

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Sobel, Chair
Senator Hays, Vice Chair

MEETING DATE: Monday, March 18, 2013
TIME: 3:30 —6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Sobel, Chair; Senator Hays, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Detert, Diaz de la Portilla, Grimsley, and Thompson

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
1	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.		
	Secretary of Elderly Affairs		
	Corley, Charles Thomas (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 7 Nays 0
	Director, Agency for Persons with Disabilities		
	Palmer, Barbara Jo (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
2	SB 618 Ring (Similar H 469, Identical H 503, Compare CS/S 902)	Gasoline Stations; Providing requirements for accessibility for disabled persons at gasoline stations; requiring certain signage at each self-service gasoline pump; providing for size and content of the signs; requiring an attendant to provide refueling assistance to a person with a permit or license plate issued under specified provisions; providing for exceptions, etc. CF 03/18/2013 Fav/CS TR RC	Fav/CS Yeas 8 Nays 0
3	SB 716 Simpson (Compare H 1223)	Deceptive and Unfair Trade Practices; Including physical impairment within the definition of "person who has a disability"; authorizing a civil penalty for a person who willfully uses a deceptive or unfair trade act or practice against a military service member or the member's spouse or child in certain circumstances, etc. MS 03/07/2013 Favorable CF 03/18/2013 Fav/CS JU	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, March 18, 2013, 3:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 778 Agriculture / Thompson (Similar H 631)	Transactions in Fresh Produce Markets; Authorizing certain owners and operators of farmers' markets, community farmers' markets, flea markets, and other open-air markets selling fresh produce to allow authorized Food and Nutrition Service groups, associations, and third-party organizations to operate electronic benefits transfer systems in such markets, etc. AG 03/04/2013 Fav/CS CF 03/18/2013 Favorable AP RC	Favorable Yeas 9 Nays 0
5	SB 1162 Bradley (Identical H 757)	Mandatory Reports of Child Abuse; Limiting the duty of an officer or employee of a law enforcement agency to provide notice to the Department of Children and Families of reasonable cause to suspect child abuse under certain circumstances; limiting the duty of the Central Abuse Hotline to electronically transfer certain calls and reports to the county sheriff's office under certain circumstances, etc. CF 03/18/2013 Favorable CJ AHS AP	Favorable Yeas 9 Nays 0
6	SB 1644 Flores (Identical H 1325, Compare H 1327, Link S 1734)	Victims of Human Trafficking; Providing for the expungement of the criminal history record of a victim of human trafficking; providing that an expunged conviction is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings; providing for electronic appearances of petitioners and attorneys at hearings; authorizing a person whose records are expunged to lawfully deny or fail to acknowledge the arrests covered by the expunged record, etc. CF 03/18/2013 Fav/CS JU	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, March 18, 2013, 3:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1660 Flores	Quality Cancer Care and Research; Establishing a Cancer Center of Excellence Award for providers that excel in providing cancer care and treatment in this state; requiring the Florida Cancer Control and Research Advisory Council and the Biomedical Research Advisory Council to jointly develop performance measures, a rating system, and a rating standard in accordance with specified criteria for applicants to qualify for the award; providing that an award-winning cancer provider is granted preference in competitive solicitations for a specified period of time; authorizing endowments under the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program for establishing funded research chairs at research institutions contingent upon an appropriation, etc.	Fav/CS Yeas 9 Nays 0
		HP 03/14/2013 Favorable CF 03/18/2013 Fav/CS AP	
8	Other Related Meeting Documents		

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Charles Thomas Corley
Secretary of Elderly Affairs

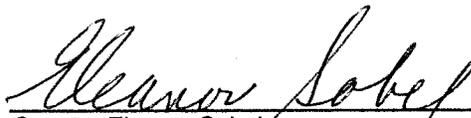
NOTICE OF HEARING

TO: Mr. Charles Thomas Corley

YOU ARE HEREBY NOTIFIED that the Committee on Children, Families, and Elder Affairs of the Florida Senate will conduct a hearing on your executive appointment on Monday, March 18, 2013, in the Mallory Home Committee Room, 37 Senate Office Building, commencing at 3:30 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 13th day of March, 2013

Committee on Children, Families, and Elder
Affairs



Senator Eleanor Sobel
As Chair and by authority of the committee

cc: Members, Committee on Children, Families, and Elder Affairs
Office of the Sergeant at Arms

640

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Charles T. Corley

is duly appointed

**Secretary,
Department of Elderly Affairs**

for a term beginning on the
Twelfth day of April, A.D., 2012,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Seventeenth day of May, A.D., 2012.*

Ken Detzner

Secretary of State



rick scott
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2012 APR 17 AM 11:21

DIVISION OF ELECTIONS
TALLAHASSEE, FL

April 12, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.41, Florida Statutes:

Mr. Charles T. Corley
5412 Grove Valley Drive
Tallahassee, Florida 32303

as the Secretary of the Department of Elderly Affairs, subject to confirmation by the Senate. This appointment is effective April 12, 2012 for a term ending at the pleasure of the Governor.

Sincerely,

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

Rick Scott
Governor

RS/vh



Questionnaire for Senate Confirmation

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

January 7, 2013

1. Name: Mr. Corley Charles Thomas
MR./MRS./MS. LAST FIRST MIDDLE/MAIDEN

2. Business Address: 4040 Esplanade Way Suite 315 Tallahassee
STREET OFFICE # CITY
Florida 32399-7000 850-414-2000
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 5412 Grove Valley Rd. Tallahassee Leon
STREET CITY COUNTY
Florida 32303 850-562-8015
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business Residence Fax # 850-414-2100
(optional)

4. A. List all your places of residence for the last five (5) years.

<small>ADDRESS</small>	<small>CITY & STATE</small>	<small>FROM</small>	<small>TO</small>
<u>5412 Grove Valley Rd.</u>	<u>Tallahassee, FL</u>	<u>6/1/1990</u>	<u>Present</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<small>ADDRESS</small>	<small>CITY & STATE</small>	<small>FROM</small>	<small>TO</small>
<u>N/A</u>			

5. Date of Birth: 12/20/1957 Place of Birth: Tallahassee, Florida

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 12/20/1957

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Republican

12. Education

A. High School: A. Crawford Mosley High, Panama City, FL Year Graduated: 1976

(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<u>NAME & LOCATION</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATES/DEGREES RECEIVED</u>
Gulf Coast Community College	1976-1977	A.A., Business Administration
Florida State University	1978-1979	B.S., Marketing

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>DATE</u>	<u>PLACE</u>	<u>NATURE</u>	<u>DISPOSITION</u>

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>EMPLOYER'S NAME & ADDRESS</u>	<u>TYPE OF BUSINESS</u>	<u>OCCUPATION/JOB TITLE</u>	<u>PERIOD OF EMPLOYMENT</u>
Florida Dept. of Elder Affairs	Gov. Agency	Secretary	10/9/2000 - Present

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>POSITION</u>	<u>EMPLOYING AGENCY</u>	<u>PERIOD OF EMPLOYMENT</u>
Division Director, Deputy Secretary, Interim Secretary	Dept. of Elder Affairs	10/9/2000 - Present
Administrator	Agency for Health Care Administration	3/14/1986 - 10/8/2000

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have worked with seniors and the issues affecting seniors in our state for 33 years in both the private and public sectors. From both the health and human services as well as the societal and economic perspective, I have gained much insight into the concerns our elders face daily. Additionally, I have a great amount of experience as a caregiver for aging family members from which I have gained a very practical perspective on elder issues.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

My business related degrees (A.A. Business Administration & B.S. Marketing) will serve me well in administering a statewide operation and managing a \$770 million dollar budget.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

Numerous Davis Productivity Awards in Elder Program administration.

D. Identify all association memberships and association offices held by you that relate to this appointment:

Member in good standing:
American Society on Aging
Gerontological Society of America
Southern Gerontological Society

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
Interim Secretary, Elder Affairs	11/14/2006	5 months	Executive Agency
Interim Secretary, Elder Affairs	01/02/2007	(Reappointment)	Executive Agency
Interim Secretary, Elder Affairs	06/22/2010	1 year, 2 months	Executive Agency
Commissioner, Governor's Commission on Disabilities,	3 years		Executive Commission
Secretary, Elder Affairs	08/26/2011	Pleasure of Governor	Executive Agency

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Quarterly (approximately)

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>MEETINGS ATTENDED</u>	<u>MEETINGS MISSED</u>	<u>REASON FOR ABSENCE</u>
<u>N/A</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>DATE</u>	<u>NATURE OF VIOLATION</u>	<u>DISPOSITION</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____
B. Term of Appointment: _____
C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>LICENSE/CERTIFICATE TITLE & NUMBER</u>	<u>ORIGINAL ISSUE DATE</u>	<u>ISSUING AUTHORITY</u>	<u>DISCIPLINARY ACTION/DATE</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>YOUR RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>
Susan K. Corley, Sole Proprietor,	Spouse	Owner	Contract for professional services - Childrens Medical Services, Child Protection Team (Medical examinations by Nurse Practitioner)

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>
Legislature	Florida Dept. of Elder Affairs

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>ZIP CODE</u>	<u>AREA CODE/PHONE NUMBER</u>
Larry Overton			
Ed Neu			
Marcy Hajdukiewicz			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>OFFICE(S) HELD & TERM</u>	<u>DATE(S) OF MEMBERSHIP</u>
None			

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

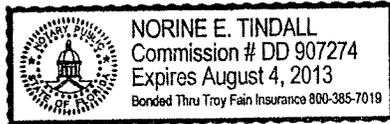
STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared Charles Thomas Corley, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Charles Thomas Corley
Signature of Applicant-Affiant

Sworn to and subscribed before me
this 4th day of January, 2013.

Norine E. Tindall
Signature of Notary Public-State of Florida



Norine E. Tindall
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 8/4/13

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/13

Meeting Date

Topic Confirmation

Bill Number _____
(if applicable)

Name Charles Corley

Amendment Barcode _____
(if applicable)

Job Title Secretary

Address 4040 Esplanade Way

Phone 850-414-2000

Tallahassee FL 32399
City State Zip

E-mail _____

Speaking: For Against Information

Representing Department of Elder Affairs

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
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Barbara Jo Palmer
Director, Agency for Persons with Disabilities

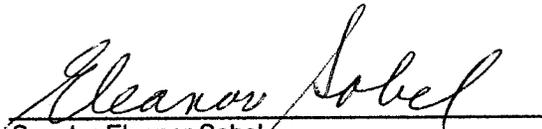
NOTICE OF HEARING

TO: Ms. Barbara Jo Palmer

YOU ARE HEREBY NOTIFIED that the Committee on Children, Families, and Elder Affairs of the Florida Senate will conduct a hearing on your executive appointment on Monday, March 18, 2013, in the Mallory Home Committee Room, 37 Senate Office Building, commencing at 3:30 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 13th day of March, 2013

Committee on Children, Families, and Elder
Affairs



Senator Eleanor Sobel
As Chair and by authority of the committee

cc: Members, Committee on Children, Families, and Elder Affairs
Office of the Sergeant at Arms

565
CF

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Barbara Jo Palmer

is duly appointed

Director,

Agency for Persons with Disabilities

for a term beginning on the
Twenty-Second day of August, A.D., 2012,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-First day of November, A.D., 2012.*



Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
2012 AUG 28 AM 9:41
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

August 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 20.197, Florida Statutes:

Ms. Barbara J. Palmer
4030 Esplanade Way
Suite 380
Tallahassee, Florida 32399

as the Director of the Agency for Persons with Disabilities, succeeding Mike Hansen, subject to confirmation by the Senate. This appointment is effective August 22, 2012, for a term ending at the pleasure of the Governor.

Sincerely,

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

Rick Scott
Governor

RS/kb

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain
First Marriage: Barbara McDaris

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1949

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of registration: Leon B. Current party affiliation: Republican

12. Education

A. High School: Leon, Tallahassee, FL Year Graduated: 1966
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<u>NAME & LOCATION</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATES/DEGREES RECEIVED</u>
Tallahassee Community College, Tall, FL	1966-68	
Florida State University, Tall, FL	1968-70	BS
Florida State University, Tall, FL	1971-73	MS

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of service: _____
B. Branch or component: _____
C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details: NO

<u>DATE</u>	<u>PLACE</u>	<u>NATURE</u>	<u>DISPOSITION</u>

15. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
(APD) Agency for Persons with Disabilities		Chief of Staff	2011-2012
(DCF) Department of Children & Families		Assistant Sec for Adm	2009-2011
Palmer, Musick & Associates		CEO President	1993-2009
governmental relations, retail, real estate			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
Chief of Staff	APD	2011-2012
Asst Secretary for Administration	DCF	2009-2011

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.
 After graduate school I was the Executive Director of a program that assisted individuals with Developmental Disabilities transition from institutionalization to community placement. Since then I have had extensive experience with management, leadership, financial and strategic planning.

- B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

- C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
 If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

None

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE

20. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
 If "Yes", list:
 A. Title of Office: _____
 B. Term of Appointment: _____
 C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
 If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE
Drivers (P456-070-48-878-0)	10/64	FDLE	None
Real Estate Sales Associate (SL3094068)	8/04	DBPR	None

25. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
Palmer, Musick & Associates dba Energy & Environmental Solutions	CEO/President	Sold energy Conservation equipment (\$27,855.00)

- B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S RELATIONSHIP TO YOU	FAMILY MEMBER'S RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
Palmer, Musick & Association dba, Energy & Environmental Solutions	Ex-Husband	Sec/VP	Sold Energy equipment (\$27,855)

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

- A. Did you receive any compensation other than reimbursement for expenses? Yes No
 B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED	PRINCIPAL REPRESENTED
Legislature	APD & DCF

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

NAME	MAILING ADDRESS	ZIP CODE	AREA CODE/PHONE NUMBER
Frances C. Cannon			
Nevin Smith			
Earl Worth			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME	MAILING ADDRESS	OFFICE(S) HELD & TERM	DATE(S) OF MEMBERSHIP
Seminole Boosters	225 University Center C Suite C5100, Tallahassee, FL	N/A	? 1977- now
FSU Alumni Assoc	1030 W. Tennessee St Tallahassee, FI 32304	N/A	? 1977--now

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

STATE OF FLORIDA

COUNTY OF LEON

Before me, the undersigned Notary Public of Florida, personally appeared Barbara Jo Palmer, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Barbara Jo Palmer
Signature of Applicant-Affiant

Sworn to and subscribed before me this 2 day of October, 2012.

Eddie Kay Harris
Signature of Notary Public-State of Florida



EDDIE KAY HARRIS
MY COMMISSION # EE 162128
EXPIRES: January 22, 2016
Bonded Thru Budget Notary Services

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known **OR** Produced Identification

Type of Identification Produced _____

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS, WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC...IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under Public Records Law. Please indicate what section of Florida Statutes provides this in your particular situation.

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0158

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/13.

Meeting Date

Topic Senate Confirmation Hearing.

Bill Number
(if applicable)

Name Barbara Palmer

Amendment Barcode
(if applicable)

Job Title Director.

Address 4030 Esplanade Way, Suite 380.

Phone (850) 488-1559.

Lalichissee, FL. 32399.
Street City State Zip

E-mail Barbara_Palmer@apd.state.fl.us

Speaking: For Against Information

Representing Agency for Persons with Disabilities.

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 Children, Families, and Elder Affairs

BILL: CS/SB 618

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Ring

SUBJECT: Gasoline Stations

DATE: March 18, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peterson	Hendon	CF	Fav/CS
2.			TR	
3.			RC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 618 expands a requirement for gasoline stations with self-service pumps to provide refueling assistance to persons with disabilities and for signage that contains contact information for requesting the assistance and deletes the second degree misdemeanor penalty for violating this statute.

This bill is not expected to have a fiscal impact on the state and has an effective date of July 1, 2013.

This bill substantially amends section 526.141 of the Florida Statutes.

II. Present Situation:

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for people with disabilities. The ADA recognizes and protects the civil rights of people with disabilities and is modeled after earlier landmark laws prohibiting discrimination on the basis of race and gender.

