

<b>Tab 1</b>	<b>SB 94</b> by <b>Stewart (CO-INTRODUCERS) Torres</b> ; (Compare to CS/H 00069) Child Care Facilities
<b>Tab 2</b>	<b>SB 198</b> by <b>Berman</b> ; (Identical to H 00445) Trademark Classifications
<b>Tab 3</b>	<b>SB 374</b> by <b>Harrell (CO-INTRODUCERS) Stewart</b> ; (Identical to CS/H 01017) Children and Youth Cabinet 162792—D S WD RC, Harrell Delete everything after 04/03 06:07 PM
<b>Tab 4</b>	<b>SB 436</b> by <b>Hooper</b> ; (Identical to H 00529) Use of Vessel Registration Fees
<b>Tab 5</b>	<b>SB 648</b> by <b>Mayfield (CO-INTRODUCERS) Perry, Stewart</b> ; (Identical to H 00549) Continuing Education for Dentists
<b>Tab 6</b>	<b>SB 7020</b> by <b>ED</b> ; (Identical to H 07001) OGSR/University Direct-support Organization/Research Funding or Research Plans
<b>Tab 7</b>	<b>SB 7076</b> by <b>ED</b> ; State University Building Designations
<b>Tab 8</b>	<b>SB 7050</b> by <b>BI</b> ; (Identical to H 07049) OGSR/Investigations and Examinations by the Office of Financial Regulation
<b>Tab 9</b>	<b>SB 7056</b> by <b>BI</b> ; (Identical to H 07033) OGSR/Family Trust Companies/Office of Financial Regulation
<b>Tab 10</b>	<b>CS/SB 24</b> by <b>JU, Simmons</b> ; (Similar to CS/H 06513) Relief of the Estate of Eric Scot Tenner by the Miami-Dade County Board of County Commissioners
<b>Tab 11</b>	<b>SB 114</b> by <b>Hutson (CO-INTRODUCERS) Simpson, Benacquisto</b> ; (Compare to CS/H 00073) High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act 724760 D S RCS RC, Hutson Delete everything after 04/03 06:28 PM
<b>Tab 12</b>	<b>CS/SB 292</b> by <b>MS, Lee</b> ; (Similar to CS/H 00225) Education
<b>Tab 13</b>	<b>CS/CS/SB 318</b> by <b>ED, CF, Montford</b> ; (Identical to CS/H 00601) Public Records/Child Abuse, Abandonment, or Neglect 374254 A S RCS RC, Montford Delete L.140 - 141: 04/03 06:33 PM
<b>Tab 14</b>	<b>CS/CS/SB 450</b> by <b>GO, IT, Gibson (CO-INTRODUCERS) Bean</b> ; (Identical to CS/CS/1ST ENG/H 00327) Public Records and Public Meetings/Local Government Utility

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

**RULES**

**Senator Benacquisto, Chair**  
**Senator Gibson, Vice Chair**

**MEETING DATE:** Wednesday, April 3, 2019  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** Toni Jennings Committee Room, 110 Senate Building

**MEMBERS:** Senator Benacquisto, Chair; Senator Gibson, Vice Chair; Senators Book, Bradley, Brandes, Braynon, Farmer, Flores, Hutson, Lee, Montford, Passidomo, Rodriguez, Simmons, Simpson, Stargel, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 94</b> Stewart (Compare CS/H 69)	Child Care Facilities; Citing this act as the "Child Safety Alarm Act"; requiring that, by a specified date, vehicles used by child care facilities and large family child care homes to transport children be equipped with a reliable alarm system that prompts the driver to inspect the vehicle for children before exiting the vehicle; requiring the Department of Children and Families to adopt by rule minimum safety standards and to maintain a list of approved alarm manufacturers and alarm systems, etc.  CF 01/22/2019 Favorable IS 03/05/2019 Favorable RC 04/03/2019 Temporarily Postponed	Temporarily Postponed
2	<b>SB 198</b> Berman (Identical H 445)	Trademark Classifications; Revising classes of goods and services to conform to the classifications adopted by the United States Patent and Trademark Office, etc.  CM 02/19/2019 Favorable IT 03/12/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 16 Nays 0
3	<b>SB 374</b> Harrell (Identical CS/H 1017)	Children and Youth Cabinet; Expanding the membership of the Children and Youth Cabinet within the Executive Office of the Governor to include a representative from the Florida Dental Association appointed by the Governor, etc.  CF 02/11/2019 Favorable HP 03/04/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 17 Nays 0
4	<b>SB 436</b> Hooper (Identical H 529)	Use of Vessel Registration Fees; Authorizing a portion of county or municipal vessel registration fees to be used for specified additional purposes, etc.  CA 03/05/2019 Favorable EN 03/26/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 17 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Rules

Wednesday, April 3, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 648</b> Mayfield (Identical H 549)	Continuing Education for Dentists; Requiring a licensed dentist to complete a minimum of 2 hours of continuing education on the prescribing of controlled substances biennially, etc.  HP 03/04/2019 Favorable IT 03/19/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 16 Nays 0
6	<b>SB 7020</b> Education (Identical H 7001)	OGSR/University Direct-support Organization/Research Funding or Research Plans; Amending provisions relating to an exemption from public meeting requirements for specified meetings of a university direct-support organization at which proposals seeking research funding or research plans are discussed; removing the scheduled repeal of the exemption, etc.  GO 02/19/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 17 Nays 0
7	<b>SB 7076</b> Education	State University Building Designations; Requiring the Board of Governors to adopt regulations regarding the naming or renaming of state university facilities; specifying elements that must be addressed in the naming or renaming process; providing applicability; repealing a provision relating to the designation of a Florida State University facility, etc.  RC 04/03/2019 Favorable	Favorable Yeas 17 Nays 0
8	<b>SB 7050</b> Banking and Insurance (Identical H 7049)	OGSR/Investigations and Examinations by the Office of Financial Regulation; Amending a provision which provides an exemption from public records requirements for information collected in connection with investigations and examinations by the Office of Financial Regulation of the Financial Services Commission; removing the scheduled repeal of the exemption, etc.  GO 03/12/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 17 Nays 0
9	<b>SB 7056</b> Banking and Insurance (Identical H 7033)	OGSR/Family Trust Companies/Office of Financial Regulation; Amending provisions relating to an exemption from public records requirements for certain information held by the Office of Financial Regulation relating to family trust companies, licensed family trust companies, and foreign licensed family trust companies; removing the scheduled repeal of the exemption, etc.  GO 03/12/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 17 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Rules

Wednesday, April 3, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	<b>CS/SB 24</b> Judiciary / Simmons (Similar CS/H 6513)	Relief of the Estate of Eric Scot Tenner by the Miami-Dade County Board of County Commissioners; Providing for the relief of the Estate of Eric Scot 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 Scot Tenner and his survivors as a result of the negligence of an employee of the Miami-Dade County Board of County Commissioners, etc.  SM JU 03/11/2019 Fav/CS GO 03/26/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 16 Nays 0
11	<b>SB 114</b> Hutson (Compare CS/H 73, S 416)	High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act; Designating the act as the "Dorothy L. Hukill Financial Literacy Act"; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives, etc.  ED 02/05/2019 Favorable RC 02/20/2019 Temporarily Postponed RC 04/03/2019 Fav/CS	Fav/CS Yeas 17 Nays 0
12	<b>CS/SB 292</b> Military and Veterans Affairs and Space / Lee (Similar CS/H 225)	Education; Prohibiting a district school board from prohibiting a student from lawfully wearing the uniform of any of the Armed Forces of the United States or of the state at his or her graduation ceremony, etc.  MS 03/06/2019 Fav/CS ED 03/19/2019 Favorable RC 04/03/2019 Favorable	Favorable Yeas 17 Nays 0
13	<b>CS/CS/SB 318</b> Education / Children, Families, and Elder Affairs / Montford (Identical CS/H 601)	Public Records/Child Abuse, Abandonment, or Neglect; Prohibiting the release of any identifying information with respect to any person reporting child abuse, abandonment, or neglect, except under certain circumstances; providing a statement of public necessity, etc.  CF 02/11/2019 Temporarily Postponed CF 02/19/2019 Fav/CS ED 03/19/2019 Fav/CS RC 04/03/2019 Fav/CS	Fav/CS Yeas 17 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Rules

Wednesday, April 3, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	<b>CS/CS/SB 450</b> Governmental Oversight and Accountability / Innovation, Industry, and Technology / Gibson (Identical CS/CS/H 327)	Public Records and Public Meetings/Local Government Utility; Exempting from public meetings requirements certain exempt information concerning information technology systems held by specified utilities; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.  IT      03/06/2019 Fav/CS GO      03/26/2019 Fav/CS RC      04/03/2019 Favorable	Favorable Yeas 17 Nays 0

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 94

INTRODUCER: Senator Stewart

SUBJECT: Child Care Facilities

DATE: April 2, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	<b>Favorable</b>
2.	Proctor	Miller	IS	<b>Favorable</b>
3.	Delia	Phelps	RC	<b>Pre-meeting</b>

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## **I. Summary:**

SB 94 creates the “Child Safety Alarm Act” and requires that after January 1, 2020, vehicles used by child care facilities to transport children must be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area. This change is in response to reported deaths of small children who are left in vehicles.

The bill requires the Department of Children and Families (the Department or DCF) to adopt by rule minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

The bill is expected to have a significant fiscal impact on private entities and has an effective date of July 1, 2019.

## **II. Present Situation:**

Death by hyperthermia or vehicular heat stroke deaths have become more prevalent since federal law required that children ride in the backseat due to the danger of front passenger seat airbags.<sup>1</sup> The national average number of these deaths is 38 per year.<sup>2</sup> Fifty-four percent of hyperthermia

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<sup>1</sup> See Gene Weingarten, *Fatal Distraction: Forgetting a Child in the Backseat of a Car is a Horrifying Mistake. Is it a Crime?*, THE WASHINGTON POST, Mar. 8, 2009, available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022701549.html> (last visited January 11, 2019).

<sup>2</sup> See Kids and Cars.org, Children Vehicular Heatstroke Deaths by Year, available at: <https://www.kidsandcars.org/how-kids-get-hurt/heat-stroke/> (last visited February 25, 2019).

deaths involve children under the age of one.<sup>3</sup> Between 1998 and 2018, Florida has the second highest number of child deaths from vehicular heat stroke.<sup>4</sup>

## **Technology Based Prevention**

### ***Automobile Manufacturers***

The auto industry has been aware of the problem for years. General Motors (GM) tried over ten years ago to find a solution, but found the results were unreliable. At the 2002 New York Auto Show, GM unveiled a system that would be able to detect the heartbeat of a child left in a car and then measure the vehicle's temperature. If it was becoming dangerously hot, it would sound the horn to alert a parent or passersby. GM later reported that the system was abandoned after it was found "not reliable enough to put into production."<sup>5</sup>

Ford was among the other automakers who also expressed interest in developing such a system, but a decade later, the technology isn't available on any automobile as a factory standard feature or option. Auto safety groups have called for manufacturers to do more, but for several reasons including cost, technology, liability and privacy issues, there is still no foolproof way of preventing overheating deaths or warning of the possibility before they happen.<sup>6</sup>

In 2016, GM announced it would introduce a new safety system to remind drivers to check for children in the rear seats, and that it could eventually develop features to detect forgotten children.<sup>7</sup> The National Highway Traffic Safety Administration (NHTSA) said it has no plans to require automakers to add in-vehicle technology that would alert those who leave young children behind in hot cars.<sup>8</sup>

### ***Aftermarket Systems***

There are numerous aftermarket warning systems that alert a parent to a child left in a safety seat, shopping cart, or elsewhere, but federal regulators have questioned their efficacy.

A preliminary assessment performed on technology devices aimed at helping to prevent a child from being unintentionally left in a hot car concluded that they are not reliable and limited in their effectiveness, according to a study by NHTSA and the Children's Hospital of Philadelphia.<sup>9</sup>

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<sup>3</sup> See Kids and Cars.org, Fact Sheet, available at: <http://www.kidsandcars.org/wp-content/uploads/2018/10/Heatstroke-fact-sheet-2018-1.pdf> (last visited February 25, 2019).

<sup>4</sup> California Department of Meteorology and Climate Science, Heatstroke Deaths of Children in Vehicles by State, available at: <http://noheatstroke.org/state.htm> (last visited January 11, 2019).

<sup>5</sup> Paul Eisenstein, *Death in Hot Cars: Why Can't the Automakers Prevent the Danger?* July 14, 2014, available at: <http://www.nbcnews.com/storyline/hot-cars-and-kids/death-hot-cars-why-cant-automakers-prevent-danger-n152911> (last visited January 11, 2019).

<sup>6</sup> *Id.*

<sup>7</sup> David Shepardson, *GM has a way to help prevent drivers from forgetting children in the back seat*, Business Insider, January 12, 2016, available at: <https://www.businessinsider.com/r-gm-unveils-technology-to-help-avoid-child-heatstroke-deaths-2016-1> (last visited February 25, 2019).

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

<sup>9</sup> Consumer Reports, *Warning systems to detect children left in hot cars found unreliable, study finds*, available at <https://www.consumerreports.org/cro/news/2012/08/warning-systems-to-detect-children-left-in-hot-cars-found-unreliable-study-finds/index.htm>. (last visited January 11, 2019).

The study found several limitations in these products after conducting tests, including inconsistencies in arming sensitivity, variations in warning signal distance, potential interference from other electronic devices, children inadvertently disarming the device by slumping over or sleeping out of position, and limitations in the products' susceptibility to misuse or other common scenarios, such as a beverage spill. Many of the products tested require extensive setup work by caregivers and parents, potentially giving them a false sense of security. Moreover, since the devices are restraint-based, they wouldn't address the 20 to 40 percent of children who are killed in hot cars when they enter a vehicle without adult permission.<sup>10</sup>

### ***Licensing Standards for Child Care Facilities and Large Family Child Care Homes***

The department establishes licensing standards that each licensed child care facility in the state must meet.<sup>11</sup> A child care facility is defined in Florida law as “any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.”<sup>12</sup>

A large family child care home is defined as an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.<sup>13</sup>

The department currently oversees 6,016 licensed child care entities including child care facilities, large family child care homes and family day care homes.<sup>14</sup> In addition, there are homes that are only registered by the agency, facilities that are exempt from licensure due to a religious affiliation,<sup>15</sup> and homes currently licensed by five counties in the state.<sup>16</sup> Of these homes, 1,745 child care facilities and large family child care homes regulated by the department reported that they transport children as of 2019.<sup>17</sup>

Statutory licensing standards for child care facilities are extensive and reference transportation and vehicles, including the requirement that minimum standards include accountability for children being transported.<sup>18</sup> The Florida Administrative Code provides requirements for licensed child care facilities and large family child care homes to follow in relation to vehicles that are owned, operated, or regularly used by the facility or home, as well as vehicles that provide transportation through a contract or agreement with an outside entity.<sup>19</sup>

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<sup>10</sup> Ryan Jaslow, *Gov't study: Devices that alert parents they left a child in a car deemed unreliable*, CBS News, July 31, 2012, available at <https://www.cbsnews.com/news/govt-study-devices-that-alert-parents-they-left-a-child-in-car-deemed-unreliable/> (last visited January 11, 2019).

<sup>11</sup> Section 402.305, F.S.

<sup>12</sup> Section 402.302(2), F.S.

<sup>13</sup> Section 402.302(11), F.S.

<sup>14</sup> Florida Department of Children and Families, *DCF Quick Facts*, (Quarter 2, Fiscal Year 2018-2019), available at: <http://www.dcf.state.fl.us/general-information/quick-facts/cc/> (last visited February 25, 2019).

<sup>15</sup> Section 402.316, F.S.

<sup>16</sup> Section 402.306, F.S. Those five counties are Broward, Hillsborough, Palm Beach, Pinellas and Sarasota.

<sup>17</sup> Florida Department of Children and Families, *Agency Analysis of 2019 Senate Bill 94* (February 7, 2019). On file with the Senate Committee on Infrastructure and Security.

<sup>18</sup> Section 402.305, F.S.

<sup>19</sup> See 65C-22.001(6) and 65C-20.13(8), F.A.C.



Providers are required to maintain a driver's log for all children being transported. This log must include the child's name, date, time of departure, time of arrival, signature of driver, and signature of second staff member to verify the driver's log and that all children have left the vehicle. Upon arrival at the destination, the driver of the vehicle must mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle, and sign, date, and record the driver's log immediately to verify all children were accounted for and that the sweep was conducted. Upon arrival at the destination, a second staff member must also conduct a physical inspection and visual sweep of the vehicle and sign, date, and record the driver's log to verify all children were accounted for and that the driver's log is complete.<sup>20</sup>

Current standards for child care facilities and large family child care homes do not address alarm systems in vehicles, however, Palm Beach County and Broward County have requirements similar to the one proposed in the bill.<sup>21</sup>

### III. Effect of Proposed Changes:

**Section 1** provides a short title for the bill — the “Child Safety Alarm Act.”

**Section 2** amends s. 402.305, F.S., relating to licensing standards for child care facilities, to require that on or after January 1, 2020, vehicles used by child care facilities and large family child care homes to transport children must have an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area.

The bill requires the department to adopt by rule minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles. The bill also modifies existing minimum safety standards in statute pertaining to transportation for child care facilities. Under the bill, these standards must include:

- The required use of seat belts in all vehicles used by child care facilities and large family child care homes to transport children;
- Annual inspections for all such vehicles;
- Limitations on the number of children that may be transported within each vehicle;
- Procedures to ensure that children are not inadvertently left in vehicles when transported by the facility; and
- Relevant accountability measures for each facility.

The bill also clarifies that child care facilities and large family child care homes are not responsible for the safe transport of children when they are being transported by a parent or guardian.

**Section 3** provides an effective date of July 1, 2019.

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<sup>20</sup> *Id.*

<sup>21</sup> Florida Department of Children and Families, Agency Analysis of 2019 Senate Bill 94 (February 7, 2019). On file with the Senate Committee on Infrastructure and Security.

**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.

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

None.

**B. Private Sector Impact:**

The department reported approximately 1,745 child care providers currently offer a transportation service. These programs would be required to purchase, at a minimum, one of the alarm systems required by this bill.<sup>22</sup>

The fiscal impact on individual providers will vary based on unit cost, installation costs, and possible future warranty fees. As of 2019, the DCF anticipates the unit costs to vary from \$65 to \$300. While warranty fees may potentially be \$80 to \$100 each year and installation costs may range from \$0 to \$200 depending on the unit and installer.<sup>23</sup>

**C. Government Sector Impact:**

The DCF advised there is a workload increase in establishing and maintaining a list of approved alarm manufacturers. In addition, there is a cost of approximately \$6,500 for rule promulgation to adopt minimum safety standards for the alarm systems. However,

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<sup>22</sup> Florida Department of Children and Families, Agency Analysis of 2019 Senate Bill 94 (February 7, 2019). On file with the Senate Committee on Infrastructure and Security.

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

according to the DCF this minimal fiscal impact can be absorbed through existing resources.<sup>24</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 402.305 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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

By Senator Stewart

13-00174-19

201994\_\_

A bill to be entitled

An act relating to child care facilities; providing a short title; amending s. 402.305, F.S.; requiring that, by a specified date, vehicles used by child care facilities and large family child care homes to transport children be equipped with a reliable alarm system that prompts the driver to inspect the vehicle for children before exiting the vehicle; requiring the Department of Children and Families to adopt by rule minimum safety standards and to maintain a list of approved alarm manufacturers and alarm systems; providing an effective date.

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

Section 1. This act may be cited as the "Child Safety Alarm Act."

Section 2. Subsection (10) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(10) TRANSPORTATION SAFETY.—

(a) Minimum standards shall include all of the following:

1. Requirements for child restraints or seat belts in vehicles used by child care facilities and large family child care homes to transport children.

2. Requirements for annual inspections of such the vehicles.

3. Limitations on the number of children that may be transported in such the vehicles.

Page 1 of 2

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

13-00174-19

201994\_\_

4. Procedures to ensure that avoid leaving children are not inadvertently left in vehicles when transported by the facility, and that systems are in place to ensure accountability for children transported by such facilities and homes the child care facility.

(b) By January 1, 2020, all vehicles used by child care facilities and large family child care homes to transport children must be equipped with a reliable alarm system approved by the department which prompts the driver to inspect the vehicle for children before exiting the vehicle. The department shall adopt by rule minimum safety standards for such systems and shall maintain a list of approved alarm manufacturers and alarm systems that meet or exceed those standards.

(c) A child care facility or large family child care home is not responsible for the safe transport of children when they are being transported by a parent or guardian.

Section 3. This act shall take effect July 1, 2019.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Lizbeth Benacquisto, Chair  
Committee on Rules

**Subject:** Committee Agenda Request

**Date:** March 6, 2019

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I respectfully request that **Senate Bill #: 94** relating to Child Care Facilities, be placed on the:

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

A handwritten signature in cursive script that reads "Linda Stewart".

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Senator Linda Stewart  
Florida Senate, District 13

c.c. John Phelps, Staff Director  
Cynthia Futch, Committee Administrative Assistant

THE FLORIDA SENATE

APPEARANCE RECORD

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

04/03/19

Meeting Date

94

Bill Number (if applicable)

Topic

Child Care Facilities

Amendment Barcode (if applicable)

Name

Karen Mazzola

Job Title

Treasurer

Address

1747 Orlando Central Pkwy  
Street  
Orlando FL 32809  
City State Zip

Phone

407-855-7604

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Treasurer@floridapta.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Florida PTA

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)

4/3/19

Meeting Date

SB 94

Bill Number (if applicable)

Topic DCF

Amendment Barcode (if applicable)

Name Greg Proulx

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

Address 9166 Sunrise Dr

Phone \_\_\_\_\_

Street

Largo

City

FL

State

33773

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

4 13 2019

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 94  
*(if applicable)*

Name BRIAN PITTS

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

Job Title TRUSTEE

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*City State Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)



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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 198

INTRODUCER: Senator Berman

SUBJECT: Trademark Classifications

DATE: April 2, 2019

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McKay	CM	<b>Favorable</b>
2. Kraemer	Imhof	IT	<b>Favorable</b>
3. Harmsen	Phelps	RC	<b>Favorable</b>

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## I. Summary:

SB 198 updates Florida's trademark and service mark classifications of goods and services for purposes of registration under Florida's trademark law.

In order to register a trademark or service mark (mark) in Florida, a person must submit an application to the Florida Department of State (DOS) that contains, among other requirements, a sample of the good or service for which the mark is sought and the statutory class in which the good or service falls.<sup>1</sup> Both the federal and Florida laws that outline classifications of goods and services are based on the Nice International Classification of Goods and Services (Nice Classification), as administered by the World Intellectual Property Organization (WIPO). The bill conforms Florida's statutory classes of goods and services for marks to the Nice Classification, 11th edition, version 2018.

The bill takes effect on July 1, 2019.

## II. Present Situation:

A registered mark distinguishes a good or service as unique, indicates its source, and provides rights to its owner to protect it from duplication and dilution by another person or entity. A trademark (signified by "TM") protects a good while a service mark (signified by "SM") protects a service.<sup>2</sup> An owner may register his or her mark with both federal and state regulators (a federally registered mark may bear the ® symbol) but is not required to do so.<sup>3</sup> In fact, an owner

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<sup>1</sup> Section 495.031(1)(b), F.S.

