

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

MEETING DATE: Tuesday, March 10, 2015
TIME: 4:00 —6:00 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Grimsley, Chair; Senator Hukill, Vice Chair; Senators Abruzzo, Bradley, Dean, Evers, Garcia, Gibson, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SJR 400 Brandes (Identical HJR 865, Compare H 867, Link S 402)	Renewable Energy Source Device/Taxation; Proposing amendments to the State Constitution to require the Legislature, by general law, to exempt the assessed value of a renewable energy source device or a component thereof from the tangible personal property tax, to allow the Legislature, by general law, to prohibit the consideration of the installation of such device or component in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation, and to provide an effective date, etc. CU 03/10/2015 Fav/CS CA FT AP	Fav/CS Yeas 8 Nays 0
2	SB 402 Brandes (Similar H 867, Compare HJR 865, Link SJR 400)	Renewable Energy Source Devices; Specifying a period during which a property appraiser is prohibited from considering an increase in the just value of real property used for residential purposes which is attributable to the installation of a renewable energy source device; exempting a renewable energy source device, or a component of such device, which is installed upon real property on or after a specified date from the tangible personal property tax, etc. CU 03/10/2015 Fav/CS CA FT AP	Fav/CS Yeas 8 Nays 0
3	CS/SB 222 Commerce and Tourism / Hukill (Similar CS/CS/H 175)	Electronic Commerce; Creating the "Computer Abuse and Data Recovery Act"; prohibiting a person from intentionally committing specified acts without authorization with respect to a protected computer; specifying remedies for civil actions brought by persons affected by a violation; providing that the act does not prohibit specified activity by certain state, federal, and foreign law enforcement agencies, regulatory agencies, and political subdivisions, etc. CM 02/16/2015 Fav/CS CU 03/10/2015 Fav/CS JU	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Communications, Energy, and Public Utilities
Tuesday, March 10, 2015, 4:00 —6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Florida Public Service Commission			
4	Brown, Julie I. (Tampa)	01/01/2019	Recommend Confirm Yeas 7 Nays 0
5	Patronis, Jimmy T., Jr. (Panama City)	01/01/2019	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

**SUMMARY OF AMENDMENTS
TO
SJR 400**

<p>Amendment # 1 By Senator Bradley Barcode 636894 lines 290 - 305</p>	<p>The amendment provides for the expiration of the amended sections of the Constitution on December 31, 2036, and reinstates the text of those sections that were amended, with the exception of future amendments which will be preserved. Provides for an effective date of January 1, 2017, and an expiration date of December 31, 2036.</p>
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THE FLORIDA SENATE
APPEARANCE RECORD

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

March 10, 2015
Meeting Date

SJR 400
Bill Number (if applicable)

Topic Energy - Taxes on Solar

Amendment Barcode (if applicable)

Name Susan Colickman

Job Title Florida Director

Address PO Box 310

Phone 727-742-9003

Indian Rocks Beach FL 33783
Street City State Zip

Email susan@cleanenergy.org

Speaking: For Against Information

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

Representing Southern Alliance for Clean Energy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD



March 10, 2015
Meeting Date

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

SJR 400
Bill Number (if applicable)

Topic Energy

Amendment Barcode (if applicable)

Name Tory Perfetti

Job Title Florida Director Conservatives for Energy Freedom

Address _____

Phone 727-480-1699

Street
Tampa
City State Zip

Email tory@energyfreedomusa.org

Speaking: For Against Information

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

Representing Conservatives for Energy Freedom

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-10-15

Meeting Date

400 **1**

Bill Number (if applicable)

Topic Renewable Energy

Amendment Barcode (if applicable)

Name Matthew Chentnik

Job Title Founder Independent Green Technologies

Address 3954 W. Pensacola St.

Phone _____

Street

Tallahassee FL 32304

City

State

Zip

Email matte@igt solar.com

Speaking: For Against Information

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

Representing _____

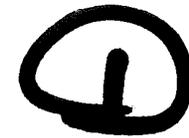
Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD



3/10/15
Meeting Date

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

400
Bill Number (if applicable)

Topic Renewable Energy

Amendment Barcode (if applicable)

Name David Harold

Job Title Sales Manager

Address 210 Magnolia Ridge
Street
Crawfordville FL 32327
City State Zip

Phone 850-445-0837

Email davidh@igt solar.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/16/15
Meeting Date

400
Bill Number (if applicable)

Topic RENEWABLE ENERGY... / TAXATION

Amendment Barcode (if applicable)

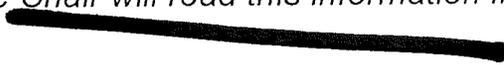
Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PKWY #296 Phone 941-323-2404
Street
SARASOTA FL 34243 Email cullen@sear.com
City State Zip

Speaking: For Against Information

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



Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/10/15

Meeting Date

SB 400

Bill Number (if applicable)

Topic RENEWABLE ENERGY SOURCE TAXATION

Amendment Barcode (if applicable)

Name RANDY MILLER

Job Title EX VICE PRESIDENT

Address 227 S. ADAMS ST

Phone 222-482

Street

TALLAHASSEE

City

FL

State

32301

Zip

Email RMILLER@FRF.ORG

Speaking: For Against Information

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

Representing FLORIDA RETAIL FEDERATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SJR 400

INTRODUCER: Communications, Energy, and Public Utilities Committee and Senator Brandes

SUBJECT: Renewable Energy Source Device/Taxation

DATE: March 11, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clift/Wiehle	Caldwell	CU	Fav/CS
2.			CA	
3.			FT	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SJR 400 proposes to amend Sections 3 and 4 of Article VII of the State Constitution, and to create Section 34 of Article XII of the State Constitution. These amendments to the State Constitution would exempt the assessed value of a renewable energy source device, or a component of such a device, from the tangible personal property tax. The bill also prohibits the consideration of the installation of renewable energy source devices and related components in determining the assessed value of a property for the purpose of ad valorem taxation.

The bill provides an effective date of January 1, 2017. It also provides an expiration date of December 31, 2036, for the amended sections of the Constitution, and reinstates the text of those sections that were amended, with the exception of future amendments, which will be preserved.

II. Present Situation:

The State Constitution authorizes finance and taxation, including local government ad valorem taxes on real property and tangible personal property,¹ assessment of taxes,² and exemptions to these taxes.³ Among these provisions is authority for the Legislature to prohibit the consideration

¹ Article VII, section 9.

² Article VII, section 4.

³ Article VII, section 3.

of the following in the determination of the assessed value of real property used for residential purposes:

- Any change or improvement made for the purpose of improving the property's resistance to wind damage.
- The installation of a renewable energy source device.⁴

The Legislature has implemented this prohibition in section 193.624, F.S. The statute prohibits a property appraiser who is determining the assessed value of real property used for residential purposes from considering an increase in the just value of the property attributable to the installation of a renewable energy source device. The statute applies to a renewable energy source device installed on or after January 1, 2013, on new and existing residential real property. The statute defines the term "renewable energy source device" to mean any of the following equipment that collects, transmits, stores, or uses solar energy, wind energy, or energy derived from geothermal deposits:

- Solar energy collectors, photovoltaic modules, and inverters;
- Storage tanks and other storage systems, excluding swimming pools used as storage tanks;
- Rockbeds;
- Thermostats and other control devices;
- Heat exchange devices;
- Pumps and fans;
- Roof ponds;
- Freestanding thermal containers;
- Pipes, ducts, refrigerant handling systems, and other equipment used to interconnect such systems; however, such equipment does not include conventional backup systems of any type;
- Windmills and wind turbines;
- Wind-driven generators;
- Power conditioning and storage devices that use wind energy to generate electricity or mechanical forms of energy; and
- Pipes and other equipment used to transmit hot geothermal water to a dwelling or structure from a geothermal deposit.

III. Effect of Proposed Changes:

This bill proposes two amendments to the State Constitution. Both relate to the inclusion of the assessed value of a renewable energy source device in assessing a tax. The first relates to leased renewable energy source devices and would exempt the assessed value of a renewable energy source device, or a component of such a device, from the tangible personal property tax. The second relates to purchased renewable energy source devices and prohibits a property appraiser from considering the installation of renewable energy source devices and related components in determining property value for the purpose of ad valorem taxation. This proposed amendment changes the 2008 amendment by specifying that the exemption included both the renewable energy source device and a component of a device and by extending the exemption to all real property, not just real property used for residential purposes.

⁴ Article VII, section 4.(i).

The bill provides an effective date of January 1, 2017. It also provides an expiration date of December 31, 2036, for the amended sections of the Constitution, and reinstates the text of those sections that were amended, with the exception of future amendments, which will be preserved.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The fiscal impact of this bill on local government's ad valorem tax revenues is uncertain. If it passes both the Legislature and the electorate, and if SB 402 or other implementing legislation is passed and becomes law, and if renewable energy source devices are installed on nonresidential real property, then some local governments may lose an opportunity for an unknown amount of an increase in ad valorem tax revenues that they would have had in absence of this bill and implementing legislation.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

A proposed constitutional amendment such as this one must be passed by three-fifths of the membership of each house of the Legislature. A proposed constitutional amendment must be submitted to the electors at the next general election held more than 90 days after the joint resolution proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the Legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than 90 days after such filing. To pass, a proposed constitutional amendment must be approved by vote of at least 60 percent of the electors voting on the measure, and if passed, it becomes effective as an amendment on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

An indeterminate amount of tax revenue will be lost if renewable energy devices are exempted from taxation. Renewable energy sources are increasingly popular in Florida,⁵ and sales of such devices and their components is likely to increase in coming decades. These amendments, however, would create an incentive for property owners to purchase and utilize renewable energy sources, and would likely lead to an increase in such

⁵ <http://www.gainesville.com/article/20150208/ARTICLES/150209660/0/search?p=all&tc=pgall>

purchases for both residential and commercial properties. The natural increase in the popularity of renewable energy sources would create tax revenue if not for this exemption. However it is difficult account for the number of devices that will be installed specifically because of the incentive provided by these amendments. It is therefore difficult to determine the total loss of revenue that will be incurred if this legislation is implemented.

B. Private Sector Impact:

Property owners would not owe additional tangible personal property taxes or real property taxes for the installation of renewable energy source devices on their property. This would eliminate a disincentive to the use of renewable energy sources, and may make these methods more popular with property owners.

C. Government Sector Impact:

The bill may have some impact on the workload of property appraisers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

SB 402 is the implementing bill for this proposed constitutional amendment.

VIII. Statutes Affected:

This bill substantially amends Sections 3 and 4 of Article VII of the State Constitution. This bill creates the section 34 of Article XII of the State Constitution.

IX. Additional Information:

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

CS by Communications, Energy, and Public Utilities on March 10, 2015:

Provides for the expiration on December 31, 2036, of the amended sections of the Constitution, and reinstates the text of those sections that were amended, with the exception of future amendments, which will be preserved.