The ADA covers a wide range of disability, from physical conditions affecting mobility, stamina, sight, hearing, and speech to conditions such as emotional illness and learning disorders. The ADA addresses access to the workplace (title I), state and local government services (title II), and places of public accommodation and commercial facilities (title III). It also requires phone companies to provide telecommunications relay services for people who have hearing or speech impairments (title IV) and miscellaneous instructions to Federal agencies that enforce the law (title V). Regulations issued under the different titles by various Federal agencies set requirements and establish enforcement procedures. Physical barriers in existing places of public accommodation must be removed if readily achievable, i.e. easily accomplishable and able to be carried out without much difficulty or expense. If not, alternative methods of providing services must be offered, if those methods are readily achievable.¹ Gasoline stations are specifically defined by the ADA as public accommodations when they are operated in commerce.² Guidance provided by the Department of Justice, which is responsible for enforcement, finds that people with disabilities may be unable to use the controls, hose, or nozzle of a self-serve gas pump. This means that, at facilities which offer both full-service and self-service gasoline, individuals with disabilities might be forced to purchase more expensive gasoline from a full-service pump; at facilities with self-service gasoline, only, people with disabilities may be unable to purchase gasoline at all.³ To accommodate the requirement to provide equal access to their customers with disabilities, gasoline stations must:

- Provide refueling assistance upon the request of an individual with a disability. A service station or convenience store is not required to provide such service at any time that it is operating on a remote control basis with a single employee, but is encouraged to do so, if feasible.
- Let patrons know through appropriate signage or other means that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee.
- Provide the refueling assistance without any charge beyond the self-serve price.⁴

Florida

Section 526.141, F.S., authorizes the establishment of self-service gasoline stations and requires them to have at least one attendant on duty at all times. At any full-service gasoline station that offers self-service at a reduced price, the attendant is required to dispense self-service gasoline to any motor vehicle properly displaying a handicap exemption parking permit or license plate when the person to whom the permit has been issued is operating the vehicle. These gasoline stations are required to display a decal of up to 8 square inches on the front of each self-service pump informing the consumer of this requirement and the penalties if the gasoline station fails to comply.

Violations of the pumping and signage requirements are a second degree misdemeanor, punishable by up to 60 days in jail or a fine of \$500. The Department of Agriculture and Consumer Services (DACS) is responsible for enforcing the requirements.

¹ 28 CFR ss. 36.304, 36.305.

² 42 U.S.C. s. 12181(7)(F).

³ U.S. Department of Justice, Civil Rights Division, *Americans with Disabilities Act: Assistance at Self-Serve Gas Stations* (May 1999), available at <http://www.ada.gov/gasserve.pdf> (last visited Mar. 13, 2013).

⁴ *Id.*

In 2011, Hillsborough County adopted an ordinance requiring stickers on all gas pumps that contain the phone number of the gasoline station, wording such as “Call for Assistance,” and the international symbol of accessibility (ISA).⁵ Similar measures have been adopted in other jurisdictions. Proponents of the original Hillsborough County ordinance (and this bill) indicate that honking or signaling for assistance does not work in circumstances where the attendant is located inside out of hearing or direct sight. While some stations have installed electronic call buttons, typically these require the driver to exit the vehicle, which may not be a workable option for many with disabilities.⁶

According to DACS, Florida has 9,025 gasoline stations, of which approximately 350 provide both full service and self-service.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 526.141, F.S. to require all gasoline stations that have self-service pumps to provide fueling assistance when requested by individuals who have been issued a disabled parking permit or license plate and to post a 15 inch square sign or sticker on each pump that contains the following information printed on blue background:

- The telephone number for the station, which must be operational and answered during normal business hours.
- The ISA.
- Wording such as “Call for Assistance.”
- The hours that two attendants are on duty.
- The requirements of the law and penalties for violations.

A gasoline station that has self-service pumps, only, is not required to provide pumping assistance if it has only one attendant on duty at the time requested. The bill removes current penalties for violations of the pumping or signage requirements.

The effect is to conform Florida law to the requirements of the ADA with respect to pumping assistance and to revise the signage requirements of current law to add more detailed information, including a contact number, for posting on all self-service pumps.

Section 2 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁵ Hillsborough County, Fla., Code of Ordinances Art.XI (Dec. 7, 2011).

⁶ Conversation with Ben Ritter, Paralyzed Veterans of America, Florida Gulf Coast Chapter (Feb. 26, 2013).

⁷ Florida Department of Agriculture & Consumer Services, *Senate Bill 618* (Feb. 11, 2013) (on file with the Senate Committee on Children, Families and Elder Affairs).

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:

Gasoline stations will be required to pay for signs or stickers that are compliant with the law and will need to be updated if required information, such as the phone number or hours of operation, change. This will result in a nominal cost. The sticker required by this bill will be in addition to any other stickers that may currently be required, such as the inspection sticker, or that may be placed on a pump voluntarily, such as marketing or promotional materials.

C. Government Sector Impact:

None.

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.)

CS by Children, Families, and Elder Affairs on March 18, 2013:

- The CS eliminated a distinction in current law that created an apparent inconsistency with the requirements of the ADA. The ADA requires stations to provide pumping assistance at self-service pumps when there is more than one attendant on duty, and encourages stations to provide assistance even if only one attendant is on duty. This requirement encompasses full service, limited full-service (stations with both full and self-service), and self-service, only, stations. Current Florida law requires pumping assistance at limited full service stations only and only when the cost of gasoline at the limited service station's self-service pumps is lower than the price at its full-

service pumps. By contrast, the ADA uses the price differential as an example of why assistance is needed, but does not limit the requirement to provide pumping assistance to those circumstances, only. The bill as filed did not clearly eliminate this distinction. The CS removed the reference to full service stations that offer self-service at a lesser cost and more clearly applied the pumping assistance and signage requirements to all gasoline stations that offer self-service.

- The CS also removed the penalties from current law that are applicable to violations of these requirements.

B. Amendments:

None.



809604

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Children, Families, and Elder Affairs (Braynon) recommended the following:

Senate Amendment (with title amendment)

Delete lines 55 - 104
and insert:

(5) (a) Every ~~full-service~~ gasoline station offering self-service ~~at a lesser cost~~ shall require an attendant employed by the station to dispense gasoline ~~from the self-service portion of the station~~ to any motor vehicle properly displaying an exemption parking permit as provided in s. 316.1958 or s. 320.0848 or a license plate issued pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845 when the person to whom such permit has been issued is the operator of the vehicle and



809604

13 such service is requested. The station must have a telephone
14 number that is operational and answered by an attendant during
15 the hours the gasoline station is open to the public which a
16 person can call to request assistance. If a request is made when
17 a second attendant is not present, the gasoline station is not
18 required to provide assistance, however, the attendant on duty
19 must inform the person why assistance is not currently
20 available. Such stations shall prominently display a decal no
21 larger than 8 square inches on the front of all self-service
22 pumps clearly stating the requirements of this subsection and
23 the penalties applicable to violations of this subsection. The
24 Department of Agriculture and Consumer Services shall enforce
25 this requirement.

26 (b) Every gasoline station shall prominently display on the
27 front of each self-service gasoline pump a sign, decal, or
28 sticker of at least 15 square inches printed on a blue
29 background that clearly states:

30 1. The telephone number for the gasoline station.
31 2. The international symbol of accessibility (ISA).
32 3. Wording such as "Call for Assistance" or "Assistance
33 Available upon Request."

34 4. The hours that two attendants will be available to
35 provide assistance at the gasoline station.

36 5. The requirements of this subsection and the penalties
37 applicable to violations of this subsection.

38 (c) ~~(b)~~ Violation of this subsection ~~paragraph (a)~~ is a
39 misdemeanor of the second degree, punishable as provided in s.
40 775.082 or s. 775.083. The Department of Agriculture and
41 Consumer Services shall enforce this subsection.



809604

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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 lines 5 - 9

and insert:

stations; requiring the gasoline station to have a telephone number that is operational and answered by an attendant during the hours the gasoline station is open; requiring certain signage at each self-service gasoline pump; providing for size and content of the signs; requiring an attendant to provide refueling assistance to a person with a permit or license plate issued under specified provisions; enhancing criminal penalties; requiring the Department of Agriculture and Consumer Services to enforce subsection (5);



951900

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Braynon) recommended the following:

Senate Amendment to Amendment (809604) (with title amendment)

Delete lines 38 - 41

and insert:

~~(b) Violation of paragraph (a) is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

And the title is amended as follows:

Delete lines 55 - 57



951900

13 and insert:

14

15 issued under specified provisions;

By Senator Ring

29-00452-13

2013618__

1 A bill to be entitled
 2 An act relating to gasoline stations; amending s.
 3 526.141, F.S.; providing requirements for
 4 accessibility for disabled persons at gasoline
 5 stations; requiring certain signage at each self-
 6 service gasoline pump; providing for size and content
 7 of the signs; requiring an attendant to provide
 8 refueling assistance to a person with a permit or
 9 license plate issued under specified provisions;
 10 providing for exceptions; providing an effective date.

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

14 Section 1. Section 526.141, Florida Statutes, is amended to
 15 read:

16 526.141 ~~Self-service~~ Gasoline stations; self-service;
 17 attendants; regulations.—

18 (1) This section authorizes the establishment of self-
 19 service gasoline stations.

20 (2) A "self-service gasoline station" shall be that portion
 21 of property where flammable and combustible liquids used as
 22 motor fuels are stored and subsequently dispensed from fixed,
 23 approved dispensing equipment into the fuel tanks of motor
 24 vehicles by persons other than the service station attendant.

25 (3) All self-service gasoline stations shall have at least
 26 one attendant on duty while the station is open to the public.
 27 The attendant's primary function shall be the proper
 28 administration, supervision, observation, and control of the
 29 dispensing of flammable and combustible liquids used as motor

29-00452-13

2013618__

30 fuels while such liquids are actually being dispensed. It shall
 31 be the responsibility of the attendant to prevent the dispensing
 32 of flammable and combustible liquids used as motor fuels into
 33 portable containers unless such container bears a seal of
 34 approval of a nationally recognized testing agency; to control
 35 sources of ignition; and immediately to handle accidental spills
 36 and fire extinguishers if needed. The attendant on duty shall be
 37 mentally and physically capable of performing the functions and
 38 assuming the responsibility prescribed in this subsection.

39 (4) (a) The "attendant control area" is that area reserved
 40 for the placing of the attendant, which shall be not more than
 41 100 feet from the dispensing area and shall contain the fire-
 42 extinguishment equipment and emergency controls.

43 (b) The "dispensing area" is that area where the pumps used
 44 to dispense flammable and combustible liquids used as motor
 45 fuels are located. The dispensing area shall at all times be in
 46 clear view of the attendant, and the placing or allowing of any
 47 obstruction to vision between the dispensing area and the
 48 attendant control area shall be prohibited. The attendant shall
 49 at all times be able to communicate with persons in the
 50 dispensing area. Emergency controls shall be installed at a
 51 location acceptable to the authority having jurisdiction, but
 52 controls shall not be more than 100 feet from dispensers.
 53 Operating instructions and warning signs shall be conspicuously
 54 posted in the dispensing area.

55 (5) (a) Every full-service gasoline station offering self-
 56 service at a lesser cost shall require an attendant employed by
 57 the station to dispense gasoline from the self-service portion
 58 of the station to any motor vehicle properly displaying an

29-00452-13 2013618
 59 exemption parking permit as provided in s. 316.1958 or s.
 60 320.0848 or a license plate issued pursuant to s. 320.084, s.
 61 320.0842, s. 320.0843, or s. 320.0845 when the person to whom
 62 such permit has been issued is the operator of the vehicle and
 63 such service is requested. ~~Such stations shall prominently~~
 64 ~~display a decal no larger than 8 square inches on the front of~~
 65 ~~all self-service pumps clearly stating the requirements of this~~
 66 ~~subsection and the penalties applicable to violations of this~~
 67 ~~subsection. The Department of Agriculture and Consumer Services~~
 68 ~~shall enforce this requirement.~~

69 (b)1. Every gasoline station shall prominently display on
 70 the front of all self-service gasoline pumps a sign, decal, or
 71 sticker of at least 15 square inches. The sign, decal, or
 72 sticker must be printed on a blue background and must clearly
 73 state:

74 a. The telephone number for the gasoline station, which
 75 number must be operational and answered by an employee of the
 76 gasoline station during the hours the gasoline station is open
 77 for business to the public.

78 b. The international symbol of accessibility (ISA).

79 c. Wording such as "Call for Assistance" or "Assistance
 80 Available upon Request."

81 d. The hours that two attendants will be available to
 82 provide assistance at the gasoline station.

83 e. The requirements of this subsection and the penalties
 84 applicable to violations of this subsection.

85 2. The gasoline station shall require an attendant employed
 86 by the station to respond to a request for assistance and, if
 87 there is more than one attendant on duty, an attendant shall

29-00452-13 2013618
 88 dispense gasoline from the self-service portion of the station
 89 to any motor vehicle properly displaying an exemption parking
 90 permit as provided in s. 316.1958 or s. 320.0848 or a license
 91 plate issued pursuant to s. 320.084, s. 320.0842, s. 320.0843,
 92 or s. 320.0845 when the person to whom such permit has been
 93 issued is the operator of the vehicle and requests such service.
 94 If a person requests assistance when a second attendant is not
 95 present at a self-service gasoline station, the gasoline station
 96 is not required to provide the requested assistance and, if the
 97 attendant can communicate with the requestor by a remote or
 98 electronic means, the attendant on duty shall inform the person
 99 that he or she is unable to provide assistance because only one
 100 attendant is on duty.

101 (c)(b) A violation of paragraph (a) or paragraph (b) is a
 102 misdemeanor of the second degree, punishable as provided in s.
 103 775.082 or s. 775.083. The Department of Agriculture and
 104 Consumer Services shall enforce this subsection.

105 (6) All self-service equipment used to dispense gasoline
 106 shall be approved by a nationally recognized testing agency for
 107 its intended use.

108 (7) The Chief Financial Officer, under her or his powers,
 109 duties, and functions as State Fire Marshal, shall adopt rules
 110 for the administration and enforcement of this section, except
 111 for subsection (5) which shall be administered and enforced by
 112 the Department of Agriculture and Consumer Services.

113 Section 2. This act shall take effect July 1, 2013.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Appropriations Subcommittee on Finance and
Tax, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Commerce and Tourism
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JEREMY RING

29th District

February 12, 2013

Honorable Senator Eleanor Sobel
410 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairwoman Sobel,

I am writing to respectfully request your cooperation in placing Senate Bill 618, relating to Gasoline Stations on the Children, Families, and Elder Affairs agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 29

cc: Claude Hendon

RECEIVED

FEB 12 2013

**Senate Committee
Children and Families**

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR JOE NEGRON
32nd District

COMMITTEES:
Appropriations, *Chair*
Banking and Insurance
Rules

SELECT COMMITTEE:
Select Committee on Patient Protection
and Affordable Care Act, *Chair*

JOINT COMMITTEE:
Joint Legislative Budget Commission,
Alternating Chair

Committee Request

To: Senator Eleanor Sobel, Chair
Children, Families and Elder Affairs

Subject: Committee Presentation Request

Date: March 14, 2013

I respectfully request that Joel Ramos from my office be allowed to present SB 618, related to Gasoline Stations, to the committee at the meeting scheduled for March 18th. Thank you for your time and consideration.

Sincerely

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator, District 29

CC. Claude Hendon, Staff Director

RECEIVED

MAR 14 2013

Senate Committee
Children and Families

REPLY TO:

- 3500 SW Corporate Parkway, Suite 204, Palm City, Florida 34990 (772) 219-1665 FAX: (772) 219-1666
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 716

INTRODUCER: Children, Families, and Elder Affairs Committee; Senator Simpson and others

SUBJECT: Deceptive and Unfair Trade Practices

DATE: March 18, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Ryon	MS	Favorable
2.	Peterson	Hendon	CF	Fav/CS
3.			JU	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 716 provides military service members and their families the same protections senior citizens and persons with a disability have against deceptive or unfair trade acts. The bill provides that a person who willfully uses a method, act, or practice to victimize or attempt to victimize a military service member or the spouse or child of a military service member is liable for a civil penalty of not more than \$15,000 for each violation.

This bill also replaces the term “handicapped person” in section 501.2077 Florida Statutes, with the currently accepted term “person who has a disability.”

This bill does not have a fiscal impact and has an effective date of July 1, 2013.

This bill substantially amends section 501.2077 of the Florida Statutes.

II. Present Situation:

Financial Exploitation of the Elderly and Persons with Disabilities

Senior citizens and persons with disabilities are frequently targets of deceptive or unfair trade acts or practices, as perpetrators view these vulnerable populations as easy targets. Older individuals may be targeted merely because they possess more assets (i.e., savings, annuities and retirement accounts, stocks and bonds, insurance policies, and property) than their younger cohorts. Those with cognitive impairments, mental health conditions, or physical disabilities may be dependent upon others (family members, friends, formal and informal caregivers, or court appointed representatives) for assistance in making financial decisions or carrying out daily transactions, and therefore may be vulnerable to theft, exploitation, or undue influence.¹

Florida law provides explicit protection to senior citizens and persons with disabilities against deceptive or unfair trade acts or practices. Section 501.2077, F.S., provides that any person who willfully uses, or has willfully used, a method, act, or practice to victimize or attempt to victimize a senior citizen or person with a disability is liable for a civil penalty of not more than \$15,000 for each violation. It is a violation when a perpetrator knew or should have known that his or her conduct was unfair or deceptive. The law further provides that restitution or reimbursement to the senior citizen or person with a disability has priority over the imposition of civil penalties. Civil penalties collected pursuant to this law are deposited into the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs.

