

Tab 1	CS/SB 96 by CJ, Bean (CO-INTRODUCERS) Hutson, Book, Wright, Perry; (Similar to H 00067) Police, Fire, and Search and Rescue Dogs and Police Horses					
Tab 2	SB 722 by Hooper; (Identical to H 00487) Carrying of Firearms by Tactical Medical Professionals					
898424	A	S	RCS	JU, Hooper	Delete L.24 - 41:	03/12 10:34 AM
169454	A	S	RCS	JU, Hooper	Delete L.45:	03/12 10:34 AM
Tab 3	SB 1076 by Brandes (CO-INTRODUCERS) Hutson, Hooper, Pizzo; (Identical to H 01143) Clerks of the Circuit Court					
116546	A	S	RS	JU, Brandes	Delete L.236:	03/11 06:26 PM
121614	SA	S	RCS	JU, Brandes	Delete L.236:	03/11 06:26 PM
Tab 4	CS/SB 234 by IS, Baxley; (Similar to CS/CS/H 00087) Registration and Titling of Vehicles and Vessels					
509380	D	S	RCS	JU, Baxley	Delete everything after	03/12 01:35 PM
Tab 5	CS/SB 452 by CF, Gibson; (Similar to H 00583) Elder Abuse Fatality Review Teams					
625028	A	S	RCS	JU, Gibson	Delete L.141 - 144:	03/12 02:09 PM
Tab 6	SB 34 by Torres; (Identical to H 06517) Relief of Robert Allan Smith by Orange County					
519166	A	S	RCS	JU, Torres	Delete L.67 - 79:	03/12 08:24 AM
Tab 7	SB 42 by Taddeo; (Identical to H 06525) Relief of Dominguez by Hillsborough County					
496776	T	S	RCS	JU, Taddeo	In title, delete L.12:	03/12 08:24 AM
Tab 8	SB 24 by Simmons; (Similar to CS/H 06513) Relief of the Estate of Eric Scott Tenner by the Miami-Dade County Board of County Commissioners					
436186	D	S	RCS	JU, Simmons	Delete everything after	03/12 10:27 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Simmons, Chair
Senator Rodriguez, Vice Chair

MEETING DATE: Monday, March 11, 2019
TIME: 4:00—6:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Simmons, Chair; Senator Rodriguez, Vice Chair; Senators Baxley, Gibson, Hutson, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 96 Criminal Justice / Bean (Similar H 67)	Police, Fire, and Search and Rescue Dogs and Police Horses; Increasing the penalty for intentionally and knowingly causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, police canines or horses, fire canines, or SAR canines, etc. CJ 02/04/2019 CJ 02/11/2019 Fav/CS JU 03/11/2019 Favorable RC	Favorable Yeas 6 Nays 0
2	SB 722 Hooper (Identical H 487)	Carrying of Firearms by Tactical Medical Professionals; Exempting certain licensed medical professionals from specified provisions concerning the carrying of firearms; requiring certain policies and procedures for law enforcement agencies; providing immunities and privileges for such professionals, etc. JU 03/11/2019 Fav/CS IS RC	Fav/CS Yeas 6 Nays 0
3	SB 1076 Brandes (Identical H 1143)	Clerks of the Circuit Court; Providing that funds available for budgets of the clerks of the court include certain revenues from the previous year, budget amendments, and appropriated funds; revising the requirements to which a proposed budget by the clerks of the court must conform; requiring the Department of Revenue to deposit certain remitted funds in the Clerks of the Court Trust Fund rather than the General Revenue Fund, etc. JU 03/11/2019 Fav/CS ACJ AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Monday, March 11, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 234 Infrastructure and Security / Baxley (Similar CS/CS/H 87)	Registration and Titling of Vehicles and Vessels; Revising registration periods for certain vehicles; requiring the Department of Highway Safety and Motor Vehicles to develop methodology to prorate motor vehicle renewal registration fees for certain registrations; authorizing the surviving spouse of a motor vehicle owner to present certain electronic death records when requesting a registration certificate and license plate transfer, etc. IS 02/19/2019 Fav/CS JU 03/11/2019 Fav/CS AP	Fav/CS Yeas 6 Nays 0
5	CS/SB 452 Children, Families, and Elder Affairs / Gibson (Similar H 583, Compare H 585, Linked CS/S 454)	Elder Abuse Fatality Review Teams; Authorizing the establishment of elder abuse fatality review teams in each judicial circuit and housing the review teams, for administrative purposes only, in the Department of Elderly Affairs; assigning responsibility for paying the administrative costs of review team operations to the team members or the entities they represent, etc. CF 02/19/2019 Fav/CS JU 03/11/2019 Fav/CS GO AP	Fav/CS Yeas 6 Nays 0
6	SB 34 Torres (Identical H 6517)	Relief of Robert Allan Smith by Orange County; Providing for the relief of Robert Allan Smith by Orange County; providing for an appropriation to compensate Mr. Smith for injuries and damages he sustained as a result of the negligence of an employee of Orange County, etc. SM JU 03/11/2019 Fav/CS GO RC	Fav/CS Yeas 5 Nays 1
7	SB 42 Taddeo (Identical H 6525)	Relief of Dominguez by Hillsborough County ; Providing for the relief of Jorge L. Dominguez, Chelsea Beatrice Dominguez, Brittney Delores Dominguez, and Tori Alexis Dominguez by Hillsborough County; providing for an appropriation to compensate them for the wrongful death of Darcia Lynn Dominguez, which occurred as the result of the negligence of Hillsborough County and one of its employees, etc. SM JU 03/11/2019 Fav/CS GO RC	Fav/CS Yeas 5 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Monday, March 11, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 24 Simmons (Similar CS/H 6513)	Relief of the Estate of Eric Scott Tenner by the Miami-Dade County Board of County Commissioners; Providing for the relief of the Estate of Eric Scott Tenner by the Miami-Dade County Board of County Commissioners; providing for an appropriation to compensate his estate for injuries and damages sustained by Eric Scott Tenner and his survivors as a result of the negligence of an employee of the Miami-Dade County Board of County Commissioners, etc.	Fav/CS Yeas 6 Nays 0
		SM JU 03/11/2019 Fav/CS GO RC	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 96

INTRODUCER: Criminal Justice Committee and Senator Bean and others

SUBJECT: Police, Fire, and Search and Rescue Dogs and Police Horses

DATE: March 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Storch	Jones	CJ	Fav/CS
2.	Farach	Cibula	JU	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 96 increases the penalty from a third degree felony to a second degree felony for intentionally and knowingly, without lawful cause or justification, causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, a police, fire, or search and rescue (SAR) canine, or a police horse. Additionally, the bill makes the corresponding changes to the offense severity ranking chart.

The bill also replaces the word “dog” with the word “canine” in ss. 767.16 and 843.19, F.S.

The Legislature’s Office of Economic and Demographic Research preliminarily estimates that the bill would result in a “positive insignificant” prison bed impact (10 or fewer prison beds). See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2019.

II. Present Situation:

Law enforcement and fire department special K-9 and mounted units

Specially-trained dogs are used by various agencies and departments throughout the state in their K-9 units. In 2017, there were 140 police departments and 65 sheriff’s offices with active canine

units.¹ These departments employ dogs to assist with tracking and apprehending offenders, narcotics and bomb detection,² and building and article searches.³ Additionally, some fire departments use dogs as part of arson detection programs.⁴ Various non-profit organizations also use dogs for the purpose of search and rescue, such as the Community Emergency Response Team, which provides support to the Federal Emergency Management Agency.⁵

Though not as frequently used as K-9 units, select law enforcement agencies throughout the state have mounted units,⁶ whereby specially-trained horses are used to assist with crowd control, special events, and additional patrol functions, among other tasks.⁷

Offenses against police animals

Intentional offenses against police animals most often occur while the animals are on duty. Because of this, offenses against police horses are infrequent because mounted units are most commonly used for non-crime related purposes. However, one instance of intentional harm occurred several years ago when an attendee at the Gasparilla parade in Tampa punched a horse that was used to patrol the event.⁸

In contrast, police dogs are frequently used in conjunction with high-intensity, criminal situations and are often deployed by their handlers to chase after fleeing felons. As a result, the dogs can be caught in the line of fire while on the job. Two recent incidents resulted in the death of a police dog while the dog was on duty. In September 2018, 3-year old Fang, a member of Jacksonville Sheriff's Office canine unit, was shot and killed by a teenager who was fleeing a scene after carjacking two women at a gas station minutes earlier.⁹ Similarly, in December 2018, Palm

¹ Information provided by email from Amy Mercer, Executive Director, The Florida Police Chiefs Association (January 15, 2019) (on file with Senate Criminal Justice Committee).

² City of Orlando, *K-9 Unit*, available at <http://www.cityoforlando.net/police/k-9-unit/> (last visited Mar. 6, 2019).

³ St. Petersburg Police Department, *K-9 Unit*, available at <http://police.stpete.org/usb/k-9.html> (last visited Mar. 6, 2019).

⁴ City of Orlando, *Accelerant Detection Canines*, available at <http://www.cityoforlando.net/fire/accelerant-detection-canines/> (last visited January 24, 2019).

⁵ Boondocks K9 SAR-CERT Unit, *Community Emergency Response Team (CERT)*, available at <https://www.boondocksk9.org/> (last visited January 24, 2019).

⁶ The following agencies have mounted units: Escambia County Sheriff's Office *see* <http://www.escambiaso.com/mounted-unit/>; Hillsborough County Sheriff's Office *see* <http://www.hcso.tampa.fl.us/A-Z-Directory/M/Mounted-Unit.aspx>; Key West Police Department *see* <https://www.cityofkeywest-fl.gov/department/division.php?structureid=147>; Marion County Sheriff's Office *see* <http://www.marionso.com/mounted-unit/>; Orlando Police Department *see* <http://www.cityoforlando.net/police/mounted-patrol/>; Palm Beach County Sheriff's Office *see* <https://www.pbso.org/services/countywide-operations/mounted-unit/>; Pinellas Park Police Department *see* <https://www.pinellas-park.com/642/Mounted-Patrol/>; and St. Petersburg Police Department *see* <http://police.stpete.org/usb/mounted-unit.html> (last visited Mar. 6, 2019).

⁷ City of Orlando, *Mounted Patrol*, available at <http://www.cityoforlando.net/police/mounted-patrol/> (last visited Mar. 6, 2019).

⁸ Ashley Yore, *Chad the police horse retires after 13 years of service in Tampa*, ABC ACTION NEWS (May 11, 2018), <https://www.abcactionnews.com/news/region-tampa/chad-the-police-horse-retires-after-13-years-of-service-in-tampa>.

⁹ Colette DuChanois and Tarik Minor, *Audio, video evidence released in case of teen held in K-9's death*, NEWS4JAX (Nov. 12, 2018), <https://www.news4jax.com/news/local/jacksonville/new-evidence-details-case-against-teen-accused-of-killing-jso-k-9>.

Beach County Sheriff's Office's canine, 3-year-old Cigo, was shot and killed by an attempted murder suspect outside of a shopping mall.¹⁰

Protecting police animals from intentional harm

In an effort to deter intentional harm toward police animals, legislation aimed at creating stiffer penalties for those crimes has been introduced at both the federal and state level. In August 2000, Congress passed the Federal Law Enforcement Animal Protection Act of 2000, which made it a crime to willfully and maliciously harm a police animal, or attempt or conspire to do so, resulting in a penalty of imprisonment for up to one year. Additionally, permanently disabling or causing serious bodily injury or death to a police animal may result in a term of imprisonment of up to 10 years under the act.¹¹

Similar efforts to increase penalties for crimes against police animals have been attempted at the state level as well. In Utah, legislation was introduced in 2018 to increase the penalty from a third degree felony to a second degree felony for intentionally or knowingly causing death to a police dog.¹² Additionally, in South Carolina, legislation in 2018 named after two police dogs that were killed in the line of duty¹³ proposed to increase the penalty for harming a police animal to a maximum prison sentence of 10 years and a potential \$10,000 fine.¹⁴ Current Michigan law provides that a person who intentionally kills or causes serious physical harm to a police dog, police horse, or search and rescue dog is guilty of a felony punishable by imprisonment of up to 5 years, a fine of up to \$10,000, or both.¹⁵

Currently, Florida law provides that it is a third degree felony¹⁶ to intentionally and knowingly, without lawful cause or justification, cause great bodily harm, permanent disability, or death to, or use a deadly weapon upon a police dog, police horse, fire dog, or SAR dog.¹⁷ Those animals have specific definitions in law and are defined in the following manner:

- “Police dog” and “police horse” means any dog or horse, respectively, that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders;
- “Fire dog” means any dog that is owned, or the service of which is employed, by a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detention of flammable materials or the investigation of fires; and

¹⁰ Mark Osborne and Jason M. Volack, *Suspect kills police dog in shootout outside mall on Christmas eve, police say*, ABC NEWS (Dec. 25, 2018), <https://abcnews.go.com/US/suspect-kills-police-dog-shootout-mall-christmas-eve/story?id=60007552>.

¹¹ 18 U.S.C.A. s. 1368.

¹² 2018 General Session, state of Utah, S.B. 57 (2018).

¹³ Tim Smith, *Police dog protection: Stiffer penalty proposed for harming K-9s*, GREENVILLE NEWS (Feb. 13, 2018), <https://www.greenvilleonline.com/story/news/local/south-carolina/2018/02/13/police-dog-protection-stiffer-penalty-proposed-harming-k-9-s/332391002/>.

¹⁴ 122nd Session, South Carolina General Assembly, S. 6 (2017-18).

¹⁵ MICHIGAN COMPILED LAWS ANN. s. 750.50c.

¹⁶ Section 843.19(2), F.S. A third degree felony is punishable by a state prison term not exceeding 5 years, a fine not exceeding \$5,000, or both. Sections 775.082(3)(e) and 775.083(1)(c), F.S.

¹⁷ Section 843.19(2), F.S.

- “SAR dog” means any search and rescue dog that is owned, or the service of which is employed, by a fire department, a law enforcement agency, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost, who are trapped under debris as the result of a natural, manmade, or technological disaster, or who are drowning victims.¹⁸

III. Effect of Proposed Changes:

The bill increases the penalty from a third degree felony to a second degree felony¹⁹ for intentionally and knowingly, without lawful cause or justification, causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, a police, fire, or SAR canine, or a police horse.

The bill also makes these corresponding changes to the offense severity ranking chart.²⁰

Additionally, the bill replaces the word “dog” with the word “canine” in ss. 767.16 and 843.19, F.S.

The bill is effective October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹⁸ Section 843.19(1)(a)-(c), F.S.

¹⁹ A second degree felony is punishable by a state prison term not exceeding 15 years, a fine not exceeding \$10,000, or both. Sections 775.082(3)(d) and 775.083(1)(b), F.S.

²⁰ Section 921.0022, F.S.

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 prison bed impact, if any, of legislation has determined that this bill will result in a “positive insignificant” prison bed impact (10 or fewer prison beds). In fiscal year 2017-18, one person was sentenced pursuant to s. 843.19, F.S., and no offenders were sentenced to prison.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 767.16, 843.19, and 921.0022.

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 Criminal Justice on February 11, 2019:

The Committee Substitute:

- Increases the penalty from a third degree felony to a second degree felony for intentionally and knowingly, without lawful cause or justification, causing great bodily harm or death, or using a deadly weapon upon, a police horse;
- Makes the corresponding revision to the offense severity ranking chart; and
- Replaces the term “dog” with “canine” in s. 767.16, F.S.

²¹ Office of Economic & Demographic Research, *Criminal Justice Impact Conference Narrative Analysis of CS/SB 96* (Feb. 27, 2019), <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CSSB96.pdf>.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senators Bean, Hutson,
Book, and Wright

591-02307A-19

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A bill to be entitled

An act relating to police, fire, and search and rescue dogs and police horses; amending s. 843.19, F.S.; revising the defined terms "police dog" to "police canine," "fire dog" to "fire canine," and "SAR dog" to "SAR canine"; increasing the penalty for intentionally and knowingly causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, police canines or horses, fire canines, or SAR canines; amending s. 767.16, F.S.; revising the term "dog" to "canine" to conform to changes made by the act; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Section 843.19, Florida Statutes, is amended to read:

843.19 Offenses against police canines ~~dogs~~, fire canines ~~dogs~~, SAR canines ~~dogs~~, or police horses.—

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

(a) "Police canine dog" means any canine dog, and "police horse" means any horse, that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(b) "Fire canine dog" means any canine dog that is owned, or the service of which is employed, by a fire department, a

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

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special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires.

(c) "SAR canine dog" means any search and rescue canine dog that is owned, or the service of which is ~~employed~~ utilized, by a fire department, a law enforcement agency, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost, who are trapped under debris as the result of a natural, manmade, or technological disaster, or who are drowning victims.

(2) Any person who intentionally and knowingly, without lawful cause or justification, causes great bodily harm, permanent disability, or death to, or uses a deadly weapon upon, a police canine dog, fire canine dog, SAR canine dog, or police horse commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine dog, fire canine dog, SAR canine dog, or police horse commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine dog, fire canine dog, SAR canine dog, or police horse while the animal is in the performance of its duties commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) A person convicted of an offense under this section

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59 shall make restitution for injuries caused to the police canine
 60 ~~dog~~, fire canine dog, SAR canine dog, or police horse and shall
 61 pay the replacement cost of the animal if, as a result of the
 62 offense, the animal can no longer perform its duties.

63 Section 2. Subsection (1) of section 767.16, Florida
 64 Statutes, is amended to read:

65 767.16 Police canine or service dog; exemption.—

66 (1) Any canine dog that is owned, or the service of which
 67 is employed, by a law enforcement agency, is exempt from this
 68 part.

69 Section 3. Paragraph (c) of subsection (3) of section
 70 921.0022, Florida Statutes, is amended to read:

71 921.0022 Criminal Punishment Code; offense severity ranking
 72 chart.—

73 (3) OFFENSE SEVERITY RANKING CHART

74 (c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

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79 316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
80 319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
81 319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
82 319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
83 319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
84 327.35(2)(b)	3rd	Felony BUI.
85 328.05(2)	3rd	Possess, sell, or

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counterfeit fictitious,
stolen, or fraudulent
titles or bills of sale of
vessels.

86

328.07(4) 3rd Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

87

376.302(5) 3rd Fraud related to
reimbursement for cleanup
expenses under the Inland
Protection Trust Fund.

88

379.2431 3rd Taking, disturbing,
(1) (e) 5. mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

89

379.2431 3rd Possessing any marine
(1) (e) 6. turtle species or

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hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

90

379.2431 3rd Soliciting to commit or
(1) (e) 7. conspiring to commit a
violation of the Marine
Turtle Protection Act.

91

400.9935(4) (a) 3rd Operating a clinic, or
or (b) offering services requiring
licensure, without a
license.

92

400.9935(4) (e) 3rd Filing a false license
application or other
required information or
failing to report
information.

93

440.1051(3) 3rd False report of workers'
compensation fraud or
retaliation for making such
a report.

94

501.001(2) (b) 2nd Tamperers with a consumer
product or the container

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				using materially false/misleading information.
95				
	624.401(4)(a)	3rd		Transacting insurance without a certificate of authority.
96				
	624.401(4)(b)1.	3rd		Transacting insurance without a certificate of authority; premium collected less than \$20,000.
97				
	626.902(1)(a) & (b)	3rd		Representing an unauthorized insurer.
98				
	697.08	3rd		Equity skimming.
99				
	790.15(3)	3rd		Person directs another to discharge firearm from a vehicle.
100				
	806.10(1)	3rd		Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
101				
	806.10(2)	3rd		Interferes with or assaults

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				firefighter in performance of duty.
102				
	810.09(2)(c)	3rd		Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
103				
	812.014(2)(c)2.	3rd		Grand theft; \$5,000 or more but less than \$10,000.
104				
	812.0145(2)(c)	3rd		Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
105				
	815.04(5)(b)	2nd		Computer offense devised to defraud or obtain property.
106				
	817.034(4)(a)3.	3rd		Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
107				
	817.233	3rd		Burning to defraud insurer.
108				
	817.234 (8)(b) & (c)	3rd		Unlawful solicitation of persons involved in motor

	591-02307A-19		201996c1	vehicle accidents.
109				
	817.234(11)(a)	3rd		Insurance fraud; property value less than \$20,000.
110				
	817.236	3rd		Filing a false motor vehicle insurance application.
111				
	817.2361	3rd		Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
112				
	817.413(2)	3rd		Sale of used goods as new.
113				
	831.28(2)(a)	3rd		Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
114				
	831.29	2nd		Possession of instruments for counterfeiting driver licenses or identification cards.
115				
	838.021(3)(b)	3rd		Threatens unlawful harm to public servant.

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116				
	843.19	<u>2nd</u> 3rd		Injure, disable, or kill police, <u>fire, or SAR canine</u> dog or <u>police</u> horse.
117				
	860.15(3)	3rd		Overcharging for repairs and parts.
118				
	870.01(2)	3rd		Riot; inciting or encouraging.
119				
	893.13(1)(a)2.	3rd		Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
120				
	893.13(1)(d)2.	2nd		Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
121				

	591-02307A-19		201996c1
	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
122	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
123	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
124	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
125	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

Page 11 of 13

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

	591-02307A-19		201996c1
126	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
127	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
128	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
129	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
130	893.13(8)(a)3.	3rd	Knowingly write a prescription for a

Page 12 of 13

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

	591-02307A-19		201996c1	
				controlled substance for a fictitious person.
131	893.13(8)(a)4.	3rd		Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
132	918.13(1)(a)	3rd		Alter, destroy, or conceal investigation evidence.
133	944.47 (1)(a)1. & 2.	3rd		Introduce contraband to correctional facility.
134	944.47(1)(c)	2nd		Possess contraband while upon the grounds of a correctional institution.
135	985.721	3rd		Escapes from a juvenile facility (secure detention or residential commitment facility).
136				
137	Section 4. This act shall take effect October 1, 2019.			



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 19, 2019

I respectfully request that **Senate Bill 96**, relating to Police, Fire, and Search and Rescue Dogs and Police Horses, 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

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

March 11, 2019

Meeting Date

0096

Bill Number (if applicable)

Topic Police, Fire, and Search and Rescue Dogs and Police Horses

Amendment Barcode (if applicable)

Name Gary Hester

Job Title _____

Address P.O. Box 14038

Phone 850-219-3631

Street

Tallahassee

FL

32317

Email ghester@fpca.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Police Chiefs 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

March 11, 2019
Meeting Date

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

SB 96
Bill Number (if applicable)

Topic Police, Fire and Search & Rescue Dogs and Police Horses

Amendment Barcode (if applicable)

Name Jimmy Patronis

Job Title Chief Financial Officer

Address Plaza Level 11, The Capitol
Street

Phone (850) 413-2890

Tallahassee FL 32399
City State Zip

Email CFO.Patronis@myfloridacfo.com

Speaking: For Against Information

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

Representing Department of Financial Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/11/19
Meeting Date

96
Bill Number (if applicable)

Topic Police Find Search & Rescue Dogs
Name Kate Macfall

Amendment Barcode (if applicable)

Job Title state director

Address 1624 Metropolitan Cir.
Tallahassee FL
Street City State Zip

Phone 850 508-1001

Email KMacfall@hsos.org

Speaking: For Against Information

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

Representing Humane Society of the United States

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

SB 96

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Debbie Johnson

Job Title Founder

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 K9s United

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/11/19

Meeting Date

96

Bill Number (if applicable)

Topic Police, Fire, and Search and Rescue Dogs and Police Horses

Amendment Barcode (if applicable)

Name Tim Parson

Job Title _____

Address 113 E. College Ave.

Phone 850-841-1726

Street

Tallahassee FL 32301

City

State

Zip

Email tlm@11betypartnersfl.com

Speaking: For Against Information

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

Representing Florida Sheriffs 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)

3.11.19

Meeting Date

96

Bill Number (if applicable)

Topic Police, Fire, Search Rescue Dogs and Police Horses

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomaville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

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

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: CS/SB 722

INTRODUCER: Judiciary Committee and Senator Hooper

SUBJECT: Carrying of Firearms by Tactical Medical Professionals

DATE: March 12, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Cibula	JU	Fav/CS
2.			IS	
3.			RC	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 722 expressly authorizes a “tactical medical professional” (TMP) who has a concealed weapons and firearms license to carry firearms, weapons, and ammunition when he or she is actively operating in direct support of a tactical law enforcement operation. For the authorization to apply, the bill also requires the law enforcement agency head to have appointed the TMP, the agency to have an established policy for these appointments, and the TMP to have completed two types of firearm training, one of which must be provided by the agency.

In addition to this express authorization to carry firearms, weapons, and ammunition, the bill also grants a TMP who is authorized to carry a firearm or other weapon during an operation the same “immunities and privileges” as a law enforcement officer. However, a TMP may not make an arrest. The immunities and privileges provision might authorize a TMP to carry a concealed or unconcealed firearm or weapon whenever a law enforcement officer may, which is anytime the officer is “carrying out official duties in this state.” Similarly, this provision might authorize a TMP to carry a concealed firearm without a license while off duty, given that law enforcement officers appear to have this authority.

The bill defines “tactical medical professional” as a paramedic, physician, or osteopathic physician who is appointed to provide medical services directly to a tactical law enforcement unit engaged in high-risk incidents, such as drug raids and hostage situations.

II. Present Situation:

Overview

A paramedic or physician who has a concealed weapons and firearms license and who is engaged in a tactical law enforcement operation may carry a weapon or firearm depending on the location of the operation, the type of weapon or firearm, and the manner of carry. For example, if the operation takes place at a park, the person may carry a concealed firearm, or an openly carried or concealed weapon. If the operation takes place at a courthouse, the person may carry only an unconcealed weapon, but no firearm. If the operation takes place at a school, the person may not carry a firearm or weapon.