B. Amendments:

None.



636894

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2015	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 290 - 305
and insert:
shall take effect on January 1, 2017, and shall expire on
December 31, 2036. Upon expiration, this section shall be
repealed and the text of subsection (e) of Section 3 of Article
VII and subsection (i) of Section 4 of Article VII shall revert
to that in existence on December 31, 2016, except that any
amendments to such text otherwise adopted shall be preserved and



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11 continue to operate to the extent that such amendments are not
12 dependent upon the portions of text which expire pursuant to
13 this section.

14 BE IT FURTHER RESOLVED that the following statement be
15 placed on the ballot:

16 CONSTITUTIONAL AMENDMENT

17 ARTICLE VII, SECTIONS 3 AND 4

18 ARTICLE XII, SECTION 34

19 RENEWABLE ENERGY SOURCE DEVICES AND COMPONENTS THEREOF;
20 EXEMPTION FROM CERTAIN TAXATION AND ASSESSMENT.—Proposing an
21 amendment to the State Constitution to require the Legislature
22 to exempt the assessed value of a renewable energy source device
23 or component thereof from the tangible personal property tax and
24 allow the Legislature to prohibit consideration of the
25 installation of such device or component in determining the
26 assessed value of all real property for the purpose of ad
27 valorem taxation. This amendment takes effect January 1, 2017,
28 and expires on December 31, 2036.

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete lines 12 - 13

33 and insert:

34 the purpose of ad valorem taxation, and to provide
35 effective and expiration dates.

By Senator Brandes

22-00329-15

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Senate Joint Resolution

A joint resolution proposing amendments to Sections 3 and 4 of Article VII and the creation of Section 34 of Article XII of the State Constitution to require the Legislature, by general law, to exempt the assessed value of a renewable energy source device or a component thereof from the tangible personal property tax, to allow the Legislature, by general law, to prohibit the consideration of the installation of such device or component in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation, and to provide an effective date.

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

That the following amendment to Sections 3 and 4 of Article VII and the creation of Section 34 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment

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30 to the taxing unit in which the property is located. Such
31 portions of property as are used predominantly for educational,
32 literary, scientific, religious or charitable purposes may be
33 exempted by general law from taxation.

34 (b) There shall be exempt from taxation, cumulatively, to
35 every head of a family residing in this state, household goods
36 and personal effects to the value fixed by general law, not less
37 than one thousand dollars, and to every widow or widower or
38 person who is blind or totally and permanently disabled,
39 property to the value fixed by general law not less than five
40 hundred dollars.

41 (c) Any county or municipality may, for the purpose of its
42 respective tax levy and subject to the provisions of this
43 subsection and general law, grant community and economic
44 development ad valorem tax exemptions to new businesses and
45 expansions of existing businesses, as defined by general law.
46 Such an exemption may be granted only by ordinance of the county
47 or municipality, and only after the electors of the county or
48 municipality voting on such question in a referendum authorize
49 the county or municipality to adopt such ordinances. An
50 exemption so granted shall apply to improvements to real
51 property made by or for the use of a new business and
52 improvements to real property related to the expansion of an
53 existing business and shall also apply to tangible personal
54 property of such new business and tangible personal property
55 related to the expansion of an existing business. The amount or
56 limits of the amount of such exemption shall be specified by
57 general law. The period of time for which such exemption may be
58 granted to a new business or expansion of an existing business

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59 shall be determined by general law. The authority to grant such
60 exemption shall expire ten years from the date of approval by
61 the electors of the county or municipality, and may be renewable
62 by referendum as provided by general law.

63 (d) Any county or municipality may, for the purpose of its
64 respective tax levy and subject to the provisions of this
65 subsection and general law, grant historic preservation ad
66 valorem tax exemptions to owners of historic properties. This
67 exemption may be granted only by ordinance of the county or
68 municipality. The amount or limits of the amount of this
69 exemption and the requirements for eligible properties must be
70 specified by general law. The period of time for which this
71 exemption may be granted to a property owner shall be determined
72 by general law.

73 (e) By general law and subject to conditions specified
74 therein:~~7~~

75 (1) Twenty-five thousand dollars of the assessed value of
76 property subject to tangible personal property tax shall be
77 exempt from ad valorem taxation.

78 (2) The assessed value of a renewable energy source device,
79 or a component thereof, shall be exempt from the tangible
80 personal property tax.

81 (f) There shall be granted an ad valorem tax exemption for
82 real property dedicated in perpetuity for conservation purposes,
83 including real property encumbered by perpetual conservation
84 easements or by other perpetual conservation protections, as
85 defined by general law.

86 (g) By general law and subject to the conditions specified
87 therein, each person who receives a homestead exemption as

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88 provided in section 6 of this article; who was a member of the
89 United States military or military reserves, the United States
90 Coast Guard or its reserves, or the Florida National Guard; and
91 who was deployed during the preceding calendar year on active
92 duty outside the continental United States, Alaska, or Hawaii in
93 support of military operations designated by the legislature
94 shall receive an additional exemption equal to a percentage of
95 the taxable value of his or her homestead property. The
96 applicable percentage shall be calculated as the number of days
97 during the preceding calendar year the person was deployed on
98 active duty outside the continental United States, Alaska, or
99 Hawaii in support of military operations designated by the
100 legislature divided by the number of days in that year.

101 SECTION 4. Taxation; assessments.—By general law
102 regulations shall be prescribed which shall secure a just
103 valuation of all property for ad valorem taxation, provided:

104 (a) Agricultural land, land producing high water recharge
105 to Florida's aquifers, or land used exclusively for
106 noncommercial recreational purposes may be classified by general
107 law and assessed solely on the basis of character or use.

108 (b) As provided by general law and subject to conditions,
109 limitations, and reasonable definitions specified therein, land
110 used for conservation purposes shall be classified by general
111 law and assessed solely on the basis of character or use.

112 (c) Pursuant to general law tangible personal property held
113 for sale as stock in trade and livestock may be valued for
114 taxation at a specified percentage of its value, may be
115 classified for tax purposes, or may be exempted from taxation.

116 (d) All persons entitled to a homestead exemption under

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117 Section 6 of this Article shall have their homestead assessed at
118 just value as of January 1 of the year following the effective
119 date of this amendment. This assessment shall change only as
120 provided in this subsection.

121 (1) Assessments subject to this subsection shall be changed
122 annually on January 1st of each year; but those changes in
123 assessments shall not exceed the lower of the following:

124 a. Three percent (3%) of the assessment for the prior year.

125 b. The percent change in the Consumer Price Index for all
126 urban consumers, U.S. City Average, all items 1967=100, or
127 successor reports for the preceding calendar year as initially
128 reported by the United States Department of Labor, Bureau of
129 Labor Statistics.

130 (2) No assessment shall exceed just value.

131 (3) After any change of ownership, as provided by general
132 law, homestead property shall be assessed at just value as of
133 January 1 of the following year, unless the provisions of
134 paragraph (8) apply. Thereafter, the homestead shall be assessed
135 as provided in this subsection.

136 (4) New homestead property shall be assessed at just value
137 as of January 1st of the year following the establishment of the
138 homestead, unless the provisions of paragraph (8) apply. That
139 assessment shall only change as provided in this subsection.

140 (5) Changes, additions, reductions, or improvements to
141 homestead property shall be assessed as provided for by general
142 law; provided, however, after the adjustment for any change,
143 addition, reduction, or improvement, the property shall be
144 assessed as provided in this subsection.

145 (6) In the event of a termination of homestead status, the

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146 property shall be assessed as provided by general law.

147 (7) The provisions of this amendment are severable. If any
148 of the provisions of this amendment shall be held
149 unconstitutional by any court of competent jurisdiction, the
150 decision of such court shall not affect or impair any remaining
151 provisions of this amendment.

152 (8)a. A person who establishes a new homestead as of
153 January 1, 2009, or January 1 of any subsequent year and who has
154 received a homestead exemption pursuant to Section 6 of this
155 Article as of January 1 of either of the two years immediately
156 preceding the establishment of the new homestead is entitled to
157 have the new homestead assessed at less than just value. If this
158 revision is approved in January of 2008, a person who
159 establishes a new homestead as of January 1, 2008, is entitled
160 to have the new homestead assessed at less than just value only
161 if that person received a homestead exemption on January 1,
162 2007. The assessed value of the newly established homestead
163 shall be determined as follows:

164 1. If the just value of the new homestead is greater than
165 or equal to the just value of the prior homestead as of January
166 1 of the year in which the prior homestead was abandoned, the
167 assessed value of the new homestead shall be the just value of
168 the new homestead minus an amount equal to the lesser of
169 \$500,000 or the difference between the just value and the
170 assessed value of the prior homestead as of January 1 of the
171 year in which the prior homestead was abandoned. Thereafter, the
172 homestead shall be assessed as provided in this subsection.

173 2. If the just value of the new homestead is less than the
174 just value of the prior homestead as of January 1 of the year in

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175 which the prior homestead was abandoned, the assessed value of
176 the new homestead shall be equal to the just value of the new
177 homestead divided by the just value of the prior homestead and
178 multiplied by the assessed value of the prior homestead.
179 However, if the difference between the just value of the new
180 homestead and the assessed value of the new homestead calculated
181 pursuant to this sub-subparagraph is greater than \$500,000, the
182 assessed value of the new homestead shall be increased so that
183 the difference between the just value and the assessed value
184 equals \$500,000. Thereafter, the homestead shall be assessed as
185 provided in this subsection.

186 b. By general law and subject to conditions specified
187 therein, the legislature shall provide for application of this
188 paragraph to property owned by more than one person.

189 (e) The legislature may, by general law, for assessment
190 purposes and subject to the provisions of this subsection, allow
191 counties and municipalities to authorize by ordinance that
192 historic property may be assessed solely on the basis of
193 character or use. Such character or use assessment shall apply
194 only to the jurisdiction adopting the ordinance. The
195 requirements for eligible properties must be specified by
196 general law.

197 (f) A county may, in the manner prescribed by general law,
198 provide for a reduction in the assessed value of homestead
199 property to the extent of any increase in the assessed value of
200 that property which results from the construction or
201 reconstruction of the property for the purpose of providing
202 living quarters for one or more natural or adoptive grandparents
203 or parents of the owner of the property or of the owner's spouse

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204 if at least one of the grandparents or parents for whom the
205 living quarters are provided is 62 years of age or older. Such a
206 reduction may not exceed the lesser of the following:

207 (1) The increase in assessed value resulting from
208 construction or reconstruction of the property.

209 (2) Twenty percent of the total assessed value of the
210 property as improved.

211 (g) For all levies other than school district levies,
212 assessments of residential real property, as defined by general
213 law, which contains nine units or fewer and which is not subject
214 to the assessment limitations set forth in subsections (a)
215 through (d) shall change only as provided in this subsection.

