

CS/SB 152 by **ED, Ring**; (Similar to H 0123) Disability Awareness

SB 160 by **Evers**; (Similar to H 0409) Rural Letter Carriers

326740 A S RCS FP, Bradley Delete L.18: 03/19 03:07 PM

CS/CS/SB 296 by **GO, HP, Garcia (CO-INTRODUCERS) Joyner**; (Similar to CS/H 0043) Diabetes Advisory Council

710582 A S RCS FP, Bean In directory clause, de 03/19 03:08 PM

SB 408 by **Simmons**; (Identical to H 0365) Designated Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain and Off-roading Bicycling

SB 522 by **Brandes**; (Identical to H 4007) Division of Bond Finance

CS/SB 620 by **GO, Richter**; (Similar to H 7007) Emergency Management

SB 206 by **Hukill (CO-INTRODUCERS) Gaetz, Soto, Sachs, Detert, Galvano, Sobel**; (Similar to H 7085) Financial Literacy Program for Individuals with Developmental Disabilities

918754 PCS S RCS FP, AGG 03/19 03:10 PM
185318 PCS:A S RCS FP, Hukill Delete L.29: 03/19 03:10 PM

SB 7022 by **GO (CO-INTRODUCERS) Galvano, Hukill**; Individuals With Disabilities

692948 PCS S RCS FP, AGG 03/19 03:11 PM
236650 PCS:D S RCS FP, Hukill Delete everything after 03/19 03:11 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Flores, Chair
Senator Bradley, Vice Chair

MEETING DATE: Thursday, March 19, 2015
TIME: 1:00 —3:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Flores, Chair; Senator Bradley, Vice Chair; Senators Abruzzo, Bean, Clemens, Hays, Hukill, Legg, Margolis, Sachs, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 152 Education Pre-K - 12 / Ring (Similar H 123)	Disability Awareness; Requiring, rather than authorizing, each district school board to provide disability history and awareness instruction in all K-12 public schools beginning in a specified school year; requiring each public school to establish a disability history and awareness advisory council, etc. ED 02/18/2015 Fav/CS AED 03/04/2015 Favorable FP 03/19/2015 Favorable	Favorable Yeas 9 Nays 0
With subcommittee recommendation - Education Appropriations			
2	SB 160 Evers (Similar H 409)	Rural Letter Carriers; Exempting a rural letter carrier of the United States Postal Service from safety belt usage requirements while performing his or her duties on a designated postal route, etc. TR 02/05/2015 Favorable ATD 03/04/2015 Favorable FP 03/19/2015 Fav/CS	Fav/CS Yeas 9 Nays 0
With subcommittee recommendation - Transportation and Economic Development Appropriations			
3	CS/CS/SB 296 Governmental Oversight and Accountability / Health Policy / Garcia (Similar CS/H 43)	Diabetes Advisory Council; Requiring the council, in conjunction with the Department of Health, the Agency for Health Care Administration, and the Department of Management Services, to develop plans to manage, treat, and prevent diabetes; requiring a report to the Governor and Legislature; specifying the contents of the report; adjusting the representation of certain areas of specialization or institutions in the membership of the council; adding an organization from which a representative may be selected to serve as a council member, etc. HP 02/17/2015 Fav/CS GO 03/04/2015 Fav/CS AHS 03/11/2015 Favorable FP 03/19/2015 Fav/CS	Fav/CS Yeas 9 Nays 0
With subcommittee recommendation - Health and Human Services Appropriations			

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, March 19, 2015, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 408 Simmons (Identical H 365)	Designated Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain and Off-roading Bicycling; Deleting the requirement that a governmental entity that provides a designated area for skateboarding, inline skating, or freestyle bicycling obtain the written consent of the parent or legal guardian of a child under a certain age before allowing the child to participate in these activities in such area; requiring the governmental entity to post a rule indicating that consent forms are required for children under a certain age before participation in paintball or mountain and off-road bicycling, etc. JU 02/17/2015 Favorable CA 03/04/2015 Favorable FP 03/19/2015 Favorable	Favorable Yeas 9 Nays 0
5	SB 522 Brandes (Identical H 4007)	Division of Bond Finance; Deleting a requirement that the division issue a regular newsletter to certain parties which addresses local and state bonds, etc. GO 02/17/2015 Favorable BI 03/04/2015 Favorable FP 03/19/2015 Favorable	Favorable Yeas 9 Nays 0
6	CS/SB 620 Governmental Oversight and Accountability / Richter (Similar H 7007)	Emergency Management; Exempting certain employees from specified travel expense provisions when traveling under the Emergency Management Assistance Compact under certain circumstances, etc. MS 03/04/2015 Favorable GO 03/10/2015 Fav/CS FP 03/19/2015 Favorable	Favorable Yeas 10 Nays 0
A proposed committee substitute for the following bill (SB 206) is available:			
7	SB 206 Hukill (Similar H 7085)	Financial Literacy Program for Individuals with Developmental Disabilities; Establishing the program within the Department of Financial Services; requiring the program to provide information and other offerings on specified issues to individuals with developmental disabilities and employers in this state; requiring a qualified public depository to participate in the program, etc. BI 01/21/2015 Favorable AGG 02/18/2015 Fav/CS FP 03/19/2015 Fav/CS	Fav/CS Yeas 9 Nays 0

With subcommittee recommendation - General Government Appropriations

A proposed committee substitute for the following bill (SB 7022) is available:

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, March 19, 2015, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 7022 Governmental Oversight and Accountability	Individuals With Disabilities; Revising definitions and defining the term "individual who has a disability"; revising the state's equal employment opportunity policy to include individuals who have a disability; requiring each executive agency to annually report to the Department of Management Services regarding the agency's progress in increasing employment among certain underrepresented groups; requiring the department to develop and implement certain programs geared toward individuals who have a disability, etc. AGG 03/04/2015 Fav/CS FP 03/19/2015 Fav/CS	Fav/CS Yeas 10 Nays 0

With subcommittee recommendation - General Government Appropriations

Other Related Meeting Documents

An electronic copy of the Appearance Request form is available to download from any Senate Committee page on the Senate's website, www.flsenate.gov.

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 Fiscal Policy

BILL: CS/SB 152

INTRODUCER: Education Pre-K - 12 Committee and Senator Ring

SUBJECT: Disability Awareness

DATE: March 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	Fav/CS
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommended: Favorable
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 152 requires district school boards to annually provide disability history and awareness instruction in all K-12 public schools, during the first two weeks in October, beginning with the 2016-2017 school year. The required disability awareness instruction must be integrated into the existing school curriculum and be augmented by presentations from individuals who have a disability, who are approved by the school or school district, and who meet existing background screening requirements.

The bill requires each public school in Florida to establish a disability history and awareness advisory council and provides requirements for the council regarding membership, responsibilities, and frequency of annual meetings.

The costs for school districts to implement the bill may be absorbed within Florida Education Finance Program funds or other local sources. No additional state funds would be needed.

II. Present Situation:

According to the United States Census Bureau, 19 percent or approximately 54 million people living in the United States have a disability. Five percent of children between the ages of 5 and 17 have a disability.¹

¹ United States Census Bureau, *Profile America Facts for Features: 20th Anniversary of American with Disabilities Act: July 26* (May 26, 2010 based on 2005 report), available at

In 2008, the Legislature authorized the district school boards to designate the first two weeks in October as the “Disability History and Awareness Weeks.”² Section 1003.4205, F.S., encourages, but does not require, school districts, to provide disability history and awareness instruction to students in kindergarten through grade 12.

Students may be offered intensive instruction that increases their awareness and understanding of individuals with disabilities and may include the events and timelines of the development and evolution of services to, and the civil rights of, individuals with disabilities. The instruction also may be integrated into the existing school curriculum and may be delivered by qualified school personnel or knowledgeable guest speakers, with a particular focus on including individuals with disabilities.³

The goals of the instruction include:

- Better treatment for individuals with disabilities, especially for youth in school, and increased attention to preventing the bullying or harassment of students with disabilities;
- Encouragement to individuals with disabilities to develop increased self-esteem, resulting in more individuals with disabilities gaining pride in being an individual with a disability, obtaining postsecondary education, entering the workforce and contributing to their communities; and
- Reaffirmation of the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities.⁴

The Bureau of Exceptional Education and Student Services, within the Florida Department of Education, created a resource guide to help school districts promote Disability History and Awareness Weeks.⁵ The guide includes:

- Promotional ideas to help schools promote disability history and awareness;
- Fliers recognizing the contributions of various individuals with disabilities;
- Disability etiquette documents;
- Documents concerning “people first” language;
- A guide to differentiated instruction;
- A copy of “A Legislative History of Florida’s Exceptional Student Education Program;” and
- A list of websites that contain a variety of games, activities, and lesson plans that can be integrated into a curriculum for students.⁶

http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html (last visited Mar. 9, 2015).

² Chapter 2008-156, L.O.F.; s. 1003.4205(1), F.S.

³ Section 1003.4205(2), F.S.

⁴ Section 1003.4205, F.S.

⁵ Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: Resources*, available at <http://www.fl DOE.org/academics/exceptional-student-edu/parent-info/disability-history-awareness.stml> (last visited Mar. 9, 2015).

⁶ *Id.*

III. Effect of Proposed Changes:

Disability History and Awareness Instruction

Beginning with the 2016-2017 school year, the bill requires every district school board to participate in the Disability History and Awareness Weeks as provided in s. 1003.4205, F.S. Each district school board must annually provide disability history and awareness instruction in all K-12 public schools during the first two weeks of October. The bill requires the disability history instruction to include:

- The events and timelines of the development and evolution of services to, and civil rights of, individuals who had or have disabilities; and
- The contributions of specific individuals who had or have disabilities, including the contributions of acknowledged national leaders.

Also beginning with the 2016-2017 school year, the instruction must be integrated into the existing school curriculum. The bill increases the requirement for delivery of instruction by requiring the instruction to be augmented by presentations from individuals who:

- Have disabilities;
- Have been approved by the school or school district as presenters; and
- The school or school district has ensured meet the appropriate background screening requirements of s. 1012.465, F.S., to enter schools and interact with students.⁷

The bill does not change the current goals of the disability history and awareness instruction.

Disability History and Awareness Advisory Council

The bill also requires each public school to establish a disability history and awareness advisory council. The council must consist of seven members; six teachers who are employed at the school and one individual from the local community who has a disability.

The responsibilities of each public school council must include, but are not limited to:

- Providing the school input regarding the curriculum for disability history and awareness;
- Assisting the school with locating individuals who have disabilities to make presentations at the school;
- Submitting an annual report by August 1, 2016, and each year thereafter, to the superintendent of the school district where the public school is located. The annual report must include, but is not limited to, recommendations and policy alternatives regarding the state of disability awareness at the school; and
- Meeting at least four times each year and more often as needed.

The bill takes effect July 1, 2015.

⁷ Section 1012.465, F.S., relates to background screening for certain noninstructional school district employees and contractors who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds. Such individuals must meet level 2 screening requirements as described in s. 1012.32, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education stated that the bill has no fiscal impact on the department. The Department of Education and other entities have already developed materials and guidance for use by the school districts during the Disability History Awareness Weeks.⁸

The costs for school districts may be absorbed within Florida Education Finance Program funds or other local sources. In the bill analysis, the Department of Education states that costs for school districts may include:

- Costs associated with conducting fingerprinting and background investigations for community members and presenters providing instruction or serving on the council. The cost for fingerprinting and background screening is \$67 per individual.
- The school districts may incur costs to provide administrative assistance to the council, including creating the annual reports.⁹

VI. Technical Deficiencies:

None.

⁸ 2015 Agency Legislative Bill Analysis, Florida Department of Education, SB 152, December 10, 2014, (on file with the Senate Appropriations Subcommittee on Education).

⁹ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.4205 of the Florida Statutes.

IX. Additional Information:

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

CS by Education Pre-K-12 on February 18, 2015:

The committee substitute changes the effective date from upon becoming a law to July 1, 2015 to avoid interrupting the current 2014-2015 school year.

- B. **Amendments:**

None.

By the Committee on Education Pre-K - 12; and Senator Ring

581-01703-15

2015152c1

A bill to be entitled

An act relating to disability awareness; amending s. 1003.4205, F.S.; requiring, rather than authorizing, each district school board to provide disability history and awareness instruction in all K-12 public schools beginning in a specified school year; requiring presentations by certain individuals to be included in the disability history and awareness instruction; requiring each public school to establish a disability history and awareness advisory council; providing membership on the council; providing responsibilities of the council; providing meeting times for the council; providing an effective date.

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

Section 1. Section 1003.4205, Florida Statutes, is amended to read:

1003.4205 Disability history and awareness instruction.-

(1) Beginning with the 2016-2017 school year, each district school board shall may provide disability history and awareness instruction in all K-12 public schools in the district during the first 2 weeks in October each year. The district school board shall designate these 2 weeks as "Disability History and Awareness Weeks."

(2) (a) During this 2-week period, students shall may be provided intensive instruction to expand their knowledge, understanding, and awareness of individuals who had or have with disabilities; ~~the history of disability;~~ and the disability

Page 1 of 3

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

581-01703-15

2015152c1

rights movement. Disability history must may include the events and timelines of the development and evolution of services to, and the civil rights of, individuals who had or have with disabilities. Disability history must may also include the contributions of specific individuals who had or have with disabilities, including the contributions of acknowledged national leaders.

(b) Beginning with the 2016-2017 school year, the instruction shall may be integrated into the existing school curriculum in ways including, but not limited to, supplementing lesson plans, holding school assemblies, or providing other school-related activities. The instruction shall may be augmented by presentations from individuals who have disabilities, who have been approved by the school or school district as presenters, and who the school or school district has ensured meet the appropriate background screening requirements of s. 1012.465 to enter schools and interact with students delivered by qualified school personnel or by knowledgeable guest speakers, with a particular focus on including individuals with disabilities.

(c)1. Each public school in the state shall establish a disability history and awareness advisory council. The council at each public school shall consist of the following seven members:

a. Six teachers who are employed at the school.

b. One individual from the local community who has a disability.

2. The responsibilities of the council at each public school shall be, but are not limited to:

Page 2 of 3

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

581-01703-15

2015152c1

- 59 a. Providing to the school input regarding the curriculum
60 for disability history and awareness;
- 61 b. Assisting in locating individuals who have disabilities
62 to make presentations at the school; and
- 63 c. Submitting an annual report to the superintendent of the
64 school district in which the school is located by August 1,
65 2016, and each year thereafter. The annual report must include,
66 but need not be limited to, recommendations and policy
67 alternatives regarding the state of disability awareness at the
68 school.
- 69 3. The council at each public school shall meet at least
70 four times a year and more often as needed.
- 71 (3) The goals of disability history and awareness
72 instruction include:
- 73 (a) Better treatment for individuals who have with
74 disabilities, especially for youth in school, and increased
75 attention to preventing the bullying or harassment of students
76 who have with disabilities.
- 77 (b) Encouragement to individuals who have with disabilities
78 to develop increased self-esteem, resulting in more individuals
79 who have with disabilities gaining pride in being an individual
80 with a disability, obtaining postsecondary education, entering
81 the workforce, and contributing to their communities.
- 82 (c) Reaffirmation of the local, state, and federal
83 commitment to the full inclusion in society of, and the equal
84 opportunity for, all individuals who have with disabilities.
- 85 Section 2. This act shall take effect July 1, 2015.

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 Fiscal Policy

BILL: CS/SB 160

INTRODUCER: Fiscal Policy Committee and Senator Evers

SUBJECT: Rural Letter Carriers

DATE: March 19, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Favorable
2.	Wells	Miller	ATD	Recommended: Favorable
3.	Jones	Hrdlicka	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 160 exempts a United States Postal Service rural letter carrier from mandatory seat belt usage requirements while performing duties in the course of his or her employment on a designated postal route.

According to the Department of Highway Safety and Motor Vehicles, the bill will have an indeterminate but insignificant negative fiscal impact from the loss of revenue associated with a reduction in the number of citations issued for failure to use a safety belt.

II. Present Situation:

Florida's Safety Belt Law

In 1986, the Legislature enacted the "Florida Safety Belt Law" to require a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety belts while the vehicle is in motion.¹ However, the law only provided for secondary enforcement for a violation, meaning that law enforcement officers could not stop motorists solely for not using their safety belts. In 2009, the Legislature enacted SB 344 (ch. 2009-32, L.O.F.) to allow law enforcement officers to stop motorists solely for not using their safety belts. The penalty for failure to wear a safety belt is \$30, plus administrative and court costs.²

¹ Section 316.614, F.S.; ch. 86-49, s. 2, L.O.F. Additional child restraint requirements are established in s. 316.613, F.S.

² Section 318.18(2), F.S.

Certain individuals are exempted from the safety belt law; they include:

- Persons certified by a physician as having a medical condition that causes the use of a safety belt to be inappropriate or dangerous;
- Employees of newspaper home delivery service while in the course of their employment delivering newspapers on home delivery routes;
- Employees of a solid waste or recyclable collection service while in the course of their employment collecting solid waste or recyclables on designated routes;
- Persons occupying the living quarters of a recreational vehicle;
- Persons occupying the space within a truck body primarily intended for merchandise or property; and
- Persons operating motor vehicles that are not required to be equipped with safety belts under federal law.³

Florida does not provide an exemption for the safety belt requirements for rural letter carriers. Forty-six other states do provide an exemption for safety belt usage for rural letter carriers.⁴

Postal Service Rules Regarding Safety Belts

Under a United States Postal Service (USPS) rule, a safety belt must be worn by rural letter carriers at all times when operating:

- A USPS-owned or –leased vehicle;
- A privately-owned right-hand-drive vehicle; or
- A privately-owned dual control vehicle.⁵

The rule also requires carriers to wear safety belts when operating a privately-owned left-hand-drive (LHD) vehicle or such a vehicle partially equipped with dual control, when:

- Traveling to and from the designated delivery route;
- Between Postal Service units; and
- During any deviations from the established line of travel beyond one-half mile for delivery, including travel between routes when service is provided on more than one route.⁶

The rule advises the use of a safety belt but allows rural carriers operating a private LHD vehicle to not wear a safety belt providing the carrier determines it is safe to do so considering the:

- Distance between stops;
- Traffic density and weather conditions;
- Road design characteristics; and
- Other factors affecting safety.⁷

³ Section 316.614(6), F.S.

⁴ *Florida Department of Transportation 2015 Legislative Bill Analysis SB 160* (Dec. 9, 2014) (on file with the Senate Fiscal Policy Committee).

⁵ Handbook PO-603, *Rural Carrier Duties and Responsibilities* (11-10-05), available at <https://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html> (last visited Mar. 5, 2015).

⁶ *Id.*

⁷ *Id.*

III. Effect of Proposed Changes:

The bill creates a new paragraph (e) to s. 316.614(6), F.S., which exempts a rural letter carrier employed by the USPS from mandatory seat belt usage requirements while performing duties in the course of his or her employment on a designated postal route.

The bill is effective upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Laws having insignificant fiscal impact are exempt from the mandates requirements.

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:

A rural letter carrier will not be subject to penalties (\$30 fine plus administrative costs) for failure to wear his or her safety belt when servicing a designated postal delivery route.

C. Government Sector Impact:

According to the Department of Highway Safety and Motor Vehicles, the bill will have an indeterminate but insignificant negative fiscal impact from the loss of revenue associated with a reduction in the number of citations issued for failure to use a safety belt.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁸ Conversation of Appropriation Subcommittee on Transportation, Tourism, and Economic Development staff with the Department of Highway Safety and Motor Vehicles.

VIII. Statutes Affected:

This bill substantially amends section 316.614 of the Florida Statutes.

IX. Additional Information:

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

CS by Fiscal Policy on March 19, 2015:

The CS changes the effective date from July 1, 2015, to effective upon becoming a law.

- B. **Amendments:**

None.



326740

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Bradley) recommended the following:

Senate Amendment

Delete line 18
and insert:
Section 2. This act shall take effect upon becoming a law.

By Senator Evers

2-00193-15

2015160__

1 A bill to be entitled
2 An act relating to rural letter carriers; amending s.
3 316.614, F.S.; exempting a rural letter carrier of the
4 United States Postal Service from safety belt usage
5 requirements while performing his or her duties on a
6 designated postal route; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Paragraph (e) is added to subsection (6) of
11 section 316.614, Florida Statutes, to read:

12 316.614 Safety belt usage.—

13 (6)

14 (e) A rural letter carrier of the United States Postal
15 Service is not required to be restrained by a safety belt while
16 performing duties in the course of his or her employment on a
17 designated postal route.

