

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES
Senator Gardiner, Chair
Senator Smith, Vice Chair

MEETING DATE: Wednesday, November 2, 2011
TIME: 11:00 a.m.—1:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Gardiner, Chair; Senator Smith, Vice Chair; Senators Altman, Benacquisto, Bogdanoff, Braynon, Diaz de la Portilla, Evers, Fasano, Flores, Joyner, Lynn, Margolis, Negron, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 194 Wise (Identical H 127)	Assault or Battery on a Utility Worker; Defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker; conforming provisions to changes made by the act; reenacting and amending provisions relating to the offense severity ranking chart of the Criminal Punishment Code, to conform, etc. CU 11/02/2011 Favorable CJ BC	Favorable Yeas 9 Nays 2
2	SB 238 Evers (Identical H 4013)	Florida Renewable Fuel Standard Act; Repealing the Florida Renewable Fuel Standard Act, to remove the requirement that all gasoline offered for sale in this state include a percentage of ethanol, subject to specified exemptions, waivers, suspensions, extensions, enforcement, and reporting; conforming a cross-reference, etc. CU 11/02/2011 Favorable CM	Favorable Yeas 10 Nays 1
3	Consideration of proposed committee bill:		
4	SPB 7012	OGSR/Sunshine State One-Call of Florida, Inc.; Amending provisions relating to an exemption from public records requirements for proprietary confidential business information held by Sunshine State One-Call of Florida, Inc.; saving the exemption from repeal under the Open Government Sunset Review Act; deleting the scheduled repeal of the exemption, etc.	Submitted as Committee Bill

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Communications, Energy, and Public Utilities Committee

BILL: SB 194

INTRODUCER: Senator Wise

SUBJECT: Assault or Battery on a Utility Worker

DATE: November 2, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Carter	CU	Favorable
2.			CJ	
3.			BC	
4.				
5.				
6.				

I. Summary:

Currently, s. 784.07, F.S., provides for the reclassification of the misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against law enforcement officers, firefighters, and other specified persons engaged in the lawful performance of their duties. The effect of this reclassification is that the maximum penalty increases. The bill adds utility workers, a term defined in the bill, to the list of specified persons. Therefore, the felony or misdemeanor degree of certain assault and battery offenses would be reclassified if committed against a utility worker engaged in the lawful performance of his or her duties in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties.

The bill takes effect July 1, 2012.

This bill substantially amends section 784.07 of the Florida Statutes.

II. Present Situation:

Section 784.07, F.S., enhances the penalties for assault or battery on the following types of employees or persons:

- A law enforcement officer;
- A firefighter;
- An emergency medical care provider;
- A traffic accident investigation officer;
- A nonsworn law enforcement agency employee who is certified as an agency inspector;

- A blood alcohol analyst or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI;
- A law enforcement explorer;
- A traffic infraction enforcement officer;
- A parking enforcement specialist;
- A public transit employee or agent;
- A person licensed as a security officer and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer; and
- A security officer employed by the board of trustees of a community college.

Section 784.07, F.S., applies whenever any person is charged with knowingly committing an assault or battery upon one of these persons while that person is engaged in the lawful performance of his or her duties. The reclassification of degree of the offense depends on the assault or battery offense charged:

- In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree;
- In the case of battery, from a misdemeanor of the first degree to a felony of the third degree;
- In the case of aggravated assault, from a felony of the third degree to a felony of the second degree; and
- In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

Reclassifying an offense has the effect of increasing the maximum sentence that can be imposed for an offense. The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony. The maximum sentence for a second degree misdemeanor is 60 days in a county jail; for a first degree misdemeanor, it is 1 year in a county jail; for a third degree felony, it is 5-years state imprisonment; for a second degree felony, it is 15-years state imprisonment; and for a first degree felony, it is generally 30-years state imprisonment.¹ Fines may also be imposed, and these fines escalate based on the degree of the offense.² The offense severity ranking level of applicable reclassified felony offenses is as follows: reclassified battery: Level 4; reclassified aggravated assault: Level 6; and reclassified aggravated battery: Level 7.³

Additionally, s. 784.07, F.S., provides that, when a person is found guilty under the statute, adjudication of guilt or imposition of sentence cannot be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release,

¹ s. 775.082, F.S.

² s. 775.083, F.S.

³ s. 921.0022(3)(d), (f), and (g), F.S. Sentence points accrue based upon the ranking of a non-capital felony offense with higher-level offenses accruing more sentence points than lower-ranking offenses. These points along with points accrued for additional and prior offenses and other factors are entered into a statutorily-derived mathematical calculation to determine the lowest permissible sentence.

other than pardon or executive clemency, or conditional medical release prior to serving the minimum sentence.

III. Effect of Proposed Changes:

Section 1 amends s. 784.07, F.S. Currently, this section provides for the reclassification of the misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against law enforcement officers, firefighters, and other specified persons engaged in the lawful performance of their duties. The effect of this reclassification is that the maximum penalty increases.