216 (1) Assessments subject to this subsection shall be changed
217 annually on the date of assessment provided by law; but those
218 changes in assessments shall not exceed ten percent (10%) of the
219 assessment for the prior year.

220 (2) No assessment shall exceed just value.

221 (3) After a change of ownership or control, as defined by
222 general law, including any change of ownership of a legal entity
223 that owns the property, such property shall be assessed at just
224 value as of the next assessment date. Thereafter, such property
225 shall be assessed as provided in this subsection.

226 (4) Changes, additions, reductions, or improvements to such
227 property shall be assessed as provided for by general law;
228 however, after the adjustment for any change, addition,
229 reduction, or improvement, the property shall be assessed as
230 provided in this subsection.

231 (h) For all levies other than school district levies,
232 assessments of real property that is not subject to the

22-00329-15

2015400__

233 assessment limitations set forth in subsections (a) through (d)
234 and (g) shall change only as provided in this subsection.

235 (1) Assessments subject to this subsection shall be changed
236 annually on the date of assessment provided by law; but those
237 changes in assessments shall not exceed ten percent (10%) of the
238 assessment for the prior year.

239 (2) No assessment shall exceed just value.

240 (3) The legislature must provide that such property shall
241 be assessed at just value as of the next assessment date after a
242 qualifying improvement, as defined by general law, is made to
243 such property. Thereafter, such property shall be assessed as
244 provided in this subsection.

245 (4) The legislature may provide that such property shall be
246 assessed at just value as of the next assessment date after a
247 change of ownership or control, as defined by general law,
248 including any change of ownership of the legal entity that owns
249 the property. Thereafter, such property shall be assessed as
250 provided in this subsection.

251 (5) Changes, additions, reductions, or improvements to such
252 property shall be assessed as provided for by general law;
253 however, after the adjustment for any change, addition,
254 reduction, or improvement, the property shall be assessed as
255 provided in this subsection.

256 (i) The legislature, by general law and subject to
257 conditions specified therein, may prohibit the consideration of
258 the following in the determination of the assessed value of real
259 property ~~used for residential purposes:~~

260 (1) Any change or improvement to real property used for
261 residential purposes made to improve ~~for the purpose of~~

22-00329-15

2015400__

262 ~~improving~~ the property's resistance to wind damage.

263 (2) The installation of a renewable energy source device or
264 a component thereof.

265 (j) (1) The assessment of the following working waterfront
266 properties shall be based upon the current use of the property:
267 a. Land used predominantly for commercial fishing purposes.
268 b. Land that is accessible to the public and used for
269 vessel launches into waters that are navigable.
270 c. Marinas and drystacks that are open to the public.
271 d. Water-dependent marine manufacturing facilities,
272 commercial fishing facilities, and marine vessel construction
273 and repair facilities and their support activities.

274 (2) The assessment benefit provided by this subsection is
275 subject to conditions and limitations and reasonable definitions
276 as specified by the legislature by general law.

277 ARTICLE XII

278 SCHEDULE

279 SECTION 34. Renewable energy source devices and components
280 thereof; exemption from certain taxation and assessment.—This
281 section, the amendment to subsection (e) of Section 3 of Article
282 VII requiring the legislature, by general law, to exempt the
283 assessed value of a renewable energy source device, or a
284 component thereof, from the tangible personal property tax, and
285 the amendment to subsection (i) of Section 4 of Article VII
286 allowing the legislature, by general law, to prohibit the
287 consideration of the installation of a renewable energy source
288 device, or a component thereof, in determining the assessed
289 value of real property for the purpose of ad valorem taxation
290 shall take effect on January 1, 2017.

22-00329-15

2015400__

291 BE IT FURTHER RESOLVED that the following statement be
292 placed on the ballot:

293 CONSTITUTIONAL AMENDMENT

294 ARTICLE VII, SECTIONS 3 AND 4

295 ARTICLE XII, SECTION 34

296 RENEWABLE ENERGY SOURCE DEVICES AND COMPONENTS THEREOF;
297 EXEMPTION FROM CERTAIN TAXATION AND ASSESSMENT.—Proposing an
298 amendment to the State Constitution to require the Legislature,
299 by general law, to exempt the assessed value of a renewable
300 energy source device or component thereof from the tangible
301 personal property tax and allow the Legislature, by general law,
302 to prohibit consideration of the installation of such device or
303 component in determining the assessed value of all real property
304 for the purpose of ad valorem taxation. This amendment takes
305 effect January 1, 2017.

**SUMMARY OF AMENDMENTS
TO
SB 402**

Amendment # 1 By Senator Bradley Barcode 310928 lines 101 – 102	Conforms the bill to the amended SJR, providing that the newly created section 196.182 F.S., expires December 31, 2036, and is repealed on that date.
---	---

APPEARANCE RECORD

2

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

3/10/14
Meeting Date

402

Bill Number (if applicable)

Topic RENEWABLE ENERGY SOURCE DEV. Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PARKWAY #296 Phone 941.323.2404
Street

SARASOTA FL 34243 Email cwilson@seascopeal.com
City State Zip

Speaking: For Against Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

APPEARANCE RECORD

2

402

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

3/10/15

Meeting Date

Bill Number (if applicable)

Topic Renewable Energy

Amendment Barcode (if applicable)

Name David Harold

Job Title Sales Manager

Address 210 Magnolia Ridge

Phone

Street

Crawfordville Fl.

32327

Email

City

State

Zip

Speaking: For Against Information

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



Representing

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.

APPEARANCE RECORD

3-18-15

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

402

Meeting Date

Bill Number (if applicable)

Topic Renewable Energy

Amendment Barcode (if applicable)

Name Matthews Chentnick

Job Title Founder Independent Green Technologies

Address 3954 W. Pensacola St. Phone _____

Street

Tallahassee FL. Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
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 Communications, Energy, and Public Utilities

BILL: CS/SB 402

INTRODUCER: Communications, Energy and Public Utilities Committee and Senator Brandes

SUBJECT: Renewable Energy Source Devices

DATE: March 11, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clift/Wiehle	Caldwell	CU	Fav/CS
2.	_____	_____	CA	_____
3.	_____	_____	FT	_____
4.	_____	_____	AP	_____

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

I. Summary:

CS/SB 402 is the implementing legislation for SJR 400 or a similar joint resolution having substantially the same specific intent and purpose.

The bill expands the definition of “renewable energy source device” to include devices that store solar energy or energy derived from geothermal deposits and expands the exemption for renewable energy source devices from consideration in appraised property value to all real property.

SB 402 also creates s. 196.182, F.S., exempting renewable energy source devices, and any components thereof, from the tangible personal property tax.

These changes would take effect January 1, 2017, should the constitutional amendments proposed in SJR 400 or a similar joint resolution having substantially the same specific intent and purpose be passed by three-fifths of the membership of each house of the Legislature and be approved by vote of at least 60 percent of the electors voting on the measure at the next general election, in which case the constitutional amendments proposed by SJR 400 will become effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

The newly created section 196.182 F.S., expires December 31, 2036, and is repealed on that date.

II. Present Situation:

The State Constitution authorizes finance and taxation, including local government ad valorem taxes on real property and tangible personal property,¹ assessment of taxes,² and exemptions to these taxes.³ Among these provisions is authority for the Legislature to prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:

- Any change or improvement made for the purpose of improving the property's resistance to wind damage.
- The installation of a renewable energy source device.⁴

The Legislature has implemented this prohibition in s. 193.624, F.S. The statute prohibits a property appraiser who is determining the assessed value of real property used for residential purposes from considering an increase in the just value of the property attributable to the installation of a renewable energy source device. The statute applies to a renewable energy source device installed on or after January 1, 2013, on new and existing residential real property. The statute defines the term "renewable energy source device" to mean any of the following equipment that collects, transmits, stores, or uses solar energy, wind energy, or energy derived from geothermal deposits:

- Solar energy collectors, photovoltaic modules, and inverters;
- Storage tanks and other storage systems, excluding swimming pools used as storage tanks;
- Rockbeds;
- Thermostats and other control devices;
- Heat exchange devices;
- Pumps and fans;
- Roof ponds;
- Freestanding thermal containers;
- Pipes, ducts, refrigerant handling systems, and other equipment used to interconnect such systems; however, such equipment does not include conventional backup systems of any type;
- Windmills and wind turbines;
- Wind-driven generators;
- Power conditioning and storage devices that use wind energy to generate electricity or mechanical forms of energy; and
- Pipes and other equipment used to transmit hot geothermal water to a dwelling or structure from a geothermal deposit.

III. Effect of Proposed Changes:

SB 402 implements SJR 400 that amends Sections 3 and 4 of Article VII of the State Constitution, and creates Section 34 of Article XII of the State Constitution. These amendments to the State Constitution would exempt the assessed value of a renewable energy source device,

¹ Article VII, section 9.

² Article VII, section 4.

³ Article VII, section 3.

⁴ Article VII, section 4.(i).

or a component of such a device, from the tangible personal property tax and prohibit the consideration of the installation of renewable energy source devices and related components in determining the assessed value of a property for the purpose of ad valorem taxation.

The bill amends s. 193.624, F.S. to expand the definition of “renewable energy source device” to include devices for the storage of solar energy, wind energy, and energy derived from geothermal deposits. Changes to s. 193.624, F.S., would also expand the exemption of renewable energy devices from property value appraisal to all real property, as opposed to exclusively to residential property, as of January 1, 2017.

SB 402 creates s. 196.182, F.S., to exempt a renewable energy source device, as defined in s. 193.624, F.S., and any component of such a device, from the tangible personal property tax.

The newly created section 196.182 F.S., takes effect as of January 1, 2017, and expires December 31, 2036, and is repealed on that date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

See Tax/Fee Issues.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The fiscal impact of this bill on local government’s ad valorem tax revenues is uncertain. If SJR 400 passes both the Legislature and the electorate, and if SB 402 or other implementing legislation is passed and becomes law, and if renewable energy source devices are installed on nonresidential real property, then some local governments may lose an opportunity for an unknown amount of an increase in ad valorem tax revenues that they would have had in absence of SJR 400 and this implementing legislation.

B. Private Sector Impact:

The bill may provide an incentive for owners of nonresidential property to install renewable energy source devices as this will no longer result in increased real property or intangible personal property taxes.

C. Government Sector Impact:

The bill may have some impact on the workload of property appraisers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill implements SJR 400.

VIII. Statutes Affected:

This bill substantially amends section 193.624 of the Florida Statutes.

This bill creates section 196.182 of the Florida Statutes.

This bill reenacts sections 193.155 and 193.1554 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/SB 402 by Communications, Energy, and Public Utilities on March 10, 2015:

The amendment conforms the bill to the amended SJR 400, providing that the newly created section 196.182 F.S., expires December 31, 2036, and is repealed on that date.