18 Section 2. This act shall take effect July 1, 2015.



The Florida Senate

Committee Agenda Request

To: Senator Flores, Chair
Committee on Fiscal Policy

Subject: Committee Agenda Request

Date: March 4, 2015

I respectfully request that **Senate Bill #160**, relating to Rural Letter Carriers, be placed on the:

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

A handwritten signature in cursive script that reads "Greg Evers".

Senator Greg Evers
Florida Senate, District 2



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR GREG EVERS
2nd District

March 17, 2015

Dear Chair Flores,

Senator Evers must be in Transportation Committee on Thursday, March 19, during the Fiscal Policy Committee meeting, so his legislative assistant, Dave Murzin, will present SB 160 on his behalf, with your kind permission.

Thank you.

Sharon Brooks
Legislative Assistant

Greg Evers

REPLY TO:

- 209 East Zaragoza Street, Pensacola, Florida 32502-6048 (850) 595-0213 FAX: (888) 263-0013
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002
- 5234 Willing Street, Milton, FL 32570 (850) 564-1026 FAX: (850) 564-1170

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 296

INTRODUCER: Fiscal Policy Committee (Recommended Favorable by the Appropriations Subcommittee on Health and Human Services); Governmental Oversight and Accountability Committee; Health Policy Committee; and Senator Garcia and others

SUBJECT: Diabetes Advisory Council

DATE: March 19, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Lloyd	Stovall	HP	Fav/CS
2. Peacock	McVaney	GO	Fav/CS
3. Brown	Pigott	AHS	Recommend: Favorable
4. Pace	Hrdlicka	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/CS/SB 296 creates a process for ongoing assessment of the state's diabetes-related activities. The bill directs the Diabetes Advisory Council, in conjunction with the Department of Health, the Agency for Health Care Administration, and the Department of Management Services, to prepare a report regarding the impact of diabetes on state-funded or operated programs, including Medicaid, the State Group Insurance Program, and public health programs.

The report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 10 of each odd-numbered year.

The bill also modifies the composition of the Diabetes Advisory Council to include one member from at least three of the medical schools in the state and adds a representative of the American Association of Diabetes Educators to the list of possible members.

The bill has an indeterminate fiscal impact.

II. Present Situation:

Diabetes is a group of diseases in which the body produces too little insulin,¹ is unable to use insulin efficiently, or both. When diabetes is not controlled, glucose and fats remain in the blood and eventually cause damage to vital organs.

The most common forms of diabetes are:

- **Type 1:** Sometimes known as juvenile diabetes, type 1 is usually first diagnosed in children and adolescents and accounts for about five percent of all diagnosed cases. Type 1 diabetes is an autoimmune disease in which the body's own immune system destroys cells in the pancreas that produce insulin. Type 1 may be caused by genetic, environmental, or other risk factors. At this time, there are no methods to prevent or cure type 1 diabetes, and treatment requires the use of insulin by injection or pump.
- **Type 2:** Sometimes known as adult-onset diabetes, type 2 accounts for about 95 percent of diagnosed diabetes in adults and is usually associated with older age, obesity, lack of physical activity, family history, or a personal history of gestational diabetes. Studies have shown that healthy eating, regular physical activity, and weight loss can prevent or delay the onset of type 2 diabetes or eliminate the symptoms and effects post-onset.
- **Gestational diabetes:** This type of diabetes develops and is diagnosed as a result of pregnancy in 2 to 10 percent of pregnant women. Gestational diabetes can cause health problems during pregnancy for both the child and mother. Children whose mothers have gestational diabetes have an increased risk of developing obesity and type 2 diabetes.²

Complications of diabetes include: heart disease, stroke, high blood pressure (hypertension), blindness and other eye problems, kidney disease, nervous system disease, vascular disorders, and amputations.³ Death rates for heart disease and the risk of stroke are about two to four times higher among adults with diabetes than among those without diabetes.⁴ Diabetes and its potential health consequences can be managed through physical activity, diet, self-management training, and, when necessary, medication.⁵

People with “pre-diabetes” are at high risk of developing type 2 diabetes or heart disease or having a stroke.⁶ Their blood glucose levels are higher than normal but not high enough to be classified as diabetes.⁷ Although an estimated 33 percent of adults in the United States have pre-diabetes, less than 10 percent of them report having been told they have the condition.⁸ Thus, awareness of the risk is low. People with pre-diabetes who lose five to seven percent of their

¹ Insulin is a hormone that allows glucose (sugar) to enter cells and be converted to energy.

² U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Diabetes Report Card*, 1 (2012), available at <http://www.cdc.gov/diabetes/pubs/reportcard.htm> (last accessed March 13, 2015).

³ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Diabetes Latest* (2014), available at <http://www.cdc.gov/features/diabetesfactsheet/> (last accessed March 13, 2015).

⁴ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *National Diabetes Fact Sheet* (2011), available at http://www.cdc.gov/diabetes/pubs/pdf/ndfs_2011.pdf (last accessed March 13, 2015).

⁵ *Supra* note 3.

⁶ *Supra* note 2, at 4.

⁷ Florida Department of Health, *Prediabetes, What is Prediabetes?*, available at <http://www.floridahealth.gov/diseases-and-conditions/diabetes/prediabetes.html> (last accessed March 13, 2015).

⁸ *Supra* note 2, at 4.

body weight and get at least 150 minutes per week of moderate physical activity can reduce the risk of developing type 2 diabetes by 58 percent.⁹

Risk factors for type 2 diabetes include:

- Being over the age of 45;
- Being overweight;
- Having a parent or sibling with type 2 diabetes;
- Having a minority family background;
- Developing gestational diabetes;
- Giving birth to a baby weighing nine pounds or more; and
- Being physically active less than three times per week.¹⁰

Persons with any of the above risk factors are also at risk of developing pre-diabetes.¹¹ Individuals with pre-diabetes are 5 to 15 times more likely to develop type 2 diabetes or heart disease or have a stroke.¹² The Centers for Disease Control (CDC) estimates that as many as one out of every three American adults has pre-diabetes and half of all Americans aged 65 years and older have pre-diabetes.¹³

The CDC reports that minorities have a higher prevalence of diabetes than whites, and some minorities have higher rates of diabetes-related complications and death. Non-Hispanic black, Hispanic, and American Indian/Alaska Native adults are about twice as likely to have diagnosed diabetes as non-Hispanic white adults.¹⁴

In 2013, the American Diabetes Association released a report updating its earlier studies (2002, 2007) estimating the economic burden of diagnosed diabetes. In 2012, the total estimated cost of diagnosed diabetes in the United States was \$245 billion, including \$176 billion in direct medical costs and \$69 billion in reduced productivity. This represents a 41 percent increase over the 2007 estimate. The largest components of these costs are hospital inpatient care (43 percent) and medications to treat complications (18 percent). People with diagnosed diabetes incur average medical costs of about \$13,700 per year, of which about \$7,900 is attributed to diabetes. Care for people with diagnosed diabetes accounts for more than one in five dollars spent on health care in the United States, and more than half of that is directly attributable to diabetes. Overall, average medical expenses for a person with diabetes are 2.3 times higher than they are for a person without diabetes.¹⁵

⁹ *Supra* note 7.

¹⁰ Florida Department of Health, *Diabetes, Warning Signs and Risk Factors*, available at <http://www.floridahealth.gov/diseases-and-conditions/diabetes/warning-signs.html> (last accessed March 13, 2015).

¹¹ *Supra* note 7.

¹² *Id.*

¹³ *Id.*

¹⁴ U.S. Department of Health and Human Service, Centers for Disease Control and Prevention. *National Diabetes Statistics Report: Estimates of Diabetes and Its Burden in the United States* (2014), available at <http://www.cdc.gov/diabetes/pubs/statsreport14/national-diabetes-report-web.pdf> (last accessed March 13, 2015).

¹⁵ American Diabetes Association, *Economic Costs of Diabetes in the U.S. in 2012*, *Diabetes Care* 36: 1033 – 1046 (2013) available at <http://care.diabetesjournals.org/content/36/4/1033.full.pdf+html> (last accessed March 13, 2015).

Diabetes in Florida

Diabetes was the sixth leading cause of death in 2013 in Florida.¹⁶ In prior years, diabetes had been the seventh leading cause of death, moving up to sixth in 2012. As a percent of total deaths in the state, diabetes accounted for 2.9 percent of all deaths, and over a three-year period (2011-2013) diabetes had an age-adjusted death rate per 100,000 of 19.6 or 15,317 deaths.¹⁷

Florida's population base also includes large concentrations of groups that have been identified as "at risk" for diabetes. In 2013, only 35 percent of Floridians were at a healthy weight, with 25 percent identified as obese and the remaining 40 percent classified as overweight.¹⁸ If Floridians follow the current trend, by 2030, almost 60 percent of the population will be obese.¹⁹

Diabetes Advisory Council

The Diabetes Advisory Council (council) has been established to guide statewide policy on diabetes prevention, diagnosis, education, care, treatment, impact, and costs.²⁰ It serves in an advisory capacity to the Department of Health, other agencies, and the public.²¹ The council consists of 26 members appointed by the Governor who have experience related to diabetes.²² Twenty-one of the members are representatives of a broad range of health and public health-related interests, based on specific requirements related to employer, education, or professional relationships.²³ The remaining five members are representatives of the general public, at least three of whom are affected by diabetes.²⁴ The Council meets annually with the State Surgeon General to make recommendations regarding the public health aspects of the prevention and control of diabetes.²⁵

Florida Diabetes Prevention and Control

The Bureau of Chronic Disease Prevention and Health Promotion (bureau) within the DOH was established in 1998 to improve individual and community health by preventing and reducing the

¹⁶ Florida Department of Health, *Florida Mortality Atlas: 2013 Major Causes of Death*, available at <http://www.floridacharts.com/charts/SpecReport.aspx?RepID=7226&tn=33> (last accessed March 13, 2015).

¹⁷ Florida Department of Health, *Florida Charts: Diabetes Deaths - Three Year Trends*, available at <http://www.floridacharts.com/charts/DataViewer/DeathViewer/DeathViewer.aspx?indNumber=0090> (last accessed March 13, 2015).

¹⁸ Florida Department of Health, *Healthy Weight - Healthiest Weight Florida*, available at <http://www.floridahealth.gov/programs-and-services/prevention/healthy-weight/index.html> (last accessed March 13, 2015).

¹⁹ *Id.*

²⁰ Chapter 1980-62, L.O.F., reinstating the Diabetes Advisory Council into ch. 381, F.S., pertaining to health. The council had previously been located under ch. 241, F.S., relating to education and had been repealed by the 1979 Legislature. *See Florida Legislature - 1980 Summary of General Legislation*, p. 145, available at <http://www.law.fsu.edu/library/collection/FISumGenLeg/FISumGenLeg1980.pdf> (last accessed March 13, 2015).

²¹ Section 385.203(1), F.S.

²² Section 385.203(3), F.S.

²³ Section 385.203(3)(b), F.S.

²⁴ Section 385.203(3)(a), F.S.

²⁵ Section 385.203(1)(c), F.S. The 2013 recommendations of the Council are on file with the Senate Health Policy Committee.

impact of chronic diseases and disabling conditions, including diabetes. Diabetes-related activities of the bureau include:

- Providing support to the Diabetes Advisory Council and the Florida Alliance for Diabetes Prevention and Care;
- Compiling, analyzing, translating, and distributing diabetes data;
- Increasing access to diabetes self-management education;
- Increasing access to diabetes medical care by advocating for the use of community health workers;
- Preventing diabetes in populations disproportionately affected by diabetes;
- Increasing diagnosis and treatment for pre-diabetes; and
- Managing the Insulin Distribution Program.²⁶

The Office of Minority Health administers the Closing the Gap grant program, which seeks to improve health outcomes and eliminate racial and ethnic health disparities in Florida by providing grants to increase community-based health promotion and disease prevention activities relating to, among other issues, diabetes.²⁷

Medicaid

Medicaid is a joint program of the federal and state governments that provides health care for low income individuals. Florida's Medicaid program is administered by the Agency for Health Care Administration and financed with federal and state funds.²⁸ Over 3.7 million Floridians are currently enrolled in Medicaid, and the program's estimated expenditures for Fiscal Year 2014-2015 are approximately \$23.3 billion.²⁹ The statutory authority for the Medicaid program is contained in ch. 409, F.S.

State Group Insurance Program

The Department of Management Services administers the State Group Health Insurance program, a package of insurance plans offered to active and retired state employees and their families.³⁰ As implemented by the DMS, the program offers four types of health plans from which an eligible employee may choose: a standard statewide Preferred Provider Organization (PPO) Plan, a Health Investor PPO Plan, a standard Health Maintenance Organization (HMO) Plan, and a Health Investor HMO Plan. In Fiscal Year 2013-2014, the State Group Insurance Program covered 171,908 members at a cost of \$1.96 billion.³¹

²⁶ Florida Department of Health, *Resource Manual for the Florida Department of Health* (FY 2012-2013) (on file with the Senate Committee on Health Policy).

²⁷ Sections 381.7351 – 381.7356, F.S.

²⁸ See Agency for Health Care Administration Medicaid website *available at* <http://www.fdhc.state.fl.us/Medicaid/index.shtml> (last accessed March 13, 2015).

²⁹ Office of Economic and Demographic Research, *Social Services Estimating Conference, Medicaid Caseloads and Expenditures, November 21 and December 12, Executive Summary*, *available at* <http://edr.state.fl.us/Content/conferences/medicaid/medsummary.pdf> (last accessed March 13, 2015).

³⁰ Section 110.123, F.S.

³¹ Self-Insurance Estimating Conference, State Employees' Group Health Self-Insurance Trust Fund (adopted January 14, 2015), *available at* <http://edr.state.fl.us/Content/conferences/healthinsurance/archives/150114healthins.pdf> (last accessed March 17, 2015).

III. Effect of Proposed Changes:

The bill directs the Diabetes Advisory Council, in conjunction with the Department of Health, the Agency for Health Care Administration, and the Department of Management Services, to submit a report by January 10, in each odd-numbered year, to the Governor, the President of the Senate, and the Speaker of the House of Representatives, regarding the impact of diabetes on state-funded or operated programs. Specifically, the report must include:

- Information on the public health consequences and financial impact of diabetes and the resulting health complications on the state, including the number of persons covered by Medicaid and the State Group Insurance Program and the number of persons impacted by state diabetes programs and activities;
- A description and assessment of the effectiveness of diabetes programs and activities implemented by the state agencies, the amount and sources of funding, and the cost savings achieved;
- A description of the coordination among state agencies of programs, activities, and communications related to diabetes management, prevention, and treatment; and
- A detailed action plan for reducing and controlling the number of new cases of diabetes, including action steps to reduce negative impacts, expected outcomes of the plan, and benchmarks for preventing and controlling diabetes.

The Governor's authority to appoint members to the Diabetes Advisory Council is modified to:

- Require the Governor to appoint one member each from at least three of the medical schools in the state;
- Reduce the number of appointed members from the broad range of health and public health-related interests from 26 to 18;
- Restrict the 18 members to one from each listed health and public health-related interest; and
- The qualifying relationships for members of the council are expanded to include the American Association of Diabetes Educators.

The bill has an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not contain a mandate because the bill does not affect counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None known.

C. Government Sector Impact:

The bill will have no fiscal impact on the DOH in its capacity as staff to support to the Diabetes Advisory Council. While the creation of the biennial report may require significant DOH staff time to generate, the DOH reports that such time may be absorbed within existing resources.³²

The DMS reports that the bill will have an indeterminate fiscal impact on the department.³³

The ACHA reports that the bill will require no additional expenditures to produce the biennial report and that the “data related to the number of Medicaid covered recipients with diabetes as required for the report is available through the agency’s existing data and staff resources.”³⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 385.203 of the Florida Statutes.

³² Florida Department of Health, *Senate Bill 296 Analysis* (January 12, 2015) (on file with the Senate Committee on Health Policy).

³³ Florida Department of Management Services, *Senate Bill 296 Analysis* (January 9, 2015) (on file with the Senate Committee on Health Policy).

³⁴ Florida Agency for Health Care Administration, *Senate Bill 296 Analysis* (January 27, 2015) (on file with the Senate Fiscal Policy Committee).

IX. Additional Information:

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

CS/CS/CS by Fiscal Policy on March 19, 2015:

The committee substitute makes technical changes to the directory clause.

CS/CS by Governmental Oversight and Accountability on March 4, 2015:

The Governor's authority to appoint members to the Diabetes Advisory Council is modified to require the Governor to appoint one member each from at least three of the medical schools in the state, to appoint not more than 18 members, and not more than one each from specific employer, education and professional relationships. In addition, the qualifying relationships for members of the council are expanded to include the American Association of Diabetes Educators.

CS by Health Policy on February 17, 2015:

The committee substitute identifies who *may* serve on the Diabetes Advisory Council rather than *must*, and adds a representative of the American Association of Diabetes Educators to the list of possible members.

- B. **Amendments:**

None.



710582

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Bean) recommended the following:

Senate Amendment

1
2
3
4
5
6

In directory clause, delete line 21
and insert:
amended and redesignated as paragraph (c), present paragraph (c)
is redesignated as paragraph (d), and a new paragraph

By the Committees on Governmental Oversight and Accountability;
and Health Policy; and Senators Garcia and Joyner

585-01922-15

2015296c2

1 A bill to be entitled
2 An act relating to the Diabetes Advisory Council;
3 amending s. 385.203, F.S.; requiring the council, in
4 conjunction with the Department of Health, the Agency
5 for Health Care Administration, and the Department of
6 Management Services, to develop plans to manage,
7 treat, and prevent diabetes; requiring a report to the
8 Governor and Legislature; specifying the contents of
9 the report; adjusting the representation of certain
10 areas of specialization or institutions in the
11 membership of the council; adding an organization from
12 which a representative may be selected to serve as a
13 council member; providing an effective date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Present paragraph (c) of subsection (1) of
18 section 385.203, Florida Statutes, is redesignated as paragraph
19 (d), and a new paragraph (c) is added to that subsection, and
20 present paragraph (b) of subsection (3) of that section is
21 amended and redesignated as paragraph (c), and a new paragraph
22 (b) is added to that subsection, to read:
23 385.203 Diabetes Advisory Council; creation; function;
24 membership.—
25 (1) To guide a statewide comprehensive approach to diabetes
26 prevention, diagnosis, education, care, treatment, impact, and
27 costs thereof, there is created a Diabetes Advisory Council that
28 serves as the advisory unit to the Department of Health, other
29 governmental agencies, professional and other organizations, and

Page 1 of 3

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

585-01922-15

2015296c2

30 the general public. The council shall:
31 (c) In conjunction with the department, the Agency for
32 Health Care Administration, and the Department of Management
33 Services, by January 10 of each odd-numbered year, submit to the
34 Governor, the President of the Senate, and the Speaker of the
35 House of Representatives a report containing the following
36 information:
37 1. The public health consequences and financial impact on
38 the state of all types of diabetes and resulting health
39 complications, including the number of persons with diabetes
40 covered by Medicaid, the number of persons with diabetes who are
41 insured by the Division of State Group Insurance, and the number
42 of persons with diabetes who are impacted by state agency
43 diabetes programs and activities.
44 2. A description and an assessment of the effectiveness of
45 the diabetes programs and activities implemented by each state
46 agency, the amount and source of funding for such programs and
47 activities, and the cost savings realized as a result of the
48 implementation of such programs and activities.
49 3. A description of the coordination among state agencies
50 of their respective programs, activities, and communications
51 designed to manage, treat, and prevent all types of diabetes.
52 4. The development of and revisions to a detailed action
53 plan for reducing and controlling the number of new cases of
54 diabetes and identification of proposed action steps to reduce
55 the impact of all types of diabetes, identification of expected
56 outcomes if the plan is implemented, and the establishment of
57 benchmarks for preventing and controlling diabetes.
58 (3) The council shall be composed of 26 citizens of the

Page 2 of 3

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

585-01922-15

2015296c2

59 state who have knowledge of, or work in, the area of diabetes
60 mellitus as follows:

61 (b) One member each from at least three of the medical
62 schools in the state.

63 (c) ~~(b)~~ Not more than 18 members and not more than one each
64 Twenty-one members, who must include one representative from
65 among each of the following areas: nursing with diabetes-
66 educator certification; dietary with diabetes educator
67 certification; podiatry; ophthalmology or optometry; psychology;
68 pharmacy; adult endocrinology; pediatric endocrinology; the
69 American Diabetes Association (ADA); the American Association of
70 Diabetes Educators; the Juvenile Diabetes Foundation ~~(JDF)~~; the
71 Florida Academy of Family Physicians; a community health center;
72 a county health department; an ADA-recognized American Diabetes
73 Association recognized community education program; ~~each medical~~
74 school in the state; an osteopathic medical school; the
75 insurance industry; a Children's Medical Services diabetes
76 regional program; and an employer.