The bill amends this section to add utility workers to the list of specified persons. Therefore, the felony or misdemeanor degree of certain assault and battery offenses would be reclassified if committed against a utility worker engaged in the lawful performance of his or her duties in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties.

The reclassification occurs as follows:

- In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree;
- In the case of battery, from a misdemeanor of the first degree to a felony of the third degree;
- In the case of aggravated assault, from a felony of the third degree to a felony of the second degree; and
- In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

The bill defines the term “utility worker” to mean “any person employed by an entity that owns, operates, leases, or controls any plant, property, or facility for the generation, transmission, manufacture, production, supply, distribution, sale, storage, conveyance, delivery, or furnishing to or for the public of electricity, natural or manufactured gas, water, steam, sewage, or telephone service, including two or more utilities rendering joint service.”

Sections 2-5 amend ss. 901.15, 943.051, 985.11, and 985.644, F.S., to make conforming changes makes conforming changes, primarily to change the term “officers” to “persons.”

Section 6 amends s. 921.0022, F.S., the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments to s. 784.07, F.S.

Section 7 provides that the bill takes effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an insignificant prison bed impact (low volume).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/2/11
Meeting Date

Topic Assault or Battery on Utility Worker

Bill Number SB 194
(if applicable)

Name Suzanne Goss

Amendment Barcode _____
(if applicable)

Job Title Government Relations Specialist

Address 21 W. Church St.
Street

Phone 904-665-8331

Jacksonville FL 32202
City State Zip

E-mail gossSF@jea.com

Speaking: For Against Information

Representing IEA (electric, water + sewer)

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)

WAVE IN SUPPORT

THE FLORIDA SENATE

APPEARANCE RECORD

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

Nov 2 2011
Meeting Date

Topic ASSUAL or BATTERY on Utility Worker Bill Number S-0194
(if applicable)

Name Chip Merriam Amendment Barcode _____
(if applicable)

Job Title Chief Legislative Regulatory Officer

Address 100 West Anderson St Phone 407 434 2201
Street

Orlando Florida 32802 E-mail Cmerriam@ucra.com
City State Zip

Speaking: For Against Information

Representing Orlando Utility 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/2/11

Meeting Date

Topic Assault + Battery on a Utility Worker Bill Number SB 194
(if applicable)

Name Barry Moline Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 417 E. College Ave Phone 850-224-3314
Street

Jalalabuse E-mail bmoline@publicpower.com
City State Zip

Speaking: For Against Information

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.

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S-001 (10/20/11)

Waive in Support

APPEARANCE RECORD

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

11-2-11

Meeting Date

Topic Assault on Utility works

Bill Number SB 194
(if applicable)

Name Doug Mann

Amendment Barcode _____
(if applicable)

Job Title Partner

Address 310 W. College Ave.
Street

Phone 222-7535

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing Am. Water Works Ass.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/2/2011

Meeting Date

Topic _____

Bill Number SB 194
(if applicable)

Name Cari Roth

Amendment Barcode _____
(if applicable)

Job Title _____

Address 161 N. Monroe St, Suite 900
Street
Tallahassee FL 32301
City State Zip

Phone 850/222-8611

E-mail croth@bmo.com

Speaking: For Against Information

Representing IEA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/2/11
Meeting Date

Topic SB 194

Bill Number 194
(if applicable)

Name Ryan Matthews

Amendment Barcode _____
(if applicable)

Job Title Legislative Advocate

Address 301 South Bronough St

Phone 701-3701

Tallahassee FL 32302
City State Zip

E-mail rmatthews@fcities.com

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Nov. 3, 2011

Meeting Date

Topic UTILITY WORKER ASSAULT + BATTERY

Bill Number SB-194
(if applicable)

Name J. B. CLARK

Amendment Barcode _____
(if applicable)

Job Title LOBBYIST

Address 2071 CYNTHIA DRIVE
Street

Phone 850-556-8143

TALLAHASSEE, FL 32303
City State Zip

E-mail JBCLAR5@EARTHLINK.NET

Speaking: For Against Information

Representing FL. ELECTRICAL WORKERS 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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Utility Safety

Bill Number 194
(if applicable)

Name Paul Hamilton

Amendment Barcode _____
(if applicable)

Job Title State Legislative Affairs

Address 215 S. Monroe St.

Phone 850 521 3915

Tallahassee, FL
City State Zip

E-mail Paul.Hamilton@FPL.com

Speaking: For Against Information

Representing FPL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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The Florida Senate
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 Communications, Energy, and Public Utilities Committee

BILL: SB 238

INTRODUCER: Senator Evers

SUBJECT: Florida Renewable Fuel Standard Act

DATE: November 2, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Willar	Carter	CU	Favorable
2.			CM	
3.				
4.				
5.				
6.				

I. Summary:

The bill repeals the Florida Renewable Fuel Standard Act with its requirement that, with stated exemptions, on and after December 31, 2010, all gasoline sold or offered for sale in the State of Florida by a terminal supplier, importer, blender, and wholesaler must contain, at a minimum, 10 percent of agriculturally derived, denatured ethanol fuel by volume.