B. Amendments:

None.



310928

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2015	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Between lines 101 and 102
insert:

Section 5. The amendment made by this act to s. 193.624, Florida Statutes, expires December 31, 2036, and the text of that section shall revert to that in existence on December 31, 2016, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portion



310928

11 of text which expires pursuant to this section.

12 Section 6. Section 196.182, Florida Statutes, as created by
13 this act, expires December 31, 2036, and shall be repealed on
14 that date.

15

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

17 And the title is amended as follows:

18 Delete line 26

19 and insert:

20 thereto; providing that specified provisions of the
21 act expire on a certain date; providing a contingent
22 effective date.

By Senator Brandes

22-00330-15

2015402__

1 A bill to be entitled
2 An act relating to renewable energy source devices;
3 amending s. 193.624, F.S.; revising the term
4 "renewable energy source device" to include certain
5 devices that store or use solar energy, wind energy,
6 or energy from geothermal deposits to generate
7 specified forms of energy; specifying a period during
8 which a property appraiser is prohibited from
9 considering an increase in the just value of real
10 property used for residential purposes which is
11 attributable to the installation of a renewable energy
12 source device; prohibiting consideration by a property
13 appraiser of an increase in the just value of real
14 property used for any purpose which is attributable to
15 the installation of a renewable energy source device
16 or of a component of such device on or after a
17 specified date; creating s. 196.182, F.S.; exempting a
18 renewable energy source device, or a component of such
19 device, which is installed upon real property on or
20 after a specified date from the tangible personal
21 property tax; reenacting ss. 193.155(4)(a) and
22 193.1554(6)(a), F.S., relating to homestead
23 assessments and nonhomestead residential property
24 assessments, respectively, to incorporate the
25 amendment made to s. 193.624, F.S., in references
26 thereto; providing a contingent effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

22-00330-15

2015402__

30 Section 1. Section 193.624, Florida Statutes, is amended to
31 read:

32 193.624 Assessment of real ~~residential~~ property.-

33 (1) As used in this section, the term "renewable energy
34 source device" means any of the following equipment that
35 collects, transmits, stores, or uses solar energy, wind energy,
36 or energy derived from geothermal deposits:

37 (a) Solar energy collectors, photovoltaic modules, and
38 inverters.

39 (b) Storage tanks and other storage systems, excluding
40 swimming pools used as storage tanks.

41 (c) Rockbeds.

42 (d) Thermostats and other control devices.

43 (e) Heat exchange devices.

44 (f) Pumps and fans.

45 (g) Roof ponds.

46 (h) Freestanding thermal containers.

47 (i) Pipes, ducts, refrigerant handling systems, and other
48 equipment used to interconnect such systems; however, such
49 equipment does not include conventional backup systems of any
50 type.

51 (j) Windmills and wind turbines.

52 (k) Wind-driven generators.

53 (l) Power conditioning and storage devices that store or
54 use solar energy, wind energy, or energy derived from geothermal
55 deposits to generate electricity or mechanical forms of energy.

56 (m) Pipes and other equipment used to transmit hot
57 geothermal water to a dwelling or structure from a geothermal
58 deposit.

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2015402__

59 (2) In determining the assessed value of new and existing
60 real property used for:

61 (a) Residential purposes, an increase in the just value of
62 the property attributable to the installation of a renewable
63 energy source device between January 1, 2013, and December 31,
64 2016, may not be considered.

65 (b) ~~(3)~~ Any purpose, an increase in the just value of the
66 property attributable ~~This section applies~~ to the installation
67 of a renewable energy source device or of a component of such
68 device installed on or after January 1, 2017, may not be
69 considered ~~January 1, 2013, to new and existing residential real~~
70 ~~property.~~

71 Section 2. Section 196.182, Florida Statutes, is created to
72 read:

73 196.182 Exemption of renewable energy source devices and
74 components.—A renewable energy source device, as defined in s.
75 193.624, or a component of such device, which is installed upon
76 real property on or after January 1, 2017, is exempt from the
77 tangible personal property tax.

78 Section 3. For the purpose of incorporating the amendment
79 made by this act to section 193.624, Florida Statutes, in a
80 reference thereto, paragraph (a) of subsection (4) of section
81 193.155, Florida Statutes, is reenacted to read:

82 193.155 Homestead assessments.—Homestead property shall be
83 assessed at just value as of January 1, 1994. Property receiving
84 the homestead exemption after January 1, 1994, shall be assessed
85 at just value as of January 1 of the year in which the property
86 receives the exemption unless the provisions of subsection (8)
87 apply.

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2015402__

88 (4) (a) Except as provided in paragraph (b) and s. 193.624,
89 changes, additions, or improvements to homestead property shall
90 be assessed at just value as of the first January 1 after the
91 changes, additions, or improvements are substantially completed.

92 Section 4. For the purpose of incorporating the amendment
93 made by this act to section 193.624, Florida Statutes, in a
94 reference thereto, paragraph (a) of subsection (6) of section
95 193.1554, Florida Statutes, is reenacted to read:

96 193.1554 Assessment of nonhomestead residential property.-

97 (6) (a) Except as provided in paragraph (b) and s. 193.624,
98 changes, additions, or improvements to nonhomestead residential
99 property shall be assessed at just value as of the first January
100 1 after the changes, additions, or improvements are
101 substantially completed.

102 Section 5. This act shall take effect January 1, 2017, if
103 Senate Joint Resolution ____, or a similar joint resolution
104 having substantially the same specific intent and purpose, is
105 approved by the electors at the general election to be held in
106 November 2016 or at an earlier special election specifically
107 authorized by law for that purpose.

SUMMARY OF AMENDMENTS
TO
SB 222

Amendment # 1 By Senator Hukill Barcode 807090 lines 41 – 90	This amendment: <ul style="list-style-type: none">• Creates a definition for “authorized user,”• Clarifies the definition of “without authorization,” and• Makes a technical change to section 4 of the bill.
Amendment #2 By Senator Hukill Barcode 949828 line 135	This amendment creates additional exclusions from the bill, for internet access service providers and on-line storage service providers.

APPEARANCE RECORD

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

3/10/15
Meeting Date

222
Bill Number (if applicable)

949828
Amendment Barcode (if applicable)

Topic Electronic Commerce

Name Casey Reed

Job Title State Director - Leg. Affairs

Address 150 East College Ave Phone 850 591 6002

Tallahassee FL 32301
City State Zip

Email CR8243@ATT.COM

Speaking: For Against Information

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

Representing AT FT

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.

APPEARANCE RECORD

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

3/10/15

Meeting Date

SB 222

Bill Number (if applicable)

Topic Computer Abuse + Data Recovery Act

Amendment Barcode (if applicable)

Name Aimee Diaz Lyon

Job Title _____

Address 215 South Monroe Street #505

Phone 850-205-9000

Street

Tallahassee FL 32301

City

State

Zip

Email aimee.diaz.lyon@metzlaw.com

Speaking: For Against Information

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

Representing The Business Law Section of the Florida Bar

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-10-2015

Meeting Date

CS for SB222

Bill Number (if applicable)

949828

Amendment Barcode (if applicable)

Topic Electronic Commerce

Name Becki Edmonston

Job Title Director-External Affairs, Verizon

Address 106 E College Avenue, Ste. 710

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850 681-3756

Email rebecca.edmonston@verizon.com

Speaking: For Against Information

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

Representing Verizon

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB 222

INTRODUCER: Communications, Energy and Public Utilities Committee; Commerce and Tourism Committee; and Senator Hukill

SUBJECT: Electronic Commerce

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Clift/Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	<u>Fav/CS</u>
3.	_____	_____	<u>JU</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 222 creates the Computer Abuse and Data Recovery Act (CADRA), which creates a civil cause of action for harm or loss caused by the unauthorized access, or hacking, of a protected computer owned by a business. Remedies created by the bill include the recovery of actual damages, lost profits, economic damages, and injunctive or other equitable relief. The bill does not create any criminal penalties, and does not address the unauthorized access of a personal computer.

II. Present Situation:

“Hacking” is the unauthorized access of a computer or its related technologies, usually with intent to cause harm.¹ Currently, hackers are subject to criminal and limited civil penalties under the Florida Computer Crimes Act (CCA) and the federal Computer Fraud and Abuse Act (CFAA).

¹ Eric J. Sinrod, William P. Reilly, *Cyber-Crimes: A Practical Approach to the Application of Federal Computer Crime Laws*, 16 Santa Clara Computer & High Tech. L.J. 177 (2000).

Hacking by insiders or employees poses a significant threat to businesses because employees have ready access to valuable or significant information,² but challenges to the prosecution of hacking by employees exist. For example, the CCA exempts employees acting within the scope of their lawful employment from prosecution for criminal actions.³ Civil actions brought under the CFAA must have damages of \$5,000 or more, or must be based on other specific harm.⁴ Additionally, federal appellate circuit courts have split on the application of the CFAA to employee hackers.^{5,6}

Computer Fraud and Abuse Act

The CFAA⁷ provides criminal penalties for individuals who either without authorization, or in excess of authorized access:

- Obtain national security information;
- Access a computer and obtain confidential information;
- Trespass in a government computer;
- Access a computer to commit a fraud;
- Damage a computer;
- Traffic in computer passwords; or
- Make threats involving computers.

The CFAA also provides civil remedies if damages exceed \$5,000, hamper medical care, physically harm a person, or threaten national security, public safety, or health.⁸

The CFAA does not define “without authorization,” but does define to “exceed authorized access” as “to access a computer with authorization and to use such access to obtain or alter information in the computer that the accesser is not entitled so to obtain or alter.”⁹

Florida Computer Crimes Act

In 1978, the Legislature created the CCA¹⁰ to address the problem of computer-related crime in government and the private sector.¹¹ The CCA criminalizes certain offenses against intellectual

² U.S. Department of Homeland Security, *Increase in Insider Threat Cases Highlight Significant Risks to Business Networks and Proprietary Information*, September 23, 2014. Retrieved February 3, 2015, from <https://www.ic3.gov/media/2014/140923.aspx>. See also, s. 815.02, F.S. (2014).

³ Section 815.06(7)(b), F.S. (2014).

⁴ U.S.C. §1030(c)(4)(A)(i)(I)-(V).

⁵ U.S. Department of Justice, *Prosecuting Computer Crimes* (Office of Legal Education 2009). Retrieved February 3, 2015, from <http://www.justice.gov/criminal/cybercrime/docs/ccmanual.pdf>.