77 Section 2. This act shall take effect July 1, 2015.

The Florida Senate
State Senator René García
38th District

Please reply to:

District Office:
1490 West 68 Street
Suite # 201
Hialeah, FL 33014
Phone# (305) 364-3100

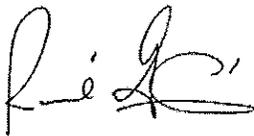
March 11, 2015

The Honorable Senator Anitere Flores
Chair, Committee on Fiscal Policy
225 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairwoman Flores:

This letter should serve as a request to have my bill SB 296: Diabetes Advisory Council heard at the next possible committee meeting. If there is any other information needed please do not hesitate to contact me. Thank you.

Sincerely,



State Senator René García
District 38
RG:JT

CC: Jennifer Hrdlicka, Staff Director

Chair: Appropriations Subcommittee on Health & Human Services
Committees: Appropriations, Children, Families, and Elderly Affairs, Health Policy, Agriculture, Education Pre-K – 12, Joint Legislative Budget Committee and Communications, Energy and Public Utilities.

THE FLORIDA SENATE
APPEARANCE RECORD

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

March 19, 2015
Meeting Date

296
Bill Number (if applicable)

Topic Diabetes Advisory Council

Amendment Barcode (if applicable)

Name Melanie Bosdick

Job Title Lobbyist

Address 113 E College Ave
Street

Phone 841-1726

TUA FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing American Assoc. of Diabetes Educators

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
State Senator René García
38th District

Please reply to:
District Office:
1490 West 68 Street
Suite # 201
Hialeah, FL 33014
Phone# (305) 364-3100

The Honorable Senator Anitere Flores
Chairwoman, Committee on Fiscal Policy
225 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairwoman Flores,

Unfortunately I am unable to present **SB 296: Diabetes Advisory Council** to the Fiscal Policy Committee today.

I respectfully request that my Legislative Aide, Marcos Cabello present the bill on my behalf. If you have any questions please contact my office.

Sincerely,



State Senator René García
District 38
RG:JT

CC: Jennifer Hrdlicka

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 Fiscal Policy

BILL: SB 408

INTRODUCER: Senator Simmons

SUBJECT: Designated Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain and Off-roading Bicycling

DATE: March 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

I. Summary:

SB 408 eliminates the requirement that a governmental entity obtain a consent form from the parent of a child who utilizes a public skate park or area set aside for skateboarding, inline skating, or freestyle bicycling as a condition of limiting the governmental entity's liability for damages or injuries. However, under the bill and current law, the governmental entity can be liable for gross negligence or for failing to guard against or warn of dangerous conditions that are not apparent, regardless of whether a parental consent form is obtained.

II. Present Situation:

Inherently Risky Activities on Public Property

As skateboarding and inline skating gained in popularity in Florida, citizens called for an increase in public skate parks and other facilities. Local government officials, however, declined to create these parks and set-aside areas out of concern for liability exposure. In 1999, the Legislature addressed these concerns by providing immunity from liability for governmental entities that set aside areas for skateboarding, inline skating, and freestyle bicycling.¹

Today, s. 316.0085, F.S., addresses, and considers as inherently risky, the activities of skateboarding, inline skating, paintball, and freestyle, mountain, and off-road bicycling.² According to the statute, a governmental entity, which may include a federal, state, or local governmental entity, authorizes or permits a person to engage in these inherently risky activities

¹ Chapter 99-133, L.O.F., expressly recognizes "that governmental owners or lessees of property have failed to make property available for [skateboarding, inline skating, and freestyle bicycling] because of the exposure to liability from lawsuits and the prohibitive cost of insurance, if insurance can be obtained for such activities." s. 316.0085(1), F.S.

² Section 316.0085(2)(b), F.S.

by posting a sign designating an area for a specific activity.³ The governmental entity is generally immune from liability for damages or injuries to a person 17 years of age or older as a result of participating in an inherently risky activity. However, for a participant who is younger than 17 years of age, the governmental entity has the benefit of this limited liability only if it obtains the written consent of a parent of the child.⁴

Although existing law provides significant liability protections to governmental entities, a governmental entity can be held liable for damages or injuries if it:

- Fails to warn of a dangerous condition which a participant cannot reasonably be expected to notice; or
- Commits gross negligence that is the proximate cause of a participant's injury.⁵

Additionally, s. 316.0085, F.S., provides that any person who participates, assists or observes in skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling assumes the known and unknown inherent risks in those activities. A participant is negligent if he or she fails to:

- Act within the limits of his or her ability and the purpose and design of the equipment used;
- Remain in control of his or her equipment and himself or herself; or
- Refrain from acting in a way that may cause or contribute to death or injury of himself or herself or others.⁶

Skateboarding Injuries

In a study on admissions of children to emergency rooms from 2002-2011, researchers found an increase in children presenting with traumatic brain injuries, such as concussions from sports activities.⁷ Activities with the highest admission rates per patient seen in the emergency room for traumatic brain injury are skiing, sledding, inline skating, and skateboarding.⁸ Although researchers focused on a single children's hospital, the article also notes that nationally the number of children presenting with sport-related traumatic brain injuries increased 62 percent between 2001 and 2009.⁹

Skate Parks

Florida has both public and private skate parks. According to the Florida League of Cities, currently 65 city or county skate parks operate around the state.¹⁰ Whether all governmental entities provide and require written consent forms is unknown. Although the Legislature left it to

³ Section 316.0085(2)(a) and (3), F.S.

⁴ Section 316.0085(3), F.S.

⁵ Section 316.0085(5), F.S.

⁶ Section 316.0085(7)(b), F.S.

⁷ Stephen Reinberg, *Many More Kids Visiting ER for Sports Concussions, Study Finds* (Sept. 30, 2013). Available at <http://www.medicinenet.com/script/main/art.asp?articlekey=174050> (last visited Mar. 6, 2015).

⁸ *Id.* Researchers collected 3,900 records of children seen in the emergency department of the Cincinnati Children's Hospital Medical Center for a sports-related brain injury. Of these, 372 cases required hospital admission.

⁹ *Id.*

¹⁰ Email correspondence with David Cruz, Florida League of Cities, on file with the Senate Judiciary Committee (Feb. 6, 2015).

governmental entities to draft the actual consent forms, questions arose regarding the format and procedure of the forms.^{11, 12}

Sovereign Immunity

Sovereign immunity originally referred to the English common law concept that the government may not be sued because “the King can do no wrong.” Sovereign immunity bars lawsuits against the state or its political subdivisions for the torts of officers, employees, or agents unless the public entity expressly waives immunity.

Article X, s. 13 of the Florida Constitution recognizes sovereign immunity and authorizes the Legislature to provide a waiver of immunity. Section 768.28(1), F.S., provides a limited waiver of sovereign immunity. By law, liability is limited to \$200,000 per plaintiff or \$300,000 per incident.¹³ Therefore, if the liability protections in s. 316.0085, F.S., do not apply, a plaintiff’s recovery will still be limited by the caps in the state’s waiver of its sovereign immunity. To exceed the caps, the claimant must request legislative approval through the claim bill process.¹⁴ Whether to approve a claim bill is entirely at the discretion of the Legislature.¹⁵

III. Effect of Proposed Changes:

The bill preserves immunity for governmental entities by eliminating the requirement for governmental entities to collect written parental consent forms prior to allowing a child under 17 years of age to utilize a designated area for skateboarding, inline skating, and freestyle bicycling.

The bill does not change the existing requirement for immunity that governmental entities collect written parental consent forms prior to allowing a child under 17 to utilize an area designated for paintball and mountain or off-road bicycling.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

¹¹ Joseph G. Jarret, *Skating on Thin Concrete: The Florida Legislature’s Response to Skateboarders and Skaters*, 76 FLA. B.J. 74, 76 (Nov. 2002). Questions posed at a roundtable discussion in Polk County attended by public sector attorneys and risk managers included: “In terms of waivers, who will secure the consent from the parent and what procedure will be implemented to prove that the adult is a legal guardian or parent of the child?” and “Who will draft the consent form and will the form include the acknowledgement that the child has been cleared medically to participate in such activity?” *Id.*

¹² Nothing in s. 316.0085, F.S., prohibits a child from skateboarding at a skate park or engaging in inline skating without the consent of a parent. Similarly, nothing requires a governmental entity to collect a consent form from a child’s parent before the child may participate at a skate park. As such, the “written consent” described in s. 316.0085, F.S., appears more like a waiver or a document releasing the governmental entity from liability.

¹³ Section 768.28(5), F.S.

¹⁴ Section 768.28(5), F.S.

¹⁵ *Id.*

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 does not impact skate parks or facilities for inline skating on private property.

Whether removing the condition of written consent forms for immunity from liability will increase participation and perhaps sports-related injuries and medical costs for participants is unknown.

C. Government Sector Impact:

Governmental entities that provide designated areas for skateboarding and inline skating or freestyle bicycling will have no need to make available and collect written consent forms from parents of participants. Stationing a government employee at each site, providing a form, and storing the forms will no longer be necessary.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.0085 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Simmons

10-00489-15

2015408__

A bill to be entitled

An act relating to designated areas for skateboarding, inline skating, paintball, or freestyle or mountain and off-roading bicycling; amending s. 316.0085, F.S.; deleting the requirement that a governmental entity that provides a designated area for skateboarding, inline skating, or freestyle bicycling obtain the written consent of the parent or legal guardian of a child under a certain age before allowing the child to participate in these activities in such area; requiring the governmental entity to post a rule indicating that consent forms are required for children under a certain age before participation in paintball or mountain and off-road bicycling; providing an effective date.

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

Section 1. Subsection (3) and paragraph (c) of subsection (5) of section 316.0085, Florida Statutes, are amended to read:
316.0085 Skateboarding; inline skating; freestyle or mountain and off-road bicycling; paintball; definitions; liability.-

(3) (a) This section does not grant authority or permission for a person to engage in skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling on property owned or controlled by a governmental entity unless such governmental entity has specifically designated such area for skateboarding, inline skating, paintball, or freestyle or

Page 1 of 3

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

10-00489-15

2015408__

mountain and off-road bicycling. Each governmental entity shall post a rule in each specifically designated area that identifies all authorized activities.

(b) Each governmental entity shall post a rule in each specifically designated area for paintball or mountain and off-road bicycling which ~~and~~ indicates that a child under 17 years of age may not engage in such ~~any of these~~ activities until the governmental entity has obtained written consent, in a form acceptable to the governmental entity, from the child's parent or legal guardian ~~parents or legal guardians~~.

(5) This section does not limit liability that would otherwise exist for any of the following:

(c) The failure of a governmental entity that provides a designated area for ~~skateboarding, inline skating, paintball, or freestyle~~ or mountain and off-road bicycling to obtain the written consent, in a form acceptable to the governmental entity, from the parents or legal guardians of any child under 17 years of age before allowing ~~authorizing~~ such child to participate in ~~skateboarding, inline skating, paintball, or freestyle~~ or mountain and off-road bicycling in such designated area, unless that child's participation is in violation of posted rules governing the authorized use of the designated area, except that a parent or legal guardian must demonstrate that written consent to engage in mountain or off-road bicycling in a designated area was provided to the governmental entity before entering the designated area.

Nothing in this subsection creates a duty of care or basis of liability for death, personal injury, or damage to personal

Page 2 of 3

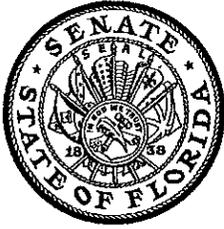
CODING: Words ~~stricken~~ are deletions; words underlined are additions.

10-00489-15

2015408__

59 property. Nothing in this section shall be deemed to be a waiver
60 of sovereign immunity under any circumstances.

61 Section 2. This act shall take effect July 1, 2015.



The Florida Senate

Committee Agenda Request

To: Senator Anitere Flores, Chair
Committee on Fiscal Policy

Subject: Committee Agenda Request

Date: March 4, 2015

I respectfully request that **Senate Bill 408**, relating to Designated Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain and Off-roading Bicycling, be placed on the:

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

This bill passed unanimously out of its previous two committees.

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

Senator David Simmons
Florida Senate, District 10

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/19/15

Meeting Date

SB408

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Kraig Conn

Job Title _____

Address 301 S. Branch

Phone 222 9684

Street

Tall FL 32301

City

State

Zip

Email kconn@flcities.com

Speaking: For Against Information

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

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

3/19/15

Meeting Date

5408

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Bill Barrett

Job Title

Address 4001 Hudson Terr

Phone 321-403-6410

Street Tampa FL 33618

Email bbarrett.sp@gmail.com

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

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

Representing City of St Cloud

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

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

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

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

The Florida Senate
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 Fiscal Policy

BILL: SB 522

INTRODUCER: Senator Brandes

SUBJECT: Division of Bond Finance

DATE: March 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	Favorable
3.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

I. Summary:

SB 522 repeals the requirement that the Division of Bond Finance housed within the State Board of Administration publish a subscription based newsletter to various stakeholders regarding local and state bonds. Due to the lack of subscribers, the last issue of the newsletter was published by the Division in the fall of 2000.

II. Present Situation:

The Division of Bond Finance (Division) was created in the State Bond Act¹ (Act) in 1969 and is administratively housed within the State Board of Administration.² The Governor serves as chair of the governing board of the Division, the Attorney General is the secretary, and the Chief Financial Officer acts as treasurer.³

The Division is responsible for issuing any state bonds authorized by law or the Florida Constitution, as well as bonds on behalf of any state agency authorized by law.⁴ As it is used in the Act, a state agency is defined as “any board, commission, authority, or other state agency heretofore or hereafter created by the constitution or statutes of the state.”⁵ In carrying out its authority, the Division is authorized to exercise all of the powers relating to bonds to the same extent as state agencies.⁶

¹ The State Bond Act encompasses ss. 215.57-215.83, F.S.

² Section 215.62(1), F.S.

³ *Id.*

⁴ Section 215.64(2), F.S.

⁵ Section 215.58(6), F.S.

⁶ Section 215.64(3), F.S.

As part of its duties, the Division serves as a clearinghouse of information relating to both general obligation bonds and revenue bonds of the state and local governments.⁷ The Division is required to collect, maintain, and make available information concerning such bonds.⁸ The Division also is required to issue a regular newsletter containing information of interest relating to these bonds to issuers, underwriters, attorneys, investors, and other parties within the bond community, as well as to the general public.⁹ The Division is authorized to charge fees for subscriptions to the newsletter.¹⁰

The Division's newsletter does not have any subscribers. As a result, the Division has not published an issue of the newsletter since the fall of 2000. The Division has never charged a fee for the newsletter.

III. Effect of Proposed Changes:

The bill repeals the requirement for the Division to issue a regular newsletter containing information of interest relating to local and state bonds to issuers, underwriters, attorneys, investors, other parties within the bond community, and the general public.

This bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to take an action requiring a significant expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁷ Section 218.37, F.S.

⁸ Section 218.37(1)(a)-(c), F.S.

⁹ Section 218.37(1)(f), F.S.

¹⁰ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

None. The Division has not published an issue of the newsletter since the fall of 2000 because there are no subscribers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 218.37 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Brandes

22-00878-15

2015522__

1 A bill to be entitled
2 An act relating to the Division of Bond Finance;
3 amending s. 218.37, F.S.; deleting a requirement that
4 the division issue a regular newsletter to certain
5 parties which addresses local and state bonds;
6 providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Paragraph (f) of subsection (1) of section
11 218.37, Florida Statutes, is amended to read:

12 218.37 Powers and duties of Division of Bond Finance;
13 advisory council.—

14 (1) The Division of Bond Finance of the State Board of
15 Administration, with respect to both general obligation bonds
16 and revenue bonds, shall:

17 ~~(f) Issue a regular newsletter to issuers, underwriters,~~
18 ~~attorneys, investors, and other parties within the bond~~
19 ~~community and the general public containing information of~~
20 ~~interest relating to local and state bonds. The division may~~
21 ~~charge fees for subscriptions to the newsletter.~~

22 Section 2. This act shall take effect July 1, 2015.



The Florida Senate

Committee Agenda Request

To: Senator Anitere Flores, Chair
Committee on Fiscal Policy

Subject: Committee Agenda Request

Date: March 4, 2015

I respectfully request that **Senate Bill #522**, relating to **Division of Bond Finance**, 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:
Transportation, *Chair*
Community Affairs, *Vice Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Criminal Justice
Education Pre-K - 12
Judiciary

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR JEFF BRANDES

22nd District

March 19, 2015

Senator Anitere Flores
413 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Flores,

I will be unable to present my bill, SB 522 -- Division of Bond Finance, in the Senate Committee on Fiscal Policy Committee today.

I am requesting that my legislative assistant Chris Spencer be permitted to present this bill on my behalf. Please contact me with any questions on this request.

Kind regards,

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

Jeff Brandes

CC: Jennifer Hrdlicka
Tamra Lyon

REPLY TO:

- 9800 Fourth Street North, Suite 200, St. Petersburg, Florida 33702 (727) 563-2100
- 318 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 620

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Richter

SUBJECT: Emergency Management

DATE: March 15, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	Favorable
2.	Peacock	McVaney	GO	Fav/CS
3.	Hrdlicka	Hrdlicka	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 620 provides that the per diem expense reimbursement limitations under s. 112.061(6), F.S., do not apply to state employees traveling on an Emergency Management Assistance Compact (EMAC) mission when such expenses are reimbursed pursuant to an amount agreed upon in an interstate mutual aid request for assistance.

The EMAC is an agreement between all 50 states to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state. The EMAC requires a member state that receives aid from another member state pursuant to the EMAC to reimburse the aiding member state for its expenses. Florida's current per diem limits may prevent a state employee from being fully reimbursed when certain EMAC missions take place in states where expenses exceed authorized reimbursement levels.

II. Present Situation:

Florida Division of Emergency Management

Florida's Division of Emergency Management (DEM) administers programs to rapidly apply all available aid to communities stricken by emergency.¹ The DEM is responsible for maintaining a

¹ Section 14.2016, F.S. The term "emergency" is defined in s. 252.34(3), F.S., as "any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property".

comprehensive statewide program of emergency management to “ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts.”² In doing so, the DEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.³ The DEM is administratively housed within the Executive Office of the Governor,⁴ and the director of the DEM is appointed by the Governor.

Emergency Management Assistance Compact

Although the DEM’s primary role is to assist Florida communities, the DEM also coordinates Florida’s emergency assistance to other states. Accordingly, the DEM manages Florida’s participation in the Emergency Management Assistance Compact (EMAC).⁵

The EMAC is an agreement between all 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and all other United States territorial possessions to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state.⁶ The emergency may arise from a natural or manmade disaster, technological hazard, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.⁷

The U.S. Congress passed a joint resolution that granted consent for the creation of the EMAC in 1996.⁸ The Florida Legislature authorized Florida’s participation in the EMAC the same year.⁹

The EMAC offers assistance through a “responsive, straightforward system that allows states to send personnel, equipment, and commodities to help disaster relief efforts in other states.”¹⁰ The DEM acts as the conduit to coordinate the exchange of resources through EMAC. Since 2010 the DEM has deployed the following 143 personnel assets to other states:¹¹

Mission	Number Deployed	Location	Event
Deputy Operations Chief	1	Hawaii	Hurricanes Julio / Iselle (2014)
Hazard mitigation grant experts	2	Colorado	Flood (2013)
Public information specialist to assist with operations Joint Field Office	2	Alaska	Flood (2013)
State Volunteer Agency Liaison	1	Alaska	Flood (2013)
Law enforcement strike teams	28	New Jersey	Hurricane Sandy (2012)

² DEM, *About the Division*, (April 26, 2013) available at http://www.floridadisaster.org/about_the_division.htm (last visited March 15, 2015).

³ Section 252.35(1), F.S.

⁴ Section 14.2016, F.S.

⁵ See ss. 252.921-252.933, F.S.

⁶ Section 252.922, F.S.

⁷ Section 251.922(2), F.S.

⁸ Pub. L. No. 104-321 (104th Congress, Oct. 19, 1996).

⁹ Chapter 96-244, L.O.F.

¹⁰ Emergency Management Assistance Compact, *What is EMAC?*, available at <http://www.emacweb.org/index.php/learnaboutemac/what-is-emac> (last visited March 15, 2015).