<sup>2</sup> Sections 495.011(11) and (13), F.S. *See also*, U.S. Patent and Trademark Office (U.S.P.T.O.), *Protecting Your Trademark, Enhancing Your Rights Through Federal Registration*, 2 (Sept. 2018), available at <https://www.uspto.gov/sites/default/files/documents/BasicFacts.pdf> (last visited Feb. 20, 2019).

<sup>3</sup> U.S.P.T.O., *supra* note 2, at 10-11; International Trademark Association, *State Trademark Registration in the United States* (July 2014), <https://www.inta.org/TrademarkBasics/FactSheets/Pages/StateTrademarkRegistrationsUSFactSheet.aspx> (last

of an unregistered mark may still enforce his or her rights under certain laws because trademark rights arise from use—not registration. However, an owner of a registered mark benefits from additional protections under state or federal law.

### **Federal and International Classification of Goods and Services**

The U.S. Patent and Trademark Office (U.S.P.T.O.) regulates interstate use of marks pursuant to the Lanham Act.<sup>4</sup> The U.S. is a party to the Nice Agreement, and all applications filed under the Lanham Act after September 1, 1973, are subject to the Nice Classification.<sup>5,6</sup> The Nice Agreement is a multilateral treaty, administered by the WIPO, which establishes the Nice Classification for the purposes of registering trademarks and service marks.<sup>7</sup>

The Nice Classification is reviewed and revised by its Committee of Experts, which is made up of representatives of each party to the Nice Agreement. In 2013, the Committee of Experts began annual revisions to the Nice Classification. The annual revisions enter into force on January 1 each year and are referred to as versions that are identified by edition number and year of the effective date (e.g., “Nice Classification, 10<sup>th</sup> edition, version 2013”).<sup>8</sup> The changes consist of the addition and deletion of new or obsolete goods and services from the Nice Classification’s class headings, alphabetical list of named goods and services, and explanatory notes, as well as any other required amendments. New editions are published every 5 years and adopt the cumulative changes of the prior versions.<sup>9</sup>

Effective January 1, 2019, the federal classifications of goods and services were updated to reflect the Nice Classification, 11<sup>th</sup> edition, version 2019.<sup>10</sup>

### **Florida Trademark Law and Classification of Goods and Services**

Chapter 495, F.S., “Registration and Protection of Trademarks,” governs the intrastate use of marks in Florida. Pursuant to ch. 495, F.S., the DOS’s Division of Corporations (division) registers marks that are in use in Florida.<sup>11</sup> As of July 11, 2018, there were 14,242 active

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visited Feb. 20, 2019); Florida Bar, *Consumer Pamphlet: Intellectual Property* (last updated Jan. 2019), available at <https://www.floridabar.org/public/consumer/pamphlet021/> (last visited Feb. 20, 2019).

<sup>4</sup> 15 U.S.C. s.1051, *et seq.* (2002).

<sup>5</sup> See 37 CFR 2.85(a).

<sup>6</sup> World Intellectual Property Organization, *WIPO-Administered Treaties, Contracting Parties to the Nice Agreement*, [https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty\\_id=12](https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=12) (last visited Feb. 20, 2019).

<sup>7</sup> World Intellectual Property Organization, *Summary of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks*, [https://www.wipo.int/treaties/en/classification/nice/summary\\_nice.html](https://www.wipo.int/treaties/en/classification/nice/summary_nice.html) (last visited Feb. 20, 2019).

<sup>8</sup> World Intellectual Property Organization, *FAQ: What is the difference between versions and editions of the NCL?*, <https://www.wipo.int/classifications/nice/en/faq.html> (last visited Feb. 20, 2019).

<sup>9</sup> World Intellectual Property Organization, *FAQ: Is it Updated?*, <https://www.wipo.int/classifications/nice/en/faq.html> (last visited Feb. 20, 2019).

<sup>10</sup> U.S. Patent and Trade Office, *International Trademark Classification Changes*, 83 Fed. Reg. 62711 (Dec. 6, 2018) (codified at 37 CFR Part 6).

<sup>11</sup> See, Florida Department of State Division of Corporations, *Florida Trademark – Service Mark Registration and Use* (2013), available at [http://form.sunbiz.org/pdf/Chapter\\_495\\_Booklet.pdf](http://form.sunbiz.org/pdf/Chapter_495_Booklet.pdf) (last visited Feb. 20, 2019).

registered marks, 1,552 of which were registered in 2017.<sup>12</sup> A registration lasts for five years, and may be renewed for successive five-year terms.<sup>13</sup> The division assesses a registration fee of \$87.50 per classification, and any mark may be registered under multiple classifications.<sup>14</sup>

An application for registration of a mark must:<sup>15</sup>

- Provide the applicant's name, address, and if applicable, place of incorporation;
- Explain the goods or services for which the mark will be used, and how the mark will be affixed to, or used in connection therewith;
- Identify the statutory class (*see* s. 495.111, F.S.) to which the good or service to be marked belongs;
- Detail the history of the mark's use, especially in Florida; and
- State that the applicant owns the mark, that the mark is in current use, and that no other entity or person has registered or has a right to use the mark in Florida.

There are currently 34 classifications of goods and 11 classifications of services in Florida law.<sup>16</sup>

### III. Effect of Proposed Changes:

SB 198 conforms Florida's classifications for trademark goods and services to the 2018 version of the 11<sup>th</sup> edition of the Nice Classification.

The bill provides an effective date of 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.

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<sup>12</sup> Florida Department of State, *Yearly Statistics From 2011 to Present*, <https://dos.myflorida.com/sunbiz/about-us/yearly-statistics/> (last visited Feb. 20, 2019).

<sup>13</sup> Section 495.071, F.S.

<sup>14</sup> Florida Dep't of State, *Trademark/Service Mark Registration Guidelines* (Jan. 2011), <http://form.sunbiz.org/pdf/cr2e014.pdf> (last visited Feb. 20, 2019).

<sup>15</sup> Section 495.031(1), F.S.

<sup>16</sup> Section 495.111, F.S.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Florida's classifications of goods and services for the purpose of registering a state mark will more closely match the federal classifications of goods and services. This may reduce confusion for those who register their marks at both the state and federal levels.

C. Government Sector Impact:

The DOS may incur costs relating to updating mark registration applications and related forms.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 495.111 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Berman

31-00340-19

2019198\_\_

A bill to be entitled

An act relating to trademark classifications; amending s. 495.111, F.S.; revising classes of goods and services to conform to the classifications adopted by the United States Patent and Trademark Office; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (1) of section 495.111, Florida Statutes, are amended to read:

495.111 Classification.—

(1) The following general classes of goods and services, conforming to the classification adopted by the United States Patent and Trademark Office, are established for convenience of administration of this chapter:

(a) Goods:

1. Class 1 Chemicals for use used in industry, science, and photography, as well as in agriculture, horticulture, and forestry; unprocessed artificial resins, unprocessed plastics; ~~manures~~; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides ~~chemical substances for preserving foodstuffs; tanning substances;~~ and adhesives for use used in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science.

2. Class 2 Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants,

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dyes; inks for printing, marking and engraving mordants; raw natural resins; ~~and~~ metals in foil and powder form for use in painting, decorating, printing and art ~~painters, decorators, printers, and artists.~~

3. Class 3 Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing, scouring, and abrasive preparations; ~~soaps; perfumery, essential oils, cosmetics, and hair lotions;~~ and dentifrices.

4. Class 4 Industrial oils and greases, wax; lubricants; dust absorbing, wetting, and binding compositions; fuels ~~(including motor spirit)~~ and illuminants; ~~and~~ candles and wicks for lighting.

5. Class 5 Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, ~~and~~ food for babies; dietary supplements for humans and animals; plasters, ~~and~~ materials for dressings; material for stopping teeth, ~~and~~ dental wax; disinfectants; preparations for destroying vermin; ~~and~~ fungicides, ~~and~~ herbicides.

6. Class 6 Common metals and their alloys, ores; metal ~~building~~ materials for building and construction; transportable buildings of metal; ~~materials of metal for railway tracks;~~ non-electric ~~nonelectric~~ cables and wires of common metal; ~~ironmongery and~~ small items of metal hardware; metal containers for storage or transport; safes pipes and tubes of metal; safes; ~~goods of common metal not included in other classes; and ores.~~

7. Class 7 Machines, ~~and~~ machine tools, power-operated

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59 ~~tools; motors and engines, except for land vehicles; machine~~  
 60 ~~coupling and transmission components, except for land~~  
 61 ~~vehicles; agricultural implements, other than hand-operated~~  
 62 ~~hand tools; incubators for eggs; automatic vending machines.~~

63 8. Class 8 Hand tools and ~~hand-operated~~ implements, hand-  
 64 operated; cutlery; side arms, except firearms; and razors.

65 9. Class 9 Scientific, nautical, surveying, photographic,  
 66 cinematographic, optical, weighing, measuring, signaling,  
 67 checking (supervision), ~~and~~ life-saving and teaching apparatus  
 68 and instruments; apparatus and instruments for conducting,  
 69 switching, transforming, accumulating, regulating, or  
 70 controlling electricity; apparatus for recording, transmission,  
 71 or reproduction of sound or images; magnetic data carriers, and  
 72 recording discs; compact discs, DVDs and other digital recording  
 73 media; automatic vending machines and mechanisms for coin-  
 74 operated apparatus; cash registers, calculating machines, and  
 75 data processing equipment, and computers; computer software; and  
 76 fire-extinguishing apparatus.

77 10. Class 10 Surgical, medical, dental, and veterinary  
 78 apparatus and instruments; ~~artificial limbs, eyes, and teeth;~~  
 79 orthopaedic orthopedic articles; and suture materials;  
 80 therapeutic and assistive devices adapted for the disabled;  
 81 massage apparatus; apparatus, devices and articles for nursing  
 82 infants; sexual activity apparatus, devices and articles.

83 11. Class 11 Apparatus for lighting, heating, steam  
 84 generating, cooking, refrigerating, drying, ventilating, water  
 85 supply, and sanitary purposes.

86 12. Class 12 Vehicles; apparatus for locomotion by land,  
 87 air, or water.

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88 13. Class 13 Firearms; ammunition and projectiles;  
 89 explosives; ~~and~~ fireworks.

90 14. Class 14 Precious metals and their alloys ~~and goods in~~  
 91 ~~precious metals or coated therewith (not included in other~~  
 92 ~~classes); jewellery, jewelry and~~ precious and semi-precious  
 93 stones; ~~and~~ horological and chronometric instruments.

94 15. Class 15 Musical instruments.

95 16. Class 16 Paper and, cardboard, ~~and goods made from~~  
 96 ~~these materials (not included in other classes);~~ printed matter;  
 97 bookbinding material; photographs; stationery and office  
 98 requisites, except furniture; adhesives for stationery or  
 99 household purposes; drawing materials and materials for artists;  
 100 paintbrushes; instructional and teaching materials; plastic  
 101 sheets, films and bags for wrapping and packaging artists'  
 102 materials; paint brushes; typewriters and office requisites  
 103 (except furniture); instructional and teaching material (except  
 104 apparatus); plastic materials for packaging (not included in  
 105 other classes); printers' type, and printing blocks.

106 17. Class 17 Unprocessed and semi-processed rubber, gutta-  
 107 percha, gum, asbestos, mica, ~~and~~ substitutes for all these  
 108 materials goods made from these materials and not included in  
 109 other classes; plastics and resins in extruded form for use in  
 110 manufacture; packing, stopping, and insulating materials; ~~and~~  
 111 flexible pipes, tubes and hoses, not of metal.

112 18. Class 18 Leather and imitations of leather ~~and goods~~  
 113 ~~made of these materials and not included in other classes;~~  
 114 animal skins and hides; luggage and carrying bags trunks and  
 115 traveling bags; umbrellas and parasols; and walking sticks;  
 116 ~~and~~ whips, harness, and saddlery; collars, leashes and clothing

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for animals.

19. Class 19 Building materials (~~non-metallic nonmetallic~~); ~~non-metallic nonmetallic~~ rigid pipes for building; asphalt, pitch, and bitumen; ~~non-metallic nonmetallic~~ transportable buildings; monuments, not of metal.

20. Class 20 Furniture, mirrors, ~~and~~ picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, and meerschaum and substitutes for all these materials, or of plastics.

21. Class 21 Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons (not of precious metal or coated therewith); combs and sponges; brushes, (except paintbrushes paint brushes); brush-making materials; articles for cleaning purposes; steel wool; unworked or semi-worked semiworked glass, (except building glass used in building); and glassware, porcelain, and earthenware not included in other classes.

22. Class 22 Ropes ~~and~~, string, nets, tents, and tarpaulins; awnings of textile or synthetic materials; tarpaulins, sails, sacks for the transport and storage of materials in bulk, and bags (not included in other classes); padding, cushioning and stuffing materials, (except of paper, cardboard, rubber or plastics); and raw fibrous textile materials and substitutes therefor.

23. Class 23 Yarns and threads, for textile use.

24. Class 24 Textiles and substitutes for textiles;

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household linen; curtains of textile or plastic textile goods ~~not included in other classes and bed and table covers.~~

25. Class 25 Clothing, footwear, ~~and~~ headgear.

26. Class 26 Lace and embroidery, ribbons, and braid; buttons, hooks and eyes, pins, and needles; ~~and~~ artificial flowers; hair decorations; false hair.

27. Class 27 Carpets, rugs, mats and matting, linoleum, and other materials for covering existing floors; ~~and~~ wall hangings (non-textile nontextile).

28. Class 28 Games, toys and playthings; video game apparatus; gymnastic and sporting articles not included in other classes; and decorations for Christmas trees.

29. Class 29 Meat, fish, poultry, and game; meat extracts; preserved, frozen, dried, and cooked fruits and vegetables; jellies, jams, and compotes; eggs, milk, and milk products; ~~and~~ edible oils and fats for food.

30. Class 30 Coffee, tea, cocoa, and artificial coffee; sugar, rice, tapioca, and sago, and artificial coffee; flour and preparations made from cereals; bread, pastries pastry and confectionery; edible, and ices; sugar, honey, and treacle; yeast, baking-powder baking powder; salt, and mustard; vinegar, and sauces (condiments); spices; and ice (frozen water).

31. Class 31 Raw and unprocessed agricultural, aquacultural, horticultural, and forestry products; raw and unprocessed grains and seeds and grains not included in other classes; live animals; fresh fruits and vegetables, fresh herbs; seeds, natural plants, and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; and malt.

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175 32. Class 32 Beers; mineral and aerated waters and other  
 176 ~~non-alcoholic beverages~~ ~~nonalcoholic drinks~~; fruit beverages  
 177 ~~drinks~~ and fruit juices; ~~and~~ syrups and other preparations for  
 178 making beverages.  
 179 33. Class 33 Alcoholic beverages (except beers).  
 180 34. Class 34 Tobacco; smokers' articles; ~~and~~ matches.  
 181 (b) Services:  
 182 1. Class 35 Advertising; business management; business  
 183 administration; ~~and~~ office functions.  
 184 2. Class 36 Insurance; financial affairs; monetary affairs;  
 185 ~~and~~ real estate affairs.  
 186 3. Class 37 Building construction; repair; ~~and~~ installation  
 187 services.  
 188 4. Class 38 Telecommunications.  
 189 5. Class 39 Transport; packaging and storage of goods; ~~and~~  
 190 travel arrangement ~~arrangements~~.  
 191 6. Class 40 Treatment of materials.  
 192 7. Class 41 Education; providing of training;  
 193 entertainment; ~~and~~ sporting and cultural activities.  
 194 8. Class 42 Scientific and technological services and  
 195 research and design relating thereto; industrial analysis and  
 196 research services; design and development of computer hardware  
 197 and software; ~~and legal services~~.  
 198 9. Class 43 Services for providing food and drink; ~~and~~  
 199 temporary accommodation.  
 200 10. Class 44 Medical services; veterinary services;  
 201 hygienic and beauty care for human beings or animals; ~~and~~  
 202 agriculture, horticulture, ~~and~~ forestry services.  
 203 11. Class 45 Legal services; security services for the

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204 physical protection of tangible property and individuals;  
 205 personal and social services rendered by others to meet the  
 206 needs of individuals; ~~and security services for the protection~~  
 207 ~~of property and individuals~~.  
 208 Section 2. This act shall take effect July 1, 2019.

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The Florida Senate

## Committee Agenda Request

**To:** Senator Lizbeth Benacquisto, Chair  
Committee on Rules

**Subject:** Committee Agenda Request

**Date:** March 12, 2019

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I respectfully request that **Senate Bill #198**, relating to Trademark Classifications, be placed on the:

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

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

Senator Lori Berman  
Florida Senate, District 31

cc: John Phelps, Staff Director  
Senator Audrey Gibson, Vice Chair

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/19

Meeting Date

198

Bill Number (if applicable)

Topic trademark classification

Amendment Barcode (if applicable)

Name Aimee Diaz Lyon

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

Address 119 South Monroe Street, Suite 200

Street

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Tallahassee FL 32301

City

State

Zip

Email aimee.diazlyon@mhdfirm.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Business Law Section of the Florida Bar

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)

4/3/2019

Meeting Date

198

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S.  
Street

Phone 727/897-9291

St Petersburg FL 33705  
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 374

INTRODUCER: Senator Harrell

SUBJECT: Children and Youth Cabinet

DATE: April 2, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	<b>Favorable</b>
2.	<u>Williams</u>	<u>Brown</u>	<u>HP</u>	<b>Favorable</b>
3.	<u>Preston</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

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**I. Summary:**

SB 374 adds a representative of the Florida Dental Association to the Children and Youth Cabinet. The representative will be appointed by the Governor.

The bill has an insignificant fiscal impact on the state.

The bill has an effective date of July 1, 2019.

**II. Present Situation:**

The Children and Youth Cabinet (Cabinet) was established in 2007 in the Executive Office of the Governor to ensure that Florida's public policy relating to children and youth is developed to promote interdepartmental collaboration and program implementation in order that services designed for children and youth are planned, managed, and delivered in a holistic and integrated manner to improve children's self-sufficiency, safety, economic stability, health, and quality of life.<sup>1</sup>

Currently the Cabinet has 16 members, and the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, the Attorney General, and the Chief Financial Officer, or their appointed designees, serve as ex officio members. The total membership includes:

- The Governor;
- The secretary of the Department of Children and Families;
- The secretary of the Department of Juvenile Justice;
- The director of the Agency for Persons with Disabilities;
- The director of the Office of Early Learning;

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<sup>1</sup> Section 402.56(4)(a), F.S.

- The State Surgeon General;
- The secretary of the Agency for Health Care Administration;
- The Commissioner of Education;
- The director of the Statewide Guardian Ad Litem Office;
- The director of the Office of Adoption and Child Protection;
- A superintendent of schools, appointed by the Governor; and
- Five members who represent children and youth advocacy organizations and who are not service providers, appointed by the Governor.

The enabling statute specifies that nongovernmental members of the cabinet shall serve without compensation but are entitled to receive per diem and travel expenses in accordance with s. 112.061, F.S., while in performance of their duties.<sup>2</sup>

### **The Florida Dental Association**

The Florida Dental Association (FDA) is a trade organization representing the interests of licensed dentists in the state and is a state constituent of the American Dental Association (ADA), which represents dentists throughout the country.

The FDA was founded in 1884 and currently has a membership of more than 8,100 licensed dentists. According to the FDA's web site, its mission includes "delivering programs, services, continuing education, and advocacy" for its members.<sup>3</sup> The web site also includes information about programs designed to promote and advocate for oral health among Florida's residents, such as the "Florida's Action for Dental Health" program in conjunction with the American Dental Association.<sup>4</sup>

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

**Section 1** amends s. 402.56, F.S., to add a representative of the Florida Dental Association to the Children and Youth Cabinet, to be appointed by the Governor.

**Section 2** provides an effective date of July 1, 2019.

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

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

None.

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

None.

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<sup>2</sup> Section 403.56(4)(d), F.S.

<sup>3</sup> See <https://www.floridadental.org/about-us/who-we-are> (last visited Feb. 28, 2019)

<sup>4</sup> See <https://www.floridadental.org/public/florida's-action-for-dental-health> (last visited Feb. 28, 2019)

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Per statute, the non-governmental members of the Cabinet are entitled to travel expense reimbursement for Cabinet related travel. At present, the Executive Office of the Governor provides that reimbursement. There will be an insignificant increase in such expenses associated with this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill amends s. 402.56 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

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162792

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/03/2019	.	
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The Committee on Rules (Harrell) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 39.0012, Florida Statutes, is created to  
read:

39.0012 Direct-support organization.—

(1) The Department of Children and Families shall establish  
a direct-support organization to assist the Children and Youth  
Cabinet in carrying out its purposes and responsibilities  
primarily regarding fostering public awareness of children and





162792

youth issues and developing new partners in the effort to serve children and youth by raising money; submitting requests for and receiving grants from the federal government, the state or its political subdivisions, private foundations, and individuals; and making expenditures to or for the benefit of the cabinet.

The sole purpose for the direct-support organization is to support the cabinet. Such a direct-support organization is an organization that is:

(a) Incorporated under chapter 617 and approved by the Department of State as a Florida corporation not for profit;

(b) Organized and operated to make expenditures to or for the benefit of the cabinet; and

(c) Approved by the department to be operating for the benefit of and in a manner consistent with the goals of the cabinet and in the best interest of the state.

(2) The board of directors of the direct-support organization shall consist of seven members. Each member of the board of directors shall be appointed to a 4-year term. The board of directors of the direct-support organization shall be appointed by the Governor.

(3) The direct-support organization shall operate under written contract with the department.

(4) All moneys received by the direct-support organization shall be deposited into an account of the direct-support organization and shall be used by the organization in a manner consistent with the goals of the cabinet.

(5) This section is repealed October 1, 2024, unless reviewed and saved from repeal by the Legislature.

Section 2. Subsection (4) of section 402.56, Florida



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Statutes, is amended to read:

402.56 Children's cabinet; organization; responsibilities;  
annual report.—

(4) MEMBERS.—The cabinet shall consist of 17 ~~16~~ members  
including the Governor and the following persons:

- (a) 1. The Secretary of Children and Families;
2. The Secretary of Juvenile Justice;
3. The director of the Agency for Persons with  
Disabilities;
4. The director of the Office of Early Learning;
5. The State Surgeon General;
6. The Secretary of Health Care Administration;
7. The Commissioner of Education;
8. The director of the Statewide Guardian Ad Litem Office;
9. A representative ~~The director~~ of the Office of Adoption  
and Child Protection;
10. A superintendent of schools, appointed by the Governor;
11. A representative of the Florida Dental Association,  
appointed by the Governor; and
- 12.11. ~~11.~~ Five members who represent children and youth  
advocacy organizations and who are not service providers,  
appointed by the Governor.

(b) The President of the Senate, the Speaker of the House  
of Representatives, the Chief Justice of the Supreme Court, the  
Attorney General, and the Chief Financial Officer, or their  
appointed designees, shall serve as ex officio members of the  
cabinet.

(c) The Governor or the Governor's designee shall serve as  
the chair of the cabinet.



162792

(d) Nongovernmental members of the cabinet shall serve without compensation, but are entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

Section 3. This act shall take effect on July 1, 2019.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to the Children and Youth Cabinet;  
creating s. 39.0012, F.S.; requiring the Department of  
Children and Families to establish direct-support  
organization to assist the Children and Youth Cabinet  
for a specified purpose; providing for membership of  
the direct-support organization's board of directors;  
specifying that the direct-support organization shall  
operate under contract with the department; requiring  
moneys received by the direct-support organization to  
be deposited into a certain account; providing for  
repeal and legislative review of the direct-support  
organization; amending s. 402.56, F.S.; revising the  
membership of the Children and Youth Cabinet within  
the Executive Office of the Governor to include a  
representative from the Office of Adoption and Child  
Protection, rather than the director of the office,  
and a representative of the Florida Dental Association  
appointed by the Governor; providing an effective



162792

99

date.