If the paramedic or physician qualifies as an “assistant” of a “law enforcement officer,” he or she may be able to carry a weapon or firearm in any manner and in any place that is not a school. The law, however, is not clear as to who qualifies as an assistant of a law enforcement officer.¹

Licensed Concealed Carry of Firearms and Weapons

Although the law generally prohibits a person from carrying a firearm on his or her person, this prohibition is subject to several exceptions. Of these exceptions, perhaps the most well-known and broadly applicable is the concealed weapons and firearms license.²

The license authorizes a person to carry a concealed handgun “throughout the state.” However, the license does not authorize a person to carry a firearm into any of a list of places, including police stations, legislative meetings, prisons, local government meetings, “school facilities and administration buildings” or “college or university facilities.”

To obtain a concealed firearm license, a person must submit an application to the Department of Agriculture and Consumer Services, and the Department must grant the license to each applicant who:³

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;
- Does not suffer from a physical infirmity that prevents the safe handling of a weapon or firearm;

¹ The only authority that Staff were able to uncover interpreting the meaning of “assistant” of a “law enforcement officer” was a 1994 advisory opinion of the attorney general. Op. Att’y Gen. Fla. 94-65 (1994). In the opinion, the attorney general determined that a police department’s fingerprint technician was not an “assistant” under the relevant statute, s. 790.25(3)d., F.S. For several reasons, this opinion offers little if any guidance in determining whether a paramedic or physician would qualify as an assistant because the opinion addressed someone in a substantially different role.

² As of December 31, 2018, 1,941,180 Floridians held a standard concealed firearm license. Fla. Dept. of Ag., *Number of Licensees by Type*, http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf.

³ Section 790.06(2), F.S. However, the Department must *deny* a license to an applicant who meets any criterion set forth in s. 790.06(3), F.S., which also sets forth criteria for the mandatory revocation of a license.

- Is not ineligible to possess a firearm by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance;
- Has not been found guilty of a crime relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;
- Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competency in the use of a firearm;⁴
- Has not been, or is deemed not to have been, adjudicated an incapacitated person in a guardianship proceeding;
- Has not been, or is deemed not to have been, committed to a mental institution;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, or any misdemeanor crime of domestic violence, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;
- Has not been issued an injunction that is currently in force and effect which restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

Lawful Unlicensed Carry of Firearms and Weapons

Section 790.25(3), F.S., provides a long list of persons who may lawfully carry concealed or unconcealed firearms or weapons regardless of whether they have a concealed weapons and firearms license.⁵ Many of the persons on the list are specified military and law enforcement personnel, including:

Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers . . . and other peace and **law enforcement officers and their deputies and assistants** and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state.⁶

Who qualifies as an “assistant” to a law enforcement officer is not further described. As a result, it is unclear as to whether a paramedic or physician who is part of a tactical law enforcement team would qualify as an “assistant” to a law enforcement officer.

⁴ See s. 790.06(2)(h), F.S., for the list of courses and other means of demonstrating competency, and for the required documentation that one must present to the state relative to this provision.

⁵ Although s. 790.25(3), F.S., is not perfectly clear that it authorizes the unlicensed concealed or unconcealed carry of a firearm, especially when read in light of s. 790.25(2), F.S., the courts have nonetheless stated that it does. *See, e.g., State v. Little*, 104 So. 3d 1263, (Fla. 4th DCA 2013) (holding that a union secretary carrying a concealed firearm at the union hall parking lot was exempt from the general ban on concealed carry in s. 790.01, F.S., by virtue of section 790.25(3)(n), F.S.); *Norman v. State*, 215 So. 3d 18, 22 (Fla. 2017) (stating that “pursuant to chapter 790, Florida law provides sixteen exceptions to Florida’s Open Carry Law . . .” and that s. 790.25(3), F.S., provides “a list of sixteen statutory exceptions to the [law prohibiting the open carry of a firearm].”

⁶ Section 790.25(3)d., F.S. (emphasis added).

Prohibited Possession of a Firearm on School Property

Schools are perhaps the only places in this state that are subject to a broad, stand-alone weapons and firearms ban in this state's statutes.⁷ Regardless of whether a person has a concealed weapons and firearms license, s. 790.115, F.S., broadly prohibits a person from possessing a firearm on the property of any "school," meaning any preschool through postsecondary school, whether public or private.⁸ And the law is unclear as to how the prohibition in this statute interacts with the authority for unlicensed carry of weapons and firearms granted in s. 790.25(3), F.S.

Federal Law

The federal Gun-Free School Zones Act prohibits the possession of a firearm that has moved in or otherwise affects interstate or foreign commerce at a place an individual knows, or has reasonable cause to believe, is a school or is within 1,000 feet of a school.⁹ However, this prohibition does not apply to a person who is licensed by his or her state to carry a concealed handgun.¹⁰

Federal law also prohibits a person from carrying a firearm in the "sterile area" of an airport terminal, which is the part of the airport that a passenger can only reach after going through security screening.¹¹ None of the exceptions to this prohibition clearly apply to a paramedic or physician assisting a tactical law enforcement team.¹²

Additionally, a person may not possess a firearm in a post office, except for official purposes.¹³

Privileges and Immunities of Law Enforcement Officers

The law affords law enforcement officers several types of special treatment, some of which are described as a "privilege" or "immunity" in the Florida Statutes, which state that a law enforcement officer:

- Is exempt from the ban on carrying a firearm on school property.¹⁴
- May carry a concealed or unconcealed firearm, without a concealed weapons and firearms license, if he or she is "carrying out official duties."¹⁵
- May carry a concealed firearm or weapon without a license while off duty.¹⁶

⁷ At several other places, the statutes *effectively* ban *most* people from carrying firearms and concealed weapons. The statutes do this by stating that the concealed weapons and firearms license does not authorize a person to carry at those places. Without that authority, even licenseholders are subject to the general ban on carrying firearms and concealed weapons at those places.

⁸ It also means any career center. Section 790.115(2)(a), F.S.

⁹ 18 U.S.C. § 922(q)(2)(A).

¹⁰ See 18 U.S.C. § 922(q)(2)(B)(ii).

¹¹ 49 CFR § 1540.111. For a precise definition of "sterile area," see 49 CFR § 1540.5.

¹² See 49 CFR § 1540.111(b).

¹³ 39 C.F.R. § 232.1.

¹⁴ Section 790.115(3), F.S.

¹⁵ Section 790.025(3)(d), F.S.

¹⁶ See s. 790.06(5)(b), F.S., which appears to authorize a law enforcement officer to carry a concealed weapon or firearm without a license. Also, s. 790.052, F.S., authorizes a law enforcement officer to carry a concealed firearm while off duty, at the discretion of his or her superior officers.

- May disobey traffic signals and exceed posted speed limits.¹⁷
- May use deadly force in more circumstances than an ordinary citizen, such as to stop a felon from fleeing.¹⁸
- “Shall be held guiltless and fully justified in law” for injuring or killing a rioter who has disobeyed an order to leave a riot.¹⁹
- Is entitled to have supplemental death benefits paid out for the benefit of his or her survivors when killed in the line of duty.²⁰
- Is entitled to special rights and privileges while under investigation.²¹
- Is immune from liability while acting in good faith to take into protective custody a person who meets the criteria for involuntary admission for drug treatment.²²
- Is exempt the background-check fee for obtaining a concealed weapons and firearms license.²³
- May purchase a firearm from a licensed dealer without undergoing a background check.²⁴
- Is immune from liability for false arrest, false imprisonment, or unlawful detention for reasonably detaining a disorderly restaurant or hotel guest.²⁵
- Is immune from liability for criminal or civil prosecution for trespass to recover lost or abandoned property.²⁶

III. Effect of Proposed Changes:

The bill expressly authorizes a “tactical medical professional” (TMP) who has a concealed weapons and firearms license to possess firearms, weapons, and ammunition when he or she is “actively operating in direct support of a tactical law enforcement operation.” For this authorization to apply, the agency head must have appointed the TMP, the agency must have an established policy for these appointments, and the TMP must complete two types of firearm training, one of which must be provided annually by the agency.

In addition to the *express* authority granted under the bill to possess firearms and weapons while “actively supporting a tactical law enforcement operation,” another provision of the bill may *effectively* grant TMPs the authority to carry concealed or unconcealed firearms and weapons any time they are “carrying out official duties,” and to carry concealed weapons and firearms while off duty. The bill grants a TMP the same “immunities and privileges” as a law enforcement officer if the TMP meets the conditions set forth in the bill for the carrying of a firearm or other weapon by a TMP who is assisting on a tactical operation. And law enforcement officers are authorized under current law to carry a concealed or unconcealed firearm or weapon whenever “carrying out official duties in this state,” and may carry a concealed weapon or firearm while off duty.

¹⁷ Section 316.072(5), F.S.

¹⁸ Section 776.05, F.S.

¹⁹ See ss. 870.01 and 870.05, F.S. This immunity only applies to the types of officers listed in s. 870.01, F.S.

²⁰ Section 112.19, F.S.

²¹ See s. 112.532, F.S.

²² See ss. 397.675 and 397.6775, F.S.

²³ Section 790.06(5)(b), F.S.

²⁴ Section 790.065(1)(b), F.S.

²⁵ See s. 509.143(1)-(3), F.S.

²⁶ See s. 705.103(1)-(6), F.S.

Although the intent of the bill is to authorize TMPs to carry weapons and firearms at any place that a tactical law enforcement operation may occur, the specific grant of authority in the bill might be insufficient to allow a TMP to possess a weapon or firearm on school property. Section 790.115, F.S., broadly bans the possession of firearms and other weapons on school property, but states that the ban does not apply to “any law enforcement officer.” Accordingly, a TMP’s authority to carry a weapon or firearm on school property might depend on whether the exemption in s. 790.115(3), F.S. constitutes a “privilege” or “immunity” of a law enforcement officer. The Legislature may wish to amend s. 790.115, F.S., to make it inapplicable to TMPs if it intends to allow TMPs to possess a firearm or weapon on school property in support of their duties.

Moreover, the authority granted by the bill may be insufficient to authorize a TMP to carry a firearm or weapon in places where firearms and weapons may be possessed only by law enforcement officers under federal law.

The bill defines a tactical medical professional as a paramedic, physician, or osteopathic physician who is appointed to provide medical services directly to a tactical law enforcement unit engaged in high-risk incidents, such as drug raids and hostage situations.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill grants a TMP who meets the requirements for carrying a firearm while assisting on a tactical operation the “privileges and immunities” of law enforcement officers, except the power to make an arrest. However, the word “privilege” or “immunity” is used in only some of many instances of special treatment for law enforcement officers in the Florida Statutes. The Legislature may wish to consider whether bill’s general grant of “privileges and immunities” should be replaced by a list of the specific privileges or immunities that the Legislature wishes to grant.

VIII. Statutes Affected:

This bill substantially amends section 790.25 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 on March 11, 2019:

The underlying bill granted a TMP the privileges and immunities of a law enforcement officer, except as to the powers of arrest. The committee substitute provides these privileges and immunities to a TMP only if he or she meets the conditions for carrying a firearm or other weapon. Also, the committee substitute includes osteopathic physicians among those who may qualify as TMPs.

B. Amendments:

None.



898424

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Hooper) recommended the following:

Senate Amendment

Delete lines 24 - 41
and insert:
enforcement agency provided that all of the following conditions
are met:

a. The tactical medical professional is lawfully able to
possess firearms and has an active concealed weapons permit
issued pursuant to s. 790.06.

b. The tactical medical professional is appointed to a law
enforcement tactical team of a law enforcement agency by the



898424

12 head of the law enforcement agency.

13 c. The law enforcement agency has an established policy
14 providing for the appointment, training, and deployment of the
15 tactical medical professional.

16 d. The tactical medical professional successfully completes
17 a firearms safety training and tactical training as established
18 or designated by the appointing law enforcement agency.

19 e. The law enforcement agency provides and the tactical
20 medical professional participates in annual firearm training and
21 tactical training.

22 2. Except as to the powers of arrest, a tactical medical
23 professional who meets all of the conditions in subparagraph 1.
24 has the same immunities and privileges as a law



169454

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Hooper) recommended the following:

Senate Amendment

Delete line 45
and insert:
401.23, a physician, as defined in s. 458.305, or an osteopathic
physician, as defined in s. 459.003, who is

By Senator Hooper

16-01255-19

2019722__

A bill to be entitled

An act relating to carrying of firearms by tactical medical professionals; amending s. 790.25, F.S.; exempting certain licensed medical professionals from specified provisions concerning the carrying of firearms; requiring certain policies and procedures for law enforcement agencies; providing immunities and privileges for such professionals; providing a definition; providing an effective date.

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

Section 1. Paragraph (q) is added to subsection (3) of section 790.25, Florida Statutes, to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

(3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(q)1. A tactical medical professional who is actively operating in direct support of a tactical operation by a law enforcement agency provided that:

a. The tactical medical professional is lawfully able to possess firearms and has an active concealed weapons permit issued pursuant to s. 790.06.

b. The tactical medical professional is appointed to a law enforcement tactical team of a law enforcement agency by the

Page 1 of 2

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

16-01255-19

2019722__

head of the law enforcement agency.

c. The law enforcement agency has an established policy providing for the appointment, training, and deployment of the tactical medical professional.

d. The tactical medical professional successfully completes a firearms safety training and tactical training as established or designated by the appointing law enforcement agency.

e. The law enforcement agency provides and the tactical medical professional participates in annual firearm training and tactical training.

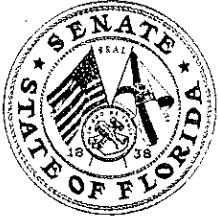
2. Except as to the powers of arrest, a tactical medical professional has the same immunities and privileges as a law enforcement officer, as defined in s. 943.10.

3. For the purposes of this paragraph, the term "tactical medical professional" means a paramedic, as defined in s. 401.23, or a physician, as defined in s. 458.305, who is appointed to provide direct support to a tactical law enforcement unit by providing medical services at high-risk incidents, including, but not limited to, hostages incidents, narcotics raids, hazardous surveillance, sniper incidents, armed suicidal persons, barricaded suspects, high risk felony warrant service, fugitives refusing to surrender, and active shooter incidents.

Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

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



SENATOR ED HOOPER
16th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, Chair
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Health and Human
Services
Health Policy
Infrastructure and Security
Joint Select Committee on Collective Bargaining,
Alternating Chair
Joint Administrative Procedures Committee

February 19th, 2019

The Honorable David Simmons, Chair
Judiciary Committee
515 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simmons:

I am writing to request that Senate Bill 722, Carrying of Firearms by Tactical Medical Professionals, be placed on the next meeting agenda of the Judiciary Committee.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink, appearing to read "Ed Hooper".

Ed Hooper

CC: Tom Cibula, Staff Director
Joyce Butler, Administrative Assistant

REPLY TO:

- 3450 East Lake Road, Suite 305, Palm Harbor, Florida 34685-2411 (727) 771-2102
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/11/19
Meeting Date

722
Bill Number (if applicable)

Topic Carrying of Firearms by Tactical Medical Professionals

Amendment Barcode (if applicable)

Name Tim Parson

Job Title _____

Address 113 E. College Ave.
Street

Phone 850-841-1726

Tallahassee FL 32301
City State Zip

Email Tim@libertypartnersfl.com

Speaking: For Against Information

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

Representing Florida Sheriffs 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.

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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)

03/11/2019

Meeting Date

S-722

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JUSTIN PARRINELLO

Job Title ASSISTANT TEAM LEADER SWAT MEDIC TEAM / CAPTAIN / FF

Address 2801 CORAL SPRINGS DR Phone 954-346-1386

Street

CORAL SPRINGS FL 33065 Email _____

City

State

Zip

Speaking: For Against Information

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

Representing CORAL SPRINGS FIRE DEPT

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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5/11/2019 Meeting Date

S 722 Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Michael McWally

Job Title Deputy Fire Chief

Address 2801 Coral Springs DR Street

Phone 754.264.2251

Coral Springs FL 33065 City State Zip

Email mmwally@CoralSprings.org

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

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

Representing Coral-Springs-Parkland Fire Dept.

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

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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3/11/2019

Meeting Date

722

Bill Number (if applicable)

Topic Carrying of Firearms by Tactical Medical Professionals

Amendment Barcode (if applicable)

Name Bob Mayersohn

Job Title Commissioner - City of Parkland

Address 6600 University Drive

Phone 954-753-5040

Street

Parkland

Florida

33067

City

State

Zip

Email bmayersohn@cityofparkland.org

Speaking: For Against Information

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

Representing CITY OF PARKLAND

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)

March 11, 2019

Meeting Date

0722

Bill Number (if applicable)

Topic Carrying of Firearms by Tactical Medical Professionals

Amendment Barcode (if applicable)

Name Gary Hester

Job Title _____

Address P.O. Box 14083

Phone 850-219-3631

Street

Tallahassee

FL

32317

Email ghester@fpca.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Police Chiefs 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.

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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)

3/11/19 Meeting Date

722 Bill Number (if applicable)

Topic Carrying Firearms by Tactical Med Professionals
Name KEN CUTLER

Amendment Barcode (if applicable)

Job Title VICE MAYOR CITY PARKLAND

Address 7421 W. Upper Ridge Dr
Street
Parkland TX 33067
City State Zip

Phone 561 703 6272

Email ken.c@cityofparkland.org

Speaking: [] For [] Against [] Information

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

Representing

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

Lobbyist registered with Legislature: [] Yes [] No

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THE FLORIDA SENATE
APPEARANCE RECORD

March 11, 2019 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

722

Bill Number (if applicable)

Topic Carrying of Firearms by Tactical Medics

Amendment Barcode (if applicable)

Name Ray Colburn

Job Title Executive Director

Address 221 Pinewood Dr.

Phone 407-468-6622

Street

Tallahassee FL 32307

City

State

Zip

Email ray@tflca.org

Speaking: For Against Information

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

Representing Florida Fire Chiefs Association

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)

3/11/19

Meeting Date

722

Bill Number (if applicable)

Topic Carrying of firearms by tactical medical

Amendment Barcode (if applicable)

Name Jim Millican

Job Title Division Chief

Address 4360-55th Ave N

Phone 727-526-5650

Street

St. Pete

FL

33714

City

State

Zip

Email jmillican@ec1menfire.com

Speaking: For Against Information

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

Representing Florida Fire Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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3/11/19

Meeting Date

722

Bill Number (if applicable)

Topic Carrying Firearms by Tactical Medical Professionals

Amendment Barcode (if applicable)

Name Stephen Winn

Job Title Exec. Director

Address 2544 Blairstone Pines Dr.

Phone 878-7364

Street

Tallahassee

FL

32301

Email winnsv@earthlink.net

City

State

Zip

Speaking: For Against Information

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

Representing Florida Osteopathic Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/11/19

Meeting Date

Bill Number (if applicable)

169454

Amendment Barcode (if applicable)

Topic Carrying Firearms by Tactical Medical Professionals

Name Stephen Winn

Job Title Exec. Director

Address 2544 Blairstone Pines Dr

Street

Phone 878-7364

Tallahassee

City

FL

State

32301

Zip

Email winnsv@earthlink.net

Speaking: For Against Information

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

Representing Florida Osteopathic Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/1/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/11/19

Meeting Date

722

Bill Number (if applicable)

Topic CARRYING OF FIREARMS BY TACTICAL MEDICAL PROFESSIONALS Amendment Barcode (if applicable)

Name KRISTIN B. McCABE-KLINE, MD

Job Title EMS MEDICAL DIRECTOR AND FLORIDA COLLEGE OF EMERGENCY PHYSICIANS

Address 91 ISLAND ESTATES PKWY Phone PILES IDENT ELECT CELL 386 283-2326
Street City State Zip Email kmccabemd@gmail.com

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

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

Representing FLORIDA COLLEGE OF EMERGENCY PHYSICIANS

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

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

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

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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)

03/11/2019

Meeting Date

722

Bill Number (if applicable)

Topic Carrying of Firearms by Tactical Medical Professionals

Amendment Barcode (if applicable)

Name Mark A. Wendt

Job Title Deputy Police Chief

Address 451 NW 70th Terrace

Phone 954-797-2743

Street

Plantation

FL

33317

City

State

Zip

Email mwendt@psd.plantation.org

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

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

Representing City of Plantation Police Department

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

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

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

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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)

03/11/2019

Meeting Date

722

Bill Number (if applicable)

Topic Carrying of Firearms by Tactical Medical Professionals

Amendment Barcode (if applicable)

Name Steve Greenlaw

Job Title Captain / SWAT Commander

Address 1300 W. Broward Blvd.

Phone 954-828-5540

Street

Fort Lauderdale

FL

33312

City

State

Zip

Email steveng@fortlauderdale.gov

Speaking: For Against Information

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

Representing Broward County Chiefs of Police Association / Fort Lauderdale Police Dept.

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
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: CS/SB 1076

INTRODUCER: Judiciary Committee and Senator Brandes and others

SUBJECT: Clerks of the Circuit Court

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tulloch	Cibula	JU	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB1076 makes changes to the clerks of the circuit courts' budget estimating process. The bill expands the revenue sources which may be used in developing the clerks' budgets to include:

- Unspent revenues carried forward from the prior fiscal year;
- Budget amendments; and
- Appropriations made by law for the purpose of funding court-related functions.

The bill also expands the Florida Clerks of Court Operations Corporation's (Corporation) budget approval authority, including permitting the Corporation to set aside 1 percent of estimated fiscal year reserves, the amount of which it must certify quarterly to the Department of Revenue. Additionally, the bill eliminates the automatic transfer of excess revenues from the Clerks of Court Trust Fund to the General Revenue Fund.

Significantly, the bill permits the clerks to be reimbursed quarterly for filing fees in non-fee cases at \$195 per case *if* the Legislature appropriates this money to the Clerks of Court Trust Fund. To fund the \$195 reimbursement in non-fee cases, the clerks request that \$39,220,115 in recurring funds from the General Revenue Fund be transferred to the Clerks of Court Trust Fund.

The effective date of the bill is October 1, 2019.

II. Present Situation:

Clerk of the Circuit Court

The clerk of the circuit court is a constitutional officer. Each of Florida's 67 counties are required to elect a clerk of the circuit court¹ to serve as both the clerk of court, completing judiciary functions, and as the “*ex officio*”² clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds.”³ In other words, the clerk of the circuit court wears approximately five hats. In wearing the auditor and custodian of county funds hats, the clerk may also be referred to as the comptroller.⁴

Funding for the Clerks’ Court-Related Functions

In its capacity as the clerk of the circuit and county courts, the clerk is required to perform various court-related, administrative and ministerial functions. Any court-related function authorized by law or court rule must be funded by the clerk’s collection of filing fees, service charges, costs, and fines, including the following:

- Case maintenance.
- Records management.
- Court preparation and attendance.
- Processing the assignment, reopening, and reassignment of cases.
- Processing appeals.
- Collection and distribution of fines, fees, service charges, and court costs.
- Data collection and reporting.
- Determinations of indigent status.
- Paying reasonable administrative support costs to enable the clerks to carry out court-related functions.⁵

Court funding is governed by section 14, article V of the Florida Constitution. For the clerks of the circuit courts, article V, section 14(b) provides that the clerks are self-sustaining and fund their court-related functions through the collection of filing fees, service charges, and other costs. Specifically, article V, section 14(b) states:

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate

¹ FLA. CONST. art. V, s. 16; FLA. CONST. art. VIII, s. 1.

² See BLACK’S LAW DICTIONARY (10th ed. 2014) (“*ex officio*” means “By virtue or because of an office; by virtue of the authority implied by office.”).

³ FLA. CONST. art. V, s. 16. This provision also provides that two officials may split the position, one serving as clerk of court and one serving in the *ex officio* position. Additionally, this provision permits the election of a county clerk of court when authorized by general or special law. *Id.*

⁴ See generally Florida Court Clerks & Comptrollers, *About Us, Clerks Duties & Services*, available at <https://www.flclerks.com/page/ClerksDuties> (last visited March 6, 2019). See also BLACK’S LAW DICTIONARY (10th ed. 2014) (“comptroller” means “An officer of a business or a private, state, or municipal corporation who is charged with duties usu. relating to fiscal affairs, including auditing and examining accounts and reporting the financial status periodically.”).

⁵ Section 28.35(3)(a), F.S. See also Florida Court Clerks & Comptrollers, *About Us, Clerks Duties & Services*, available at <https://www.flclerks.com/page/ClerksDuties> (last visited March 6, 2019).

filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the Legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.⁶

County Funding Referenced in Article V, Section 14(c)

As referenced above, article V, section 14(c) of the Florida Constitution states that while funding for the state courts system, including the clerks of court, will *not* be required by a county or municipality, the counties are responsible to fund certain types of court infrastructure and maintenance, including “the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems and the cost of construction or lease, maintenance, utilities, and security of facilities for . . . the offices of the clerks of the circuit and county courts performing court-related functions.”⁷ Additionally, counties pay “reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.”⁸

No-Fee Court Functions

Additionally, as referenced above, there are certain categories of cases and certain types of filings for which the clerks of court cannot charge a filing fee and possibly other service charges or other costs. These types of cases and filings include the following:

- Various services and filings for indigent parties to pending litigation.⁹
- Petitions for Habeas Corpus filed by persons detained as mental health patients.¹⁰
- Filing an ex parte order for involuntary examination (Baker Act).¹¹
- Petitions for involuntary inpatient placement for mental health.¹²
- Appellate filing fees for indigent persons determined to be and involuntarily committed as a sexually violent predator.¹³
- Petitions for involuntary assessment and stabilization for substance abuse impairment.¹⁴

⁶ FLA. CONST. art. V, s. 14(b), Fla. Const. (emphasis added).