Financial Exploitation of Military Service Members

Increasingly, military service members and their families are becoming the victims of predatory behavior much like senior citizens and persons with disabilities. In 2006, Congress enacted the Military Personnel Financial Services Protection Act (Act) to protect military service members from unscrupulous practices regarding financial and investment products.² In the Act, Congress found that military service members were being offered high-cost securities and life insurance products by some financial services companies engaging in abusive and misleading sales practices.³

The Act provides no restitution for the victims or civil penalties for perpetrators, but aims to regulate the marketing and sale of securities and life insurance products on military bases. Among other things, the Act:

- Bans the sale of securities products called periodic payment plans;
- Requires insurers and producers of life insurance products to make certain disclosures when selling or soliciting securities or life insurance products on military bases;

¹ The National Center on Elder Abuse, Lisa Nerenberg, author, *Forgotten Victims of Elder Financial Crime and Abuse: A Report and Recommendations*, available at <http://www.ncea.aoa.gov/Resources/Publication/docs/fvefca.pdf> (last visited Mar. 14, 2013).

² Public Law No. 109-290, S. 418, 109th Cong (Sept. 29, 2006).

³ Id.

- Requires insurance companies to inform military personnel about subsidized life insurance offered by the federal government when marketing and selling insurance policies to them; and
- Requires the Department of Defense to maintain a list of brokers and agents barred from doing business on military bases or who have engaged in prohibited acts.

The Federal Trade Commission (FTC) has also taken steps to protect military service members from deceptive trade acts or practices. The FTC expanded its Consumer Sentinel online database⁴ to provide the military community a unique and exclusive forum to submit consumer complaints to the FTC, which are then made available to law enforcement. The complaints cover topics like identity theft, deceptive lending or mortgage practices, debt collection, phone fraud, or other scams. The FTC does not resolve individual disputes, but service members' complaints help the FTC and its partners target cases for prosecution, shut down scammers, spot patterns of fraud before they become widespread, and alert the military community to scams.⁵

The Use of the Terms “Handicapped Person” and “Person Who Has a Disability”

As society has continued to evolve and become more inclusive of individuals with physical and cognitive disabilities, the nomenclature used to describe these conditions has also evolved. “Disability is a general term used for a functional limitation that interferes with a person's ability, for example, to walk, lift, heal, or learn. It may refer to a physical, sensory, or mental condition. Handicap can be used when citing laws and situations, but should never be used to describe a person or disability.”⁶ Both of the terms – “handicapped person” and “person who has a disability” – are used throughout the Florida Statutes.⁷ Generally, both terms have been used interchangeably. When possible, “handicap” should be avoided in describing a disability.⁸ The Americans with Disabilities Act uses the term “disability,” as opposed to the term “handicap.”⁹

III. Effect of Proposed Changes:

The bill amends s. 501.2077, F.S., to provide military service members the same protections senior citizens and persons with a disability have against deceptive or unfair trade acts. The bill provides that a person who willfully uses a method, act, or practice to victimize or attempt to victimize a military service member or the spouse or child of a military service member is liable for a civil penalty of not more than \$15,000 for each violation. An order of restitution or reimbursement based on a violation against a military service member has priority over the

⁴ The FTC Consumer Sentinel is a unique investigative cyber tool that provides law enforcement access to millions of consumer complaints. See <http://www.ftc.gov/sentinel/> (last visited Mar. 14, 2013).

⁵ Fed. Trade Commission, Consumer Military Sentinel, available at <http://www.ftc.gov/sentinel/military/index.shtml>. (last visited Mar.14, 2013).

⁶ Univ. of Kansas Research and Training Center on Independent Living, *Guidelines for Reporting and Writing about People with Disabilities*, p. 4, available at <http://www.rtcil.org/products/RTCIL%20publications/Media/Guidelines%20for%20Reporting%20and%20Writing%20about%20People%20with%20Disabilities.pdf> (last visited Mar. 14, 2013).

⁷ See, e.g., Sections 193.623, 196.101, 286.26, and 320.0848, F.S.

⁸ 2005 Associated Press, *Stylebook and Briefing on Media Law*, p. 74, (2005) available at http://www.quarterboundpress.com/qbp/frequently_asked_questions_files/AP%20StyleGuide%202005.pdf (last visited Mar.14, 2013).

⁹ 42 U.S.C. Ch. 126.

imposition of civil penalties. The bill defines “military service member” as a person who is on active duty in or a veteran of the U.S. Armed Forces.

The bill also replaces the term “handicapped person” in s. 501.2077, F.S., with the currently accepted term “person who has a disability.”

This bill provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Children, Families, and Elder Affairs on March 18, 2013:

- The bill not only changed the term “handicapped person” to “person who has a disability,” but it also expanded the definition to include a person with a physical disability. Currently, the term (and the scope of the deceptive or unfair trade protection in the law) includes a person who has a mental or educational impairment. The CS restored the original definition by removing the reference to physical impairment.

- B. **Amendments:**

None.



481968

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs
(Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete line 23
and insert:
~~any~~ person who has a mental or educational impairment

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

And the title is amended as follows:

Delete lines 4 - 5
and insert:
definitions;

By Senator Simpson

18-01368A-13

2013716__

1 A bill to be entitled
 2 An act relating to deceptive and unfair trade
 3 practices; amending s. 501.2077, F.S.; providing
 4 definitions; including physical impairment within the
 5 definition of "person who has a disability";
 6 authorizing a civil penalty for a person who willfully
 7 uses a deceptive or unfair trade act or practice
 8 against a military service member or the member's
 9 spouse or child in certain circumstances; providing an
 10 effective date.

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

13
 14 Section 1. Section 501.2077, Florida Statutes, is reordered
 15 and amended to read:

16 501.2077 Violations involving senior citizen, ~~or~~
 17 handicapped person who has a disability, or military service
 18 member; civil penalties; presumption.-

19 (1) As used in this section:

20 (e)(a) "Senior citizen" means a person who is 60 years of
 21 age or older.

22 (d)(b) "~~Handicapped~~ Person who has a disability" means a
 23 ~~any~~ person who has a physical, mental, or educational impairment
 24 that which substantially limits one or more major life
 25 activities.

26 (b)(c) "Mental or educational impairment" means:

27 1. A ~~Any~~ mental or psychological disorder or specific
 28 learning disability.

29 2. An ~~Any~~ educational deficiency that which substantially

Page 1 of 3

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

18-01368A-13

2013716__

30 affects a person's ability to read and comprehend the terms of
 31 any contractual agreement entered into.

32 (a)(d) "Major life activities" means functions associated
 33 with the normal activities of independent daily living, such as
 34 caring for one's self, performing manual tasks, walking, seeing,
 35 hearing, speaking, breathing, learning, and working.

36 (c) "Military service member" means a person who is on
 37 active duty in or a veteran of the United States Armed Forces.

38 1. "Active duty" has the same meaning as in s. 250.01.
 39 2. "Veteran" has the same meaning as in s. 1.01.

40 (2) A ~~Any~~ person who is willfully using, or has willfully
 41 used, a method, act, or practice in violation of this part,
 42 which ~~method, act, or practice~~ victimizes or attempts to
 43 victimize a senior citizen citizens or a person who has a
 44 disability handicapped persons, and commits such violation when
 45 she or he knew or should have known that her or his conduct was
 46 unfair or deceptive, is liable for a civil penalty of not more
 47 than \$15,000 for each such violation if she or he knew or should
 48 have known that her or his conduct was unfair or deceptive.

49 (3) A person who willfully uses a method, act, or practice
 50 in violation of this part directed at a military service member
 51 or the spouse or child of a military service member is liable
 52 for a civil penalty of not more than \$15,000 for each violation
 53 if she or he should have known that her or his conduct was
 54 unfair or deceptive.

55 (4)(3) An ~~Any~~ order of restitution or reimbursement based
 56 on a violation of this part committed against a senior citizen,
 57 a ~~or~~ handicapped person who has a disability, or a military
 58 service member has priority over the imposition of civil

Page 2 of 3

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

18-01368A-13

2013716__

59 penalties for such violations pursuant to this section.

60 (5)~~(4)~~ Civil penalties collected pursuant to this section
61 shall be deposited into the Legal Affairs Revolving Trust Fund
62 of the Department of Legal Affairs and allocated solely to the
63 Department of Legal Affairs for the purpose of preparing and
64 distributing consumer education materials, programs, and
65 seminars to benefit senior citizens, ~~and handicapped persons who~~
66 have a disability, and military service members or to further
67 enforcement efforts.

68 Section 2. This act shall take effect July 1, 2013.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR WILTON SIMPSON
18th District

COMMITTEES:

Community Affairs, *Chair*
Appropriations Subcommittee on General
Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Commerce and Tourism
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

RECEIVED

MAR 07 2013

Senate Committee
Children and Families

March 7, 2013

Senator Eleanor Sobel, Chairman
Senate Children, Families, and Elder Affairs Committee
520 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Senator Sobel,

Please place Senate Bill 716, relating to unfair trade practices/military protections, on the next Children, Families, and Elder Affairs Committee meeting agenda. This legislation passed its first committee unanimously.

Please contact my office with any questions.

A handwritten signature in black ink, appearing to be "W. Simpson".

Senator Wilton Simpson, 18th District

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Appropriations Subcommittee on General
Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Commerce and Tourism
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

RECEIVED

MAR 15 2013

**Senate Committee
Children and Families**

March 15, 2013

Senator Eleanor Sobel
410 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Senator Sobel,

I will be presenting a bill in another committee on Monday afternoon. Please allow my aide, Rachel Perrin Rogers, to present SB 716 in your committee if I am unable to break away.

Thank you and I look forward to seeing you next week.

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

Senator Wilton Simpson, 18th District

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 778

INTRODUCER: Agriculture Committee; Senators Thompson and Bullard

SUBJECT: Transactions in Fresh Produce Markets

DATE: March 13, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	Fav/CS
2.	Hendon	Hendon	CF	Favorable
3.			AP	
4.			RC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 778 permits an owner or operator of a market that sells fresh produce to allow a non-competing third party, authorized by USDA¹ to be a SNAP² retailer, to establish an EBT³ system to accept SNAP payments for the market's produce sellers, to the extent allowed by federal law and regulation. The bill applies only to a market that is not already an authorized SNAP retailer. The bill does not apply to a market with an existing EBT system for accepting SNAP benefits, nor does it require that a market operate an EBT system for its produce sellers. It also does not prohibit an authorized Food Nutrition Service produce seller from operating its own EBT system for its own customers.

This bill has no fiscal impact to the state and has an effective date of July 1, 2013.

This bill creates an unnumbered section of the Florida Statutes.

¹ United States Department of Agriculture.

² Supplemental Nutrition Service Program.

³ Electronic Benefit Transfer.

II. Present Situation:

The Center for Disease Control and Prevention (CDC) reports that research shows that a healthy diet, rich in fruits and vegetables, provides a wide range of vitamins, minerals, and other natural substances that may help protect a body from chronic diseases.⁴ The Food Research and Action Center (FRAC) observes that it is well documented that the SNAP program, formerly the Food Stamp Program, is beneficial to the health of children and adults and the well-being of low-income people in our country.⁵

SNAP benefits are delivered through EBT cards, which are used like debit cards at authorized food retailers. The federal government pays 100 percent of the SNAP benefits, but the federal and state governments share administrative costs.⁶ The SNAP program for retailers (formerly referred to as the food stamp program) and the certification of a retailer to use an EBT system to process SNAP payments are administered by the USDA Food and Nutrition Service.⁷

Many venues, especially in low income communities, do not accept SNAP. SNAP redemptions at farmers' markets accounted for only 0.01 percent of approximately \$64.4 billion in SNAP redemptions in FY 2010. Only 1,611 individual farmers and farmers' markets of the 6,132 operating nationwide in FY 2010, about one fourth, accepted SNAP benefits.⁸ The Johns Hopkins Center for a Livable Future issued a report in the summer of 2012 detailing the relationship between nutritious food, farmers' markets, and the SNAP program. The report relates that access to farmers' markets for low-income consumers is negatively impacted because the SNAP program cannot be used as these markets lack wireless terminals that process EBT sales. According to the Johns Hopkins report, SNAP redemptions at farmers markets fell by half between 1992 and 2009 with the transition to EBT, which started in 1993. The report concludes that EBT technology at farmers markets has the potential to increase SNAP participants' diets and health by increasing access to fresh, local fruits and vegetables.⁹

As part of state and federal initiatives to encourage SNAP participants to eat more nutritious foods, a pamphlet ("SNAP/EBT at your Farmers' Market: Seven Steps to Success") was designed to assist farmers' markets with reaching out to SNAP customers. In order to encourage greater EBT participation, the United States Department of Agriculture (USDA) provided grant money for markets to implement an EBT system if they were not already authorized SNAP retailers on or before November 18, 2011. On July 27, 2012, the State of Florida announced the availability of the USDA grant money and engaged in a marketing campaign to encourage more farmers' markets to participate in EBT. That effort has resulted in eight markets participating in the program with three more markets in the implementation phase.¹⁰

⁴ See <http://www.cdc.gov/nutrition/everyone/fruitsvegetables/index.html>. (last visited Feb. 18, 2013).

⁵ See <http://frac.org/wp-content/uploads/2011/06/SNAPstrategies.pdf>. (last visited Feb. 19, 2013).

⁶ Ibid.

⁷ See http://myflorida.custhelp.com/app/answers/detail/a_id/2675/~/accepting-food-stamps-in-my-business---how-do-i-become-an-ebt-retailer%3F. (last visited Feb. 19, 2013).

⁸ Ibid.

⁹ See http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/_pdf/projects/ffp/farm_bill/Reuniting-Snap-Participants-and-Farmers-Markets.pdf. (last visited Feb. 19, 2013).

¹⁰ Department of Children and Families *Staff Analysis and Economic Impact*, (Feb. 18, 2013) (on file with the Senate Agriculture Committee).

The Department of Agriculture and Consumer Services operates 13 “State Farmers’ Markets” under the authority contained in s. 570.07(18), F.S. Of the 13 markets, five have retail businesses that sell products to the public and three of them have installed EBT systems at their own expense.¹¹ Other farmers’ markets are operated by local governments, not-for-profit organizations, private organizations, business development groups, and individuals, each of which has its own system for accepting payment for products.¹² The USDA provided information in July 2012, that there were 127 farmers’ markets in Florida and 25 were participating in the SNAP program prior to the additional eight being brought into the program with the new funding. There are various reasons why a farmers’ market does not have an EBT system ranging from a decision by the owner not to accept SNAP benefits¹³ to a lack of access to electricity and phone lines needed for vendors to accept EBT cards or a business decision not to fund the wireless technology and associated costs of implementation that are typically necessary to handle EBT sales.¹⁴

III. Effect of Proposed Changes:

Section 1 creates an unnumbered section of the Florida Statutes relating to transactions in fresh produce markets. The bill provides the following definitions. “Market” means a farmers’ market, community farmers’ market, flea market, or other open air market. “SNAP” means the federal Supplemental Nutrition Assistance Program.

The bill permits an owner or operator of a market that is not a SNAP retailer which sells fresh produce to allow specified, authorized third parties, who may not be a competing market, to accept SNAP benefits on behalf of the market’s produce sellers to the extent allowed by federal law and regulation. It requires the market owner or operator to reasonably accommodate the authorized third party in the implementation and operation of an EBT system.

The bill does not apply to a market selling fresh produce whose owner or operator has a system in place for accepting SNAP benefits. The bill does not prohibit an authorized Food Nutrition Service produce seller from operating its own EBT system for its customers’ transactions. Finally, the bill does not require a market owner or operator to create, operate, or maintain an EBT system on behalf of its produce sellers.

Section 2 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹¹ Correspondence dated February 20, 2013 from Office of Legislative Affairs, Department of Agriculture and Consumer Services. (on file with Senate Agriculture Committee).

¹² Department of Children and Families Staff Analysis, p. 2.

¹³ Ibid.

¹⁴ http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/pdf/projects/ffp/farm_bill/Reuniting-Snap-Participants-and-Farmers-Markets.pdf, p.4.

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:

Additional SNAP beneficiaries will be able to use their EBT cards at farmers' markets. Authorized Food and Nutrition Service groups, associations, or other specified parties may be able to offer EBT services at participating farmers' markets.

C. Government Sector Impact:

None.

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.)

CS by Agriculture on March 4, 2013:

The CS changes the authoritative instruction regarding the duty of farmers' markets to allow third parties to implement and operate an EBT system to accept SNAP payments from being mandatory to being permissive. It clarifies that the bill applies to farmers' markets that are not already authorized SNAP retailers. It removes rule making authority given to the Department of Children and Families to administer the bill as DCF's responsibility for administering the SNAP program is limited to determining eligibility and issue benefits.

B. Amendments:

None.