The bill substantially amends section 206.43, and repeals the following sections, of the Florida Statutes: 526.201, 526.202, 526.203, 526.204, 526.205, 526.206, and 526.207.

II. Present Situation:

The State Legislature in 2008 determined that it is vital to the public interest and to the state's economy to establish a market and the necessary infrastructure for renewable fuels in this state by requiring that all gasoline offered for sale in this state include a percentage of agriculturally derived, denatured ethanol. The Legislature further found that the use of renewable fuel reduces greenhouse gas emissions and dependence on imports of foreign oil, improves the health and quality of life for Floridians, and stimulates economic development and the creation of a sustainable industry that combines agricultural production with state-of-the-art technology.¹ The Florida Renewable Fuel Standard Act was passed in 2008² requiring all gasoline sold or offered for sale in Florida by a terminal supplier, importer, blender, or wholesaler to contain 9 to 10

¹ <http://www.flsenate.gov/Laws/Statutes/2011/526.202>

² 2008 HB 7135 <http://laws.flrules.org/2008/227>

percent of agriculturally-derived denatured ethanol fuel by volume. It also provided a list of fuel sold or used for specified purposes that is exempt from the requirements.³

According to a 2008 article in the St. Petersburg Times, at that point the State of Florida had spent \$50 million on ethanol production and research, including at least \$13 million for projects that would use water such as tree trimmings and citrus peels and \$20 million to a University of Florida project with Florida Crystals to make ethanol from sugar bagasse. So far, the projects underway in Florida have yet to produce a drop.⁴

The first plant proposed in Florida, U.S. EnviroFuels plan in Tampa, drew opposition when the local firm building the factory put in a request for 400,000 gallons a day of city water, which would have made the facility one of the city's top ten water consumers overnight at a time when Florida was suffering from a prolonged drought and rivers and lakes were at record lows.⁵

Since then, several Florida ethanol plans have been announced. Construction began in middle February, 2011, on the first ethanol plant to break ground in Florida. The plant is a joint venture between INEOS Bio and New Planet Energy. It is expected to be the first advanced waste-to-fuel biorefinery in the U.S., with expected annual ethanol production of as much as 8 million gallons and more than 6 megawatts of power from local yard, vegetative and household waste. Federal and state grants are funding the project. The company received a \$2.5 million Florida Farm-to-Fuel grant and a \$50 million federal grant in 2009. Recently, they have received a conditional commitment for a \$75 million loan guarantee from the U.S. Department of Agriculture. Other proposed Florida ethanol projects are:

- Vercipia Biofuels, owned by BP, plans to build in highland County; and
- Fort Lauderdale based Renewable Fuels, LLC., and plans to build three sweet-sorghum- to-ethanol plants in South Florida.⁶

Since 2010, the United States annual ethanol production has accounted for 13.23 billion gallons, representing 36 million gallons a day.⁷ Florida currently produces none of its ethanol used in the State's blended fuel, but has a few ethanol production plants in construction. Since 2008 Florida has appropriated \$50 million to these ethanol projects, and by 2017 Florida estimates an annual ethanol production of 200 million gallons.⁸ Florida imported about 505 million gallons of blended ethanol gasohol in July 2011. The Florida Department of Revenue (DOR) estimates that number is close to 100 percent due to situations when a taxpayer reports sales of gasoline when in actuality they sold gasohol.⁹ In the last fiscal year 8.2 Billion gallons of gasoline and 1.4 Billion gallons of diesel fuel were sold in Florida.¹⁰ Highlands County's two ethanol projects estimated building costs at \$170 million, and 60 high-paying jobs would be created, along with 480 indirect jobs in agriculture.¹¹

³ http://energy.senate.gov/public/_files/RL342941.pdf

⁴ http://www.sptimes.com/2008/03/02/Business/Are_Florida_ethanol_p.shtml

⁵ <http://www.economist.com/node/10766882>

⁶ <http://basicfuels.com/2011/02/first-ethanol-plant-comes-to-vero-beach-florida/>

⁷ <http://www.ethanolrfa.org/news/entry/2010-annual-ethanol-production-13.23-billion-gallons/>

⁸ http://www.sptimes.com/2008/03/02/Business/Are_Florida_ethanol_p.shtml

⁹ Email correspondence with Department of Revenue staff

¹⁰ <http://dor.myflorida.com/dor/taxes/fuel/>

¹¹ <http://www2.highlandstoday.com/content/2011/oct/05/051547/ethanol-plant-touts-60-new-jobs/>

III. Effect of Proposed Changes:

Section 1 repeals sections 526.201, 526.202, 526.203, 526.204, 526.205, 526.206, and 526.207 of the Florida Statutes, removing: the act title,¹² legislative findings regarding renewable fuel,¹³ renewable fuel standard exemptions, including definitions regarding “blended gasoline” requirements as a mixture of 90 to 91 percent gasoline and 9 to 10 percent ethanol by volume,¹⁴ waivers and suspensions,¹⁵ the enforcement on terminal suppliers, importers, blenders, or wholesalers that sell or distribute, or offer for sale or distribution of gasoline which fails to meet the requirements of this Act,¹⁶ the provisions authorizing the Department of Revenue and the Department of Agriculture and Consumer Services (DACS) to adopt rules in implementing provision of this Act,¹⁷ and the requirement that the DACS conduct a study to evaluate and recommend the life-cycle greenhouse gas emissions associated with all renewable fuels.¹⁸

Section 2 amends s. 206.43(2), F.S., to make a conforming change, deleting from this section the language “Each terminal supplier, importer, blender, and wholesaler shall also include in the report to the department the number of gallons of blended and unblended gasoline, as defined in s. 526.203, sold.”