¹¹ E-mail correspondence with the Florida Division of Emergency Management on Feb. 19, 2015 (On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

Region IV Support Team to assist in staffing Emergency Operations Center	10	New York	Hurricane Sandy (2012)
Donations Management Coordinator	1	New Jersey	Hurricane Sandy (2012)
Personnel able to support NYC Emergency Operations Center	14	New York	Hurricane Sandy (2012)
Donations Coordinator	1	New York	Hurricane Sandy (2012)
Governor's Office of Volunteerism	1	New Jersey	Hurricane Sandy (2012)
Finance personnel to assist NYC Emergency Operations Center	1	New York	Hurricane Sandy (2012)
Field operations (door to door)	2	New York	Hurricane Sandy (2012)
Request for assistance with mass care/feeding	2	Maryland	Hurricane Sandy (2012)
Need for mitigation officer	2	Vermont	Hurricane Irene (2011)
Emergency Support Function 6: Mass Care support	1	New Jersey	Hurricane Irene (2011)
Donations Manager	1	New York	Tropical Storm Lee (2011)
Emergency Operations Center support team	17	New York	Hurricane Irene (2011)
Mitigation personnel	3	Tennessee	Flood (2011)
Cadaver Dog Team	7	Alabama	Tornadoes (2011)
Communication teams	2	Alabama	Tornadoes (2011)
Volunteer donations coordinator	1	Missouri	Tornadoes (2011)
Volunteer donations coordinator	1	Alabama	Tornadoes (2011)
Public Information Officer	2	Alabama	Tornadoes (2011)
Individual Assistance Personnel	5	Mississippi	Severe weather (2011)
Air Craft Crew Chiefs for oil spill	15	Louisiana	Deep Water Horizon (2010)
National Guard	20	Louisiana	Deep Water Horizon (2010)

There are two main parties who participate in the EMAC process: the state who requests assistance (requesting state) and the state who deploys resources (assisting state). In order to execute an agreement, both parties must follow these steps:¹²

1. Governor declares a state of emergency due to a natural or man-made disaster/emergency.
2. Affected state assesses resource needs and identifies shortfalls for which assistance will be requested.
3. State requests resources from EMAC member states through the state emergency management agencies.
4. State emergency management personnel and local resource providers work together to identify available resources and estimated mission costs.
5. The requesting and assisting states execute the EMAC Form REQ-A.¹³
6. Personnel deploying under EMAC are given a Mission Order Authorization Form which outlines the mission, helpful information, and guidance.
7. Resources are sent to the requesting state from the assisting state (i.e. mobilized and deployed).

¹² See EMAC, *Being Deployed Under EMAC? What You Need to Know.*, (August 20, 2013) available at <http://www.emacweb.org/index.php/mutualaidresources/emac-library/44/254-emac-deployment-brochure/file> (last visited March 15, 2015).

¹³ The REQ-A is the official form used by states to request, offer, and accept assistance through EMAC. It is also the basis for reimbursement.

8. When mission is completed, resources return to home state (i.e. demobilized and redeployed).
9. Deployed personnel provide receipts/records and work with home state to develop and review reimbursement package(s).
10. Reimbursement package sent to requesting state.
11. Requesting state reimburses assisting state.¹⁴

Any assisting state that renders aid to a requesting state pursuant to the EMAC must be reimbursed by the requesting state that receives such aid. Specifically, the requesting state is required to reimburse the assisting state for “any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the cost incurred in connection with such requests.”¹⁵ However, an assisting state may assume in whole or in part the costs of the aid it provides and may donate or loan equipment or services as it wishes.¹⁶ In addition, any two or more member states are authorized to enter into supplementary agreements establishing a particular allocation of costs among such states.¹⁷

Items eligible for reimbursement by the requesting state are listed on the REQ-A form including the per diem rate for personnel deployed by the assisting state. Unless otherwise specified, per diem rates stated in a REQ-A represent the per diem rates of the location to which personnel are being deployed – that is, the rates of the requesting state. However, Florida does not allow travel reimbursement for EMAC missions to exceed the rates and limitations established in the Florida Statutes.

Per Diem and Travel Expenses

The Legislature has standardized travel reimbursement rates, procedures, and limitations, with certain exceptions and exemptions, applicable to all public officers, employees, and authorized persons whose travel is authorized and paid for by a public agency.¹⁸ All travel must be authorized by the head of the agency, or his or her designated representative, from whose funds the travel expenses are paid. In addition, travel expenses should be limited to those necessarily incurred in pursuance of a public purpose.¹⁹ State law establishes the following three categories of travel:

- Class A – Continuous travel of 24 hours or more away from official headquarters.²⁰
- Class B – Continuous travel of less than 24 hours which involves overnight absence from official headquarters.²¹
- Class C – Travel for short or day trips where the traveler is not away from his or her official headquarters overnight.²²

¹⁴ “If the assisting state seeks FEMA reimbursement under a Presidential Major Disaster Declaration, this will not change or alter EMAC reimbursement requirements and procedures.” *Supra* note 12.

¹⁵ Section 252.929, F.S.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 112.061(1), F.S.

¹⁹ Section 112.061(3), F.S.

²⁰ Section 112.061(2)(k), F.S.

²¹ Section 112.061(2)(l), F.S.

²² Section 112.061(2)(m), F.S.

Currently, Florida allows \$80 per diem for Class A and B travel.²³ If expenses exceed \$80, the state will pay a maximum of \$36 (\$6 for breakfast, \$11 for lunch, and \$19 for dinner) in addition to the actual expenses for lodging at a single-occupancy rate supported by paid bills.²⁴ Class C travel is not reimbursed on a per diem basis, but instead for each meal during which the travel occurred.²⁵

The U.S. General Service Administration establishes reimbursement rates for travel, meals, and incidental expenses for those traveling under the authorization of the Federal government.²⁶ At a minimum, the standard per diem rate provides \$41 a day for meals and \$5 for incidental expenses for each day of travel and \$83 for lodging.²⁷

III. Effect of Proposed Changes:

The bill creates s. 252.9335, F.S., to exempt an employee of the state or a political subdivision traveling at the request of another state through the Emergency Management Assistance Compact from the per diem travel expense reimbursement provisions in s. 112.061(6), F.S. This will allow the traveler to be reimbursed for an amount set by the state who requests assistance, which may be an amount that exceeds Florida's per diem expense limitations.

The bill also makes a technical change to s. 252.921, F.S., to identify the sections of Florida Statutes that may be cited as the Emergency Management Assistance Compact.

This bill will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²³ Section 112.061(6), F.S.

²⁴ *Id.*

²⁵ Section 112.061(5)(b), F.S.

²⁶ U.S. General Services Administration, *Frequently Asked Questions, Per Diem*, (October 23, 2014) available at <http://www.gsa.gov/portal/content/104208> (last visited March 15, 2015).

²⁷ Standard rates for the contiguous United States and Washington, D.C., (referred to as "CONUS") is determined by the U.S. General Services Administration for each fiscal year effective on October 1. However, some areas that fall within the boundaries of CONUS are more expensive for travel than others (referred to as Non-Standard Areas, "NSA"). Reimbursement rates for states and territories that are not part of the contiguous United States ("OCNUS") are defined by the Department of Defense. See U.S. General Services Administration, *FY 2015 Per Diem Highlights*, (August 15, 2014) available at <http://www.gsa.gov/portal/content/142071> (last visited March 15, 2015).

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

None.

B. Private Sector Impact:

The bill will allow personnel from Florida traveling under the Emergency Management Assistance Compact (EMAC) to be reimbursed for per diem expenses that exceed Florida's per diem rates. The per diem rates for travel under the EMAC are decided in the request agreement and vary based on the location of the EMAC mission and the cost of living at that location.

C. Government Sector Impact:

The bill may require a Florida agency that is sponsoring personnel traveling under the Emergency Management Assistance Compact to reimburse the individual at a per diem rate that is higher than the amount prescribed in statute. However, this expense is later reimbursed to the agency by the state requesting assistance from Florida.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 252.921 of the Florida Statutes.

This bill creates section 252.9335 of the Florida Statutes.

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

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

CS by Governmental Oversight and Accountability on March 10, 2015:

The committee substitute clarifies that only the per diem travel expense provisions of s. 112.061(6), F.S., do not apply to an employee of the state or political subdivision seeking reimbursement under the Emergency Management Assistance Compact.

B. Amendments:

None.

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

By the Committee on Governmental Oversight and Accountability;
and Senator Richter

585-02127-15

2015620c1

1 A bill to be entitled
2 An act relating to emergency management; amending s.
3 252.921, F.S.; revising a short title provision;
4 creating s. 252.9335, F.S.; exempting certain
5 employees from specified travel expense provisions
6 when traveling under the Emergency Management
7 Assistance Compact under certain circumstances;
8 providing an effective date.
9
10 Be It Enacted by the Legislature of the State of Florida:
11
12 Section 1. Section 252.921, Florida Statutes, is amended to
13 read:
14 252.921 Short title.—Sections 252.921-252.933 ~~This part~~ may
15 be cited as the "Emergency Management Assistance Compact."
16 Section 2. Section 252.9335, Florida Statutes, is created
17 to read:
18 252.9335 Expense reimbursement under compact.—Travel
19 expense reimbursement limits provided in s. 112.061(6) do not
20 apply to an employee of the state or of a political subdivision
21 of the state traveling under the Emergency Management Assistance
22 Compact when such expenses are reimbursed based on the amount
23 agreed upon in an interstate mutual aid request for assistance.
24 Section 3. This act shall take effect upon becoming a law.

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 Fiscal Policy

BILL: PCS/SB 206 (918754)

INTRODUCER: Fiscal Policy Committee (Recommended by Appropriations Subcommittee of General Government) and Senator Hukill and others

SUBJECT: Financial Literacy Program for Individuals with Developmental Disabilities

DATE: March 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Knudson</u>	<u>BI</u>	<u>Favorable</u>
2.	<u>Betta</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 206 creates the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services (DFS). The goal of the program is to promote economic independence and successful employment of individuals with developmental disabilities by providing education, outreach, and resources on specific issues. For individuals with developmental disabilities these issues include financial education, financial and health benefit programs and services, job training and employment opportunities, and the impact of earnings and assets on federal and state programs. For employers of the state, the issues include strategies to make program and educational materials available to their employees with developmental disabilities.

The bill requires the DFS to establish a clearinghouse on its website for information regarding the program and other resources available and to develop a brochure that describes the program. The bill also requires that financial institutions participating in the qualified public depository program participate in the Financial Literacy Program as a condition of eligibility for the qualified public depository program.

The bill appropriates \$137,234 from the Insurance Regulatory Trust Fund within the DFS and one FTE to develop and implement the program.

II. Present Situation:

Financial Literacy and Economic Independence

People with disabilities comprise approximately 15 percent of the population of the United States and experience significant disparities in employment and participation in the workforce.¹ In 2011, almost 28 percent of non-institutionalized individuals in the United States with disabilities, ages 21-64, lived below the federal poverty line, compared with 12 percent of individuals without disabilities.²

In Florida, approximately 9.5 percent of individuals ages 16-64 are individuals with disabilities.³ The unemployment rate of this group is 35.6 percent and the poverty rate is 24.2 percent.⁴ According to the National Disability Institute (NDI), many of these individuals would like to find employment, but are concerned if they earn more money it will cause them to lose disability and health benefits.⁵

Financial education and literacy are critical components for gaining economic independence. In 2014, the National Disability Institute (NDI) evaluated the financial capability among individuals with and without disabilities based on information derived from the FINRA⁶ Investor Education Foundation's 2012 National Financial Capability Study.⁷ The NDI report found that individuals with disabilities have greater difficulty in meeting monthly expenses, are less likely to have access to emergency funds, are more likely to carry credit card balances and use non-bank methods of borrowing, are less likely to have received financial education, and have lower financial literacy. The report concluded that individuals with disabilities "are generally marginalized from the economic mainstream, as indicated by the notably lower levels of overall financial capability and economic security compared to persons without disabilities."⁸ The report advocated, "innovative approaches that increase access for individuals with disabilities to financial tools and services that foster informed decision making, build financial confidence and improve financial capability."⁹

Individuals with disabilities must navigate a complex set of federal and state regulations to obtain financial and medical benefits as well as access resources available at the federal and state levels. Some individuals are born with disabilities, while others may experience short-term or

¹ American Institutes for Research, *An Uneven Playing Field: The Lack of Equal Pay for People with Disabilities*, p. 7 December 2014, available at: http://www.air.org/sites/default/files/Lack%20of%20Equal%20Pay%20for%20People%20with%20Disabilities_Dec%2014.pdf (last accessed March 11, 2015).

² *Id.* at 2.

³ National Disability Institute with support from the Florida Developmental Disabilities Council, *The Changing Face of Benefits, Knowledge for Successful Employment and Asset Development*, p. 1, March 2013.

⁴ *Id.*

⁵ *Id.*

⁶ FINRA is the Financial Industry Regulatory Authority, which is an independent, not-for-profit organization authorized by Congress and charged with regulatory oversight of all securities broker-dealers conducting business with the public in the United States.

⁷ National Disability Institute, *Financial Capabilities of Adults with Disabilities, Findings from the FINRA Investor Education Foundation 2012 National Financial Capability Study*, July 22, 2014.

⁸ *Id.* at 40.

⁹ *Id.* at 42.

long-term disabilities through accidents, employment-related injuries, or illnesses, disease, or aging. Individuals may also have mental disorders or developmental disabilities. The definition of disability for purposes of eligibility for state and federal benefits and employment programs varies among the different programs.

Federal Disability Resources

The Social Security Administration administers two programs that provide benefits based on disability: the Social Security disability insurance program (SSDI) and the supplemental security income program (SSI).¹⁰ There are over 500,000 recipients under each program in Florida.¹¹ Applicants for each of the programs must meet strict medical requirements to qualify for disability benefits. Under the programs, disability is defined as the inability to engage in substantial gainful activity (SGA) due to a medically determinable physical or mental impairment expected to result in death or last at least 12 months. According to the Social Security Administration, a person who earns more than a certain monthly amount, depending on the nature of a person's disability, is ordinarily considered to be engaging in SGA.

The SSDI program is an insurance program that provides benefits to individuals who have contributed to the Social Security system and meet certain minimum work requirements. The amount of monthly benefit a person can receive is generally based upon the person's lifetime average earnings covered by Social Security.

In contrast, SSI is a means-tested program for aged, blind, or disabled individuals who meet certain income and resource limitations; there are no contribution or minimum work requirements.¹² The SSI program provides cash payments to assure a minimum income for these individuals, who have very limited income and assets. Effective January 1, 2015, the maximum monthly federal benefit rate is \$733 for an eligible individual and \$1,100 for an eligible individual with an eligible spouse.¹³ A SSI recipient living alone or in a household where all members receive SSI benefits is also generally eligible for Medicaid.

State Disability Resources

Various state agencies provide services, benefits, and resources for individuals with disabilities. These agencies include the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Children and Families, the Department of Economic Opportunity (DEO), and the Department of Education. Many state and regional advocacy groups also provide resources and services.

¹⁰ See 42 U.S.C. ss. 401-434 and 42 U.S.C. ss. 1381-1385.

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¹² The definition of disability for disabled children receiving SSI benefits is slightly different from the definition for adults. See criteria at: <http://www.ssa.gov/ssi/text-eligibility-ussi.htm#disabled-child> (last accessed on March 9, 2015).

¹³ Generally, the maximum monthly payment changes yearly due to changes in the Consumer Price Index. The 2015 schedule is available at: <http://www.socialsecurity.gov/OACT/COLA/SSI.html> (last accessed March 9, 2015).

Section 393.063(9), F.S., defines developmental disability to mean “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.”

The Agency for Persons with Disabilities (APD) currently serves approximately 55,000 clients with developmental disabilities.¹⁴ The total population of individuals in Florida with developmental disabilities is indeterminate at this time. However, the APD estimates the population of individuals with developmental disabilities in Florida could be between 300,000 to 600,000 people.¹⁵

On July 26, 2011, Governor Scott created the Governor’s Commission on Jobs for Floridians with Disabilities to advance job and employment opportunities for persons with disabilities in order to help those individuals achieve greater independence.¹⁶ The commission found that the state’s disability system does not effectively connect employers to candidates with disabilities and inform them about the resources available to support these individuals in the workplace. The commission recommended that the DEO serve as a single-point of contact to assist employers in finding these resources and services in order to help them recruit, hire, and retain individuals with disabilities. The commission further recommended the DEO provide information on available services and support that make it possible for persons with disabilities to succeed in the workforce. The “Abilities Work” web portal¹⁷ within the Employ Florida Marketplace¹⁸ website was developed to meet the needs of Florida employers looking to hire qualified job seekers with disabilities and of individuals with disabilities who are seeking to find employment.

The Department of Financial Services

The Chief Financial Officer (CFO) of the State of Florida is the head of the Department of Financial Services.¹⁹ The CFO has established outreach and education programs to increase the financial literacy of Florida residents and to protect them from financial fraud. These initiatives include, among others, a comprehensive online financial literacy and education initiative to provide Hispanic Floridians and their families with important financial information and resources, a program to educate and protect seniors from financial scams and identity theft, and financial education for military service members.²⁰

The CFO administers the Florida Security for Public Deposits Act (act), a statewide program that insures public deposits of the state and governmental units are protected from loss due to failure

¹⁴ Email from the Agency for Persons with Disabilities, January 11, 2015, Summary of Active Clients (on file with the Senate Banking and Insurance Committee).

¹⁵ Email from the Agency for Persons with Disabilities, January 13, 2015, (on file with the Senate Banking and Insurance Committee).

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¹⁸ Employ Florida Marketplace (EFM) is a partnership of CareerSource Florida, Inc., (formerly Workforce Florida, Inc.) and the Department of Economic Opportunity.

¹⁹ Section 20.121(1), F.S.

²⁰ See Your Money Matter\$, a one-stop website to access the DFS’s financial literacy resources at <http://www.myfloridacfo.com/ymm/> (last accessed on March 9, 2015).

of a financial institution.²¹ A qualified public depository is a bank, savings bank, or savings association that meets specific statutory criteria.²² The CFO is responsible for designating financial institutions as qualified public depositories.

III. Effect of Proposed Changes:

The bill creates the Financial Literacy Program for Individuals with Developmental Disabilities under the Department of Financial Services (DFS) (Section 1, creating s. 20.122, F.S.). The goal of the program is to promote economic independence and successful employment of individuals with developmental disabilities by providing resources, outreach, and education on specific issues. For individuals with developmental disabilities these issues include financial education, identification of financial and health benefit programs and services, job training and employment opportunities, and the impact of earnings and assets on federal and state programs. For employers the issues include strategies to make program and educational materials available to their employees with developmental disabilities.

The DFS, in consultation with public and private stakeholders, is required to develop and implement the program. Credit unions, banks, savings associations, and savings banks will be key participants in the development and promotion of the program. The DFS must:

- Establish a clearinghouse for information regarding the program and other available resources for individuals with developmental disabilities and their employers on its website; and
- Publish a brochure that describes the program and is accessible through the website.

The bill requires financial institutions participating in the qualified public depository program to participate in the Financial Literacy Program as condition of eligibility for the qualified public depository program (Section 2, amending s. 280.16, F.S.). This requirement would apply to banks, savings associations, and savings banks that participate in the program.²³ Each participating financial institution must:

- Make program brochures available at each branch office or have the capability to print a copy of the brochure upon the request of the consumer; and
- Provide a hyperlink on its website to the DFS's program website.

The bill provides one FTE and \$137,234 from the Insurance Regulatory Trust Fund within the DFS to develop and manage the new program (Section 3).

The bill takes effect January 1, 2016 (Section 4).

²¹ Chapter 280, F.S.

²² A qualified public depository must be organized under the laws of the United States or any state or territory of the United States; have a principal place of business or branch office in this state authorized to receive deposits; have federally-insured deposits; have procedures and practices that accurately report and collateralize public deposits; meet the requirements of the act; and be designated as a qualified public depository by the CFO. s. 280.02(26), F.S.

²³ There are 157 active, qualified public depositories in the state of Florida. Office of Financial Regulation, *2015 Legislative Bill Analysis SB 206*, February 4, 2015 (on file with the Senate Fiscal Policy Committee).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

This bill does not contain a mandate because the bill does not affect counties or municipalities.

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 Financial Literacy Program will facilitate greater financial literacy and economic independence among individuals with developmental disabilities by providing information and resources on financial products and services, financial management, employment options, and federal and state benefits. Employers will also benefit from resources that will facilitate employment of individuals with developmental disabilities.

Financial institutions may incur indeterminate costs associated with providing brochures about the program at their places of business and revising their websites to provide a link to access the Financial Literacy Program's website.

C. Government Sector Impact:

The bill provides one position and \$137,234 from the Insurance Regulatory Trust Fund within the DFS to implement this program (\$63,664 recurring and \$73,570 nonrecurring). This includes expense costs relating to printing and mailing brochures to all bank branches within the state.²⁴

VI. Technical Deficiencies:

None.

²⁴ See the DFS, *2015 Legislative Bill Analysis on SB 206*, February 12, 2015 (on file with the Senate Fiscal Policy Committee).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 280.16 of the Florida Statutes.

This bill creates section 20.122 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.)