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

By the Committee on Agriculture; and Senator Thompson

575-01865-13

2013778c1

A bill to be entitled

An act relating to transactions in fresh produce markets; providing definitions; authorizing certain owners and operators of farmers' markets, community farmers' markets, flea markets, and other open-air markets selling fresh produce to allow authorized Food and Nutrition Service groups, associations, and third-party organizations to operate electronic benefits transfer systems in such markets; providing for applicability; providing an effective date.

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

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

(a) "Market" means a farmers' market, community farmers' market, flea market, or other open-air market.

(b) "SNAP" means the federal Supplemental Nutrition Assistance Program established under 7 U.S.C. ss. 2011 et seq.

(2) (a) The owner or operator of a market selling fresh produce who is not an authorized SNAP retailer may allow an authorized Food and Nutrition Service group or association of produce sellers that is actively participating in produce sales in the market, or an authorized Food and Nutrition Service third-party organization, to implement and operate an electronic benefits transfer system for purposes of accepting SNAP benefits in the market on behalf of the produce sellers to the extent and manner allowed by federal law and regulation.

(b) The authorized Food and Nutrition Service group, association, or third-party organization responsible for

Page 1 of 2

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575-01865-13

2013778c1

implementation and operation of the electronic benefits transfer system may not be another market that competes with the market being served.

(c) The market owner or operator shall reasonably accommodate the authorized Food and Nutrition Service group, association, or third-party organization in the implementation and operation of an electronic benefits transfer system for purposes of accepting SNAP benefits.

(3) This section does not:

(a) Apply to a market selling fresh produce whose owner or operator has an electronic benefits transfer system for accepting SNAP benefits in the market.

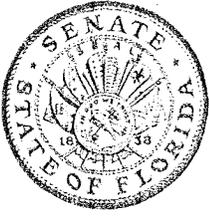
(b) Prohibit an authorized Food and Nutrition Service produce seller in a market selling fresh produce from operating his or her own electronic benefits transfer system as part of his or her customer transaction options.

(c) Require a market owner or operator to create, operate, or maintain an electronic benefits transfer system on behalf of its produce sellers.

Section 2. This act shall take effect July 1, 2013.

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on General
Government, Vice Chair
Community Affairs, Vice Chair
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Children, Families, and Elder Affairs
Commerce and Tourism
Transportation

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR GERALDINE F. THOMPSON
12th District

March 4, 2013

The Honorable Eleanor Sobel
410 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Sobel:

I respectfully request SB 778—Transactions in Fresh Produce Markets be placed on the agenda
of the Committee on Children, Families, and Elder Affairs as soon as possible.

In Florida, farmers' markets were once a common source of fresh produce for people using food
stamp benefits. Currently, only 21% of these markets process electronic benefit transfers (EBT)
according to the USDA. Low-income people especially have limited access to healthy foods
such as fresh fruits and vegetables.

This bill would make food sold at farmers' markets more accessible by authorizing vendors to
form a third-party, FNS certified entity to operate an EBT system at farmers' markets.

Thank you for your consideration.

Sincerely,

Geraldine F. Thompson

Senator Geraldine Thompson, District 12
GT:dr

cc: Claude Hendon

RECEIVED

MAR 04 2013

Senate Committee
Children and Families

REPLY TO:

- 511 W. South Street, Suite 204, Orlando, Florida 32805
224 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

APPEARANCE RECORD

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

3/18/13
Meeting Date

Topic Transactions in Farmers Market

Bill Number 5077B
(if applicable)

Name Debbie McLemore

Amendment Barcode _____
(if applicable)

Job Title Chief, EBT

Address 1317 W. Woodward Blvd

Phone 717-4131

Tallahassee FL 32399
City State Zip

E-mail Debbie-McLemore@
dcf.state.fl.us

Speaking: For Against Information

Representing Department of Children & Families

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

Here for informational purposes if questions.

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
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 Children, Families, and Elder Affairs

BILL: SB 1162
INTRODUCER: Senator Bradley
SUBJECT: Mandatory Reports of Child Abuse
DATE: March 14, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Favorable
2.	_____	_____	CJ	_____
3.	_____	_____	AHS	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1162 amends section 39.201, Florida Statutes to create the following two exceptions relating to the mandatory reporting of child abuse:

- An officer or employee of a law enforcement agency is not required to provide notice to the Department of Children and Families’ (DCF or department) central abuse hotline (hotline) when an incident of suspected child abuse by an adult other than a parent, legal custodian or other person responsible for the child’s welfare under investigation by law enforcement was originally reported to law enforcement by the hotline through the electronic transfer; and
- The central abuse hotline is not required to electronically transfer calls and reports to the county sheriff’s office if the incident of alleged child abuse by an adult other than a parent, legal custodian or other person responsible for the child’s welfare was originally reported to the hotline by the county sheriff’s office or another law enforcement agency.

This bill is anticipated to have no fiscal impact on the state and has an effective date of July 1, 2013.

This bill substantially amends section 39.201 of the Florida Statutes.

II. Present Situation:

Section 39.201, F.S., requires any person who knows, or has reasonable cause to suspect any of the following to report such knowledge or suspicion to the department’s hotline:

- That a child was abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare;¹ or
- That a child was in need of supervision and care and had no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.²

Hotline personnel are required to determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions must be accepted for a protective investigation under s. 39.301, F.S.³

Current law provides two exceptions to the reporting requirements:

- A professional who is hired by DCF for the purpose of treating or counseling any person, as a result of a report of child abuse, abandonment, or neglect, is not required to again report to the central abuse hotline the abuse, abandonment, or neglect that was the subject of the referral for treatment;⁴ and
- An officer or employee of the judicial branch is not required to again provide notice of child abuse, abandonment, or neglect when there is reasonable cause to believe the information is already known to the department.⁵

In 2012, s. 39.201, F.S., was amended to add an additional reporting requirement:⁶

- Any person who knows, or has reasonable cause to suspect that a child is abused by an adult **other** than a parent, legal custodian, caregiver, or other person responsible for the child's welfare is required to report such knowledge or suspicion to the hotline. The hotline is required to immediately electronically transfer such reports or calls to the appropriate county sheriff's office.⁷

The 2012 legislation did not create any exceptions to the new reporting requirement.

During implementation of the newly required reporting requirement, hotline staff and law enforcement agencies recognized a "circular reporting requirement"⁸ between the hotline and law enforcement. In instances where a law enforcement officer was the entity who initially

¹ Section 39.01(47), F.S., defines the term "other person responsible for a child's welfare" as including employees of any school, day care center, residential home, facility, institution, or agency; a law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. The definition exempts law enforcement officers; employees of municipal or county detention facilities; and employees of the Department of Corrections acting in an official capacity, except as otherwise provided in the subsection.

² Section 39.201(1), F.S.

³ Section 39.201(2)(a), F.S.

⁴ Section 39.201(1)(e), F.S.

⁵ Section 39.201(1)(f), F.S., applies when the child is currently being investigated by DCF, there is an existing dependency case, or the matter has previously been reported to the department; and only when the information has been provided to the officer or employee in the course of carrying out his or her official duties.

⁶ Chapter 2012-155, s.1, Laws of Fla.

⁷ Section 39.201(2)(b), F.S. (2012).

⁸ Department of Children and Families, *Senate Bill 1162 Staff Analysis and Economic Impact*. (Feb. 22, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

identified that a child was being abused by someone other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, law enforcement was required to report the incident under investigation to the hotline that was then required to immediately transfer the information back to the law enforcement agency.⁹

III. Effect of Proposed Changes:

The bill amends s. 39.201, F.S., creating the following two exceptions to the requirement that any person who knows, or has reasonable cause to suspect that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare report such knowledge or suspicion to the hotline:

- An officer or employee of a law enforcement agency is not required to provide notice to the hotline when an incident of suspected child abuse by an adult other than a parent, legal custodian or other person responsible for the child's welfare under investigation by law enforcement was originally reported to law enforcement by the hotline through electronic transfer; and
- The central abuse hotline is not required to electronically transfer calls and reports to the county sheriff's office if the incident of alleged child abuse by an adult other than a parent, legal custodian or other person responsible for the child's welfare was originally reported to the hotline by the county sheriff's office or another law enforcement agency.

These exceptions only apply when the information related to the alleged child abuse was provided to an officer or employee of a law enforcement agency or a hotline employee in the course of official duties.

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.

⁹ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

The elimination of the redundant reporting requirement inadvertently created in 2012 should result in a reduced workload on local law enforcement agencies.¹⁰

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.

¹⁰ *Id.*

By Senator Bradley

7-01105A-13

20131162__

1 A bill to be entitled
 2 An act relating to mandatory reports of child abuse;
 3 amending s. 39.201, F.S.; limiting the duty of an
 4 officer or employee of a law enforcement agency to
 5 provide notice to the Department of Children and
 6 Families of reasonable cause to suspect child abuse
 7 under certain circumstances; limiting the duty of the
 8 Central Abuse Hotline to electronically transfer
 9 certain calls and reports to the county sheriff's
 10 office under certain circumstances; providing
 11 applicability; providing an effective date.
 12

13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. Paragraph (h) is added to subsection (1) of
 16 section 39.201, Florida Statutes, to read:

17 39.201 Mandatory reports of child abuse, abandonment, or
 18 neglect; mandatory reports of death; central abuse hotline.-

19 (1)

20 (h) An officer or employee of a law enforcement agency is
 21 not required to provide notice to the department of reasonable
 22 cause to suspect child abuse by an adult other than a parent,
 23 legal custodian, caregiver, or other person responsible for the
 24 child's welfare when the incident under investigation by the law
 25 enforcement agency was reported to law enforcement by the
 26 Central Abuse Hotline through the electronic transfer of the
 27 report or call. The department's Central Abuse Hotline is not
 28 required to electronically transfer calls and reports received
 29 pursuant to paragraph (2)(b) to the county sheriff's office if

Page 1 of 2

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

7-01105A-13

20131162__

30 the matter was initially reported to the department by the
 31 county sheriff's office or another law enforcement agency. This
 32 paragraph applies only when the information related to the
 33 alleged child abuse has been provided to the officer or employee
 34 of a law enforcement agency or Central Abuse Hotline employee in
 35 the course of carrying out his or her official duties.

36 Section 2. This act shall take effect July 1, 2013.

Page 2 of 2

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



The Florida Senate
Committee Agenda Request

To: Senator Eleanor Sobel, Chair
Committee on Children, Families, and Elder Affairs

Subject: Committee Agenda Request

Date: March 1, 2013

I respectfully request that **Senate Bill # 1162**, relating to Mandatory Reports of Child Abuse, be placed on the:

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

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

Senator Rob Bradley
Florida Senate, District 7

RECEIVED

MAR 01 2013

Senate Committee
Children and Families

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-18-13

Meeting Date

Topic mandatory Reports of child Abuse Bill Number 1162
Name Lindsey Perkins Amendment Barcode _____
Job Title Lobbyist
Address 123 S. Adams St. Phone (850) 671-4401
Street
Tallahassee FL 32301 E-mail perkins@sostrategy.com
City State Zip
Speaking: For Against Information

Representing Florida Sheriffs Association

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

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

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/2013

Meeting Date

Topic Mandatory Reports of Child Abuse Bill Number 1162
Name Tim Parson Amendment Barcode _____
Job Title Deputy Director of Legislative Affairs
Address 1317 Winwood Blvd. Phone 488-9410
Street
_____ _____ _____ E-mail _____
City State Zip
Speaking: For Against Information

Representing DCF

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)

3/18/13

Meeting Date

Topic Reports of child abuse

Bill Number 1162 (if applicable)

Name Greg Stevens

Amendment Barcode (if applicable)

Job Title

Address 9140 Sunrise Dr. Street

Phone

Largo FL 33773 City State Zip

E-mail

Speaking: [] For [] Against [x] Information

Representing

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

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

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

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

S-001 (10/20/11)

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 Children, Families, and Elder Affairs

BILL: CS/SB 1644

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Flores

SUBJECT: Victims of Human Trafficking

DATE: March 18, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Fav/CS
2.			JU	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 1644 creates section 943.0583, Florida Statutes relating to the expunction of criminal records for victims of human trafficking. Specifically, the section provides:

- Definitions for the terms “human trafficking,” “official documentation,” and “victim of human trafficking.”
- A process for victims of human trafficking to petition the court for expunction of the criminal history record of certain crimes committed while he or she was a victim of human trafficking;
- Determination of the petition should be by a preponderance of the evidence;
- A conviction expunged is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings;
- A petition must be initiated by the petitioner with due diligence after the victim has ceased to be a victim of human trafficking or has sought services for victims of human trafficking subject to specified reasonable concerns;
- Official documentation of the victim’s status creates a presumption that his or her participation in the offense was a result of having been a victim of human trafficking but is

not required for granting a petition. A determination made without such official documentation must be made by a showing of clear and convincing evidence.

- A list of criteria that must be met for a petition to expunge a criminal history record to be considered complete;
- Requirements for judicial proceedings related to expunction of records; and
- Requirements that must be followed when any criminal history record of a minor or an adult is ordered expunged by the court.

This bill is anticipated to have an insignificant fiscal impact on state government and has an effective date of July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 943.0582, 943.0585, 943.059 and 961.06. This bill creates section 943.0583 of the Florida Statutes.

II. Present Situation:

In 2000, the United States enacted the Trafficking Victims Protection Act (TVPA),¹ and the United Nations adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol.²

The Palermo Protocol focused the attention of the global community on combating human trafficking. For the first time, an international instrument called for the criminalization of all acts of trafficking, including forced labor, slavery, and slavery like practices, and that governmental response should incorporate prevention, criminal prosecution, and victim protection.

The Palermo Protocol's "3P" paradigm of prevention, prosecution, and protection reflects a comprehensive victim-centered approach to ensuring that the rights of individuals are guaranteed.³ Through prevention measures, governments can work to forestall the violation of rights. Prosecution efforts seek to punish those whose actions have subjugated the lives of their victims through enslavement. Protection efforts seek to provide appropriate services to the survivors, maximizing their opportunity for a comprehensive recovery.⁴

Because the crime of human trafficking undermines the most basic human rights, protection services must be considered just as important as investigating and prosecuting the offenders. The damage inflicted by traffickers can never be undone, but it may be repaired. If governments fail to provide comprehensive protection as a complement to prevention and prosecution efforts, they risk deepening, rather than alleviating, the original harm.⁵

¹ The Victims of Trafficking and Violence Protection Act of 2000 (Pub. Law No. 106-386), The Trafficking Victims Protection Reauthorization Act of 2003 (H.R. 2620), The Trafficking Victims Protection Reauthorization Act of 2005 (H.R. 972), and The Trafficking Victims Protection Reauthorization Act of 2008 (H.R. 7311) enhance pre-existing criminal penalties in other related laws, afford new protections to trafficking victims and make available certain benefits and services to victims of severe forms of trafficking once they become certified by the U.S. Department of Health and Human Services.

² U.S. Department of State, *Trafficking in Persons Report 2010*, available at <http://www.state.gov/documents/organization/142980.pdf> (last visited March 14, 2013).

³ *Id.*

⁴ U.S. Department of State, *Trafficking in Persons Report 2012*, available at <http://www.state.gov/documents/organization/142980.pdf> (last visited March 14, 2013).

⁵ *Id.*

Survivors of human trafficking often confront the dual issues of criminalization and stigmatization long after they escape from their trafficking situations. Despite being victims, individuals who are trafficked are often arrested and convicted of prostitution and related offenses. Trafficked persons are not often recognized as victims by the police and prosecutors, and are therefore pressured into pleading guilty and/or do not understand the consequences of the charges. Multiple arrests, incarceration, police violence, deportation, employment and housing discrimination related to having a criminal record, and social stigma are just a few of the barriers faced by those who have been forced into prostitution. There is a real need for a workable solution to alleviate the impact of collateral consequences of conviction for survivors of human trafficking.⁶

In 2010, New York became the first state to enact legislation that that allows survivors of trafficking to vacate their convictions for prostitution offenses.^{7,8} While every state has a slightly different criminal procedure into which this type of remedy must fit, the central purpose of this law is to give survivors the ability to live their lives unhindered by a criminal record: “Even after they escape from sex trafficking, the criminal record victimizes them for life. This bill would give victims of human trafficking a desperately needed second chance they deserve.”⁹

The Urban Justice Center in New York, instrumental in drafting the law, recommends that a strong state law on vacating convictions should:

- Not be limited to vacating only certain prostitution offenses;
- Not require the survivor to present official documentation certifying them as a victim of trafficking;
- Not require the survivor to prove that he or she has left the sex industry or been “rehabilitated”;
- Offer confidentiality provisions to protect the client’s identity;
- Be the most complete remedy possible under the law;
- State that the court must vacate the convictions and dismiss the accusatory instrument if an individual meets the elements;
- Allow the court to take additional appropriate action beyond the mandate of the statute;
- Be retroactive and inclusive of those with older convictions; and
- Ensure availability of the remedy by funding legal services attorneys.