By Senator Harrell

25-00579A-19

2019374\_\_

1 A bill to be entitled  
 2 An act relating to the Children and Youth Cabinet;  
 3 amending s. 402.56, F.S.; expanding the membership of  
 4 the Children and Youth Cabinet within the Executive  
 5 Office of the Governor to include a representative  
 6 from the Florida Dental Association appointed by the  
 7 Governor; providing an effective date.  
 8  
 9 Be It Enacted by the Legislature of the State of Florida:  
 10  
 11 Section 1. Subsection (4) of section 402.56, Florida  
 12 Statutes, is amended to read:  
 13 402.56 Children's cabinet; organization; responsibilities;  
 14 annual report.—  
 15 (4) MEMBERS.—The cabinet shall consist of 17 ~~16~~ members  
 16 including the Governor and the following persons:  
 17 (a) 1. The Secretary of Children and Families;  
 18 2. The Secretary of Juvenile Justice;  
 19 3. The director of the Agency for Persons with  
 20 Disabilities;  
 21 4. The director of the Office of Early Learning;  
 22 5. The State Surgeon General;  
 23 6. The Secretary of Health Care Administration;  
 24 7. The Commissioner of Education;  
 25 8. The director of the Statewide Guardian Ad Litem Office;  
 26 9. The director of the Office of Adoption and Child  
 27 Protection;  
 28 10. A superintendent of schools, appointed by the Governor;  
 29 11. A representative of the Florida Dental Association,

Page 1 of 2

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

25-00579A-19

2019374\_\_

30 appointed by the Governor; and  
 31 12.11. Five members who represent children and youth  
 32 advocacy organizations and who are not service providers,  
 33 appointed by the Governor.  
 34 (b) The President of the Senate, the Speaker of the House  
 35 of Representatives, the Chief Justice of the Supreme Court, the  
 36 Attorney General, and the Chief Financial Officer, or their  
 37 appointed designees, shall serve as ex officio members of the  
 38 cabinet.  
 39 (c) The Governor or the Governor's designee shall serve as  
 40 the chair of the cabinet.  
 41 (d) Nongovernmental members of the cabinet shall serve  
 42 without compensation, but are entitled to receive per diem and  
 43 travel expenses in accordance with s. 112.061 while in  
 44 performance of their duties.  
 45 Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR GAYLE HARRELL**  
25th District

### COMMITTEES:

Health Policy, *Chair*  
Appropriations Subcommittee on Health  
and Human Services, *Vice Chair*  
Appropriations Subcommittee on Criminal  
and Civil Justice  
Children, Families, and Elder Affairs  
Military and Veterans Affairs and Space

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

March 6, 2019

Senator Lizbeth Benacquisto  
402 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399

Chair Benacquisto,

I respectfully request that **SB 374 – Children and Youth Cabinet** be placed on the next available agenda for the Committee on Rules. SB 374 passed its last committee stop unanimously.

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

Thank you,

A handwritten signature in cursive script that reads "Gayle".

Senator Gayle Harrell  
Senate District 25

Cc: John B. Phelps, Staff Director  
Cynthia Futch, Committee Administrative Assistant

### REPLY TO:

- ☐ 215 SW Federal Highway, Suite 203, Stuart, Florida 34994 (772) 221-4019
- ☐ 310 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

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

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

## APPEARANCE RECORD

04/03/19

Meeting Date

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

374

Bill Number (if applicable)

Topic Children & Youth Cabinet

Amendment Barcode (if applicable)

Name Karen MazzolaJob Title TreasurerAddress 1747 Orlando Central PKWY

Street

Orlando

City

FL

State

32809

Zip

Phone 407-855-7604Email Treasurer@floridapta.orgSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Florida PTAAppearing 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)

# APPEARANCE RECORD

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

4/3/19

Meeting Date

SB 374

Bill Number (if applicable)

Topic Children and Youth Cabinet

Amendment Barcode (if applicable)

Name Joe Anne Hart

Job Title Chief Legislative Officer

Address 118 E. Jefferson St.

Phone 850-224-1089

Street

Tallah FL 32311

City

State

Zip

Email jahart@floridadental.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Dental 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)

4/13/14

Meeting Date

374

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Edward Briggs

Job Title Consultant

Address 235 W. Braden Blvd. Ste. 640

Street

Phone 850-933-5994

Braden

City

FL

State

33511

Zip

Email edward@isaconsulting.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way Suncoast

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)

4 / 3 / 2019

Meeting Date

Topic \_\_\_\_\_

Bill Number 374  
(if applicable)

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/19

Meeting Date

SB 374

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Greg Pound

Job Title

Address

9166 Sunrise Dr.

Phone

Street

Largo

City

Fl.

State

33773

Zip

Email

Speaking:

☐

For

☐

Against

☒

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Saving families

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 Rules

---

BILL: SB 436

INTRODUCER: Senator Hooper

SUBJECT: Use of Vessel Registration Fees

DATE: April 2, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Yeatman	CA	<b>Favorable</b>
2.	Anderson	Rogers	EN	<b>Favorable</b>
3.	Peacock	Phelps	RC	<b>Favorable</b>

---

**I. Summary:**

SB 436 expands the authorized uses of the county vessel registration fees to include channel and other navigational dredging; the construction, expansion, or maintenance of public boat ramps and other public water access facilities; and associated engineering and permitting costs.

**II. Present Situation:**

**Vessel Registration**

The term “vessel” is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution<sup>1</sup> and includes every description of watercraft, barge, or airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.<sup>2</sup> Vessels operated, used, or stored on the waters of this state must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) as a commercial or recreational<sup>3</sup> vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;
- The vessel is used exclusively as a ship’s lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.<sup>4</sup>

---

<sup>1</sup> FLA. CONST. art. VII, s.1(b) provides that motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

<sup>2</sup> Section 327.02(46), F.S.

<sup>3</sup> Section 327.02(40), F.S., defines a “recreational vessel” as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

<sup>4</sup> Section 328.48(2), F.S.

Section 328.72(12), F.S., provides that vessel registration periods are for 12 or 24 months. An individual who owns a vessel is eligible to register the vessel for a 12 or 24 month period that begins the first day of the birth month of the owner and ends the last day of the month preceding the owner's birth month. The registration period for vessels owned by companies, corporations, governmental entities, and registrations issued to dealers and manufacturers is July 1 to June 30.<sup>5</sup>

The base registration fee for vessels is determined by the length of the vessel. The vessel registration fee for a 12-month period is as follows:

- *Class A-1*: Less than 12 feet in length and all canoes to which propulsion motors have been attached, regardless of length: \$5.50;
- *Class A-2*: 12 feet or more and less than 16 feet in length: \$16.25;
- *Class 1*: 16 feet or more and less than 26 feet in length: \$28.75;
- *Class 2*: 26 feet or more and less than 40 feet in length: \$78.25;
- *Class 3*: 40 feet or more and less than 65 feet in length: \$127.75;
- *Class 4*: 65 feet or more and less than 110 feet in length: \$152.75;
- *Class 5*: 110 feet or more in length: \$189.75; and
- *Dealer Registration Certificate*: \$25.50.<sup>6</sup>

A portion of the state vessel registration fees for recreational vessels is distributed to county governments.<sup>7</sup> Of the portion designated for counties, \$1 is remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission and \$1 is remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund a grant program for public launching facilities, with priority consideration given to counties with more than 35,000 registered vessels.<sup>8</sup>

The remainder of the funds going to counties must be used for specific boating-related purposes:

- Providing, maintaining, or operating recreational channel marking and other uniform waterway markers, public boat ramps, lifts, hoists, marine railways, boat piers, docks, mooring buoys, and other public launching facilities; and
- Removing derelict vessels, debris that specifically impede boat access, not including the dredging of channels, and vessels and floating structures deemed a hazard to public safety and health.<sup>9</sup>

### **Local Vessel Registration Fees**

In addition to the state vessel registration fees above, any county may impose an annual registration fee on vessels registered, operated, used, or stored on waters within its jurisdiction. This fee is 50 percent of the applicable state registration fee as provided in s. 328.72(1), F.S., and not the reduced vessel registration fee specified in s. 328.72(18), F.S.<sup>10</sup> The first \$1 of every

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<sup>5</sup> Section 328.72(12)(c)2., F.S.

<sup>6</sup> Section 328.72(1)(a), F.S.

<sup>7</sup> Section 328.72(1), F.S.

<sup>8</sup> Section 328.72(15), F.S.

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

<sup>10</sup> State vessel registration fees are reduced for recreational vessels equipped with an emergency position-indicating radio beacon registered with the U.S. National Oceanic and Atmospheric Administration (NOAA) or whose owner owns a personal locator beacon registered with the NOAA.

county registration fee must be remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission.<sup>11</sup> The remainder of the optional county fee is retained by the county where the vessel is registered and is to be used for patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities within the county.<sup>12</sup> A county which imposes a vessel registration fee may share such proceeds with one or more municipalities within the county pursuant to an interlocal agreement to fund authorized boating-related projects.<sup>13</sup>

Currently, 15 counties have elected to impose the local vessel registration fee. The following chart summarizes the associated revenue by county for Fiscal Year (FY) 2018-2019.<sup>14</sup>

<b>County</b>	<b>FY 18-19</b>
Broward	\$348,657.83
Charlotte	\$162,291.76
Collier	\$161,248.00
Hardee	\$ 4,314.81
Hillsborough	\$261,766.16
Lee	\$350,021.31
Manatee	\$137,603.99
Martin	\$145,050.98
Miami-Dade	\$575,512.73
Monroe	\$224,956.67
Palm Beach	\$270,853.06
Pinellas	\$335,436.88
Polk	\$184,755.27
Sarasota	\$153,898.38
Volusia	\$166,786.14
<b>Grand Total</b>	<b>\$3,483,153.97</b>

### Regulation of Dredging

Dredging means excavation in wetlands or other surface waters or excavation in uplands that creates wetlands or other surface waters.<sup>15</sup> Any activity on or over wetlands and other surface waters (dredging and filling) is regulated by the Department of Environmental Protection (DEP) and the five water management districts (Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, and South Florida) through the Environmental Resources Permitting (ERP) program. Dredging and filling is also regulated by the federal government under a separate program administered by the U.S. Army Corps of Engineers (Corps). The process is initiated by submitting a joint (interagency) application to DEP or to one of the above water management districts. The appropriate agency is determined by a division of responsibilities specified in Operating Agreements between the agencies. Upon receipt of the application by DEP or water

<sup>11</sup> Section 328.66(1), F.S.

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

<sup>13</sup> Section 328.66(2), F.S.

<sup>14</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SB 436, (February 15, 2019) (Copy on file with the Senate Committee on Community Affairs).

<sup>15</sup> Department of Environmental Protection, *ERP Dredging and Filling*, available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-dredging-and-filling> (last visited on Mar. 17, 2019).

management district, a copy is also forwarded to the Corps to initiate the federal permitting process.<sup>16</sup>

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

**Section 1** of the bill amends s. 328.66, F.S., to authorize a county to use a portion of vessel registration fees for additional purposes that may include channel and other navigational dredging; the construction, expansion, or maintenance of public boat ramps and other public water access facilities; and associated engineering and permitting costs.

**Section 2** provides that 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:**

If additional counties elect to impose the local vessel registration fees, there may be a negative fiscal impact on vessel owners within a county's jurisdiction.

---

<sup>16</sup> *Id.*

C. **Government Sector Impact:**

There may be a positive fiscal impact on counties that elect to impose the optional local vessel registration fee. Additional counties may consider imposing this fee due to the expansion of authorized uses under the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 328.66 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

B. **Amendments:**

None.



By Senator Hooper

16-00829A-19

2019436\_\_

A bill to be entitled

An act relating to use of vessel registration fees; amending s. 328.66, F.S.; authorizing a portion of county or municipal vessel registration fees to be used for specified additional purposes; providing an effective date.

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

Section 1. Subsection (1) of section 328.66, Florida Statutes, is amended to read:

328.66 County and municipality optional registration fee.—

(1) A ~~Any~~ county may impose an annual registration fee on vessels registered, operated, used, or stored on the waters of this state within its jurisdiction. This fee shall be 50 percent of the applicable state registration fee as provided in s. 328.72(1) and not the reduced vessel registration fee specified in s. 328.72(18). However, the first \$1 of every registration fee imposed under this subsection shall be remitted to the state for deposit in the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission, and shall be used only for the purposes specified in s. 379.2431(4). All other moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county, which may include channel and other navigational dredging, the construction, expansion, or maintenance of public boat ramps and other public water access facilities, and associated engineering and permitting costs. A municipality that

Page 1 of 2

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

16-00829A-19

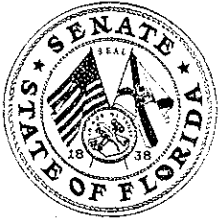
2019436\_\_

was imposing a registration fee before April 1, 1984, may continue to levy such fee, notwithstanding the provisions of this section.

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

Page 2 of 2

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR ED HOOPER**  
16th District

**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

March 27<sup>th</sup>, 2019

The Honorable Lizbeth Benacquisto, Chair  
Rules Committee  
402 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Benacquisto:

I am writing to request that Senate Bill 436, Use of Vessel Registration Fees, be placed on the agenda of the next Rules Committee meeting.

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,

Ed Hooper

Cc: John B. Phelps, Staff Director  
Cynthia Futch, 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](http://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)

4/3/2019

Meeting Date

436

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S  
Street

Phone 727/897-9291

St Petersburg FL 33705  
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Justice-2-Jesus

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 Rules

---

BILL: SB 648

INTRODUCER: Senator Mayfield

SUBJECT: Continuing Education for Dentists

DATE: April 2, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	<b>Favorable</b>
2.	Kraemer	Imhof	IT	<b>Favorable</b>
3.	Rossitto-Van Winkle	Phelps	RC	<b>Favorable</b>

**I. Summary:**

SB 648 amends s. 466.0135, F.S., to require that dentists complete two hours of dental continuing education (CE) on the safe and effective prescribing of controlled substances during every biennial license renewal period, as part of the 30 hours in general dental subjects currently required by law.

The bill provides an effective date of July 1, 2019.

**II. Present Situation:**

**Health Care Practitioner Licensure**

The mission of the Florida Department of Health (DOH) is to protect, promote, and improve the health of all people in Florida through integrated state, county, and community efforts. Working in conjunction with 22 boards and four councils, the DOH, Division of Medical Quality Assurance (MQA) licenses and regulates seven types of health care facilities and more than 200 license types in over 40 professions. Any person desiring to be a licensed health care professional in Florida must apply to the MQA and, for most professions, can apply in writing on line. Most health care professions are regulated by a board or council in conjunction with the DOH, and all profession have different requirements for initial licensure and licensure renewal. Currently, nearly 97 percent of health care practitioners are renewing their licenses online.<sup>1</sup>

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<sup>1</sup> Florida Dep't of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan, Fiscal Year 2017-2018* (pub Jan. 11, 2019), available at: <http://mqawebteam.com/annualreports/1718/files/assets/common/downloads/publication.pdf> (last visited Mar. 12, 2019).

### ***Dentistry***

Chapter 466, F.S., governs the practice of dentistry in Florida. The profession is governed by the Board of Dentistry (BOD), which is composed of 11 members who are appointed by the Governor, subject to Senate confirmation, including seven licensed dentists actively practicing, two dental hygienists actively practicing, and two laypersons.<sup>2</sup>

Dentistry is concerned with the examination, diagnosis, treatment, and care of conditions within the human oral cavity and its adjacent tissues and structures. It encompasses dental examinations, dental operations, and oral or oral-maxillofacial surgery. It includes:

- The taking of impressions of human teeth or jaws, directly or indirectly by various methods;
- Supplying artificial substitutes for the natural teeth or furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, appliance, or any other structure designed to be worn in the human mouth on the written work order of a licensed dentist;
- The placing or delivering of an appliance or structure in the human mouth or the adjusting or attempting to adjust the same;
- Educating the public about the benefits of dental care and treatment, prosthetic dentures, bridge, appliances, or other structures designed to be worn in the human mouth;
- Diagnosing, prescribing, or treating, or professing to diagnose, prescribe, or treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws or oral-maxillofacial region;
- Extracting or attempting to extract human teeth;
- Correcting, or attempting to correct, malformations of human teeth or of human jaws; and
- Repairing or attempting to repair cavities in human teeth.<sup>3</sup>

### ***Dental Licensure in Florida***

The State of Florida does not have dental reciprocity with any other state; and does not issue licenses by endorsement or credentials. The requirements for a dental license by examination are found in s. 466.006, F.S.; and include:

- The applicant must be at least 18 years of age;
- The applicant must be:
  - A graduate of a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor, or any other dental accrediting entity recognized by the United States Department of Education;
  - A dental student in the final year of a program at such an accredited dental school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations;<sup>4</sup> or
  - A graduate of a dental college or school not accredited by the American Dental Association Commission on Dental Accreditation or the United States Department of

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<sup>2</sup> Section 466.004, F.S.

<sup>3</sup> Section 466.003, F.S.

<sup>4</sup> With respect to a dental student in the final year of a program at a dental school, a passing score on the examinations is valid for 365 days after the date the examinations were completed. A dental school student who takes the licensure examinations during the student's final year of an approved dental school must have graduated before being certified for licensure pursuant to s. 466.011, F.S. See s. 466.006 (2)(b)2., F.S.

Education, or a dental college or school not approved by the BOD, but meets one of the following criteria:

- Has completed a program of study, as defined by BOD rule, at an accredited American dental school and demonstrates receipt of a D.D.S. or D.M.D. from said school; or
- Submits proof of having successfully completed at least two consecutive academic years at a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation which has a didactic and clinical education program at the level of a D.D.S. or D.M.D. accredited by the American Dental Association Commission on Dental Accreditation; and
- The successful completion of the following examinations:
  - Dental National Board Examination;
  - Florida Laws and Rules Examination; and
  - ADEX Dental Licensing Examination.<sup>5,6</sup>

### ***Renewal of Dental Licenses***

Licensees of the BOD are required to renew their licenses biennially in order to maintain the right to practice. In order to renew his or her dental license a dentist must:

- Submit a renewal application and fee;
- Submit verification of current status relating to prescribing controlled substances for treatment of “chronic nonmalignant pain”;<sup>7</sup>
- Submit a completed financial responsibility form;
- Have a current certification to perform cardiopulmonary resuscitation;<sup>8</sup>
- Have completed at least 30 hours of professional CE<sup>9</sup> in dental subjects every 2 years as follows:
  - 30 CE hours in general dental subjects;
  - 2 CE hours in medical errors;
  - 2 CE hours in domestic violence (due every third biennial renewal); and
  - 2 CE hours in HIV/AIDS (due for first renewal only).

### ***Controlled Substance Prescribers***

Effective July 1, 2018, s. 456.0301, F.S., requires that each person registered with the United States Drug Enforcement Administration (DEA), and authorized to prescribe controlled substances, complete a two-hour continuing education course from a statewide professional association of physicians in Florida that is accredited to provide educational activities designated for the American Medical Association Physician’s Recognition Award Category 1 Credit or the

<sup>5</sup> See Florida Dep’t of Health, *Dentist*, available at <https://floridasdentistry.gov/licensing/dentist/> (last visited Mar. 12, 2019). Scores from ADEX Dental Licensing examinations administered in Florida are valid for 365 days after the date the official examination results are published. Scores from ADEX Dental Licensing Examinations administered in a jurisdiction other than Florida must be completed on or after October 2, 2011.

<sup>6</sup> See also s. 466.006(2)(c)2., F.S. An applicant who holds an active Florida health access dental license is not required to take the National Dental Board examination if certain other conditions are met.

<sup>7</sup> “Chronic nonmalignant pain” is defined as pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery. Section 456.44(1)(f), F.S.

<sup>8</sup> See Fla. Admin. Code R. 64B5-12.020, (2019).

<sup>9</sup> Section 466.0135, F.S.

American Osteopathic Category 1-A medical CE on the safe and effective prescribing of controlled substances by January 31, 2019, and each biennial license renewal thereafter. The course is required to include information on the current standards for prescribing controlled substances, particularly opiates; alternatives to these standards; non-pharmacological therapies; prescribing emergency opioid antagonists; and the risks of opioid addiction following all stages of treatment in the management of acute pain.<sup>10,11</sup>

Section 456.0301, F.S., provides that persons registered with the DEA and authorized to prescribe controlled substances need not meet the requirement to complete CE imposed by the section, if the licensee is required by his or her applicable practice act to complete a minimum of two hours of CE on the safe and effective prescribing of controlled substances.

The BOD amended Rule 64B5-12, of the Florida Administrative Code, *Continuing Professional Education*, adding subsection (5), which became effective August 6, 2018, requiring that, pursuant to s. 456.0301, F.S., all dental licensees who are registered with the DEA and authorized to prescribe controlled substances must complete a board-approved two-hour course on prescribing controlled substances by January 31, 2019, and at each subsequent biennium renewal or for reactivation of a license.

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

SB 648 amends s. 466.0135, F.S., to require that dentists complete two hours of dental CE on the safe and effective prescribing of controlled substances during every biennial license renewal period, as part of the 30 hours in general dental subjects currently required by law. The bill provides the BOD authority to adopt rules to implement the new requirement for CE on prescribing of controlled substances under s. 466.004(4), F.S., and to approve dental courses that meet all the criteria of s. 456.0301, F.S.

The bill provides an effective date of July 1, 2019.

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

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

None.

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

None.

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

None.

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<sup>10</sup> Section 456.0301, F.S.

<sup>11</sup> See Fla. Admin. Code R. 64B8-13.005(1)(d) (2019), Fla. Admin. Code R. 64B15-13.001(1)(e) (2019), and Fla. Admin. Code R. 64B18-17.001(2)(d) (2019).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 466.0135 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



By Senator Mayfield

17-01055-19

2019648\_\_

A bill to be entitled

An act relating to continuing education for dentists; amending s. 466.0135, F.S.; requiring a licensed dentist to complete a minimum of 2 hours of continuing education on the prescribing of controlled substances biennially; providing an effective date.

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

Section 1. Subsection (1) of section 466.0135, Florida Statutes, is amended to read:

466.0135 Continuing education; dentists.—

(1) In addition to the other requirements for renewal set out in this chapter, each licensed dentist shall be required to complete biennially at least ~~not less than~~ 30 hours of continuing professional education in dental subjects, with at least 2 hours of continuing education on the safe and effective prescribing of controlled substances. Programs of continuing education shall be programs of learning that contribute directly to the dental education of the dentist and may include, but shall not be limited to, attendance at lectures, study clubs, college postgraduate courses, or scientific sessions of conventions; and research, graduate study, teaching, or service as a clinician. Programs of continuing education shall be acceptable when adhering to the following general guidelines:

(a) The aim of continuing education for dentists is to improve all phases of dental health care delivery to the public.