Recommended CS by Appropriations Subcommittee on General Government on February 18, 2015:

The Committee Substitute:

- Provides one FTE and \$137,234 to develop and implement the program; and
- Provides 90 days, from the time the DFS establishes its website and publishes its brochure, for qualified public depositories to establish a hyperlink on its website and make available program brochures.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Hukill) recommended the following:

Senate Amendment (with directory and title amendments)

Delete line 29

and insert:

17.68 Financial Literacy Program for Individuals with

Delete line 107

and insert:

17.68.

=====
D I R E C T O R Y C L A U S E A M E N D M E N T
=====



185318

11 And the directory clause is amended as follows:

12 Delete line 27

13 and insert:

14 Section 1. Section 17.68, Florida Statutes, is created to

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 3

19 and insert:

20 creating s. 17.68, F.S.; providing legislative



594-01689-15

Proposed Committee Substitute by the Committee on Fiscal Policy
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to individuals with disabilities;
creating s. 20.122, F.S.; providing legislative
findings; establishing the Financial Literacy Program
for Individuals with Developmental Disabilities within
the Department of Financial Services; requiring the
department to develop and implement the program in
consultation with specified stakeholders; providing
for the participation of banks, credit unions, savings
associations, and savings banks; requiring the program
to provide information and other offerings on
specified issues to individuals with developmental
disabilities and employers in this state; requiring
the department to establish on its website a
clearinghouse for information regarding the program
and to publish a brochure describing the program;
requiring, by a specified date, qualified public
depositories to make copies of the department's
brochure available and provide a hyperlink on their
websites to the department's website for the program;
amending s. 280.16, F.S.; requiring a qualified public
depository to participate in the program; providing an
appropriation; providing an effective date.

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

Section 1. Section 20.122, Florida Statutes, is created to



594-01689-15

read:

20.122 Financial Literacy Program for Individuals with
Developmental Disabilities.—

(1) The Legislature finds that the state has a compelling
interest in promoting the economic independence and successful
employment of individuals with developmental disabilities as
defined in s. 393.063. In comparison with the general
population, individuals with developmental disabilities
experience lower rates of educational achievement, employment,
and annual earnings and are more likely to live in poverty.
Additionally, such individuals must navigate a complex network
of federal and state programs in order to be eligible for
financial and health benefits. Thus, it is essential that these
individuals have sufficient financial management knowledge and
skills to be able to comply with the benefit eligibility
processes and make informed decisions regarding financial
services and products provided by financial institutions.
Enhancing the financial literacy of such individuals will
provide a pathway for economic independence and successful
employment.

(2) The Financial Literacy Program for Individuals with
Developmental Disabilities is established within the Department
of Financial Services. The department, in consultation with
public and private stakeholders, shall develop and implement the
program, which shall be designed to promote the economic
independence and successful employment of individuals with
developmental disabilities. Banks, credit unions, savings
associations, and savings banks will be key participants in the
development and promotion of the program. The program must



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594-01689-15

57 provide information, resources, outreach, and education on the
58 following issues:

59 (a) For individuals with developmental disabilities:

60 1. Financial education, including instruction on money
61 management skills and the effective use of financial services
62 and products, to promote income preservation and asset
63 development.

64 2. Identification of available financial and health benefit
65 programs and services.

66 3. Job training programs and employment opportunities,
67 including work incentives and state and local workforce
68 development programs.

69 4. The impact of earnings and assets on federal and state
70 financial and health benefit programs and options to manage such
71 impact.

72 (b) For employers in this state, strategies to make program
73 information and educational materials available to their
74 employees with developmental disabilities.

75 (3) The department shall:

76 (a) Establish on its website a clearinghouse for
77 information regarding the program and other resources available
78 for individuals with developmental disabilities and their
79 employers.

80 (b) Publish a brochure that describes the program and is
81 accessible on its website.

82 (4) Within 90 days after the department establishes its
83 website and publishes its brochure, each bank, savings
84 association, and savings bank that is a qualified public
85 depository as defined in s. 280.02 shall:



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594-01689-15

86 (a) Make copies of the department's brochures available,
87 upon the request of the consumer, at its principal place of
88 business and each branch office located in this state which has
89 in-person teller services by having copies of the brochure
90 available or having the capability to print a copy of the
91 brochure from the department's website. Upon request, the
92 department shall provide copies of the brochure to a bank,
93 savings association, or savings bank.

94 (b) Provide on its website a hyperlink to the department's
95 website for the program. If the department changes its website
96 address for the program, the bank, savings association, or
97 savings bank must update the hyperlink within 90 days after
98 notification by the department of such change.

99 Section 2. Paragraph (e) is added to subsection (1) of
100 section 280.16, Florida Statutes, to read:

101 280.16 Requirements of qualified public depositories;
102 confidentiality.—

103 (1) In addition to any other requirements specified in this
104 chapter, qualified public depositories shall:

105 (e) Participate in the Financial Literacy Program for
106 Individuals with Developmental Disabilities as required under s.
107 20.122.

108 Section 3. For the 2015-2016 fiscal year, the sums of
109 \$63,664 in recurring funds and \$73,570 in nonrecurring funds
110 from the Insurance Regulatory Trust Fund are appropriated to the
111 Department of Financial Services' Consumer Assistance Program
112 and one full-time equivalent position with associated salary
113 rate of 41,114 is authorized for the program for the purpose of
114 implementing this act.



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594-01689-15

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Section 4. This act shall take effect January 1, 2016.

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 Fiscal Policy

BILL: CS/SB 206

INTRODUCER: Fiscal Policy Committee (Recommended by Appropriations Subcommittee on General Government) and Senator Hukill and others

SUBJECT: Financial Literacy Program for Individuals with Developmental Disabilities

DATE: March 20, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Knudson</u>	<u>BI</u>	<u>Favorable</u>
2.	<u>Betta</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 206 creates the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services (DFS). The goal of the program is to promote economic independence and successful employment of individuals with developmental disabilities by providing education, outreach, and resources on specific issues. For individuals with developmental disabilities these issues include financial education, financial and health benefit programs and services, job training and employment opportunities, and the impact of earnings and assets on federal and state programs. For employers of the state, the issues include strategies to make program and educational materials available to their employees with developmental disabilities.

The bill requires the DFS to establish a clearinghouse on its website for information regarding the program and other resources available and to develop a brochure that describes the program. The bill also requires that financial institutions participating in the qualified public depository program participate in the Financial Literacy Program as a condition of eligibility for the qualified public depository program.

The bill appropriates \$137,234 from the Insurance Regulatory Trust Fund within the DFS and one FTE to develop and implement the program.

II. Present Situation:

Financial Literacy and Economic Independence

People with disabilities comprise approximately 15 percent of the population of the United States and experience significant disparities in employment and participation in the workforce.¹ In 2011, almost 28 percent of non-institutionalized individuals in the United States with disabilities, ages 21-64, lived below the federal poverty line, compared with 12 percent of individuals without disabilities.²

In Florida, approximately 9.5 percent of individuals ages 16-64 are individuals with disabilities.³ The unemployment rate of this group is 35.6 percent and the poverty rate is 24.2 percent.⁴ According to the National Disability Institute (NDI), many of these individuals would like to find employment, but are concerned if they earn more money it will cause them to lose disability and health benefits.⁵

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¹⁵ Email from the Agency for Persons with Disabilities, January 13, 2015, (on file with the Senate Banking and Insurance Committee).

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¹⁹ Section 20.121(1), F.S.

²⁰ See Your Money Matter\$, a one-stop website to access the DFS’s financial literacy resources at <http://www.myfloridacfo.com/ymm/> (last accessed on March 9, 2015).

of a financial institution.²¹ A qualified public depository is a bank, savings bank, or savings association that meets specific statutory criteria.²² The CFO is responsible for designating financial institutions as qualified public depositories.

III. Effect of Proposed Changes:

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The DFS, in consultation with public and private stakeholders, is required to develop and implement the program. Credit unions, banks, savings associations, and savings banks will be key participants in the development and promotion of the program. The DFS must:

- Establish a clearinghouse for information regarding the program and other available resources for individuals with developmental disabilities and their employers on its website; and
- Publish a brochure that describes the program and is accessible through the website.

The bill requires financial institutions participating in the qualified public depository program to participate in the Financial Literacy Program as condition of eligibility for the qualified public depository program (Section 2, amending s. 280.16, F.S.). This requirement would apply to banks, savings associations, and savings banks that participate in the program.²³ Each participating financial institution must:

- Make program brochures available at each branch office; and
- Provide a hyperlink on its website to the DFS's program website.

The bill provides \$137,234 from the Insurance Regulatory Trust Fund within the DFS and one FTE to develop and manage the new program.

The bill takes effect January 1, 2016.

²¹ Chapter 280, F.S.

²² A qualified public depository must be organized under the laws of the United States or any state or territory of the United States; have a principal place of business or branch office in this state authorized to receive deposits; have federally-insured deposits; have procedures and practices that accurately report and collateralize public deposits; meet the requirements of the act; and be designated as a qualified public depository by the CFO. s. 280.02(26), F.S.

²³ There are 157 active, qualified public depositories in the state of Florida. Office of Financial Regulation, *2015 Legislative Bill Analysis SB 206*, February 4, 2015 (on file with the Senate Fiscal Policy Committee).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

This bill does not contain a mandate because the bill does not affect counties or municipalities.

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 Financial Literacy Program will facilitate greater financial literacy and economic independence among individuals with developmental disabilities by providing information and resources on financial products and services, financial management, employment options, and federal and state benefits. Employers will also benefit from resources that will facilitate employment of individuals with developmental disabilities.

Financial institutions may incur indeterminate costs associated with providing brochures about the program at their places of business and revising their websites to provide a link to access the Financial Literacy Program's website.

C. Government Sector Impact:

The bill provides one position and \$137,234 from the Insurance Regulatory Trust Fund within the DFS to implement this program (\$63,664 recurring and \$73,570 nonrecurring). This includes expense costs relating to printing and mailing brochures to all bank branches within the state.²⁴

VI. Technical Deficiencies:

None.

²⁴ See the DFS, *2015 Legislative Bill Analysis on SB 206*, February 12, 2015 (on file with the Senate Fiscal Policy Committee).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 280.16 of the Florida Statutes.

This bill creates section 17.68 of the Florida Statutes.

IX. Additional Information:

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

CS by Fiscal Policy on March 19, 2015:

As recommended by Appropriations Subcommittee on General Government the committee substitute:

- Provides one FTE and \$137,234 to develop and implement the program;
- Provides 90 days, from the time the DFS establishes its website and publishes its brochure, for qualified public depositories to establish a hyperlink on its website and make available program brochures; and
- Changes the effective date to January 1, 2016.

The committee substitute also amends the location of the financial literacy program in s. 17.68, F.S.

- B. **Amendments:**

None.

By Senator Hukill

8-00285-15

2015206__

A bill to be entitled

An act relating to the Financial Literacy Program for Individuals with Developmental Disabilities; creating s. 20.122, F.S.; providing legislative findings; establishing the program within the Department of Financial Services; requiring the department to develop and implement the program in consultation with specified stakeholders; providing for the participation of banks, credit unions, savings associations, and savings banks; requiring the program to provide information and other offerings on specified issues to individuals with developmental disabilities and employers in this state; requiring the department to establish on its website a clearinghouse for information regarding the program and to publish a brochure describing the program; requiring qualified public depositories to disseminate the department's brochure and provide a hyperlink on their websites to the department's website for the program; amending s. 280.16, F.S.; requiring a qualified public depository to participate in the program; providing an effective date.

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

Section 1. Section 20.122, Florida Statutes, is created to read:

20.122 Financial Literacy Program for Individuals with Developmental Disabilities.—

Page 1 of 4

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

8-00285-15

2015206__

(1) The Legislature finds that the state has a compelling interest in promoting the economic independence and successful employment of individuals with developmental disabilities as defined in s. 393.063. In comparison with the general population, individuals with developmental disabilities experience lower rates of educational achievement, employment, and annual earnings and are more likely to live in poverty. Additionally, such individuals must navigate a complex network of federal and state programs in order to be eligible for financial and health benefits. Thus, it is essential that these individuals have sufficient financial management knowledge and skills to be able to comply with the benefit eligibility processes and make informed decisions regarding financial services and products provided by financial institutions. Enhancing the financial literacy of such individuals will provide a pathway for economic independence and successful employment.

(2) The Financial Literacy Program for Individuals with Developmental Disabilities is established within the Department of Financial Services. The department, in consultation with public and private stakeholders, shall develop and implement the program, which shall be designed to promote the economic independence and successful employment of individuals with developmental disabilities. Banks, credit unions, savings associations, and savings banks will be key participants in the development and promotion of the program. The program must provide information, resources, outreach, and education on the following issues:

(a) For individuals with developmental disabilities:

Page 2 of 4

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

8-00285-15

2015206__

59 1. Financial education, including instruction on money
 60 management skills and the effective use of financial services
 61 and products, to promote income preservation and asset
 62 development.

63 2. Identification of available financial and health benefit
 64 programs and services.

65 3. Job training programs and employment opportunities,
 66 including work incentives and state and local workforce
 67 development programs.

68 4. The impact of earnings and assets on federal and state
 69 financial and health benefit programs and options to manage such
 70 impact.

71 (b) For employers in this state, information about federal
 72 and state law requirements with respect to the employment of
 73 individuals with developmental disabilities and resources that
 74 facilitate the employment of such individuals.

75 (3) The department shall:

76 (a) Establish on its website a clearinghouse for
 77 information regarding the program and other resources available
 78 for individuals with developmental disabilities and their
 79 employers.

80 (b) Publish a brochure that describes the program and is
 81 accessible on its website.

82 (4) Each bank, savings association, and savings bank that
 83 is a qualified public depository as defined in s. 280.02 shall:

84 (a) Disseminate the department's brochures at its principal
 85 place of business and each branch office located in this state.

86 (b) Provide on its website a hyperlink to the department's
 87 website for the program.

Page 3 of 4

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8-00285-15

2015206__

88 Section 2. Paragraph (e) is added to subsection (1) of
 89 section 280.16, Florida Statutes, to read:

90 280.16 Requirements of qualified public depositories;
 91 confidentiality.—

92 (1) In addition to any other requirements specified in this
 93 chapter, qualified public depositories shall:

94 (e) Participate in the Financial Literacy Program for
 95 Individuals with Developmental Disabilities as required under s.
 96 20.122.

97 Section 3. This act shall take effect October 1, 2015.

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



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 18, 2015

The Honorable Anitere Flores
225 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 206 – Financial Literacy Program for Individuals with Developmental Disabilities

Dear Chairwoman Flores:

Senate Bill 206, relating Financial Literacy Program for Individuals with Developmental Disabilities has been referred to the Fiscal Policy Committee. I am requesting your consideration on placing SB 206 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 black ink, appearing to read "Dorothy L. Hukill".

Dorothy L. Hukill, District 8

cc: Jennifer Hrdlicka, Staff Director of the Fiscal Policy Committee
Tamra Lyon, Administrative Assistant of the Fiscal Policy 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
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 Fiscal Policy

BILL: PCS/SB 7022 (692948)

INTRODUCER: Fiscal Policy Committee (Recommended by Appropriations Subcommittee of General Government), Governmental Oversight and Accountability Committee, and Senator Galvano

SUBJECT: Individuals With Disabilities

DATE: March 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Peacock	McVaney		GO SPB 7022 as introduced
1.	Davis	DeLoach	AGG	Recommend: Fav/CS
2.	Pace	Hrdlicka	FP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 7022 modifies the State of Florida's employment policy to provide enhanced executive branch employment opportunities for individuals with a disability. Specifically, the bill requires each executive agency to:

- Establish annual goals in its affirmative action plan that ensures full utilization of underrepresented groups in agency's workforce to include individuals who have a disability;
- Annually report its progress toward increasing employment of individuals who have a disability; and
- By January 1, 2016, develop an agency-specific plan on promoting employment opportunities for individuals who have a disability.

Additionally, the bill directs the Department of Management Services to:

- Develop and implement programs geared toward individuals who have a disability in consultation with the Agency for Persons with Disabilities, the Division of Vocational Rehabilitation within the Department of Education, the Department of Economic Opportunity, and the Executive Office of the Governor;
- Develop mandatory training programs for human resources personnel and hiring managers of executive agencies that support the employment of individuals who have a disability;
- Assist executive agencies with implementing the agency-specific plans and strategies for retaining employees who have a disability;

- Compile data on hiring practices of executive agencies regarding hiring of individuals who have a disability and post this information on the department's website; and
- Adopt rules relating to forms providing for voluntary self-identification of individuals who have a disability who are employed by an executive agency.

The bill appropriates \$138,692 in recurring funds and \$26,264 in nonrecurring funds from the State Personnel Trust Fund and authorizes two FTE for the Department of Management Services to implement this act.

II. Present Situation:

Section 110.112, F.S., declares that the policy of the state is to afford equal employment opportunities through programs of affirmative and positive action allowing for the full utilization of women and minorities. Each executive agency is required to develop and implement an affirmative action plan;¹ establish annual goals in its affirmative action plan for ensuring full utilization of groups underrepresented in the agency's workforce as compared to the relevant labor market;² and appoint an affirmative action-equal employment opportunity officer.³

The Department of Management Services (DMS) is required to issue an annual workforce report⁴ and provide training to all supervisory personnel of executive agencies.⁵

Presently, s. 110.112, F.S., does not contain a definition of the term "individual who has a disability" and does not specifically address equal employment opportunity and affirmative action for this group.

Federal law prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation.⁶ Specifically, Title I of the Americans with Disabilities Act (ADA) prohibits private and public employers from discriminating against individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other privileges of employment.⁷

¹ Section 110.112(2)(a), F.S.

² Section 110.112(2)(b), F.S.

³ Section 110.112(2)(c), F.S., provides that the duties of the affirmative action-equal employment opportunity officer include "determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action."

⁴ Section 110.112(2)(d), F.S., provides that the DMS annual workforce report shall include information relating to implementation, continuance, and updating the results of each executive agency's affirmative action plan for the previous fiscal year.

⁵ Section 110.112(2)(e), F.S., provides that the training will be in "the principals of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and establishment of annual affirmative action goals."

⁶ Americans with Disabilities Act of 1990 (Pub. L. No. 110-325).

⁷ 42 U.S.C. s. 12112.

III. Effect of Proposed Changes:

Section 1 reorders, amends, and revises definitions contained in s. 110.107, F. S., and defines the term “individual who has a disability.”

The definition of “individual who has a disability” mirrors the federal definition of “disability” contained in the ADA,⁸ with the exception of the following:

- The federal term “mental impairment” is replaced with “intellectual impairment”; and
- The federal phrase “being regarded” is replaced with “who is perceived by others.”

Section 2 amends s. 110.112, F.S., to revise and broaden the state’s equal employment opportunity policy to include individuals who have a disability.

Each executive agency is required to:

- Establish annual goals in its affirmative action plan to ensure the full utilization of underrepresented groups in the agency’s workforce, to specifically include individuals who have a disability as compared to the relevant labor market;
- Report annually to the DMS on the agency’s progress toward increasing employment of women, minorities, and individuals who have a disability; and
- Develop an agency-specific plan by January 1, 2016, addressing how to promote employment opportunities for individuals who have a disability.

The DMS is required to:

- Include data for each executive agency related to employment levels among women, minorities, and individuals who have a disability in its annual workforce report;
- Develop and implement programs specifically geared toward individuals who have a disability in consultation with the Agency for Persons with Disabilities, the Division of Vocational Rehabilitation within the Department of Education, the Department of Economic Opportunity, and the Executive Office of the Governor;⁹
- Develop mandatory training programs by January 1, 2016, for human resources personnel and hiring managers of executive agencies that support the employment of individuals who have a disability;
- Assist executive agencies in implementing agency-specific plans, and identifying and implementing strategies for retaining employees who have a disability;¹⁰
- Biannually report on the progress of executive agencies in implementing their plans to the Governor, the President of the Senate, and the Speaker of the House of Representatives;
- Compile data regarding the hiring practices of executive agencies in regards to individuals who have a disability and make this data available on its website; and

⁸ 42 U.S.C. s. 12102, defines “disability,” with respect to an individual, as a physical or mental impairment that substantially limits one or more life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

⁹ These programs may incorporate internships, mentoring, on-the-job training, unpaid work experience, situational assessments, and other innovative strategies.

¹⁰ Some of these strategies include training programs, funding reasonable accommodations, increasing access to technologies, and ensuring accessibility of physical and virtual workplaces.

- Adopt rules regarding forms that provide for voluntary self-identification of individuals who have a disability who are employed by an executive agency.

The bill specifies that no substantive or procedural right or benefit enforceable at law or in equity against the state is created by this legislation.