⁷ FLA. CONST. art. V, s. 14(c).

⁸ *Id.* Additionally, article V, section 14(a) provides that funding for state court systems as well as state attorney’s offices, public defender’s offices, and court-appointed counsel will generally be paid from “state revenues appropriated by general law; and section 14(d) clarifies that the court system has no appropriations authority.

⁹ Sections 57.081 and 57.082, F.S. This does not include prisoners as defined in s. 57.085, F.S.

¹⁰ Section 394.459, F.S.

¹¹ Section 394.463, F.S. *See also Collins v. State*, 125 So. 3d 1046, 1047 (Fla. 4th DCA 2013) (noting section 394.463, F.S. is also known as the Florida Statutes Florida Mental Health Act or *Baker Act*).

¹² Section 394.467, F.S.

¹³ Section 394.917, F.S.

¹⁴ Section 397.6814, F.S.

- Petitions for a risk protection order (Marjory Stoneman Douglas High School Public Safety Act).¹⁵
- Petitions for protective injunctions against domestic violence,¹⁶ repeat, dating, or sexual violence,¹⁷ or stalking.¹⁸

History of the Clerks of Court Funding Model

1998 Article V Revision (“Revision 7”) and Implementing Legislation

Section 14 of article V was amended in 1998 to “substantially and significantly revise[] judicial system funding, greatly reducing funding from local governments and placing the responsibility primarily on the state.”¹⁹ The statement of intent accompanying the revision of article V, section 14(b), also known as “Revision 7,” reflects that the proposers intended for the Legislature to adopt procedures (1) to fund the clerks’ office in the event “filing fees, services charges and costs are insufficient to cover the court-related salaries, costs, and expenses of the offices of the clerks . . . in a given fiscal year”; and (2) for the disposition of excess revenues collected by the clerks’ offices in a given fiscal year.²⁰

Further, the statement of intent clarifies that the purpose for Revision 7 is to require legislative oversight and an independent review of clerk funding and spending practices. The reason for independent oversight is set out as follows:

The drafters of subsection (b) recognize that there currently exists significant disparities among what the various clerks’ offices spend to perform the same functions. The determination by the [L]egislature as to the appropriate level of spending should not entail an acceptance of the current level of spending by the clerks’ offices throughout the state to perform court-related functions. Rather, it is the intent of this proposal that the clerks be held accountable and responsible to a cost standard which is independently established by the [L]egislature.²¹

Revision 7’s 1998 amendment to Article V had to be implemented by July 1, 2004.²² In order to implement the 1998 amendment, the Legislature responded “in stages, beginning with passage of SB 1212 in 2000 (Chapter 200-237, Laws of Florida), followed by additional changes to that law in 2001, and, finally in 2002, through the funding of a study to assist in the final phase of implementation.”²³

¹⁵ Section 790.401, F.S.; Ch. 2018-3, s. 16, Laws of Fla.

¹⁶ Section 741.30, F.S.

¹⁷ Section 784.046, F.S.

¹⁸ Section 784.0485, F.S.

¹⁹ *City of Fort Lauderdale v. Crowder*, 983 So.2d 37, 39 (Fla. 4th DCA 2008) (“In its Statement of Intent, the Constitution Revision Commission explained: ‘The state’s obligation includes, but is not limited to, funding for all core functions and requirements of the state courts system and all other court-related functions and requirements *which are statewide in nature.*’ [e.s.] 26 Fla. Stat. Ann. (Supp.) 67.”).

²⁰ William A. Buzzett and Deborah K. Kearney, *Commentary <1998 Amendment (1997-1998 Constitution Revision Commission Revision 7)>*, FLA. STAT. ANN., FLA. CONST. art. V. s. 14.

²¹ *Id.*

²² *Office of State Attorney for Eleventh Judicial Circuit v. Polites*, 904 So. 2d 527, 530 (Fla. 3d DCA 2005).

²³ Florida Staff Analysis, H.B. 113A, 5/14/2003.

The final stage was implemented during the 2003 legislative session. To provide Revision 7's envisioned oversight, accountability, uniformity, and procedures in funding and budgeting for the clerks of court, the Legislature enacted **sections 28.35, 28.36, and 28.37, F.S.**²⁴:

- **Section 28.35, F.S.** created the Florida Clerks of Court Operations Corporation (“Corporation”)²⁵ which is responsible to provide accountability, procedural review, and oversight to the clerks of court budgeting process throughout the state.
- **Section 28.36, F.S.**, established budget review and approval procedures of individual clerk of court budgets by the Corporation.
- **Section 28.37, F.S.** ensures that a portion of certain fines, fees, service charges and costs collected by the clerks of court are remitted to the state to fund other court-related salaries, costs, and expenses.

Post-Article V Revision to Clerk Funding: 2004-2008²⁶

Between 2004 and 2008, the clerks collected and deposited into their local fine and forfeiture funds revenues from court filing fees, service charges, court costs, and fines assessed in civil and criminal proceedings.²⁷ A portion of the revenues in a clerk's fine and forfeiture fund was retained to finance the clerk's operations. However, another portion of these revenues were distributed to the General Revenue Fund or other state trust funds to meet other court-related costs. For example, the clerks were required to remit one-third of all fines, fees, service charges, and costs collected to the Department of Revenue for deposit into the Clerk of the Court Trust Fund,²⁸ a fund established to assist the clerks in meeting revenue deficits.

Regarding budget planning, the clerks had discretion to set their individual budgets based on anticipated revenues and expenditures. Each clerk's proposed budget had to be balanced with estimated revenues equaling or exceeding anticipated expenditures, although the budget could include a 10% contingency reserve.²⁹ If a clerk estimated that available funds plus projected revenues were insufficient to meet anticipated expenditures for court-related functions, that clerk could follow the statutory procedure for receiving funds from the Clerks of the Court Trust Fund to address the deficit.³⁰

Each clerk had to submit its proposed budget to the Corporation for review and certification that the individual budget was complete and complied with budget procedures.³¹ Upon review and certification by the Corporation, revenue exceeding the amount needed to fund each budget was deposited in the General Revenue Fund.³²

²⁴ 2003 Fla. Sess. Law Serv. Ch. 2003-402 (H.B. 113-A). *See also City of Ft. Lauderdale v. Crowder*, 983 So. 2d 37, 39 (Fla. 4th DCA 2008). Note also that the bill seeks to amend each of these provisions.

²⁵ *See* n. 5 and text, *supra*. When it was first enacted, section 28.35 the “Clerk of court Operations Conference” which was changed in 2004 to the “Florida Clerks of Court Operations Corporation.” Ch. 2004-265, s. 23, Laws of Fla. All clerks are members of the Corporation.

²⁶ This section adapted or used in its entirety from the Appropriations Committee staff analysis in SB 2506 (2017).

²⁷ Section 142.01, F.S.

²⁸ Section 28.37(2), F.S. (2008).

²⁹ Section 28.36(3)(b), (c), F.S. (2008).

³⁰ Section 28.36(4), F.S. (2008).

³¹ Section 28.36(3), F.S. (2008).

³² Section 28.37(4), F.S. (2008).

During this time, the Legislature's involvement in the clerks' budgets was limited. The Legislative Budget Commission (LBC) had authority to approve increases to the maximum annual budgets approved for individual clerks if the additional funding was necessary to:

- Pay the cost of performing new or additional functions required by changes in law or court rule; or
- Pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature.³³

Clerks in the General Appropriations Act: 2009-2012³⁴

In an effort to gain greater oversight and accountability for the operations and funding of the clerks of court, the Legislature passed chapter 2009-204, L.O.F. which substantially amended the clerks' statutory budget process and procedures. The new law brought the clerks into the state budget and appropriated their funding in the annual General Appropriations Act.

More specifically, the 2009 law required that all revenues received by the clerks from court-related fees, fines, costs and service charges be remitted to the Department of Revenue for deposit into the Clerks of Court Trust Fund within the Justice Administrative Commission (JAC).³⁵ The law permitted the clerks, however, to deposit ten percent of all court-related fines in the Public Records Modernization Trust Fund to be used in addition to state appropriations for operational needs.³⁶

By 2009, revenues accruing to the Clerks of Court Trust Fund began to decline due to the downturn in the economy and the reduction in foreclosure filing fees. As a result, the Legislature reinforced the clerks' budgets with additional moneys from the General Revenue Fund. The 2011 Legislature appropriated \$44.2 million from the General Revenue Fund to address FY 2010-2011 revenue deficits and the 2012 Legislature appropriated \$57.6 million to address FY 2011-2012 deficits.

Return to Pre-2009 Funding Model: 2013-Present³⁷

In 2013, the Legislature reversed many of the 2009 funding model changes but expanded the oversight and accountability in the clerks' budget process. Significantly, the 2013 law³⁸ added the following:

- Monthly accounting: required each clerk to submit all collected revenues exceeding one-twelfth of the clerk's total budget for the prior month to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.
- Annual accounting: required the transfer of revenue exceeding one-twelfth of the clerks' total budget out of the Clerks of Court Trust Fund into the General Revenue Fund each January

³³ Section 28.36(6), F.S. (2008).

³⁴ This section adapted or used in its entirety from the Appropriations Committee staff analysis in SB 2506 (2017).

³⁵ Ch. 2009-204, ss. 5-8, 12, 14, 19, Laws of Fla. The clerks' budgets were appropriated within the JAC budget from 2009-2012. *See also* s. 43.16, F.S. (establishes the Justice Administrative Commission, which administratively serves 49 judicial-related entities, as well as provides compliance and financial review of billings for services provided by private court-appointed attorneys representing indigent citizens and associated due process vendors).

³⁶ Section 28.37(5), F.S.

³⁷ This section adapted or used in its entirety from the Appropriations Committee staff analysis in SB 2506 (2017).

³⁸ Ch. 2013-44, Laws of Fla.

unless the official estimate by the Revenue Estimating Conference projects a trust fund deficit (based on the current budget) in the current or upcoming fiscal year.

- Corporation audits: directed the Corporation to conduct annual base budget reviews, conduct cost-comparisons of similarly situated clerks, report pay and benefit issues, and provide an explanation of any clerk expenditure increases over 3 percent.³⁹
- Corporation budget standard: required the Corporation to use the official Article V Revenue Estimating Conference revenue estimates for the clerks' budget process.⁴⁰

The 2013 law also enhanced the role and responsibilities of the Legislative Budget Commission (LBC), and directed the LBC to review the budgets of the clerks and either (1) approve, (2) disapprove, or (3) amend and approve the budgets by October 1 of each year.⁴¹ In 2017, however, the Legislature removed these duties from the LBC to review the clerks' budgets.⁴²

Current budget process⁴³

By June of each year:

- Each individual clerk must
 - Prepare, summarize and submit his or her proposed budget to the Corporation for the county fiscal year beginning October 1.⁴⁴
 - Ensure the budget is balanced so that aggregate estimated revenues (money in) equal or exceed the total anticipated expenditures (money out).⁴⁵
 - Notify the Corporation if the clerk estimates a deficit based on projected revenues will be insufficient to meet anticipated expenditures.⁴⁶
- Upon receipt of the clerk's budget, the Corporation must
 - Undertake an extensive review of the clerks' budgets using information such as cost comparisons with similarly situated clerks, a base budget review, and estimates of available revenues.
 - Ensure the total combined budgets of the clerks of court do not exceed the official revenue estimate prepared by the Article V Revenue Estimating Conference.^{47,48}
 - Verify any projected deficit and notify the Department of Revenue (DOR) that the specific clerk is authorized to draw down revenues from the Clerk of the Court Trust Fund to cover the deficit.⁴⁹

³⁹ Section 28.35(2)(f), F.S.

⁴⁰ Section 28.35(2)(f)6., F.S.

⁴¹ Section 11.90(6)(d), F.S.

⁴² Ch. 2017-126, s. 1, Laws of Fla.

⁴³ This section adapted or used in its entirety from the Appropriations Committee staff analysis in SB 2506 (2017).

⁴⁴ Section 28.36(2)(a), F.S.

⁴⁵ Section 28.36(2)(b), F.S.

⁴⁶ Section 28.36(3), F.S.

⁴⁷ Section 28.35(f), F.S.

⁴⁸ Section 216.136(3), F.S. authorizes Revenue Estimating Conferences (REC) to develop official information on anticipated state and local government revenues for state budgeting purposes. The Article V Fees and Transfers REC is one of at least 17 RECs and generally meets three times a year to estimate revenues from court fines, fees, penalties, and service charges. The results of the July Article V REC are used to set the budget for the clerks.

⁴⁹ Section 28.36(3), F.S.

By October 15, the Corporation must submit its legislative budget request.⁵⁰

Current budget problems

Since returning to the pre-2009 funding model in 2013, revenues to support the budgets of the clerks have not materialized as projected. There are two primary reasons for this. First, as the housing market has improved, fewer foreclosure filings have resulted in reduced filing fee revenues accruing to the clerks.

Second, the clerks' offices rely heavily on revenues generated by collecting fees for civil traffic citations. However, law enforcement officers have been issuing fewer traffic tickets resulting in declining revenues. For County Fiscal Year (CFY) 2015-16, the clerks reported 2,927,266 civil traffic cases which represents a 24 percent decline since CFY 2011-12. These cases represented 27 percent of total clerk revenues in CFY 2015-16 but only represented a fraction of total workload. Revenues from civil traffic cases support other case types, like circuit criminal cases, that require more workload to complete than their revenues generate.

In September 2015, while still under the Legislative Budget Commission (LBC), the LBC approved a CFY 2015-16 clerk budget of \$447.9 million based on the July 2015 projected Article V revenues combined with the "ten percent" funds accruing to the Public Records Modernization Trust Fund.⁵¹ However, for all of CFY 2015-16, the clerks reported the actual Article V revenues and all "ten percent" funds totaled \$419.3 million, a shortfall of \$28.6 million. The 2016 Legislature made a supplemental appropriation of \$12.9 million to help address the deficit, but the clerks were obligated to reduce their expenditures to address the remaining shortfall.⁵²

The clerks' revenue picture for CFY 2016-17 did not show signs of improvement. In September 2016, the LBC approved a budget of \$422.1 million for the clerks, a \$27.8 million reduction from the prior year's approved budget, which was based on the July 2016 Article V Revenue Estimating Conference showing continued declines in clerk revenues over the forecasted period. In February 2017, the Article V Revenue Estimating Conference revised downward its CFY 2016-17 estimate of projected revenues for the clerks by another \$10 million, observing continued weakness in traffic and foreclosure revenues.

For CFY 2017-18, the clerk's budget was reduced again to \$409.4 million based on projected revenues.⁵³ The Corporation reports that for CFY 2018-19, the budget is at least \$40 million short of projected actual costs.⁵⁴

⁵⁰ Section 28.35(f)(3), F.S.; s. 216.023(2), (3), F.S.

⁵¹ Section 28.37(5) permits the clerk to deposit ten percent of all court-related fines, with two exceptions, into the Public Records Modernization Trust Fund for court-related operational needs and program enhancements. The commission counts these funds as clerk revenue when approving the clerks' budgets.

⁵² Ch. 2016-66, s. 62, Laws of Fla.

⁵³ Florida Clerks of Courts Operations Corporation, *Discussion of Services, Budget, and Performance of the Clerks*, 3, (Nov. 5, 2018) (on file with the Senate Judiciary Committee).

⁵⁴ Florida Clerks of Courts Operations Corporation, *Modernizing the Budget Process so Clerks Can Serve Florida* (on file with the Senate Judiciary Committee).

In sum, the Corporation reports that between 2013 and 2019, the clerks' overall budget has fallen by \$47.7 million. However, the reduction in the clerks' budget is based on falling revenues, not on a decrease in the clerks' actual workload or responsibilities.

According to the Corporation, one reason for the loss of revenue without a corresponding reduction in workload is the increase in no-fee cases. The Corporation identifies three public policy decisions not to charge filings fees or other costs in certain cases that, while good, result in additional expenditures by the clerks' offices without additional revenues:

1. Access to Courts for those who are unable to pay (Indigency).
2. Exemption of certain types of cases from filing fees (Mental Health, Domestic Violence).
3. Waiver of filing fees to prosecute and process criminal and juvenile cases.⁵⁵

Additionally, the Corporation notes that the clerks have no statutory authority to maintain a reserve of funds.

III. Effect of Proposed Changes:

SB1076 makes changes to the clerks' budget estimating process, permitting the clerks to retain more revenues collected and providing for an ongoing, quarterly review process to ensure the clerks are adequately funded to perform their court-related functions.

Sections 1 amends s. 28.35(f), F.S., which sets out the duties of the Florida Clerks of Court Operations Corporation ("Corporation") in reviewing and approving the clerks' cumulative budgets. The bill expands funding sources the Corporation may look at in approving each clerk's individual budgets and the total combined budget for the clerks' offices beyond just the estimated revenues determined by the Revenue Estimating Conference. The Corporation must now ensure that the cumulative budget does not exceed:

- Revenues available for court-related expenditures estimated by the Revenue Estimating Conference; and
- Unspent revenues carried forward from the prior fiscal year; and
- Budget amendments; and
- Appropriated made by law for the purpose of funding court related functions.

Additionally, in determining the clerks' cumulative budget, the bill permits the Corporation to:

- Estimate additional budget authority necessary to pay the cost of performing new or additional functions resulting from a change in the law or a court rule; from the addition of new judges, magistrates; or to support senior judges and hearing officers, s. 28.35(f)(10); and
- Reserve up to 1 percent of total estimated funds, if any, available at the beginning of the fiscal year, and reserve midyear revenue increases without limit. Quarterly, the Corporation will certify the total amount of funds reserved to the Department of Revenue, s. 28.35(1)(f)(11).

The bill adds further procedures by which the Corporation may request additional funding from the Legislature or unobligated funds from the Governor to meet any funding deficits throughout the fiscal year; s. 28.35 (2)(i)-(m). The bill also permits technology costs directly associated with

⁵⁵ *Id.*

court-related functions as well as some due process and jury costs to be counted as court-related functions that may be funded by fines and fees; s. 28.35(3)(a), F.S.

Section 2 amends s. 28.36, F.S., which sets out the clerks' budget request procedures. The bill expands the funding sources available to the clerks in estimating their budgets to include:

- Unspent revenues carried forward from the prior fiscal year; and
- Budget amendments; and
- Appropriated made by law for the purpose of funding court related functions.

Section 3 amends s. 28.37, F.S., which concerns the transfer of revenues generated by the clerks to fund other court functions. The bill eliminates the automatic transfer of excess revenues beyond the clerks' estimated budget from the Clerks of Court Trust Fund to the General Revenue Fund by the Department of Revenue. Instead, the bill provides that the Corporation will certify and the Department of Revenue will review the excess revenues, presumably to determine what ought to be reserved and what can be transferred to the General Revenue Fund.

Section 4 through 13 adds a provision to reimburse the clerks of court to various statutes waiving the clerks' fees, i.e. "no-fee cases." The bill provides that the clerks of court may be reimbursed in these no-fee cases at a rate of \$195 each on a quarterly basis *if* the Legislature appropriates funding for that purpose and deposits it into the Clerks of Court Trust Fund. Procedurally, the clerks' offices would make a quarterly reimbursement request to the Corporation, and the Corporation would request authority from the Department of Revenue to release these earmarked, reimbursement funds from the Clerks of Court Trust Fund.

Sections 4 adds the reimbursement provision for the waiver of filing fees and other charges for parties to pending litigation who have already been declared indigent under s. 57.081(1), F.S.⁵⁶

Section 5, similarly, adds the reimbursement provision for the waiver of the petition fee by someone appealing a determination that he or she is not indigent under s. 57.082, F.S.

Sections 6, 7, and 8 add the reimbursement provision for the waiver of filing fees in several mental health provisions, respectively:

- Petitions for Habeas Corpus filed by persons detained as mental health patients under s. 394.459, F.S.
- Filing an ex parte order for involuntary examination (*Baker* Act order) under s. 394.463, F.S.
- Petitions for involuntary inpatient placement for mental health under s. 394.467, F.S.

Section 9 adds the reimbursement provision for appellate filing fees for indigent persons determined to be and involuntarily committed as a sexually violent predators under s. 394.917, F.S.

Section 10 adds the reimbursement provision for petitions for involuntary assessment and stabilization for substance abuse impairment under s. 397.6814, F.S.

⁵⁶ This does not include prisoners as defined in s. 57.085, F.S.

Section 11 adds the reimbursement provision for petitions for a risk protection order (Marjory Stoneman Douglas High School Public Safety Act) under s. 790.401, F.S.

Sections 12, 13, and 14 add the reimbursement provision for petitions for protective injunctions against domestic violence, repeat, sexual, or dating violence, and stalking in ss. 741.30, F.S., 784.046, F.S., and 784.0485, F.S., respectively.

Section 15 requests an appropriation of \$39,220,115 for the 2019-2020 fiscal from the General Revenue Fund to the Clerks of Court Trust Fund to cover the reimbursement of fees and other costs specified in the bill.

Section 16 provides the bill will be effective October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The state court system does not anticipate any fiscal impact resulting from the passage of the bill. Although the Department of Revenue is impacted, it has not indicated the extent to which it will be impacted operationally or fiscally.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.35, 28.36, 28.37, 57.081, 57.082, 394.459, 394.463, 394.467, 394.917, 397.6814, 790.401, 741.30, and 784.0485.

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 March 11, 2019:

- Adding reimbursement language to s. 784.046, F.S. for non-fee petitions for a protective injunctions against repeat, sexual, and dating violence; providing for reimbursement of \$195 to clerks of court, subject to Legislative appropriation.
- Technical correction – adding a missing word on line 236 of the bill.

B. Amendments:

None.



116546

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/11/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete line 236

and insert:

Operations Corporation shall certify whether ~~The Department
of Revenue~~

Between lines 508 and 509

insert:

Section 13. Paragraph (b) of subsection (3) of section
784.046, Florida Statutes, is amended to read

784.046 Action by victim of repeat violence, sexual



116546

12 violence, or dating violence for protective injunction; dating
13 violence investigations, notice to victims, and reporting;
14 pretrial release violations; public records exemption.—

15 (3)

16 (b) Notwithstanding any other law, the clerk of the court
17 may not assess a fee for filing a petition for protection
18 against repeat violence, sexual violence, or dating violence.
19 However, subject to legislative appropriation, the clerk of the
20 court may, each quarter, submit to the Florida Clerks of Court
21 Operations Corporation ~~Office of the State Courts Administrator~~
22 a certified request for reimbursement for petitions for
23 protection issued by the court under this section at the rate of
24 \$195 ~~\$40~~ per petition. ~~The request for reimbursement shall be~~
25 ~~submitted in the form and manner prescribed by the Office of the~~
26 ~~State Courts Administrator. Quarterly, the corporation shall~~
27 certify the amount of the reimbursement to the Department of
28 Revenue and request release authority for funds from the Clerks
29 of the Court Trust Fund within the Department of Revenue. From
30 this reimbursement, the clerk shall pay the law enforcement
31 agency serving the injunction the fee requested by the law
32 enforcement agency; however, this fee may not exceed \$20.