(b) Continuing education courses shall address one or more of the following areas of professional development, including,

Page 1 of 2

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

17-01055-19

2019648\_\_

but not limited to:

1. Basic medical and scientific subjects, including, but not limited to, biology, physiology, pathology, biochemistry, and pharmacology;

2. Clinical and technological subjects, including, but not limited to, clinical techniques and procedures, materials, and equipment; and

3. Subjects pertinent to oral health and safety.

(c) The board may also authorize up to three hours of credit biennially for a practice management course that includes principles of ethical practice management, provides substance abuse, effective communication with patients, time management, and burnout prevention instruction.

(d) Continuing education credits shall be earned at the rate of one-half credit hour per 25-30 contact minutes of instruction and one credit hour per 50-60 contact minutes of instruction.

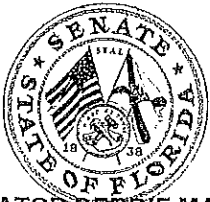
Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

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

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100



SENATOR DEBBIE MAYFIELD  
17th District

COMMITTEES:  
Education, *Vice Chair*  
Governmental Oversight and  
Accountability, *Vice Chair*  
Agriculture  
Appropriations Subcommittee on the Environment  
and Natural Resources  
Appropriations Subcommittee on General  
Government  
Judiciary

JOINT COMMITTEE:  
Joint Legislative Auditing Committee,  
*Alternating Chair*

March 20, 2019

The Honorable Lizbeth Benacquisto  
Chair, Rules  
400 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Re: SB 648

Dear Chair Benacquisto,

I am respectfully requesting Senate Bill 648, a bill relating to Continuing Education for Dentists, be placed on the agenda for your Rules Committee.

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

Thank you,

A handwritten signature in cursive script, appearing to read "Debbie Mayfield".

Debbie Mayfield  
State Senator, District 17

Cc: John B Phelps, Cynthia Futch, Matthew Hunter, Timothy Morris

REPLY TO:

- ☐ 900 E. Strawbridge Avenue, Melbourne, Florida 32901 (321) 409-2025 FAX: (888) 263-3815
- ☐ 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
- ☐ 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

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

BILL GALVANO  
President of the Senate

DAVID SIMMONS  
President Pro Tempore

## THE FLORIDA SENATE

## APPEARANCE RECORD

4/3/2019

Meeting Date

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

648

Bill Number (if applicable)

Topic Continuing Education for Dentists

Amendment Barcode (if applicable)

Name Todd Steibly

Job Title Government Consultant

Address 301 S. Bronough Street

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 577-9090

Email tsteibly@gray-robinson.com

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

Representing Florida Society of Oral &amp; Maxillofacial Surgeons

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

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/3/19

Meeting Date

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

SB 648

Bill Number (if applicable)

Topic

CE for Dentists

Amendment Barcode (if applicable)

Name

Joe Anne Hart

Job Title

Chief Legislative Officer

Address

118 E. Jefferson St

Phone

850.224.1089

Street

City

Tallahassee

State

Zip

Email

jahart@floridadental.org

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

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

Representing

Florida Dental Association

Appearing at request of Chair:



Yes



No

Lobbyist registered with Legislature:



Yes



No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 7020

INTRODUCER: Education Committee

SUBJECT: OGSR/University Direct-support Organization/Research Funding or Research Plans

DATE: April 2, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Bouck</u>	<u>Sikes</u>		<b>ED Submitted as Committee Bill</b>
1.	<u>Ponder</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
2.	<u>Bouck</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

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**I. Summary:**

SB 7020 saves from repeal to continue the public meetings exemption for any portion of a meeting of the board of directors of a university direct-support organization (DSO), or of the executive committee or other committees of such board, at which any proposal seeking research funding from the DSO or a plan for initiating or supporting research is discussed. The bill removes the scheduled repeal date of the exemption.

The bill takes effect October 1, 2019.

**II. Present Situation:**

**Open Meetings Laws**

The Florida Constitution provides that the public has a right to access governmental meetings.<sup>1</sup> Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.<sup>2</sup> This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.<sup>3</sup>

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

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

<sup>3</sup> FLA. CONST. art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: "The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public."

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law,”<sup>4</sup> or the “Sunshine Law,”<sup>5</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken, to be open to the public.<sup>6</sup> The board or commission must provide the public reasonable notice of such meetings.<sup>7</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status, or which operates in a manner that unreasonably restricts the public’s access to the facility.<sup>8</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>9</sup>

Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.<sup>10</sup> A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.<sup>11</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of both the Senate and the House of Representatives.<sup>12</sup> The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>13</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>14</sup>

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

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,<sup>15</sup> with specified exceptions.<sup>16</sup> The Act provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.<sup>17</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>18</sup>

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<sup>4</sup> *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

<sup>5</sup> *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

<sup>6</sup> Section 286.011(1)-(2), F.S.

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

<sup>8</sup> Section 286.011(6), F.S.

<sup>9</sup> Section 286.011(2), F.S.

<sup>10</sup> Section 286.011(1), F.S.

<sup>11</sup> Section 286.011(3), F.S.

<sup>12</sup> FLA. CONST. art. I, s. 24(c).

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

<sup>14</sup> *See supra*, note 11.

<sup>15</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

<sup>16</sup> Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>17</sup> Section 119.15(3), F.S.

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

An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>19</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>20</sup> or
- It protects trade or business secrets.<sup>21</sup>

The Act also requires specified questions to be considered during the review process.<sup>22</sup> In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption. If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>23</sup> If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>24</sup>

### University Direct-Support Organizations

A university direct-support organization (DSO) is a Florida not-for-profit corporation which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university.<sup>25</sup> In addition, a university DSO may also be operated for the benefit of a research and development park or research and development authority affiliated with a state university.<sup>26</sup> The DSO must be certified by a state university board of trustees to operate in a manner consistent with the goals of the university and in the best interest of the state.<sup>27</sup> DSOs help the state universities “achieve excellence by providing supplemental resources from private gifts and bequest, and valuable education support services.”<sup>28</sup>

<sup>19</sup> Section 119.15(6)(b)1., F.S.

<sup>20</sup> Section 119.15(6)(b)2., F.S.

<sup>21</sup> Section 119.15(6)(b)3., F.S.

<sup>22</sup> Section 119.15(6)(a), F.S. The specified questions are:

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

<sup>23</sup> FLA. CONST. art. I, s. 24(c).

<sup>24</sup> Section 119.15(7), F.S.

<sup>25</sup> Section 1004.28(1)(a)1.-2., F.S.

<sup>26</sup> Section 1004.28(1)(a)2., F.S.

<sup>27</sup> Section 1004.28(1)(a)3., F.S.

<sup>28</sup> Board of Governors, *State University System of Florida Consolidated Financial Statements* (Fiscal Year June, 30, 2017; updated Aug. 27, 2018), at 12, available at [https://www.flbog.edu/board/office/budget/doc/fin\\_statement/2016-2017SUSConsolidatedFinancialStatementsDraftPost-Audit.pdf](https://www.flbog.edu/board/office/budget/doc/fin_statement/2016-2017SUSConsolidatedFinancialStatementsDraftPost-Audit.pdf).

State universities are considered agencies of the state.<sup>29</sup> As a result, state universities are subject to public records and public meetings laws.<sup>30</sup> DSO boards are also subject to public records and public meetings laws.<sup>31</sup>

A university DSO must provide for an annual financial audit of the organization's accounts and records which must be conducted by an independent certified public accountant pursuant to rules adopted by the Auditor General in accordance with current law<sup>32</sup> and by the university board of trustees.<sup>33</sup>

DSOs are subject to public record and public meeting laws.<sup>34</sup> Current law provides a public records exemption for the identity of a donor who desires to remain anonymous<sup>35</sup> and for all records of a university DSO *except* any:<sup>36</sup>

- Audit report prepared by the independent auditor during the annual audit process under current law;<sup>37</sup>
- Management letter;
- Records related to the expenditure of state funds; or
- Financial records related to the expenditure of private funds for travel.

In addition, current law provides that any portion of a meeting of the board of directors of the DSO, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed is exempt from the law requiring public meetings.<sup>38</sup> Such exemption is subject to the Act in accordance with law,<sup>39</sup> and must be repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.<sup>40</sup>

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<sup>29</sup> Section 1001.705(1)(d), F.S.

<sup>30</sup> Chapters 119 and 286, F.S. See *Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983) (holding that a University of Florida screening committee was subject to Florida's Sunshine Law).

<sup>31</sup> Section 1004.28, F.S.; see also *Palm Beach Community College Foundation, INC., v. WFTV, INC.*, 611 So.2nd 588 (4<sup>th</sup> DCA 1993); Op. Att'y Gen. Fla. 05-27 (2005); Op. Att'y Gen. Fla. 92-53 (1992) (providing that the John and Mable Ringling Museum of Art Foundation, Inc., established pursuant to statute as a not-for-profit corporation to assist the museum in carrying out its functions by raising funds for the museum, is subject to Sunshine Law by virtue of its substantial ties with the museum).

<sup>32</sup> Section 11.45(8), F.S.

<sup>33</sup> Section 1004.28(5)(a), F.S.

<sup>34</sup> See *Palm Beach Community College Foundation, Inc. v. WTFT, Inc.*, 611 So.2d 588 (Fla. 4th DCA 1993). The Florida Attorney General opined that community college direct-support organizations are subject to Sunshine Law. Op. Att'y Gen. Fla. 05-27 (2005). See also Op. Att'y Gen. Fla. 92-53 (1992) (providing that John and Mable Ringling Museum of Art Foundation, Inc., established pursuant to statute as a not-for-profit corporation to assist the museum in carrying out its functions by raising funds for the museum, is subject to Sunshine Law by virtue of its substantial ties with the museum).

<sup>35</sup> *Id.*

<sup>36</sup> Section 1004.28(5)(b), F.S. Confidential and exempt records include any supplemental data requested by the Board of Governors, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability (OPPAGA). *Id.*

<sup>37</sup> Section 1004.28(5)(b), F.S.

<sup>38</sup> Section 1004.28(5)(c), F.S. See also FLA. CONST. art. I, s. 24(b), and s. 286.011, F.S.

<sup>39</sup> Section 119.15, F.S.

<sup>40</sup> Section 1004.28(5)(c), F.S.



Chapter 2014-207, L.O.F., included a public necessity statement that provided the rationale for the public meetings exemption. This rationale recognized the role of DSOs in raising resources for research that contains proprietary information and may lead to commercial applications. This activity requires DSOs to conduct meetings to discuss research strategies, plans, and proposals that allow for candid exchanges among reviewers. Failure to close meetings in which these activities are discussed would significantly undermine the confidentiality of the strategies, plans, and proposals themselves.

### **Open Government Sunset Review Findings**

In August 2018, the Senate Education Committee and the House Oversight, Transparency & Administration Subcommittee, in consultation with the Florida Board of Governors office, sent an Open Government Sunset Review Questionnaire to each state university regarding the need to maintain the public meetings exemption for any portion of a meeting of the board of directors of the DSO, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed.

Seventeen DSOs representing 10 state universities returned the questionnaire. Of those, three indicated that the DSO has a board of directors or committee that discusses proposals seeking research funding or plans or programs for initiating or supporting research. Two DSOs recommended that the exemption be retained in its current form. One DSO indicated a future strategic initiative regarding research proposals that would be negatively impacted by a removal of the exemption. No DSO recommended removal or modification of the exemption.

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

The bill saves from repeal the public meeting exemption of s. 1004.28(5)(c), F.S., thereby continuing the public meeting exemption for any portion of a meeting of the board of directors of a university DSO, or of the executive or other committees of such board, at which the board or the committee discusses a proposal seeking research funding from the DSO or a plan or program for either initiating or supporting research.

The bill takes effect October 1, 2019.

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

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

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public meetings requirements. This bill continues a current public meetings exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

***Public Necessity Statement***

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public meetings requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public meetings exemption without expansion.

***Breadth of Exemption***

Article I, s. 24(c) of the State Constitution requires an exemption to the public meetings requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect proposals seeking research funding from the organization or a plan or program for either initiating or supporting research. This bill exempts from the public meetings requirement only any portion of a meeting of the board of directors of the DSO, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**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:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1004.28 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

By the Committee on Education

581-02174-19

20197020\_\_

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 1004.28, F.S., relating to an exemption from public meeting requirements for specified meetings of a university direct-support organization at which proposals seeking research funding or research plans are discussed; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (c) of subsection (5) of section 1004.28, Florida Statutes, is amended to read:

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC MEETINGS EXEMPTION.—

(c) Any portion of a meeting of the board of directors of the organization, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. ~~This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

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

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

4/3/2019  
Meeting Date

7020  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S.  
Street

Phone 727/897-9291

St Petersburg FL 33705  
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 7076

INTRODUCER: Education Committee

SUBJECT: State University Building Designations

DATE: April 2, 2019

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
Olenick	Sikes		<b>Ed Summited as Comm.Bill/Fav</b>
1. Olenick	Phelps	RC	<b>Favorable</b>

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**I. Summary:**

SB 7076 establishes a process for naming and renaming state university facilities. Specifically the bill:

- Requires the Board of Governors (BOG) to adopt regulations to specify authority, procedures, and elements related to the naming or renaming of any state university facilities.
- Requires the BOG regulations to specify elements addressing the respective responsibilities of the BOG and state university boards of trustees and presidents, and procedural requirements regarding transparency, public engagement, nongift-related and gift-related considerations, approval, and other transparency and accountability requirements deemed appropriate by the BOG.
- Repeals Florida law that designated the building housing the FSU College of Law as the B.K. Roberts Hall.
- Provides legislative intent regarding the naming of the FSU College of Law facility.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2019.

**II. Present Situation:**

**University-Owned and University-Controlled Buildings and Facilities**

Section 1001.706(7)(b), F.S. authorizes the Board of Governors (BOG) to develop guidelines for university boards of trustees relating to the use, maintenance, protection, and control of university-owned and university-controlled buildings and groups, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university.

Section 267.062, F.S., describes a state university facility to include a building, road, bridge, park, recreational complex, or other similar facility.

Additionally, BOG Regulation 9.005 (Naming of Buildings and Facilities) delegates and specifies authority, procedures, and elements related to the naming of any state university building, road, bridge, park, recreational complex, other similar facility or educational site for individuals or groups who have made significant contributions to the university or the state.<sup>1</sup>

In 2017-2018, Florida State University President John Thrasher followed state law and BOG regulation in exploring potential actions and recommendations<sup>2</sup> related to Francis Eppes Hall, Francis Eppes Statute, and the B.K Roberts College of Law. As a result, President Thrasher created the “President’s Advisory Panel on University Namings and Recognitions” to examine and make recommendations on university policies concerning campus names and markers, including statues and other recognitions. In addition, the panel:

- Researched issues, met and engaged with university constituencies, and determined criteria for appropriate naming policies.
- Made recommendations related to Francis Eppes Hall and Francis Eppes Statute which were implementable at the institutional level by the university president and the university board of trustees.

In conjunction, the panel recommended a name change to the B.K Roberts College of Law. However, because the facility was named by legislation<sup>3</sup> in 1973 the panel was limited in its ability to implement recommendations beyond seeking legislative action.

Since 1973 at least 170 state university facilities have been named via legislation.

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

#### **University-Owned and University-Controlled Buildings and Facilities**

SB 7076 amends s, 1001.706, F.S., to establish a process for naming and renaming state university facilities. Specifically the bill:

- Requires the Board of Governors (BOG) to adopt regulations to specify authority, procedures, and elements related to the naming or renaming of any state university facilities.
- Requires the BOG regulations to specify elements addressing the respective responsibilities of the Board of Governors and state university boards of trustees and presidents, and procedural requirements regarding transparency, public engagement, nongift-related and gift-related considerations, approval, and other transparency and accountability requirements deemed appropriate by the BOG.
- Repeals Florida law that designated the building housing the FSU College of Law as the B.K. Roberts Hall.
- Provides legislative intent regarding the naming of the FSU College of Law facility.

In effect, the bill allows state universities more flexibility in naming and renaming university facilities.

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<sup>1</sup> The BOG regulation definition does not include statues or monuments.

<sup>2</sup> Florida State University, *President Advisory Panel on University Naming and Recognitions* (2018) available at <https://president.fsu.edu/wp-content/uploads/2018/07/Panel-Report-July-2018.pdf>

<sup>3</sup> Ch. 73-370, L.O.F

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.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends 1001.706 of the Florida Statutes.



This bill repeals chapter 73-370, Laws of Florida.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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By the Committee on Education

581-02977-19

20197076\_\_

A bill to be entitled

An act relating to state university building designations; amending s. 1001.706, F.S.; requiring the Board of Governors to adopt regulations regarding the naming or renaming of state university facilities; specifying elements that must be addressed in the naming or renaming process; providing applicability; repealing chapter 73-370, Laws of Florida, relating to the designation of a Florida State University facility; rescinding designation of a building located at Florida State University, at the recommendation of the university; providing legislative intent; providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (7) of section 1001.706, Florida Statutes, to read:

1001.706 Powers and duties of the Board of Governors.—

(7) POWERS AND DUTIES RELATING TO PROPERTY.—

(i) The Board of Governors shall adopt regulations to specify authority, procedures, and elements related to the naming or renaming of any state university facility, as defined in s. 267.062, authorized pursuant to paragraph (b). Such regulations must specify elements addressing the respective responsibilities of the Board of Governors and state university boards of trustees and presidents, and procedural requirements regarding transparency, public engagement, nongift-related and gift-related considerations, approval, and other transparency

Page 1 of 2

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

581-02977-19

20197076\_\_

and accountability requirements deemed appropriate by the Board of Governors. The requirements of this paragraph apply when a state university seeks to initially name a facility, seeks legislative action to repeal an existing law in which the name of a facility was legislatively designated, or seeks to rename or remove the name of a facility previously designated in a law that was subsequently repealed by the Legislature.

Section 2. Chapter 73-370, Laws of Florida, is repealed.

Section 3. (1) Notwithstanding s. 1001.706(7)(i), Florida Statutes, as created by this act, the Legislature intends that the repeal of chapter 73-370, Laws of Florida, as provided in this act, implement the recommendation of the Florida State University "President's Advisory Panel on University Namings and Recognitions," to seek legislative action to legally remove the legislatively designated facility name, which recommendation was accepted by the president of Florida State University.

(2) The Legislature further intends that the repeal does not constitute a legislative position regarding the ultimate disposition of the original designation; rather, the Legislature recognizes the university's transparent, collaborative, and thorough review process, which resulted in the recommendation that precipitated this repeal, and further intends that the university is solely responsible for faithful implementation of the panel's recommendations regarding this issue.

Section 4. This act shall take effect July 1, 2019.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

4.3.19

Meeting Date

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

7076

Bill Number (if applicable)

Topic university Buildings

Amendment Barcode (if applicable)

Name Kathy Mears

Job Title Government Affairs

Address 2014 Westcott North

Phone 850 645 1368

Street Tallahassee, FL 32306

Email kmears@fsu.edu

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

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

Waiving

Representing

Florida State University

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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)

4/3/19

Meeting Date

SB 7076

Bill Number (if applicable)

Topic support the bill

Amendment Barcode (if applicable)

Name Danni Vogt

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

Address PO BOX 11301

Phone \_\_\_\_\_

Street

TALLAHASSEE FL 32302

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Rename BK Roberts Hall Now.org

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

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

4-3-2019

Meeting Date

7076

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Bianca Boez

Job Title Law Student

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

Phone 850-273-3059

City

State

Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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)

April 3, 2019  
Meeting Date

SB 7076  
Bill Number (if applicable)

B.K. Roberts Hall  
Topic

Amendment Barcode (if applicable)

Thomas J. Kelly  
Name

myself  
Job Title

3108 Moss Drive  
Address

321-208-7133  
Phone

Cocoa FL 32922  
City State Zip

tkelly0962@gmail.com  
Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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)

4/3/19

Meeting Date

SB 7076

Bill Number (if applicable)

Topic BK Roberts Hall

Amendment Barcode (if applicable)

Name Chad Snekker

Job Title FSV Law Student

Address 3400 Old Bonbridge Rd Apt 602

Phone 813-838-1049

Street

Tallahassee

FL

32303

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 7050

INTRODUCER: Banking and Insurance Committee

SUBJECT: OGSR/Investigations and Examinations by the Office of Financial Regulation

DATE: April 2, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Johnson	Knudson		<b>BI Submitted as Committee Bill</b>
1.	Hackett	McVaney	GO	<b>Favorable</b>
2.	Johnson	Phelps	RC	<b>Favorable</b>

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**I. Summary:**

SB 7050 continues the public records exemption for information collected in connection with an investigation or examination conducted by the Office of Financial Regulation (OFR), pursuant to the Florida Consumer Collection Practices Act (act), by removing the October 2, 2019, repeal date.

Currently, s. 559.5558, F.S., provides that any information held by the OFR pursuant to an investigation or examination of a violation of the act is confidential and exempt from s. 119.07(1), F.S., and article I, section 24 of the Florida Constitution. Information made confidential and exempt may be disclosed by the OFR to a law enforcement agency or another administrative agency in the performance of its official duties and responsibilities. Once the investigation or examination is completed or ceases to be active, such information is no longer confidential and exempt unless certain circumstances exist.

Pursuant to the Open Government Sunset Review, the public records exemption is scheduled to repeal October 2, 2019, unless reenacted by the Legislature. Since the bill continues the exemption and does not expand the scope of the public records exemption, the bill requires a majority vote of each chamber for passage.

This bill takes effect October 1, 2019.



## II. Present Situation:

### Florida's Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including state and local governmental entities, and any person acting on behalf of the government.<sup>2</sup> In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.<sup>4</sup> The Public Records Act states that

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

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

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

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

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

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

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

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

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

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

<sup>8</sup> Section 119.10, F.S. Public records laws and penalties for violation of these laws are found throughout the Florida Statutes.

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

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

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

An exemption may provide that a record is “confidential and exempt” or “exempt.”<sup>12</sup> Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as “exempt” may be released at the discretion of the records custodian.<sup>13</sup>

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

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

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

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

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

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189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

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

<sup>13</sup> *Williams v. City of Minneola*, 575 So.2d 683 (Fla. 5th DCA 1991).

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

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

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

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

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

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

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

- What specific records or meetings are affected by the exemption?

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

### **Regulation of Consumer Collection Agencies and Debt Collectors**

Consumer debt covers non-business debt such as mortgages, credit cards, medical debts, and other debts primarily for personal, family, or household purposes. If a borrower defaults on a consumer debt, the lender may initiate collection efforts, usually through the sale or assignment of the asset to a third-party debt collector.

The Florida Consumer Collection Practices Act<sup>23</sup> (act) regulates consumer collection agencies. The act gives primary oversight authority to the Office of Financial Regulation (OFR).<sup>24</sup> The act defines the term, “consumer collection agency,” to mean any debt collector or business entity engaged in the business of soliciting consumer debts for collection or of collecting consumer debts that is not exempted by the act.<sup>25</sup> The term, “debt collector,” is defined to mean any person who uses any instrumentality of interstate commerce in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due to asserted to be owed or due another.<sup>26</sup> The act contains registration<sup>27</sup> and recordkeeping<sup>28</sup> requirements and prohibits certain collection practices. According to the OFR, there are 1,283 licensed consumer collectors.<sup>29</sup>

The OFR may conduct examinations and investigations to determine whether a person has violated the provisions of the act. Section 559.5558, F.S., provides that any information held by the OFR pursuant to an investigation or examination of a violation the act is confidential and

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

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

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

<sup>23</sup> Part VI of Ch. 559, F.S., Section 559.551, F.S.