Section 3 provides that the bill takes effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹² <http://www.flsenate.gov/Laws/Statutes/2011/526.201>

¹³ <http://www.flsenate.gov/Laws/Statutes/2011/526.202>

¹⁴ <http://www.flsenate.gov/Laws/Statutes/2011/526.203>

¹⁵ <http://www.flsenate.gov/Laws/Statutes/2011/526.204>

¹⁶ <http://www.flsenate.gov/Laws/Statutes/2011/526.205>

¹⁷ <http://www.flsenate.gov/Laws/Statutes/2011/526.206>

¹⁸ <http://www.flsenate.gov/Laws/Statutes/2011/526.207>

B. Private Sector Impact:

Currently there are no working ethanol production plants in Florida, but there are plants under construction. The private sector could see a loss in market production if mandates are removed. This is, however, uncertain. According to DACS, the practical impact of the bill is uncertain because the 2007 Energy Independence and Security Act (EISA) requirements remain in place and effectively increase the use of ethanol.¹⁹ The 2007 EISA Renewable Fuel Standards require 9 billion gallons in 2008 and 36 billion gallons in 2022, which in turn could constitute a bigger market for ethanol resulting in higher demand for the product in the long run. Federal Environmental Protection Agency (EPA) emissions control requirements also may encourage expanded use of ethanol. The EPA requires reduced exhaust emissions of carbon monoxide, which can be accomplished by the addition of ethanol, which contains 35 percent oxygen by weight and promotes more complete combustion of the fuel.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services do not anticipate any appreciable effect to state revenues if the bill were to pass.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

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

¹⁹ Email correspondence with DACS Staff

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/2/11

Meeting Date

Topic ETHANOL BILL

Bill Number 5238
(if applicable)

Name PAUL HENRY

Amendment Barcode _____
(if applicable)

Job Title DEPUTY DIR. LEGISLATIVE AFFAIRS

Address PO BOX 698

Phone 850-629-9550

Street

MONTICELLO FL 32345

City

State

Zip

E-mail REALIBERTY2010.ORG

Speaking: For Against Information

Representing FLORIDA CAMPAIGN FOR LIBERTY

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/2/11

Meeting Date

Topic Ethanol

Bill Number 238
(if applicable)

Name DAVID MICA

Amendment Barcode _____
(if applicable)

Job Title Exec Director

Address 215 S. MONROE

Phone 561-6300

Tallahassee FL 32307
City State Zip

E-mail MICAD@api.org

Speaking: For Against Information

Representing FLORIDA PETROLEUM COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date

Topic SB 238 Ethanol

Bill Number SB 238
(if applicable)

Name John H. Collins

Amendment Barcode _____
(if applicable)

Job Title Citizen

Address 18716 SE 243 ST
Street

Phone 352-219-0092

City _____ *State* _____ *Zip* _____

E-mail johnhcollins@live.com

Speaking: For Against Information

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/2/11

Meeting Date

Topic ETHANOL REPEAL

Bill Number SB 238
(if applicable)

Name JOHN BECK

Amendment Barcode _____
(if applicable)

Job Title CITIZEN

Address 5526 SW 4TH PL

Phone (561)747-0938

Street

GAINESVILLE

City

FL

State

32607

Zip

E-mail HARLEYD85@AOL.COM

Speaking: For Against Information

Representing CITIZENS 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 (10/20/11)

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

11-2-2011

Date

238

Bill Number

Barcode

Name BRIAN PITTS

Phone 727/8979291

Address 1119 Newton Ave S.

E-mail justice2jesus@yahoo.com

Street

St Petersburg FL 33705

City

State

Zip

Job Title Trustee

Speaking: For Against Information

Appearing at request of Chair

Subject RENEWABLE FUEL

Representing Justice-2-Jesus

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE
APPEARANCE RECORD

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

11-2-11

Meeting Date

Topic ETHANOL

Bill Number SB 239
(if applicable)

Name RICHARD HAYEN

Amendment Barcode _____
(if applicable)

Job Title _____

Address 115 DOWDA CIRCLE

Phone 386-972-2262

Street

CROSCENT CITY, FL - 32112

E-mail seloves@bellsouth.net

City

State

Zip

Speaking: For Against Information

Representing THE TEA PARTY NETWORK

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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 _____

Topic Ethanol Repeal Bill

Bill Number SB 238
(if applicable)