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

35 And the title is amended as follows:

36 Delete lines 36 - 38

37 and insert:

38 741.30, 784.046, and 784.0485, F.S.; revising the
39 reimbursement process for the clerks of the circuit
40 court for petitions for protection against domestic



116546

41
42

violence, petitions for protection against repeat,
sexual, or dating violence, and



121614

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Brandes) recommended the following:

1 **Senate Substitute for Amendment (116546) (with title**
2 **amendment)**

3
4 Delete line 236

5 and insert:

6 Operations Corporation shall certify whether ~~The Department~~
7 ~~of Revenue~~

8 Between lines 508 and 509

9 insert:

10 Section 13. Paragraph (b) of subsection (3) of section
11 784.046, Florida Statutes, is amended to read



121614

12 784.046 Action by victim of repeat violence, sexual
13 violence, or dating violence for protective injunction; dating
14 violence investigations, notice to victims, and reporting;
15 pretrial release violations; public records exemption.-

16 (3)

17 (b) Notwithstanding any other law, the clerk of the court
18 may not assess a fee for filing a petition for protection
19 against repeat violence, sexual violence, or dating violence.
20 However, subject to legislative appropriation, the clerk of the
21 court may, each quarter, submit to the Florida Clerks of Court
22 Operations Corporation ~~Office of the State Courts Administrator~~
23 a certified request for reimbursement for petitions for
24 protection issued by the court under this section at the rate of
25 \$195 ~~\$40~~ per petition. ~~The request for reimbursement shall be~~
26 ~~submitted in the form and manner prescribed by the Office of the~~
27 ~~State Courts Administrator.~~ Quarterly, the corporation shall
28 certify the amount of the reimbursement to the Department of
29 Revenue and request release authority for funds from the Clerks
30 of the Court Trust Fund within the Department of Revenue. From
31 this reimbursement, the clerk shall pay the law enforcement
32 agency serving the injunction the fee requested by the law
33 enforcement agency; however, this fee may not exceed \$20.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 36 - 38

38 and insert:

39 741.30, 784.046, and 784.0485, F.S.; revising the
40 reimbursement process for the clerks of the circuit



41 court for petitions for protection against domestic
42 violence, petitions for protection against repeat,
43 sexual, or dating violence, and

By Senator Brandes

24-00798-19

20191076__

1 A bill to be entitled
 2 An act relating to clerks of the circuit court;
 3 amending s. 28.35, F.S.; providing that funds
 4 available for budgets of the clerks of the court
 5 include certain revenues from the previous year,
 6 budget amendments, and appropriated funds; revising
 7 the approval process for proposed budgets; expanding
 8 the duties of the Florida Clerks of Court Operations
 9 Corporation to include certifying certain variances,
 10 preparing and submitting budget requests to the
 11 Legislature, requesting certain amendments, requesting
 12 the Governor to order the transfer of certain moneys,
 13 and prescribing certain forms; adding certain costs to
 14 the list of court-related functions that clerks may
 15 fund; amending s. 28.36, F.S.; revising the
 16 requirements to which a proposed budget by the clerks
 17 of the court must conform; requiring the corporation
 18 to certify certain revenue needs to the Governor and
 19 the Legislature; revising when the corporation may
 20 approve increases or decreases to previously
 21 authorized budgets; amending s. 28.37, F.S.; requiring
 22 the Department of Revenue to deposit certain remitted
 23 funds in the Clerks of the Court Trust Fund rather
 24 than the General Revenue Fund; requiring the
 25 corporation to certify certain estimates for funds and
 26 certain unspent funds; requiring the department to
 27 review such certification of unspent funds; amending
 28 ss. 57.081, 57.082, 394.459, 394.463, 394.467,
 29 394.917, 397.6814, and 790.401, F.S.; authorizing the

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

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30 clerks of the circuit court to submit certified
 31 requests for reimbursement to the corporation for
 32 certain waived costs or fees; requiring the
 33 corporation to certify the amounts of reimbursement to
 34 the department and request release authority for funds
 35 from the Clerks of the Court Trust Fund; amending ss.
 36 741.30 and 784.0485, F.S.; revising the reimbursement
 37 process for the clerks of the circuit court for
 38 petitions for protection against domestic violence and
 39 petitions for protection against stalking,
 40 respectively; requiring the corporation to certify the
 41 amounts of reimbursement to the department and request
 42 release authority for funds from the Clerks of the
 43 Court Trust Fund; providing an appropriation;
 44 providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Paragraph (f) of subsection (2) and paragraph
 49 (a) of subsection (3) of section 28.35, Florida Statutes, are
 50 amended, and paragraphs (i) through (m) are added to subsection
 51 (2) of that section, to read:
 52 28.35 Florida Clerks of Court Operations Corporation.—
 53 (2) The duties of the corporation shall include the
 54 following:
 55 (f) Approving the proposed budgets submitted by clerks of
 56 the court for the following county fiscal year pursuant to s.
 57 28.36. The corporation must ensure that the total combined
 58 budgets of the clerks of the court do not exceed the total of

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59 the estimated revenues available for court-related expenditures
 60 as determined by the ~~most recent~~ Revenue Estimating Conference,
 61 plus unspent revenues carried forward from the previous fiscal
 62 year, budget amendments, and appropriations made by law for the
 63 purpose of funding court-related functions. The corporation may
 64 amend any individual clerk of the court budget to ensure
 65 compliance with this paragraph and must consider performance
 66 measures, workload performance standards, workload measures, and
 67 expense data before modifying the budget. As part of this
 68 process, the corporation shall:

69 1. Calculate the minimum amount of revenue necessary for
 70 each clerk of the court to efficiently perform the list of
 71 court-related functions specified in paragraph (3) (a). The
 72 corporation shall apply the workload measures appropriate for
 73 determining the individual level of review required to fund the
 74 clerk's budget.

75 2. Prepare a cost comparison of similarly situated clerks
 76 of the court, based on county population and numbers of filings,
 77 using the standard list of court-related functions specified in
 78 paragraph (3) (a).

79 3. Conduct an annual base budget review and an annual
 80 budget exercise examining the total budget of each clerk of the
 81 court. The review shall examine revenues from all sources,
 82 expenses of court-related functions, and expenses of noncourt-
 83 related functions as necessary to determine that court-related
 84 revenues are not being used for noncourt-related purposes. The
 85 review and exercise shall identify potential targeted budget
 86 reductions in the percentage amount provided in Schedule VIII-B
 87 of the state's previous year's legislative budget instructions,

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88 as referenced in s. 216.023(3), or an equivalent schedule or
 89 instruction as may be adopted by the Legislature.

90 4. Identify those proposed budgets containing funding for
 91 items not included on the standard list of court-related
 92 functions specified in paragraph (3) (a).

93 5. Identify those clerks projected to have court-related
 94 revenues insufficient to fund their anticipated court-related
 95 expenditures.

96 6. Use revenue estimates based on the official estimate for
 97 funds accruing to the clerks of the court, as authorized by law,
 98 made by the Revenue Estimating Conference, as well as any
 99 unspent revenues carried forward from the previous fiscal year,
 100 budget amendments, and appropriations made for the purpose of
 101 funding court-related functions. However, the corporation must
 102 certify any budget needs determined pursuant to law which are in
 103 excess of the official estimate to ensure that such budget needs
 104 fund only the court-related functions specified in paragraph
 105 (3) (a). The total combined budgets of the clerks of the court
 106 may not exceed the revenue estimates established by the most
 107 recent Revenue Estimating Conference.

108 7. Identify pay and benefit increases in any proposed clerk
 109 budget, including, but not limited to, cost of living increases,
 110 merit increases, and bonuses.

111 8. Identify increases in anticipated expenditures in any
 112 clerk budget that exceeds the current year budget by more than 3
 113 percent.

114 9. Identify the budget of any clerk which exceeds the
 115 average budget of similarly situated clerks by more than 10
 116 percent.

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117 10. Estimate the additional budget authority necessary to
 118 pay the cost of performing new or additional functions required
 119 by changes in law or court rule, the cost of supporting
 120 increases in the number of judges or magistrates authorized by
 121 the Legislature, the cost of increases in the use of hearing
 122 officers and senior judges assigned by the courts, and the cost
 123 of supporting increases in the use of hearing officers and
 124 senior judges assigned by the courts.

125 11. Estimate the amount, if any, of total funds estimated
 126 to be available at the beginning of the fiscal year, up to 1
 127 percent of the approved budget authority, to be reserved. Such
 128 estimate must be based on estimates of changes in budget
 129 authority that may be required during the fiscal year pursuant
 130 to s. 28.36(4). Midyear revenue increases may be reserved
 131 without limit. Quarterly, the corporation shall certify to the
 132 Department of Revenue the amount of total funds reserved.

133 (i) Certifying to the Legislature, if the corporation
 134 determines that the cumulative budget for all clerks will vary
 135 by more than 5 percent from the approved cumulative budget for
 136 the previous year, the specific causes for the variance, the
 137 revenues or costs associated with each variance, and how each
 138 variance relates to the clerks' responsibilities in performing
 139 their court-related functions.

140 (j) Preparing and submitting legislative budget requests to
 141 the Legislature, consistent with the requirements of s. 216.023.
 142 Such requests must be submitted for any fiscal year for which
 143 the corporation determines that new duties or financial
 144 obligations under s. 28.36(4), beyond those funded in prior
 145 fiscal years, have been imposed on the court-related functions

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146 of clerks of the court; and for any fiscal year for which the
 147 corporation determines that the total estimated revenues
 148 available for court-related expenditures as determined by the
 149 most recent Revenue Estimating Conference, unspent revenues
 150 carried forward from the previous fiscal year, and budget
 151 amendments and appropriations made by law for the purpose of
 152 funding court-related functions will be inadequate to provide
 153 funding for court-related functions of clerks of the court at
 154 the current level of operations.

155 (k) Requesting amendments to the approved operating budget,
 156 pursuant to s. 216.181.

157 (l) Requesting the Governor to order, pursuant to s.
 158 215.18(1), a temporary transfer of moneys from unobligated funds
 159 in the State Treasury to the Clerks of the Court Trust Fund in
 160 the Department of Revenue in order to meet temporary
 161 deficiencies in that fund.

162 (m) Prescribing the form and manner for clerks to submit
 163 requests for reimbursement for actions that are exempt from fees
 164 and other costs, which are eligible for reimbursement from state
 165 funds, and for which the Legislature has appropriated funds.

166 (3) (a) The list of court-related functions that clerks may
 167 fund from filing fees, service charges, costs, and fines is
 168 limited to those functions expressly authorized by law or court
 169 rule. Those functions include the following: case maintenance;
 170 records management; court preparation and attendance; processing
 171 the assignment, reopening, and reassignment of cases; processing
 172 of appeals; collection and distribution of fines, fees, service
 173 charges, and court costs; processing of bond forfeiture
 174 payments; data collection and reporting; determinations of

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175 indigent status; technology costs directly associated with
 176 court-related functions; due-process and jury-related costs not
 177 reimbursed pursuant to s. 40.29; and paying reasonable
 178 administrative support costs to enable the clerk of the court to
 179 carry out these court-related functions.

180 Section 2. Paragraph (b) of subsection (2) and subsection
 181 (4) of section 28.36, Florida Statutes, are amended to read:

182 28.36 Budget procedure.—There is established a budget
 183 procedure for the court-related functions of the clerks of the
 184 court.

185 (2) Each proposed budget shall further conform to the
 186 following requirements:

187 (b) 1. The proposed budget must be balanced such that the
 188 total of the estimated revenues available equals or exceeds the
 189 total of the anticipated expenditures. Such revenues include
 190 revenue projected to be received from fees, service charges,
 191 costs, and fines for court-related functions during the fiscal
 192 period covered by the budget; unspent revenues carried forward
 193 from the previous fiscal year; budget amendments; and
 194 appropriations made for the purpose of funding court-related
 195 functions. The anticipated expenditures must be itemized as
 196 required by the corporation.

197 2. If the corporation determines that the clerks' total
 198 anticipated expenditures exceed the clerks' total estimated
 199 revenues established by the total of the most recent Revenue
 200 Estimating Conference plus unspent revenues carried forward from
 201 the previous fiscal year, budget amendments, and appropriations
 202 for the purpose of funding court-related functions, the
 203 corporation must certify the additional amount necessary to fund

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204 anticipated expenditures to the Governor, the President of the
 205 Senate, and the Speaker of the House of Representatives.

206 (4) The corporation may approve increases or decreases to
 207 the previously authorized budgets approved for ~~individual~~ clerks
 208 of the court pursuant to s. 28.35 for court-related functions,
 209 if:

210 (a) The additional budget authority is necessary to pay the
 211 cost of performing new or additional functions required by
 212 changes in law or court rule, by an impact resulting from
 213 financial obligations imposed on court-related functions by a
 214 county or by administrative order of a circuit court or the
 215 Supreme Court, or by order of a federal or state court; or

216 (b) The additional budget authority is necessary to pay the
 217 cost of supporting increases in the number of judges or
 218 magistrates authorized by the Legislature, or by increases in
 219 the use of hearing officers and senior judges assigned by the
 220 courts.

221 Section 3. Subsection (3) of section 28.37, Florida
 222 Statutes, is amended to read:

223 28.37 Fines, fees, service charges, and costs remitted to
 224 the state.—

225 (3) Each year, no later than January 25, 2015, ~~and Each~~
 226 ~~January 25 thereafter~~ for the previous county fiscal year, the
 227 clerks of court, in consultation with the Florida Clerks of
 228 Court Operations Corporation, shall remit to the Department of
 229 Revenue for deposit in the Clerks of the Court Trust Fund
 230 ~~General Revenue Fund~~ the cumulative excess of all fines, fees,
 231 service charges, and costs retained by the clerks of the court,
 232 plus any funds received by the clerks of the court from the

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233 Clerks of the Court Trust Fund under s. 28.36(3), which exceed
 234 the amount needed to meet their authorized budget amounts
 235 established under s. 28.35. The Florida Clerks of Court
 236 Operations Corporation shall certify ~~The Department of Revenue~~
 237 ~~shall transfer from the Clerks of Court Trust Fund to the~~
 238 ~~General Revenue Fund the cumulative excess of all fines, fees,~~
 239 ~~service charges, and costs submitted by the clerks of court~~
 240 ~~pursuant to subsection (2). However, if the most recent~~ official
 241 estimate for funds accruing to the clerks of court made by the
 242 Revenue Estimating Conference for the current fiscal year or the
 243 next fiscal year is less than the cumulative amount of
 244 authorized budgets for the clerks of court for the current
 245 fiscal year. The Florida Clerks of Court Operations Corporation
 246 shall also certify, and the Department of Revenue shall review,
 247 the amounts of unspent funds retained by clerks for the previous
 248 county fiscal year, unspent funds remaining in the Clerks of the
 249 Court Trust Fund for the previous county fiscal year, funds
 250 certified pursuant to s. 28.36(2)(b), and deficits between
 251 budgets and estimated revenues for the current fiscal year and
 252 the next fiscal year, ~~the Department of Revenue shall retain in~~
 253 ~~the Clerks of the Court Trust Fund the estimated amount needed~~
 254 ~~to fully fund the clerks of court for the current and next~~
 255 ~~fiscal year based upon the current budget established under s.~~
 256 ~~28.35.~~

257 Section 4. Subsection (1) of section 57.081, Florida
 258 Statutes, is amended to read:

259 57.081 Costs; right to proceed where prepayment of costs
 260 and payment of filing fees waived.—

261 (1) Any indigent person, except a prisoner as defined in s.

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262 57.085, who is a party or intervenor in any judicial or
 263 administrative agency proceeding or who initiates such
 264 proceeding shall receive the services of the courts, sheriffs,
 265 and clerks, with respect to such proceedings, despite his or her
 266 present inability to pay for these services. Such services are
 267 limited to filing fees; service of process; certified copies of
 268 orders or final judgments; a single photocopy of any court
 269 pleading, record, or instrument filed with the clerk; examining
 270 fees; mediation services and fees; private court-appointed
 271 counsel fees; subpoena fees and services; service charges for
 272 collecting and disbursing funds; and any other cost or service
 273 arising out of pending litigation. In any appeal from an
 274 administrative agency decision, for which the clerk is
 275 responsible for preparing the transcript, the clerk shall record
 276 the cost of preparing the transcripts and the cost for copies of
 277 any exhibits in the record. A party who has obtained a
 278 certification of indigence pursuant to s. 27.52 or s. 57.082
 279 with respect to a proceeding is not required to prepay costs to
 280 a court, clerk, or sheriff and is not required to pay filing
 281 fees or charges for issuance of a summons. However, subject to
 282 legislative appropriation, the clerk of the circuit court may,
 283 on a quarterly basis, submit to the Florida Clerks of Court
 284 Operations Corporation a certified request for reimbursement for
 285 fees and costs waived under this subsection, at the rate of \$195
 286 per case. Quarterly, the corporation shall certify the amount of
 287 the reimbursement to the Department of Revenue and request
 288 release authority for funds from the Clerks of the Court Trust
 289 Fund within the Department of Revenue.

290 Section 5. Subsection (8) is added to section 57.082,

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291 Florida Statutes, to read:

292 57.082 Determination of civil indigent status.—

293 (8) Subject to legislative appropriation, the clerk of the
 294 circuit court may, on a quarterly basis, submit to the Florida
 295 Clerks of Court Operations Corporation a certified request for
 296 reimbursement for filing fees and prepayment of costs, or
 297 portions thereof, which were not paid based on a determination
 298 of indigency pursuant to this section, at the rate of \$195 per
 299 case. Quarterly, the corporation shall certify the amount of the
 300 reimbursement to the Department of Revenue and request release
 301 authority for funds from the Clerks of the Court Trust Fund
 302 within the Department of Revenue.

303 Section 6. Paragraph (d) of subsection (8) of section
 304 394.459, Florida Statutes, is amended to read:

305 394.459 Rights of patients.—

306 (8) HABEAS CORPUS.—

307 (d) No fee shall be charged for the filing of a petition
 308 under this subsection. However, subject to legislative
 309 appropriations, the clerk of the circuit court may, on a
 310 quarterly basis, submit to the Florida Clerks of Court
 311 Operations Corporation a certified request for reimbursement for
 312 petitions for writ of habeas corpus, at the rate of \$195 per
 313 petition. Quarterly, the corporation shall certify the amount of
 314 the reimbursement to the Department of Revenue and request
 315 release authority for funds from the Clerks of the Court Trust
 316 Fund within the Department of Revenue.

317 Section 7. Paragraph (a) of subsection (2) of section
 318 394.463, Florida Statutes, is amended to read:

319 394.463 Involuntary examination.—

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320 (2) INVOLUNTARY EXAMINATION.—

321 (a) An involuntary examination may be initiated by any one
 322 of the following means:

323 1. A circuit or county court may enter an ex parte order
 324 stating that a person appears to meet the criteria for
 325 involuntary examination and specifying the findings on which
 326 that conclusion is based. The ex parte order for involuntary
 327 examination must be based on written or oral sworn testimony
 328 that includes specific facts that support the findings. If other
 329 less restrictive means are not available, such as voluntary
 330 appearance for outpatient evaluation, a law enforcement officer,
 331 or other designated agent of the court, shall take the person
 332 into custody and deliver him or her to an appropriate, or the
 333 nearest, facility within the designated receiving system
 334 pursuant to s. 394.462 for involuntary examination. The order of
 335 the court shall be made a part of the patient's clinical record.
 336 A fee may not be charged for the filing of an order under this
 337 subsection. However, subject to legislative appropriations, the
 338 clerk of the circuit court may, on a quarterly basis, submit to
 339 the Florida Clerks of Court Operations Corporation a certified
 340 request for reimbursement for ex parte orders for involuntary
 341 examination filed pursuant to this subsection, at the rate of
 342 \$195 per petition. Quarterly, the corporation shall certify the
 343 amount of the reimbursement to the Department of Revenue and
 344 request release authority for funds from the Clerks of the Court
 345 Trust Fund within the Department of Revenue. A facility
 346 accepting the patient based on this order must send a copy of
 347 the order to the department the next working day. The order may
 348 be submitted electronically through existing data systems, if

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349 available. The order shall be valid only until the person is
 350 delivered to the facility or for the period specified in the
 351 order itself, whichever comes first. If no time limit is
 352 specified in the order, the order shall be valid for 7 days
 353 after the date that the order was signed.

354 2. A law enforcement officer shall take a person who
 355 appears to meet the criteria for involuntary examination into
 356 custody and deliver the person or have him or her delivered to
 357 an appropriate, or the nearest, facility within the designated
 358 receiving system pursuant to s. 394.462 for examination. The
 359 officer shall execute a written report detailing the
 360 circumstances under which the person was taken into custody,
 361 which must be made a part of the patient's clinical record. Any
 362 facility accepting the patient based on this report must send a
 363 copy of the report to the department the next working day.

364 3. A physician, clinical psychologist, psychiatric nurse,
 365 mental health counselor, marriage and family therapist, or
 366 clinical social worker may execute a certificate stating that he
 367 or she has examined a person within the preceding 48 hours and
 368 finds that the person appears to meet the criteria for
 369 involuntary examination and stating the observations upon which
 370 that conclusion is based. If other less restrictive means, such
 371 as voluntary appearance for outpatient evaluation, are not
 372 available, a law enforcement officer shall take into custody the
 373 person named in the certificate and deliver him or her to the
 374 appropriate, or nearest, facility within the designated
 375 receiving system pursuant to s. 394.462 for involuntary
 376 examination. The law enforcement officer shall execute a written
 377 report detailing the circumstances under which the person was

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378 taken into custody. The report and certificate shall be made a
 379 part of the patient's clinical record. Any facility accepting
 380 the patient based on this certificate must send a copy of the
 381 certificate to the department the next working day. The document
 382 may be submitted electronically through existing data systems,
 383 if applicable.

384 Section 8. Subsection (3) of section 394.467, Florida
 385 Statutes, is amended to read:

386 394.467 Involuntary inpatient placement.—

387 (3) PETITION FOR INVOLUNTARY INPATIENT PLACEMENT.—The
 388 administrator of the facility shall file a petition for
 389 involuntary inpatient placement in the court in the county where
 390 the patient is located. Upon filing, the clerk of the court
 391 shall provide copies to the department, the patient, the
 392 patient's guardian or representative, and the state attorney and
 393 public defender of the judicial circuit in which the patient is
 394 located. A fee may not be charged for the filing of a petition
 395 under this subsection. However, subject to legislative
 396 appropriations, the clerk of the circuit court may, on a
 397 quarterly basis, submit to the Florida Clerks of Court
 398 Operations Corporation a certified request for reimbursement for
 399 petitions for involuntary inpatient placement filed pursuant to
 400 this subsection, at the rate of \$195 per petition. Quarterly,
 401 the corporation shall certify the amount of the reimbursement to
 402 the Department of Revenue and request release authority for
 403 funds from the Clerks of the Court Trust Fund within the
 404 Department of Revenue.

405 Section 9. Subsection (3) of section 394.917, Florida
 406 Statutes, is amended to read:

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407 394.917 Determination; commitment procedure; mistrials;
 408 housing; counsel and costs in indigent appellate cases.-
 409 (3) The public defender of the circuit in which a person
 410 was determined to be a sexually violent predator shall be
 411 appointed to represent the person on appeal. That public
 412 defender may request the public defender who handles criminal
 413 appeals for the circuit to represent the person on appeal in the
 414 manner provided in s. 27.51(4). If the public defender is unable
 415 to represent the person on appeal due to a conflict, the court
 416 shall appoint other counsel, who shall be compensated at a rate
 417 not less than that provided for appointed counsel in criminal
 418 cases. Filing fees for indigent appeals under this act are
 419 waived. Costs and fees related to such appeals, including the
 420 amounts paid for records, transcripts, and compensation of
 421 appointed counsel, shall be authorized by the trial court and
 422 paid from state funds that are appropriated for such purposes.
 423 However, subject to legislative appropriations, the clerk of the
 424 circuit court may, on a quarterly basis, submit to the Florida
 425 Clerks of Court Operations Corporation a certified request for
 426 reimbursement for filing fees for indigent appeals, at the rate
 427 of \$195 per appeal. Quarterly, the corporation shall certify the
 428 amount of the reimbursement to the Department of Revenue and
 429 request release authority for funds from the Clerks of the Court
 430 Trust Fund within the Department of Revenue.
 431 Section 10. Section 397.6814, Florida Statutes, is amended
 432 to read:
 433 397.6814 Involuntary assessment and stabilization; contents
 434 of petition.-A petition for involuntary assessment and
 435 stabilization must contain the name of the respondent, the name

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436 of the applicant or applicants, the relationship between the
 437 respondent and the applicant, and the name of the respondent's
 438 attorney, if known, and must state facts to support the need for
 439 involuntary assessment and stabilization, including:
 440 (1) The reason for the petitioner's belief that the
 441 respondent is substance abuse impaired;
 442 (2) The reason for the petitioner's belief that because of
 443 such impairment the respondent has lost the power of self-
 444 control with respect to substance abuse; and
 445 (3) (a) The reason the petitioner believes that the
 446 respondent has inflicted or is likely to inflict physical harm
 447 on himself or herself or others unless admitted; or
 448 (b) The reason the petitioner believes that the
 449 respondent's refusal to voluntarily receive care is based on
 450 judgment so impaired by reason of substance abuse that the
 451 respondent is incapable of appreciating his or her need for care
 452 and of making a rational decision regarding that need for care.
 453 If the respondent has refused to submit to an assessment, such
 454 refusal must be alleged in the petition.
 455
 456 A fee may not be charged for the filing of a petition pursuant
 457 to this section. However, subject to legislative appropriations,
 458 the clerk of the circuit court may, on a quarterly basis, submit
 459 to the Florida Clerks of Court Operations Corporation a
 460 certified request for reimbursement for petitions for
 461 involuntary assessment and stabilization filed pursuant to this
 462 section, at the rate of \$195 per petition. Quarterly, the
 463 corporation shall certify the amount of the reimbursement to the
 464 Department of Revenue and request release authority for funds

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465 from the Clerks of the Court Trust Fund within the Department of
466 Revenue.

467 Section 11. Paragraph (h) of subsection (2) of section
468 790.401, Florida Statutes, is amended to read:

469 790.401 Risk protection orders.—

470 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created
471 an action known as a petition for a risk protection order.

472 (h) A court or a public agency may not charge fees for
473 filing or for service of process to a petitioner seeking relief
474 under this section and must provide the necessary number of
475 certified copies, forms, and instructional brochures free of
476 charge. However, subject to legislative appropriations, the
477 clerk of the circuit court may, on a quarterly basis, submit to
478 the Florida Clerks of Court Operations Corporation a certified
479 request for reimbursement for petitions for risk protection
480 orders, at the rate of \$195 per petition. Quarterly, the
481 corporation shall certify the amount of the reimbursement to the
482 Executive Office of the Governor and request release authority
483 for funds from the Clerks of the Court Trust Fund within the
484 Department of Revenue.

485 Section 12. Paragraph (a) of subsection (2) of section
486 741.30, Florida Statutes, is amended to read:

487 741.30 Domestic violence; injunction; powers and duties of
488 court and clerk; petition; notice and hearing; temporary
489 injunction; issuance of injunction; statewide verification
490 system; enforcement; public records exemption.—

491 (2) (a) Notwithstanding any other provision of law, the
492 assessment of a filing fee for a petition for protection against
493 domestic violence is prohibited effective October 1, 2002.

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494 However, subject to legislative appropriation, the clerk of the
495 circuit court may, on a quarterly basis, submit to the Florida
496 Clerks of Court Operations Corporation ~~Office of the State~~
497 ~~Courts Administrator~~ a certified request for reimbursement for
498 petitions for protection against domestic violence issued by the
499 court, at the rate of \$195 ~~\$40~~ per petition. ~~The request for~~
500 ~~reimbursement shall be submitted in the form and manner~~
501 ~~prescribed by the Office of the State Courts Administrator.~~
502 Quarterly, the corporation shall certify the amount of the
503 reimbursement to the Department of Revenue and request release
504 authority for funds from the Clerks of the Court Trust Fund
505 within the Department of Revenue. From this reimbursement, the
506 clerk shall pay any law enforcement agency serving the
507 injunction the fee requested by the law enforcement agency;
508 however, this fee shall not exceed \$20.