<sup>24</sup> The Office of Financial Regulation is established within the Financial Services Commission, which is composed of the Governor, the Attorney General, and Chief Financial Officer, and the Commissioner of Agriculture. Commission members serve as the agency head of the OFR. The Financial Services Commission is created within the Department of Financial Services and is not subject to control, supervision, or direction by the Department of Financial Services. Section 20.121(3), F.S.

<sup>25</sup> Section 559.55(3), F.S.

<sup>26</sup> Section 559.55(7), F.S.

<sup>27</sup> Sections 559.553 and 559.555, F.S.

<sup>28</sup> Section 559.5556, F.S.

<sup>29</sup> Correspondence from the Office of Financial Regulation, dated January 7, 2019. On file with Senate Banking and Insurance Committee.

exempt from s. 119.07(1), F.S., and article I, section 24 of the Florida Constitution. Information made confidential and exempt may be disclosed by the office to a law enforcement agency or another administrative agency in the performance of its official duties and responsibilities. Once the investigation or examination is completed or ceases to be active, such information is no longer confidential and exempt, unless disclosure of the information would:

- Jeopardize the integrity of another active investigation or examination.
- Reveal the personal identifying information of a consumer, unless the consumer is also the complainant. The complainant's personal identifying information is subject to disclosure after the investigation or examination is completed or ceases to be active. However, the complainant's personal financial and health information remains confidential and exempt.
- Reveal the identity of a confidential source.
- Reveal investigative or examination techniques or procedures.
- Reveal trade secrets, as defined in s. 688.002, F.S.

Further, s. 559.5588, F.S., is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2019, if not reenacted.

### **OGSR Survey and Results**

In 2018, Senate professional staff sent out a survey to the Office of Financial Regulation and other stakeholders to ascertain if s. 559.5558, F.S., remains necessary, pursuant to the OGSR Act.<sup>30</sup> Subsequent meetings were held with the OFR staff. The OFR provided the following information to professional staff concerning public record requests for information relating to s. 559.5558, F.S. The OFR stated that it had received 684 public records requests related to s. 559.5558, F.S., which may contain exempt information. According to the OFR, those requests were received from attorneys (201 or 29.4 percent), industry (196 or 28.7 percent), administrative agencies (167 or 24.4 percent), law enforcement (55 or 8 percent), consumers (48 or 7 percent), and media (17 or 2.5 percent). The OFR indicated that documents were provided in 679 (or 99.3 percent) of those requests, and in the remainder of the requests, six were withdrawn, four were closed when documents were not available and in two cases, the requests were closed due to documents being exempt or confidential. These two cases were exempt or confidential due to possible disclosure of personal health information or due to the entity being under investigation.

The OFR recommends reenacting the public records exemption without changes. Further, the OFR indicates that this exemption is vital to protecting the public from phishing and other types of identity theft. The release of financial or medical records collected during an examination or investigation could result in the release of personal financial and medical information.

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

**Section 1** amends s. 559.5558, F.S., to continue the public records exemption relating to OFR investigations and examinations of consumer collection practices to continue, as they currently exist.

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<sup>30</sup> See OFR survey correspondence, dated July 13, 2018, on file with the Senate Committee on Banking and Insurance.

**Section 2** provides an effective date of October 1, 2019.

**IV. Constitutional Issues:**

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

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

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

***Vote Requirement***

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public meetings requirements. This bill continues a current public meetings exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

***Public Necessity Statement***

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public meetings requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public meetings exemption without expansion.

***Breadth of Exemption***

Article I, s. 24(c) of the State Constitution requires an exemption to the public meetings requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect proposals seeking research funding from the organization or a plan or program for either initiating or supporting research. This bill exempts from the public records information collected in connection with an investigation or examination conducted by the OFR. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**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:**

The continuation of the public records exemption would prevent the release of sensitive personal medical information and financial information of individuals. The private sector will continue to be subject to any cost associated with the OFR making redactions in response to a public records request.

**C. Government Sector Impact:**

The OFR will continue to incur costs related to the redaction of records in responding to public records requests.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 559.5558 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

By the Committee on Banking and Insurance

597-02481-19

20197050\_\_

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 559.5558, F.S., which provides an exemption from public records requirements for information collected in connection with investigations and examinations by the Office of Financial Regulation of the Financial Services Commission; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 559.5558, Florida Statutes, is amended to read:

559.5558 Public records exemption; investigations and examinations.—

(1) As used in this section, the term "personal financial and health information" means:

(a) Information relating to the existence, nature, source, or amount of a consumer's personal income, expenses, and debt;

(b) Information relating to a consumer's financial transactions of any kind;

(c) Information relating to the existence, identification, nature, or value of a consumer's assets, liabilities, or net worth;

(d) A consumer's personal health condition, disease, or injury; or

(e) A history of a consumer's personal medical diagnosis or treatment.

597-02481-19

20197050\_\_

(2) (a) Except as otherwise provided by this section, information held by the office pursuant to an investigation or examination of a violation of this part is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, information made confidential and exempt pursuant to this section may be disclosed by the office to a law enforcement agency or another administrative agency in the performance of its official duties and responsibilities.

(b) Information made confidential and exempt pursuant to this section is no longer confidential and exempt once the investigation or examination is completed or ceases to be active unless disclosure of the information would:

1. Jeopardize the integrity of another active investigation or examination.

2. Reveal the personal identifying information of a consumer, unless the consumer is also the complainant. A complainant's personal identifying information is subject to disclosure after the investigation or examination is completed or ceases to be active. However, a complainant's personal financial and health information remains confidential and exempt.

3. Reveal the identity of a confidential source.

4. Reveal investigative or examination techniques or procedures.

5. Reveal trade secrets, as defined in s. 688.002.

(c) For purposes of this subsection, an investigation or examination is considered active if the investigation or examination is proceeding with reasonable dispatch and the office has a reasonable good faith belief that the investigation

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20197050

59 or examination may lead to the filing of an administrative,  
60 civil, or criminal proceeding or to the denial or conditional  
61 grant of an application for registration or other approval  
62 required under this part.

63 ~~(3) This section is subject to the Open Government Sunset~~  
64 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
65 ~~on October 2, 2019, unless reviewed and saved from repeal~~  
66 ~~through reenactment by the Legislature.~~

67 Section 2. This act shall take effect October 1, 2019.





The Florida Senate

## Committee Agenda Request

**To:** Senator Lizbeth Benacquisto, Chair  
Rules Committee

**Subject:** Committee Agenda Request

**Date:** March 18, 2019

7050

I respectfully request that **Senate Bill # 7050(2,4,6)**, relating to OGSR, be placed on the:

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

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

\_\_\_\_\_  
Senator Darryl Rouson  
Florida Senate, District 19

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

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

4/3/2019

Meeting Date

7050

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S.  
Street

Phone 727/897-9291

St Petersburg FL 33705  
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☒ For ☐ Against ☒ Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 7056

INTRODUCER: Banking and Insurance Committee

SUBJECT: OGSR/Family Trust Companies/Office of Financial Regulation

DATE: April 2, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Billmeier	Knudson		<b>BI Submitted as Committee Bill</b>
1.	Ponder	McVane	GO	<b>Favorable</b>
2.	Billmeier	Phelps	RC	<b>Favorable</b>

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**I. Summary:**

SB 7056 amends s. 662.148, F.S. to save from repeal the current exemption from public records disclosure for certain information relating to family trust companies held by the Office of Financial Regulation, removing the October 2, 2019, repeal date. Family trust companies provide trust company services to high net worth families. They are not allowed to provide services to the general public. The Office of Financial Regulation's regulatory role is limited to ensuring that fiduciary services are not provided to the general public unless the family trust company desires more regulation.

Section 662.148, F.S., provides that personal identifying information contained in family trust company applications, registrations, certifications, and examinations is confidential and exempt from public disclosure. It also provides that family trust company shareholder or member names are confidential and exempt.

The Legislature made such personal identifying information confidential and exempt because disclosure of financial information and names of family members, qualified participants, and shareholders of family trust companies could jeopardize the financial safety of the family members. Families with a high net worth are frequently the targets of criminals and placing family personal identifying information into the public domain would increase the risk that a family could become the target of criminal activity.

This bill takes effect October 1, 2019.

## II. Present Situation:

### Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup> In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>4</sup> The Public Records Act states that

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>11</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to

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

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

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

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

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

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

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narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So.2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

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

<sup>13</sup> *Williams v. City of Minneola*, 575 So.2d 683 (Fla. 5th DCA 1991).

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

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

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

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

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

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

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

- What specific records or meetings are affected by the exemption?

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

### **The Family Trust Company**

A family trust company provides trust services to wealthy families and cannot provide services to the general public. These services include serving as a trustee of trusts held for the benefit of the family members, as well as providing other fiduciary, investment advisory, wealth management, and administrative services to the family. A family might wish to form a family trust company in order to keep family matters more private than they would be if turned over to an independent trustee, to gain liability protection, to establish its own trust fee structure, and to obtain tax advantages. Traditional trust companies require regulatory oversight, licensing of investment personnel, public disclosure and capitalization requirements considered by practitioners to be overbroad and intrusive for the family trust.

In 2014, the Legislature authorized the creation of family trust companies in Florida.<sup>23</sup> The Florida Family Trust Company Act is codified in chapter 662, F.S. The Act allows for the creation of family trust companies in Florida and provides differing degrees of regulatory oversight by the Office of Financial Regulation (OFR).

Chapter 662, F.S., creates three types of family trust companies: family trust companies, licensed family trust companies, and foreign licensed family trust companies. A “family trust company” is a corporation or limited liability company that is exclusively owned by one or more family member and acts or proposes to act as a fiduciary to serve one or more family members.<sup>24</sup> A “licensed family trust company” means a family trust company that has been issued a license that has not been revoked or suspended by the OFR.<sup>25</sup> A “foreign licensed family trust company” means a family trust company that is licensed by a state other than Florida.<sup>26</sup> Family trust companies that are not licensed and foreign family trust companies must register annually with the OFR.<sup>27</sup>

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

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

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

<sup>23</sup> Ch. 2014-97, Laws of Fla.

<sup>24</sup> See s. 662.111(12), F.S. and does not serve as a fiduciary for a person, entity, trust, or estate that is not a family member, except that it may serve as a fiduciary for up to 35 individuals who are not family members if the individuals are current or former employees of the family trust company or one or more trusts, companies, or other entities that are family members

<sup>25</sup> See s. 662.111(16), F.S.

<sup>26</sup> See s. 662.111(15), F.S.

<sup>27</sup> See ss. 662.122, 662.128, F.S.

A licensed family trust company is subject to regulation by the OFR, including examinations and investigations.<sup>28</sup> If a family trust company is not licensed or is a foreign family trust company, the OFR role is limited to ensuring fiduciary services are not provided to the general public and are restricted to family members.<sup>29</sup>

There are no licensed family trust companies in Florida. There are ten registered family trust companies in Florida. The OFR has identified one public records request relating to family trust companies in 2018, two requests in 2017, two requests in 2016, and one request in 2014. The OFR responded to each request by redacting confidential and exempt information.<sup>30</sup>

### **Public Records Exemption**

Section 662.148, F.S., provides that the following information in records relating to family trust companies held by the OFR are confidential and exempt from public disclosure:

- Personal identifying information appearing in records relating to a registration, an application, or an annual certification.
- Personal identifying information appearing in records relating to an examination.
- Personal identifying information appearing in reports of examinations, operations, or conditions of trust companies.
- Personal identifying information appearing in working papers held by the OFR.
- Any portion of a list of names of the shareholders or members.
- Information received from a person from another state or nation or the federal government which is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law.
- Emergency cease and desist orders. However, an emergency cease and desist order may be made public if it is made permanent or if continued confidentially will place the public at substantial risk of financial loss.

Subsection 662.148(3), F.S., provides that the OFR may disclose confidential and exempt information relating to family trust companies to the following:

- An authorized representative of a trust company during an examination.
- A fidelity insurance company, upon written consent of a trust company.
- An independent auditor, upon written consent of a trust company.
- A liquidator, receiver, or conservator for a trust company. However, any information which discloses the identity of a bondholder, customer, family member, member, or stockholder must be redacted by the OFR before being released.
- Any other state, federal, or foreign agency responsible for the regulation or supervision of a trust company.
- A law enforcement agency in the furtherance of the agency's official duties or for the purpose of reporting suspected criminal activity.
- A prosecutorial agency for the purpose of reporting suspected criminal activity.

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<sup>28</sup> See s. 662.141, F.S.

<sup>29</sup> See s. 662.102(3)(b), F.S.

<sup>30</sup> Letter from the Office of Financial Regulation to Senate Committee on Banking and Insurance Staff dated August 23, 2018 (on file with the Senate Committee on Banking and Insurance).

- A legislative body or committee pursuant to a legislative subpoena. The legislative body or committee must maintain the confidentiality of the records it receives, except in cases involving a public official who is subject to impeachment or removal.

The exemption does not prevent or restrict the publication of a report required by federal law, nor does this bill prevent or restrict the publication of a trust company's name, or the name and address of its registered agent.<sup>31</sup>

### **Public Necessity Statement**

The Legislature found that the exemption is necessary because:

- Financial information and lists of names of family members, qualified participants, and shareholders, if available for public access could jeopardize the financial safety of the family members who are the subject of the information. Families with a high net worth are frequently the targets of criminal predators seeking access to their assets. It is important that the exposure of such families and family members to threats of extortion, kidnapping, and other crimes not be increased. Placing family names, private family business records and methodologies into the public domain would increase the security risk that a family could become the target of criminal activity.
- Public disclosure of an examination, report of examination, or emergency cease and desist order could expose families to security risks, and could defame or cause unwarranted damage to the good name or reputation of the family that is the subject of the information.
- Family trust companies often provide a consolidated structure for the ownership of an operating business owned by multiple family members. Placing those private business operations and methods in the public domain could jeopardize their business assets, methodologies, and practices.<sup>32</sup>

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

This bill amends 662.148, F.S., to continue the public records exemption for certain personal identifying information relating to family trust companies held by the OFR. Specifically, the bill continues the exemption by deleting the October 2, 2019, repeal date. The Legislature found that the exemption is necessary to protect families from criminal activity, to avoid unnecessary embarrassment to families, and to avoid exposing family business practices to the public. If the bill passes, the exemption would be permanent. The bill takes effect October 1, 2019.

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

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

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

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<sup>31</sup> See s. 662.148(4), F.S.

<sup>32</sup> See ch. 2014-102, L.O.F.



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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require a two-thirds vote to be enacted.

***Public Necessity Statement***

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public meetings exemption without expansion.

***Breadth of Exemption***

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect the personal identifying information of an individual who has applied for a license to carry a concealed weapon or firearm from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

The private sector will continue to be subject to the cost associated with an agency making redactions in response to a public records request.

C. Government Sector Impact:

The OFR will continue to incur costs related to the redaction of records in responding to public records requests.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 662.148 of the Florida Statutes:

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By the Committee on Banking and Insurance

597-02484-19

20197056\_\_

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 662.148, F.S., relating to an exemption from public records requirements for certain information held by the Office of Financial Regulation relating to family trust companies, licensed family trust companies, and foreign licensed family trust companies; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 662.148, Florida Statutes, is amended to read:

662.148 Public records exemption.—

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

(a) "Reports of examinations, operations, or conditions" means records submitted to or prepared by the office as part of the office's duties performed pursuant to s. 655.012 or s. 655.045(1).

(b) "Working papers" means the records of the procedure followed, the tests performed, the information obtained, and the conclusions reached in an examination under s. 655.032 or s. 655.045. The term also includes books and records.

(2) PUBLIC RECORDS EXEMPTION.—The following information held by the office is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Any personal identifying information appearing in records relating to a registration, an application, or an annual

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

597-02484-19

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certification of a family trust company, licensed family trust company, or foreign licensed family trust company.

(b) Any personal identifying information appearing in records relating to an examination of a family trust company, licensed family trust company, or foreign licensed family trust company.

(c) Any personal identifying information appearing in reports of examinations, operations, or conditions of a family trust company, licensed family trust company, or foreign licensed family trust company, including working papers.

(d) Any portion of a list of names of the shareholders or members of a family trust company, licensed family trust company, or foreign licensed family trust company.

(e) Information received by the office from a person from another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law.

(f) An emergency cease and desist order issued under s. 662.143 until the emergency order is made permanent unless the office finds that such confidentiality will result in substantial risk of financial loss to the public.

(3) AUTHORIZED RELEASE OF CONFIDENTIAL AND EXEMPT INFORMATION.—Information made confidential and exempt under subsection (2) may be disclosed by the office:

(a) To the authorized representative or representatives of the family trust company, licensed family trust company, or foreign licensed family trust company under examination. The authorized representative or representatives shall be identified in a resolution or by written consent of the board of directors

Page 2 of 4

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

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if the trust company is a corporation, or of the managers if the trust company is a limited liability company.

(b) To a fidelity insurance company, upon written consent of the trust company's board of directors if a corporation, or its managers if a limited liability company.

(c) To an independent auditor, upon written consent of the trust company's board of directors if a corporation, or its managers if a limited liability company.

(d) To a liquidator, receiver, or conservator for a family trust company, licensed family trust company, or foreign licensed family trust company if a liquidator, receiver, or conservator is appointed. However, any portion of the information which discloses the identity of a bondholder, customer, family member, member, or stockholder must be redacted by the office before releasing such portion to the liquidator, receiver, or conservator.

(e) To any other state, federal, or foreign agency responsible for the regulation or supervision of family trust companies, licensed family trust companies, or foreign licensed family trust companies.

(f) To a law enforcement agency in the furtherance of the agency's official duties and responsibilities.

(g) To the appropriate law enforcement or prosecutorial agency for the purpose of reporting any suspected criminal activity.

(h) Pursuant to a legislative subpoena. A legislative body or committee that receives records or information pursuant to such a subpoena must maintain the confidential status of such records or information, except in a case involving the

597-02484-19

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investigation of charges against a public official subject to impeachment or removal, in which case records or information shall only be disclosed to the extent necessary as determined by such legislative body or committee.

(4) PUBLICATION OF INFORMATION.—This section does not prevent or restrict the publication of:

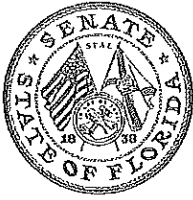
(a) A report required by federal law.

(b) The name of the family trust company, licensed family trust company, or foreign licensed family trust company and the name and address of the registered agent of that company.

(5) PENALTY.—A person who willfully discloses information made confidential and exempt by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(6) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Lizbeth Benacquisto, Chair  
Rules Committee

**Subject:** Committee Agenda Request

**Date:** March 18, 2019

7056

I respectfully request that **Senate Bill # 705(0,2,4,6)** relating to OGSR, be placed on the:

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

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

\_\_\_\_\_  
Senator Darryl Rouson  
Florida Senate, District 19

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4 / 3 / 2019

Meeting Date

Topic \_\_\_\_\_

Bill Number 7056  
(if applicable)

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH  
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705  
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)



## THE FLORIDA SENATE

### 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	<b>Fav/CS</b>
3/25/19	GO	<b>Favorable</b>
4/3/19	RC	<b>Favorable</b>

March 6, 2019

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

Re: **CS/SB 24** – Judiciary Committee and 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 Negrón  
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 124<sup>th</sup> 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.<sup>1</sup> Miguel

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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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

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<sup>2</sup> Section 768.16, F.S.

<sup>3</sup> 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.

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

injuring persons within the vehicle's path.<sup>5</sup> 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.

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

SPECIAL MASTER'S FINAL REPORT – SB 26

January 10, 2018

Page 4

RECOMMENDATIONS:

The undersigned recommends that Senate Bill 26 be reported  
FAVORABLY.

Respectfully submitted,

Daniel Looke  
Senate Special Master

cc: Secretary of the Senate

By the Committee on Judiciary; and Senator Simmons

590-02910-19

201924c1

A bill to be entitled

An act for the relief of the Estate of Eric Scot 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 Scot Tenner and his survivors as a result of the negligence of an employee of the Miami-Dade County Board of County Commissioners; providing a limitation on the payment of attorney fees; providing an effective date.

WHEREAS, on October 8, 2014, 45-year-old Eric Scot Tenner was riding his bicycle along the U.S. 1 Busway in Miami-Dade County, wearing appropriate clothing and safety equipment for cycling, and

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

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

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

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

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

590-02910-19

201924c1

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

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

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

WHEREAS, Mr. Tenner's family is suffering significant financial hardship due to the loss of Mr. Tenner's net accumulations in the past and the future, and extreme mental anguish and suffering resulting from the loss of their husband and father, and

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

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

WHEREAS, the Miami-Dade County Board of County Commissioners and the Estate of Eric Scot Tenner reached a settlement agreement by mediation in the amount of \$1.75 million, of which \$300,000 will be paid to the Estate of Eric Scot Tenner pursuant to the limits of liability set forth in s.

Page 2 of 3

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

590-02910-19

201924c1

768.28, Florida Statutes, and the remainder is conditioned upon the passage of a claim bill, which is agreed to by the Miami-Dade County Board of County Commissioners, in the amount of \$1.45 million, NOW, THEREFORE,

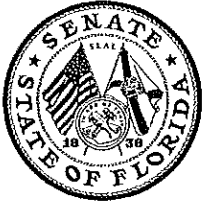
Be It Enacted by the Legislature of the State of Florida:

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

Section 2. The 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 compensation for injuries and damages sustained.

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

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Lizbeth Benacquisto, Chair  
Committee on Rules

**Subject:** Committee Agenda Request

**Date:** March 27, 2019

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

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

Thank you for consideration of this request.

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

Senator David Simmons  
Florida Senate, District 9

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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 114

INTRODUCER: Rules Committee and Senator Hutson and others

SUBJECT: High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act

DATE: April 4, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	<b>Favorable</b>
2.	Graf	Phelps	RC	<b>Fav/CS</b>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 114 revises financial literacy instructional requirements for students entering grade 9 in the 2019-2020 school year and thereafter. Specifically, the bill:

- Modifies the requirements for a student to earn a standard high school diploma under the 24-credit pathway by:
  - Increasing the required credits for social studies from 3 to 3.5 to include a separate 0.5 credit in financial literacy, distinct from economics, and specifying related requirements and exceptions from such requirements.
  - Reducing the number of required elective credits from 8 to 7.5.
- Modifies the 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) options for earning a standard high school diploma to conform to the modifications made to the social studies and electives credit requirements under the 24-credit pathway.
- Revises the social studies standards to reflect separate curricular content for financial literacy, distinct from economics; and eliminates the existing financial literacy standards that are specified in law.
- Expands the Credit Acceleration Program to create a mechanism for students to earn the 0.5 credit in financial literacy through the passage of an appropriate financial literacy assessment that is identified in State Board of Education rule, without enrolling in or completing the corresponding financial literacy course.

The bill designates the act as the “Dorothy L. Hukill Financial Literacy Act.”



The bill has no additional impact on state funds. School districts are provided funding for instructional materials through the instructional materials allocation within the Florida Education Finance Program.

The bill takes effect July 1, 2019.

## **II. Present Situation:**

To graduate from high school with a standard high school diploma, a student must successfully complete 24 credits or 18 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>1</sup>

### **Credits Required to Earn a Standard High School Diploma**

#### ***24-Credit Requirement***

To earn a standard high school diploma, a student must successfully complete 24 credits in the following subject areas:<sup>2</sup>

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.<sup>3</sup> Industry certifications earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies, including one credit each in U.S. history and World History; one-half credit in economics, which must include financial literacy; and one-half credit in U.S. Government.
- One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education that must include the integration of health.
- Eight credits in electives. School districts are required to develop and offer coordinated electives to enable a student to develop knowledge and skills in his or her area of interest and such electives must include opportunities for students to earn college credit.