⁶ Compare *United States v. Nosal*, 676 F. 3d 854 (9th Cir. 2012)(Finding that an employee hacker can only exceed authorization by accessing files outside the scope of her use-authorization (e.g., stealing a co-workers password to access information)) with *United States v. Rodriguez*, 628 F. 3d 1258 (11th Cir. 2010)(Finding that an employee hacker who uses information obtained within the scope of her normal use authorization exceeds authorization by using the information in a manner contrary to the business’ interests or use agreement). 18 U.S.C. §1030.

⁷ 18 U.S.C. §1030.

⁸ 18 U.S.C. §1030(g).

⁹ 18 U.S.C. §1030(e)(6).

¹⁰ Sections 815.01-815.06, F.S. (2014).

¹¹ Chapter 78-92, L.O.F., section 815.01-02, F.S. (2014).

property and offenses against users of computers, computer systems, computer networks, and electronic devices (hereinafter “computer or its related technologies”).

Offenses against Intellectual Property

A person commits an offense against intellectual property under the CCA when they willfully, knowingly, and without authorization:

- Introduce a contaminant into a computer or its related technologies;
- Modify, render unavailable, or destroy data, programs, or supporting documentation in a computer or its related technologies; or
- Disclose or take data, programs, or supporting documentation which is a trade secret or is confidential that is in a computer or its related technologies.

Offenses against Computer Users

A person commits an offense against computer users under the CCA when they willfully, knowingly, and without authorization:

- Access, destroy, injure, or damage any computer or its related technologies;
- Disrupt the ability to transmit data to or from an authorized user of a computer or its related technologies;
- Destroy, take, injure, modify, or damage equipment or supplies used or intended to be used in a computer or its related technologies;
- Introduce any computer contaminant into any computer or its related technologies; or
- Engage in audio or video surveillance of an individual by accessing any inherent feature or component of a computer or its related technologies, including accessing the data or information thereof that is stored by a third party.

The CCA does not provide a civil remedy for offenses against intellectual property, but it does enable an owner or lessee of an affected computer or its related technologies to bring a civil action¹² for compensatory damages against any person convicted of an offense against computer users under s. 815.06, F.S.¹³ Employees acting under the scope of their authorization are specifically exempted from this civil cause of action under the CCA.¹⁴

The civil action provided for in s. 815.04, F.S., is generally disfavored as a more costly and time-consuming option than necessary because it must be preceded by a criminal conviction under the CCA.¹⁵ As an alternative, litigants generally proceed under a federal CFAA claim.¹⁶

¹² Section 815.06(4), F.S.

¹³ Section 815.06(5)(a), F.S.

¹⁴ Section 815.06(7)(b), F.S.

¹⁵ Robert Kain, *Federal Computer Fraud and Abuse Act: Employee Hacking Legal in California and Virginia, But Illegal in Miami, Dallas, Chicago, and Boston*, 87 Fla. Bar. J., (Jan., 2013). Retrieved February 3, 2015 at <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/8c9f13012b96736985256aa900624829/83a2364f8efc84e385257ae200647255!OpenDocument>

¹⁶ *Id.*

III. Effect of Proposed Changes:

The bill creates the “Computer Abuse and Data Recovery Act” (CADRA) in ch. 668, F.S. It directs that CADRA must be construed liberally to safeguard owners, operators, or lessees of protected computers used in the operation of a business, and owners of information stored in a protected computer used in the operation of a business, from harm or loss caused by unauthorized access to the computers.

The bill creates a civil action available to those injured by an individual who knowingly and with intent to cause harm or loss:

- Obtains information from a protected computer without authorization, and as a result thereof, causes a harm or loss;
- Causes the transmission of a program, code, or command from a protected computer without authorization, and as a result thereof, causes a harm or loss; or
- Traffics in any technological access barrier (e.g., password) through which access to a protected computer may be obtained without authorization.

In the civil action, the injured party has the following civil remedies available:

- Recovery of actual damages;
- Recovery of the violator’s profits that are not included in the plaintiff’s damages;
- Injunctive or other equitable relief to prevent a future violation; and
- Return of the misappropriated information, program, or code, and all copies thereof.

The bill also directs courts to award attorney’s fees to the prevailing party.

An injured party victim must commence a civil action within three years after the violation or three years after the violation was discovered, or should have been discovered with due diligence. This statute of limitations is shorter than Florida’s 4-year default statute of limitations,¹⁷ but longer than the 2-year statute of limitations provided for in the federal CFAA.¹⁸

Relief provided under this bill is available as a supplement to other remedies under state and federal law. If a criminal proceeding brought under the CCA results in a final judgment or decree in favor of the state, the defendant is estopped from denying or disputing the same matters in any subsequent civil action brought under CADRA.

The bill excludes from its provisions:

- any lawfully authorized investigative, protective, or intelligence activity of any law enforcement agency, regulatory agency, or political subdivision of Florida, any other state, the United States, or any foreign country, and
- any provider of an interactive computer service, of an information service, or of a communications service, if the provider provides the transmission, storage, or caching of electronic communications or messages of a person other than the provider, related telecommunications or commercial mobile radio services, or content provided by a person other than the provider.

¹⁷ Section 95.11(3)(f), F.S.

¹⁸ 18 U.S.C. §1030(g)

The bill provides definitions, including for the term “without authorization.” This definition states that the term “does not include circumventing a technological measure that does not effectively control access to the protected computer or the information stored in the protected computer.” This wording imposes a responsibility on businesses to establish and maintain effective technological measures such as passwords, because hackers who “circumvent a technological measure that does not effectively control access to the protected computer” act outside the scope of liability created by this bill.

The definitions do not resolve uncertainties about application of the liability provisions to an employee who is permitted access to the relevant information as part of their duties, but acts outside those duties with resulting harm or loss to the employer.

The phrase “owner of information” appears to be limited to the owner of information stored in the protected computer who uses the information in connection with the operation of a business as that is the terminology used in creating the liability. As such, the bill does not create a cause of action for an individual whose personal information: is stored on a business computer, is accessed by a hacker, and is fraudulently used to the individual’s harm or loss. It would, however, protect the owner of that business computer (assuming adequate technological measures).

The bill takes effect October 1, 2015.

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:

The bill provides an alternate civil remedy for businesses affected by specific hacking acts.

C. **Government Sector Impact:**

According to the Office of the Florida State Courts Administrator, creation of a new civil cause of action may be expected to result in an additional court workload and an indeterminate cost.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 668.801, 668.802, 668.803, 668.804, and 668.805.

IX. **Additional Information:**

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

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

CS by Communications, Energy, and Public Utilities on March 10, 2015:

Revises the definition for “authorized user” and expands the definition of the term “without authorization” to further clarify the circumstances under which the owner of a protected computer is eligible to seek judicial relief under the “Computer Abuse and Data Recovery Act;” provides an exclusion from liability for certain internet access service providers and on-line storage providers; and makes a technical change.

CS by Commerce and Tourism on February 16, 2015:

Clarifies that a victim may seek the return of misappropriated programs, misappropriated codes, and misappropriated information under s. 668.804, F.S.

B. **Amendments:**

None.



807090

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2015	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities
(Hukill) recommended the following:

Senate Amendment

Delete lines 41 - 90
and insert:

(1) "Authorized user" means, with respect to a protected
computer:

(a) A director, officer, or employee of the owner,
operator, or lessee of the computer or the owner of information
stored in the protected computer.

(b) A third-party agent, contractor, consultant, or



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11 employee of the owner, operator, or lessee of the computer or
12 the owner of information stored in the protected computer if the
13 third-party agent, contractor, consultant, or employee is
14 granted access to the protected computer by the owner, operator,
15 or lessee of the protected computer or by the owner of
16 information stored in such protected computer in the form of a
17 technological access barrier.

18
19 If the owner, operator, or lessee of the computer or the owner
20 of information stored in the protected computer provides a
21 third-party agent, contractor, consultant, or employee with a
22 technological access barrier within the scope of his or her
23 employment, the owner, operator, or lessee of the computer or
24 the owner of information stored in the protected computer gives
25 explicit permission to the third-party agent, contractor,
26 consultant, or employee to use the technological access barrier
27 and establishes the third-party agent, contractor, consultant,
28 or employee as an authorized user. Such permission, however, is
29 terminated upon cessation of his or her employment.

30 (2) "Business" means any trade or business regardless of
31 its for-profit or not-for-profit status.

32 (3) "Computer" means an electronic, magnetic, optical,
33 electrochemical, or other high-speed data processing device that
34 performs logical, arithmetic, or storage functions and includes
35 any data storage facility, data storage device, or
36 communications facility directly related to, or operating in
37 conjunction with, the device.

38 (4) "Harm" means any impairment to the integrity, access,
39 or availability of data, programs, systems, or information.



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- 40 (5) "Loss" means any of the following:
41 (a) Any reasonable cost incurred by the owner, operator, or
42 lessee of a protected computer or the owner of stored
43 information, including the reasonable cost of conducting a
44 damage assessment for harm associated with the violation and the
45 reasonable cost for remediation efforts, such as restoring the
46 data, programs, systems, or information to the condition it was
47 in before the violation.
48 (b) Economic damages.
49 (c) Lost profits.
50 (d) Consequential damages, including the interruption of
51 service.
52 (e) Profits earned by a violator as a result of the
53 violation.
54 (6) "Protected computer" means a computer that is used in
55 connection with the operation of a business and stores
56 information, programs, or code in connection with the operation
57 of the business in which the stored information, programs, or
58 code can be accessed only by employing a technological access
59 barrier.
60 (7) "Technological access barrier" means a password,
61 security code, token, key fob, access device, or similar
62 measure.
63 (8) "Traffic" means to sell, purchase, or deliver.
64 (9) "Without authorization" means access to a protected
65 computer by a person who:
66 (a) Is not an authorized user;
67 (b) Has stolen a technological access barrier of an
68 authorized user; or



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69 (c) Circumvents a technological access barrier on a
70 protected computer without the express or implied permission of
71 the owner, operator, or lessee of the computer or the express or
72 implied permission of the owner of information stored in the
73 protected computer. The term does not include circumventing a
74 technological measure that does not effectively control access
75 to the protected computer or the information stored in the
76 protected computer.

77 Section 2. Section 668.803, Florida Statutes, is created to
78 read:

79 668.803 Prohibited acts.—A person who knowingly and with
80 intent to cause harm or loss:

81 (1) Obtains information from a protected computer without
82 authorization and, as a result, causes harm or loss;

83 (2) Causes the transmission of a program, code, or command
84 to a protected computer without authorization and, as a result



949828

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2015	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities (Hukill) recommended the following:

Senate Amendment (with title amendment)

Delete line 135

and insert:

States, or any foreign country. This part may not be construed to impose liability on any provider of an interactive computer service as defined in 47 U.S.C. 230(f), of an information service as defined in 47 U.S.C. 153, or of a communications service as defined in s. 202.11, if the provider provides the transmission, storage, or caching of electronic communications



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11 or messages of a person other than the provider, related
12 telecommunications or commercial mobile radio services, or
13 content provided by a person other than the provider.
14

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

16 And the title is amended as follows:

17 Delete line 21

18 and insert:

19 political subdivisions; providing that the act does
20 not impose liability on specified providers in certain
21 circumstances; providing an effective date.