⁶ Melissa Broudo and Sienna Baskin, *Vacating Criminal Convictions For Trafficked Persons: A Legal Memorandum for Advocates and Legislators*. Urban Justice Center. The Sex Workers Project (April, 2012) available at <http://www.sexworkersproject.org/downloads/2012/20120422-memo-vacating-convictions.pdf> (last visited March 14, 2013).

⁷ N.Y. CRIM. PROC. LAW § 440.10(1)(i)

⁸ As of June 2012, Hawaii became the sixth state to implement a law to allow criminal records related to human trafficking to be vacated. The Washington Times. *Hawaii: New law allows trafficking victims to vacate prostitution convictions* (June 11, 2012) available at <http://communities.washingtontimes.com/neighborhood/rights-so-divine/2012/jul/11/hawaii-new-law-allows-trafficking-victims-expunge/> (last visited March 14, 2013).

⁹ Melissa Broudo and Sienna Baskin, *Vacating Criminal Convictions For Trafficked Persons: A Legal Memorandum for Advocates and Legislators*. Urban Justice Center. The Sex Workers Project (April, 2012) available at <http://www.sexworkersproject.org/downloads/2012/20120422-memo-vacating-convictions.pdf> (last visited March 14, 2013).

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 943.0583, F.S., related to human trafficking victim expunction, that provides:

- Definitions for the terms “human trafficking,” “official documentation,” and “victim of human trafficking.”
- The court of original jurisdiction over the crime that is sought to be expunged may order a criminal justice agency to expunge the criminal history record of a victim of human trafficking who complies with the requirements for expunction, but this does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.
- A person who is a victim of human trafficking may petition for the expunction of any conviction for an offense committed while he or she was a victim of human trafficking, which offense was committed as a part of the human trafficking scheme of which he or she was a victim or at the direction of an operator of the scheme, including, but not limited to, violations under chs. 796¹⁰ and 847, F.S.¹¹ However, this section does not apply to any offense listed in s.775.084(1)(b)1, F.S.¹² Determination of the petition should be by a preponderance of the evidence. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings.
- A petition must be initiated by the petitioner with due diligence after the victim has ceased to be a victim of human trafficking or has sought services for victims of human trafficking, subject to reasonable concerns for the safety of the victim, family members of the victim, or other victims of human trafficking that may be jeopardized by the bringing of such petition or for other reasons consistent with the purpose of the law.
- Official documentation of the victim’s status creates a presumption that his or her participation in the offense was a result of having been a victim of human trafficking but is not required for granting a petition. A determination made without such official documentation must be made by a showing of clear and convincing evidence.
- Each petition to a court to expunge a criminal history record is complete only when accompanied by:
 - The petitioner’s sworn statement attesting that the petitioner is eligible for such an expunction to the best of his or her knowledge or belief and does not have any other petition to expunge or any petition to seal pending before any court.
 - Official documentation of the petitioner’s status as a victim of human trafficking, if any exists.

Any person who knowingly provides false information on a sworn statement to the court commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

- In judicial proceedings relating to expunction:

¹⁰ Chapter 796, F.S., contains provisions related to prostitution.

¹¹ Chapter 847, F.S., contains provisions related to obscenity.

¹² Section 775.084(1)(b)1., F.S., lists the crimes of arson, sexual battery, robbery, kidnapping; aggravated child abuse, aggravated abuse of an elderly person or disabled adult, aggravated assault with a deadly weapon, murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, unlawful throwing, placing, or discharging of a destructive device or bomb, armed burglary, aggravated battery, and aggravated stalking.

- A copy of the completed petition to expunge shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to expunge;
 - The petitioner or the petitioner's attorney may appear at any hearing under this section telephonically, via video conference, or by other electronic means; and
 - If relief is granted by the court, the clerk of the court is required to certify copies of the order to the appropriate state attorney or the statewide prosecutor and the arresting agency. The arresting agency is responsible for forwarding the order to any other agency listed in the court order to which the arresting agency disseminated the criminal history record information to which the order pertains. The department must forward the order to expunge to the Federal Bureau of Investigation (FBI). The clerk of the court must certify a copy of the order to any other agency that the records of the court reflect has received the criminal history record from the court.
- When any criminal history record of a minor or an adult is ordered expunged by the court:
 - The record must be physically destroyed or obliterated by any criminal justice agency having custody of such record, except that any criminal history record in the custody of the department must be retained in all cases;
 - The person who is the subject of a criminal history record that is expunged may lawfully deny or fail to acknowledge the arrests covered by the expunged record; and
 - A person who has been granted an expunction may not be held under any law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge an expunged criminal history record.

Section 2 of the bill amends s. 943.0582, F.S., to conform a cross reference.

Section 3 of the bill amends s. 943.0585, F.S., to conform a cross reference.

Section 4 of the bill amends s. 943.059, F.S., to conform a cross reference.

Section 5 of the bill amends s. 961.06, F.S. to conform a cross reference.

Section 6 of the bill provides for an effective date of July 1, 2013.

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 will allow certain individuals to expunge their criminal records. This will result in additional work for the Florida Department of Law Enforcement, the State Courts System, and local law enforcement. This additional workload is not expected to have a significant fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Florida Department of Law Enforcement (FDLE) raised the following issues in the agency analysis of the bill:

- The intent and import of declaring that an expunged conviction shall, as a result of that expunction, which is based on a showing of victim status, be “deemed to have been vacated due to a substantive defect in the underlying criminal proceedings” is unclear and apparently unprecedented. The courts could take the position that vacation of a conviction as currently authorized by the Florida Rules of Criminal Procedure should precede and be a condition, rather than following and being a consequence, of expunction.
- Determining the effect of the “deem[ing] to have been vacated” could be controversial. The “due diligence” requirement has no parallel in existing law on expunction (other than juvenile diversion expunction under s. 943.0582, F.S., which has a fixed time limit for applying). Litigation could be expected over what is required to establish or refute victim status for purposes of the expunction authorized by the bill. The absence of any other prerequisites to expunction could give rise to litigation over the implicit eligibility of persons with prior or subsequent convictions, and prior or subsequent grants of expunction or sealing, for this form of relief. A denial of a petition could be appealed as an abuse of discretion, or as clear error in not finding victim status. The apparent limitation of relief to convictions, excluding eligibility for charges resulting in dismissal or acquittal, would be controversial.¹³

¹³ Florida Department of Law Enforcement, *Senate Bill 1644* (March 15, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

The FDLE analysis also included the following comments:

- Determining eligibility will be up to the court in which the petition is filed, with optional (not mandatory) input from the prosecutor and arresting agency. It is not clear if other factors (e.g., prior criminal history, previous grants of expunction or sealing) could be taken into account by the court in addition to the necessary and apparently sufficient assessment of victim status.
- Objection by the prosecutor would, presumably, be limited to asserting that the petitioner was not a victim, that the petition was not timely filed, or that the petitioner was seeking to expunge the record of a listed offense (see above). If these conditions were satisfied, the prosecutor could, presumably, still argue that the court should exercise its discretion to deny the petition for other reasons (e.g., presence of other conviction or convictions).
- If the intent of the bill is to limit this remedy to persons convicted of the offense for which the record is to be expunged, on the premise that traditional expunction or sealing would still be available to persons not convicted, that assumption should be made explicit. Persons not convicted of the offense for which expunction was sought under this provision could easily be ineligible for other forms of relief, as by (for example) a single misdemeanor conviction as an adult.
- It is unclear why a person must acknowledge the existence of an expunged or sealed record granted under ss. 943.0585 and 943.059, F.S., if he or she petitions for relief under this section, since the existence of a prior expunction or sealing is not made disqualifying. Possibly this requirement could be defended as a factor for the court to consider in exercising its discretion to grant or deny the petition. If that is the intent, however, the requirement should be placed squarely and prominently in s. 943.0583, F.S., rather than (in effect) buried inside the court-ordered expunction and sealing statutes.¹⁴

VIII. Additional Information:

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

CS by Children, Families, and Elder Affairs on March 18, 2013:

- The definition of the term “victim of human trafficking” was amended to remove the provision that minors who are victims of human trafficking are victims as the result of coercion.

- B. **Amendments:**

None.

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

¹⁴ *Id.*



430586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Altman) recommended the following:

Senate Amendment

Delete lines 57 - 62
and insert:

(c) "Victim of human trafficking" means a person subjected to coercion, as defined in s. 787.06, for the purpose of being used in human trafficking, a child under 18 years of age subjected to human trafficking, or an individual subject to human trafficking as defined by federal law.

By Senator Flores

37-01323C-13

20131644__

1 A bill to be entitled
 2 An act relating to victims of human trafficking;
 3 creating s. 943.0583, F.S.; providing definitions;
 4 providing for the expungement of the criminal history
 5 record of a victim of human trafficking; designating
 6 what offenses may be expunged; providing exceptions;
 7 providing that an expunged conviction is deemed to
 8 have been vacated due to a substantive defect in the
 9 underlying criminal proceedings; providing for a
 10 period in which such expungement must be sought;
 11 providing that official documentation of the victim's
 12 status as a human trafficking victim creates a
 13 presumption; providing a standard of proof absent
 14 official documentation; providing requirements for
 15 petitions; providing criminal penalties for false
 16 statements on such petitions; providing for parties to
 17 and service of such petitions; providing for
 18 electronic appearances of petitioners and attorneys at
 19 hearings; providing for orders of relief; providing
 20 for physical destruction of certain records;
 21 authorizing a person whose records are expunged to
 22 lawfully deny or fail to acknowledge the arrests
 23 covered by the expunged record; providing that such
 24 lawful denial does not constitute perjury or subject
 25 the person to liability; providing that cross-
 26 references are considered general reference for the
 27 purpose of incorporation by reference; amending ss.
 28 943.0582, 943.0585, 943.059, and 961.06, F.S.;

29 conforming provisions to changes made by the act;

Page 1 of 13

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37-01323C-13

20131644__

30 providing an effective date.
 31
 32 WHEREAS, victims of trafficking may be forced to engage in
 33 a variety of illegal acts beyond prostitution, and
 34 WHEREAS, trafficked persons are not always recognized as
 35 victims by the police and prosecutors and are thus pressured
 36 into pleading guilty or do not understand the consequences of
 37 criminal charges, and
 38 WHEREAS, all persons with criminal records reflecting their
 39 involvement in the sex industry may face barriers to employment
 40 and other life opportunities long after they escape from their
 41 trafficking situations, and
 42 WHEREAS, there is a genuine need for a workable solution to
 43 alleviate the impact of the collateral consequences of
 44 conviction for victims of human trafficking, NOW, THEREFORE,
 45
 46 Be It Enacted by the Legislature of the State of Florida:
 47
 48 Section 1. Section 943.0583, Florida Statutes, is created
 49 to read:
 50 943.0583 Human trafficking victim expunction.—
 51 (1) As used in this section, the term:
 52 (a) "Human trafficking" has the same meaning as provided in
 53 s. 787.06.
 54 (b) "Official documentation" means any documentation issued
 55 by a federal, state, or local agency tending to show a person's
 56 status as a victim of human trafficking.
 57 (c) "Victim of human trafficking" means a person subjected
 58 to coercion, as defined in s. 787.06, for the purpose of being

Page 2 of 13

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37-01323C-13 20131644

59 used in human trafficking, a minor who is a victim of human
 60 trafficking through coercion, as defined in s. 787.06, or an
 61 individual subject to human trafficking as defined by federal
 62 law.

63 (2) Notwithstanding any other provision of law, the court
 64 of original jurisdiction over the crime sought to be expunged
 65 may order a criminal justice agency to expunge the criminal
 66 history record of a victim of human trafficking who complies
 67 with the requirements of this section. This section does not
 68 confer any right to the expunction of any criminal history
 69 record, and any request for expunction of a criminal history
 70 record may be denied at the sole discretion of the court.

71 (3) A person who is a victim of human trafficking may
 72 petition for the expunction of any conviction for an offense
 73 committed while he or she was a victim of human trafficking,
 74 which offense was committed as a part of the human trafficking
 75 scheme of which he or she was a victim or at the direction of an
 76 operator of the scheme, including, but not limited to,
 77 violations under chapters 796 and 847. However, this section
 78 does not apply to any offense listed in s. 775.084(1)(b)1.
 79 Determination of the petition under this section should be by a
 80 preponderance of the evidence. A conviction expunged under this
 81 section is deemed to have been vacated due to a substantive
 82 defect in the underlying criminal proceedings.

83 (4) A petition under this section must be initiated by the
 84 petitioner with due diligence after the victim has ceased to be
 85 a victim of human trafficking or has sought services for victims
 86 of human trafficking, subject to reasonable concerns for the
 87 safety of the victim, family members of the victim, or other

37-01323C-13 20131644

88 victims of human trafficking that may be jeopardized by the
 89 bringing of such petition or for other reasons consistent with
 90 the purpose of this section.

91 (5) Official documentation of the victim's status creates a
 92 presumption that his or her participation in the offense was a
 93 result of having been a victim of human trafficking but is not
 94 required for granting a petition under this section. A
 95 determination made without such official documentation must be
 96 made by a showing of clear and convincing evidence.

97 (6) Each petition to a court to expunge a criminal history
 98 record is complete only when accompanied by:

99 (a) The petitioner's sworn statement attesting that the
 100 petitioner is eligible for such an expunction to the best of his
 101 or her knowledge or belief and does not have any other petition
 102 to expunge or any petition to seal pending before any court.

103 (b) Official documentation of the petitioner's status as a
 104 victim of human trafficking, if any exists.

105 Any person who knowingly provides false information on such
 106 sworn statement to the court commits a felony of the third
 107 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 108 775.084.

109 (7) (a) In judicial proceedings under this section, a copy
 110 of the completed petition to expunge shall be served upon the
 111 appropriate state attorney or the statewide prosecutor and upon
 112 the arresting agency; however, it is not necessary to make any
 113 agency other than the state a party. The appropriate state
 114 attorney or the statewide prosecutor and the arresting agency
 115 may respond to the court regarding the completed petition to
 116 expunge.

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 117 expunge.

118 (b) The petitioner or the petitioner's attorney may appear
 119 at any hearing under this section telephonically, via video
 120 conference, or by other electronic means.

121 (c) If relief is granted by the court, the clerk of the
 122 court shall certify copies of the order to the appropriate state
 123 attorney or the statewide prosecutor and the arresting agency.
 124 The arresting agency is responsible for forwarding the order to
 125 any other agency listed in the court order to which the
 126 arresting agency disseminated the criminal history record
 127 information to which the order pertains. The department shall
 128 forward the order to expunge to the Federal Bureau of
 129 Investigation. The clerk of the court shall certify a copy of
 130 the order to any other agency that the records of the court
 131 reflect has received the criminal history record from the court.

132 (8) (a) Any criminal history record of a minor or an adult
 133 that is ordered expunged by the court of original jurisdiction
 134 over the crime sought to be expunged pursuant to this section
 135 must be physically destroyed or obliterated by any criminal
 136 justice agency having custody of such record, except that any
 137 criminal history record in the custody of the department must be
 138 retained in all cases.

139 (b) The person who is the subject of a criminal history
 140 record that is expunged under this section may lawfully deny or
 141 fail to acknowledge the arrests covered by the expunged record.

142 (c) A person who has been granted an expunction under this
 143 section may not be held under any law of this state to commit
 144 perjury or to be otherwise liable for giving a false statement
 145 by reason of such person's failure to recite or acknowledge an

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 146 expunged criminal history record.

147 (9) Any reference to any other chapter, section, or
 148 subdivision of the Florida Statutes in this section constitutes
 149 a general reference under the doctrine of incorporation by
 150 reference.

151 Section 2. Subsection (6) of section 943.0582, Florida
 152 Statutes, is amended to read:

153 943.0582 Prearrest, postarrest, or teen court diversion
 154 program expunction.—

155 (6) Expunction or sealing granted under this section does
 156 not prevent the minor who receives such relief from petitioning
 157 for the expunction or sealing of a later criminal history record
 158 as provided for in ss. 943.0583, 943.0585, and 943.059, if the
 159 minor is otherwise eligible under those sections.