#### ***18-Credit Requirement***

Students may also earn a standard high school diploma after completing 18 credits under the Academically Challenging Curriculum to Enhance Learning (ACCEL) option.<sup>4</sup> ACCEL options are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12.<sup>5</sup>

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<sup>1</sup> Sections 1002.3105(5) and 1003.4282(1)(a), F.S.

<sup>2</sup> Section 1003.4282(3), F.S.

<sup>3</sup> Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

<sup>4</sup> Section 1002.3105(5), F.S.

<sup>5</sup> *Id.*, at (1)(a).

At a minimum, each school must offer the following ACCEL options: whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program. Additional ACCEL options may include, but are not limited to, enriched science, technology, engineering, and mathematics coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; rigorous industry certifications that are articulated to college credit and approved in accordance with the law;<sup>6</sup> work-related internships or apprenticeships; curriculum compacting; advanced-content instruction; and telescoping curriculum.<sup>7</sup>

Under the ACCEL option, students need to earn fewer elective credits (i.e., 3 credits in electives instead of the required 8 credits under the 24-credit standard high school diploma pathway) and students are not required to earn one credit in physical education.<sup>8</sup> Additionally, similar to the requirements specified in law for the 24-credit pathway for earning a standard high school diploma, under the ACCEL option, students must earn a cumulative GPA of 2.0 on a 4.0 scale.<sup>9</sup>

Florida law requires the adoption of standards for core curricula content taught in public schools and specifies the requirements that students must meet to earn a standard high school diploma.<sup>10</sup>

### **Next Generation Sunshine State Standards**

The Next Generation Sunshine State Standards (NGSSS) establish the core curricula content to be taught in Florida and specify the core content knowledge and skills that K-12 public school students are expected to acquire.<sup>11</sup> The standards must be rigorous and relevant to incrementally increase a student's core content knowledge and skills over time.<sup>12</sup> The curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.<sup>13</sup> The standards applicable to students in grades 9 through 12 may be organized by grade clusters that include more than one grade level, except as otherwise provided for visual performing arts, physical education, health, and foreign language standards.<sup>14</sup>

The State Board of Education (SBE) is responsible for adopting the NGSSS and subsequent revisions to such standards in rule.<sup>15</sup> Florida law requires social studies standards to establish curricula content for, at a minimum, geography, U.S. and world history, government, civics, humanities, and economics, including financial literacy.<sup>16</sup>

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<sup>6</sup> Sections 1003.492 and 1008.44, F.S.

<sup>7</sup> Section 1002.3105(1)(b), F.S.

<sup>8</sup> *Id.*, at (5).

<sup>9</sup> Sections 1002.3105(5) and 1003.4282(6)(a), F.S.

<sup>10</sup> Sections 1003.41 and 1003.4282(3), F.S.

<sup>11</sup> Section 1003.41(1), F.S.

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

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

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

<sup>15</sup> Section 1003.41(3)-(4), F.S.

<sup>16</sup> *Id.*, at (2)(d).

### ***Financial Literacy***

Curricular content for financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values to enable a student to make responsible and effective financial decisions on a daily basis.<sup>17</sup> Financial literacy instruction must be an integral part of instruction throughout the entire economics course and include information regarding:<sup>18</sup>

- Earning income;
- Buying goods and services;
- Saving and financial investing;
- Taxes;
- The use of credit and credit cards;
- Budgeting and debt management, including student loans and secured loans;
- Banking and financial services;
- Planning for one's financial future, including higher education and career planning;
- Credit reports and scores; and
- Fraud and identity theft prevention.

The Course Code Directory (CCD)<sup>19</sup> lists at least 4 one-half credit economics courses with personal financial literacy<sup>20</sup> and 2 separate one-half credit courses in personal financial literacy.<sup>21</sup>

Florida law provides an alternative to the required coursework for generating high school credits.

### **Credit Acceleration Program**

The Credit Acceleration Program is created to allow a student to earn high school credit in courses required for high school graduation through passage of a statewide, standardized end-of-course (EOC) assessment, an Advanced Placement Examination, or a College Level Examination Program (CLEP). A school district must award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding EOC assessment, AP Examination, or CLEP.<sup>22</sup>

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<sup>17</sup> Section 1003.41(2)(d), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> The Course Code Directory (CCD) lists all public preK-12 and postsecondary career and technical education courses that are available for use by school districts. Programs and courses that are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides course information to schools, districts, and the state. Rule 6A-1.09441, F.A.C.

<sup>20</sup> Courses 2102335, 2102340, 2102345, and 2102800. Florida Department of Education, *2018-2019 Course Directory Section 3 – Grades 9 to 12 and Adult Education Courses* (Nov. 27, 2018), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1819CCD-Basic9-12.pdf>, at 44.

<sup>21</sup> Courses 2102372 and 2102374. Florida Department of Education, *2018-2019 Course Directory Section 3 – Grades 9 to 12 and Adult Education Courses* (Nov. 27, 2018), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1819CCD-Basic9-12.pdf>, at 44.

<sup>22</sup> Section 1003.4295(3), F.S.

### III. Effect of Proposed Changes:

CS/SB 114 revises financial literacy instructional requirements for students entering grade 9 in the 2019-2020 school year and thereafter. Specifically, the bill:

- Modifies the requirements for a student to earn a standard high school diploma under the 24-credit pathway by:
  - Increasing the required credits for social studies from 3 to 3.5 to include a separate 0.5 credit in financial literacy, distinct from economics, and specifying related requirements and exceptions from such requirements.
  - Reducing the number of required elective credits from 8 to 7.5.
- Modifies the 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) options for earning a standard high school diploma to conform to the modifications made to the social studies and electives credit requirements under the 24-credit pathway.
- Revises the social studies standards to reflect separate curricular content for financial literacy, distinct from economics; and eliminates the existing financial literacy standards that are specified in law.
- Expands the Credit Acceleration Program to create a mechanism for students to earn the 0.5 credit in financial literacy through the passage of an appropriate financial literacy assessment that is identified in State Board of Education rule, without enrolling in or completing the corresponding financial literacy course.

The bill designates the act as the “Dorothy L. Hukill Financial Literacy Act.”

#### Credits Required to Earn a Standard High School Diploma

The bill modifies the requirements for a student to earn a standard high school diploma under the 24-credit pathway by increasing the required credits for social studies from 3 to 3.5 to include a separate 0.5 credit in financial literacy, distinct from economics. The bill specifies that beginning with students entering grade 9 in the 2019-2020 school year, a student must earn 0.5 credit in financial literacy. Additionally, the bill:

- Specifies that students must earn the 0.5 credit in financial literacy in grades 11 or 12.
- Requires the state board to identify in rule one or more financial literacy assessments that are aligned to the state’s financial literacy standards for the purposes of credit acceleration in accordance with Florida law.
- Exempts certain students from meeting the financial literacy requirement to earn a standard high school diploma if such students’ transcripts document passage of a course for financial literacy. The bill specifies that such students include a high school student who transfers into Florida’s public high school system from another country, another state, a private school, or a home education program.

The bill also reduces the number of required electives from 8 to 7.5.<sup>23</sup> As such, the bill maintains the total number of credits at 24, which students must successfully complete to earn a standard high school diploma.

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<sup>23</sup> The 2018-2019 Course Code Directory (CCD) lists 70 one-half credit elective courses that students may take to meet the elective credit requirements for earning a standard high school diploma. Students may also choose to take other courses in the CCD to meet the elective credit requirements, which also meet specified high school graduation requirements. Florida

Additionally, the bill modifies the 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) options for earning a standard high school diploma to conform to the modifications made to the social studies and electives credit requirements under the 24-credit pathway.

### **Next Generation Sunshine State Standards**

The bill revises the social studies standards to reflect separate curricular content for financial literacy, distinct from economics; and eliminates the existing financial literacy standards that are specified in law. Accordingly, the curricular content for financial literacy and related standards may be established by the Commissioner of Education. Florida law requires the state board to adopt rules to administer the Next Generation Sunshine State Standards for the core content of the curricula taught in the public schools.<sup>24</sup>

### **Credit Acceleration Program**

The bill expands the Credit Acceleration Program (CAP) to create a mechanism for students to earn 0.5 credit in financial literacy through the passage of an appropriate financial literacy assessment that is identified in state board rule, without enrolling in or completing the corresponding financial literacy course. Accordingly, the bill provides students the option to earn the high school credit in financial literacy by either successfully completing a financial literacy course or passing a financial literacy assessment.

This 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.

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Department of Education, *2018-2019 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2018-2019-course-directory.stml> (last visited Feb. 15, 2019).

<sup>24</sup> Section 1003.41(4), F.S.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.3105, 1003.41, 1003.4282, and 1003.4295.

**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 Rules Committee on April 3, 2019:**

The committee substitute maintains the substance of the bill with some modifications. Specifically, the committee substitute:

- Modifies the required credits for social studies from 3 to 3.5 under the 24-credit pathway for earning a standard high school diploma to include a separate 0.5 credit in financial literacy, distinct from economics, and specifies related requirements and exceptions from such requirements.
- Modifies the 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) options for earning a standard high school diploma to conform to the modifications made to the social studies and electives credit requirements under the 24-credit pathway.

- Revises the social studies standards to reflect separate curricular content for financial literacy, distinct from economics; and eliminates the existing financial literacy standards that are specified in law.
- Expands the Credit Acceleration Program to create a mechanism for students to earn the 0.5 credit in financial literacy through the passage of an appropriate financial literacy assessment that is identified in State Board of Education rule, without enrolling in or completing the corresponding financial literacy course.

B. Amendments:

None.



724760

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
	.	
	.	
	.	

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The Committee on Rules (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Dorothy L. Hukill  
Financial Literacy Act."

Section 2. Subsection (5) of section 1002.3105, Florida  
Statutes, is amended to read:

1002.3105 Academically Challenging Curriculum to Enhance  
Learning (ACCEL) options.—

(5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who





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meets the applicable grade 9 cohort graduation requirements of s. 1003.4282(3)(a)-(e) or s. 1003.4282(9)(a)1.-5., (b)1.-5., (c)1.-5., or (d)1.-5., earns two and one-half ~~three~~ credits in electives, and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma in a form prescribed by the State Board of Education.

Section 3. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended to read:

1003.41 Next Generation Sunshine State Standards.—

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, humanities, ~~and economics, and including~~ financial literacy. ~~Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention.~~

Section 4. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended to read:



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1003.4282 Requirements for a standard high school diploma.—  
(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
REQUIREMENTS.—

(d) *Three and one-half credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics; one-half credit in, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. Beginning with students entering grade 9 in the 2019-2020 school year, a student must earn one-half credit in financial literacy. Students must earn the one-half credit in financial literacy in grades 11 or 12. The State Board of Education shall identify in rule one or more financial literacy assessments that are aligned to the state's financial literacy standards for the purposes of credit acceleration under s. 1003.4295(3). A high school student who transfers into the state's public school system from another country, another state, a private school, or a home education program is not required to meet the financial literacy requirement to earn a standard high school diploma if the student's transcript documents passage of a course for financial literacy.

(g) *Seven and one-half ~~Eight~~ credits in electives.*—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in



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industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. A student entering grade 9 before the 2019-2020 school year must earn eight credits in electives. A student entering grade 9 in the 2019-2020 school year or thereafter must earn seven and one-half credits in electives.

Section 5. Subsection (3) of section 1003.4295, Florida Statutes, is amended to read:

1003.4295 Acceleration options.—

(3) The Credit Acceleration Program (CAP) is created for the purpose of allowing a student to earn high school credit in courses required for high school graduation through passage of an end-of-course assessment administered under s. 1008.22; an Advanced Placement Examination; ~~or~~ a College Level Examination Program (CLEP); or, for a financial literacy course, an appropriate assessment identified in state board rule. Notwithstanding s. 1003.436, a school district shall award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding end-of-course assessment; an Advanced Placement Examination; ~~or~~ CLEP; or, for a financial literacy course, an appropriate assessment identified in state board rule. The school district shall permit a public school or home education student who is not enrolled in the course, or who has not completed the course, to take the assessment or examination during the regular administration of the assessment or examination.

Section 6. This act shall take effect July 1, 2019.



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to high school graduation  
requirements; providing a short title; amending s.  
1002.3105, F.S.; revising the requirements for award  
of a standard high school diploma through Academically  
Challenging Curriculum to Enhance Learning (ACCEL)  
options; amending s. 1003.41, F.S.; revising the  
social studies standards for the Next Generation  
Sunshine State Standards to include financial literacy  
as a separate subject; amending s. 1003.4282, F.S.;  
revising the required credits for a standard high  
school diploma to include one-half credit in financial  
literacy and seven and one-half, rather than eight,  
credits in electives; requiring the state board to  
identify certain assessments for credit acceleration  
purposes; exempting certain students from meeting the  
financial literacy requirement under certain  
circumstances; amending s. 1003.4295, F.S.; providing  
that certain assessments identified in State Board of  
Education rule may be used to satisfy middle school  
course requirements or earn high school credit for  
certain courses; providing an effective date.

By Senator Hutson

7-00265B-19

2019114\_\_

1 A bill to be entitled  
 2 An act relating to high school graduation  
 3 requirements; designating the act as the "Dorothy L.  
 4 Hukill Financial Literacy Act"; amending s. 1003.41,  
 5 F.S.; revising the requirements for the Next  
 6 Generation Sunshine State Standards to include  
 7 financial literacy; amending s. 1003.4282, F.S.;  
 8 revising the required credits for a standard high  
 9 school diploma to include one-half credit of  
 10 instruction in personal financial literacy and money  
 11 management and seven and one-half, rather than eight,  
 12 credits in electives; providing an effective date.  
 13  
 14 WHEREAS, many young people in this state graduate from high  
 15 school without having basic financial literacy or money  
 16 management skills, and  
 17 WHEREAS, the Legislature finds that, in light of economic  
 18 challenges nationwide, sound financial management skills are  
 19 vitally important to all Floridians, particularly high school  
 20 students, and  
 21 WHEREAS, the Legislature also finds that requiring  
 22 educational instruction in financial literacy and money  
 23 management as a prerequisite to high school graduation will  
 24 better prepare young people in this state for adulthood by  
 25 providing them with the requisite knowledge to achieve financial  
 26 stability and independence, and  
 27 WHEREAS, Florida is one of 17 states in the nation to  
 28 require financial literacy instruction as a prerequisite for  
 29 high school graduation and a standard high school diploma, and

Page 1 of 5

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

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30 the adoption of this act will make it the sixth state in the  
 31 nation to require a stand-alone course in personal financial  
 32 literacy as a prerequisite for high school graduation and a  
 33 standard high school diploma, NOW, THEREFORE,  
 34  
 35 Be It Enacted by the Legislature of the State of Florida:  
 36  
 37 Section 1. This act may be cited as the "Dorothy L. Hukill  
 38 Financial Literacy Act."  
 39 Section 2. Paragraph (d) of subsection (2) of section  
 40 1003.41, Florida Statutes, is amended, and paragraph (f) is  
 41 added to that subsection, to read:  
 42 1003.41 Next Generation Sunshine State Standards.—  
 43 (2) Next Generation Sunshine State Standards must meet the  
 44 following requirements:  
 45 (d) Social Studies standards must establish specific  
 46 curricular content for, at a minimum, geography, United States  
 47 and world history, government, civics, humanities, and  
 48 economics, including financial literacy. Financial literacy  
 49 includes the knowledge, understanding, skills, behaviors,  
 50 attitudes, and values that will enable a student to make  
 51 responsible and effective financial decisions on a daily basis.  
 52 Financial literacy instruction shall be an integral part of  
 53 instruction throughout the entire economics course and include  
 54 information regarding earning income; buying goods and services;  
 55 saving and financial investing; taxes; the use of credit and  
 56 credit cards; budgeting and debt management, including student  
 57 loans and secured loans; banking and financial services;  
 58 planning for one's financial future, including higher education

Page 2 of 5

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

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and career planning; credit reports and scores; and fraud and identity theft prevention. The requirements for financial literacy specified under this paragraph do not apply to students entering grade 9 in the 2019-2020 school year and thereafter.

(f) Effective for students entering grade 9 in the 2019-2020 school year and thereafter, financial literacy standards must establish specific curricular content for, at a minimum, personal financial literacy and money management. Financial literacy includes instruction in the areas specified in s. 1003.4282(3)(h).

Section 3. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. However, for a student entering grade 9 in the 2019-2020 school year or thereafter, financial literacy is not a required component of the one-half credit in economics.

(g) ~~Eight~~ *Credits in Electives.*—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such

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electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. A student entering grade 9 before the 2019-2020 school year must earn eight credits in electives. A student entering grade 9 in the 2019-2020 school year or thereafter must earn seven and one-half credits in electives.

(h) One-half credit in personal financial literacy.—Beginning with students entering grade 9 in the 2019-2020 school year, each student must earn one-half credit in personal financial literacy and money management. This instruction must include discussion of or instruction in the following:

1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.

2. Balancing a checkbook.

3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.

4. Completing a loan application.

5. Receiving an inheritance and related implications.

6. Basic principles of personal insurance policies.

7. Computing federal income taxes.

8. Local tax assessments.

9. Computing interest rates by various mechanisms.

10. Simple contracts.

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117     11. Contesting an incorrect billing statement.  
118     12. Types of savings and investments.  
119     13. State and federal laws concerning finance.  
120     Section 4. This act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

4/3/19

Meeting Date

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

114

Bill Number (if applicable)

724760

Amendment Barcode (if applicable)

Topic Financial Literacy

Name Shawn Frost

Job Title Director of Advocacy

Address 981 E. Eau Gallie Blvd. #13102

Street

Melbourne FL 32937

City

State

Zip

Phone (850) 706-0128

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Board Members

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)

04/03/19

Meeting Date

114

Bill Number (if applicable)

Topic High School Graduation

Amendment Barcode (if applicable)

Name Karen Mazzola

Job Title Treasurer

Address 1747 Orlando Central PKWY

Phone 407-855-7604

Street Orlando FL 32809

City State Zip

Email Treasurer@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

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)

9/3/15  
Meeting Date

114  
Bill Number (if applicable)

Topic Financial literacy bill

Amendment Barcode (if applicable)

Name Anthony DiMarco

Job Title Exec of Govt. Affairs

Address 1001 Turnersville Rd

Phone \_\_\_\_\_

Delphone FL 32303  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Bankers Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

4.3.19

Meeting Date

SB 114

~~000000~~

Bill Number (if applicable)

Topic FINANCIAL LITERACY

Amendment Barcode (if applicable)

Name AMANDA BOWEN

Job Title EXECUTIVE DIRECTOR

Address 11025 SUMMIT LAKE DR. #300  
Street

Phone 850-402-2954

TLH FL 32317  
City State Zip

Email ABOWEN@NSTEPHENS.COM

Speaking: ☒ For ☐ Against ☐ Information

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

Representing MANUFACTURERS ASSOC. OF FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

## APPEARANCE RECORD

4/3/19

Meeting Date

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

SB114

Bill Number (if applicable)

Topic

High School Graduation Requirements

Amendment Barcode (if applicable)

Name

Candice Ericks

Job Title

Address

110 SE 6<sup>th</sup> St, 15<sup>th</sup> Floor

Phone

954-648-1204

Street

Ft. Lauderdale

City

FL

State

33301

Zip

Email

Candice@tsecgov.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

J. M. Family Enterprises

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)

4-3-19

Meeting Date

114

Bill Number (if applicable)

Topic High School Graduation Requirements

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Street

TLH

City

FL

State

32301

Zip

Phone 224-7173

Email bbevis@aif.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/1)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/19  
Meeting Date

114  
Bill Number (if applicable)

Topic High School Graduation Requirements

Amendment Barcode (if applicable)

Name Jennifer Martin

Job Title Sr Dir. of Governmental Affairs

Address 3692 Coolidge Ct  
Street

Phone 850-558-1150

Tallahassee, FL 32311  
City State Zip

Email jennifer.martin@scu.coop

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Credit Union 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)

4-3-19

Meeting Date

114

Bill Number (if applicable)

Topic Financial Literacy

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Dir of Advocacy

Address 981 E. Eau Gallie Blvd.

Phone (850) 706-0128

Street

Melbourne FL 32937

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Board Members

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)

4.3.19

Meeting Date

114

Bill Number (if applicable)

Topic SB 114

Amendment Barcode (if applicable)

Name Mark Anderson

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

Address 110 S. Monroe St  
Street

Phone 813-205-0658

Tallahassee FL 32301  
City State Zip

Email Mark@consultanderson.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Council on Economic Education (FCEE)

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)

4/3/19  
Meeting Date

114  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Edward Briggs

Job Title Consultant

Address 235 W. Braden Blvd. Ste. 640  
Street

Phone 850-933-5994

Braden FL 33511  
City State Zip

Email edward@saconsulting.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way Suncoast

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)

3/3/19

Meeting Date

114

Bill Number (if applicable)

Topic High School Graduation Requirements

Amendment Barcode (if applicable)

Name Matthew Choy

Job Title Director

Address 136 S' Barnough St  
Street

Phone 501-386-3951

Tallahassee FL 32301  
City State Zip

Email mchoy@FIChamber.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4 / 3 / 2019

Meeting Date

Topic \_\_\_\_\_

Bill Number 114  
(if applicable)

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic Financial Literacy

Amendment Barcode (if applicable)

Name Meredith Brock Stanfield

Job Title Director of Legislative & Cabinet Affairs

Address PL 11, The Capitol

Phone (850) 413-2890

Street

Tallahassee

FL

State

32399

Zip

Email Meredith.Stanfield@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.

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)

April 3, 2019  
Meeting Date

114  
Bill Number (if applicable)

Topic High School Graduation

Amendment Barcode (if applicable)

Name Doug Bell

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

Address 119 S. Monroe St  
Street

Phone 205 9000

TLH  
City State Zip

Email doug.bell@unhdfirm.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Business Law Section - Florida Bar

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)

4/3/19  
Meeting Date

114  
Bill Number (if applicable)

Topic High School Graduation Regs / <sup>Drinking H. bill</sup> Financial Literacy

Amendment Barcode (if applicable)

Name Erin Choy

Job Title Post Chair

Address 404 E. Sixth Avenue  
Street

Phone (561) 635-4168

Tallahassee FL 32303  
City State Zip

Email erinchoy@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Univ Leagues of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

## THE FLORIDA SENATE

**APPEARANCE RECORD**

4-3-19

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

114

Meeting DateBill Number (if applicable)Topic /Dorothy L. Hukill Financial Literacy ActAmendment Barcode (if applicable)Name Kurt WennerJob Title Vice PresidentAddress 106 N. BronoughPhone 222-5052StreetTallahasseeFL32301CityStateZipEmail kwenner@floridataxwatch.orgSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Florida TaxWatchAppearing 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**  
**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 Rules

---

BILL: CS/SB 292

INTRODUCER: Committee on Military and Veterans Affairs and Space and Senator Lee

SUBJECT: Education

DATE: April 2, 2019

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<b>Fav/CS</b>
2. <u>Olenick</u>	<u>Sikes</u>	<u>ED</u>	<b>Favorable</b>
3. <u>Brown</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 292 protects the ability of a public school student to wear a military uniform to his or her graduation ceremony. Specifically, the bill prohibits a district school board from barring a student from lawfully wearing to his or her graduation ceremony a uniform of any of the Armed Forces of the state or of the United States.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming law.