509 Section 13. Paragraph (a) of subsection (2) of section
510 784.0485, Florida Statutes, is amended to read:

511 784.0485 Stalking; injunction; powers and duties of court
512 and clerk; petition; notice and hearing; temporary injunction;
513 issuance of injunction; statewide verification system;
514 enforcement.—

515 (2) (a) Notwithstanding any other law, the clerk of court
516 may not assess a filing fee to file a petition for protection
517 against stalking. However, subject to legislative appropriation,
518 the clerk of the circuit court may, on a quarterly basis, submit
519 to the Florida Clerks of Court Operations Corporation ~~Office of~~
520 ~~the State Courts Administrator~~ a certified request for
521 reimbursement for petitions for protection against stalking
522 issued by the court, at the rate of \$195 ~~\$40~~ per petition. ~~The~~

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523 ~~request for reimbursement shall be submitted in the form and~~
524 ~~manner prescribed by the Office of the State Courts~~
525 ~~Administrator. Quarterly, the corporation shall certify the~~
526 ~~amount of the reimbursement to the Department of Revenue and~~
527 ~~request release authority for funds from the Clerks of the Court~~
528 ~~Trust Fund within the Department of Revenue.~~ From this
529 reimbursement, the clerk shall pay any law enforcement agency
530 serving the injunction the fee requested by the law enforcement
531 agency; however, this fee may not exceed \$20.

532 Section 14. For the 2019-2020 fiscal year, the sum of
533 \$39,220,115 in recurring funds from the General Revenue Fund is
534 appropriated to the Clerks of the Court Trust Fund within the
535 Department of Revenue for certified requests for reimbursement
536 of fees and other costs as provided for in this act.

537 Section 15. This act shall take effect October 1, 2019.



The Florida Senate

Committee Agenda Request

To: Senator David Simmons
Committee on Judiciary

Subject: Committee Agenda Request

Date: March 4, 2019

I respectfully request that **Senate Bill #1076**, relating to **Clerks of the Circuit Court** 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)

3/11/19
Meeting Date

1076
Bill Number (if applicable)

Topic Clerks of Court

Amendment Barcode (if applicable)

Name Jason Welty

Job Title Budget & Communications Director

Address 2560 Barrington Circle

Phone 850-390-7773

Tallahassee FL 32308
City State Zip

Email jwelty@fleccoc.org

Speaking: For Against Information

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

Representing Florida Clerks of Court Operations Corporation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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3/11/2019

Meeting Date

1076

Bill Number (if applicable)

Topic Court Clerks

Amendment Barcode (if applicable)

Name Sal Nuzzo

Job Title Vice President 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

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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3/11/19

Meeting Date

1076

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Gwen Marshall

Job Title Clerk and Comptroller, Leon County

Address 301 S. Monroe Street, Suite 100

Phone 850-606-4005

Street

Tallahassee

FL

32301

Email gmarshall@leoncountyfl.gov

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Rebecca L. Norris

Job Title Clerk and Comptroller, Gulf County

Address 1000 Cecil G. Costin, Sr. Blvd.

Phone 850-229-6112

Street

Port St. Joe

FL

32456

Email bnorris@gulfclerk.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Pam Childers, CPA

Job Title Clerk and Comptroller, Escambia County

Address 190 W. Government Street

Phone 850-595-4310

Street

Pensacola

FL

32502

Email pchilders@escambiaclerk.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk JD Peacock, II

Job Title Clerk and Comptroller, Okaloosa County

Address 1940 Lewis Turner Blvd

Phone 850-651-7200

Street

Fort Walton Beach

FL

32547

Email jdpeacock@okaloosaclerk.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Steve Land

Job Title Clerk and Comptroller, Lafayette County

Address 120 West Main St.

Phone 386-294-1600

Street

Mayo

FL

32066

Email sland@lafayetteclerk.com

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida Court Clerks & Comptrollers

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

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

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

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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Tiffany Moore Russell, Esq.

Job Title Clerk of Court, Orange County

Address 425 N. Orange Ave, Suite 2110

Phone 407-836-2000

Street

Orange

FL

32801

City

State

Zip

Email tiffany.moorerussell@myorange

clerk.com

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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)

3/11/19

Meeting Date

1076

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Clayton O. Rooks, III, CPA

Job Title Clerk and Comptroller, Jackson County

Address 4445 Lafayette Street

Phone 850-482-9552

Street

Marianna

FL

32446

City

State

Zip

Email clerkmail@jacksonclerk.com

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Todd Newton

Job Title Clerk and Comptroller, Gilchrist County

Address 112 S. Main Street

Phone 352-463-3170

Street

Trenton

FL

32693

Email tnewton@gilchrist.fl.us

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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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3/11/19

1076

Meeting DateBill Number (if applicable)Topic Clerks of the Circuit CourtAmendment Barcode (if applicable)Name Clerk Laura E. Roth, Esq.Job Title Clerk of Court, Volusia CountyAddress 101 N. Alabama Ave.Phone 386-736-5904StreetDelandFL32724Email laura@clerk.orgCityStateZipSpeaking: For Against InformationWaive Speaking: In Support Against
*(The Chair will read this information into the record.)*Representing Florida Court Clerks & ComptrollersAppearing 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)

3/11/19

Meeting Date

1076

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk John A. Crawford

Job Title Clerk and Comptroller, Nassau County

Address 76347 Veterans Way

Phone 904-548-4600

Street

Yulee

FL

32097

Email jcrawford@nassauclerk.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing Florida Court Clerks & Comptrollers

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

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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Marcia M. Johnson

Job Title Clerk and Comptroller, Franklin County

Address 33 Market St., Suite 203

Phone 850-653-8861

Street

Apalachicola

FL

32320

Email mmjohnson@franklinclerk.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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

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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Sharon R. Bock, Esq.

Job Title Clerk and Comptroller, Palm Beach County, President of FCCC

Address 301 North Olive, 9th Floor

Phone 561-355-2996

Street

West Palm Beach

FL

33401

Email sbock@mypalmbeachclerk.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Jason Harrell

Job Title Director of Legislative & Public Affairs, FCCC

Address 215 S. Monroe Street, Suite 600

Phone 850-921-0808

Street

Tallahassee

FL

32301

Email jasonharrell@flclerks.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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

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3/11/19

1076

Meeting Date

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Clerk Ken Burke, CPA

Job Title Clerk and Comptroller, Pinellas County

Address 315 Court Street, Room 400

Phone 727-464-3341

Street

Clearwater

FL

33756

City

State

Zip

Email kburke@mypinellasclerk.org

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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)

3-11-2019
Meeting Date

1076

Bill Number (if applicable)

Topic CLERKS OF COURT

Amendment Barcode (if applicable)

Name SLATER, BATHISS

Job Title

Address 204 S. MONROE ST

Phone

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 MIAMI DADE CLERK OF COURT

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)

3/11/19

Meeting Date

HB 1076

Bill Number (if applicable)

Topic Clerks of Circuit Court

Amendment Barcode (if applicable)

Name David Shepp

Job Title Lobbyist

Address P.O. Box 3739

Phone 863 581-4250

Street

Lakeland

State

FL

Zip

33802

Email sheppesostrategy.com

City

Speaking: For Against Information

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

Representing Polk County Clerk of Court

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

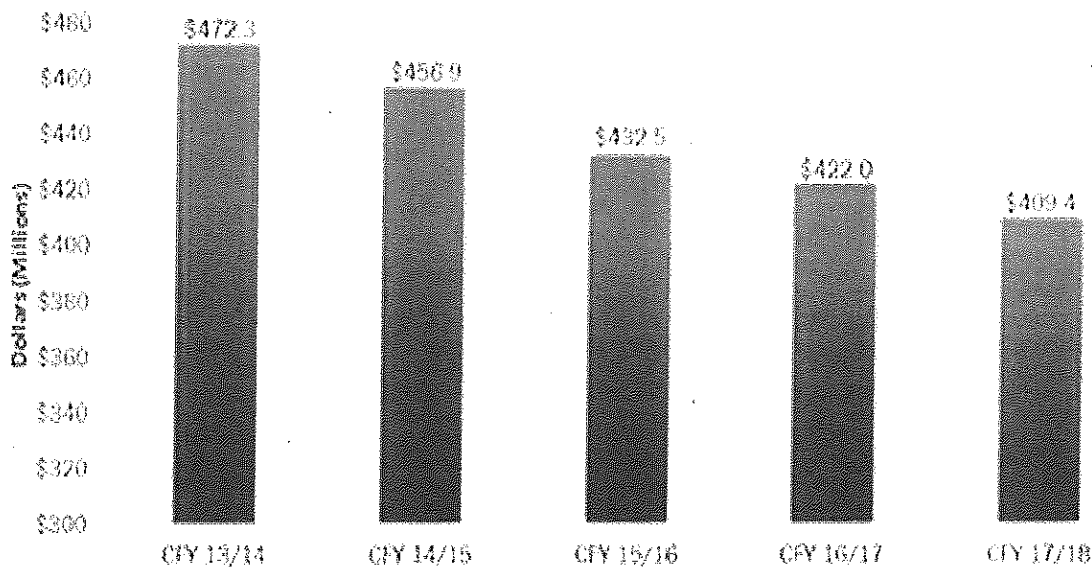
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S-001 (10/14/14)

In 2017, the Legislature removed the Clerks from the LBC established in 2013 and now requires the CCOC to approve the Clerks' budgets. However, the combined budgets of the Clerks may not exceed the revenue estimates established by the Revenue Estimating Conference (REC). At the same time, the legislature provided additional fees to the Clerks to collect and keep for necessary expenditures.

The Clerks' budget has seen significant reductions since the implementation of Article V Revision 7. The chart below provides a look back at the Clerks' budget from CFY 2013-14 when the Clerks were taken out of the state budgeting process. During this time, the Legislature recognized there was a problem and attempted to assist Clerks with backfill and additional revenue. However, even with this assistance, budgets continued to decrease significantly year over year.



There are three public policy decisions about filing fees that affect the Clerks' funding:

1. Access to Courts for those who are unable to pay (Indigency)
2. Exemption of certain types of cases from filing fees (Mental Health, Domestic Violence)
3. Waiver of filing fees to prosecute and process criminal and juvenile cases



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MODERNIZING THE BUDGET PROCESS SO CLERKS CAN SERVE FLORIDA

Florida's Clerks provide critical services that affect public safety, commerce, and access to justice. Clerks are the State's local partners in good public policy and sound fiscal management. However, the current budget process for these constitutional and statutory services is outdated, unstable and fails to correspond with Clerks' needs and costs. This year, Clerks are proposing a long-term solution to this ongoing problem.

THE PROBLEM: AN OUTDATED PROCESS

Clerks' budgets are based on revenue projections alone. Revenue-generating cases, like traffic citations, are decreasing; as revenues fall, so do Clerks' budgets. Over the past six years, the budget has fallen \$47.7 million. Clerks' 2018/19 budget is at least \$40 million short of projected actual costs. **The revenue-based budget does not account for the workload, needs or costs of the modern Clerk's office.**

When this budget process was built, it was anticipated that those who paid to access the justice system would produce sufficient revenues to fund all services Clerks provide. Today, that's not the reality. Clerks serve vulnerable populations through no-fee cases, like domestic violence injunctions, and fee waivers for those who are found indigent. This is **good public policy**; still, the revenue-generating cases that once funded these high-cost, high-workload services are gone—and they're not coming back.

The issue gets worse each year as Clerks are tasked with new requirements that have serious fiscal impacts. For example, new legislation creating risk protection orders for public safety recently added costs and workload for Clerks. **Clerks agree that the State's policy decisions add value for the public, but they also add to the budget challenge.**

Clerks have no statutory authority to maintain a reserve; without one, Clerks are left vulnerable to temporary revenue declines caused by natural disasters or other events, possibly disrupting services. **Clerks' current budget process is outdated and unsustainable—but you can help us update it.**

THE SOLUTION: A MODERNIZED APPROACH

The Legislature has provided temporary funding to offset budget challenges in the past. This year, Clerks are proposing a long-term solution. The Clerks Serve Florida Act will ask the following:

- **Provide budget stability** by authorizing Clerks to retain earned revenues and maintain reserves in preparation for unforeseen emergencies.
- **Protect critical public services by reimbursing Clerks for no-fee services** that protect vulnerable populations.
- **Create flexibility** through a clear, statutory process where Clerks can request necessary funding for services and tasks required by justice partners and state policymakers.
- **Recognize needs and costs of Clerks' services in the budget**, rather than relying solely on Revenue Estimating Conference projections.

The legislation Clerks are proposing does not grow government, or require new taxes or fees, but it does present a long-term solution. Florida's Clerks are seeking to partner with lawmakers to modernize the budget process and ensure Clerks can best serve Florida.

Sharon R. Bock, Esq.
Palm Beach County
President

Stacy M. Butterfield, CPA
Polk County
President-Elect

Tara S. Green
Clay County
Vice President

Angelina "Angel" Colonnese, Esq.
Manatee County
Treasurer

Carolyn Timmann
Martin County
Secretary

Chris Hart, IV
Chief Executive
Officer

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: CS/CS/SB 234

INTRODUCER: Judiciary Committee; Infrastructure and Security Committee; and Senator Baxley

SUBJECT: Registration and Titling of Vehicles and Vessels

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 234 authorizes the owners of heavy trucks that weigh between 5,001 and 7,999 pounds to renew their registrations during their birth months rather than exclusively in December, as currently required by law. This change will benefit tax collectors by reducing the workload on their staffs in December and reduce the amount of time customers spend waiting in lines due to the high volume of people renewing their registrations in December.

The bill also expands the documentation that is acceptable for a surviving spouse or owner to rely upon when applying to transfer title to a motor vehicle or vessel from a deceased person. By adding an electronic file of death records maintained by the Department of Health, applicants are no longer required to personally produce a death certificate to complete the transfer.

The effective date of the bill is July 1, 2019, with later implementing dates of September 1, 2020, for the revised registration periods.

II. Present Situation:

Registration of Heavy Trucks

According to the Department of Highway Safety and Motor Vehicles (DHSMV), as of August, 2018, approximately 21.5 million vehicles, vessels, and mobile homes were registered in the state. At the beginning of this year, 766,000 “heavy trucks” were registered in the weight range

of 5,001 to 7,999 pounds. Some examples of those trucks are the Chevrolet Silverado 1499 and 2500 HD, Ford F-250 and F-350, Nissan Titan, Ram 1500, 2500, and 3500, and the Dodge Sierra 2500 HD and 3500 HD. Individual heavy truck owners account for 88.6 per cent of total registrations, approximately 678,676 vehicles, while business owners comprise 11.4 per cent, or approximately 87,324 vehicles.^{1,2}

The registration renewal fee for heavy trucks weighing 5,001 to 5,999 pounds is \$60.75³ and the registration fee for heavy trucks weighing 6,000 to 7,999 pounds is \$87.75.⁴ Section 320.0705(1), F.S., permits certain heavy trucks to renew their registrations semi-annually, if the amount of the license tax due exceeds \$100 and the registration fee is not required to be apportioned. Because the registration fee for heavy trucks weighing between 5,001 and 7,999 pounds does not meet the \$100 threshold, owners are not permitted to register them semi-annually.

Motor vehicle registrations, including heavy trucks, may be renewed at a DHSMV service center, a tax collector's office, or via the DHSMV's Virtual Office website. Registrants, whether individuals or businesses, are allowed to renew their registrations either annually or biennially.⁵ The majority of vehicle registrations are renewed during the primary registrant's birth month.⁶

Since 1983, however, all heavy truck owners have been required to renew their registrations in December. According to DHSMV, approximately 84 per cent of the heavy truck renewals take place in person in the Tax Collector offices while 16 per cent occur through the Department's Virtual Office website.⁷ As a result, December is a high traffic volume month for both the tax collectors' staff and a crowded time for someone seeking to renew a registration in person. Moreover, under the current scheme, if someone owns a vehicle and a heavy truck, he or she is required to renew the vehicle during the birth month and return again in December, to renew the heavy truck, requiring two trips.

The owner of any motor vehicle registered in Florida may renew his or her registration any time during the three months before the expiration of the registration period.⁸

¹ Florida Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2019 Senate Bill 234*, 2 (Dec. 12, 2018) <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=27499>.

² A heavy truck is defined in s. 320.01(10), F.S., as any motor vehicle with a net vehicle weight of more than 5,000 pounds, which is registered on the basis of gross vehicle weight in accordance with s. 320.08(4), and which is designed or used for the carriage of goods or designed or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

³ Section 320.08(4)(a), F.S.

⁴ Section 320.08(4)(b), F.S.

⁵ Sections 320.055(1) and 320.07(1)(b), F.S.

⁶ *Supra* note 1.

⁷ *Id.*

⁸ Section 320.071, F.S.

Transfer of Registration and Title from a Deceased Person

The current method of transferring title from a deceased person can be a cumbersome process that could be made easier if an electronic file of death records, and not exclusively a death certificate, were authorized.

Vehicles

In order for a surviving spouse to receive title to a motor vehicle that was owned by the deceased spouse, he or she must present an application and an original or certified copy of a death certificate.⁹ If the name of the surviving spouse is not on the death certificate, the surviving spouse must also provide a marriage certificate and proof of identity.¹⁰

If a surviving spouse does not know or neglects to bring an original copy of the deceased spouse's death certificate to the tax collector's office or DHSMV, the transfer cannot take place. Instead, the surviving spouse must retrieve the death certificate and make another trip back to the tax collector's office or DHSMV to produce the document.

Vessels

The new owner or surviving co-owner of a vessel who wants to transfer the title from a deceased title owner must submit an application along with the original certificate of title and the decedent's probated last will and testament or letters of administration appointing the personal representative. In lieu of a probated will and letters of administration, a copy of the decedent's death certificate, a copy of the decedent's last will and testament, and an affidavit by the decedent's surviving spouse or heirs affirming rights of ownership may be accepted by DHSMV.¹¹

If the new owner or surviving owner does not bring the decedent's probated last will and testament or letters of administration, the individual must bring a copy of the decedent's death certificate. If the individual does not have a copy of the death certificate, he or she will not be able to transfer the title and will have to make a return visit to the tax collector's office or DHSMV in order to produce the document.

Currently, tax collectors are unable to print death certificates within their offices. After consulting with the Department of Health (DOH), DHSMV and the tax collectors have identified certain death records maintained by DOH and available electronically to tax collectors that would enable tax collectors to verify, in lieu of a death certificate, the status of the deceased vehicle or vessel owner.

⁹ Department of Highway Safety and Motor Vehicles, *Application for Surviving Spouse Transfer of Florida Certificate of Title for a Motor Vehicle* (July 2017), <https://www.flhsmv.gov/pdf/forms/82152.pdf>; s. 320.0609(7), F.S.

¹⁰ Department of Highway Safety and Motor Vehicles, *Getting a Hassle Free Title Frequently Asked Questions*, <https://www.flhsmv.gov/title-faq/> (last visited Mar. 6, 2019).

¹¹ Section 328.01(3)(c), F.S.

III. Effect of Proposed Changes:

Registration of Heavy Trucks

The bill amends s. 320.055, F.S., effective September 1, 2020, changing the date of heavy truck renewals for trucks weighing 5,001 to 7,999 pounds and registered to *natural persons*, from December to the 30-day period ending at midnight on the registrant's birth date. *Businesses* registering heavy trucks weighing 5,001 to 7,999 pounds would continue to register their vehicles in December. Similarly, all owners of heavy trucks weighing 8,000 pounds or more would continue to register their vehicles in December.

The bill provides that, in order to implement the change in renewal dates, DHSMV must give customers the option to renew their registrations on their dates of birth in 2021 or 2022. Customers whose dates of birth occur in the months of January through June may choose to renew for 1 to 18 months, and customers whose dates of birth occur in the months of July through December may choose to renew for 7 to 24 months.

Transfer of Registration and Title from a Deceased Person

The bill amends ss. 320.0609 and 328.01, F.S., dealing with the transfer of title for motor vehicles and vessels, respectively. DHSMV is authorized to verify the needed information through the electronic file of death records maintained by the Department of Health in lieu of a death certificate. DHSMV currently receives these files once each week from DOH. This will make it easier for the applicant to complete the title transfer because the records will already be present and accessible in the tax collectors' offices.

Technical and conforming changes are made to ss. 320.07 and 320.0705, F.S., to incorporate changes made in the bill.

The effective date of the bill is July 1, 2019, with later implementing dates of September 1, 2020, for the revised registration periods.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Beginning September 1, 2020, heavy truck registrants will have the option to renew their registrations on their birth dates in 2021 or 2022. Customers whose birth dates occur in the months of January through June may choose to renew for 1 to 18 months, and customers whose birth dates occur in the months of July through December may choose to renew for 7 to 24 months.

C. Government Sector Impact:

The Revenue Estimating Conference (REC) met on January 18, 2019, and considered a provision prorating registration renewals for specified motor vehicles. In calculating the fiscal impact, the REC assumed customers would elect to maximize the duration of the renewal period, effectively paying more for a longer renewal period. The REC calculated there will be a positive, non-recurring impact of \$1.6 million in revenue (\$416,439 to the General Revenue Fund and approximately \$1.2 million to the State Transportation Trust Fund) for Fiscal Year 2020-2021.

DHSMV estimates that programming and implementation will require 459 hours. These hours could likely have a fiscal impact to DHSMV of \$25,305 in FTE and contracted resources. However, all expenses will be absorbed within existing resources.

DHSMV and the tax collectors may incur expenses related to public awareness and education efforts relating to the changes in heavy truck registration renewal dates. However, all expenses will be either offset by reducing the number of additional in-person customer trips to tax collector offices in December or absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.055, 320.0609, 320.07, 320.0705, and 328.01.

IX. Additional Information:

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

CS/CS by Judiciary on March 11, 2019:

Language was removed that:

- Required DHSMV to develop a methodology for prorating motor vehicle registration renewal fees; and
- Limited proration to the renewal of an unexpired registration or a registration that had been expired for no more than 30 days.

Language was added to clarify that, when someone attempts to transfer title and a death certificate is not presented, DHSMV or its agent may verify the necessary information through the electronic file of death records maintained by the Department of Health.

CS by Infrastructure and Security on February 19, 2019:

- Effective September 1, 2020, requires the HSMV to develop a methodology to prorate motor vehicle registration renewal fees. The methodology must give customers the option to renew their registrations on their dates of birth in 2021 or 2022.
- Provides for the utilization of an electronic file of death record maintained by the DOH in lieu of a death certificate for a motor vehicle registration or vessel title transfer.

- B. **Amendments:**

None.



509380

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective September 1, 2020, paragraph (a) of
subsection (1) and subsection (5) of section 320.055, Florida
Statutes, are amended to read:

320.055 Registration periods; renewal periods.—The
following registration periods and renewal periods are
established:

(1) (a) For a motor vehicle subject to registration under s.



509380

12 320.08(1), (2), (3), (4)(a) or (b), (5)(b), (c), (d), or (f),
13 (6)(a), (7), (8), (9), or (10) and owned by a natural person,
14 the registration period begins the first day of the birth month
15 of the owner and ends the last day of the month immediately
16 preceding the owner's birth month in the succeeding year. If
17 such vehicle is registered in the name of more than one person,
18 the birth month of the person whose name first appears on the
19 registration shall be used to determine the registration period.
20 For a vehicle subject to this registration period, the renewal
21 period is the 30-day period ending at midnight on the vehicle
22 owner's date of birth.

23 (5) For a vehicle subject to apportioned registration under
24 s. 320.08(4)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l),
25 (m), or (n) ~~s. 320.08(4)~~, (5)(a)1. or, (6)(b), or (14), the
26 registration period shall be a period of 12 months beginning in
27 a month designated by the department and ending on the last day
28 of the 12th month. For a vehicle subject to this registration
29 period, the renewal period is the last month of the registration
30 period. The registration period may be shortened or extended at
31 the discretion of the department, on receipt of the appropriate
32 prorated fees, in order to evenly distribute such registrations
33 on a monthly basis. For a vehicle subject to nonapportioned
34 registration under s. 320.08(4)(c), (d), (e), (f), (g), (h),
35 (i), (j), (k), (l), (m), or (n) ~~s. 320.08(4)~~, (5)(a)1., (6)(b),
36 or (14), the registration period begins December 1 and ends
37 November 30. The renewal period is the 31-day period beginning
38 December 1.

39 Section 2. Beginning September 1, 2020, in order to
40 implement the changes made by this act to s. 320.055, Florida



509380

41 Statutes, the Department of Highway Safety and Motor Vehicles
42 shall give customers the option to renew their registrations on
43 their dates of birth in 2021 or 2022. Customers whose dates of
44 birth occur in the months of January through June may choose to
45 renew for 1 to 18 months. Customers whose dates of birth occur
46 in the months of July through December may choose to renew for 7
47 to 24 months.

48 Section 3. Subsection (7) of section 320.0609, Florida
49 Statutes, is amended to read:

50 320.0609 Transfer and exchange of registration license
51 plates; transfer fee.—

52 (7) A surviving spouse of a registered owner of any motor
53 vehicle may, upon presenting the death certificate, request a
54 registration certificate and transfer of the registration
55 license plate. If the surviving spouse does not present the
56 death certificate, the department or its agent may verify the
57 necessary information through the electronic file of death
58 records maintained by the Department of Health.