160 Section 3. Paragraph (a) of subsection (4) of section
 161 943.0585, Florida Statutes, is amended to read:

162 943.0585 Court-ordered expunction of criminal history
 163 records.—The courts of this state have jurisdiction over their
 164 own procedures, including the maintenance, expunction, and
 165 correction of judicial records containing criminal history
 166 information to the extent such procedures are not inconsistent
 167 with the conditions, responsibilities, and duties established by
 168 this section. Any court of competent jurisdiction may order a
 169 criminal justice agency to expunge the criminal history record
 170 of a minor or an adult who complies with the requirements of
 171 this section. The court shall not order a criminal justice
 172 agency to expunge a criminal history record until the person
 173 seeking to expunge a criminal history record has applied for and
 174 received a certificate of eligibility for expunction pursuant to

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175 subsection (2). A criminal history record that relates to a
 176 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 177 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
 178 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
 179 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
 180 any violation specified as a predicate offense for registration
 181 as a sexual predator pursuant to s. 775.21, without regard to
 182 whether that offense alone is sufficient to require such
 183 registration, or for registration as a sexual offender pursuant
 184 to s. 943.0435, may not be expunged, without regard to whether
 185 adjudication was withheld, if the defendant was found guilty of
 186 or pled guilty or nolo contendere to the offense, or if the
 187 defendant, as a minor, was found to have committed, or pled
 188 guilty or nolo contendere to committing, the offense as a
 189 delinquent act. The court may only order expunction of a
 190 criminal history record pertaining to one arrest or one incident
 191 of alleged criminal activity, except as provided in this
 192 section. The court may, at its sole discretion, order the
 193 expunction of a criminal history record pertaining to more than
 194 one arrest if the additional arrests directly relate to the
 195 original arrest. If the court intends to order the expunction of
 196 records pertaining to such additional arrests, such intent must
 197 be specified in the order. A criminal justice agency may not
 198 expunge any record pertaining to such additional arrests if the
 199 order to expunge does not articulate the intention of the court
 200 to expunge a record pertaining to more than one arrest. This
 201 section does not prevent the court from ordering the expunction
 202 of only a portion of a criminal history record pertaining to one
 203 arrest or one incident of alleged criminal activity.

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

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204 Notwithstanding any law to the contrary, a criminal justice
 205 agency may comply with laws, court orders, and official requests
 206 of other jurisdictions relating to expunction, correction, or
 207 confidential handling of criminal history records or information
 208 derived therefrom. This section does not confer any right to the
 209 expunction of any criminal history record, and any request for
 210 expunction of a criminal history record may be denied at the
 211 sole discretion of the court.

212 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
 213 criminal history record of a minor or an adult which is ordered
 214 expunged by a court of competent jurisdiction pursuant to this
 215 section must be physically destroyed or obliterated by any
 216 criminal justice agency having custody of such record; except
 217 that any criminal history record in the custody of the
 218 department must be retained in all cases. A criminal history
 219 record ordered expunged that is retained by the department is
 220 confidential and exempt from the provisions of s. 119.07(1) and
 221 s. 24(a), Art. I of the State Constitution and not available to
 222 any person or entity except upon order of a court of competent
 223 jurisdiction. A criminal justice agency may retain a notation
 224 indicating compliance with an order to expunge.

225 (a) The person who is the subject of a criminal history
 226 record that is expunged under this section or under other
 227 provisions of law, including former s. 893.14, former s. 901.33,
 228 and former s. 943.058, may lawfully deny or fail to acknowledge
 229 the arrests covered by the expunged record, except when the
 230 subject of the record:

231 1. Is a candidate for employment with a criminal justice
 232 agency;

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

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233 2. Is a defendant in a criminal prosecution;
 234 3. Concurrently or subsequently petitions for relief under
 235 this section, s. 943.0583, or s. 943.059;
 236 4. Is a candidate for admission to The Florida Bar;
 237 5. Is seeking to be employed or licensed by or to contract
 238 with the Department of Children and Family Services, the
 239 Division of Vocational Rehabilitation within the Department of
 240 Education, the Agency for Health Care Administration, the Agency
 241 for Persons with Disabilities, the Department of Health, the
 242 Department of Elderly Affairs, or the Department of Juvenile
 243 Justice or to be employed or used by such contractor or licensee
 244 in a sensitive position having direct contact with children, the
 245 disabled, or the elderly;
 246 6. Is seeking to be employed or licensed by the Department
 247 of Education, any district school board, any university
 248 laboratory school, any charter school, any private or parochial
 249 school, or any local governmental entity that licenses child
 250 care facilities; or
 251 7. Is seeking authorization from a seaport listed in s.
 252 311.09 for employment within or access to one or more of such
 253 seaports pursuant to s. 311.12.
 254 Section 4. Paragraph (a) of subsection (4) of section
 255 943.059, Florida Statutes, is amended to read:
 256 943.059 Court-ordered sealing of criminal history records.—
 257 The courts of this state shall continue to have jurisdiction
 258 over their own procedures, including the maintenance, sealing,
 259 and correction of judicial records containing criminal history
 260 information to the extent such procedures are not inconsistent
 261 with the conditions, responsibilities, and duties established by

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262 this section. Any court of competent jurisdiction may order a
 263 criminal justice agency to seal the criminal history record of a
 264 minor or an adult who complies with the requirements of this
 265 section. The court shall not order a criminal justice agency to
 266 seal a criminal history record until the person seeking to seal
 267 a criminal history record has applied for and received a
 268 certificate of eligibility for sealing pursuant to subsection
 269 (2). A criminal history record that relates to a violation of s.
 270 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
 271 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
 272 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
 273 916.1075, a violation enumerated in s. 907.041, or any violation
 274 specified as a predicate offense for registration as a sexual
 275 predator pursuant to s. 775.21, without regard to whether that
 276 offense alone is sufficient to require such registration, or for
 277 registration as a sexual offender pursuant to s. 943.0435, may
 278 not be sealed, without regard to whether adjudication was
 279 withheld, if the defendant was found guilty of or pled guilty or
 280 nolo contendere to the offense, or if the defendant, as a minor,
 281 was found to have committed or pled guilty or nolo contendere to
 282 committing the offense as a delinquent act. The court may only
 283 order sealing of a criminal history record pertaining to one
 284 arrest or one incident of alleged criminal activity, except as
 285 provided in this section. The court may, at its sole discretion,
 286 order the sealing of a criminal history record pertaining to
 287 more than one arrest if the additional arrests directly relate
 288 to the original arrest. If the court intends to order the
 289 sealing of records pertaining to such additional arrests, such
 290 intent must be specified in the order. A criminal justice agency

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291 may not seal any record pertaining to such additional arrests if
 292 the order to seal does not articulate the intention of the court
 293 to seal records pertaining to more than one arrest. This section
 294 does not prevent the court from ordering the sealing of only a
 295 portion of a criminal history record pertaining to one arrest or
 296 one incident of alleged criminal activity. Notwithstanding any
 297 law to the contrary, a criminal justice agency may comply with
 298 laws, court orders, and official requests of other jurisdictions
 299 relating to sealing, correction, or confidential handling of
 300 criminal history records or information derived therefrom. This
 301 section does not confer any right to the sealing of any criminal
 302 history record, and any request for sealing a criminal history
 303 record may be denied at the sole discretion of the court.

304 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
 305 history record of a minor or an adult which is ordered sealed by
 306 a court of competent jurisdiction pursuant to this section is
 307 confidential and exempt from the provisions of s. 119.07(1) and
 308 s. 24(a), Art. I of the State Constitution and is available only
 309 to the person who is the subject of the record, to the subject's
 310 attorney, to criminal justice agencies for their respective
 311 criminal justice purposes, which include conducting a criminal
 312 history background check for approval of firearms purchases or
 313 transfers as authorized by state or federal law, to judges in
 314 the state courts system for the purpose of assisting them in
 315 their case-related decisionmaking responsibilities, as set forth
 316 in s. 943.053(5), or to those entities set forth in
 317 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
 318 licensing, access authorization, and employment purposes.

319 (a) The subject of a criminal history record sealed under

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320 this section or under other provisions of law, including former
 321 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 322 deny or fail to acknowledge the arrests covered by the sealed
 323 record, except when the subject of the record:

- 324 1. Is a candidate for employment with a criminal justice
 325 agency;
- 326 2. Is a defendant in a criminal prosecution;
- 327 3. Concurrently or subsequently petitions for relief under
 328 this section, s. 943.0583, or s. 943.0585;
- 329 4. Is a candidate for admission to The Florida Bar;
- 330 5. Is seeking to be employed or licensed by or to contract
 331 with the Department of Children and Family Services, the
 332 Division of Vocational Rehabilitation within the Department of
 333 Education, the Agency for Health Care Administration, the Agency
 334 for Persons with Disabilities, the Department of Health, the
 335 Department of Elderly Affairs, or the Department of Juvenile
 336 Justice or to be employed or used by such contractor or licensee
 337 in a sensitive position having direct contact with children, the
 338 disabled, or the elderly;
- 339 6. Is seeking to be employed or licensed by the Department
 340 of Education, any district school board, any university
 341 laboratory school, any charter school, any private or parochial
 342 school, or any local governmental entity that licenses child
 343 care facilities;
- 344 7. Is attempting to purchase a firearm from a licensed
 345 importer, licensed manufacturer, or licensed dealer and is
 346 subject to a criminal history check under state or federal law;
 347 or
- 348 8. Is seeking authorization from a Florida seaport

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349 identified in s. 311.09 for employment within or access to one
350 or more of such seaports pursuant to s. 311.12.

351 Section 5. Paragraph (e) of subsection (1) of section
352 961.06, Florida Statutes, is amended to read:

353 961.06 Compensation for wrongful incarceration.—

354 (1) Except as otherwise provided in this act and subject to
355 the limitations and procedures prescribed in this section, a
356 person who is found to be entitled to compensation under the
357 provisions of this act is entitled to:

358 (e) Notwithstanding any provision to the contrary in s.
359 943.0583 or s. 943.0585, immediate administrative expunction of
360 the person's criminal record resulting from his or her wrongful
361 arrest, wrongful conviction, and wrongful incarceration. The
362 Department of Legal Affairs and the Department of Law
363 Enforcement shall, upon a determination that a claimant is
364 entitled to compensation, immediately take all action necessary
365 to administratively expunge the claimant's criminal record
366 arising from his or her wrongful arrest, wrongful conviction,
367 and wrongful incarceration. All fees for this process shall be
368 waived.

369
370 The total compensation awarded under paragraphs (a), (c), and
371 (d) may not exceed \$2 million. No further award for attorney's
372 fees, lobbying fees, costs, or other similar expenses shall be
373 made by the state.

374 Section 6. This act shall take effect July 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/13

Meeting Date

Topic Human Trafficking

Bill Number 1644
(if applicable)

Name Adrianna Sekula

Amendment Barcode _____
(if applicable)

Job Title Assoc. Dir. Gov't Affairs

Address _____
Street

Phone 904-553-7850

City _____ State _____ Zip _____

E-mail adrianna.sekula@pacecenter.org

Speaking: For Against Information

Representing PACE Center for Girls, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

3/18/13

Meeting Date

Topic Human Trafficking

Bill Number 1644
(if applicable)

Name Greg Stevens

Amendment Barcode _____
(if applicable)

Job Title _____

Address 9166 Sunrise Dr.
Street

Phone _____

City Largo State Fla. Zip 33773

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)

Meeting Date _____
Topic Human trafficking Bill Number 1644
Name Nelson Diaz Amendment Barcode _____
Job Title President, Kristi House (if applicable)
Address 3038 Matilda St Phone 305-490-3414
Street _____ (if applicable)
City Miami State FL Zip 33133 E-mail _____

Speaking: For Against Information
Representing Kristi House
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 3-18-13
Topic Victims of Human Traffic Bill Number SB 1644
Name Janet Lamooureux Amendment Barcode _____
Job Title _____ (if applicable)
Address 1345 Turkey Trl Phone 863-899-7301
Street _____
City Lakeland State FL Zip 33810 E-mail janetL@tampabay.irs.com

Speaking: For Against Information
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 (10/20/11)

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 Children, Families, and Elder Affairs

BILL: CS/SB 1660

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Flores

SUBJECT: Quality Cancer Care and Research

DATE: March 18, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stovall	Stovall	HP	Favorable
2.	Hendon	Hendon	CF	Fav/CS
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 1660 establishes a Cancer Center of Excellence Award to recognize hospitals, treatment centers, and other providers in Florida that demonstrate excellence in patient-centered, coordinated care for persons undergoing cancer treatment and therapy. This bill provides for the development of performance measures, a rating system, and a rating standard that must be achieved to be eligible for recognition. The award and designation may be used in the provider's advertising and marketing for up to three years and it entitles the recipient to preferential consideration in competitive solicitations by a state agency or state university.

This bill also provides for endowments to cancer research institutions in the state to establish a funded research chair that will attract and retain a promising researcher in order to serve as a catalyst to attract other national grant-producing researchers to the state. The endowments are contingent upon funding in the General Appropriations Act.

This bill, if funds are appropriated, would have a fiscal impact on the state and has an effective date of July 1, 2013.

This bill substantially amends sections 215.5602, 381.922, and 1004.435, Florida Statutes and creates section 381.925, Florida Statutes.

II. Present Situation:

Cancer is the general name for a group of more than 100 diseases. Although there are many kinds of cancer, all cancers start because abnormal cells grow out of control. Untreated cancers can cause serious illness and death. Half of all men and one-third of all women in the U.S. will develop cancer during their lifetimes.¹

About 1,660,290 new cancer cases are expected to be diagnosed in 2013 in the United States, with approximately 118,290 of those occurring in Florida. In 2013, about 580,350 Americans are expected to die of cancer, almost 1,600 people per day. Cancer is the second most common cause of death in the United States, exceeded only by heart disease, accounting for nearly one of every four deaths. The National Cancer Institute estimates that approximately 13.7 million Americans with a history of cancer were alive on January 1, 2012. Some of these individuals were cancer free, while others still had evidence of cancer and may have been undergoing treatment.²

Cancer is the leading cause of death in Florida. Florida has the second-highest number of new cases of cancer in the U.S., even though it is the fourth-largest state in terms of population. However, there is only one National Cancer Institute-designated comprehensive cancer center in the state.³ National Cancer Institute designation is nationally recognized as a marker of high-quality in cancer care and research and is linked to higher federal funding for cancer. Florida has fewer designated cancer centers than peer states. For example, New York has four centers, Texas has three, and California has ten.⁴

Florida Cancer Control and Research Advisory Council

The Florida Cancer Control and Research Advisory Council (Council) is created within the H. Lee Moffitt Cancer Center and Research Institute, Inc. (Moffitt).⁵ The Council:

- Advises the Board of Governors, the State Surgeon General, and the Legislature on cancer control and research in Florida;
- Annually approves the Florida Cancer Plan;
- Provides recommendations for the Florida Cancer Plan to include the coordination and integration of plans concerned with cancer control and research provided by other stakeholders;
- Formulates and recommends to the State Surgeon General:
 - A plan for the care and treatment of persons suffering from cancer,

¹ American Cancer Society, *What is Cancer*, available at: <http://www.cancer.org/cancer/cancerbasics/what-is-cancer> (last visited March 12, 2013).

² American Cancer Society, *Cancer Facts and Figures 2013*, available at: <http://www.cancer.org/acs/groups/content/@epidemiologysurveillance/documents/document/acspc-036845.pdf> (last visited March 12, 2013).

³ H. Lee Moffitt Cancer Center is the only designated cancer center.

⁴ Department of Health, *SB 1660 Bill Analysis* (March 8, 2013), (on file with the Senate Health Policy Committee).

⁵ s. 1004.435(4), F.S.

- Standard requirements for organization, equipment, and conduct of cancer units or departments in hospitals and clinics, and
- The designation of cancer units following a survey of needs and facilities for treatment of cancer throughout the state;
- Recommends grant awards and contracts to qualified recipients;
- Develops educational materials and programs; and
- Recommends rules and methods of implementing or enforcing laws concerned with cancer control, research, and education.

The Council consists of 35 members including appointees by the Speaker of the House of Representatives, the President of the Senate, and the Governor and other persons representing the: American Cancer Society, Florida Tumor Registrars Association, Sylvester Comprehensive Cancer Center of the University of Miami, Department of Health (DOH), University of Florida Shands Cancer Center, Agency for Health Care Administration, Florida Nurses Association, Florida Osteopathic Medical Association, American College of Surgeons, School of Medicine of the University of Miami, College of Medicine of the University of Florida, NOVA Southeastern College of Osteopathic Medicine, College of Medicine of the University of South Florida, College of Public Health of the University of South Florida, Florida Society of Clinical Oncology, Florida Obstetric and Gynecologic Society, Florida Ovarian Cancer Alliance Speaks, Florida Medical Association, Florida Pediatric Society, Florida Radiological Society, Florida Society of Pathologists, Moffitt, Florida Dental Association, Florida Hospital Association, Association of Community Cancer Centers, statutory teaching hospitals, Florida Association of Pediatric Tumor Programs, Inc., Cancer Information Services, Florida Agricultural and Mechanical University Institute of Public Health, Florida Society of Oncology Social Workers, and consumer advocates from the general public.

Biomedical Research Advisory Council (BRAC)

The Biomedical Research Advisory Council (BRAC) is established within the DOH.⁶ The BRAC advises the State Surgeon General as to the direction and scope of the state's biomedical research program. This responsibility includes:

- Providing advice on program priorities, emphases, and overall program budget;
- Participating in periodic program evaluation;
- Assisting in developing guidelines for fairness, neutrality, principles of merit, and quality in the conduct of the program;
- Assisting in developing linkages to nonacademic entities such as voluntary organizations, health care delivery institutions, industry, government agencies, and public officials;
- Developing guidelines, criteria and standards for the solicitation, review, and award of research grants and fellowships; and
- Developing and providing oversight regarding mechanisms for disseminating research results.