By the Committee on Commerce and Tourism; and Senator Hukill

577-01631-15

2015222c1

1 A bill to be entitled
2 An act relating to electronic commerce; providing a
3 directive to the Division of Law Revision and
4 Information; creating the "Computer Abuse and Data
5 Recovery Act"; creating s. 668.801, F.S.; providing a
6 statement of purpose; creating s. 668.802, F.S.;
7 defining terms; creating s. 668.803, F.S.; prohibiting
8 a person from intentionally committing specified acts
9 without authorization with respect to a protected
10 computer; providing penalties for a violation;
11 creating s. 668.804, F.S.; specifying remedies for
12 civil actions brought by persons affected by a
13 violation; providing that specified criminal judgments
14 or decrees against a defendant act as estoppel as to
15 certain matters in specified civil actions; providing
16 that specified civil actions must be filed within
17 certain periods of time; creating s. 668.805, F.S.;
18 providing that the act does not prohibit specified
19 activity by certain state, federal, and foreign law
20 enforcement agencies, regulatory agencies, and
21 political subdivisions; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. The Division of Law Revision and Information is
26 directed to create part V of chapter 668, Florida Statutes,
27 consisting of ss. 668.801-668.805, Florida Statutes, to be
28 entitled the "Computer Abuse and Data Recovery Act."

29 Section 2. Section 668.801, Florida Statutes, is created to

577-01631-15

2015222c1

30 read:

31 668.801 Purpose.—This part shall be construed liberally to:

32 (1) Safeguard an owner, operator, or lessee of a protected
33 computer used in the operation of a business from harm or loss
34 caused by unauthorized access to such computer.

35 (2) Safeguard an owner of information stored in a
36 protected computer used in the operation of a business from harm
37 or loss caused by unauthorized access to such computer.

38 Section 3. Section 668.802, Florida Statutes, is created to
39 read:

40 668.802 Definitions.—As used in this part, the term:

41 (1) "Business" means any trade or business regardless of
42 its for-profit or not-for-profit status.

43 (2) "Computer" means an electronic, magnetic, optical,
44 electrochemical, or other high-speed data processing device that
45 performs logical, arithmetic, or storage functions and includes
46 any data storage facility, data storage device, or
47 communications facility directly related to or which operates in
48 conjunction with the device.

49 (3) "Harm" means any impairment to the integrity, access,
50 or availability of data, programs, systems, or information.

51 (4) "Loss" means any of the following:

52 (a) Any reasonable cost incurred by the owner, operator, or
53 lessee of a protected computer or the owner of stored
54 information, including the reasonable cost of conducting a
55 damage assessment for harm associated with the violation and the
56 reasonable cost for remediation efforts, such as restoring the
57 data, programs, systems, or information to the condition it was
58 in before the violation.

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59 (b) Economic damages.

60 (c) Lost profits.

61 (d) Consequential damages including the interruption of
62 service.

63 (e) Profits earned by a violator as a result of the
64 violation.

65 (5) "Protected computer" means a computer that is used in
66 connection with the operation of a business and stores
67 information, programs, or code in connection with the operation
68 of the business in which the stored information, programs, or
69 code can only be accessed by employing a technological access
70 barrier.

71 (6) "Technological access barrier" means a password,
72 security code, token, key fob, access device, or similar
73 measure.

74 (7) "Traffic" means to sell, purchase, or deliver.

75 (8) "Without authorization" means circumvention of a
76 technological access barrier on a protected computer without the
77 express or implied permission of the owner, operator, or lessee
78 of the computer or the express or implied permission of the
79 owner of information stored in the protected computer, but the
80 term does not include circumventing a technological measure that
81 does not effectively control access to the protected computer or
82 the information stored in the protected computer.

83 Section 4. Section 668.803, Florida Statutes, is created to
84 read:

85 668.803 Prohibited acts.—A person who knowingly and with
86 intent to cause harm or loss:

87 (1) Obtains information from a protected computer without

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88 authorization and, as a result, causes harm or loss;

89 (2) Causes the transmission of a program, code, or command
90 from a protected computer without authorization and, as a result
91 of the transmission, causes harm or loss; or

92 (3) Traffics in any technological access barrier through
93 which access to a protected computer may be obtained without
94 authorization,

95
96 is liable to the extent provided in s. 668.804 in a civil action
97 to the owner, operator, or lessee of the protected computer, or
98 the owner of information stored in the protected computer who
99 uses the information in connection with the operation of a
100 business.

101 Section 5. Section 668.804, Florida Statutes, is created to
102 read:

103 668.804 Remedies.—

104 (1) A person who brings a civil action for a violation
105 under s. 668.803 may:

106 (a) Recover actual damages, including the person's lost
107 profits and economic damages.

108 (b) Recover the violator's profits that are not included in
109 the computation of actual damages under paragraph (a).

110 (c) Obtain injunctive or other equitable relief from the
111 court to prevent a future violation of s. 668.803.

112 (d) Recover the misappropriated information, program, or
113 code, and all copies thereof, that are subject to the violation.

114 (2) A court shall award reasonable attorney fees to the
115 prevailing party in any action arising under this part.

116 (3) The remedies available for a violation of s. 668.803

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2015222c1

117 are in addition to remedies otherwise available for the same
118 conduct under federal or state law.

119 (4) A final judgment or decree in favor of the state in any
120 criminal proceeding under chapter 815 shall estop the defendant
121 in any subsequent action brought pursuant to s. 668.803 as to
122 all matters as to which the judgment or decree would be an
123 estoppel as if the plaintiff had been a party in the previous
124 criminal action.

125 (5) A civil action filed under s. 668.803 must be commenced
126 within 3 years after the violation occurred or within 3 years
127 after the violation was discovered or should have been
128 discovered with due diligence.

129 Section 6. Section 668.805, Florida Statutes, is created to
130 read:

131 668.805 Exclusions.—This part does not prohibit any
132 lawfully authorized investigative, protective, or intelligence
133 activity of any law enforcement agency, regulatory agency, or
134 political subdivision of this state, any other state, the United
135 States, or any foreign country.

136 Section 7. This act shall take effect October 1, 2015.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Julie I. Brown
Florida Public Service Commission

NOTICE OF HEARING

TO: Mrs. Julie I. Brown

YOU ARE HEREBY NOTIFIED that the Committee on Communications, Energy, and Public Utilities of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 10, 2015, in 301 Senate Office Building, commencing at 4:00 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 5th day of March, 2015

Committee on Communications, Energy, and
Public Utilities



Senator Denise Grimsley
As Chair and by authority of the committee

cc: Members, Committee on Communications, Energy, and Public Utilities
Office of the Sergeant at Arms

2020

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

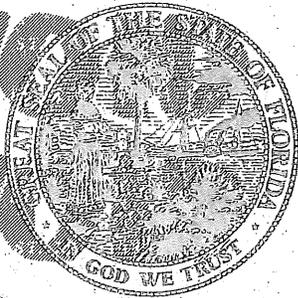
I, Ken Detzner, Secretary of State,
do hereby certify that

Julie I. Brown

is duly appointed a member of the
Florida Public Service Commission

for a term beginning on the
Second day of January, A.D., 2015,
until the First day of January, A.D., 2019
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 Seventh day of November, A.D., 2014.*



Ken Detzner

Secretary of State

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

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

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
2014 NOV -7 AM 10:1
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Public Service Commissioner

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Julie I. Brown
Signature

Sworn to and subscribed before me this 6th day of NOVEMBER, 2014.

Terry K. Holdnak
Signature of Officer Administering Oath

Print, Type, or Stamp Commissioned Officer of State of Florida
 TERRY K. HOLDNAK
Commission # FF 164957
Expires October 1, 2018
Florida Department of State, Division of Elections, 100-368-7019

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

2506 W. Prospect Road

Street or Post Office Box

Tampa, FL 33629

City, State, Zip Code

Julie I. Brown

Print name as you desire commission issued

Julie I. Brown
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2014 SEP 29 PM 3:48

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 23, 2014

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 1001.71, Florida Statutes:

Mrs. Julie I. Brown
2540 Shumard Oak Boulevard
Tallahassee, Florida 32311

as a member of the Florida Public Service Commission, subject to confirmation by the Senate. This appointment is effective January 2, 2015, for a term ending January 1, 2019.

Sincerely,

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

Rick Scott
Governor

RS/vh

110676

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by 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.

November 6, 2014

Date Completed

1. Name: Mrs. Brown Julie I.
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 2540 Shumard Oak Boulevard Tallahassee
Street Office # City
Florida 32399-0850 (850) 413-6042
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 2506 W. Prospect Road Tampa Hillsborough
Street City County
Florida 33629
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

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

Address	City & State	From	To
2506 W. Prospect Road	Tampa, FL	08-05	Present
1155 Seminole Drive	Tallahassee, FL	01-11	Present

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

Address	City & State	From	To
Dormitories at University of Montpellier, France		06-98	

5. Date of Birth: _____ Place of Birth: Ft. Myers, Florida

6. Social Security Number: _____

7. Driver License Number: _____ sig State: Florida

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

Prior to marriage, my maiden name was Julie Ann Imanuel.

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DEPARTMENT OF STATE
2014 NOV - 7 AM 10:02
DIVISION OF ELECTIONS

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? Since birth in 1975 _____

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

A. County of Registration: Hillsborough B. Current Party Affiliation: Republican _____

12. Education

A. High School: Cypress Lake High, Ft. Myers, FL Year Graduated: 1993
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
University of Florida - Gainesville	08-93 to 05-97	B.S.
University of Florida College of Law	08-97 to 05-00	J.D.
University of Montpellier, France	05-98 to 08-98	Credits for J.D.

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 Public Service Commission	State Agency	Commissioner	01-11 to Present
First American	Title Insurance	Associate Legal Counsel	05-06 to 12-10

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>
Assistant City Attorney	City of Tampa	01-04 to 05-06

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

I have served in the role of Florida Public Service Commissioner for the last four years. Prior, as a business law attorney, I have the necessary acumen to comprehend and assimilate the comprehensive rate cases coming before the Public Service Commission. Additionally, my past experiences as a City Attorney in Tampa have enabled me to understand the technical nature of the water and wastewater matters that appear before the Commission. I also served on a zoning board for a four year period of time with the City of Tampa.