**II. Present Situation:**

**Supplemental Powers and Duties of District School Board**

Florida law grants supplemental powers to district school boards, including supplemental powers related to student assessment and affairs. A district school board may adopt policies and procedures governing:

- Attendance monitoring and checks;
- Truancy
- Graduation requirements and graduation exercises
- Fees, fines, and charges imposed on students;
- Evaluation of student records and transcripts;



- Transfer of student records;
- Grading and academic evaluation of students;
- Test and examinations;
- Guidance and counseling;
- Student participation in competitions;
- Student performances and exhibitions;
- Contests for students and social events.

Consequently, a school district may require a student to wear a cap and gown to his or her graduation ceremony. In 2018, Hillsborough County School District personnel required a graduating student to wear a cap and gown rather than allowing her to wear her military uniform to her graduation ceremony. The student had been enrolled in the Army Reserves since her junior year. The school did not prohibit the student from wearing her uniform under the cap and gown, but an Army regulation does prohibit wearing a combination of civilian and military clothing.<sup>1</sup>

Of the other branches of the military, only the Navy permits the wearing of a uniform with academic regalia at an academic ceremony.<sup>2</sup>

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

This bill protects the ability of a public school student to wear a military uniform to his or her graduation ceremony.

Specifically, the bill prohibits a district school board from barring a student from lawfully wearing to his or her graduation ceremony a uniform of any of the Armed Forces of the United States or of the state.

The bill takes effect upon becoming a law.

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<sup>1</sup> Army Uniform Regulation 670-1. (3-7.e.), provides: “Wearing a combination of civilian and military clothing is prohibited, unless prescribed in this regulation or directed by the Secretary of the Army.” Available at: <https://www.army.mil/e2/c/downloads/337951.pdf> (last visited Feb. 27, 2019).

<sup>2</sup> Navy Uniform Regulation Section 2. 7204, provides, in part: “Naval personnel may wear academic regalia with the naval uniform on occasions of academic ceremony.” Available at: <https://www.public.navy.mil/BUPERS-NPC/SUPPORT/UNIFORMS/UNIFORMREGULATIONS/Pages/default.aspx> (last visited Feb. 27, 2019). Marine Uniform Regulation 1020.34H, provides, “No part of a prescribed uniform, except those items not exclusively military in character, will be worn with civilian clothing.” Available at: <https://www.marines.mil/Portals/59/Publications/MCO%201020.34H%20v2.pdf?ver=2018-06-26-094038-137> (last visited Feb. 27, 2019). Air Force Uniform Regulation AFI 36-2903 (1.4), generally prohibits the combination of uniform and civilian attire except in very limited circumstances, such as when authorizing personnel to wear military tie tacks and lapel pins with business attire. Available at: [https://static.e-publishing.af.mil/production/1/af\\_a1/publication/afi36-2903/afi36-2903.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2903/afi36-2903.pdf) (last visited Feb. 27, 2019).

Available at: [https://static.e-publishing.af.mil/production/1/af\\_a1/publication/afi36-2903/afi36-2903.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2903/afi36-2903.pdf) (last visited Feb. 27, 2019).

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

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

**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 bill has no impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1001.43, 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 Military and Veterans Affairs and Space on March 6, 2019:**

The CS clarifies that the uniform that the student may lawfully wear to his or her graduation ceremony may be of any of the Armed Forces.

- B. **Amendments:**

None.

By the Committee on Military and Veterans Affairs and Space; and  
Senator Lee

583-02738-19

2019292c1

1 A bill to be entitled  
2 An act relating to education; amending s. 1001.43,  
3 F.S.; making a technical change; prohibiting a  
4 district school board from prohibiting a student from  
5 lawfully wearing the uniform of any of the Armed  
6 Forces of the United States or of the state at his or  
7 her graduation ceremony; providing an effective date.  
8  
9 Be It Enacted by the Legislature of the State of Florida:  
10  
11 Section 1. Subsection (8) of section 1001.43, Florida  
12 Statutes, is amended to read:  
13 1001.43 Supplemental powers and duties of district school  
14 board.—The district school board may exercise the following  
15 supplemental powers and duties as authorized by this code or  
16 State Board of Education rule.  
17 (8) STUDENT ASSESSMENT AND AFFAIRS.—The district school  
18 board may adopt policies and procedures governing attendance  
19 monitoring and checks; truancy; ~~graduation requirements and~~  
20 ~~graduation exercises~~; fees, fines, and charges imposed on  
21 students; evaluation of student records and transcripts;  
22 transfer of student records; grading and academic evaluation of  
23 students; tests and examinations, including early examinations;  
24 guidance and counseling; ~~and~~ student participation in  
25 competitions, student performances and exhibitions, contests for  
26 students, and social events; and graduation requirements and  
27 graduation exercises. A district school board may not prohibit a  
28 student from lawfully wearing the uniform of any of the Armed  
29 Forces of the United States or of the state at his or her

Page 1 of 2

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

583-02738-19

2019292c1

30 graduation ceremony.  
31 Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Lizbeth Benacquisto, Chair  
Committee on Rules

**Subject:** Committee Agenda Request

**Date:** March 20, 2019

---

I respectfully request that **Senate Bill #292**, relating to Education, be placed on the:

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

A handwritten signature in cursive script, appearing to read "Tom Lee".

---

Senator Tom Lee  
Florida Senate, District 20

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

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

4 / 3 / 2019

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 292  
*(if applicable)*

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH  
*Street*

Phone 727-897-9291

SAINT PETERSBURG      FLORIDA      33705  
*City*                                      *State*                                      *Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking:    ☐ For    ☐ Against    ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

**The Florida Senate**  
**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 Rules

---

BILL: CS/CS/CS/SB 318

INTRODUCER: Rules Committee; Education Committee; Children, Families, and Elder Affairs Committee; and Senator Montford

SUBJECT: Child Abuse, Abandonment, and Neglect

DATE: April 5, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	<b>Fav/CS</b>
2.	Bouck	Sikes	ED	<b>Fav/CS</b>
3.	Preston	Phelps	RC	<b>Fav/CS</b>

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

## **I. Summary:**

CS/CS/CS/SB 318 expands the public records exemption that protects the name of a reporter of child abuse, abandonment, or neglect to also include other identifying information. Such information would be confidential and exempt, and would only be released to specified persons, officials, and agencies specified in law.

The bill has no fiscal impact.

The bill takes effect July 1, 2019.

## **II. Present Situation:**

### **Public Records Law**

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

---

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

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

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.<sup>3</sup> The Public Records Act states that

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>4</sup>

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.<sup>5</sup> Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.

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

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

Only the Legislature may create an exemption to public records requirements.<sup>10</sup> An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>11</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>12</sup>

---

<sup>3</sup> Public records laws are found throughout the Florida Statutes.

<sup>4</sup> Section 119.01(1), F.S.

<sup>5</sup> *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

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

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

<sup>8</sup> Section 119.07(1)(a), F.S.

<sup>9</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

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

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

<sup>12</sup> The bill may, however, contain multiple exemptions that relate to one subject.



and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>13</sup>

When creating or expanding a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’<sup>14</sup> Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature or pursuant to a court order. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,<sup>16</sup> with specified exceptions.<sup>17</sup> The Act requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>18</sup> The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.<sup>19</sup>

### **Reporting of Child Abuse, Abandonment and Neglect**

Current law requires that any individual who knows, or who has reasonable cause to suspect, that a child is being abused, abandoned or neglected by a caregiver to report that knowledge to the Department of Children and Families’ (department’s) central abuse hotline.<sup>20</sup> Any known or suspected child abuse by a non-caregiver and sexual abuse of a child is also required to be reported. Reporters in a number of occupational categories are required to provide their names to the hotline, including a:

- Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
- Health or mental health professional other than one listed above;
- Practitioner who relies solely on spiritual means for healing;
- School teacher or other school official or personnel;
- Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;

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<sup>13</sup> FLA. CONST., art. I, s. 24(c)

<sup>14</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

<sup>15</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>16</sup> Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

<sup>17</sup> Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>18</sup> Section 119.15(3), F.S.

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

<sup>20</sup> In the past six months, the central abuse hotline has received a monthly average of 28,372 initial or follow-up calls. Of these reports, 20,414 (72 percent) were accepted for investigation. Department of Children and Families, *Child Intakes Received – Data Table*, available at <http://www.dcf.state.fl.us/programs/childwelfare/dashboard/intakes-received.shtml?Landing%20Page%20InvRec=2>.

- Law enforcement officer; or
- Judge.

### Confidentiality of Records

Section 39.202, F.S., currently provides that the names of reporters of known or suspected child abuse, abandonment or neglect to the central abuse hotline shall be entered into the record of the report, but shall be held confidential and exempt from disclosure, except as authorized in law. The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services, the central abuse hotline, law enforcement, the child protection team, or the appropriate state attorney, without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person who made the report is not disclosed.<sup>21</sup> There are currently no provisions for protecting the confidentiality of any information that might identify an individual.<sup>22</sup>

The central abuse hotline records the number from which a call or fax is placed or the Internet protocol (IP) address from which the report is received. This information is entered into the report of abuse, abandonment, or neglect and become a part of the record of the report, but is also confidential and exempt, subject to release specified in law.<sup>23</sup>

The department's operating procedures contain additional protections for ensuring confidentiality. In addition to redaction of the reporter's name from released records, any summary information released from the record shall be in narrative form and shall "not include the name or other identifying information with respect to any person identified in any investigation." To further prevent inadvertent disclosure of confidential information, the procedure also prohibits the department from attaching "any investigation record documents" to the narrative summary.<sup>24</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 39.202, F.S., to expand the public records exemption protecting the name of a reporter of child abuse, neglect and abandonment to also include other identifying information. Such information would be confidential and exempt, and would only be released to specified persons, officials, and agencies that are involved in the investigation as specified in law. This exemption from the public records law will expire on October 2, 2024, unless reenacted by the Legislature.

---

<sup>21</sup> Section 39.202(5), F.S.

<sup>22</sup> Department of Children and Families, *DCF 2019 Agency Analysis of SB 318* (Jan. 30, 2019).

<sup>23</sup> Section 39.201(2)(h), F.S.

<sup>24</sup> Department of Children and Families Operating Procedure, CFOP 15-12, *Procedures For Releasing Selected Information Pertaining To A Report Of Abuse, Neglect, Exploitation Or Abandonment Of A Child Or Adult* (Dec. 15, 2006), available at: <http://www.dcf.state.fl.us/admin/publications/cfops/CFOP%20015-xx%20Documentation%20Management/CFOP%2015-12,%20Procedures%20for%20Releasing%20Selected%20Information%20Pertaining%20to%20a%20Report%20of%20Abuse,%20Neglect,%20Exploitation%20or%20Abandonment%20of%20a%20Child%20or%20Adult.pdf> (last visited Feb. 13, 2019).

The bill also removes from the authorized access to confidential and exempt records the designee of a licensed residential group home.<sup>25</sup>

**Section 2** provides legislative intent that the exemption to the public records law is a public necessity. The bill explains that protecting only the name of a reporter of child abuse, abandonment, or neglect may allow the identity of the reporter to be discerned by some other identifying information, rendering the protection ineffective. The expanded exemption is necessary to ensure all instances of suspected child abuse, abandonment, or neglect are reported to the Department of Children and Families.

**Section 3** provides an effective date of July 1, 2019.

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

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

None.

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

###### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands the information exempted to other identifying information, rather than just the name of a reporter of child abuse, abandonment, or neglect. Thus, the bill requires a two-thirds vote to be enacted.

###### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

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

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect all information of a reporter of child abuse, abandonment, or neglect. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

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

None.

---

<sup>25</sup> Such residential group homes are described in s. 39.523, F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill amends section 39.202 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/CS/CS by Rules on April 3, 2019:**

The committee substitute:

- Adds the authorization for access to a confidential and exempt report by a designee of designee of a licensed child-caring agency as defined in s. 39.01.(41), F.S.

**CS/CS by Education on March 19, 2019:**

The committee substitute:

- Expands the public records exemption that currently protects the name of a reporter of child abuse, abandonment, and neglect to include other identifying information, and provides a public necessity statement.

- Removes the provisions including in the public records exemption specified school personnel who provide information as a part of a child abuse investigation.
- Removes the authorization for access to a confidential and exempt report by a designee of a licensed residential group home described in s. 39.523, F.S.

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

The committee substitute:

- Removes language that would define school personnel providing information to a child abuse investigation as a reporter.
- Removes language that would protect the identity of all reporters of child abuse.
- Exempts the identity of school personnel who provide information to a child abuse investigation from the public records law.
- Repeals the new exemption from the public records law on October 2, 2024 unless reenacted by the Legislature.
- Provides a statement of public necessity for the exemption.

**B. Amendments:**

None.



374254

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
	.	
	.	
	.	

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The Committee on Rules (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 140 - 141  
and insert:  
conducted, the designee of a licensed child-caring agency as  
defined in s. 39.01(41) ~~residential group home described in s.~~  
~~39.523,~~ an approved relative or nonrelative with

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

And the title is amended as follows:

Delete line 6



374254

12 and insert:  
13       circumstances; updating terminology; making conforming  
14       changes; providing a

By the Committees on Education; and Children, Families, and Elder Affairs; and Senator Montford

581-03239-19

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A bill to be entitled

An act relating to public records; amending s. 39.202, F.S.; prohibiting the release of any identifying information with respect to any person reporting child abuse, abandonment, or neglect, except under certain circumstances; making conforming changes; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsections (2) and (5) of section 39.202, Florida Statutes, are amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of, or other identifying information with respect to, the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, the Office of Early Learning, or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Early intervention and prevention services;
4. Healthy Start services;
5. Licensure or approval of adoptive homes, foster homes,

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

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child care facilities, facilities licensed under chapter 393, family day care homes, providers who receive school readiness funding under part VI of chapter 1002, or other homes used to provide for the care and welfare of children;

6. Employment screening for caregivers in residential group homes; or

7. Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.

(b) Criminal justice agencies of appropriate jurisdiction.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) The parent or legal custodian of any child who is alleged to have been abused, abandoned, or neglected, and the child, and their attorneys, including any attorney representing a child in civil or criminal proceedings. This access shall be made available no later than 60 days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(e) Any person alleged in the report as having caused the abuse, abandonment, or neglect of a child. This access shall be made available no later than 60 days after the department receives the initial report of abuse, abandonment, or neglect and, when the alleged perpetrator is not a parent, shall be

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



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limited to information involving the protective investigation only and shall not include any information relating to subsequent dependency proceedings. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(g) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(h) Any appropriate official of the department or the Agency for Persons with Disabilities who is responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult, when carrying out his or her official function;

2. Taking appropriate administrative action concerning an employee of the department or the agency who is alleged to have perpetrated child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult; or

3. Employing and continuing employment of personnel of the department or the agency.

(i) Any person authorized by the department who is engaged in the use of such records or information for bona fide

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research, statistical, or audit purposes. Such individual or entity shall enter into a privacy and security agreement with the department and shall comply with all laws and rules governing the use of such records and information for research and statistical purposes. Information identifying the subjects of such records or information shall be treated as confidential by the researcher and shall not be released in any form.

(j) The Division of Administrative Hearings for purposes of any administrative challenge.

(k) Any appropriate official of a Florida advocacy council investigating a report of known or suspected child abuse, abandonment, or neglect; the Auditor General or the Office of Program Policy Analysis and Government Accountability for the purpose of conducting audits or examinations pursuant to law; or the guardian ad litem for the child.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(m) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

(n) Employees or agents of the Department of Revenue responsible for child support enforcement activities.

(o) Any person in the event of the death of a child determined to be a result of abuse, abandonment, or neglect. Information identifying the person reporting abuse, abandonment, or neglect shall not be released. Any information otherwise made

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confidential or exempt by law shall not be released pursuant to this paragraph.

(p) An employee of the local school district who is designated as a liaison between the school district and the department pursuant to an interagency agreement required under s. 39.0016 and the principal of a public school, private school, or charter school where the child is a student. Information contained in the records which the liaison or the principal determines are necessary for a school employee to effectively provide a student with educational services may be released to that employee.

(q) An employee or agent of the Department of Education who is responsible for the investigation or prosecution of misconduct by a certified educator.

(r) Staff of a children's advocacy center that is established and operated under s. 39.3035.

(s) A physician licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a mental health professional licensed under chapter 491 engaged in the care or treatment of the child.

(t) Persons with whom the department is seeking to place the child or to whom placement has been granted, including foster parents for whom an approved home study has been conducted, ~~the designee of a licensed residential group home described in s. 39.523,~~ an approved relative or nonrelative with whom a child is placed pursuant to s. 39.402, preadoptive parents for whom a favorable preliminary adoptive home study has been conducted, adoptive parents, or an adoption entity acting on behalf of preadoptive or adoptive parents.

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(5) The department may not release the name of, or other identifying information with respect to, any person reporting child abuse, abandonment, or neglect ~~may not be released~~ to any person other than employees of the department responsible for child protective services, the central abuse hotline, law enforcement, the child protection team, or the appropriate state attorney, without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he or she makes the report, request that the department notify him or her that a child protective investigation occurred as a result of the report. Any person specifically listed in s. 39.201(1) who makes a report in his or her official capacity may also request a written summary of the outcome of the investigation. The department shall mail such a notice to the reporter within 10 days after completing the child protective investigation.

Section 2. The Legislature finds that it is a public necessity to strengthen reporter-status protection by making all reporter identifying information exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The current statutory scheme only protects the name of the reporter who calls into the abuse hotline. By protecting only the name of the reporter of child abuse, abandonment, or neglect, the identity of the individual may be discerned by other identifying information, thus rendering the

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175 protection ineffective. Providing robust protections to  
176 reporters of child abuse, abandonment, or neglect improves the  
177 mandatory reporting scheme by ensuring that all instances of  
178 suspected child abuse, abandonment, or neglect are reported to  
179 the Department of Children and Families. Therefore, it is  
180 necessary that individuals who are considered reporters under  
181 the current statutory scheme have their identifying information  
182 protected.

183       Section 3. This act shall take effect July 1, 2019.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Environment and Natural Resources, *Chair*  
Education, *Vice Chair*  
Agriculture  
Appropriations  
Appropriations Subcommittee on Education  
Rules

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

### SENATOR BILL MONTFORD

*Minority Leader Pro Tempore*  
3rd District

March 26, 2019

Senator Lizbeth Benacquisto, Chair  
Senate Rules Committee  
400 Senate Office Building  
Tallahassee, Florida 32399-1100

Dear Chair,

I respectfully request that the following bills be placed on the next Rules Committee Agenda.

SB 318 – A bill relating to Public Records/Child Abuse, Abandonment, or Neglect.

Your consideration is greatly appreciated.

Sincerely,

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

William J. Montford III

WJM:lc

### REPLY TO:

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

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

**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)

4/3/19

Meeting Date

318

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Greg Proulx

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Largo

FL

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB 450

INTRODUCER: Governmental Oversight and Accountability Committee; Innovation, Industry, and Technology Committee and Senator Gibson and others

SUBJECT: Public Records and Public Meetings/Local Government Utility

DATE: April 2, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Imhof	IT	<b>Fav/CS</b>
2.	Ponder	McVaney	GO	<b>Fav/CS</b>
3.	Wiehle	Phelps	RC	<b>Favorable</b>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 450 amends s. 286.0113, F.S., to create a new public meetings exemption. Current law exempts information held by a utility owned or operated by a unit of local government that relates to:

- The security of the technology, processes, or practices of the utility and that are designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access, and which, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources; and
- The security of existing or proposed information technology systems or industrial control technology systems of the utility, which, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, such systems in a manner that would adversely impact the safe and reliable operation of the systems and the utility.<sup>1</sup>

The bill exempts from public meetings law that portion of a meeting held by the utility at which this information under s. 119.0713(5), F.S., is discussed or may otherwise be revealed. The exempt portions of the meeting must be recorded and transcribed, and the recording and transcript of the meeting are exempt from disclosure unless a court of competent jurisdiction, following an in-camera review, determines that the meeting was not restricted to the discussion of data and information made exempt by this section. In the event of such a judicial

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<sup>1</sup> Section 119.0713(5), F.S.

determination, only the portion of the recording or transcript which reveals nonexempt data and information may be disclosed to a third party.

The bill provides a statement of public necessity as required by the State Constitution.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded exemption for public records and public meetings. The bill creates a public meeting exemption, therefore it requires a two-thirds vote for final passage.

The bill takes effect July 1, 2019.

## **II. Present Situation:**

### **Public Records Law**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>2</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>3</sup>

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

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>6</sup>

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>7</sup> The Florida Supreme Court has interpreted public records as being

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

<sup>3</sup> *Id.*

<sup>4</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>5</sup> Public records laws are found throughout the Florida Statutes.

<sup>6</sup> Section 119.01(1), F.S.

<sup>7</sup> Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of

“any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

Only the Legislature may create an exemption to public records requirements.<sup>10</sup> An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>11</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law.<sup>12</sup> A bill enacting an exemption may not contain other substantive provisions<sup>13</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”<sup>14</sup> Records designated “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

### Open Meetings Laws

The Florida Constitution also provides that the public has a right to access governmental meetings.<sup>16</sup> Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.<sup>17</sup> This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.<sup>18</sup>

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law,”<sup>19</sup> or the

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Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>8</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>9</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

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

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

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

<sup>13</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>14</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>15</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>16</sup> FLA. CONST. art. I, s. 24(b).

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

<sup>18</sup> FLA. CONST. art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

<sup>19</sup> *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).



“Sunshine Law,”<sup>20</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken, to be open to the public.<sup>21</sup> The board or commission must provide the public reasonable notice of such meetings.<sup>22</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status, or which operates in a manner that unreasonably restricts the public’s access to the facility.<sup>23</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>24</sup>

Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.<sup>25</sup> A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.<sup>26</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of both the Senate and the House of Representatives.<sup>27</sup> The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>28</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>29</sup>

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

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,<sup>30</sup> with specified exceptions.<sup>31</sup> The Act provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.<sup>32</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

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<sup>20</sup> *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

<sup>21</sup> Section 286.011(1)-(2), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Section 286.011(6), F.S.

<sup>24</sup> Section 286.011(2), F.S.

<sup>25</sup> Section 286.011(1), F.S.

<sup>26</sup> Section 286.011(3), F.S.

<sup>27</sup> FLA. CONST. art. I, s. 24(c).

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

<sup>29</sup> *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

<sup>30</sup> Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

<sup>31</sup> Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>32</sup> Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>33</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>34</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>35</sup> or
- It protects trade or business secrets.<sup>36</sup>

The Act also requires specified questions to be considered during the review process.<sup>37</sup> In examining an exemption, the Act asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>38</sup> If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>39</sup>

### **Current Public Records Exemption for Specified Types of Information Held by a Utility Owned or Operated by a Unit of Local Government**

Section 119.011, F.S., defines the term “utility” to mean a person or entity that provides electricity, natural gas, telecommunications, water, chilled water, reuse water, or wastewater.

Subsection 119.0713(5), F.S., exempts the following information held by a utility owned or operated by a unit of local government:

- Information related to the security of the technology, processes, or practices of a utility owned or operated by a unit of local government that are designed to protect the utility's

<sup>33</sup> Section 119.15(6)(b), F.S.