Name Janet Smith

Amendment Barcode _____
(if applicable)

Job Title private citizens

Address 60 Carefree Dr.
Street

Phone 904-705-6856

Wekiwa, FL 32193
City State Zip

E-mail 2diverdoc@yahoo.com

Speaking: For Against Information

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 Nov 11
Meeting Date

Topic SB 238 / Repeal Requirement
For Ethanol Additive to Gas Bill Number SB 238
(if applicable)

Name Debbie Gunnoe Amendment Barcode _____
(if applicable)

Job Title Lt Col, USAF - Retired

Address 2143 Chatsworth Dr
Street
Nawarre FL 32566
City State Zip

Phone (850) 515-0217

E-mail jtgunnoe@earthlink.net

Speaking: For Against Information

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Ethanol

Bill Number 238
(if applicable)

Name Rep. Muelhi Rehman's Vol. Law

Amendment Barcode _____
(if applicable)

Job Title Rep. Dist #9

Address 30 1001 The Capitol

Phone 488.0965

Street

Tallahassee
City

State

Zip

E-mail _____

Speaking: For Against Information

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Nov 3, 2011
Meeting Date

Topic Repeal the ethanol mandate

Bill Number S 238
(if applicable)

Name Richard Harrison

Amendment Barcode _____
(if applicable)

Job Title Farmer

Address 635 Dowling Rd

Phone 850-762-3366

Marianna FL 32448
City State Zip

E-mail rharrison922@yahoo.com

Speaking: For Against Information

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)

11/2/11

Meeting Date

Topic SB 238

Bill Number 238
(if applicable)

Name JERRY PAUL

Amendment Barcode _____
(if applicable)

Job Title _____

Address 113 E. COLLEGE AVE
Street

Phone 850-386-5267

TALLAHASSEE FL 32301
City State Zip

E-mail JPAUL@CAPITOLENERGY
NET

Speaking: For Against Information

Representing SOUTHEAST RENEWABLE FUELS

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 Communications, Energy, and Public Utilities Committee

BILL: SB 7012

INTRODUCER: Communications Committee

SUBJECT: Review under the Open Government Sunset Review Act

DATE: November 2, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Carter	CU	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends section 556.113, F.S., to delete the automatic repeal of the public records exemption, thereby preserving the exemption.

The bill takes effect July 1, 2012.

The bill substantially amends section 556.113 of the Florida Statutes.

II. Present Situation:

Public Records and Meetings

The State of Florida has a long history of providing public access to governmental records. The Florida Legislature enacted the first public records law in 1892.¹ One hundred years later, Floridians adopted an amendment to the State Constitution that raised the statutory right of access to public records to a constitutional level.² Article I, s. 24 of the State Constitution, provides that:

- (a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency

¹ Section 1390, 1391 Florida Statutes. (Rev. 1892).

² Article I, s. 24 of the State Constitution.

or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

In addition to the State Constitution, the Public Records Act,³ which pre-dates the current State Constitution, specifies conditions under which public access must be provided to records of the executive branch and other agencies. Section 119.07(1)(a), F.S., states:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

Unless specifically exempted, all agency⁴ records are available for public inspection. The term “public record” is broadly defined 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.⁵

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business, which are used to perpetuate, communicate, or formalize knowledge.⁶ All such materials, regardless of whether they are in final form, are open for public inspection unless made exempt.⁷

Article I, s. 24 of the State Constitution also provides that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the Legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution. In addition, the Sunshine Law, s. 286.011, F.S., provides that all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

Only the Legislature is authorized to create exemptions to open government requirements.⁸ An exemption must be created in general law, must state the public necessity justifying it, and must

³ Chapter 119, F.S.

⁴ The word “agency” is defined in s. 119.011(2), F.S., to mean “. . . 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.”

⁵ s. 119.011(12), F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So.2d 633, 640 (Fla. 1980).

⁷ *Wait v. Florida Power & Light Company*, 372 So.2d 420 (Fla. 1979).

⁸ Art. I, s. 24(c) of the State Constitution.

not be broader than necessary to meet that public necessity.⁹ A bill enacting an exemption¹⁰ may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.¹¹

There is a difference between records that the Legislature has made exempt from public inspection and those that are *confidential* and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other than to the persons or entities designated in the statute.¹² If a record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances.¹³

The Open Government Sunset Review Act (the Act)¹⁴ provides for the systematic review, through a 5-year cycle ending October 2 of the 5th year following enactment, of an exemption from the Public Records Act or the Sunshine Law. Each year, by June 1, the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year.

The Act states that an exemption may be created, revised, or maintained only if it serves an identifiable public purpose and if the exemption is no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of three specified criteria and if the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption. The three statutory criteria are that the exemption:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects information of a sensitive personal nature concerning individuals, the release of which would be defamatory or cause unwarranted damage to the good name or reputation of such individuals, or would jeopardize their safety; or
- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure the affected entity in the marketplace.¹⁵

The Act also requires the Legislature to consider the following:

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

⁹ *Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373, 380 (Fla. 1999); *Halifax Hospital Medical Center v. News-Journal Corporation*, 724 So.2d 567 (Fla. 1999).