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:

Florida Bar License
Florida Real Estate Brokers License

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

Appointed Chairman of the Florida Legislature's Study Committee on Investor-Owned Water and Utility Systems
Selected by my peers as Chairman of Florida Public Service Commission Search Committee for Executive Director

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

Former Committee Member, Florida Bar's 13th Judicial Circuit Grievance Committee
Former Committee Member, Hillsborough County Judicial Campaign Practices Committee
Former Commissioner, City of Tampa's Architectural Review Committee

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Commissioner	2006-2012	Two 3-year terms	Municipality
Assistant City Attorney	2004-2006		Municipality

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

(1) How frequently were meetings scheduled: Monthly

(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>
Attended 90%	Missed 10%	Health-related (maternity)

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: Florida Public Service Commissioner

B. Term of Appointment: 01-11 to 01-15 - Four year term

C. Confirmation results: Confirmed by the Florida Senate

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>
Florida Bar 377510	09-30-2000	Florida Bar	None
Florida Real Estate Broker's License		Florida DBPR	None

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>

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>

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>
David L. Smith			
Liana Lopez			
Julia Mandell			

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>
City of Tampa's Architectural Review Commission, 315 E. Kennedy Blvd., Tampa, FL 33602		Commissioner, 2006-2012	
Tampa Firefighter's Museum, Inc., 720 E. Zack St., Tampa, FL 33602		Board Member & Legal Advisor, 2007-Present	
League of Women Voters of Hillsborough County, P.O. Box 1801, Tampa, FL 33601		Member, 2001-Present	
New Suburb Beautiful Neighborhood Association, 305 South Blvd., Tampa, FL 33606		Secretary, 2009-2011	
Greater Tampa Association of Realtors, 2918 W. Kennedy Blvd., Tampa, FL 33609		Member, 2003-Present	

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

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

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DEPARTMENT OF STATE
DIVISION OF ELECTIONS

CERTIFICATION

STATE OF FLORIDA
COUNTY OF LEON

Before me, the undersigned Notary Public of Florida, personally appeared

JULIE F. BROWN

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.


Signature of Applicant/Affiant

Sworn to and subscribed before me this 6TH day of NOVEMBER, 2014.

Terry K. Holdnak
Signature of Notary Public-State of Florida

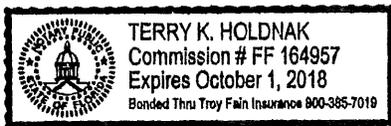
TERRY K. HOLDNAK
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: OCTOBER 1, 2018

Personally Known OR Produced Identification

Type of Identification Produced _____

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DEPARTMENT OF STATE
DIVISION OF ELECTIONS



(seal)

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Julie I. Brown

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Communications, Energy, and Public Utilities

DATE: March 10, 2015

THE FLORIDA SENATE
APPEARANCE RECORD

4

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

03/10/15

Meeting Date

Bill Number (if applicable)

Topic Confirmation Hearing

Amendment Barcode (if applicable)

Name Julie Brown

Job Title Public Service Hearing

Address 2540 Shumard Oak Blvd
Street
Tallahassee, FL 32399
City State Zip

Phone 850-413-6030

Email _____

Speaking: For Against Information

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

Representing Me

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.

APPEARANCE RECORD

4

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

3/10/2015

Meeting Date

Bill Number (if applicable)

Topic Public Service Commission Confirmation

Amendment Barcode (if applicable)

Name Susan Glickman Re: Julie Brown

Job Title Florida Director

Address PO Box 310

Phone 727.742.9003

Street

Indian Rocks Beach FL 33785

Email susan@cleanenergy.org

City

State

Zip

Speaking: For Against Information

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

Representing Southern Alliance for Clean Energy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Jimmy T. Patronis Jr.
Florida Public Service Commission

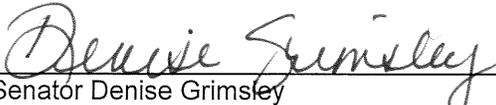
NOTICE OF HEARING

TO: Representative Jimmy T. Patronis Jr.

YOU ARE HEREBY NOTIFIED that the Committee on Communications, Energy, and Public Utilities of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 10, 2015, in 301 Senate Office Building, commencing at 4:00 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 5th day of March, 2015

Committee on Communications, Energy, and
Public Utilities



Senator Denise Grimsley
As Chair and by authority of the committee

cc: Members, Committee on Communications, Energy, and Public Utilities
Office of the Sergeant at Arms

2020

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

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

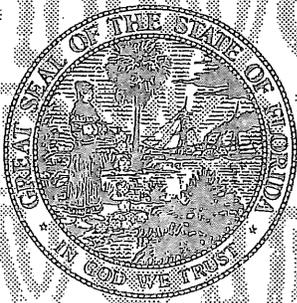
Jimmy Patronis

is duly appointed a member of the

Florida Public Service Commission

for a term beginning on the
Second day of January, A.D., 2015,
until the First day of January, A.D., 2019
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 Twentieth day of January, A.D., 2015.*



Ken Detzner
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

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of LEON

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DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

FLORIDA PUBLIC SERVICE COMMISSION

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Jimmy Patronis Jr
Signature

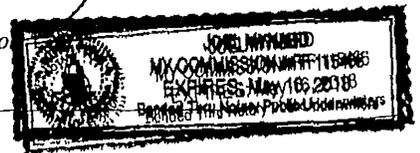
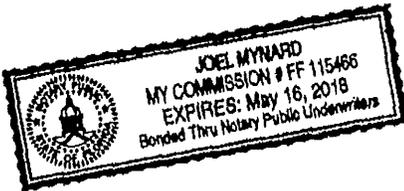
Sworn to and subscribed before me this 20th day of JANUARY, 2015.

Joel Mynard
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced FLDL



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

8717 N LAGDON DR.
Street or Post Office Box

PANAMA CITY, FL 32408
City, State, Zip Code

Jimmy T Patronis Jr
Print name as you desire commission issued

Jimmy T Patronis Jr
Signature



RICK SCOTT
GOVERNOR

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DIVISION OF ELECTIONS
SECRETARY OF STATE

September 29, 2014

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 amended the following appointment under the provisions of Section 1001.71, Florida Statutes:

Representative Jimmy Patronis
8717 North Lagoon
Panama City, Florida 32408

as a member of the Florida Public Service Commission, succeeding Eduardo Balbis, subject to confirmation by the Senate. This appointment is effective January 2, 2015, for a term ending January 1, 2019.

Sincerely,

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

Rick Scott
Governor

RS/vh

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by 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.

01/20/2015
Date Completed

1. Name: Mr. Patronis, Jr. Jimmy Theo
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 5551 N Lagoon Dr. Panama City
Street Office # City
Florida 32408 850-234-2226
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 8717 N Lagoon Dr Panama City Bay
Street City Countv
Florida 32408
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # 850-235-1277
(optional)

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

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>
8717 N Lagoon Dr	Panama City, FL	2003 - present	

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

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>
Florida State University Campus	London, UK	Jan 1996 - April 1996	

5. Date of Birth: _____ Place of Birth: _____

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

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 TALLAHASSEE FL

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? 1972

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

A. County of Registration: Bay

B. Current Party Affiliation: Republican

12. Education

A. High School: Bay High School Year Graduated: 1990
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Gulf Coast Community College</u>	<u>1990-1994</u>	<u>A.S & A.A.</u>
<u>Florida State University</u>	<u>1994-1996</u>	<u>B.S.</u>

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>
<u>Capt. Anderson's</u>	<u>Restaurant</u>	<u>Partner</u>	<u>1986 - Present</u>

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>
_____	_____	_____
_____	_____	_____

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

See attached

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:

A.S. Degree in Culinary Arts/Restaurant Management

B.S Degree in Political Science, Public Administration & Communications

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

I have received Legislative awards from various groups, primarily in the environmental fields due to the service in the legislature, focusing on these fields.

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

See Attached regarding current and former memberships/offices

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
F/COVE	1992 & 1993	2 year	State Level
FL Elections Commission	1998-2001	4 year	State Level
Bay County Airport and Industrial District	2003-2005	3 year	Special District
FL House of Representatives	2006-2014	8 year	State Level

17. A.

I have spent my entire adult life dedicated to public service in a variety of different ways. Below, I have detailed a few of these experiences and characteristics which make me uniquely qualified for a position on Florida's Public Service Commission.

Much of my professional career has been focused on providing quality services and experiences to customers through my family's restaurant, which is one of the largest-grossing, family-owned, independent restaurants in the state of Florida. We employ more than 190 individuals, and serve 250,000+ customers every year during our nine-month operating cycle. Many of our employees have been with us for years, some for decades, and it takes a strong focus on compassionate leadership to ensure that our team is delivering a quality experience to our patrons.

For the last eight years, I have served the citizens of Florida House District 6, representing Bay, Gulf, and Franklin counties in the House of Representatives. During this time, I drafted, presented, and interpreted proposed legislation on behalf of my district, as well as placing a priority focus on constituent services and community involvement. Serving in the Florida House has been one of the great endeavors in my life, as I helped to craft the budget and policy for the 18+ million citizens of Florida during changing times in our state and nation. During my tenure in the House, I have chaired the Health Care Policy Subcommittee, the Governmental Affairs Policy Subcommittee, and the Committee on Economic Affairs, which oversees the Economic Development & Tourism, Transportation & Highway Safety, and the Veteran & Military Affairs Subcommittees. I have also had the honor of being selected as 'Legislator of the Year' for a variety of professional associations and groups that serve citizens in our state.

While Florida faced the destruction and results of the Deepwater Horizon incident, I had the privilege of serving on the Florida Gulf Oil Spill Task Force, working with a group of our state's finest experts and professionals as we navigated through unprecedented challenges.

Before my election to the House of Representatives, I served as member and chairman of the Panama City-Bay County Airport and Industrial District, at which time the district was undertaking a relocation of their 700 acre site to a new 4,000 acre site in Bay County, which is now Northwest Florida Beaches International Airport.

I served two terms (for a total of four years) on the Florida Elections Commission, where I was appointed by both Governor Lawton Chiles and Governor Jeb Bush. I also served on the Florida Council of Vocational Education (two one-year terms) as the Student Representative on the Council.

Additionally, I have included an attachment labeled 'Patronis' which contains more details about my service and work experience.