<sup>34</sup> Section 119.15(6)(b)1., F.S.

<sup>35</sup> Section 119.15(6)(b)2., F.S.

<sup>36</sup> Section 119.15(6)(b)3., F.S.

<sup>37</sup> Section 119.15(6)(a), F.S. The specified questions are:

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

<sup>38</sup> FLA. CONST. art. I, s. 24(c).

<sup>39</sup> Section 119.15(7), F.S.

networks, computers, programs, and data from attack, damage, or unauthorized access, which information, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources.

- Information related to the security of existing or proposed information technology systems or industrial control technology systems of a utility owned or operated by a unit of local government, which, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, such systems in a manner that would adversely impact the safe and reliable operation of the systems and the utility.

The exemption applies to such information before, on, or after the effective date of this exemption, March 24, 2016. The exemption is subject to the Act and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

### **Current Exemption for Records of a Public Utility and Protection during Public Meetings**

Section 366.093, F.S., provides for an exemption from public record disclosure requirements for certain types of information in public utility records, including the protection of the information when the records are used in a meeting or hearing. The Florida Public Service Commission (commission) has reasonable access to all public utility records and records of the utility's affiliated companies, including its parent company, regarding transactions or cost allocations among the utility and such affiliated companies, and such records necessary to ensure that a utility's ratepayers do not subsidize nonutility activities. However, upon request of the public utility or other person, any records received by the commission which are shown and found by the commission to be proprietary confidential business information must be kept confidential and are exempt from public records law.

During any proceeding before the commission, upon a showing by a utility or other person and a finding by the commission that discovery will require the disclosure of proprietary confidential business information, the commission must issue appropriate protective orders designating the manner for handling such information during the course of the proceeding and for protecting such information from disclosure outside the proceeding. The proprietary confidential business information is exempt from public records law and any records provided pursuant to a discovery request for which proprietary confidential business information status is requested must be treated by the commission, the office of the Public Counsel, and any other party subject to the public records law as confidential and are exempt from public records law pending a formal ruling on such request by the commission or the return of the records to the person providing the records.

Any record which has been determined to be proprietary confidential business information and is not entered into the official record of the proceeding must be returned to the person providing the record within 60 days after the final order, unless the final order is appealed. If the final order is appealed, any such record must be returned within 30 days after the decision on appeal. The commission shall adopt the necessary rules to implement this provision.

For these purposes, proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information

would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

- Trade secrets;
- Internal auditing controls and reports of internal auditors;
- Security measures, systems, or procedures;
- Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;
- Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information; and
- Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Any finding by the commission that records contain proprietary confidential business information is effective for a period set by the commission not to exceed 18 months, unless the commission finds, for good cause, that the protection from disclosure must be for a specified longer period. The commission must order the return of records containing proprietary confidential business information when such records are no longer necessary for the commission to conduct its business. At that time, the commission must order any other person holding such records to return them to the person providing the records. Records containing proprietary confidential business information which have not been returned at the conclusion of the period set pursuant to this subsection are no longer be exempt from public records law unless the public utility or affected person shows, and the commission finds, that the records continue to contain proprietary confidential business information. Upon such finding, the commission may extend the period for confidential treatment for a period not to exceed 18 months unless the commission finds, for good cause, that the protection from disclosure must be for a specified longer period. During commission consideration of an extension, the records in question will remain exempt from public records law. The commission must adopt rules to implement this provision, which must include notice to the public utility or affected person regarding the expiration of confidential treatment.

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

**Section 1** amends s. 286.0113, F.S., to create a new public meetings exemption to make exempt that portion of a local government utility meeting at which information currently exempt from disclosure under s. 119.0713(5), F.S., relating to the security of the utility's data and information technology and industrial control technology systems is to be discussed or may otherwise be revealed. The exempt portions of the meeting must be recorded and transcribed. The recording and transcript of the meeting are exempt from disclosure unless a court of competent jurisdiction, following an in-camera review, determines that the meeting was not restricted to the discussion of data and information made exempt by this section. In the event of such a judicial determination, only the portion of the recording or transcript which reveals nonexempt data and information may be disclosed to a third party.

The exemption is subject to the Act and stands repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

**Section 2** sets forth the required public necessity statement. The Legislature finds that it is a public necessity that the portion of a meeting relating directly to or that would reveal specified information which is exempt under s. 119.0113(5), F.S., be made exempt from public meetings law, and that the recording and transcript of such a meeting be made exempt public records law.

The public necessity statement explains that, as utility system infrastructure becomes more connected and integrated through information and communications technology, the exposure to damage from attacks through such technology grows. These attacks may result in the disruption of utility services and damage to utility systems. Maintaining safe and reliable utility systems is vital to protecting the public health and safety and to ensuring the economic well-being of this state. The statement further provides that the protection of information and communications made exempt by this act will ensure that utilities have greater safeguards to protect against security threats and will bolster efforts to develop more resilient information technology systems and industrial control technology systems.

**Section 3** provides that the bill takes effect July 1, 2019.

Because the bill creates a new public meetings exemption, it requires two-thirds vote of the members present and voting in each house of the Legislature for final passage.

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

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

The bill requires utilities owned or operated by a unit of local government to incur costs associated with recording and transcribing a portion of a meeting held by the utility that would reveal information that is exempt under s. 119.0713(5), F.S. To the extent a utility owned or operated by a unit of local government is deemed to be part of a municipality, the mandate provision may apply. However, the costs incurred by utilities owned or operated by a unit of local government are anticipated to be insignificant, thus exempting the bill from the mandates requirements.

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

###### ***Vote Requirement***

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding exemptions to the public records and public meetings requirements. This bill creates a new public meeting exemption, therefore it requires a two-thirds vote for final passage.

###### ***Public Necessity Statement***

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding exemptions to the public records and public meetings requirements to state with

specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemptions.

***Breadth of Exemption***

Article I, s. 24 (c) of the State Constitution requires exemptions to the public records and public meetings requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect from disclosure (i) that portion of a meeting by a utility owned or operated by a unit of local government which would reveal information that is currently exempt under s. 119.0713(5), F.S.; and (ii) the recording and transcript of the meeting, unless a court of competent jurisdiction, following an in-cameral review, determines the meeting was not restricted to the discussion of data and information made exempt by this section.

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:

Utilities owned or operated by a unit of local government are expected to incur some costs recording and transcribing the portion of the board meeting exempt from the public meetings requirements. However, the costs are anticipated to be insignificant.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 286.0113 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/CS by Governmental Oversight and Accountability on March 26, 2019:**

The committee substitute changes all mentions of “confidential and exempt” to “exempt” as the data and information covered under s. 119.0713(5), F.S. is made exempt and not confidential and exempt.

**CS by Innovation, Industry, and Technology on March 6, 2019:**

The committee substitute:

- Requires that the portion of meetings being made exempt from public meetings law be recorded and transcribed so the information is preserved;
- Provides that the recording and transcription are exempt from public records requirements unless there is a judicial determination that the meeting was not restricted due to discussion of the information sought to be protected; and
- Revises the legislative findings and public necessity statements to conform to these changes and to provide more detail.

**B. Amendments:**

None.

By the Committees on Governmental Oversight and Accountability;  
and Innovation, Industry, and Technology; and Senators Gibson  
and Bean

585-03509-19

2019450c2

A bill to be entitled

An act relating to public records and public meetings;  
amending s. 286.0113, F.S.; exempting from public  
meetings requirements certain exempt information  
concerning information technology systems held by  
specified utilities; requiring the exempt portions of  
such meetings to be recorded and transcribed;  
authorizing the release of portions of such meetings  
under specified circumstances; providing for future  
legislative review and repeal of the exemptions;  
providing a statement of public necessity; providing  
an effective date.

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

Section 1. Subsection (3) is added to section 286.0113,  
Florida Statutes, to read:

286.0113 General exemptions from public meetings.—

(3) (a) That portion of a meeting held by a utility owned or  
operated by a unit of local government which would reveal  
information that is exempt under s. 119.0713(5) is exempt from  
s. 286.011 and s. 24(b), Art. I of the State Constitution. All  
exempt portions of such a meeting must be recorded and  
transcribed. The recording and transcript of the meeting are  
exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I  
of the State Constitution unless a court of competent  
jurisdiction, following an in-camera review, determines that the  
meeting was not restricted to the discussion of data and  
information made exempt by this section. In the event of such a

Page 1 of 3

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

585-03509-19

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judicial determination, only the portion of the recording or  
transcript which reveals nonexempt data and information may be  
disclosed to a third party.

(b) This subsection is subject to the Open Government  
Sunset Review Act in accordance with s. 119.15 and shall stand  
repealed on October 2, 2024, unless reviewed and saved from  
repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public  
necessity that the portion of a meeting relating directly to or  
that would reveal the following information, which is exempt  
under s. 119.0713(5), Florida Statutes, be made exempt from s.  
286.011, Florida Statutes, and s. 24(b), Article I of the State  
Constitution and that the recording and transcript of such a  
meeting be made exempt from disclosure under s. 119.07(1) and s.  
24(a), Art. I of the State Constitution:

(a) Information related to the security of the technology,  
processes, or practices of the utility which are designed to  
protect the utility's networks, computers, programs, and data  
from attack, damage, or unauthorized access, and which  
information, if disclosed, would facilitate the alteration,  
disclosure, or destruction of such data or information  
technology resources.

(b) Information related to the security of existing or  
proposed information technology systems or industrial control  
technology systems of the utility, and which information, if  
disclosed, would facilitate unauthorized access to and  
alteration or destruction of such systems in a manner that would  
adversely impact the safe and reliable operation of the systems  
and utility.

Page 2 of 3

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



585-03509-19

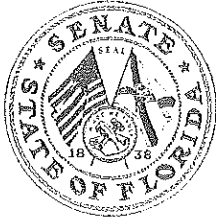
2019450c2

59       (2) The Legislature finds that, as utility system  
60       infrastructure becomes more connected and integrated through  
61       information and communications technology, the exposure to  
62       damage from attacks through such technology grows. These attacks  
63       may result in the disruption of utility services and damage to  
64       utility systems. Maintaining safe and reliable utility systems  
65       is vital to protecting the public health and safety and to  
66       ensuring the economic well-being of this state.

67       (3) The Legislature finds that the public and private harm  
68       in disclosing the information made exempt by this act outweighs  
69       any public benefit derived from the disclosure of such  
70       information. The protection of information and communications  
71       made exempt by this act will ensure that utilities have greater  
72       safeguards to protect against security threats and will bolster  
73       efforts to develop more resilient information technology systems  
74       and industrial control technology systems.

75       (4) Therefore, the Legislature finds that it is a public  
76       necessity to make such information exempt from public meetings  
77       requirements and to make the recording and transcript thereof  
78       exempt from public records requirements.

79       Section 3. 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

March 26, 2019

Senator Lizabeth Benacquisto, Chair  
Committee on Rules  
402 Senate Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Chair Benacquisto:

I respectfully request that SB 450, relating to cyber security systems of municipal utilities be placed on the next committee agenda.

SB 450, exempts meetings, or portions of a meeting and record, where a local government utility discusses cyber security or topics related thereto, to further protect municipal utilities and the public from the very real threat of cyber terrorism. It also requires an exempt portion of the meeting would be recorded and transcribed. The bill passed unanimously in the first and second committees.

Thank you for your kind consideration.

Sincerely,

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

4/3/19  
Meeting Date

450  
Bill Number (if applicable)

Topic Public Meetings Local Govt Utility

Amendment Barcode (if applicable)

Name Amy Zubaly

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

Address PO Box 10114  
Street  
Tallahassee FL 32302  
City State Zip

Phone 850 251 6200

Email azubaly@publicpower.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Municipal Electric 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)

4-3-19

Meeting Date

450

Bill Number (if applicable)

Topic Public Records and Meetings/Local Government Utility Amendment Barcode (if applicable)

Name Suzanne Goss

Job Title Government Relations Specialist

Address 21 W. Church St.  
Street

Phone 904 665 8331

Jacksonville FL 32202  
City State Zip

Email gossSE@jea.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing JEA

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)

4/3/2019

Meeting Date

450

Bill Number (if applicable)

Topic PUBLIC RECORDS & PUBLIC MEETINGS / LOCAL GOV. UTILITY

Amendment Barcode (if applicable)

Name KEVIN NOONAN

Job Title DIRECTOR, LEGISLATIVE AFFAIRS

Address 100 W. ANDERSON ST.

Street

Phone 407.466.1287

ORLANDO

City

FL

State

32801

Zip

Email KNOONAN@FLDOJ.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ORLANDO UTILITIES COMMISSION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

# CourtSmart Tag Report

**Room:** EL 110  
**Caption:** Senate Rules Committee

**Case No.:**  
**Judge:**

**Type:**

**Started:** 4/3/2019 4:02:15 PM  
**Ends:** 4/3/2019 5:21:30 PM **Length:** 01:19:16

4:02:13 PM Meeting called to order by Chair Benacquisto  
4:02:16 PM Roll call  
4:02:26 PM Quorum present  
4:02:50 PM Senator Mayfield recognized to introduce SB 648  
4:03:36 PM Questions?  
4:03:58 PM Public testimony  
4:04:24 PM Todd Steibly of Florida Society of Oral & Maxillofacial Surgeons waives in support  
4:04:33 PM Joe Anne Hart of the Florida Dental Association waives in support  
4:04:50 PM Debate?  
4:04:53 PM Senator Mayfield waives her close  
4:04:54 PM Roll call  
4:05:28 PM SB 648 reported favorably  
4:05:51 PM Senator Stewart recognized to introduce SB 94  
4:06:45 PM Questions?  
4:07:45 PM Senator Stargel asks a question  
4:07:51 PM Senator Stewart in response  
4:08:34 PM Senator Brandes asks a question  
4:08:44 PM Senator Stewart in response  
4:08:58 PM Senator Brandes asks a question  
4:09:16 PM Senator Stewart in response  
4:09:25 PM Senator Brandes asks a question  
4:09:50 PM Senator Stewart in response  
4:10:05 PM Vice Chair Gibson asks a question  
4:10:41 PM Senator Stewart in response  
4:10:51 PM Vice Chair Gibson asks a question  
4:11:45 PM Senator Stewart in response  
4:12:30 PM Vice Chair Gibson asks a question  
4:12:37 PM Senator Stewart in response  
4:13:14 PM Questions?  
4:13:17 PM Public testimony  
4:13:25 PM Karen Mazzola of the Florida PTA waives in support  
4:13:42 PM Greg Pound speaks on SB 94  
4:14:05 PM Brian Pitts Justice-2-Jesus speaks on SB 94  
4:15:34 PM Debate?  
4:16:34 PM Senator Brandes in debate  
4:17:25 PM Senator Stargel in debate  
4:18:02 PM Vice Chair Gibson in debate  
4:20:25 PM Senator Simmons in debate  
4:21:57 PM Chair Benacquisto in debate  
4:23:09 PM Senator Stewart to close on SB 94  
4:23:35 PM Senator Stewart asks to TP SB 94  
4:23:50 PM Vice Chair Gibson motions to TP SB 94  
4:24:34 PM Senator Berman recognized to introduce SB 198  
4:25:32 PM Questions?  
4:25:36 PM Public testimony  
4:25:46 PM Aimee Diaz Lyon of the Business Law Section of the Florida Bar waives in support  
4:25:49 PM Brian Pitts Justice-2-Jesus waives in support  
4:25:50 PM Debate?  
4:25:53 PM Senator Berman waives her close  
4:26:03 PM Roll call  
4:26:06 PM SB 198 reported favorably  
4:26:27 PM Senator Hooper recognized to introduce SB 436

4:27:04 PM Questions?  
4:27:44 PM Public testimony  
4:27:51 PM Brian Pitts Justice-2-Jesus waives in support  
4:27:52 PM Debate?  
4:27:55 PM Roll call  
4:27:58 PM SB 436 reported favorably  
4:28:10 PM Senator Harrell recognized to introduce SB 374  
4:28:50 PM Senator Harrell withdraws delete all amendment 162792  
4:29:53 PM Questions?  
4:29:56 PM Public testimony  
4:30:01 PM Karen Mazzola of the Florida PTA waives in support  
4:30:13 PM Joe Anne Hart of the Florida Dental Association waives in support  
4:30:34 PM Edward Briggs of United Way Suncoast waives in support  
4:30:40 PM Brian Pitts Justice-2-Jesus speaks on SB 374  
4:31:23 PM Greg Pound speaks on SB 374  
4:32:09 PM Debate?  
4:33:04 PM Vice Chair Gibson in debate  
4:33:35 PM Senator Brandes in debate  
4:34:12 PM Vice Chair Gibson in debate  
4:35:03 PM Senator Montford in debate  
4:35:26 PM Senator Harrell recognized to close on SB 374  
4:36:43 PM Roll call  
4:37:00 PM SB 374 reported favorably  
4:37:29 PM Senator Diaz recognized to introduce SB 7020  
4:37:52 PM Questions?  
4:38:04 PM Public testimony  
4:38:08 PM Brian Pitts Justice-2-Jesus waives in opposition  
4:38:14 PM Debate?  
4:38:17 PM Senator Diaz waives his close  
4:38:24 PM Roll call  
4:38:27 PM SB 7020 reported favorably  
4:38:58 PM Senator Diaz recognized to introduce SB 7076  
4:39:26 PM Questions?  
4:39:30 PM Public testimony  
4:40:05 PM Kathy Mears of Florida State University waives in support  
4:40:08 PM Danni Vogt of RenameBKRobertsHallNow.org waives in support  
4:40:20 PM Bianca Boez speaks on SB 7076  
4:40:27 PM Thomas J. Kelly speaks on SB 7076  
4:44:58 PM Chad Sinckler speaks on SB 7076  
4:45:01 PM Debate?  
4:46:11 PM Senator Lee in debate  
4:47:43 PM Senator Thurston in debate  
4:49:16 PM Senator Diaz recognized to close on SB 7076  
4:49:50 PM Roll call  
4:49:53 PM SB 7076 reported favorably  
4:50:28 PM Senator Rouson recognized to introduce SB 7050  
4:51:22 PM Questions?  
4:51:26 PM Public testimony  
4:51:32 PM Brian Pitts Justice-2-Jesus speaks on SB 7050  
4:52:26 PM Debate?  
4:52:33 PM Senator Rouson waives his close  
4:52:40 PM Roll call  
4:52:43 PM SB 7050 reported favorably  
4:53:16 PM Senator Rouson recognized to introduce SB 7056  
4:54:13 PM Questions?  
4:54:17 PM Public testimony  
4:54:20 PM Brian Pitts Justice-2-Jesus speaks on SB 7056  
4:55:14 PM Debate?  
4:56:13 PM Senator Rouson waives his close  
4:56:21 PM Roll call  
4:56:22 PM SB 7056 reported favorably  
4:56:54 PM Senator Simmons recognized to introduce CS/SB 24

4:58:27 PM Questions?  
 4:58:30 PM Debate?  
 4:58:33 PM Senator Simmons waives his close  
 4:58:41 PM Roll call  
 4:58:46 PM CS/SB 24 reported favorably  
 4:59:08 PM Senator Hutson recognized to introduce SB 114  
 4:59:28 PM Senator Hutson explains delete all amendment 724760  
 5:00:16 PM Questions on delete all?  
 5:00:38 PM Public testimony  
 5:00:47 PM Shawn Frost of the Florida Coalition of School Board Members waives in support  
 5:01:05 PM Amendment 724760 adopted  
 5:01:07 PM Debate?  
 5:01:09 PM Back on the bill as amended  
 5:01:12 PM Public testimony  
 5:01:19 PM Karen Mazzola of the Florida PTA waives in support  
 5:01:28 PM Anthony DiMarco of the Florida Bankers Association waives in support  
 5:01:32 PM Amanda Bowen of Manufacturers Association of Florida waives in support  
 5:01:43 PM Candice Ericks of J.M Family Enterprises waives in support  
 5:01:48 PM Brewster Bevis of Associated Industries of Florida waives in support  
 5:01:53 PM Jennifer Martin of the Florida Credit Union Association waives in support  
 5:01:58 PM Shawn Frost of the Florida Coalition of School Board Members waives in support  
 5:02:03 PM Mark Anderson of the FCEE speaks on CS/SB 114  
 5:02:26 PM Edward Briggs of the United Way Suncoast waives in support  
 5:02:33 PM Matthew Choy of the Florida Chamber of Commerce waives in support  
 5:02:38 PM Brian Pitts Justice-2-Jesus speaks on CS/SB 114  
 5:04:03 PM Meredith Brock Stanfield of the Department of Financial Services speaks on CS/SB 114  
 5:04:39 PM Doug Bell of the Business Law Section of the Florida Bar waives in support  
 5:04:48 PM Erin Choy of Junior Leagues of Florida waives in support  
 5:04:59 PM Kurt Wenner of the Florida TaxWatch waives in support  
 5:05:08 PM Debate?  
 5:05:09 PM Senator Montford in debate  
 5:06:04 PM Senator Hutson recognized to close on CS/SB 114  
 5:06:21 PM Roll call  
 5:06:33 PM CS/SB 114 reported favorably  
 5:07:12 PM Chair is passed over to Vice Chair Gibson  
 5:07:19 PM Senator Lee recognized to introduce CS/SB 292  
 5:09:08 PM Questions?  
 5:09:19 PM Public testimony  
 5:09:25 PM Brian Pitts Justice-2-Jesus speaks on CS/SB 292  
 5:10:44 PM Debate?  
 5:11:37 PM Senator Lee recognized to close on CS/SB 292  
 5:12:35 PM Roll call  
 5:12:39 PM CS/SB 292 reported favorably  
 5:13:16 PM Senator Montford recognized to introduce CS/CS/SB 318  
 5:14:22 PM Senator Montford recognized to explain amendment 374254  
 5:14:44 PM Questions?  
 5:14:51 PM Debate?  
 5:14:54 PM Amendment 374254 adopted  
 5:15:13 PM Back on the bill as amended  
 5:15:25 PM Questions?  
 5:15:32 PM Public testimony  
 5:15:36 PM Greg Pound speaks on CS/CS/CS/SB 318  
 5:17:10 PM Debate?  
 5:17:13 PM Senator Montford waives his close  
 5:17:23 PM Roll call  
 5:17:32 PM CS/CS/CS/SB 318 reported favorably  
 5:18:02 PM Chair is turned back to Chair Benacquisto  
 5:18:14 PM Senator Gibson recognized to introduce CS/CS/SB 450  
 5:18:36 PM Questions?  
 5:19:17 PM Public testimony  
 5:19:23 PM Amy Zubaly of the Florida Municipal Electric Association waives in support  
 5:19:27 PM Suzanne Goss of JEA waives in support



**5:19:28 PM** Kevin Noonan of the Orlando Utilities Commission waives in support  
**5:19:33 PM** Debate?  
**5:19:35 PM** Roll call  
**5:19:42 PM** CS/CS/SB 450 reported favorably  
**5:19:45 PM** Any motions to vote after?  
**5:20:05 PM** Senator Book motions affirmative vote after on SB 7056 and CS/SB 24  
**5:20:33 PM** Senator Flores motions affirmative vote after on SB 646 and SB 7076  
**5:20:41 PM** Senator Farmer motions affirmative vote after on SB 648  
**5:21:07 PM** Chair turned to Vice Chair Gibson  
**5:21:10 PM** Chair Benacquisto motions affirmative vote after on CS/SB 292  
**5:21:17 PM** No objections on these motions, meeting adjourned