Section 3 appropriates \$138,692 in recurring funds and \$26,264 in nonrecurring funds from the State Personnel Trust Fund to the DMS and authorizes two FTE for the DMS to implement this act.

Section 4 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not contain a mandate because the bill does not affect counties or municipalities.

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:

Indeterminate.

C. Government Sector Impact:

The bill is applicable to all executive agencies.

The DMS staff estimates the implementation of the bill will require two additional full-time Human Resource Consultant positions. In addition, the People First system, the state's human resource information system, will need to be modified to add an "individual who has a disability" indicator to fully implement the reporting requirements of this bill.¹¹ The DMS estimates a cost of \$18,500 to implement these changes.

¹¹ See the DMS, *2015 Legislative Analysis on SB 7022*, (Feb. 13, 2015) (on file with the Senate Fiscal Policy Committee).

The bill provides appropriations of \$138,692 in recurring funds and \$26,264 in nonrecurring funds from the State Personnel System Trust Fund to the DMS, and authorizes two positions. The bill also appropriates \$88,285 from the General Revenue Fund and \$76,671 from trust funds to Administered Funds that provide the revenue source to support the appropriation provided to the DMS.

The fiscal impact to executive branch agencies to implement the requirements of the bill are indeterminate, but may be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill authorizes the DMS to adopt rules relating to forms for voluntary self-identification of individuals who have a disability who are employed by an executive agency.

Pursuant to federal law employers, including executive agencies, may not ask an individual disability-related questions. The present situation does not promote self-disclosure and individuals may self-identify as having a disability when in fact the individuals do not. The Department of Economic Opportunity notes that this could result in executive agency reports over or under-reporting hiring of individuals who have a disability.¹²

The DMS uses data from the Equal Employment Opportunity (EEO) Tabulation that is published by the U.S. Census Bureau for information on women and minorities. The EEO Tabulation provides detailed occupational statistics by race, ethnicity, and sex in the labor market by location-based geography. The Department of Economic Opportunity, the state agency responsible for maintaining employment data, has informed the DMS that data for individuals who have a disability is not available at the occupational level. Data is only available in broad categories (employed/unemployed, full-time/less than full-time). Accordingly, it might be difficult for agencies to establish numerical goals on such limited data.¹³

VIII. Statutes Affected:

This bill substantially amends sections 110.107 and 110.112 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.)

Recommended CS by Appropriations Subcommittee on General Government on March 4, 2015:

The CS provides an appropriation to the DMS for Fiscal Year 2015-2016 of \$138,692 in

¹² See the DEO, *2015 Legislative Analysis on SB 7022*, (Feb. 12, 2015) (on file with the Senate Fiscal Policy Committee).

¹³ See the DMS, *2015 Legislative Analysis on SB 7022*, (Feb. 13, 2015) (on file with the Senate Fiscal Policy Committee).

recurring funds and \$26,264 in nonrecurring funds from the State Personnel System Trust Fund and authorizes two FTE to implement and manage the programs.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Hukill) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective January 1, 2016, section 17.68,
Florida Statutes, is created to read:

17.68 Financial Literacy Program for Individuals with
Developmental Disabilities.-

(1) The Legislature finds that the state has a compelling
interest in promoting the economic independence and successful



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11 employment of individuals with developmental disabilities as
12 defined in s. 393.063. In comparison with the general
13 population, individuals with developmental disabilities
14 experience lower rates of educational achievement, employment,
15 and annual earnings and are more likely to live in poverty.
16 Additionally, such individuals must navigate a complex network
17 of federal and state programs in order to be eligible for
18 financial and health benefits. Thus, it is essential that these
19 individuals have sufficient financial management knowledge and
20 skills to be able to comply with the benefit eligibility
21 processes and make informed decisions regarding financial
22 services and products provided by financial institutions.
23 Enhancing the financial literacy of such individuals will
24 provide a pathway for economic independence and successful
25 employment.

26 (2) The Financial Literacy Program for Individuals with
27 Developmental Disabilities is established within the Department
28 of Financial Services. The department, in consultation with
29 public and private stakeholders, shall develop and implement the
30 program, which shall be designed to promote the economic
31 independence and successful employment of individuals with
32 developmental disabilities. Banks, credit unions, savings
33 associations, and savings banks will be key participants in the
34 development and promotion of the program. The program must
35 provide information, resources, outreach, and education on the
36 following issues:

37 (a) For individuals with developmental disabilities:
38 1. Financial education, including instruction on money
39 management skills and the effective use of financial services



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40 and products, to promote income preservation and asset
41 development.

42 2. Identification of available financial and health benefit
43 programs and services.

44 3. Job training programs and employment opportunities,
45 including work incentives and state and local workforce
46 development programs.

47 4. The impact of earnings and assets on federal and state
48 financial and health benefit programs and options to manage such
49 impact.

50 (b) For employers in this state, strategies to make program
51 information and educational materials available to their
52 employees with developmental disabilities.

53 (3) The department shall:

54 (a) Establish on its website a clearinghouse for
55 information regarding the program and other resources available
56 for individuals with developmental disabilities and their
57 employers.

58 (b) Publish a brochure that describes the program and is
59 accessible on its website.

60 (4) Within 90 days after the department establishes its
61 website and publishes its brochure, each bank, savings
62 association, and savings bank that is a qualified public
63 depository as defined in s. 280.02 shall:

64 (a) Make copies of the department's brochures available,
65 upon the request of the consumer, at its principal place of
66 business and each branch office located in this state which has
67 in-person teller services by having copies of the brochure
68 available or having the capability to print a copy of the



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69 brochure from the department's website. Upon request, the
70 department shall provide copies of the brochure to a bank,
71 savings association, or savings bank.

72 (b) Provide on its website a hyperlink to the department's
73 website for the program. If the department changes its website
74 address for the program, the bank, savings association, or
75 savings bank must update the hyperlink within 90 days after
76 notification by the department of such change.

77 Section 2. Section 110.107, Florida Statutes, is reordered
78 and amended to read:

79 110.107 Definitions.—As used in this chapter, the term:

80 (5)~~(1)~~ "Department" means the Department of Management
81 Services.

82 (28)~~(2)~~ "Secretary" means the Secretary of Management
83 Services.

84 (11)~~(3)~~ "Furlough" means a temporary reduction in the
85 regular hours of employment in a pay period, or temporary leave
86 without pay for one or more pay periods, with a commensurate
87 reduction in pay, which is necessitated by a projected deficit
88 in any fund that supports salary and benefit appropriations. The
89 deficit must be projected by the Revenue Estimating Conference
90 pursuant to s. 216.136(3).

91 (30)~~(4)~~ "State agency" or "agency" means any official,
92 officer, commission, board, authority, council, committee, or
93 department of the executive branch or the judicial branch of
94 state government as defined in chapter 216.

95 (21)~~(5)~~ "Position" means the work, consisting of duties and
96 responsibilities, assigned to be performed by an officer or
97 employee.



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98 ~~(10)(6)~~ "Full-time position" means a position authorized
99 for the entire normally established work period, whether daily,
100 weekly, monthly, or annually.

101 ~~(18)(7)~~ "Part-time position" means a position authorized
102 for less than the entire normally established work period,
103 whether daily, weekly, monthly, or annually.

104 ~~(16)(8)~~ "Occupation" means all positions that ~~which~~ are
105 sufficiently similar in knowledge, skills, ~~and~~ abilities, and
106 the ~~sufficiently similar as to~~ kind or subject matter of work.

107 ~~(17)(9)~~ "Occupational group" means a group of occupations
108 that ~~which~~ are sufficiently similar in the kind of work
109 performed to warrant the use of the same performance factors in
110 determining the level of complexity for all occupations in that
111 occupational group.

112 ~~(3)(10)~~ "Classification plan" means a formal description of
113 the concepts, rules, job family definitions, occupational group
114 characteristics, and occupational profiles used in the
115 classification of positions.

116 ~~(20)(11)~~ "Pay plan" means a formal description of the
117 philosophy, methods, procedures, and salary schedules for
118 competitively compensating employees at market-based rates for
119 work performed.

120 ~~(27)(12)~~ "Salary schedule" means an official document that
121 ~~which~~ contains a complete list of occupation titles, broadband
122 level codes, and pay bands.

123 ~~(1)(13)~~ "Authorized position" means a position included in
124 an approved budget. In counting the number of authorized
125 positions, part-time positions may be converted to full-time
126 equivalents.



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127 (8)~~(14)~~ "Established position" means an authorized position
128 that ~~which~~ has been classified in accordance with a
129 classification and pay plan as provided by law.

130 (22)~~(15)~~ "Position number" means the identification number
131 assigned to an established position.

132 (26)~~(16)~~ "Reclassification" means the changing of an
133 established position in one broadband level in an occupational
134 group to a higher or lower broadband level in the same
135 occupational group or to a broadband level in a different
136 occupational group.

137 (24)~~(17)~~ "Promotion" means the changing of the
138 classification of an employee to a broadband level having a
139 higher maximum salary; or the changing of the classification of
140 an employee to a broadband level having the same or a lower
141 maximum salary but a higher level of responsibility.

142 (4)~~(18)~~ "Demotion" means the changing of the classification
143 of an employee to a broadband level having a lower maximum
144 salary; or the changing of the classification of an employee to
145 a broadband level having the same or a higher maximum salary but
146 a lower level of responsibility.

147 (32)~~(19)~~ "Transfer" means moving an employee from one
148 geographic location of the state to a different geographic
149 location more than ~~in excess of~~ 50 miles from the employee's
150 current work location.

151 (25)~~(20)~~ "Reassignment" means moving an employee from a
152 position in one broadband level to a different position in the
153 same broadband level or to a different broadband level having
154 the same maximum salary.

155 (6)~~(21)~~ "Dismissal" means a disciplinary action taken by an



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156 agency pursuant to s. 110.227 against an employee which results
157 ~~resulting~~ in the termination of his or her employment.

158 (31)-(22) "Suspension" means a disciplinary action taken by
159 an agency pursuant to s. 110.227 against an employee which ~~to~~
160 temporarily relieves ~~relieve~~ the employee of his or her duties
161 and places ~~place~~ him or her on leave without pay.

162 (15)-(23) "Layoff" means termination of employment due to a
163 shortage of funds or work, or a material change in the duties or
164 organization of an agency, including the outsourcing or
165 privatization of an activity or function previously performed by
166 career service employees.

167 (7)-(24) "Employing agency" means any agency authorized to
168 employ personnel to carry out the responsibilities of the agency
169 under the provisions of chapter 20 or other law ~~statutory~~
170 authority.

171 (29)-(25) "Shared employment" means part-time career
172 employment in which ~~whereby~~ the duties and responsibilities of a
173 full-time position in the career service are divided among part-
174 time employees who are eligible for the position and who receive
175 career service benefits and wages pro rata. The term ~~In no case~~
176 ~~shall~~ "shared employment" does not include the employment of
177 persons paid from other-personal-services funds.

178 (9)-(26) "Firefighter" means a firefighter certified under
179 chapter 633.

180 (14)-(27) "Law enforcement or correctional officer" means a
181 law enforcement officer, special agent, correctional officer,
182 correctional probation officer, or institutional security
183 specialist ~~required to be~~ certified under chapter 943.

184 (23)-(28) "Professional health care provider" means



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185 registered nurses, physician's assistants, dentists,
186 psychologists, nutritionists or dietitians, pharmacists,
187 psychological specialists, physical therapists, and speech and
188 hearing therapists.

189 ~~(13)~~(29) "Job family" means a defined grouping of one or
190 more occupational groups.

191 ~~(19)~~(30) "Pay band" means the minimum salary, the maximum
192 salary, and intermediate rates that ~~which~~ are payable for work
193 in a specific broadband level.

194 ~~(2)~~(31) "Broadband level" means all positions that ~~which~~
195 are sufficiently similar in knowledge, skills, and abilities;
196 ~~the, and sufficiently similar as to~~ kind or subject matter of
197 work; ~~the,~~ level of difficulty or the level of
198 responsibilities; ~~and~~ the qualification requirements of the
199 work so as to warrant the same treatment with respect ~~as~~ to
200 title, pay band, and other personnel transactions.

201 (12) "Individual who has a disability" means a person who
202 has a physical or intellectual impairment that substantially
203 limits one or more major life activities; a person who has a
204 history or record of such an impairment; or a person who is
205 perceived by others as having such an impairment.

206 Section 3. Subsections (1) and (2) of section 110.112,
207 Florida Statutes, are amended, present subsections (3) through
208 (6) of that section are redesignated as subsections (4) through
209 (7), respectively, and a new subsection (3) is added to that
210 section, to read:

211 110.112 Affirmative action; equal employment opportunity.—

212 (1) It is ~~shall be~~ the policy of this ~~the~~ state to assist
213 in providing the assurance of equal employment opportunity



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214 through programs of affirmative and positive action that will
215 allow full utilization of women, ~~and~~ minorities, and individuals
216 who have a disability.

217 (2) (a) The head of each executive agency shall develop and
218 implement an affirmative action plan in accordance with rules
219 adopted by the department and approved by a majority vote of the
220 Administration Commission before their adoption.

221 (b) Each executive agency shall establish annual goals for
222 ensuring full utilization of groups underrepresented in the
223 agency's ~~its~~ workforce, including women, minorities, and
224 individuals who have a disability, as compared to the relevant
225 labor market, as defined by the agency. Each executive agency
226 shall design its affirmative action plan to meet its established
227 goals.

228 (c) Each executive agency shall annually report to the
229 department regarding the agency's progress toward increasing
230 employment among women, minorities, and individuals who have a
231 disability.

232 (d) ~~(e)~~ An affirmative action-equal employment opportunity
233 officer shall be appointed by the head of each executive agency.
234 The affirmative action-equal employment opportunity officer's
235 responsibilities must include determining annual goals,
236 monitoring agency compliance, and providing consultation to
237 managers regarding progress, deficiencies, and appropriate
238 corrective action.

239 (e) ~~(d)~~ The department shall report information in its
240 annual workforce report relating to the implementation,
241 continuance, updating, and results of each executive agency's
242 affirmative action plan for the previous fiscal year. The annual



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243 workforce report must also include data for each executive
244 agency relating to employment levels among women, minorities,
245 and individuals who have a disability.

246 (f)(e) The department shall provide to all supervisory
247 personnel of the executive agencies training in the principles
248 of equal employment opportunity and affirmative action, the
249 development and implementation of affirmative action plans, and
250 the establishment of annual affirmative action goals. The
251 department may contract for training services, and each
252 participating agency shall reimburse the department for costs
253 incurred through such contract. After the department approves
254 the contents of the training program for the agencies, the
255 department may delegate this training to the executive agencies.

256 (3) (a) The department, in consultation with the Agency for
257 Persons with Disabilities, the Division of Vocational
258 Rehabilitation and the Division of Blind Services of the
259 Department of Education, the Department of Economic Opportunity,
260 and the Executive Office of the Governor, shall develop and
261 implement programs that incorporate internships, mentoring, on-
262 the-job training, unpaid work experience, situational
263 assessments, and other innovative strategies that are
264 specifically geared toward individuals who have a disability.

265 (b) By January 1, 2016, the department shall develop
266 mandatory training programs for human resources personnel and
267 hiring managers of executive agencies which support the
268 employment of individuals who have a disability.

269 (c)1. By January 1, 2016, each executive agency shall
270 develop an agency-specific plan that addresses how to promote
271 employment opportunities for individuals who have a disability.



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272 2. The department shall assist executive agencies in the
273 implementation of agency-specific plans. The department shall
274 regularly report to the Governor, the President of the Senate,
275 and the Speaker of the House of Representatives the progress of
276 executive agencies in implementing these plans. Such reports
277 shall be made at least biannually.

278 (d) The department shall compile data regarding the hiring
279 practices of executive agencies with regard to individuals who
280 have a disability and make such data available on its website.

281 (e) The department shall assist executive agencies in
282 identifying and implementing strategies for retaining employees
283 who have a disability which include, but are not limited to,
284 training programs, funding reasonable accommodations, increasing
285 access to appropriate technologies, and ensuring accessibility
286 of physical and virtual workplaces.

287 (f) The department shall adopt rules relating to forms that
288 provide for the voluntary self-identification of individuals who
289 a disability who are employed by an executive agency.

290 (g) This subsection does not create any substantive or
291 procedural right or benefit enforceable at law or in equity
292 against the state or a state agency, or an officer, employee, or
293 agent thereof.

294 Section 4. Effective January 1, 2016, paragraph (e) is
295 added to subsection (1) of section 280.16, Florida Statutes, to
296 read:

297 280.16 Requirements of qualified public depositories;
298 confidentiality.—

299 (1) In addition to any other requirements specified in this
300 chapter, qualified public depositories shall:



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301 (e) Participate in the Financial Literacy Program for
302 Individuals with Developmental Disabilities as required under s.
303 17.68.

304 Section 5. Subsection (9) of section 393.063, Florida
305 Statutes, is amended to read:

306 393.063 Definitions.—For the purposes of this chapter, the
307 term:

308 (9) "Developmental disability" means a disorder or syndrome
309 that is attributable to intellectual disability, cerebral palsy,
310 autism, Down syndrome, spina bifida, or Prader-Willi syndrome;
311 that manifests before the age of 18; and that constitutes a
312 substantial handicap that can reasonably be expected to continue
313 indefinitely.

314 Section 6. Employment First Act.—

315 (1) SHORT TITLE.—This section may be cited as the
316 "Employment First Act."

317 (2) LEGISLATIVE INTENT.—The Legislature finds that
318 employment is the most direct and cost-effective means to assist
319 an individual in achieving independence and fulfillment;
320 however, individuals with disabilities are confronted by unique
321 barriers to employment that inhibit their opportunities to
322 compete fairly in the labor force. It is the intent of the
323 Legislature to provide a framework for a long-term commitment to
324 improving employment outcomes for individuals with disabilities
325 in this state through the implementation of the Employment First
326 Act.

327 (3) PURPOSE.—The purpose of the Employment First Act is to
328 prioritize employment of individuals with disabilities and to
329 change the employment system to better integrate individuals



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330 with disabilities into the workforce. The Employment First Act
331 encourages a collaborative effort between state agencies and
332 organizations to achieve better employment outcomes for
333 individuals with disabilities.

334 (4) INTERAGENCY COOPERATIVE AGREEMENT.—The following state
335 agencies and organizations shall develop an interagency
336 cooperative agreement to implement the Employment First Act:

337 (a) The Division of Vocational Rehabilitation of the
338 Department of Education.

339 (b) The Division of Blind Services of the Department of
340 Education.

341 (c) The Bureau of Exceptional Education and Student
342 Services of the Department of Education.

343 (d) The Agency for Persons with Disabilities.

344 (e) The Substance Abuse and Mental Health Program of the
345 Department of Children and Families.

346 (f) The Department of Economic Opportunity.

347 (g) CareerSource Florida, Inc.

348 (h) The Florida Developmental Disabilities Council.

349 (i) Florida Association of Rehabilitation Facilities.

350 (j) Other appropriate organizations.

351 (5) ROLES AND RESPONSIBILITIES.—The interagency cooperative
352 agreement shall outline the roles and responsibilities of the
353 state agencies and organizations identified in subsection (4).

354 The objectives of the interagency cooperative agreement must
355 include all of the following:

356 (a) Establishing a commitment by leadership of the state
357 agencies and organizations to maximize the resources and
358 coordination to improve employment outcomes for individuals with



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359 disabilities who seek publicly funded services.

360 (b) Developing strategic goals and benchmarks to assist the
361 state agencies and organizations in the implementation of this
362 agreement.

363 (c) Identifying financing and contracting methods that will
364 help to prioritize employment for individuals with disabilities
365 by state agencies and organizations.

366 (d) Establishing training methods to better integrate
367 individuals with disabilities into the workforce.

368 (e) Ensuring collaborative efforts between multiple
369 agencies to achieve the purposes of this act.

370 (f) Promoting service innovations to better assist
371 individuals with disabilities in the workplace.

372 (g) Identifying accountability measures to ensure the
373 sustainability of this agreement.

374 Section 7. Florida Unique Abilities Partner program.-

375 (1) CREATION AND PURPOSE.-The Department of Economic
376 Opportunity shall establish the Florida Unique Abilities Partner
377 program to designate a business entity as a Florida Unique
378 Abilities Partner if the business entity demonstrates
379 commitment, through employment or support, to the independence
380 of individuals who have a disability. The department shall
381 consult with the Agency for Persons with Disabilities, the
382 Division of Vocational Rehabilitation of the Department of
383 Education, the Division of Blind Services of the Department of
384 Education, and CareerSource Florida, Inc., in creating the
385 program.

386 (2) DEFINITIONS.-As used in this section, the term:

387 (a) "Department" means the Department of Economic



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388 Opportunity.