¹⁰ Under s. 119.15, F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.

¹¹ Art. I, s. 24(c) of the State Constitution.

¹² Attorney General Opinion 85-62.

¹³ *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA), review denied, 589 So.2d 289 (Fla. 1991).

¹⁴ s. 119.15, F.S.

¹⁵ s. 119.15(6)(b), F.S.

- 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?

While the standards in the Act may appear to limit the Legislature in the exemption review process, those aspects of the Act that are only statutory, as opposed to constitutional, do not limit the Legislature because one session of the Legislature cannot bind another.¹⁶ The Legislature is only limited in its review process by constitutional requirements.

Further, s. 119.15(8), F.S., makes explicit that:

... notwithstanding s. 778.28 or any other law, neither the state or its political subdivisions nor any other public body shall be made party to any suit in any court or incur any liability for the repeal or revival and reenactment of any exemption under this section. The failure of the Legislature to comply strictly with this section does not invalidate an otherwise valid reenactment.

Sunshine State One-Call of Florida

Chapter 556, F.S., is the “Underground Facility Damage Prevention and Safety Act.” It provides for underground facility damage prevention and safety. Sunshine State One-Call of Florida, Inc., (One-Call) is a not-for-profit corporation created by the Florida Legislature in 1993 to be the administrator of Chapter 556, F. S. The corporation maintains and operates a free-access notification system, the purpose of which is to receive notification of planned excavation or demolition activities and to notify member operators so they may mark underground facilities to avoid damage to those underground facilities.

In general, the chapter requires the following.¹⁷ Every owner/operator of underground facilities in the state of Florida must be a member of, use, and participate in the intended excavation notification system.¹⁸ Before any person digs a hole in Florida the person must notify One-Call of the intended excavation, and One-Call must then notify member operators whose facilities are in the vicinity of the proposed excavation.¹⁹ Every member/operator so notified must locate their underground facilities and mark their horizontal location with paint or flags of a prescribed color.²⁰

Section 556.113, F.S., provides that proprietary confidential business information held by One-Call for the purpose of a member either using the member ticket management software system or

¹⁶ *Straughn v. Camp*, 293 So.2d 689, 694 (Fla. 1974).

¹⁷ The following information was taken from document prepared by Dave Erwin, General Counsel, Sunshine State One-Call of Florida, Inc., and from conference call between legislative staff and One-Call representatives Dave Erwin, General Counsel; Mark Sweet, Executive Director; and Mike Moore, lobbyist, on August 17, 2011.

¹⁸ s. 556.104, F.S.

¹⁹ s. 556.105, F.S.

²⁰ s. 556.103(1), F. S.

describing the extent and root cause of damage to an underground facility is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The term “proprietary confidential business information” means information provided by:

- A member operator which is a map, plan, facility location diagram, internal damage investigation report or analysis, dispatch methodology, or trade secret as defined in s. 688.002, F.S., or which describes the exact location of a utility underground facility or the protection, repair, or restoration thereof, or an excavator in an internal damage investigation report or analysis relating to damage to underground utility facilities, and:
- Is intended to be and is treated by the member operator or the excavator as confidential;
 - The disclosure of which would likely be, or reasonably likely be, respectively, used by a competitor to harm the business interests of the member operator or excavator or could be used for the purpose of inflicting damage on underground facilities; and
 - Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and stands repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

The member ticket management software system referred to in the exemption statute is a highly proprietary software system that automates the notification process.²¹ One-Call purchased the software in 2002 for \$349,000 for the purpose of allowing any of its members to use the software at a reduced cost. Prior to the purchase of the software from IRTH Solutions (IRTH), any member who wished to use it had to purchase the software directly from IRTH at significant cost to each user. The purchase price paid by One-Call, plus recurring annual maintenance charges, are rolled into the billing to each member and constitute a small fraction of the overall billing. The charge is much less than the charge that would be paid to IRTH for an individual software package purchased directly.

The information referred to in the exemption statute resides in the software system on a One-Call server used by its members. All the information is accessible by One-Call, even though in practice it is never accessed without first receiving a member’s request to do so for one reason or another. According to One-Call representatives, the exemption should be maintained for the following reasons.²²

- As to the member ticket management software system, members fear that, without the exemption, anyone, including competitors could access their information. For example, it would be advantageous for a participant in the communications industry to know what technology its competitors were using in different locations as the type of service that can be provided frequently depends on technology used. This statement is borne out by the fact that until passage of the exemption statute, few members used the One-Call software;

²¹ While participation in the notification system is mandatory, participation by use of the automated version of the notification system using this software is voluntary.

²² The potential for misuse of such information was also recognized by the Legislature in enacting s. 556.105(1)(d), F.S., which provides “member operators shall use the information provided to the system by other member operators only for the purposes stated in this chapter and not for sales or marketing purposes.”

usage has gone from virtually zero to 127 members since adoption of the public records exemption.