The BRAC consists of 11 members, including appointees by: the Speaker of the House of Representatives from a professional medical organization or a comprehensive cardiovascular program with experience in biomedical research approved by the American College of

⁶ s. 215.5602(3), F.S.

Cardiology, and from a cancer program approved by the American College of Surgeons; the President of the Senate with expertise in behavioral or social research, and from a cancer program approved by the American College of Surgeons; and the Governor with expertise in biomedical research, from a research university in Florida, and one representing the general public; and other persons representing the American Cancer Society, American Heart Association, and American Lung Association.

Commission on Cancer for the American College of Surgeons

The Commission on Cancer (CoC) Accreditation Program⁷ encourages hospitals, treatment centers, and other facilities to improve their quality of patient care through various cancer-related programs. These programs focus on prevention, early diagnosis, pretreatment evaluation, staging, optimal treatment, rehabilitation, surveillance for recurrent disease, support services, and end-of-life care.

Accredited cancer programs are assigned an accreditation category that describes the services available at the facility and the number of cases. Category assignments are made by CoC staff and are retained, unless there are changes to the services provided or the facility caseload over a three-year period. The cancer accreditation categories include:⁸

- Academic Comprehensive Cancer Program
- Community Cancer Program
- Comprehensive Community Cancer Program
- Free Standing Cancer Center Program
- Hospital Associate Cancer Program
- Integrated Network Cancer Program
- NCI-Designated Comprehensive Cancer Center Program
- Pediatric Cancer Program
- Veterans Affairs Cancer Program.

Cancer Control Collaborative

In 2001, the Florida Comprehensive Cancer Control Program (CCC Program) within the DOH was created through a cooperative agreement with the federal Centers for Disease Control and Prevention (CDC). The main objective of the cooperative agreement is to reduce the cancer burden through a collaborative effort with public and private partners. The CCC Program supports regional cancer collaboratives, which are networks of volunteer groups to enhance communications and efforts to reduce cancer incidence, morbidity, and mortality through prevention, early detection, treatment, rehabilitation, and palliation. There are five regional cancer control collaboratives in Florida: the Northwest Region, Northeast Region, North Central Region, Southwest Region, and the Southeast Region.⁹

⁷ See <http://www.facs.org/cancer/coc/approval.html> (last visited on March 12, 2013).

⁸ See American College of Surgeons Cancer Programs Categories of Accreditation for a description of the distinguishing characteristics of these categories, available at: <http://www.facs.org/cancer/coc/categories3.html> (last visited on March 12, 2013).

⁹ <http://www.doh.state.fl.us/family/cancer/ccc/index.html> (last visited March 12, 2013).

State Supported Cancer Research in Florida

The Florida Biomedical Research Programs administered by the DOH includes two grant-funding programs: the James and Esther King Biomedical Research Program (King Program)¹⁰ and the Bankhead-Coley Cancer Research Program (Bankhead-Coley Program).¹¹ Annually the Florida Legislature appropriates funds for competitive awards for biomedical research related to the goals of these two programs. The goals of the King Program are to:

- Improve the health of Floridians by researching better prevention, diagnoses, treatments, and cures for cancer, cardiovascular disease, stroke, and pulmonary disease.
- Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, treatment, and cure of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.
- Improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers.
- Increase the state's per capita funding for research by undertaking new initiatives in public health and biomedical research that will attract additional funding from outside the state.
- Stimulate economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

The goals of the Bankhead-Coley Program are to:

- Significantly expand cancer research capacity in the state by:
 - Identifying ways to attract new research talent and attendant national grant-producing researchers to cancer research facilities in this state;
 - Implementing a peer-reviewed, competitive process to identify and fund the best proposals to expand cancer research institutes in this state;
 - Funding, through available resource those proposals that demonstrate the greatest opportunity to attract federal research grants and private financial support;
 - Encouraging the employment of bioinformatics in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines to facilitate the full spectrum of cancer investigations;
 - Facilitating the technical coordination, business development, and support of intellectual property as it relates to the advancement of cancer research; and
 - Aiding in other multidisciplinary, research-support activities as they inure to the advancement of cancer research.
- Improve both research and treatment through greater participation in clinical trials networks.
- Reduce the impact of cancer on disparate groups.

Any university or research institute in Florida may apply for grant funding to support the goals of either program and all qualified investigators in the state, regardless of institution, have equal opportunity to compete for funding. All awards are made based on scientific merit, as determined by open competitive peer review.

¹⁰ s. 215.5602, F.S.

¹¹ s. 381.922, F.S.

The extent of funding for these programs has varied significantly from year-to-year. In FY 2012-2013, funding for biomedical research occurred through several appropriations:

- The King Program received \$5 million from DOH which was funded from the tobacco surcharge. This funding was allocated through grants.
 - The total awarded under the King Program was \$3,946,000 (rounded).
 - The largest research award under the King Program was \$400,000.
- The Bankhead-Coley Program received \$5 million from DOH which was funded from the tobacco surcharge. These funds were allocated through grants.
 - The total awarded under the Bankhead/Coley Program was \$3,606,000 (rounded).
 - The largest research award under the Bankhead/Coley Program was \$374,000.
- Direct appropriations to institutions.
 - Moffitt received \$5 million from DOH which was funded from the tobacco surcharge and \$10,576,930 in the General Appropriations Act (Section 2 – Education: Division of Universities).
 - Shands Cancer Hospital received \$5 million from DOH which was funded from tobacco surcharge and \$2.5 million from General Revenue.
 - Sylvester Comprehensive Cancer Center at the University of Miami received \$5 million from DOH which was funded from the tobacco surcharge and \$2.5 million from General Revenue.
 - Sanford-Burnham Medical Research Institute received \$3 million from General Revenue.

III. Effect of Proposed Changes:

Section 1 creates s. 381.925, F.S., to establish the Cancer Center of Excellence Award. The award will recognize hospitals, treatment centers, and other providers in Florida that demonstrate excellence in patient-centered, coordinated care for persons undergoing cancer treatment and therapy in this state. The goal is to encourage not only excellence in cancer care in this state, but to attract and retain the best cancer care providers and help Florida to be recognized nationally as a preferred destination for quality cancer care.

The Council and the BRAC will jointly develop rigorous performance measures, a rating system, a rating standard, and an application form that includes submission of documentation that the performance measures have been met. These performance measures, at a minimum, must require a provider to:

- Maintain a license in Florida that authorizes health care services to be provided. The provider may not have been disciplined or subject to any administrative enforcement action by state or federal regulatory authorities within the preceding three years;
- Be accredited by the Commission on Cancer for the American College of Surgeons;
- Actively participate in at least one regional cancer control collaborative; and
- Meet enhanced cancer care coordination standards which, at a minimum, focus on:
 - Coordination of care by cancer specialists, nurses, and allied health professionals;
 - Psychosocial assessment and services;
 - Suitable and timely referrals and follow-up;
 - Providing accurate and complete information on treatment options that are tailored to the patient's needs, regardless of whether the services are available from that provider;
 - Participation in a comprehensive network of cancer specialists of multiple disciplines so that the patient may consult with various experts to examine treatment alternatives;

- Family services and support;
- Aftercare and survivor services; and
- Patient and family satisfaction survey results.

DOH will conduct two application cycles annually. The CS provides that the application is not an application for licensure, so the provisions of s. 120.60, F.S., related to licensure do not apply. Also, the State Surgeon General's notification to the Governor of entities that are eligible for the award is not final agency action, so the provisions in ch. 120, F.S., related to challenges to agency action do not apply.

The State Surgeon General will appoint an independent evaluation team from among various groups specified in the bill to determine eligibility for the award. Each application is to be evaluated independently of any other application. Up to two evaluation team members may verify on-site documentation that is submitted with the application. Once each team member has reported the score for the applicants, the State Surgeon General will notify the Governor regarding the providers that are eligible to receive the Cancer Center of Excellence Award.

A provider who excels in providing quality, comprehensive, and patient-centered coordinated care, as recognized through this program, will be designated as a Cancer Center of Excellence for three years and will be able to use that designation in advertising and marketing, as well as to receive preferential consideration in competitive solicitations by a state agency or state university.

A provider may reapply for subsequent awards.

By January 31, 2014, and annually thereafter, the State Surgeon General is required to report to the Speaker of the House of Representatives and the President of the Senate on the status of implementing the program, the number of applicants and awards earned, as well as the name of recipients and any recommended legislation to improve the program. DOH is required to adopt rules for the application cycle and process for the awards.

Section 2 amends s. 1004.435(4), F.S., to include within the Council's responsibilities, the responsibilities assigned to the Council under the Cancer Center for Excellence Award program. Specifically, this includes requiring the Council and the BRAC to develop performance measures, a rating system, a rating standard, and an application for the Cancer Center of Excellence Award. The bill requires the council to provide three members to serve on the evaluation team.

Section 3 amends s. 215.5602(4), F.S., to include duties related to the Cancer Center for Excellence Award program within the BRAC's responsibilities. Specifically, this requires the BRAC and the Council to performance measures, a rating system, a rating standard and an application for the Cancer Center of Excellence Award. The BRAC must provide two members to serve on the evaluation team.

Section 4 amends s. 381.922, F.S., to establish endowments for cancer research institutions in Florida so that the institutions can fund an endowed research chair. Subject to an appropriation, the endowments are to provide a stable funding for a period of at least seven years so that the

research institutions are able to recruit and retain experienced and promising researchers. These endowed chairs are to facilitate research coordination among other research institutions within the state and attract other promising researchers and national funding to the state.

The research institution that receives an endowed chair must submit a report to the Governor, the President of the Senate and Speaker of the House of Representatives describing the research program and the responsibilities of the endowed chair. Upon final selection of the researcher, or if a replacement is needed for the original endowed chair, the research institution must notify the chairs of the appropriations committees of the Senate and House of Representatives of the name of the researcher and specific information about the endowment budget and research responsibilities. The research institution must annually report to the President of the Senate and the Speaker of the House of Representatives the name, salary, and specific research responsibilities of the chair, as well as progress toward achieving the goals of the program, and financial information pertaining to the endowment.

The bill provides for academic and professional qualifications for the person selected for the chair, and specifies that the endowment is awarded to the research institution, not to the selected researcher.

Section 5 provides an effective date of July 1, 2013.

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:

Although application for the Cancer Center of Excellence award is voluntary, providers in the state who wish to be designated as such will incur indeterminable costs to bring their programs to the level contemplated by this bill. Providers receiving the award may be able to secure additional patient revenues as a result of the notoriety of their care.

C. **Government Sector Impact:**

The bill requires DOH to incur administrative costs to support the two programs established in the bill, but these costs are not expected to be significant. The amount of the endowments for the research chairs would need to be appropriated in the General Appropriations Act and would be significant.

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.)

CS by Children, Families, and Elder Affairs on March 18, 2013:

- The CS changes the responsibility for establishing the application cycles for the Cancer Center of Excellence Award Program from the Council to the DOH and requires the DOH to adopt rules related to the application process.
- The CS provides that the provisions of ch. 120, F.S., do not apply to the application or the notification of eligible entities for the award.
- The CS provides that an application is to be evaluated independently of any other application and documentation may be verified on-site.
- The CS includes, within the Council's responsibilities in the statute establishing the Council and the BRAC's responsibilities in the statute establishing the BRAC, the responsibilities assigned to them under the Cancer Center for Excellence Award program.
- The purpose of the endowment is expanded to provide secure funding for at least 7 years and is not limited to funding the salary of the endowed chair.
- Requires the research institution to report to the Governor and the Legislature rather than to the DOH.

B. **Amendments:**

None.



459412

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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	.	
	.	

The Committee on Children, Families, and Elder Affairs
(Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 105 - 200
and insert:

(b) The Department of Health shall conduct two application cycles annually. The applications are not applications for licensure, the notification by the State Surgeon General to the Governor of the entities that are eligible for the award is not final agency action, and this program is not subject to the provisions of chapter 120.

(4) (a) The State Surgeon General shall appoint a team of



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12 independent evaluators to assess applicants to determine
13 eligibility for the award. An application is to be evaluated
14 independently of any other application. The team shall consist
15 of five evaluators to be selected, in any combination, from the
16 following:

17 1. No more than five health care practitioners or health
18 care facilities not licensed in this state which provide health
19 care services involving cancer diagnoses or treatment;

20 2. No more than three members from the Florida Cancer
21 Control and Research Advisory Council;

22 3. No more than two members from the Biomedical Research
23 and Advisory Council; and

24 4. No more than one layperson who has experience as a
25 cancer patient or as a family member of a cancer patient if that
26 person or his or her family member did not receive care from the
27 applicant or providers being evaluated.

28 (b) Each evaluator must be independent and free of any
29 conflict of interest with respect to a health care provider or
30 facility licensed in this state. Each person selected to
31 participate on the evaluation team must sign a conflict of
32 interest attestation before being appointed to the evaluation
33 team.

34 (5) (a) Two evaluation team members may, as necessary,
35 verify on-site documentation submitted with an application for
36 the award.

37 (b) Each member on the evaluation team shall report to the
38 State Surgeon General those applicants that achieved or exceeded
39 the required score based on the rating system developed in
40 subsection (2) which demonstrates the cancer center excels in



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41 providing a quality, comprehensive, and patient-centered
42 coordinated care program.

43 (6) The State Surgeon General shall notify the Governor
44 regarding the providers that are eligible to receive the Cancer
45 Center of Excellence Award.

46 (7) The award shall be recognized for a period of 3 years
47 from the date of the award. A provider may reapply for
48 subsequent awards.

49 (8) A provider that receives a Cancer Center of Excellence
50 Award may use the designation in its advertising and marketing
51 for up to 3 years from the date of the award. In addition, a
52 provider that receives a Cancer Center of Excellence Award may
53 be granted, for 3 years from the date of the award, a preference
54 in competitive solicitations undertaken by a state agency or
55 state university.

56 (9) The State Surgeon General shall report to the President
57 of the Senate and the Speaker of the House of Representatives by
58 January 31, 2014, and annually thereafter, the status of
59 implementing the Cancer Center of Excellence Award program,
60 metrics on the number of applications received and the number of
61 award recipients by application cycle, a list of award
62 recipients, and recommendations for legislation to strengthen
63 the program.

64 (10) The Department of Health shall adopt rules related to
65 the application cycles and submission of the application form.

66 Section 2. Paragraph (r) of subsection (4) of section
67 1004.435, Florida Statutes, is redesignated as paragraph (s),
68 and paragraph (r) is added to that subsection, to read:

69 1004.435 Cancer control and research.-



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70 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
71 CREATION; COMPOSITION.—

72 (r) The council shall, with the Biomedical Research
73 Advisory Council, jointly develop performance measures, a rating
74 system, a rating standard, and an application form for the
75 Cancer Center of Excellence Award in s. 381.925. The council
76 shall also support the State Surgeon General implement the
77 Cancer Center of Excellence Award program by ensuring at least
78 three members of the Council who are independent of applicants
79 for the award are available to serve on the evaluation team as
80 requested by the State Surgeon General, and advise the State
81 Surgeon General with respect to the Cancer Center for Excellence
82 Award program.

83 Section 3. Paragraph (j) is added to subsection (4) of
84 section 215.5602, Florida Statutes, to read:

85 215.5602 James and Esther King Biomedical Research
86 Program.—

87 (4) The council shall advise the State Surgeon General as
88 to the direction and scope of the biomedical research program.
89 The responsibilities of the council may include, but are not
90 limited to:

91 (j) The council shall, with the Florida Cancer Control and
92 Research Advisory Council, jointly develop performance measures,
93 a rating system, a rating standard, and an application form for
94 the Cancer Center of Excellence Award in s. 381.925. The council
95 shall also support the State Surgeon General implement the
96 Cancer Center of Excellence Award program by ensuring at least
97 two members of the Council who are independent of applicants for
98 the award are available to serve on the evaluation team as



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99 requested by the State Surgeon General, and advise the State
100 Surgeon General with respect to the Cancer Center for Excellence
101 Award program.

102 Section 4. Subsection (4) of section 381.922, Florida
103 Statutes, is renumbered as subsection (5), and a new subsection
104 (4) is added to that section, to read:

105 381.922 William G. "Bill" Bankhead, Jr., and David Coley
106 Cancer Research Program.—

107 (4) In order to attract and retain experienced research
108 talent and attendant national grant-producing researchers to
109 cancer research institutions in this state, the Department of
110 Health shall award endowments to cancer research institutions
111 for establishing a funded research chair, pursuant to the
112 General Appropriations Act specifying an appropriation for this
113 purpose. The purpose of the endowment is to provide a secure
114 funding for at least 7 years to attract an experienced and
115 promising researcher whose continued employment for this period
116 is not contingent upon grant awards associated with time-limited
117 research projects. In addition, the Legislature intends for a
118 chair to specialize in a cancer-related research field that will
119 facilitate coordination among research institutions within the
120 state, and attract other promising researchers and funding to
121 the state.

