator Powell waives close
2:49:04 PM	CS/SB 904 Reported Favorably
2:49:23 PM	SB 1028 presented by Senator Thurston
2:50:16 PM	Katie Crofoot waives in support
2:50:26 PM	Senator THurston waives close
2:50:44 PM	SB 1028 Reported Favorably
2:51:01 PM	SB 1034 temporarily postponed

2:51:18 PM	SB 694 presented by Senator Brandes
2:51:49 PM	Question by Senator Gibson
2:52:10 PM	Response by Senator Brandes
2:52:35 PM	Mia Diaz waives in support
2:52:41 PM	Chealsea Murphy waives in support
2:52:47 PM	Sal Luzzo waives in support
2:52:52 PM	Speaker Barney Bishop
2:56:55 PM	Question by Senator Thurston
2:57:39 PM	Response by Barney Bishop
2:58:46 PM	Follow-up by Senator Thurston
2:59:14 PM	Response by Speaker Barney Bishop
2:59:51 PM	Question by Senator Garcia
3:00:44 PM	Response by Speaker Barney Bishop
3:01:37 PM	Follow-up by Senator Garcia
3:02:12 PM	Question by Senator Bracy
3:02:31 PM	Follow-up by Speaker Barney Bishop
3:03:04 PM	Question by Senator Gibson
3:03:27 PM	Response by Speaker Barney Bishop
3:05:15 PM	Follow-up by Senator Gibson
3:05:45 PM	Response by Speaker Barney Bishop
3:06:47 PM	Question by Senator Bradley
3:07:27 PM	Response by Speaker Barney Bishop
3:08:31 PM	Follow-up by Senator Bradley
3:08:49 PM	Response by Speaker Barney Bishop
3:10:02 PM	Question by Senator Benacquisto
3:10:41 PM	Follow-up by Senator Bradley
3:11:07 PM	Response by Speaker Barney Bishop
3:12:34 PM	Follow-up by Senator Bradley
3:12:53 PM	Response by Speaker Barney Bishop
3:13:15 PM	Follow-up by Senator Bradley
3:13:24 PM	Response by Speaker Barney Bishop
3:14:08 PM	Greg Newburn waives in support
3:14:14 PM	George Chamizo waives in support
3:14:20 PM	Daivd Ayala waives in support
3:14:27 PM	Kira Romero-Craft waives in support
3:14:36 PM	Hon. Stacy Scott waives in support
3:14:41 PM	Debate by Senator Bracy
3:15:45 PM	Debate by Senator Powell
3:16:39 PM	Debate by Senator Garcia
3:18:33 PM	Debate by Senator Mayfield
3:19:53 PM	Senator Brandes closes

<b>3:22:32 PM</b>	SB 694 Reported Favorably
<b>3:22:46 PM</b>	SB 1042 presented by Senator Brandes
<b>3:23:56 PM</b>	Amendments barcode 268372 and 436070 withdrawn
<b>3:24:04 PM</b>	Question by Senator Thurston
<b>3:24:17 PM</b>	Response by Senator Brandes
<b>3:24:43 PM</b>	Kenneth Pratt waives in support
<b>3:24:52 PM</b>	Trey Goldman waives in support
<b>3:25:01 PM</b>	Speaker Aarin Davis
<b>3:27:26 PM</b>	Question by Senator THurston
<b>3:27:31 PM</b>	Response by Speaker Aaron Davis
<b>3:27:47 PM</b>	Follow-up by Senator Thurston
<b>3:27:51 PM</b>	Response
<b>3:28:09 PM</b>	Follow-up by Senator Thurston
<b>3:28:21 PM</b>	Response by Speaker Aaron Davis
<b>3:28:50 PM</b>	Follow-up by Senator Thurston
<b>3:29:10 PM</b>	Response by Speaker Aaron Davis
<b>3:29:46 PM</b>	Beth Vecchioli waives in support
<b>3:29:55 PM</b>	Speaker David Daniel
<b>3:32:47 PM</b>	Question by Senator THurston
<b>3:32:58 PM</b>	Response by Speaker David Daniel
<b>3:33:44 PM</b>	Doug Bell waives in support
<b>3:33:49 PM</b>	Scott Jenkins
<b>3:34:18 PM</b>	Brittany Finkbeiner waives in support on withdrawn amendments
<b>3:34:24 PM</b>	Speaker Michael Chodos
<b>3:38:45 PM</b>	Senator Brandes waives close
<b>3:39:06 PM</b>	CS/SB 1042 Reported Favorably
<b>3:39:20 PM</b>	SB 1348 presented by Senator Perry
<b>3:39:53 PM</b>	Amendment Barcode 819964 presented
<b>3:40:14 PM</b>	Amendment adopted
<b>3:40:35 PM</b>	Cheryl Stuart waives in support
<b>3:40:40 PM</b>	Senator Perry waives close
<b>3:40:57 PM</b>	CS/SB 1348 Reported Favorably
<b>3:41:10 PM</b>	Senator Benacquisto move to adjourned the meeting without objection