59 Section 4. Effective September 1, 2020, paragraph (a) of
60 subsection (2) of section 320.07, Florida Statutes, is amended
61 to read:

62 320.07 Expiration of registration; renewal required;
63 penalties.—

64 (2) Registration shall be renewed semiannually, annually,
65 or biennially, as provided in this subsection, during the
66 applicable renewal period, upon payment of the applicable
67 license tax amounts required by s. 320.08, service charges
68 required by s. 320.04, and any additional fees required by law.

69 (a) Any person who owns a motor vehicle registered under s.



70 320.08(4)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m),
71 or (n) ~~s. 320.08(4)~~, (6)(b), or (13) may register semiannually
72 as provided in s. 320.0705.

73 Section 5. Effective September 1, 2020, subsection (1) of
74 section 320.0705, Florida Statutes, is amended to read:

75 320.0705 Semiannual registration or renewal for certain
76 vehicles.—

77 (1) The owner of a motor vehicle taxed under s.
78 320.08(4)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m),
79 or (n) ~~s. 320.08(4)~~ or (6)(b) may register his or her vehicle
80 semiannually, if the amount of license tax due annually is more
81 than \$100 and the vehicle registration fee is not required to be
82 apportioned, upon payment of a fee of \$2.50 for each semiannual
83 registration.

84 Section 6. Paragraph (c) of subsection (3) of section
85 328.01, Florida Statutes, is amended to read:

86 328.01 Application for certificate of title.—

87 (3)

88 (c) In making application for transfer of title from a
89 deceased titled owner, the new owner or surviving coowner shall
90 establish proof of ownership by submitting with the application
91 the original certificate of title and the decedent's probated
92 last will and testament or letters of administration appointing
93 the personal representative of the decedent. In lieu of a
94 probated last will and testament or letters of administration, a
95 copy of the decedent's death certificate, a copy of the
96 decedent's last will and testament, and an affidavit by the
97 decedent's surviving spouse or heirs affirming rights of
98 ownership may be accepted by the department. If the decedent



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99 died intestate, a court order awarding the ownership of the
100 vessel or an affidavit by the decedent's surviving spouse or
101 heirs establishing or releasing all rights of ownership and a
102 copy of the decedent's death certificate shall be submitted to
103 the department. If the new owner or surviving coowner does not
104 present a copy of the death certificate, the department or its
105 agent may verify the necessary information through the
106 electronic file of death records maintained by the Department of
107 Health.

108 Section 7. Except as otherwise expressly provided in this
109 act, this act shall take effect July 1, 2019.

110
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete everything before the enacting clause
114 and insert:

115 A bill to be entitled
116 An act relating to registration and titling of
117 vehicles and vessels; amending s. 320.055, F.S.;
118 revising registration periods for certain vehicles;
119 requiring the Department of Highway Safety and Motor
120 Vehicles to prorate registration renewals for
121 customers in order to implement changes made by the
122 act; amending s. 320.0609, F.S.; authorizing the
123 department or its agent to verify necessary
124 information through the electronic file of death
125 records maintained by the Department of Health for a
126 surviving spouse of a motor vehicle owner when
127 requesting a registration certificate and license



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128 plate transfer; amending ss. 320.07 and 320.0705,
129 F.S.; conforming provisions to changes made by the
130 act; amending s. 328.01, F.S.; authorizing the
131 Department of Highway Safety and Motor Vehicles or its
132 agent to verify necessary information through the
133 electronic file of death records maintained by the
134 Department of Health for a new owner or surviving
135 coowner of a vessel when applying for transfer of
136 title; providing effective dates.

By the Committee on Infrastructure and Security; and Senator
Baxley

596-02506-19

2019234c1

A bill to be entitled

An act relating to registration and titling of vehicles and vessels; amending s. 320.055, F.S.; revising registration periods for certain vehicles; requiring the Department of Highway Safety and Motor Vehicles to develop methodology to prorate motor vehicle renewal registration fees for certain registrations; requiring the methodology to give customers certain renewal options; amending s. 320.0609, F.S.; authorizing the surviving spouse of a motor vehicle owner to present certain electronic death records when requesting a registration certificate and license plate transfer; amending ss. 320.07 and 320.0705, F.S.; conforming provisions to changes made by the act; amending s. 328.01, F.S.; authorizing a new owner or surviving coowner of a vessel to submit certain electronic death records when applying for transfer of title; providing effective dates.

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

Section 1. Effective September 1, 2020, paragraph (a) of subsection (1) and subsection (5) of section 320.055, Florida Statutes, are amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(1) (a) For a motor vehicle subject to registration under s.

Page 1 of 5

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

596-02506-19

2019234c1

320.08(1), (2), (3), (4) (a) or (b), (5) (b), (c), (d), or (f), (6) (a), (7), (8), (9), or (10) and owned by a natural person, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If such vehicle is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the registration period. For a vehicle subject to this registration period, the renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth.

(5) For a vehicle subject to apportioned registration under s. 320.08(4)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), or (n) ~~s. 320.08(4)~~, (5) (a) 1. or, (e), (6) (b), or (14), the registration period shall be a period of 12 months beginning in a month designated by the department and ending on the last day of the 12th month. For a vehicle subject to this registration period, the renewal period is the last month of the registration period. The registration period may be shortened or extended at the discretion of the department, on receipt of the appropriate prorated fees, in order to evenly distribute such registrations on a monthly basis. For a vehicle subject to nonapportioned registration under s. 320.08(4)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), or (n) ~~s. 320.08(4)~~, (5) (a) 1., (6) (b), or (14), the registration period begins December 1 and ends November 30. The renewal period is the 31-day period beginning December 1.

Section 2. Beginning September 1, 2020, in order to implement the changes made by this act to s. 320.055, Florida

Page 2 of 5

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

596-02506-19 2019234c1

59 Statutes, the Department of Highway Safety and Motor Vehicles
 60 shall develop methodology to prorate motor vehicle registration
 61 renewal fees. The methodology must give customers the option to
 62 renew their registrations on their dates of birth in 2021 or
 63 2022. Customers whose dates of birth occur in the months of
 64 January through June may choose to renew for 1 to 18 months.
 65 Customers whose dates of birth occur in the months of July
 66 through December may choose to renew for 7 to 24 months.
 67 Proration is limited to the renewal of an unexpired registration
 68 or a registration that has been expired for not more than 30
 69 days.

70 Section 3. Subsection (7) of section 320.0609, Florida
 71 Statutes, is amended to read:

72 320.0609 Transfer and exchange of registration license
 73 plates; transfer fee.—

74 (7) A surviving spouse of a registered owner of any motor
 75 vehicle may, upon presenting the death certificate or electronic
 76 file of death records maintained by the Department of Health,
 77 request a registration certificate and transfer of the
 78 registration license plate.

79 Section 4. Effective September 1, 2020, paragraph (a) of
 80 subsection (2) of section 320.07, Florida Statutes, is amended
 81 to read:

82 320.07 Expiration of registration; renewal required;
 83 penalties.—

84 (2) Registration shall be renewed semiannually, annually,
 85 or biennially, as provided in this subsection, during the
 86 applicable renewal period, upon payment of the applicable
 87 license tax amounts required by s. 320.08, service charges

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88 required by s. 320.04, and any additional fees required by law.

89 (a) Any person who owns a motor vehicle registered under s.
 90 320.08(4)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m)
 91 or (n) ~~s. 320.08(4)~~, (6)(b), or (13) may register semiannually
 92 as provided in s. 320.0705.

93 Section 5. Effective September 1, 2020, subsection (1) of
 94 section 320.0705, Florida Statutes, is amended to read:

95 320.0705 Semiannual registration or renewal for certain
 96 vehicles.—

97 (1) The owner of a motor vehicle taxed under s. 320.08(4)
 98 (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) or (n) ~~s.~~
 99 ~~320.08(4)~~ or (6)(b) may register his or her vehicle
 100 semiannually, if the amount of license tax due annually is more
 101 than \$100 and the vehicle registration fee is not required to be
 102 apportioned, upon payment of a fee of \$2.50 for each semiannual
 103 registration.

104 Section 6. Paragraph (c) of subsection (3) of section
 105 328.01, Florida Statutes, is amended to read:

106 328.01 Application for certificate of title.—

107 (3)

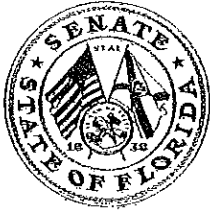
108 (c) In making application for transfer of title from a
 109 deceased titled owner, the new owner or surviving coowner shall
 110 establish proof of ownership by submitting with the application
 111 the original certificate of title and the decedent's probated
 112 last will and testament or letters of administration appointing
 113 the personal representative of the decedent. In lieu of a
 114 probated last will and testament or letters of administration, a
 115 copy of the decedent's death certificate or electronic file of
 116 death records maintained by the Department of Health, a copy of

596-02506-19

2019234c1

117 the decedent's last will and testament, and an affidavit by the
118 decedent's surviving spouse or heirs affirming rights of
119 ownership may be accepted by the department. If the decedent
120 died intestate, a court order awarding the ownership of the
121 vessel or an affidavit by the decedent's surviving spouse or
122 heirs establishing or releasing all rights of ownership and a
123 copy of the decedent's death certificate shall be submitted to
124 the department.

125 Section 7. Except as otherwise expressly provided in this
126 act, this act shall take effect July 1, 2019.



THE FLORIDA SENATE

COMMITTEES:
Ethics and Elections, *Chair*
Appropriations Subcommittee on Education
Education
Finance and Tax
Health Policy
Judiciary

JOINT COMMITTEE:
Joint Legislative Auditing Committee

SENATOR DENNIS BAXLEY
12th District

February 19, 2019

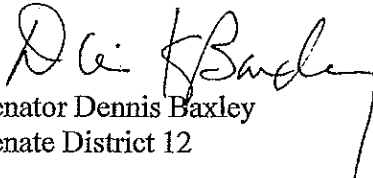
The Honorable Chairman David Simmons
406 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32309

Dear Chairman Simmons,

I would like to request that SB 234 Registration & Titling of Vehicles and Vessels be heard in the next Judiciary Committee meeting. This bill changes the date of Heavy Truck Renewal from December to driver's birthday. It allows for the utilization of death records maintained by the Department of Health in lieu of a death certificate for a title transfer.

I appreciate your favorable consideration.

Onward & Upward,


Senator Dennis Baxley
Senate District 12

DKB/dd

cc: Tom Cibula, Staff Director

320 Senate Office Building, 404 South Monroe St, Tallahassee, Florida 32399-1100 • (850) 487-5012

Email: baxley.dennis@flsenate.gov

Bill Galvano
President of the Senate

David Simmons
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/11/19

Meeting Date

234
SB 235

Bill Number (if applicable)

Topic Registration and Tilting of Vehicles and Vessels

Amendment Barcode (if applicable)

Name Demetrius Minor

Job Title Director of Coalitions

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 Americans For Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

03/11/2014

Meeting Date

234

Bill Number (if applicable)

Topic SB 234

Amendment Barcode (if applicable)

Name Ben Anderson

Job Title FL Tax Collectors Assoc. President

Address 216 S. Monroe St

Street

Tallahassee

City

FL

State

32301

Zip

Phone

BAnderson@KALOOSA.TAX.

Email

com

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

Waive Speaking: [] In Support [] Against

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

Representing Florida Tax Collectors Assn.

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

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

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/CS/SB 452

INTRODUCER: Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Gibson

SUBJECT: Elder Abuse Fatality Review Teams

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 452 authorizes the establishment of elder abuse fatality review teams, composed of volunteer members, in each of the 20 judicial circuits. The teams will review fatal incidents of elder abuse and make policy and other recommendations to help prevent future incidents of elder abuse-related fatalities. The review teams are assigned to the Department of Elder Affairs (DOEA) for administrative purposes only. The DOEA must submit a report, annually by November 1, that summarizes the findings and recommendations of the review teams to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Children and Families.

The bill may have an insignificant fiscal impact and has an effective date of July 1, 2019.

II. Present Situation:

The Adult Protective Services Act, chapter 415, Florida Statutes, charges the Department of Children and Families (DCF), to investigate reports of abuse or exploitation of a vulnerable adult or elderly person. The mandatory reporting requirement of persons who are required to investigate reports of abuse, neglect, or exploitation also extends to alleged deaths due to abuse or neglect.

Florida Abuse Hotline and Investigations

The Florida Abuse Hotline, administered by the DCF, screens allegations of adult abuse and neglect to determine if the allegations meet the criteria for an abuse report. If the allegations meet the criteria, a protective investigation is initiated to confirm whether the evidence substantiates that abuse has occurred, whether the situation presents an immediate or long-term risk to the victim, and whether the victim needs additional services for protection.¹

Section 415.1034, F.S., enumerates people who have an immediate, mandatory requirement to report to the central abuse hotline if they know, have suspicion, or have reasonable cause to suspect that a vulnerable adult has been or is being abused, neglected, or exploited. Additionally, any person required to investigate reports of abuse, neglect, or exploitation and who has reasonable cause to suspect that a vulnerable adult died as a result of abuse, neglect, or exploitation must immediately report the suspicion to the appropriate medical examiner, the appropriate criminal justice agency and to the DCF, notwithstanding the existence of a death certificate signed by a practicing physician.²

The DCF is required, upon receipt of a report alleging abuse, neglect, or exploitation of a vulnerable adult, to begin within 24 hours a protective investigation of the matter.³ For each report it receives, the DCF must perform an onsite investigation to determine, among other things, if the person meets the definition of a vulnerable adult and, if so, if the person is in need of services; whether there is an indication that the vulnerable adult was abused, neglected, or exploited; and if protective, treatment, and ameliorative services are necessary to safeguard and ensure the vulnerable adult's well-being.⁴

Adult Protection Teams

Section 415.1102, F.S., authorizes the DCF to develop, maintain, and coordinate the services of one or more multidisciplinary adult protection teams in each of its regions. A "multidisciplinary adult protection team" is defined as a team of two or more persons trained in the prevention, identification, and treatment of abuse of elderly persons.⁵ The multidisciplinary teams may be composed of, but are not limited to, psychiatrists, psychologists, or other trained counseling personnel; law enforcement officers; medical personal with experience or training to provide health services; social workers who have experience or training in the prevention of abuse of the elderly or dependent persons; and public and professional guardians.⁶ The multidisciplinary team is convened to supplement the protective services activities of the Adult Protective Services program of the DCF.⁷

¹Florida Department of Children and Families; Protecting Vulnerable Adults, *available at*: <http://www.myflfamilies.com/service-programs/adult-protective-services/protecting-vulnerable-adults> (last visited Mar. 7, 2019).

² Section 415.1034(2), F.S.

³ Section 415.104(1), F.S.

⁴ Section 415.104(3), F.S.

⁵ Section 415.1102(1), F.S.

⁶ Section 415.1102(2), F.S.

⁷ Section 415.1102(3), F.S.

Records Access

Section 415.107(3), F.S., enumerates persons and entities that may have access to records concerning reports of abuse, neglect, or exploitation of a vulnerable adult, including reports made to the central abuse hotline, otherwise held confidential and exempt from s. 119.07(1), F.S. The identity of any person reporting abuse, neglect, or exploitation of a vulnerable person shall not be released to these persons and entities.

III. Effect of Proposed Changes:

Creation of Elder Abuse Fatality Review Teams

The bill authorizes the creation of an elder abuse fatality review team of volunteers in each of the 20 judicial circuits. Each team will review fatal incidents of abuse, neglect, or violence against the elderly. The review teams will be housed in the Department of Elderly affairs, but only for administrative purposes.

Organization

The state attorney, or his or her designee, in each judicial circuit may initiate a review team and call for the team's organizational meeting. At that initial meeting the members will choose two co-chairs who will establish a schedule for future meetings. The review team must meet at least once during each fiscal year.

Composition

Each review team is composed of volunteers from numerous state and local agencies as well as community partners.⁸ Each volunteer serves without compensation for a two-year term and the co-chairs will determine the team's staggered terms. Members may not be reimbursed for per diem or travel expenses. All administrative costs for operating the review team must be borne by the team members themselves or the entities that they represent.

Operations

Each team will determine how it operates and selects cases. The cases, however, must be limited to closed cases in which an elderly person's death is verified by the state attorney to have been caused by abuse or neglect in order to avoid interference with an ongoing criminal investigation or prosecution. All information that would identify the person must be redacted in the documents that the team will review.

⁸ The bill provides for membership to include, but not be limited to, the following or their representatives: law enforcement agencies; the state attorney; the medical examiner; a county court judge; adult protective services; area agency on aging; the State Long-Term Care Ombudsman Program; the Agency for Health Care Administration; the Office of the Attorney General; the Office of State Courts Administrator; the clerk of the court; a victim services program; an elder law attorney; emergency services personnel; a certified domestic violence center; an advocacy organization for victims of sexual violence; a funeral home director; a forensic pathologist; a geriatrician; a geriatric nurse; a geriatric psychiatrist or other individual licensed to offer behavioral health services; a hospital discharge planner; a public guardian; and other persons with relevant expertise who are recommended by the review team.

Responsibilities

The elder abuse fatality team must:

- Review deaths of elderly people in its judicial circuit that were alleged or found to have been caused by, or related to, abuse or neglect;
- Consider events leading up to the fatal incident, available resources, current law and policies, and the actions taken by systems and individuals related to the fatal incident;
- Identify potential gaps and deficiencies in the delivery of services by agencies which may be related to the deaths;
- Develop communitywide approaches to address causes and contributing factors related to deaths reviewed by the team; and
- Develop recommendations and possible changes in law and policies to support the care for the elderly and prevent elder abuse deaths.

Prohibited Contact

Team members are prohibited from directly contacting someone in the deceased person's family as part of the review unless the team member is authorized to do so in the course of his or her employment duties. However, nothing in the bill prohibits a family member from voluntarily providing information or records to the review team.

Reporting Requirements

Each team is required to submit its findings and recommendations to the DOEA annually by September 1. The report may include descriptive statistics, current policies that contribute to the incidence of elder abuse and deaths with recommendation for improvements, and any other recommendations to prevent deaths from elder abuse or neglect. By November 1 of each year, the DOEA shall prepare a summary report of the information provided by the review teams, and submit the report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Children and Families.

Outside Access to Team Information and Records

The bill places limitations on outside access to the team's records. The bill provides that information and records acquired by a team are *not* subject to discovery or introduction into evidence in any civil or criminal action or administrative or disciplinary proceeding by any state or local government department or agency *if* the information or record arose from matters that are the subject of review by a team *unless* the information and records are not discoverable from any other source. Therefore, if the information is obtainable from another source, it is protected. However, information and records that are available from other sources are not protected from discovery or from introduction into evidence *solely* because the information or records were presented to or reviewed by a review team.

Protection for Attendees of Review Team Meetings

If a person attends a meeting of an elder abuse fatality review team, or participates in activities authorized by the bill, that person may not be allowed or compelled to testify regarding any

information or records produced or presented to the review team during a meeting or authorized activity *unless* the testimony is necessary to determine that the information or records were available to the team. This restriction does not prevent any one who testifies before the team or is a team member from testifying about matters that are otherwise within his or her knowledge. Additionally, a linked bill, CS/SB 454, creates public records exemptions and public meetings exemptions applicable to the review teams which will protect the identities of victims of elder abuse from being publically disclosed.

Protection from Liability for Team Members

Unless a team member acts in bad faith with wanton and willful disregard of human rights, safety, or property, he or she is not liable financially or subject to a cause of action for damages due to the performance of duties as a review team member with regard to any discussions, deliberations, or recommendation of the team or the member.

The act takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Any public records or open meetings issues are addressed in SB 454.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

The Department of Elder Affairs may incur additional costs associated with providing administrative support to the various elder abuse fatality review teams and with submitting the required annual report.

VI. **Technical Deficiencies:**

The bill does not specify the appointing authority for the members of the review team. The bill does however, allow for the state attorney to initiate a review team.

VII. **Related Issues:**

The bill does not define the term “elder,” specifically the age at which a person is deemed to be an elder, which may lead to inconsistency in the cases a team chooses to review.

VIII. **Statutes Affected:**

The bill creates section 415.1103 of the Florida Statutes.

IX. **Additional Information:**

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

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

CS by Judiciary on March 13, 2019:

The committee substitute corrects a scrivener’s error in section 415.1103(5)(a), F.S., and moves the word “and” from the end of sub-paragraph 3. to sub-paragraph 2.

CS by Children, Families, and Elder Affairs on February 19, 2019:

- The CS removes language amending s. 415.101, F.S., the Adult Protective Services Act that would have expressed the intent of the Legislature that all adult protective service investigators be certified by a third-party credentialing agency selected by the Department of Children and Families.
- The CS removes language amending s. 415.107, F.S., that would have granted access to confidential records of an adult protective service investigation to the elder abuse fatality review team.

B. **Amendments:**

None.



625028

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Gibson) recommended the following:

Senate Amendment

Delete lines 141 - 144
and insert:
dissemination to address those identified issues; and
3. Any other recommendations to prevent deaths from elder
abuse or neglect, based on an analysis of the data and
information presented in the report.

By the Committee on Children, Families, and Elder Affairs; and
Senator Gibson

586-02487-19

2019452c1

1 A bill to be entitled
2 An act relating to elder abuse fatality review teams;
3 creating s. 415.1103, F.S.; authorizing the
4 establishment of elder abuse fatality review teams in
5 each judicial circuit and housing the review teams,
6 for administrative purposes only, in the Department of
7 Elderly Affairs; providing conditions for review team
8 membership, establishment, and organization;
9 specifying requirements for the review team operations
10 and meeting schedules; assigning responsibility for
11 paying the administrative costs of review team
12 operations to the team members or the entities they
13 represent; authorizing elder abuse fatality review
14 teams in existence on a certain date to continue;
15 requiring such existing teams to comply with specified
16 requirements; specifying review team duties; requiring
17 each review team to submit annually a summary report
18 by a certain date to the Department of Elderly Affairs
19 containing specified information; requiring the
20 department to prepare annually a summary report on the
21 review teams' information and submit the summary to
22 the Governor, the Legislature, and the Department of
23 Children and Families; exempting certain information
24 and records from discovery; providing an exception;
25 restricting the testimony of certain persons about
26 information or records presented during meetings or
27 activities of the review teams; providing immunity
28 from monetary liability for review team members under
29 certain conditions; prohibiting review teams and

Page 1 of 7

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

586-02487-19

2019452c1

30 review team members from disclosing confidential
31 information; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. Section 415.1103, Florida Statutes, is created
36 to read:

37 415.1103 Elder abuse fatality review teams.-

38 (1) (a) An elder abuse fatality review team may be
39 established in each judicial circuit to review deaths of elderly
40 persons alleged or found to have been caused by, or related to,
41 abuse or neglect. The review teams are housed, for
42 administrative purposes only, in the Department of Elderly
43 Affairs.

44 (b) An elder abuse fatality review team may include, but is
45 not limited to, representatives from the following entities in
46 the review team's judicial circuit:

47 1. Law enforcement agencies;

48 2. The state attorney;

49 3. The medical examiner;

50 4. A county court judge;

51 5. Adult protective services;

52 6. The area agency on aging;

53 7. The State Long-Term Care Ombudsman Program;

54 8. The Agency for Health Care Administration;

55 9. The Office of the Attorney General;

56 10. The Office of the State Courts Administrator;

57 11. The clerk of the court;

58 12. A victim services program;

Page 2 of 7

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586-02487-19

2019452c1

59 13. An elder law attorney;
 60 14. Emergency services personnel;
 61 15. A certified domestic violence center;
 62 16. An advocacy organization for victims of sexual
 63 violence;
 64 17. A funeral home director;
 65 18. A forensic pathologist;
 66 19. A geriatrician;
 67 20. A geriatric nurse;
 68 21. A geriatric psychiatrist or other individual licensed
 69 to offer behavioral health services;
 70 22. A hospital discharge planner;
 71 23. A public guardian; or
 72 24. Any other persons who have knowledge regarding fatal
 73 incidents of elder abuse, domestic violence, or sexual violence,
 74 including knowledge of research, policy, law, and other matters
 75 connected with such incidents involving elders, or who are
 76 recommended for inclusion by the review team.
 77 (c) A state attorney, or his or her designee, may initiate
 78 the establishment of a review team in his or her judicial
 79 circuit and may call the first organizational meeting of the
 80 team. At the initial meeting, members of the review team shall
 81 choose two members to serve as co-chairs and shall establish a
 82 schedule for future meetings.
 83 (d) Participation in a review team is voluntary. Members of
 84 the review team shall serve without compensation and may not be
 85 reimbursed for per diem or travel expenses.
 86 (e) Members shall serve for terms of 2 years, to be
 87 staggered as determined by the co-chairs. Chairs may be

Page 3 of 7

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

586-02487-19

2019452c1

88 reelected by a majority vote of the review team but not for more
 89 than two consecutive terms.
 90 (f) A review team shall determine the local operations of
 91 the team, including, but not limited to, the process for case
 92 selection. Reviews must be limited to closed cases in which an
 93 elderly person's death is verified by the state attorney to have
 94 been caused by abuse or neglect. All identifying information
 95 concerning the person must be redacted in documents received for
 96 review. The review team shall meet at least once each fiscal
 97 year.
 98 (g) Administrative costs of operating the review team must
 99 be borne by the team members or entities that they represent.
 100 (2) An elder abuse fatality review team in existence on
 101 July 1, 2019, may continue to exist and shall comply with the
 102 requirements created in this section.
 103 (3) An elder abuse fatality review team shall do all of the
 104 following:
 105 (a) Review deaths of elderly persons in its judicial
 106 circuit alleged or found to have been caused by, or related to,
 107 abuse or neglect.
 108 (b) Consider the events leading up to a fatal incident,
 109 available community resources, current law and policies, and the
 110 actions taken by systems or individuals related to the fatal
 111 incident.
 112 (c) Identify potential gaps, deficiencies, or problems in
 113 the delivery of services to elderly persons by public and
 114 private agencies which may be related to deaths reviewed by the
 115 review team.
 116 (d) Whenever possible, develop communitywide approaches to

Page 4 of 7

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

586-02487-19

2019452c1

117 address causes of, and contributing factors to, deaths reviewed
 118 by the review team.