Community & Statewide Acknowledgements

- Mentor of the Year for State of Florida, Pro-Start School-to-Career Program, 1997
- Fundraiser of the Year, American Heart Association, 2004-2005
- Rookie of the Year, American Heart Association, 2003-2004
- Honorary Plankowner, USS Momsen (DDG 92) Commissioning Team, 2004
- Honorary Plankowner, USS Mesa Verde Commissioning Team, 2006
- Honorary Life Member, Florida Vocational Industrial Clubs of America (VICA), 1994
- Outstanding Citizen of the Year, Gulf Coast Community College, 1994
- Student of the Year, Bay County Vocational Education Association, 1994
- Commissioned Kentucky Colonel, Commonwealth of Kentucky
- Outstanding Vocational Student of the Year, Florida Vocational Association, 1994
- Listed as one of Florida Restaurant and Lodging Association's Most Influential People, 2006

Professional & Legislative Experience

- Vice President, Capt. Anderson's Restaurant, Panama City, Florida
- Representative, Florida House of Representatives, District Six, Florida
- Radio Co-host WPAP FM, Clear Channel Radio, Panama City, Florida
- Research Assistant, Office of Robert Ainsworth, Member of Parliament, House of Commons, London, United Kingdom
- Legislative Intern, Florida State Senate, Tallahassee, Florida

Community Service and Memberships

- Lifelong member of the St. John's Greek Orthodox Church
- Past Commissioner, Florida Elections Commission
- Past Chairman and Board Member, Bay County-Panama City International Airport and Industrial District
- Past Trustee, Gulf Coast Hospital
- Member, Gulf Coast Community College Foundation Board
- Past Director, Bay County Economic Development Alliance Board
- Past Honorary Commander, 325th Services Squadron, Tyndall AFB
- Director, Florida Restaurant and Lodging Association, Tallahassee
- Past President, Florida Restaurant and Lodging Association, Bay County Chapter
- Former State Secretary/Treasurer for the Florida Restaurant Association
- Director, Vision Bank
- Past Chairman, American Heart Association Leadership Circle
- Member, Kiwanis Club of Panama City
- Member, The James Madison Institute
- Member, National Rifle Association
- Member, The Krewe of Dominique Youx
- Co-chairman, American Heart Association Heart Ball, 2004
- Past Chairman and Current Director, Greater Panama City Beach Chamber of Commerce

2 Attachment - Patronis

- Past Chairman, Greater Panama City Beach Chamber of Commerce Economic Development Council
- Past National President, Vocational Industrial Clubs of America (VICA), 1993-1994
- Past Councilman, Florida Council on Vocational Education (F/COVE)
- Past State President Florida Vocational Industrial Clubs of America (VICA), 1992-1993
- Past Director, Anchorage Children's Home
- Past Director, Salvation Army Advisory Board
- Past Director, Foundation of Bay Medical Center
- Past Director, Amsouth Bank
- Former Statistician, Bay High School Football

Education

- Florida State University, Bachelor of Science, Political Science & Communications, Tallahassee-1996
- Gulf Coast Community College, A.S., Restaurant Management; A.A. General Education-Panama City-1994
- Bay High School – 1990
- Florida Chamber of Commerce Leadership Program, Tallahassee– 1997
- Bay County Chamber of Commerce Leadership Bay, Panama City– 1994
- Amateur Radio License, KD4MBU

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

(1) How frequently were meetings scheduled: Monthly

(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>
None that I can recall.		

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: Florida Elections Commission

B. Term of Appointment: 1998-2001

C. Confirmation results: Confirmed

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>

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>

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>
Geoffrey Beck			
Don Crisp			
Carol Roberts			

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>
Bay County Chamber			
	235 W. 5th St Panama City, FL	Director	2015-present
FRLA			
	P.O. Box 1779 Tallahassee, FL	Member	1996-present

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

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

CERTIFICATION

STATE OF FLORIDA
COUNTY OF LEON

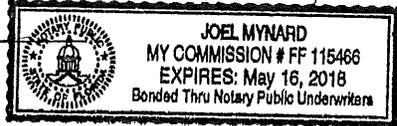
Before me, the undersigned Notary Public of Florida, personally appeared _____,

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.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 20th day of JANUARY, 2015.

[Signature]
Signature of Notary Public-State of Florida



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

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced FLOL

(seal)

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Jimmy T. Patronis, Jr.

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Communications, Energy, and Public Utilities

DATE: March 10, 2015

THE FLORIDA SENATE

APPEARANCE RECORD

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

03/10/15

Meeting Date

Bill Number (if applicable)

Topic FLORIDA PUBLIC SERVICE COMMISSION

Amendment Barcode (if applicable)

Name Jimmy PATRONIS

Job Title COMMISSIONER

Address 2540 SHUMARD OAK BLVD

Phone BSD 235 6288

Street

TALLAHASSEE

FL

32301

City

State

Zip

Email JPATRONI@PSC.STATE.FL.US

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

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

Representing SELF

Appearing at request of Chair: [X] Yes [] 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.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Communications, Energy, and Public Utilities,
Vice Chair
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL

8th District

February 16, 2015

The Honorable Denise Grimsley
337 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 222 – Electronic Commerce

Dear Chairwoman Grimsley:

Senate Bill 222, relating Electronic Commerce has been referred to the Communications, Energy, and Public Utilities Committee. I am requesting your consideration on placing SB 222 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill, District 8

cc: Diana Caldwell, Staff Director of the Communications, Energy, and Public Utilities Committee
Kim Bonn, Administrative Assistant of the Communications, Energy, and Public Utilities Committee

REPLY TO:

- 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



The Florida Senate

Committee Agenda Request

To: Senator Denise Grimsley, Chair
Committee on Communications, Energy, and Public Utilities

Subject: Committee Agenda Request

Date: January 30, 2015

I respectfully request that **Senate Bill #400**, relating to **Renewable Energy Source Device/Taxation**, be placed on the:

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

A handwritten signature in black ink, appearing to read "Jeff Brandes", with a long horizontal line extending to the right.

Senator Jeff Brandes
Florida Senate, District 22



The Florida Senate

Committee Agenda Request

To: Senator Denise Grimsley, Chair
Committee on Communications, Energy, and Public Utilities

Subject: Committee Agenda Request

Date: January 30, 2015

I respectfully request that **Senate Bill #402**, relating to **Renewable Energy Source Devices**, be placed on the:

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

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

Senator Jeff Brandes
Florida Senate, District 22



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Health and Human Services
Communications, Energy, and Public Utilities
Community Affairs
Fiscal Policy
Regulated Industries

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Chair*

SENATOR JOSEPH ABRUZZO

Minority Whip
25th District

March 10th, 2015

The Honorable Denise Grimsley
The Florida Senate
337 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairwoman Grimsley:

Please accept this letter as a formal request to arrive tardy to the Committee on Communications, Energy, and Public Utilities meeting on 10 March 2015. I have been invited to present a bill to the Committee on Judiciary, which is meeting at 4:00 PM today. I thank you for your consideration of this request.

Please let me know if I can provide you with any further information. Thank you for your patience and understanding in this matter.

Sincerely,

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

Joseph Abruzzo

Cc: Diana Caldwell, Staff Director

REPLY TO:

- 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774 FAX: (888) 284-6495
- 110 Dr. Martin Luther King, Jr. Boulevard, Belle Glade, Florida 33430-3900 (561) 829-1410
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Regulated Industries, *Chair*
Fiscal Policy, *Vice Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Communications, Energy, and Public Utilities
Community Affairs
Criminal Justice

JOINT COMMITTEES:
Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

SENATOR ROB BRADLEY
7th District

MEMORANDUM

To: Senator Denise Grimsley
From: Senator Rob Bradley *RB*
Subject: Committee Absence
Date: March 10, 2015

A handwritten signature in blue ink, appearing to be "RB", located to the right of the memorandum header.

Due to a bill hearing in the Judiciary Committee, I was unable to attend the Committee on Communications, Energy, and Public Utilities. Please excuse my absence as it was important for me to present Senate Bill 1170 in Judiciary. Regretfully, I didn't know it would consume more time than I had allocated.

I would also be most grateful to you for indicating favorable votes on these bills and confirmations heard in your Committee today. They are as follows:

- SB 400
- SB 402
- SB 222
- Confirm Ms. Julie Brown and Mr. Jimmy Patronis

Thanks so very much for honoring my request.

Cc: Committee on Communications, Energy, and Public Utilities

REPLY TO:

- 2233 Park Avenue, Suite 303, Orange Park, Florida 32073 (904) 278-2085
- 208 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5007

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: SB 301
Caption: Senate Communications, Energy and Public Utilities Committee

Case:

Type:
Judge:

Started: 3/10/2015 4:02:46 PM

Ends: 3/10/2015 4:31:32 PM

Length: 00:28:47

4:02:52 PM Meeting called to order by Senator Grimsley
4:02:54 PM Roll Call
4:03:18 PM Tab 2 CS/SB 222
4:03:28 PM Senator Hukill on CSSB 222
4:04:11 PM Amendment Barcode 807090
4:04:43 PM Amendment adopted
4:04:53 PM Amendment Barcode 949828
4:05:19 PM Kasey Reid from AtandT waives in Support
4:05:34 PM CenturyLink waives in support
4:05:38 PM amendment adopted
4:05:55 PM Florida Bar waives in support
4:05:59 PM waive close
4:06:07 PM roll call on CSSB 222
4:06:17 PM Cs SB 222 reported favorably
4:06:34 PM Tab 1 SJR 400
4:07:18 PM Senator Brandes on SJR 400
4:07:26 PM Question from Senator Sachs
4:08:07 PM Amendment Barcode 636934
4:08:20 PM Amendment adopted without objection
4:08:24 PM waive closed
4:08:54 PM Tory Perfetti Representing Florida Conservatives for Energy Freedom
4:09:58 PM Susan Glickman representing Southern Alliance for Clean Energy
4:11:01 PM Matthew Chetnik representing Independent Green Technologies
4:13:11 PM David Harold Waives in Support
4:13:31 PM David Cullen representing Sierra Club Florida Waives in Support
4:13:35 PM waive close
4:13:43 PM Roll call for SJR 400
4:13:56 PM CS SJR 400 reported favorably
4:14:13 PM Tab 3 SB 402
4:14:24 PM Amendment barcode 310928
4:14:29 PM Amendment adopted
4:14:38 PM Matthew Chitnik waives in support
4:14:44 PM David Harold waives in support
4:14:51 PM David Cullen waives in support
4:14:54 PM waive close
4:15:01 PM roll call SB 402
4:15:17 PM CS SB 402 reported favorably
4:15:30 PM Recess
4:15:52 PM Recording Paused
4:16:12 PM Recording Resumed
4:16:40 PM Confirmation Process for Commissioner Julie Brown
4:16:55 PM Swearing in of Julie Brown
4:17:09 PM Remarks from Commissioner Julie Brown
4:20:09 PM Susan Glickman representing Southern Alliance for Clean Energy
4:23:43 PM Motion to recommend confirmation
4:23:52 PM Roll call on confirmation of Julie Brown
4:24:07 PM Confirmation of Julie Brown is reported favorably
4:24:42 PM Swearing in of Commissioner Patronis
4:24:52 PM Remarks from Commissioner Patronis
4:27:12 PM Question from Senator Grimsley
4:27:35 PM Response from Commissioner Patronis
4:30:10 PM motion to recommend confirmation

4:30:17 PM Roll call
4:30:48 PM Confirmation of Appointee Jimmy Patronis is reported Favorably
4:31:09 PM Meeting Adjourned