122 (a) Any research institution funded pursuant to this
123 section shall provide a report to the Governor, the Speaker of
124 the House of Representatives, and the President of the Senate
125 which must, at a minimum, describe the research program and
126 general responsibilities of the researcher who is to be selected
127 for the endowed chair. Upon final selection of the research



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128 chair or if it becomes necessary to identify a replacement
129 research chair the research institution shall notify the Chair
130 of the Appropriations Committee of the House of Representatives
131 and the Chair of the Appropriations Committee of the Senate of
132 his or her name, endowment budget, and specific research
133 responsibilities. The research institution shall annually report
134 to the Speaker of the House of Representatives and the President
135 of the Senate the chair's name, current salary, research
136 responsibilities, percentage of time devoted to research if the
137 chair also serves as a member of the faculty, reports on
138 research progress and progress toward achieving the goals of
139 this program, endowment expenditures and balance, interest rate,
140 and interest earned on the endowment.

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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 lines 17 - 36

and insert:

form; providing two application cycles each year;
specifying that chapter 120, F.S., does not apply to
the applications or notification of entities that are
eligible for the award; requiring the State Surgeon
General to assemble an evaluation team to assess
applications; requiring each application to be
evaluated independently of any other application;
providing membership of and requirements for the
evaluation team; providing duties of the members of



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157 the evaluation team; requiring the State Surgeon
158 General to notify the Governor of the providers that
159 are eligible to receive the award; limiting the
160 duration of the award; authorizing an award-winning
161 cancer provider to use the designation in its
162 advertising and marketing; providing that an award-
163 winning cancer provider is granted preference in
164 competitive solicitations for a specified period of
165 time; requiring the State Surgeon General to report to
166 the Legislature by a specified date the status of
167 implementing the award program and annually
168 thereafter; requiring the Department of Health to
169 adopt rules to implement the program; amending
170 s. 1004.435, F.S.; adding to the responsibilities of
171 the Florida Cancer Control and Research Advisory
172 Council the responsibilities assigned to the Council
173 under the Cancer Center of Excellence Award Program;
174 amending s. 215.5602, F.S., adding to the
175 responsibilities of the Biomedical Research Advisory
176 Council the responsibilities assigned to the Council
177 under the Cancer Center of Excellence Award Program;
178 amending s. 381.922, F.S.; authorizing endowments
179 under the William G. "Bill" Bankhead, Jr., and David
180 Coley Cancer Research Program for establishing funded
181 research chairs at research institutions contingent
182 upon an appropriation; requiring submission of

By Senator Flores

37-01278A-13

20131660__

1 A bill to be entitled
 2 An act relating to quality cancer care and research;
 3 creating s. 381.925, F.S.; providing legislative
 4 intent and goals; establishing a Cancer Center of
 5 Excellence Award for providers that excel in providing
 6 cancer care and treatment in this state; requiring the
 7 Florida Cancer Control and Research Advisory Council
 8 and the Biomedical Research Advisory Council to
 9 jointly develop performance measures, a rating system,
 10 and a rating standard in accordance with specified
 11 criteria for applicants to qualify for the award;
 12 providing minimum standards; authorizing a provider to
 13 apply to the Department of Health for the award;
 14 requiring the Florida Cancer Control and Research
 15 Advisory Council and the Biomedical Research Advisory
 16 Council to jointly develop an application form;
 17 providing two application cycles each year; requiring
 18 the State Surgeon General to assemble an evaluation
 19 team to assess applications; providing membership of
 20 and requirements for the evaluation team; providing
 21 duties of the members of the evaluation team;
 22 requiring the State Surgeon General to notify the
 23 Governor of the providers that are eligible to receive
 24 the award; limiting the duration of the award;
 25 authorizing an award-winning cancer provider to use
 26 the designation in its advertising and marketing;
 27 providing that an award-winning cancer provider is
 28 granted preference in competitive solicitations for a
 29 specified period of time; requiring the State Surgeon

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20131660__

30 General to report to the Legislature by a specified
 31 date the status of implementing the award program;
 32 amending s. 381.922, F.S.; authorizing endowments
 33 under the William G. "Bill" Bankhead, Jr., and David
 34 Coley Cancer Research Program for establishing funded
 35 research chairs at research institutions contingent
 36 upon an appropriation; requiring submission of
 37 proposals; requiring that research institutions report
 38 certain information regarding the selected research
 39 chair of the endowment and other information about the
 40 endowment; providing for qualifications of the chair;
 41 specifying the use of the funds in the endowment;
 42 providing an effective date.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Section 381.925, Florida Statutes, is created to
 47 read:

48 381.925 Cancer Center of Excellence Award.—

49 (1) The Legislature intends to recognize hospitals,
 50 treatment centers, and other providers in this state which
 51 demonstrate excellence in patient-centered, coordinated care for
 52 persons undergoing cancer treatment and therapy in this state.
 53 The goal of this program is to encourage excellence in cancer
 54 care in this state, attract and retain the best cancer care
 55 providers to the state, and help Florida providers be recognized
 56 nationally as a preferred destination for quality cancer care.
 57 The Cancer Center of Excellence Award will recognize providers
 58 that exceed service standards and excel in providing a quality,

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59 comprehensive, and patient-centered coordinated care program.
 60 (2) The Florida Cancer Control and Research Advisory
 61 Council, established in s. 1004.435, and the Biomedical Research
 62 Advisory Council, established in s. 215.5602, shall jointly
 63 develop rigorous performance measures, a rating system, and a
 64 rating standard that must be achieved to document and
 65 distinguish a cancer center that excels in providing a quality,
 66 comprehensive, and patient-centered coordinated care program. At
 67 a minimum, the criteria must require that each hospital,
 68 treatment center, or other provider:
 69 (a) Maintain a license in this state which authorizes
 70 health care services to be provided. A provider may not have
 71 been disciplined or subjected to any administrative enforcement
 72 action by state or federal regulatory authorities within the
 73 preceding 3 years.
 74 (b) Be accredited by the Commission on Cancer of the
 75 American College of Surgeons.
 76 (c) Actively participate in at least one regional cancer
 77 control collaborative that is operating pursuant to the Florida
 78 Comprehensive Cancer Control Program's cooperative agreement
 79 with the Centers for Disease Control and Prevention's National
 80 Comprehensive Cancer Control Program.
 81 (d) Meet enhanced cancer care coordination standards set by
 82 the councils which, at a minimum, focus on:
 83 1. Coordination of care by cancer specialists and nursing
 84 and allied health professionals.
 85 2. Psychosocial assessment and services.
 86 3. Suitable and timely referrals and followup.
 87 4. Providing accurate and complete information on treatment

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88 options, including clinical trials, which consider each person's
 89 needs, preferences, and resources, whether provided by that
 90 center or available through other health care providers.
 91 5. Participation in a comprehensive network of cancer
 92 specialists of multiple disciplines which enables the patient to
 93 consult with a variety of experts to examine treatment
 94 alternatives.
 95 6. Family services and support.
 96 7. Aftercare and survivor services.
 97 8. Patient and family satisfaction survey results.
 98 (3) (a) A provider may apply to the Department of Health for
 99 a Cancer Center of Excellence Award. The Florida Cancer Control
 100 and Research Advisory Council and the Biomedical Research
 101 Advisory Council shall jointly develop an application form that
 102 requires, among other things, submission of documentation by the
 103 provider which demonstrates that the criteria in subsection (2)
 104 have been met.
 105 (b) The council shall conduct two application cycles
 106 annually.
 107 (4) (a) The State Surgeon General shall appoint a team of
 108 independent evaluators to assess applicants to determine
 109 eligibility for the award. The team shall consist of five
 110 evaluators to be selected, in any combination, from the
 111 following:
 112 1. No more than five health care practitioners or health
 113 care facilities not licensed in this state which provide health
 114 care services involving cancer diagnoses or treatment;
 115 2. No more than three members from the Florida Cancer
 116 Control and Research Advisory Council;

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117 3. No more than two members from the Biomedical Research
 118 and Advisory Council; and

119 4. No more than one layperson who has experience as a
 120 cancer patient or as a family member of a cancer patient if that
 121 person or his or her family member did not receive care from the
 122 applicant or providers being evaluated.

123 (b) Each evaluator must be independent and free of any
 124 conflict of interest with respect to a health care provider or
 125 facility licensed in this state. Each person selected to
 126 participate on the evaluation team must sign a conflict of
 127 interest attestation before being appointed to the evaluation
 128 team.

129 (5) (a) An evaluation team member may verify, as necessary,
 130 documentation submitted with an application for the award.

131 (b) Each member on the evaluation team shall report to the
 132 State Surgeon General those applicants that achieved or exceeded
 133 the required score based on the rating system developed in
 134 subsection (2) which demonstrates the cancer center excels in
 135 providing a quality, comprehensive, and patient-centered
 136 coordinated care program.

137 (6) The State Surgeon General shall notify the Governor
 138 regarding the providers that are eligible to receive the Cancer
 139 Center of Excellence Award.

140 (7) The award shall be recognized for a period of 3 years
 141 from the date of the award. A provider may reapply for
 142 subsequent awards.

143 (8) A provider that receives a Cancer Center of Excellence
 144 Award may use the designation in its advertising and marketing
 145 for up to 3 years from the date of the award. In addition, a

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146 provider that receives a Cancer Center of Excellence Award may
 147 be granted, for 3 years from the date of the award, a preference
 148 in competitive solicitations undertaken by a state agency or
 149 state university.

150 (9) The State Surgeon General shall report to the President
 151 of the Senate and the Speaker of the House of Representatives by
 152 January 31, 2014, and annually thereafter, the status of
 153 implementing the Cancer Center of Excellence Award program,
 154 metrics on the number of applications received and the number of
 155 award recipients by application cycle, a list of award
 156 recipients, and recommendations for legislation to strengthen
 157 the program.

158 Section 2. Subsection (4) of section 381.922, Florida
 159 Statutes, is renumbered as subsection (5), and a new subsection
 160 (4) is added to that section, to read:

161 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 162 Cancer Research Program.—

163 (4) In order to attract and retain experienced research
 164 talent and attendant national grant-producing researchers to
 165 cancer research institutions in this state, the Department of
 166 Health shall award endowments to cancer research institutions
 167 for establishing a funded research chair, pursuant to the
 168 General Appropriations Act specifying an appropriation for this
 169 purpose. The purpose of the endowment is to provide a secure
 170 salary for at least 7 years to attract an experienced and
 171 promising researcher whose continued employment for this period
 172 is not contingent upon grant awards associated with time-limited
 173 research projects. In addition, the Legislature intends for this
 174 chair to specialize in a cancer-related research field that will

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175 facilitate coordination among research institutions within the
176 state, and attract other promising researchers and funding to
177 the state.

178 (a) A research institution shall submit a proposal for the
179 endowment which must, at a minimum, describe the research
180 program and general responsibilities of the researcher who is to
181 be selected for the research chair. Upon final selection of the
182 research chair or if it becomes necessary to identify a
183 replacement research chair the research institution shall notify
184 the Department of Health of his or her name, salary, and
185 specific research responsibilities. The research institution
186 shall annually report to the department the chair's name,
187 current salary, research responsibilities, percentage of time
188 devoted to research if the chair also serves as a member of the
189 faculty, reports on research progress and progress toward
190 achieving the goals of this program, endowment balance, interest
191 rate, and interest earned on the endowment.

192 (b) The person selected for the research chair must possess
193 a doctoral degree and have demonstrated promising research
194 potential in the field in which the chair is to conduct
195 research. The endowment is awarded to the research institution,
196 not to the selected researcher.

197 (c) The principal and interest earned on the endowment
198 shall be used to fund the selected chair's research salary for
199 at least 7 years. A selected chair may also serve as a member of
200 the faculty who receives supplemental pay from other sources.

201 Section 3. This act shall take effect July 1, 2013.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/18/13 Meeting Date

Topic Quality Cancer Care & Research

Bill Number 1660 (if applicable)

Name Cynthia Henderson

Amendment Barcode (if applicable)

Job Title

Address 108 E Jefferson St Ste A Tall FL 32301

Phone

E-mail

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

Representing US Oncology

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

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

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

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

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)

3/18/13 Meeting Date

Topic QUALITY CANCER CARE RESEARCH

Bill Number 1660 (if applicable)

Name JAMIE WILSON

Amendment Barcode (if applicable)

Job Title VICE PRESIDENT

Address 12902 MAGNOLIA DR TAMPA FL 33612

Phone 813-745-1522

E-mail jamie.wilson@ Moffitt.org

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

Representing MOFFITT CANCER CENTER

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

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

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

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

S-001 (10/20/11)

CourtSmart Tag Report

Room: LL 37
Caption: Children, Families, and Elder Affairs Committee

Case:

Type:
Judge:

Started: 3/18/2013 3:37:22 PM
Ends: 3/18/2013 4:22:43 PM
Length: 00:45:22

3:37:45 PM Chair Sobel - Meeting called to order
3:37:53 PM Roll call
3:38:08 PM Opening remarks by Chair Sobel
3:38:40 PM Tab 6 - SB 1644 by Sen. Flores
3:39:17 PM AM 430586 by Sen. Altman
3:40:08 PM Public Testimony
3:40:37 PM Greg Stevens
3:43:32 PM Sen. Hays
3:44:47 PM Janet Lamoureux - Florida PTA
3:45:11 PM Nelson Diaz - Kristi House
3:46:55 PM Chair Sobel
3:47:11 PM Sen. Flores closes on her bill
3:47:36 PM Roll call on SB 1644
3:47:57 PM Tab 7 - SB 1660 by Sen. Flores
3:48:13 PM Sen. Flores presents her bill
3:49:04 PM AM 459412 by Sen. Grimsley
3:49:29 PM Chair Sobel
3:49:35 PM Sen. Thompson
3:49:53 PM Sen. Flores
3:51:16 PM Chair Sobel
3:51:30 PM Public Testimony
3:51:34 PM Jamie Wilson - Moffitt Cancer Center
3:54:13 PM Chair Sobel
3:54:19 PM Cynthia Henderson - U.S. Oncology
3:54:27 PM Sen. Flores closes on her bill
3:55:19 PM Roll call on SB 1660
3:55:36 PM Chair Sobel
3:55:53 PM Tab 5 - SB 1162 by Sen. Bradley
3:56:32 PM Sen. Bradley presents his bill
3:57:13 PM Chair Sobel
3:57:26 PM Public Testimony
3:57:45 PM Greg Stevens
3:59:47 PM Chair Sobel
3:59:54 PM Sen. Detert
4:00:42 PM Sen. Bradley
4:00:46 PM Chair Sobel
4:00:55 PM Roll call on SB 1162
4:01:13 PM Chair Sobel
4:01:21 PM Tab 4 - CS/SB 778 by Sen. Thompson
4:01:43 PM Sen. Thompson presents her bill
4:02:14 PM Public Testimony
4:02:29 PM Debbie McLemore
4:02:37 PM Sen. Detert
4:02:48 PM Sen. Thompson closes on her bill
4:03:11 PM Roll call on CS/SB 778
4:03:33 PM Chair Sobel
4:03:50 PM Tab 2 - SB 618 by Sen. Ring (presented by Joel Ramos, Senator Ring's Aide)
4:04:16 PM Joel Ramos presents the bill
4:04:42 PM AM 951900 by Sen. Braynon
4:05:32 PM AM 809604 by Sen. Braynon
4:07:03 PM Chair Sobel
4:07:05 PM Sen. Detert

4:08:07 PM Joel Ramos
4:08:17 PM Sen. Detert
4:08:41 PM Sen. Dean
4:09:34 PM Joel Ramos
4:10:11 PM Sen. Dean
4:11:11 PM Chair Sobel
4:11:18 PM Joel Ramos
4:13:30 PM Chair Sobel
4:13:41 PM Roll call on SB 618
4:14:07 PM Tab 3 - SB 716 by Sen. Simpson (presented by Rachel Perrin Rogers)
4:14:35 PM AM 481968
4:14:55 PM Rachel Perrin Rogers
4:15:18 PM Chair Sobel
4:15:40 PM Roll call on SB 716
4:15:59 PM Tab 1 - Executive Appointment Confirmations
4:16:20 PM Chair Sobel
4:16:35 PM Confirmation of Barbara Palmer, Director, Agency for Persons with Disabilities
4:16:50 PM Chair Sobel
4:16:58 PM Barbara Palmer
4:17:40 PM Sen. Hays
4:18:15 PM Barbara Palmer
4:18:59 PM Sen. Hays
4:19:13 PM Chair Sobel
4:20:02 PM Roll call on confirmation of Barbara Palmer
4:20:25 PM Confirmation of Charles Corley, Secretary, Department of Elder Affairs
4:21:34 PM Chair Sobel
4:21:40 PM Charles Corley
4:22:06 PM Roll call on confirmation of Charles Corley
4:22:23 PM Chair Sobel
4:22:34 PM Sen. Altman moves we rise