119 (e) Develop recommendations and potential changes in law,
 120 rules, and policies to support the care of elderly persons and
 121 to prevent elder abuse deaths.

122 (4) (a) Review teams in this state may share with each other
 123 any relevant information that pertains to the review of the
 124 death of an elderly person.

125 (b) A review team member may not contact, interview, or
 126 obtain information by request directly from a member of the
 127 deceased elder's family as part of the review unless a team
 128 member is authorized to do so in the course of his or her
 129 employment duties. A member of the deceased elder's family may
 130 voluntarily provide information or records to a review team.

131 (5) (a) Annually by September 1, each elder abuse fatality
 132 review team shall submit a summary report to the Department of
 133 Elderly Affairs which includes, but is not limited to:

134 1. Descriptive statistics regarding cases reviewed by the
 135 review team, including demographic information on victims and
 136 the causes and nature of deaths;

137 2. Current policies, procedures, rules, or statutes that
 138 the review team identified as contributing to the incidence of
 139 elder abuse and elder deaths, and recommendations for system
 140 improvements and needed resources, training, or information
 141 dissemination to address those identified issues;

142 3. Any other recommendations to prevent deaths from elder
 143 abuse or neglect, based on an analysis of the data and
 144 information presented in the report; and

145 (b) Annually by November 1, the Department of Elderly

586-02487-19

2019452c1

146 Affairs shall prepare a summary report of the review team
 147 information required under paragraph (a). The department shall
 148 provide the summary report to the Governor, the President of the
 149 Senate, the Speaker of the House of Representatives, and the
 150 Department of Children and Families.

151 (6) Information and records acquired by an elder abuse
 152 fatality review team are not subject to discovery or
 153 introduction into evidence in any civil or criminal action or
 154 administrative or disciplinary proceeding by any state or local
 155 government department or agency if the information or records
 156 arose out of the matters that are the subject of review by a
 157 review team, unless the information and records are not
 158 discoverable from any other source. Information and records that
 159 are available from other sources are not immune from discovery
 160 or introduction into evidence solely because the information,
 161 documents, or records were presented to or reviewed by a review
 162 team.

163 (7) A person who has attended a meeting of an elder abuse
 164 fatality review team or who has otherwise participated in the
 165 activities authorized by this section may not be allowed or
 166 required to testify in any civil, criminal, administrative, or
 167 disciplinary proceeding as to any information or records
 168 produced or presented to the review team during a meeting or
 169 other activity authorized by this section, unless such testimony
 170 is necessary to determine the information or records that were
 171 available to the review team. However, this paragraph does not
 172 prevent any person who testifies before the team or who is a
 173 member of the team from testifying as to matters otherwise
 174 within his or her knowledge.

586-02487-19

2019452c1

175 (8) There is no monetary liability on the part of, and a
176 cause of action for damages may not arise against, any member of
177 an elder abuse fatality review team due to the performance of
178 his or her duties as a review team member in regard to any
179 discussions by, or deliberations or recommendations of, the team
180 or the member, unless such member acted in bad faith, with
181 wanton and willful disregard of human rights, safety, or
182 property.

183 (9) Elder abuse fatality review teams and their members may
184 not disclose any information that is confidential pursuant to
185 law.

186 Section 2. This act shall take effect July 1, 2019.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Rules, *Vice Chair*
Appropriations
Innovation, Industry, and Technology
Judiciary

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR AUDREY GIBSON

Minority Leader
6th District

February 20, 2019

Senator David Simmons, Chair
Committee on Judiciary
515 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Simmons:

I respectfully request that SB 452, relating to elder protection, be placed on the next committee agenda.

SB 452, creates an elder abuse fatality team in each judicial circuit for administrative purposes to review information which must be limited to closed cases in which an elderly person's death is verified to have been caused by abuse or neglect. This bill passed unanimously in the first committee.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Audrey Gibson".

Audrey Gibson
State Senator
District 6

101 East Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553
200 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/11/19

Meeting Date

452

Bill Number (if applicable)

Topic SB 452: Elder Protection

Amendment Barcode (if applicable)

Name Brian Sullivan

Job Title Director of State Affairs

Address 725 John Knox Ste. 123

Phone 810-335-0150

Tallahassee FL 32308

Email bmsullivan@alz.org

Speaking: [] For [] Against [] Information

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

Representing Alzheimer's Association

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.11.19

Meeting Date

452

Bill Number (if applicable)

Topic Elder Protection

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomaville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

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

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

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



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
302 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

March 6, 2019

DATE	COMM	ACTION
3/6/19	SM	Report Submitted
3/11/19	JU	Fav/CS
	GO	
	RC	

The Honorable Bill Galvano
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 34** – Judiciary Committee and Senator Torres
HB 6517 – Representative McClure
Relief of Robert A. Smith

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR LOCAL FUNDS IN THE AMOUNT OF \$750,000 FROM ORANGE COUNTY FOR INJURIES AND DAMAGES SUFFERED BY MR. ROBERT A. SMITH, WHICH WERE PARTIALLY DUE TO THE NEGLIGENT OPERATION OF AN ORANGE COUNTY VAN.

CURRENT STATUS:

On February 10, 2017, Ms. Ashley Istler, serving as Senate special master, held a de novo hearing on a previous version of this bill (SB 300). After the hearing, Ms. Istler issued a report containing findings of fact and conclusions of law and concluded that the amount remaining to be paid from the verdict was reasonable. In SB 300 (2017), that amount was \$2,813,536.09 and the associated report is attached as an addendum to this report.

Since that time, the Senate President has reassigned the claim to the undersigned to review records and determine whether any changes have occurred since the hearing that, if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

Since the initial hearing, the undersigned has not received information that would have significantly altered the outcome of the underlying report.

However, updated information provides that the parties have reached a settlement in the amount of \$750,000, as opposed to the \$2,813,536.09 requested in SB 300 (2017) and SB 54 (2018).

OUTSTANDING COSTS
AND LIENS:

Claimant's counsel has confirmed the following outstanding costs and liens:

- Legal \$72,198.20
- Department of Veterans Affairs \$181,560.01
- Center for Medicare and Medicaid Benefits \$19,948.66
- Florida Medicaid Casualty Recovery Program \$42,147.35
- Florida Department of Education \$1,954.44

RECOMMENDED
AMENDMENTS:

A correction to the spelling of Mr. Smith's name is recommended. The bill currently reflects a spelling of "Allan" while submitted documents show the middle name spelled as "Alan."

The undersigned also recommends removing the intent language related to extinguishment or waiver of related liens. Intent language would not require the action to occur. Additionally, state and federal liens are involved in this matter and the State does not have the ability to extinguish or waive a federal lien.

Two amendments are attached to this report. The first amendment (357324) only corrects Mr. Smith's middle name. The second amendment (939218) corrects Mr. Smith's middle name and removes the intent language related to extinguishment or waiver of liens.

March 6, 2019

Page 3

Respectfully submitted,

Christie M. Letarte
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary on March 11, 2019:

The amendment corrects the spelling of Mr. Smith's middle name. It has only one "l," not two.



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
1/10/18	SM	Favorable
	JU	
	GO	
	RC	

January 10, 2018

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

Re: **SB 54** – Senators Torres and Stewart
HB 6517 – by Representative Cortes
Relief of Robert Allan Smith by Orange County

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED CLAIM IN THE AMOUNT OF \$2,813,536 AGAINST ORANGE COUNTY FOR INJURIES AND DAMAGES SUFFERED BY MR. SMITH WHEN THE MOTORCYCLE HE WAS DRIVING WAS STRUCK BY AN ORANGE COUNTY VEHICLE ON SEPTEMBER 7, 2006.

FINDINGS OF FACT:

This claim arises out of a motor vehicle crash involving a motorcycle and a county-owned van which occurred on September 7, 2006, in Orlando, Florida, at the intersection of DePauw Avenue and Orlando Street. The intersection has a stop sign posted for vehicles traveling on Orlando Street. There is no stop sign on DePauw Avenue, which is a residential cross-street. The speed limit on both streets is 25 miles per hour.

The Accident

The accident occurred at approximately 1:43 p.m. Mr. Smith was driving his motorcycle from his residence on DePauw Avenue northbound toward Orlando Street. While at the same

time, an Orange County employee, Mr. Godden, was traveling westbound on Orlando Street toward DePauw Avenue. Upon approaching DePauw Avenue, Mr. Godden stopped at the stop sign and looked to the left and to the right on DePauw Avenue. Mr. Smith testified that he visibly saw the van slow down as it approached the stop sign and, therefore, believed that it was safe to travel through the intersection. Mr. Godden proceeded from the stop sign into the intersection and the front of the van collided with the right side of the motorcycle.

At the time of the accident there were two properly parked vehicles on DePauw Avenue; these cars may have obstructed the view of Mr. Godden and Mr. Smith, and possibly caused Mr. Smith to travel down the center of the lane on DePauw Avenue.

The crash was witnessed primarily by one individual, Mr. Dean. Mr. Dean was outside in close proximity to the accident, but his sight of the impact was obstructed by a large tree. Mr. Dean testified that he witnessed the motorcycle traveling northbound on DePauw Avenue and the van stopped on Orlando Street. Mr. Dean testified that he watched as the van proceeded straight into the intersection and witnessed Mr. Smith attempt to avoid the van by swerving into the left side of the road. While his vision was obstructed, Mr. Dean heard the sound of the impact.

The van hit Mr. Smith on the right side, causing his right leg to be partially torn from his body. On impact, Mr. Smith was not ejected from the motorcycle, but rather, remained on the motorcycle. The force of the impact shifted the motorcycle to the left, and the left peg of the motorcycle was damaged and the motorcycle continued forward until it made impact with a curb. Upon impact with the curb, Mr. Smith was ejected from the motorcycle and landed in the grass between the sidewalk and the curb.

Mr. Smith suffered extensive injuries including:

- A right leg above-the-knee amputation;
- A left leg dislocation and fracture;
- Lacerations on his face and right hand;
- A broken pelvis and sacrum; and
- Damage to his rectum and internal organs.

Mr. Smith has incurred over \$550,000 in medical bills, along with the cost of purchasing and maintaining his prosthetic leg. He continues to suffer the effects of his injuries with recurring infections in his leg. Having no health insurance, Mr. Smith's medical bills have been paid by Medicaid or the Department of Veteran Affairs. There are outstanding liens against any award Mr. Smith receives.¹

At the time of the accident, Mr. Smith was a motorcycle mechanic at Harley Davidson. Since the accident, Mr. Smith received a bachelor's degree in computer design. In August of 2017, Mr. Smith obtained employment doing graphic design work.

Traffic Citation

Mr. Godden was cited with a violation of s. 316.123(2), F.S., for failure to yield at a stop sign. A violation of which is a noncriminal infraction, punishable as a moving violation. The citation, however, was subsequently dismissed.

Civil Suit

The case was first tried in November of 2011, but a mistrial was declared because of issues relating to the jury. The case was retried in July of 2012, and the jury returned a verdict in favor of Mr. Smith for damages totaling \$4,814,785.37.

However, the jury found Mr. Smith to be comparatively negligent. Mr. Smith was found to be 33 percent at fault and Mr. Godden to be 67 percent at fault for the accident, so the damages were reduced accordingly. The verdict amount was also reduced due to collateral sources, which left a net verdict of \$2,913,536.09.

Section 768.28, F.S., limits the amount of damages that can be collected from a local government as a result of its negligence or the negligence of its employees. Funds in excess of this limit may only be paid upon approval of a claim bill by the Legislature. Thus, Mr. Smith will not receive the full amount of the judgement unless the Legislature approves this claim bill authorizing the additional payment.

¹ The Department of Veteran Affairs has a lien in the amount of \$181,560.04 and Medicaid has a lien in the amount of \$42,147.35. Both of which would be satisfied from any award passed by the Legislature.

CLAIMANT'S ARGUMENTS: Mr. Smith argues that Orange County is liable for the negligence of its employee, Mr. Godden, when he failed to yield at a stop sign in violation of s. 316.123(2), F.S.

RESPONDENT'S ARGUMENTS: Orange County argues that Mr. Smith was driving his motorcycle at speeds in excess of the posted speed limit. Therefore, Orange County argues that the claim bill should be denied because Mr. Smith's comparative fault for the accident was greater than Mr. Godden's.

CONCLUSIONS OF LAW: The claim bill hearing was a *de novo* proceeding to determine whether Orange County is liable in negligence for damages suffered by the Claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the Special Master prior to, during, and after the hearing.

In a negligence action, a plaintiff bears the burden of proof to establish the four elements of negligence: duty, breach, causation, and damages. *Charron v. Birge*, 37 So. 3d 292, 296 (Fla. 5th DCA 2010).

Mr. Godden, as an operator of a motor vehicle, had a reasonable duty of care to operate his vehicle at all times with proper care. A motorist's duty to use reasonable care includes a responsibility to enter intersections only upon a determination that it is safe to do so under the prevailing conditions. *Williams v. Davis*, 974 So. 2d 1052, 63 (Fla. 2007).

Section 316.23, F.S. requires drivers after having stopped at a stop sign to yield the right-of-way to any vehicle which is approaching so closely as to constitute an immediate hazard during the time when the driver is moving across or within the intersection. While a violation of a statute governing motor vehicles does not constitute negligence per se, it does constitute prima facie evidence of negligence. *Gudath v. Culp Lumber Co.*, 81 So. 2d 742, 53 (Fla. 1955).

Where a statute governing motor vehicles prohibits specific conduct that likely will cause harm to others and the same conduct is alleged in a civil action as negligent conduct causing injury to another, the statute becomes a minimum standard of care as to that conduct, and a violation of such constitutes some evidence of negligence. *Estate of Wallace v. Fisher*, 567 So. 2d 505 (Fla. 5th DCA 1990).

Mr. Godden was acting within the course and scope of his employment with Orange County at the time of the accident. Orange County, as the employer of Mr. Godden, is liable for his negligent actions. See *Mercury Motors Express v. Smith*, 393 So. 2d 545, 549 (Fla. 1981).

Based on a preponderance of the evidence, it is established that Mr. Godden breached his duty to exercise reasonable care by failing to yield the right-of-way after having stopped at the stop sign in violation of s. 316.123(2), F.S. Mr. Godden by accelerating into the intersection before making sure it was safe to proceed breached his duty of care.

Mr. Smith's extensive injuries, including the loss of his right leg, were a natural and direct consequence of Mr. Godden's negligence. See *Railway Exp. Agency v. Brabham*, 62 So. 2d 713 (Fla. 1952). The accident would not have occurred but for Mr. Godden's negligence.

As a result of Mr. Godden's negligence, Mr. Smith suffered bodily injury and resulting pain and suffering, impairment, disability, mental anguish, and loss of earnings.

Collateral Sources

Under s. 768.76, F.S., damages owed by a tortfeasor can be reduced by the amount of collateral sources which have been paid to compensate the claimant. In this case, the jury's award was reduced by \$55,638 due to past Social Security Disability Income benefits and by \$325,865.58 due to amounts received by the Florida Department of Education, Medicaid, and the Veteran's Administration.

Comparative Negligence

Section 768.81, F.S., Florida's comparative negligence statute, applies to this case because both Mr. Godden and Mr. Smith were at fault in the accident.

Mr. Godden's Negligence

A stop sign that is established and maintained by lawful authority at an intersection of a street represents a proclamation of danger and imposes upon the motorist the duty to stop and look before proceeding into the intersection. *Tooley v. Marquillies*, 79 So. 2d 421, 22 (Fla. 1955).

The proximate cause of the accident was Mr. Godden's negligence in proceeding into the intersection in front of Mr. Smith's approaching motorcycle at such a time where it may have been impossible for Mr. Smith to avoid the collision.

Mr. Smith's Negligence

Mr. Smith as an operator of a motor vehicle also has the duty to exercise reasonable care. Such duty includes a responsibility to enter intersections only upon a determination that it is safe to do so under the prevailing conditions.

Williams v. Davis, 974 So. 2d 1052, 63 (Fla. 2007).

The verdict amount after the reduction of collateral sources and the reduction of \$84,720 in future medical expenses which was agreed to by the parties is \$4,348,561.79. This adjusted verdict amount was further reduced due to the jury's assessment of comparative negligence against Mr. Smith. The jury in the civil suit found Mr. Godden 67 percent at fault and Mr. Smith 33 percent at fault. Therefore, the net verdict is \$2,913,536.09.

Orange County has paid the \$100,000 statutory cap on liability. Mr. Smith requests that the remaining sum of \$2,813,536.09 be approved in this claim bill.

After consideration of all the facts presented in this case, I conclude that the amount of this claim bill is appropriate.

LEGISLATIVE HISTORY:

A claim bill for the relief of Mr. Smith was first filed for the 2017 Legislative Session. The Senate Bill, CS/SB 300, died in the Senate Committee on Community Affairs, and the House Bill, CS/HB 6509, died in Messages.

ATTORNEY FEES:

Mr. Smith's attorney has agreed to limit his fees to 25 percent of any amount awarded by the Legislature in compliance with s. 768.28(8), F.S.

FISCAL IMPACT:

Orange County at the time of the accident maintained a self-insured retention in the amount of \$1,000,000 with a \$10,000,000 excess liability policy. Orange County has stated that if the county is required to pay out any amount of this claim bill, there will be adverse impacts to the county's financial position as the funds would come from charge backs to various departments and, thereby, restrict each department's ability to provide services and conduct programs.

RECOMMENDATIONS:

For the reasons set forth above, the undersigned recommends that Senate Bill 54 (2018) be reported FAVORABLY.

Respectfully submitted,

Ashley Istler
Senate Special Master

cc: Secretary of the Senate



519166

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Torres) recommended the following:

Senate Amendment (with title amendment)

Delete lines 67 - 79
and insert:
warrant in the sum of \$750,000 payable to Robert Alan Smith as
compensation for injuries and damages he sustained as a result
of the negligence of an employee of Orange County.

Section 3. It is the intent of the Legislature that the
lien interests relating to the claim of Robert Alan Smith for
the treatment and care of Robert Alan Smith, including Medicaid
liens, are hereby waived or extinguished.



519166

12 Section 4. The amount paid by Orange County pursuant to s.
13 768.28, Florida Statutes, and the amount awarded under this act
14 are intended to provide the sole compensation for all present
15 and future claims arising out of the factual situation described
16 in this act which resulted in injuries and damages to Robert
17 Alan Smith. Of the amount awarded under this act, the total

18
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete lines 2 - 11

22 and insert:

23 An act for the relief of Robert Alan Smith by Orange
24 County; providing for an appropriation to compensate
25 Mr. Smith for injuries and damages he sustained as a
26 result of the negligence of an employee of Orange
27 County; providing legislative intent regarding lien
28 interests held by the state; providing a limitation on
29 the payment of fees and costs; providing an effective
30 date.

31
32 WHEREAS, at 1:43 p.m. on September 7, 2006, Robert
33 Alan



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Vice Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Children, Families, and Elder Affairs
Governmental Oversight and Accountability
Military and Veterans Affairs and Space

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR VICTOR M. TORRES, JR.
15th District

March 6, 2019

David Simmons, Chair
Committee on Judiciary
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Simmons:

Please accept this letter as a formal request to schedule SB 34, a claims bill for Relief of Robert Alan Smith by Orange County, for the next available meeting of the Judiciary Committee. Please let me know if you have any questions or need additional information. Thank you, in advance, for your favorable consideration of this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Victor M. Torres, Jr." with a stylized flourish at the end.

Victor M. Torres, Jr.
State Senator
District 15

c: Tom Cibula, Staff Director, Committee on Judiciary
Dianne Suddes, Legislative Assistant

REPLY TO:

- 101 Church Street, Suite 305, Kissimmee, Florida 34741 (407) 846-5187 FAX: (850) 410-4817
- 226 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
302 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
3/6/19	SM	Report Submitted
3/11/19	JU	Fav/CS
	GO	
	RC	

March 6, 2019

The Honorable Bill Galvano
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 42** – Judiciary Committee and Senator Taddeo
HB 6525 – Representative Fernandez
Relief of Jorge L. Dominguez, Chelsea Beatrice Dominguez, Brittney Delores
Dominguez, and Tori Alexis Dominguez

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR LOCAL FUNDS IN THE AMOUNT OF \$400,000. THIS AMOUNT IS THE REMAINING UNPAID BALANCE OF A SETTLEMENT REGARDING THE NEGLIGENCE OF A HILLSBOROUGH COUNTY EMPLOYEE, WHICH RESULTED IN THE DEATH OF DARCIA LYNN DOMINGUEZ.

FINDINGS OF FACT:

The Crash on February 6, 2010

On the morning of February 6, 2010, Mrs. Darcia Lynn Dominguez, a 39 year-old registered nurse, traveled northbound on Veterans Express Highway in Tampa and crashed into a tractor-trailer truck owned and maintained by Hillsborough County. The vehicle was driven by Mr. Santiago Hasbun who had a commercial driver license (CDL) and was a Hillsborough County employee.

Prior to the incident, the truck was serviced by Hillsborough County and batteries were replaced.

The truck experienced an electrical malfunction which resulted in the Vehicle Management Control System (VMAC) on the dashboard indicating that voltage was decreasing. As stipulated by the parties, it would have taken fifteen minutes or more for the volt meter gauge to fall from its normal operating position to the position where the decreasing voltage triggered the illumination of a lightning bolt on the dashboard. Once the lightning bolt illuminated on the volt meter gauge, the truck shut down within fifteen minutes. At the time the vehicle shut down, Mr. Hasbun had, approximately, another 27 seconds to pull off of the highway.

The divided highway had two northbound and two southbound lanes and was divided by guardrails. The grass median available to the left of the northbound lanes was at least 21 feet wide and the paved shoulder available to the right of the northbound lanes was 10 feet wide.

Mr. Hasbun did not pull the truck off of the road. The vehicle remained in the left travel lane of the highway without functioning hazard or flashing lights because of the complete loss of power.

Mr. Hasbun placed orange triangles on the hash marks of the highway with the farthest triangle being placed 75 feet back from the end of the truck.

At approximately 8:17 a.m., Mrs. Dominguez crashed into the back of the truck. The crash occurred shortly after someone called 911 to report that, while going the speed limit, the caller almost drove into the back of the broken down truck in the left travel lane. Parties agreed that Mrs. Dominguez's phone records were investigated and she was not using her phone to call or text at the time of the accident.

Mrs. Dominguez suffered traumatic brain injuries and scalp avulsion as well as numerous fractures to the skull, left arm, a rib, and both femurs.

On February 11, 2010, Mrs. Dominguez died as a result of the traumatic brain injuries.

Mrs. Dominguez had three daughters: Ms. Chelsea Dominguez, Ms. Brittney Dominguez, and Ms. Tori

Dominguez, who were 18, 16, and 10, respectively, at the time of the crash. Mrs. Dominguez was the wife of Mr. Jorge Dominguez, although they were separated at that time.

Mr. Gary Anderson, Ph. D., economist, testified that past losses and the present value of future losses as a result of the Mrs. Dominguez's death totals \$1,724,243.

Settlement

The parties stipulated that a jury could have attributed 60 – 90 percent of the negligence involved to the County and that a jury may have found \$4 – 8 million as a “reasonable range” of damages.

Claimants and Hillsborough County entered a settlement agreement for \$600,000. Claimants received \$200,000 from Hillsborough County and seek the remaining \$400,000 in two payments of \$200,000.

Additionally, claimants settled separately with the County's insurance carrier and received \$50,000 from that agreement.

Claimant also reported that personal injury protection (PIP) insurance covered the cost of Mrs. Dominguez's funeral, which was less than \$10,000.

CONCLUSIONS OF LAW:

Section 768.28, Florida Statutes (2010), waives sovereign immunity for tort liability up to \$200,000. Sums exceeding this amount are payable by the State and its agencies or subdivisions by further act of the Legislature.

A county is liable for a negligent act committed by an employee acting within the scope of employment. Mr. Hasbun was operating the tractor-trailer truck within the scope of his employment thereby making Hillsborough County liable for any negligent acts committed by him.

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is

foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.¹

Duty

Motorists have a duty to use reasonable care to avoid accidents and injury to themselves and others.² The driver of an automobile, a “dangerous instrumentality,” is responsible for maintaining control of the vehicle, commensurate with the setting, and being “prepared to meet the exigencies of an emergency within reason and consistent with reasonable care and caution.”³ Mr. Hasbun and Mrs. Dominguez both had the duty to use reasonable care while operating their vehicles.

In this particular situation, Mr. Hasbun also had specific statutory duties relevant to his operation of the truck. Sections 316.194(1), and 316.301, Florida Statutes, respectively, require a driver to remove a vehicle such as Mr. Hasbun’s from the highway when practicable to do so and, if disabled or stopped for more than 10 minutes, to place warning devices at 10 feet, 100 feet, and 200 feet from the stopped vehicle, in the center of the lane, and in the direction of traffic approaching that lane. The CDL Manual also required placement of cones at the aforementioned intervals.

Breach

As the parties have also stipulated and the record demonstrates, Mr. Hasbun violated both statutes and breached the required duty of care.