- As to the damage-related information, it too could provide information to competitors that could be used to the detriment of the owner of the damaged facility. Reporting damage is voluntary and only a few members do it; however, prior to the public records exemption, almost no one did.

Reenactment of the exemption is also supported under the public purpose of allowing the state to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption. The purpose of this government-created program is to prevent damage and promote safety, or as a One-Call representative put it, “to promote the continued provision of safe . . . utility service for all the citizens of the state.” As stated above, members did not use the One-Call software to fully automate the notification system until after passage of the exemption statute. Additionally, many of the current 127 users of the ticket management software could not afford an individual purchase arrangement and could not provide needed services at reasonable cost without the help of One-Call and its arrangement with IRTH. Many of the members are small cities and counties and small utilities who can provide safer and better service using the ticket management system provided by One-Call.

This echoes statements made at the time the exemption was enacted. According to a bill analysis, at that time a One-Call representative said that “the member ticket management system is not being used by member operators to file tickets because potential excavators do not want the confidential information on ticket applications being stored on One-Call’s system which is subject to public disclosure” and “without the exemption the system will continue to not be used.”²³ Further, “members are not filing damage reports, also subject to open record requirements to One-Call, because they don’t want the public to be aware of problems during excavations” as “damage reports can raise negative public opinion and can harm the reputation of an excavator.”²⁴

As to other specific statutory questions, One-Call stated:

- the exempt information cannot be obtained by any other means except the appropriate use of a subpoena in a lawsuit or other proceeding;
- it does not believe that the records are protected by any other exemption, so there are not multiple exemptions for such records;
- as long as the protected information protected relates to in-use underground facilities or to current business practices, maps, plans, drawings or other business information, it could not eventually be made available for public inspection and copying; and
- protected information is not knowingly discussed at public meetings of One-Call or its committees, so no meeting exemption is necessary.

²³ Professional Staff Analysis and Economic Impact Statement, SB 1510, April 13, 2007, page 5.

²⁴ *Id.*

Information from First Amendment Foundation

The First Amendment Foundation “is not opposed to reenactment of the exemption in its current form.”²⁵

III. Effect of Proposed Changes:

The bill amends section 556.113, F.S., to delete the automatic repeal of the public records exemption, thereby preserving the exemption.

The bill takes effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The requirements of Article I, section 24(c) of the State Constitution and section 119.15, F.S. are met in that the public records exemption contained in section 556.113, F.S.:

- serves an identifiable public purpose in that it:
 - protects information of a confidential nature concerning One-Call’s members that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure them in the marketplace, and
 - allows One-Call to effectively and efficiently administer its governmental program, which administration would be significantly impaired without the exemption;
- the exemption is no broader than is necessary to meet the public purpose it serves; and
- the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁵ Letter from Barbara A. Peterson, President, First Amendment Foundation, to The Honorable Jeremy Ring, Chair, Senate Governmental Oversight and Accountability Committee (July 18, 2011) (RE: 2012 Open Government Sunset Reviews).

B. Private Sector Impact:

The automated notification system will continue to operate, more efficiently protecting the safety of those excavating and of the underground utility systems, and thereby protecting the services provided by those systems.

C. Government Sector Impact:

One-Call and other governmental entities involved in the notification process will be better able to fulfill their duties relating to chapter 556, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Communications, Energy, and Public Utilities
Ethics and Elections
Judiciary
Subcommittee on General Government
Appropriations
Subcommittee on Higher Education
Appropriations
Reapportionment
Regulated industries

SENATOR OSCAR BRAYNON II
33rd District

October 24, 2011

Senator Gardiner, Chair
Communications, Energy, and Public Utilities
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1300

Dear Chair Gardiner:

I respectfully request an excused absence for the *Communications, Energy, and Public Utilities* meeting on, November 01, 2011.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Oscar Braynon II".

Senator Oscar Braynon II,
District 33

cc. Senator Nan Rich, Minority Leader
Matthew M Carter, II, Staff Director
Lois Graham, Committee Administrative Asst.

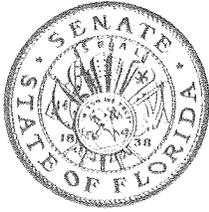
REPLY TO:

606 NW 183rd Street, Miami Gardens, Florida 33169 (305) 654-7150 FAX: (305) 654-7154
 213 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5116

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Budget
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Reapportionment
Rules

SENATOR ANITERE FLORES

Majority Whip
38th District

September 1, 2011

The Honorable Lizbeth Benacquisto
Chair of Committee on Communications, Energy, and Public Utilities
531 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairwoman Benacquisto:

I respectfully request to be excused from the Committee on Communications, Energy, and Public Utilities during the months of September, October and November. I have been informed by my doctor that I should refrain from travel until after I have given birth which is expected to be at the end of October.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Anitere Flores".