389 (b) "Individuals who have a disability" means persons who
390 have a physical or intellectual impairment that substantially
391 limits one or more major life activities; persons who have a
392 history or record of such an impairment; or persons who are
393 perceived by others as having such an impairment.

394 (3) DESIGNATION.—

395 (a) A business entity may apply to the department to be
396 designated as a Florida Unique Abilities Partner, based on the
397 business entity's achievements in at least one of the following
398 categories:

399 1. Employment of individuals who have a disability.

400 2. Contributions to local or national disability
401 organizations.

402 3. Contributions to or the establishment of a program that
403 contributes to the independence of individuals who have a
404 disability.

405 (b) As an alternative to application by a business entity,
406 the department must consider nominations from members of the
407 community where the business entity is located. The nomination
408 must identify the business entity's achievements in at least one
409 of the categories provided in paragraph (a).

410 (c) The name, location, and contact information of the
411 business entity must be included in the business entity's
412 application or nomination.

413 (d) The department shall adopt procedures for the
414 application, nomination, and designation processes for the
415 Florida Unique Abilities Partner program. Designation as a
416 Florida Unique Abilities Partner does not establish or involve



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417 licensure, does not affect the substantial interests of a party,
418 and does not constitute a final agency action. The Florida
419 Unique Abilities Partner program and designation are not subject
420 to chapter 120, Florida Statutes.

421 (4) ELIGIBILITY AND AWARD.-In determining the eligibility
422 for the designation of a business entity as a Florida Unique
423 Abilities Partner, the department shall consider, at a minimum,
424 the following criteria:

425 (a) For a designation based on an application by a
426 business:

427 1. A business entity must certify that it employs at least
428 one individual who has a disability. Such employees must be
429 residents of this state and must have been employed by the
430 business entity for at least 9 months before the business
431 entity's application for the designation. The department may not
432 require the employer to provide personally identifiable
433 information about its employees;

434 2. A business entity must certify that it has made
435 contributions to local and national disability organizations or
436 contributions in support of individuals who have a disability.
437 Contributions may be accomplished through financial or in-kind
438 contributions, including employee volunteer hours. Contributions
439 must be documented by providing copies of written receipts or
440 letters of acknowledgment from recipients or donees. A business
441 entity with 100 or fewer employees must make a financial or in-
442 kind contribution of at least \$1,000, and a business entity with
443 more than 100 employees must make a financial or in-kind
444 contribution of at least \$5,000; or

445 3. A business entity must certify that it has established,



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446 or has contributed to the establishment of, a program that
447 contributes to the independence of individuals who have a
448 disability. Contributions must be documented by providing copies
449 of written receipts, a summary of the program, program
450 materials, or letters of acknowledgment from program
451 participants or volunteers. A business entity with 100 or fewer
452 employees must make a financial or in-kind contribution of at
453 least \$1,000 in the program, and a business entity with more
454 than 100 employees must make a financial or in-kind contribution
455 of at least \$5,000.

456
457 A business entity that applies to the department to be
458 designated as a Florida Unique Abilities Partner shall be
459 awarded the designation upon meeting the requirements of this
460 section.

461 (b) For a designation based upon receipt of a nomination of
462 a business entity:

463 1. The department shall determine whether the nominee,
464 based on the information provided by the nominating person or
465 entity, meets the requirements of paragraph (a). The department
466 may request additional information from the nominee.

467 2. If the nominee meets the requirements, the department
468 shall provide notice, including the qualification criteria
469 provided in the nomination, to the nominee regarding the
470 nominee's eligibility to be awarded a designation as a Florida
471 Unique Abilities Partner.

472 3. The nominee shall be provided 30 days from the receipt
473 of the notice to certify that the information in the notice is
474 true and accurate and accept the nomination; or to decline the



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475 nomination. After 30 days, if the nomination has not been
476 accepted, the department may not award the designation. If the
477 nominee accepts the nomination, the department shall award the
478 designation. If the nominee declines the nomination, the
479 department may not award the designation.

480 (5) ANNUAL CERTIFICATION.—After an initial designation as a
481 Florida Unique Abilities Partner, a business entity must certify
482 each year that it continues to meet the criteria for the
483 designation. If a business entity does not submit the yearly
484 certification of continued eligibility, the department shall
485 remove the designation. A business entity may elect to
486 discontinue its use of the designation at any time by notifying
487 the department of such decision.

488 (6) LOGO DEVELOPMENT.—

489 (a) The department, in consultation with members of the
490 disability community, shall develop a logo that identifies a
491 business entity that is designated as a Florida Unique Abilities
492 Partner.

493 (b) The department shall adopt guidelines and requirements
494 for use of the logo, including how the logo may be used in
495 advertising. The department may allow a business entity to
496 display a Florida Unique Abilities Partner logo upon
497 designation. A business entity that has not been designated as a
498 Florida Unique Abilities Partner or has elected to discontinue
499 its designated status may not display the logo.

500 (7) WEBSITE.—The department shall maintain a website for
501 the program. At a minimum, the website must provide: a list of
502 business entities, by county, that currently have the Florida
503 Unique Abilities Partner designation, updated quarterly;



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504 information regarding the eligibility requirements for the
505 designation and the method of application or nomination; and
506 best practices for business entities to facilitate the inclusion
507 of individuals who have a disability, updated annually. The
508 website may provide links to the websites of organizations or
509 other resources that will aid business entities to employ or
510 support individuals who have a disability.

511 (8) INTERAGENCY COLLABORATION.—

512 (a) The Agency for Persons with Disabilities shall provide
513 a link on its website to the department's website for the
514 Florida Unique Abilities Partner program.

515 (b) On a quarterly basis, the department shall provide the
516 Florida Tourism Industry Marketing Corporation with a current
517 list of all businesses that are designated as Florida Unique
518 Abilities Partners. The Florida Tourism Industry Marketing
519 Corporation must consider the Florida Unique Abilities Partner
520 program in the development of marketing campaigns, and
521 specifically in any targeted marketing campaign for individuals
522 who have a disability or their families.

523 (c) The department and CareerSource Florida, Inc., shall
524 identify employment opportunities posted by business entities
525 that currently have the Florida Unique Abilities Partner
526 designation on the workforce information system under s.
527 445.011, Florida Statutes.

528 (9) REPORT.—

529 (a) By January 1, 2016, the department shall provide a
530 report to the President of the Senate and the Speaker of the
531 House of Representatives on the status of the implementation of
532 this section, including the adoption of rules, development of



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533 the logo, and development of application procedures.

534 (b) Beginning in 2016 and each year thereafter, the
535 department's annual report required under s. 20.60, Florida
536 Statutes, must describe in detail the progress and use of the
537 program. At a minimum, the report must include the following
538 information for the most recent year: the number of applications
539 and nominations received; the number of nominations accepted and
540 declined; designations awarded; annual certifications; use of
541 information provided under subsection (8); and any other
542 information deemed necessary to evaluate the program.

543 (10) RULES.—The department shall adopt rules to administer
544 this section.

545 Section 8. For the 2015-2016 fiscal year, the sums of
546 \$100,000 in recurring funds and \$100,000 in nonrecurring funds
547 from the Special Employment Security Administration Trust Fund
548 are appropriated to the Department of Economic Opportunity for
549 the purpose of funding the development, implementation, and
550 administration of the Florida Unique Abilities Partner program
551 created by this act.

552 Section 9. For the 2015-2016 fiscal year, the sums of
553 \$63,664 in recurring funds and \$73,570 in nonrecurring funds
554 from the Insurance Regulatory Trust Fund are appropriated to the
555 Consumer Assistance Program within the Department of Financial
556 Services and one full-time equivalent position with associated
557 salary rate of 41,114 is authorized for the program for the
558 purpose of implementing the Financial Literacy Program for
559 Individuals with Developmental Disabilities created by this act.

560 Section 10. For the 2015-2016 fiscal year, the following
561 sums are appropriated for the purpose of implementing the



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562 amendments made by this act to s. 110.112, Florida Statutes,
563 relating to the employment of individuals who have a disability:

564 (1) The sum of \$138,692 in recurring funds and the sum of
565 \$26,264 in nonrecurring funds is appropriated from the State
566 Personnel System Trust Fund to the Department of Management
567 Services, and two full-time equivalent positions with associated
568 salary rate of 92,762 are authorized.

569 (2) The sum of \$88,285 from the General Revenue Fund and
570 the sum of \$76,671 from trust funds within the Human Resource
571 Services appropriation category are appropriated to Administered
572 Funds.

573 Section 11. Except as otherwise expressly provided in this
574 act, this act shall take effect July 1, 2015.

575
576 ===== T I T L E A M E N D M E N T =====

577 And the title is amended as follows:

578 Delete everything before the enacting clause
579 and insert:

580 A bill to be entitled
581 An act relating to individuals with disabilities;
582 creating s. 17.68, F.S.; providing legislative
583 findings; establishing the Financial Literacy Program
584 for Individuals with Developmental Disabilities within
585 the Department of Financial Services; requiring the
586 department to develop and implement the program in
587 consultation with specified stakeholders; providing
588 for the participation of banks, credit unions, savings
589 associations, and savings banks; requiring the program
590 to provide information and other offerings on



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591 specified issues to individuals with developmental
592 disabilities and employers in this state; requiring
593 the department to establish on its website a
594 clearinghouse for information regarding the program
595 and to publish a brochure describing the program;
596 requiring, by a specified date, qualified public
597 depositories to make copies of the department's
598 brochure available and provide a hyperlink on their
599 websites to the department's website for the program;
600 reordering and amending s. 110.107, F.S.; revising
601 definitions and defining the term "individual who has
602 a disability"; amending s. 110.112, F.S.; revising the
603 state's equal employment opportunity policy to include
604 individuals who have a disability; requiring each
605 executive agency to annually report to the Department
606 of Management Services regarding the agency's progress
607 in increasing employment among certain
608 underrepresented groups; revising the required content
609 of the department's annual workforce report; requiring
610 the department to develop and implement certain
611 programs geared toward individuals who have a
612 disability; requiring the department to develop
613 training programs by a specified date; requiring each
614 executive agency to develop a plan regarding the
615 employment of individuals who have a disability by a
616 specified date; requiring the department to report to
617 the Governor and the Legislature regarding
618 implementation; requiring the department to compile
619 and post data regarding the hiring practices of



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620 executive agencies regarding the employment of
621 individuals who have a disability; requiring the
622 department to assist executive agencies in identifying
623 strategies to retain employees who have a disability;
624 requiring the department to adopt certain rules;
625 specifying that the act does not create any
626 enforceable right or benefit; amending s. 280.16,
627 F.S.; requiring a qualified public depository to
628 participate in the Financial Literacy Program for
629 Individuals with Developmental Disabilities; amending
630 s. 393.063, F.S.; revising the definition of the term
631 "developmental disability" to include Down syndrome;
632 creating the "Employment First Act"; providing
633 legislative intent; providing a purpose; requiring
634 specified state agencies and organizations to develop
635 and implement an interagency cooperative agreement;
636 requiring the interagency cooperative agreement to
637 provide the roles, responsibilities, and objectives of
638 state agencies and organizations; requiring the
639 Department of Economic Opportunity, in consultation
640 with other organizations, to create the Florida Unique
641 Abilities Partner program; defining terms; authorizing
642 a business entity to apply to the department for
643 designation; requiring the department to consider
644 nominations of business entities for designation;
645 requiring the department to adopt procedures for
646 application and designation processes; establishing
647 criteria for a business entity to be designated as a
648 Florida Unique Abilities Partner; requiring a business



649 entity to certify that it continues to meet the
650 established criteria for designation each year;
651 requiring the department to remove the designation if
652 a business entity does not submit yearly certification
653 of continued eligibility; authorizing a business
654 entity to discontinue its use of the designation;
655 requiring the department, in consultation with the
656 disability community, to develop a logo for business
657 entities designated as Florida Unique Abilities
658 Program Partners; requiring the department to adopt
659 guidelines and requirements for use of the logo;
660 authorizing the department to allow a designated
661 business entity to display a logo; prohibiting the use
662 of a logo if a business entity does not have a current
663 designation; requiring the department to maintain a
664 website with specified information; requiring the
665 Agency for Persons with Disabilities to provide a link
666 on its website to the department's website for the
667 Florida Unique Abilities Partner program; requiring
668 the department to provide the Florida Tourism Industry
669 Marketing Corporation with certain information;
670 requiring the department and CareerSource Florida,
671 Inc., to identify employment opportunities posted by
672 employers that receive the Florida Unique Abilities
673 Partner designation on the workforce information
674 system; providing report requirements; requiring the
675 department to adopt rules; providing appropriations;
676 providing effective dates.



594-01979-15

Proposed Committee Substitute by the Committee on Fiscal Policy
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to individuals with disabilities; reordering and amending s. 110.107, F.S.; revising definitions and defining the term "individual who has a disability"; amending s. 110.112, F.S.; revising the state's equal employment opportunity policy to include individuals who have a disability; requiring each executive agency to annually report to the Department of Management Services regarding the agency's progress in increasing employment among certain underrepresented groups; revising the required content of the department's annual workforce report; requiring the department to develop and implement certain programs geared toward individuals who have a disability; requiring the department to develop training programs by a specified date; requiring each executive agency to develop a plan regarding the employment of individuals who have a disability by a specified date; requiring the department to report to the Governor and the Legislature regarding implementation; requiring the department to compile and post data regarding the hiring practices of executive agencies regarding the employment of individuals who have a disability; requiring the department to assist executive agencies in identifying strategies to retain employees who have a disability; requiring the department to adopt certain rules;



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specifying that the act does not create any enforceable right or benefit; providing appropriations; providing an effective date.

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

Section 1. Section 110.107, Florida Statutes, is reordered and amended to read:

110.107 Definitions.—As used in this chapter, the term:

~~(5)(1)~~ "Department" means the Department of Management Services.

~~(28)(2)~~ "Secretary" means the Secretary of Management Services.

~~(11)(3)~~ "Furlough" means a temporary reduction in the regular hours of employment in a pay period, or temporary leave without pay for one or more pay periods, with a commensurate reduction in pay, which is necessitated by a projected deficit in any fund that supports salary and benefit appropriations. The deficit must be projected by the Revenue Estimating Conference pursuant to s. 216.136(3).

~~(30)(4)~~ "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch or the judicial branch of state government as defined in chapter 216.

~~(21)(5)~~ "Position" means the work, consisting of duties and responsibilities, assigned to be performed by an officer or employee.

~~(10)(6)~~ "Full-time position" means a position authorized for the entire normally established work period, whether daily,



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57 weekly, monthly, or annually.

58 ~~(18)(7)~~ "Part-time position" means a position authorized
59 for less than the entire normally established work period,
60 whether daily, weekly, monthly, or annually.

61 ~~(16)(8)~~ "Occupation" means all positions that ~~which~~ are
62 sufficiently similar in knowledge, skills, ~~and~~ abilities, and
63 the sufficiently similar as to kind or subject matter of work.

64 ~~(17)(9)~~ "Occupational group" means a group of occupations
65 that ~~which~~ are sufficiently similar in the kind of work
66 performed to warrant the use of the same performance factors in
67 determining the level of complexity for all occupations in that
68 occupational group.

69 ~~(3)(10)~~ "Classification plan" means a formal description of
70 the concepts, rules, job family definitions, occupational group
71 characteristics, and occupational profiles used in the
72 classification of positions.

73 ~~(20)(11)~~ "Pay plan" means a formal description of the
74 philosophy, methods, procedures, and salary schedules for
75 competitively compensating employees at market-based rates for
76 work performed.

77 ~~(27)(12)~~ "Salary schedule" means an official document that
78 ~~which~~ contains a complete list of occupation titles, broadband
79 level codes, and pay bands.

80 ~~(1)(13)~~ "Authorized position" means a position included in
81 an approved budget. In counting the number of authorized
82 positions, part-time positions may be converted to full-time
83 equivalents.

84 ~~(8)(14)~~ "Established position" means an authorized position
85 that ~~which~~ has been classified in accordance with a



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86 classification and pay plan as provided by law.

87 ~~(22)(15)~~ "Position number" means the identification number
88 assigned to an established position.

89 ~~(26)(16)~~ "Reclassification" means the changing of an
90 established position in one broadband level in an occupational
91 group to a higher or lower broadband level in the same
92 occupational group or to a broadband level in a different
93 occupational group.

94 ~~(24)(17)~~ "Promotion" means the changing of the
95 classification of an employee to a broadband level having a
96 higher maximum salary; or the changing of the classification of
97 an employee to a broadband level having the same or a lower
98 maximum salary but a higher level of responsibility.

99 ~~(4)(18)~~ "Demotion" means the changing of the classification
100 of an employee to a broadband level having a lower maximum
101 salary; or the changing of the classification of an employee to
102 a broadband level having the same or a higher maximum salary but
103 a lower level of responsibility.

104 ~~(32)(19)~~ "Transfer" means moving an employee from one
105 geographic location of the state to a different geographic
106 location more than in excess of 50 miles from the employee's
107 current work location.

108 ~~(25)(20)~~ "Reassignment" means moving an employee from a
109 position in one broadband level to a different position in the
110 same broadband level or to a different broadband level having
111 the same maximum salary.

112 ~~(6)(21)~~ "Dismissal" means a disciplinary action taken by an
113 agency pursuant to s. 110.227 against an employee which results
114 ~~resulting~~ in the termination of his or her employment.



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115 ~~(31)(22)~~ "Suspension" means a disciplinary action taken by
116 an agency pursuant to s. 110.227 against an employee ~~which~~ ~~to~~
117 temporarily ~~relieves~~ ~~relieve~~ the employee of his or her duties
118 and ~~places~~ ~~place~~ him or her on leave without pay.

119 ~~(15)(23)~~ "Layoff" means termination of employment due to a
120 shortage of funds or work, or a material change in the duties or
121 organization of an agency, including the outsourcing or
122 privatization of an activity or function previously performed by
123 career service employees.

124 ~~(7)(24)~~ "Employing agency" means any agency authorized to
125 employ personnel to carry out the responsibilities of the agency
126 under the provisions of chapter 20 or other ~~law~~ ~~statutory~~
127 ~~authority~~.

128 ~~(29)(25)~~ "Shared employment" means part-time career
129 employment ~~in which~~ ~~whereby~~ the duties and responsibilities of a
130 full-time position in the career service are divided among part-
131 time employees who are eligible for the position and who receive
132 career service benefits and wages pro rata. ~~The term~~ ~~in no case~~
133 ~~shall~~ "shared employment" ~~does not~~ include the employment of
134 persons paid from other-personal-services funds.

135 ~~(9)(26)~~ "Firefighter" means a firefighter certified under
136 chapter 633.

137 ~~(14)(27)~~ "Law enforcement or correctional officer" means a
138 law enforcement officer, special agent, correctional officer,
139 correctional probation officer, or institutional security
140 specialist ~~required to be~~ certified under chapter 943.

141 ~~(23)(28)~~ "Professional health care provider" means
142 registered nurses, physician's assistants, dentists,
143 psychologists, nutritionists or dietitians, pharmacists,



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144 psychological specialists, physical therapists, and speech and
145 hearing therapists.

146 ~~(13)(29)~~ "Job family" means a defined grouping of one or
147 more occupational groups.

148 ~~(19)(30)~~ "Pay band" means the minimum salary, the maximum
149 salary, and intermediate rates ~~that~~ ~~which~~ are payable for work
150 in a specific broadband level.

151 ~~(2)(31)~~ "Broadband level" means all positions ~~that~~ ~~which~~
152 are sufficiently similar in knowledge, skills, and abilities;
153 ~~the,~~ ~~and~~ ~~sufficiently~~ ~~similar~~ ~~as~~ ~~to~~ kind or subject matter of
154 work; ~~the,~~ level of difficulty or ~~the~~ level of
155 responsibilities; ~~and~~ the qualification requirements of the
156 work ~~so~~ ~~as~~ to warrant the same treatment ~~with~~ ~~respect~~ ~~as~~ to
157 title, pay band, and other personnel transactions.

158 ~~(12)~~ "Individual who has a disability" means a person who
159 has a physical or intellectual impairment that substantially
160 limits one or more major life activities; a person who has a
161 history or record of such an impairment; or a person who is
162 perceived by others as having such an impairment.

163 Section 2. Subsections (1) and (2) of section 110.112,
164 Florida Statutes, are amended, present subsections (3) through
165 (6) of that section are redesignated as subsections (4) through
166 (7), respectively, and a new subsection (3) is added to that
167 section, to read:

168 110.112 Affirmative action; equal employment opportunity.-

169 (1) It ~~is~~ ~~shall be~~ the policy of ~~this~~ ~~the~~ state to assist
170 in providing the assurance of equal employment opportunity
171 through programs of affirmative and positive action that will
172 allow full utilization of women, ~~and~~ minorities, and individuals



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173 who have a disability.