Mr. Hasbun was required to remove the tractor trailer from the road if practicable. Stipulations and evidence submitted demonstrate that Mr. Hasbun had time to remove the vehicle from the road but did not do so. Once the lightning bolt illuminated on the volt meter gauge, he had approximately 15 minutes to exit the highway or pull off of the road and he did neither. After the vehicle completely shut down, there was another 27 seconds, approximately, within which Mr. Hasbun could have pulled off of the highway and onto the 21 foot wide grassy median to the left or the 10 foot paved shoulder to the right but he did neither. He brought the vehicle to a stop in the left travel lane.

¹ Williams v. Davis, 974 So.2d 1052, at 1056–1057 (Fla. 2007).

² *Id.*, 974 So.2d at 1063.

³ Nelson v. Ziegler, 89 So.2d 780, 783 (Fla. 1956).

Once the vehicle was stopped in the left travel lane, Mr. Hasbun breached his duty to provide proper warning to approaching motorists. Again, stipulations and evidence show that Mr. Hasbun did not properly place orange triangles as the farthest back he placed a cone was 75 feet when statute and the CDL manual required that they be placed at intervals of 10 feet, 100 feet, and 200 feet from the vehicle. Additionally, rather than the cones being placed in the middle of the obstructed travel lane, they were placed on the hashmarks that divide the inside and outside lanes.

Mrs. Dominguez also had a duty to operate her vehicle with reasonable care, however, nothing has been submitted to demonstrate that this duty was breached. Both parties agreed that discovery demonstrated that Mrs. Dominguez was not on her phone at the time of the incident. Additionally, there is no known eyewitness to the crash or preceding events.

Causation

Mr. Hasbun's breaches of duty, including his violations of statutes and CDL manual requirements, in not removing the truck from the highway and improperly placing warning devices are the cause of the resulting damages. A collision was foreseeable when the truck was brought to a stop in the left travel lane of the highway, and warning devices were improperly placed. The existence of the vehicle in the left travel lane of the highway and the truncated warning of a danger (as a result of the misplaced triangles) were the substantial causes of the collision resulting in the death of Mrs. Dominguez.

Although the parties stipulated that a jury could have apportioned 60 – 90 percent of the negligence to Hillsborough County (thereby suggesting comparative fault of Mrs. Dominguez ranging from 10 – 40 percent of the negligence), the undersigned does not find comparative negligence on behalf of Mrs. Dominguez. This conclusion is based upon there being no known eyewitness to the moments preceding the collision and no other facts in evidence demonstrating negligence of Mrs. Dominguez.

Damages

As a result of the February 6, 2010 collision, Mrs. Dominguez suffered traumatic brain injuries, scalp avulsion, fractures to

the skull, left arm, a rib, and both femurs. On February 11, 2010, Mrs. Dominguez died due to these injuries.

Mrs. Dominguez's death also resulted in economic losses estimated at \$1,724, 243.

ATTORNEY FEES:

The bill states that attorney fees may not exceed 25 percent of the amount awarded.

Outstanding costs amount to \$5,892.38.

RECOMMENDED
AMENDMENT:

The undersigned recommends changing the date on line 12 of the bill from "February 26, 2010" to "February 6, 2010" to accurately reflect the date of the incident. The recommended amendment is appended.

FINDING:

For the reasons set forth above, the undersigned finds that the claimant has demonstrated the elements of negligence by the greater weight of the evidence and the amount sought is reasonable.

Respectfully submitted,

Christie M. Letarte
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary on March 11, 2019:

This amendment corrects the date of the automobile accident that is the basis for the claim bill.



496776

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Taddeo) recommended the following:

Senate Amendment

In title, delete line 12
and insert:

WHEREAS, on February 6, 2010, Darcia Lynn Dominguez, a 39-



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal
and Civil Justice
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Infrastructure and Security

SENATOR ANNETTE TADDEO
40th District

March 7, 2019

Senator David Simmons, Chair
Committee on Judiciary
515 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

RE: Committee Agenda Request

Chairman Simmons,

I respectfully request that **Senate Bill #42**, relating to Relief of Dominguez by Hillsborough County, be placed on the committee agenda at your earliest possible convenience.

Should you have any questions, feel free to contact me.

Sincerely,

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

Senator Annette Taddeo
Florida Senate, District 40

REPLY TO:

- 10689 North Kendall Drive, Suite 212, Miami, Florida 33176 (305) 596-3003
- 210 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
302 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
3/6/19	SM	Report Submitted
3/8/19	JU	Fav/CS
	GO	
	RC	

March 6, 2019

The Honorable Bill Galvano
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 24** – Senator Simmons
HB 6513 – Representative Perez
Relief of the Estate of Eric S. Tenner

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR LOCAL FUNDS IN THE AMOUNT OF \$1.45 MILLION FROM MIAMI-DADE COUNTY. THIS AMOUNT IS THE REMAINING UNPAID BALANCE OF A SETTLEMENT FOR THE WRONGFUL DEATH OF ERIC S. TENNER, WHICH WAS PARTIALLY CAUSED BY THE NEGLIGENT OPERATION OF A COUNTY BUS.

UPDATE TO PRIOR REPORT: On November 3, 2017, Mr. Dan Looke, serving as Senate special master, held a de novo hearing on a previous version of this bill, SB 26 (2018). After the hearing, Mr. Looke issued a report containing findings of fact and conclusions of law and found the requested amount of \$1,450,000 was reasonable. That report is attached as an addendum to this report.

Since that time, the Senate President has reassigned the claim to the undersigned to review records and determine whether any changes have occurred since the hearing that, if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

According to information received, no such changes have occurred since the hearing.

RECOMMENDATIONS:

A correction to the spelling of Mr. Tenner's middle name is recommended. The bill currently reflects a spelling of "Scott" while submitted documents show the middle name spelled as "Scot." The recommended amendment is appended.

Respectfully submitted,

Christie M. Letarte
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary

The committee substitute correctly spells the claimant's middle name. It has only one "t," not two.



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
1/10/18	SM	Favorable
	JU	
	GO	
	RC	

January 10, 2018

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

Re: **SB 26** – Senator Garcia
HB 6543 – Representative Perez
Relief of Eric Scott Tenner

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED EXCESS JUDGEMENT CLAIM FOR LOCAL FUNDS IN THE AMOUNT OF \$1.45 MILLION AGAINST MIAMI-DADE COUNTY FOR THE WRONGFUL DEATH OF ERIC SCOTT TENNER, WHICH WAS PARTIALLY CAUSED BY THE NEGLIGENT OPERATION OF A COUNTY BUS.

FINDINGS OF FACT:

On the morning of October 8, 2014, Mr. Tenner, was riding his bicycle on the US 1 Busway just south of SW 124th Street in Miami-Dade County when he was struck from behind by a Miami-Dade County bus driven by Jose Sequeria. At the time, Mr. Tenner was wearing all recommended safety equipment including a helmet, a head lamp on the front of his bicycle, and a flashing strobe light on the rear of his bicycle. A witness riding the bus that struck Mr. Tenner, Christopher Hanna, saw Mr. Tenner riding on his bicycle with blinking lights when the bus approached him from behind. Mr. Hanna also felt the impact of the collision between the bus and Mr. Tenner.

After striking Mr. Tenner, Jose Sequeria did not stop to provide assistance, but continued driving his route.¹ Miguel

¹ Mr. Sequeria was later arrested for leaving the scene of an accident involving serious bodily injury, but the charges were dropped because the state could not prove that Mr. Sequeria was aware that he had hit Mr. Tenner.

Mora, driver of a bus immediately behind Mr. Sequeria's bus, pulled over to assist Mr. Tenner. Mr. Tenner was taken to Kendall Regional Hospital where he died of his injuries on October 11, 2014.

On July 16, 2015, Maria Tenner, Mr. Tenner's wife, brought suit against Miami-Dade County as the personal representative of Mr. Tenner's estate under the Florida Wrongful Death Act.² Miami-Dade County responded to the suit asserting the defenses of assumed risk and comparative negligence. The County's strongest argument at trial would likely have been that Mr. Tenner was riding his bicycle on a roadway that was designated specifically for transit and emergency vehicles.

The plaintiffs hired Raffa Consulting Economists to prepare a statement of loss of dependent support that could be expected from Mr. Tenner's death. The report determined that the total economic loss from Mr. Tenner's death would be approximately \$3.5 million. On June 14, 2017, the parties entered into mediation. It was successful and resulted in a settlement agreement signed on the same day. In the settlement the County agreed to pay a total of \$1.75 million to Mr. Tenner's estate to settle all claims arising from the matter.³ At the time of the settlement, the County paid \$300,000 to the plaintiffs and the County also agreed to support a claim bill for the remaining \$1.45 million.

CONCLUSIONS OF LAW:

Miami-Dade County owned and operated the bus that struck Mr. Tenner and the driver of the bus, Mr. Sequeria, was an employee of the county. Section 768.28, F.S., allows injured parties to sue the state or local governments for damages caused by the negligence of their employees. When demonstrating negligence, the elements that must be found are duty, breach, causation, and damages.⁴ Additionally, s. 768.81, F.S., allows damages in a negligence case to be apportioned among all responsible parties who contributed to an accident.

In general, the driver of a motor vehicle has a duty to use reasonable care, in light of the circumstances, to prevent

² Section 768.16, F.S.

³ In testimony during the Special Master hearing, the attorney for the plaintiffs, Christopher Marlowe, testified that the plaintiffs agreed to Mr. Tenner's 50 percent comparative negligence when settling the case.

⁴ *Charron v. Birge*, 37 So.3d 292, 296 (Fla. 5th DCA 2010).

injuring persons within the vehicle's path.⁵ In this case, several witnesses riding Mr. Sequeria's bus, as well as the bus immediately behind Mr. Sequeria's, testified that they were able to see Mr. Tenner riding his bicycle as the bus approached him from the rear. Mr. Hanna, a witness riding Mr. Sequeria's bus, testified that he, at first, believed that Mr. Sequeria was attempting to turn to avoid the collision; but in the end did not turn and consequently struck and killed Mr. Tenner. Mr. Hanna's testimony shows that Mr. Sequeria was negligent in not using reasonable care and not taking appropriate action to avoid a collision with Mr. Tenner.

Mr. Tenner was also comparatively negligent for riding his bicycle on a roadway specifically designated for transit and emergency vehicles only. Although designated specifically for such traffic, the roadway where Mr. Tenner was riding his bicycle was often used by cyclists. Mr. Mora, the driver of a second bus, testified that bicyclists and pedestrians are constantly present and "there's a lot of accidents on the Busway." At trial, the portion of negligence would have been determined by the jury. However, during the special master hearing Christopher Marlowe, the attorney for the plaintiffs, testified that the plaintiffs agreed to accept 50 percent comparative negligence upon settlement of the case. This apportionment of fault is reasonable in light of the evidence.

According to the economic analysis done by the Raffa Consulting Economists, Mr. Tenner's estate suffered damages of approximately \$3.5 million due to his premature death. This figure is reasonable based on the evidence. Due to Mr. Tenner's comparative negligence, stipulated at 50 percent, the damages that a court could assess to Mr. Sequeria's negligence are \$1.75 million. Of these damages, \$300,000 have been paid leaving \$1.45 million outstanding.

ATTORNEYS FEES:

Senate Bill 26 limits the total amount paid for attorney fees to 25 percent of the amount awarded. As such, the amount of attorney fees will be limited to \$362,500 of the \$1.45 million awarded under the bill.

RECOMMENDATIONS:

The undersigned recommends that Senate Bill 26 be reported FAVORABLY.

⁵ *Gowdy v. Bell*, 993 So.2d 585, 586 (Fla. 1st DCA 2008).

SPECIAL MASTER'S FINAL REPORT – SB 26

January 10, 2018

Page 4

Respectfully submitted,

Daniel Looke
Senate Special Master

cc: Secretary of the Senate



436186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. The Miami-Dade County Board of County Commissioners is authorized and directed to appropriate from funds of the county not otherwise encumbered and to draw a warrant in the sum of \$1.45 million, payable to Maria Tenner as personal representative of the Estate of Eric Scot Tenner, as



436186

12 compensation for injuries and damages sustained.

13 Section 3. The amount paid by the Miami-Dade County Board
14 of County Commissioners pursuant to s. 768.28, Florida Statutes,
15 and the amount awarded under this act are intended to provide
16 the sole compensation for all present and future claims arising
17 out of the factual situation described in this act which
18 resulted in the death of Eric Scot Tenner, including injuries
19 and damages to the Estate of Eric Scot Tenner and his survivors.
20 The total amount paid for attorney fees relating to this claim
21 may not exceed 25 percent of the total amount awarded under this
22 act.

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

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause
28 and insert:

29 A bill to be entitled
30 An act for the relief of the Estate of Eric Scot
31 Tenner by the Miami-Dade County Board of County
32 Commissioners; providing for an appropriation to
33 compensate his estate for injuries and damages
34 sustained by Eric Scot Tenner and his survivors as a
35 result of the negligence of an employee of the Miami-
36 Dade County Board of County Commissioners; providing a
37 limitation on the payment of attorney fees; providing
38 an effective date.

39
40 WHEREAS, on October 8, 2014, 45-year-old Eric Scot Tenner



436186

41 was riding his bicycle along the U.S. 1 Busway in Miami-Dade
42 County, wearing appropriate clothing and safety equipment for
43 cycling, and

44 WHEREAS, Mr. Tenner was struck by a bus owned and operated
45 by the Miami-Dade County Board of County Commissioners at
46 approximately 7 a.m. near the intersection of the U.S. 1 Busway
47 and SW 124th Street, and

48 WHEREAS, the driver of a vehicle has a duty to use
49 reasonable care to prevent injuring persons in the vehicle's
50 path, and

51 WHEREAS, the bus driver should have seen Mr. Tenner's
52 bicycle, but the driver breached his duty to use reasonable care
53 when his bus struck Mr. Tenner from behind, and

54 WHEREAS, the bus driver was acting within his scope of
55 employment with the Miami-Dade County Board of County
56 Commissioners at the time of the accident and the board is
57 liable under the doctrine of respondeat superior, and

58 WHEREAS, Mr. Tenner was transported to Kendall Regional
59 Medical Center, where he succumbed to his injuries and died on
60 October 11, 2014, and

61 WHEREAS, Mr. Tenner, through his wife, donated all viable
62 tissues and organs so that others may live, and

63 WHEREAS, Mr. Tenner is survived by his wife and two minor
64 sons, all of whom are being treated by therapists and health
65 professionals to cope with the loss of their husband and father,
66 who provided for and had a demonstrably close relationship with
67 his family, and

68 WHEREAS, Mr. Tenner's family is suffering significant
69 financial hardship due to the loss of Mr. Tenner's net



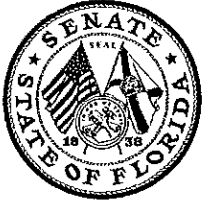
436186

70 accumulations in the past and the future, and extreme mental
71 anguish and suffering resulting from the loss of their husband
72 and father, and

73 WHEREAS, the Estate of Eric Scot Tenner has alleged,
74 through a lawsuit filed May 22, 2015, in Miami-Dade County, that
75 the negligence of the Miami-Dade County Board of County
76 Commissioners, through its bus driver, was the proximate cause
77 of Mr. Tenner's death, and

78 WHEREAS, the total present value of Mr. Tenner's economic
79 damages from this incident is calculated to be \$3,563,249.93,
80 which consists of his future and past lost earning capacity of
81 \$3,531,212 and past medical expenses of \$32,037.93, and

82 WHEREAS, the Miami-Dade County Board of County
83 Commissioners and the Estate of Eric Scot Tenner reached a
84 settlement agreement by mediation in the amount of \$1.75
85 million, of which \$300,000 will be paid to the Estate of Eric
86 Scot Tenner pursuant to the limits of liability set forth in s.
87 768.28, Florida Statutes, and the remainder is conditioned upon
88 the passage of a claim bill, which is agreed to by the Miami-
89 Dade County Board of County Commissioners, in the amount of
90 \$1.45 million, NOW, THEREFORE,



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 19, 2019

I respectfully request that **Senate Bill 24**, relating to Relief of the Estate of Eric Scott Tenner by the Miami-Dade County Board of County Commissioners, be placed on the:

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

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

Senator David Simmons
Florida Senate, District 9

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Judiciary Committee Judge:

Started: 3/11/2019 4:01:26 PM

Ends: 3/11/2019 5:29:59 PM Length: 01:28:34

4:01:25 PM Meeting called to order by Chair Simmons
4:01:27 PM Roll call by Administrative Assistant Joyce Butler
4:01:33 PM Quorum Present
4:01:34 PM Pledge of Allegiance
4:01:42 PM Comments by Chair Simmons
4:01:49 PM CS/SB 96 presented by Senator Bean
4:05:26 PM Speaker Gary Hester, Florida Police Chiefs Association waives in support
4:05:52 PM Speaker Chief Financial Officer Jimmy Patronis, Department of Financial Services in support
4:07:59 PM Question by Senator Gibson
4:08:04 PM Response by CFO Jimmy Patronis
4:08:49 PM Speaker Kate MacFall, State Director, Humane Society of the United States in support
4:08:59 PM Speaker Debbie Johnson, K9s United in support
4:10:57 PM Tim Parson, Florida Sheriffs Association waives in support
4:11:06 PM Barney Bishop III, President & CEO, Florida Smart Justice Alliance waives in support
4:11:34 PM Senator Bean closes on CS/SB 96
4:11:53 PM Roll call by Administrative Assistant Joyce Butler
4:11:58 PM CS/SB 96 reported favorably
4:12:34 PM SB 722 presented by Senator Hooper
4:13:17 PM Question by Senator Rodriguez
4:14:17 PM Response by Senator Hooper
4:14:47 PM Question by Senator Rodriguez
4:15:10 PM Response by Senator Hooper
4:16:48 PM Question by Senator Gibson
4:16:54 PM Question by Senator Rodriguez
4:17:18 PM Response by Senator Hooper
4:18:35 PM Question by Senator Gibson
4:19:14 PM Amendment Barcode No. 898424 presented by Senator Hooper
4:19:31 PM Debate by Senator Gibson
4:20:17 PM Response by Senator Hooper
4:21:10 PM Senator Hooper closes on Amendment
4:21:16 PM Amendment Barcode No. 898424 adopted
4:21:30 PM Amendment Barcode No. 169454 presented by Senator Hooper
4:22:06 PM Senator Hooper closes on Amendment
4:22:16 PM Amendment Barcode No. 169454 adopted
4:22:26 PM Question by Senator Gibson
4:23:29 PM Response by Senator Hooper
4:23:47 PM Question by Senator Gibson
4:24:20 PM Response by Senator Hooper
4:25:47 PM Question by Senator Gibson
4:25:51 PM Response by Senator Hooper
4:26:27 PM Question by Senator Gibson

4:27:26 PM Response by Senator Hooper
4:28:36 PM Tim Parson, Florida Sheriffs Association waives in support
4:28:49 PM Speaker Justin Parrinello in support
4:30:48 PM Question by Senator Gibson
4:30:53 PM Response by Speaker Justin Parrinello
4:32:21 PM Speaker Michael McNally, Deputy Fire Chief, Coral Springs-Parkland Fire Department in support
4:33:07 PM Question by Senator Gibson
4:34:07 PM Response by Speaker Michael McNally
4:34:23 PM Bob Mayersohn, Commissioner, City of Parkland waives in support
4:34:45 PM Gary Hester, Florida Police Chiefs Association waives in support
4:35:00 PM Ken Cutler, Vice Mayor, City of Parkland waives in support
4:35:14 PM Ray Colburn, Executive Director, Florida Fire Chiefs Association waives in support
4:35:39 PM Jim Millican, Division Chief, Florida Fire Chiefs Association waives in support
4:35:46 PM Stephen Winn, Executive Director, Florida Osteopathic Medical Association waives in support
4:35:56 PM Kristin McCabe-Kline, MD, EMS Medical Director, Florida College of Emergency Physicians waives in support
4:36:21 PM Speaker Mark Wendt, Deputy Police Chief, City of Plantation Police Department in support
4:36:57 PM Speaker Steve Greenlaw, Captain/SWAT Commander, Broward County Chiefs of Police Association/Ft. Lauderdale Police Department in support
4:40:10 PM Debate by Senator Gibson
4:40:16 PM Debate by Senator Baxley
4:43:07 PM Senator Hooper closes on CS/SB 722
4:43:15 PM Roll call by Administrative Assistant Joyce Butler
4:44:02 PM CS/SB 722 reported favorably
4:44:21 PM SB 42 presented by Senator Taddeo
4:46:12 PM Amendment Barcode No. 496776 presented
4:47:15 PM Amendment Barcode No. 496776 adopted
4:48:11 PM Senator Taddeo closes on CS/SB 42
4:48:22 PM Roll call by Administrative Assistant Joyce Butler
4:48:25 PM CS/SB 42 reported favorably
4:48:49 PM SB 1076 presented by Senator Brandes
4:50:29 PM Late-filed Substitute Amendment Barcode No. 121614 presented
4:51:43 PM Senator Brandes closes on Amendment
4:52:05 PM Late-filed Substitute Amendment Barcode No. 121614 adopted
4:52:21 PM Question by Senator Stargel
4:52:44 PM Response by Senator Brandes
4:53:32 PM Question by Senator Stargel
4:53:38 PM Response by Senator Brandes
4:54:04 PM Jason Welty, Budget & Communications Director, Florida Clerks of Court Operations Corporation waives in support
4:54:31 PM Speaker Sal Nuzzo, Vice President of Policy, The James Madison Institute in support
4:56:00 PM Gwen Marshall, Clerk and Comptroller, Leon County waives in support
4:56:15 PM Rebecca Norris, Clerk and Comptroller, Gulf County waives in support
4:56:25 PM Pam Childers, CPA, Clerk and Comptroller, Escambia County waives in support
4:56:40 PM JD Peacock II, Clerk and Comptroller, Okaloosa County waives in support
4:56:53 PM Steve Land, Clerk and Comptroller, Lafayette County waives in support
4:57:02 PM Tiffany Moore Russell, Esq. Clerk of Court, Orange County waives in support
4:57:17 PM Clayton O. Rooks III, CPA, Clerk and Comptroller, Jackson County waives in support
4:57:31 PM Todd Newton, Clerk and Comptroller, Gilchrist County waives in support

4:57:39 PM Laura Roth, Clerk of Court, Volusia County waives in support
4:57:49 PM John Crawford, Clerk and Comptroller, Nassau County waives in support
4:58:00 PM Marcia Johnson, Clerk and Comptroller, Franklin County waives in support
4:58:12 PM Sharon Bock, Esq., Clerk and Comptroller, Palm Beach County, President of FCCC waives in support
4:58:26 PM Jason Harrell, Director of Legislative and Public Affairs, FCCC waives in support
4:58:40 PM Speaker Ken Burke, CPA, Clerk and Comptroller, Pinellas County in support
5:04:08 PM Question by Senator Stargel
5:04:13 PM Response by Speaker Ken Burke
5:05:20 PM Slater Bayliss, Miami Dade, Clerk of Court waives in support
5:06:19 PM David Shepp, Polk County Clerk of Court waives in support
5:06:30 PM Debate by Senator Stargel
5:06:46 PM Senator Brandes closes on CS/SB 1076
5:08:12 PM Roll call by Administrative Assistant Joyce Butler
5:09:12 PM CS/SB 1076 reported favorably
5:09:39 PM SB 34 presented by Senator Torres
5:10:56 PM Amendment Barcode No. 519166 presented
5:11:25 PM Amendment Barcode No. 519166 adopted
5:12:08 PM Senator Torres closes on CS/SB 34
5:12:19 PM Roll call by Administrative Assistant Joyce Butler
5:12:29 PM CS/SB 34 reported favorably
5:12:45 PM Comments by Senator Torres
5:12:59 PM CS/SB 234 presented by Senator Baxley
5:14:41 PM Amendment Barcode No. 509380 presented
5:15:47 PM Senator Baxley closes on the Amendment
5:16:41 PM Amendment Barcode No. 509380 adopted
5:17:03 PM Demetrius Minor, Director of Coalitions, Americans for Prosperity waives in support
5:17:24 PM Ben Anderson, President, Florida Tax Collectors Association waives in support
5:17:59 PM Senator Baxley closes on CS/CS/SB 234
5:18:11 PM Roll call by Administrative Assistant Joyce Butler
5:18:15 PM CS/CS/SB 234 reported favorably
5:18:44 PM CS/SB 452 presented by Senator Gibson
5:20:44 PM Amendment Barcode No. 625028 presented
5:21:46 PM Amendment Barcode No. 509380 adopted
5:22:31 PM Brian Sullivan, Director of State Affairs, Alzheimer's Association waives in support
5:22:44 PM Barney Bishop III, President & CEO, Florida Smart Justice Alliance waives in support
5:23:10 PM Senator Gibson closes on CS/CS/SB 452
5:23:29 PM Roll call by Administrative Assistant Joyce Butler
5:23:45 PM CS/CS/SB 452 reported favorably
5:24:01 PM SB 24 presented by Senator Simmons
5:25:22 PM Late-filed Amendment Barcode No. 436186 presented
5:26:29 PM Late-filed Amendment Barcode No. 436186 adopted
5:26:47 PM Senator Simmons closes on CS/SB 24
5:27:00 PM Roll call by Administrative Assistant Joyce Butler
5:27:09 PM CS/SB 24 reported favorably
5:27:24 PM Senator Gibson motions to be shown as voting in favor of SB 96
5:28:25 PM Senator Baxley moves to be shown as voting in favor of SB 96
5:28:54 PM Senator Stargel moves to adjourn
5:29:50 PM Meeting adjourned without objection