Anitere Flores

CC: Mr. Matthew M. Carter II, Staff Director, Committee on Communications, Energy, and Public Utilities

REPLY TO:

☐ 10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
☐ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5130

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

RECEIVED
OCT 17 2011

COMMITTEES:

Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations,
Vice Chair
Reapportionment, Vice Chair
Banking and Insurance
Budget
Budget - Subcommittee on Finance and Tax
Communications, Energy, and Public Utilities
Criminal Justice
Governmental Oversight and Accountability
Rules

SENATOR GWEN MARGOLIS
35th District

October 17, 2011

President Haridopolos,

On Monday, October 24, 2011, I am schedule to undergo surgery for a hip replacement. During this week, I will be having the necessary "pre-ops" that are require pre-surgery. At this time, I am requesting approval of my absence from the current committee week and the committee week of October 31st.

My Legislative staff will be in Tallahassee in my absence and should you need anything, please do not hesitate to contact them.

Thank you again for your continued support and understanding.

Sincerely,

A handwritten signature in cursive script that reads "Senator Gwen Margolis".

Gwen Margolis
State Senator

cc: Chair Alexander
cc: Chair Benacquisto
cc: Chair Gaetz
cc: Chair Richter
cc: Chair Bogdanoff
cc: Chair Gardiner
cc: Chair Evers
cc: Chair Ring
cc: Chair Thrasher

REPLY TO:

- 3050 Biscayne Boulevard, Suite 600, Miami, Florida 33137 (305) 571-5777
- 414 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5121

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Senator Maria Lorts Sachs
Democratic Whip
District 30

Committees:

Regulated Industries,
Vice Chair

Military Affairs, Space &
Domestic Security
Vice Chair

Communications, Energy
& Public Utilities Policy

Reapportionment

Budget Subcommittee on
Transportation, Tourism,
& Economic Development
Appropriations

Budget Subcommittee on
Finance & Tax

Joint Legislative Auditing

STAFF:

Gladys Ferrer
Legislative Assistant

Cesar Fernandez
Legislative Assistant

Dana Gizzi
Legislative Assistant

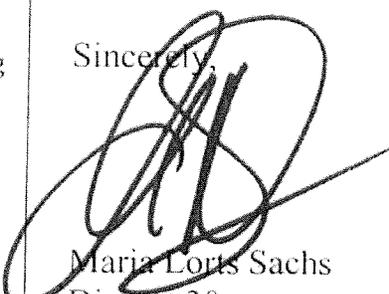
The Honorable Chair Gardiner
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

November 2, 2011

Honorable Chair Gardiner,

Please excuse my absence from the meeting of the Committee on Communications, Energy, and Public Utilities scheduled for Wednesday, November 2, 2011, as I am ill and could not make it up to Tallahassee this committee week. If you have any questions, please call me on my cellular phone at (561)945-8800.

Sincerely,



Maria Lorts Sachs
District 30

CC: Dr. Matthew M. Carter, II
Staff Director
Senate Committee on Communication, Energy, and
Public Utilities

17th Avenue, Suite E, Delray Beach, Florida 33445 (561) 279-1427
Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5091

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case:

Type:

Caption: Senate Committee on Communications, Energy, and Public Utilities

Judge:

Started: 11/2/2011 11:02:51 AM

Ends: 11/2/2011 3:02:50 PM **Length:** 04:00:00

11:02:53 AM Roll Called by CAA
11:03:29 AM SB 194 by Senator Wise
11:08:44 AM Suzanne Goss, JEA (Electric, Water & Sewer) - Waived in Support
11:09:14 AM Chip Merriam, Orlando Utility Commission Waived in Support
11:09:35 AM Barry Moline, Florida Municipal Electric Association Waived in Support
11:09:52 AM Doug Mann, AM - Water Works Association Waived in Support
11:10:03 AM Cari Roth, JEA Waived in Support
11:10:33 AM Ryan Matthews, Florida League of Cities Waived in Support
11:10:47 AM J.B. Clark, Florida Electrical Workers Association Waived in Support
11:11:05 AM Paul Hamilton, FPL Waived in Support
11:11:19 AM SB 194 by Senator Wise - Reported Favorable
11:11:56 AM SB 238 by Senator Evers
11:27:31 AM Paul Henry, Florida Campaign for Liberty
11:28:39 AM David Mica - Florida Petroleum Council
11:36:18 AM John Collins - Representing Self
11:37:48 AM John Beck - Representing the Citizens of Florida
11:39:31 AM Brian Pitts - Justice-2-Jesus
11:42:21 AM Richard Haven - The Tea Party Network
11:44:09 AM Janet Smith - Representing Self
11:44:49 AM Debbie Gunnoe - Representing Self
11:46:02 AM Richard Harrison - Representing Self
11:49:00 AM Representative Michelle Rehwinkel Vasilinda - Representing Citizens in District #9
11:53:08 AM Jerry Paul - Representing Southeast Renewable Fuels
11:59:25 AM SB 238 by Senator Evers - Reported Favorable
12:00:37 PM SPB 7012 by Committee
12:00:57 PM Senator Lynn Motion that bill be submitted as a Committee Bill
12:01:53 PM Motion to Adjourn
12:03:15 PM Senator Bogdanoff motion to vote "NAY" on SB 194 after the vote - Favorable