174 (2) (a) The head of each executive agency shall develop and
175 implement an affirmative action plan in accordance with rules
176 adopted by the department and approved by a majority vote of the
177 Administration Commission before their adoption.

178 (b) Each executive agency shall establish annual goals for
179 ensuring full utilization of groups underrepresented in the
180 agency's ~~its~~ workforce, including women, minorities, and
181 individuals who have a disability, as compared to the relevant
182 labor market, as defined by the agency. Each executive agency
183 shall design its affirmative action plan to meet its established
184 goals.

185 (c) Each executive agency shall annually report to the
186 department regarding the agency's progress toward increasing
187 employment among women, minorities, and individuals who have a
188 disability.

189 (d) ~~(e)~~ An affirmative action-equal employment opportunity
190 officer shall be appointed by the head of each executive agency.
191 The affirmative action-equal employment opportunity officer's
192 responsibilities must include determining annual goals,
193 monitoring agency compliance, and providing consultation to
194 managers regarding progress, deficiencies, and appropriate
195 corrective action.

196 (e) ~~(d)~~ The department shall report information in its
197 annual workforce report relating to the implementation,
198 continuance, updating, and results of each executive agency's
199 affirmative action plan for the previous fiscal year. The annual
200 workforce report must also include data for each executive
201 agency relating to employment levels among women, minorities,



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202 and individuals who have a disability.

203 (f) ~~(e)~~ The department shall provide to all supervisory
204 personnel of the executive agencies training in the principles
205 of equal employment opportunity and affirmative action, the
206 development and implementation of affirmative action plans, and
207 the establishment of annual affirmative action goals. The
208 department may contract for training services, and each
209 participating agency shall reimburse the department for costs
210 incurred through such contract. After the department approves
211 the contents of the training program for the agencies, the
212 department may delegate this training to the executive agencies.

213 (3) (a) The department, in consultation with the Agency for
214 Persons with Disabilities, the Division of Vocational
215 Rehabilitation of the Department of Education, the Department of
216 Economic Opportunity, and the Executive Office of the Governor,
217 shall develop and implement programs that incorporate
218 internships, mentoring, on-the-job training, unpaid work
219 experience, situational assessments, and other innovative
220 strategies that are specifically geared toward individuals who
221 have a disability.

222 (b) By January 1, 2016, the department shall develop
223 mandatory training programs for human resources personnel and
224 hiring managers of executive agencies which support the
225 employment of individuals who have a disability.

226 (c) 1. By January 1, 2016, each executive agency shall
227 develop an agency-specific plan that addresses how to promote
228 employment opportunities for individuals who have a disability.

229 2. The department shall assist executive agencies in the
230 implementation of agency-specific plans. The department shall



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231 regularly report to the Governor, the President of the Senate,
232 and the Speaker of the House of Representatives the progress of
233 executive agencies in implementing these plans. Such reports
234 shall be made at least biannually.

235 (d) The department shall compile data regarding the hiring
236 practices of executive agencies with regard to individuals who
237 have a disability and make such data available on its website.

238 (e) The department shall assist executive agencies in
239 identifying and implementing strategies for retaining employees
240 who have a disability which include, but are not limited to,
241 training programs, funding reasonable accommodations, increasing
242 access to appropriate technologies, and ensuring accessibility
243 of physical and virtual workplaces.

244 (f) The department shall adopt rules relating to forms that
245 provide for the voluntary self-identification of individuals who
246 a disability who are employed by an executive agency.

247 (g) This subsection does not create any substantive or
248 procedural right or benefit enforceable at law or in equity
249 against the state or a state agency, or an officer, employee, or
250 agent thereof.

251 Section 3. For the 2015-2016 fiscal year:

252 (1) The sum of \$138,692 in recurring funds and the sum of
253 \$26,264 in nonrecurring funds is appropriated from the State
254 Personnel System Trust Fund to the Department of Management
255 Services, and two full-time equivalent positions with associated
256 salary rate of 92,762 are authorized, for the purpose of
257 implementing this act.

258 (2) The sum of \$88,285 from the General Revenue Fund and
259 the sum of \$76,671 from trust funds within the Human Resource



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260 Services appropriation category are appropriated to Administered
261 Funds for the purpose of implementing this act.

262 Section 4. This act shall take effect July 1, 2015.

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 Fiscal Policy

BILL: CS/SB 7022

INTRODUCER: Fiscal Policy Committee (Recommended by Appropriations Subcommittee of General Government); Governmental Oversight and Accountability Committee; Senators Galvano and Hukill

SUBJECT: Individuals With Disabilities

DATE: March 20, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Peacock</u>	<u>McVaney</u>		GO SPB 7022 as introduced
1.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Fav/CS
2.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7022 addresses the employment and economic independence of individuals with disabilities. Specifically, the bill:

- Modifies the state's equal employment policy to provide enhanced executive agency employment opportunities for individuals who have a disability;
- Creates the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services to provide information and outreach to individuals and employers;
- Creates the Employment First Act requiring an interagency cooperative agreement among specified state agencies and organizations to ensure a long-term commitment to improve employment for individuals who have a disability; and
- Creates the Florida Unique Abilities Partner program to recognize businesses that employ or support the independence of individuals who have a disability.

The bill makes several appropriations to implement the programs and activities required under the bill. Specifically, the bill:

- Appropriates \$164,956 and 2 FTE to the Department of Management Services to implement the provisions relating enhancing executive agency employment opportunities;

- Appropriates \$137,234 and 1 FTE to Department of Financial Services for the implementation of the Financial Literacy Program for Individuals with Developmental Disabilities; and
- Appropriates \$200,000 to the Department of Economic Opportunity for the implementation of the Florida Unique Abilities Partner program.

II. Present Situation:

According to the United States Census Bureau, individuals who have a disability make up approximately 13.4 percent of the population of Florida, and 10.3 percent of individuals ages 18 to 64 (working age) have a disability.¹ In 2013, over 20 percent of working aged individuals who have a disability lived below the federal poverty line in Florida, compared with 14.3 percent of individuals without a disability.²

Individuals who have a disability experience significant disparities in employment and participation in the workforce.³ For example, 18.2 percent of individuals who have a disability are employed in Florida, while over 60.5 percent of those who do not have a disability are employed.⁴ The trend is similar nationally with an 11.2 percent unemployment rate for individuals who have a disability and a 5.6 percent unemployment rate for individuals without a disability.⁵ According to the National Disability Institute (NDI), many of these individuals would like to find employment, but are concerned if they earn more money it will cause them to lose disability and health benefits.⁶

State Equal Employment Policy

Section 110.112, F.S., declares that the policy of the state is to afford equal employment opportunities through programs of affirmative and positive action allowing for the full utilization of women and minorities. Each executive agency is required to develop and implement an affirmative action plan;⁷ establish annual goals in its affirmative action plan for ensuring full

¹ U.S. Department of Commerce, U.S. Census Bureau, American Fact Finder, *Selected Social Characteristics in the United States, 2013 American Community Survey 1-year Estimates*, Report DP02, searchable database available at <http://factfinder.census.gov/> (last visited March 19, 2015).

² U.S. Department of Commerce, U.S. Census Bureau, American Fact Finder, *Selected Economic Characteristics for the Civilian Noninstitutionalized Population by Disability Status, 2013, American Community Survey 1-year Estimates*, Report S1811, searchable database available at <http://factfinder.census.gov/> (last visited March 19, 2015).

³ American Institutes for Research, *An Uneven Playing Field: The Lack of Equal Pay for People with Disabilities*, p. 2, December 2014, available at http://www.air.org/sites/default/files/Lack%20of%20Equal%20Pay%20for%20People%20with%20Disabilities_Dec%2014.pdf (last accessed March 19, 2015).

⁴ Supra note 2.

⁵ U.S. Department of Labor, Bureau of Labor Statistics, *Employment Status of the Civilian Population by Sex, Age, and Disability Status, not seasonally adjusted*, available at <http://www.bls.gov/news.release/empsit.t06.htm> (last visited March 19, 2015).

⁶ National Disability Institute with support from the Florida Development Disabilities Council, *The Changing Face of Benefits Knowledge for Successful Employment and Asset Development*, p. 1, March 2013, available at http://www.realeconomicimpact.org/data/files/other%20documents/changing_face_of_benefits_2013.pdf.pdf (last visited March 19, 2015).

⁷ Section 110.112(2)(a), F.S.

utilization of groups underrepresented in the agency's workforce as compared to the relevant labor market;⁸ and appoint an affirmative action-equal employment opportunity officer.⁹

Presently, s. 110.112, F.S., does not contain a definition of the term "individual who has a disability" and does not specifically address equal employment opportunity and affirmative action for this group.

State Disability Resources

Various state agencies provide services, benefits, and resources for individuals with disabilities. These agencies include the Agency for Health Care Administration (AHCA), the Agency for Persons with Disabilities (APD), the Department of Children and Families (DCF), the Department of Economic Opportunity (DEO), and the Department of Education (DOE). Many state and regional advocacy groups also provide resources and services.

Section 393.063(9), F.S., defines developmental disability to mean "a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely."

The APD currently serves approximately 55,000 clients with developmental disabilities.¹⁰ The total population of individuals in Florida with developmental disabilities is indeterminate at this time. However, the APD estimates the population of individuals with developmental disabilities in Florida could be between 300,000 to 600,000 people.¹¹

Governor's Commission of Jobs for Floridians with Disabilities

On July 26, 2011, Governor Scott created the Governor's Commission on Jobs for Floridians with Disabilities to advance job and employment opportunities for persons with disabilities in order to help those individuals achieve greater independence.¹² The commission found that the state's disability system does not effectively connect employers to candidates with disabilities and inform them about the resources available to support these individuals in the workplace. The commission recommended that the DEO serve as a single-point of contact to assist employers in finding these resources and services in order to help them recruit, hire, and retain individuals with disabilities. The commission further recommended the DEO provide information on available services and support that make it possible for persons with disabilities to succeed in the

⁸ Section 110.112(2)(b), F.S.

⁹ Section 110.112(2)(c), F.S., provides that the duties of the affirmative action-equal employment opportunity officer include "determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action."

¹⁰ Email from the Agency for Persons with Disabilities regarding SB 206, January 11, 2015, Summary of Active Clients (on file with the Senate Banking and Insurance Committee).

¹¹ Email from the Agency for Persons with Disabilities regarding SB 206, January 13, 2015, (on file with the Senate Banking and Insurance Committee).

¹² Executive Order 11-161, available at <http://www.flgov.com/gcifd/> (last visited March 9, 2015).

workforce. The “Abilities Work” web portal¹³ within the Employ Florida Marketplace¹⁴ website was developed to meet the needs of Florida employers looking to hire qualified job seekers with disabilities and of individuals with disabilities who are seeking to find employment.

Employment First Initiative

On October 8, 2013, Governor Scott issued Executive Order 13-284 requiring an interagency cooperative agreement between state agencies and other disability service organizations to ensure a long-term commitment to improving employment for individuals who have a disability.¹⁵ The Executive Order directed state agencies and organizations to develop methods to increase the number and percentage of growth in competitive employment for individuals who have a disability. In 2014, a five-year interagency cooperative agreement identified as the Employment First Initiative was executed by the following agencies and organizations:

- Agency for Persons with Disabilities;
- Department of Education, Bureau of Exceptional Education and Student Services;
- Department of Education, Division of Vocational Rehabilitation;
- Department of Education, Division of Blind Services;
- Department of Economic Opportunity;
- CareerSource Florida, Inc.;
- Department of Children and Families, Substance Abuse and Mental Health Office;
- Florida Developmental Disabilities Council, Inc.; and
- Florida Association of Rehabilitation Facilitates, Inc.¹⁶

Department of Financial Services

The Chief Financial Officer (CFO) of the State of Florida is the head of the DFS.¹⁷ The CFO has established outreach and education programs to increase the financial literacy of Florida residents and to protect them from financial fraud. These initiatives include, among others, a comprehensive online financial literacy and education initiative to provide Hispanic Floridians and their families with important financial information and resources, a program to educate and protect seniors from financial scams and identity theft, and financial education for military service members.¹⁸

¹³ The Abilities Work website, available at <https://abilitieswork.employflorida.com/vosnet/Default.aspx#> (last visited March 9, 2014).

¹⁴ Employ Florida Marketplace (EFM) is a partnership of CareerSource Florida, Inc., (formerly Workforce Florida, Inc.) and the Department of Economic Opportunity.

¹⁵ See Executive Order 13-284 available at <http://www.flgov.com/wp-content/uploads/orders/2013/13-284-disabilities.pdf> (last visited March 16, 2015).

¹⁶ Interagency Cooperative Agreement, Employment First Initiative (2014), FLDOE Contract No.:IA-556, available at <http://www.fddc.org/sites/default/files/2.Employment%20First%20Interagency%20Cooperative%20Agreement.5.7.14.pdf> (last visited March 18, 2015). The Florida Developmental Disabilities Council, Inc., is the point of contact for the agreement until June 30, 2015.

¹⁷ Section 20.121(1), F.S.

¹⁸ See Your Money Matter\$, a one-stop website to access the DFS’s financial literacy resources, available at <http://www.myfloridacfo.com/ymm/> (last visited March 9, 2015).

Presently, the CFO has not established an outreach or education program to address the financial literacy of individuals with developmental disabilities.

Corporate Social Responsibility and Consumer Response

Corporate social responsibility is now a standard practice in the business world.¹⁹ Corporate social responsibility is defined as a company's sense of responsibility toward the community and environment,²⁰ which may be expressed through support of issues, such as ethical supply sourcing or a contribution to, or support for, social issues and programs. In 2013, corporations in the United States gave approximately \$18.7 billion, consisting of both cash and non-cash donations, such as product donations and employee volunteer hours.²¹ Corporate philanthropy is considered advantageous to a business because it provides the company with a bolstered public image, improved community relations, and increased employee morale.²²

Studies suggest that people value businesses that support causes that are important to them. A recent Nielsen survey found that 55 percent of global respondents indicated a willingness to pay extra for goods and services from businesses that are committed to making a positive social and environmental impact.²³ Consumers are becoming "more deliberate and purposeful" in their shopping decisions by patronizing businesses that have similar values to their own.²⁴ Consumers are also more likely to be loyal to those brands that share their values or are engaged in the support of those causes that are important to them.²⁵ People may even base their employment decisions on such values.

III. Effect of Proposed Changes:

State Equal Employment Policy

(Section 2, amending s. 110.107, F.S. and Section 3; amending s. 110.112, F.S.)

The bill modifies the state's employment policy to provide enhanced executive agency employment opportunities for persons who have a disability. Specifically, the bill reorders,

¹⁹ Illia, Laura et al., *Communicating Corporate Social Responsibility to a Cynical Public*, MIT SLOAN MANAGEMENT REVIEW, Feb. 21, 2013, available at http://sloanreview.mit.edu/article/communicating-corporate-social-responsibility-to-a-cynical-public/?use_credit=db34fbf0a135038c9c9102e028c614be (last visited March 13, 2015).

²⁰ BusinessDictionary.com, available at <http://www.businessdictionary.com/definition/corporate-social-responsibility.html> (last visited March 13, 2015).

²¹ Adams, Susan, *America's Most Generous Companies*, FORBES, July 15, 2014, available at <http://www.forbes.com/sites/susanadams/2014/07/15/americas-most-generous-companies/> (last visited March 13, 2015).

²² Montini, Laura, *Corporate Altruism Is on the Rise (Infographic)*, INC., Aug. 17, 2014, available at <http://www.inc.com/laura-montini/infographic/the-benefits-of-community-service.html> (last visited March 13, 2015).

²³ The Nielsen Company, *Doing Well by Doing Good* (June 2014), available at <http://www.nielsen.com/content/dam/corporate/us/en/reports-downloads/2014%20Reports/global-corporate-social-responsibility-report-june-2014.pdf> (last visited March 13, 2015).

²⁴ Solomon, Micah, *Six Customer Trends That Will Build or Break Your Business As We Enter 2015*, FORBES, Dec. 25, 2014, available at <http://www.forbes.com/sites/micahsolomon/2014/12/25/six-deep-customer-trends-that-will-build-or-break-your-business-as-we-enter-2015/> (last visited Mar. 13, 2015).

²⁵ Irwin, Julie, *Ethical Consumerism Isn't Dead, It Just Needs Better Marketing*, HARVARD BUSINESS REVIEW, Jan. 12, 2015, available at <https://hbr.org/2015/01/ethical-consumerism-isnt-dead-it-just-needs-better-marketing> (last visited Mar. 13, 2015).

amends, and revises definitions contained in s. 110.107, F.S., and defines the term “individual who has a disability.”

The definition of “individual who has a disability” mirrors the federal definition of “disability” contained in the ADA,²⁶ with the exception of the following:

- The federal term “mental impairment” is replaced with “intellectual impairment”; and
- The federal phrase “being regarded” is replaced with “who is perceived by others.”

Each executive agency is required to:

- Establish annual goals in its affirmative action plan to ensure the full utilization of underrepresented groups in the agency’s workforce, to specifically include individuals who have a disability as compared to the relevant labor market;
- Report annually to the DMS on the agency’s progress toward increasing employment of women, minorities, and individuals who have a disability; and
- Develop an agency-specific plan by January 1, 2016, addressing how to promote employment opportunities for individuals who have a disability.

The DMS is required to:

- Include data for each executive agency related to employment levels among women, minorities, and individuals who have a disability in its annual workforce report;
- Develop and implement programs specifically geared toward individuals who have a disability in consultation with the APD, the Division of Vocational Rehabilitation and the Division of Blind Services within the DOE, the DEO, and the Executive Office of the Governor;²⁷
- Develop mandatory training programs by January 1, 2016, for human resources personnel and hiring managers of executive agencies that support the employment of individuals who have a disability;
- Assist executive agencies in implementing agency-specific plans, and identifying and implementing strategies for retaining employees who have a disability;²⁸
- Biannually report on the progress of executive agencies in implementing their plans to the Governor, the President of the Senate, and the Speaker of the House of Representatives;
- Compile data regarding the hiring practices of executive agencies in regards to individuals who have a disability and make this data available on its website; and
- Adopt rules regarding forms that provide for voluntary self-identification of individuals who have a disability who are employed by an executive agency.

For FY 2015-2016 the sums of \$138,692 in recurring funds and \$26,264 in nonrecurring funds are appropriated from the State Personnel System Trust Fund to the DMS, and two FTE positions

²⁶ 42 U.S.C. s. 12102, defines “disability,” with respect to an individual, as a physical or mental impairment that substantially limits one or more life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

²⁷ These programs may incorporate internships, mentoring, on-the-job training, unpaid work experience, situational assessments, and other innovative strategies.

²⁸ Some of these strategies include training programs, funding reasonable accommodations, increasing access to technologies, and ensuring accessibility of physical and virtual workplaces.

are authorized for the purpose of implementing the amendments made by the bill to s. 110.112, F.S., relating to individuals who have a disability (Section 10).

Financial Literacy Program

(Section 2, creating s. 17.68, F.S.; and Section 4, amending s. 280.16(1)(e), F.S.)

The bill creates the Financial Literacy Program for Individuals with Developmental Disabilities within the DFS. The goal of the program is to promote economic independence and successful employment of individuals with developmental disabilities by providing resources, outreach, and education on specific issues. For individuals with developmental disabilities these issues include financial education, identification of financial and health benefit programs and services, job training and employment opportunities, and the impact of earnings and assets on federal and state programs. For employers of the state, the issues include information on state and federal law requirements with regard to the employment of individuals with developmental disabilities, and resources that facilitate such employment.

The DFS, in consultation with public and private stakeholders, is required to develop and implement the program. Credit unions, banks, savings associations, and savings banks will be key participants in the development and promotion of the program. The DFS must:

- Establish a clearinghouse for information regarding the program and other available resources for individuals with developmental disabilities and their employers on its website; and
- Publish a brochure that describes the program and is accessible through the website.

The bill requires financial institutions participating in the qualified public depository program to participate in the Financial Literacy Program as condition of eligibility for the qualified public depository program.²⁹ This requirement would apply to banks, savings associations, and savings banks that participate in the program.³⁰ Each participating financial institution must:

- Make program brochures available at each branch office; and
- Provide a hyperlink on its website to the DFS's program website.

These provisions take effect on January 1, 2016.

The bill redefines the term “developmental disability” to include individuals who have a disability that is attributable Down syndrome (Section 5, amending s. 393.063(9), F.S.)

For FY 2015-2016, the sums of \$63,664 in recurring funds and \$73,570 in nonrecurring funds from the Insurance Regulatory Trust Fund are appropriated to the Consumer Assistance Program within the DFS, and one FTE position is authorized for the program for the purpose of implementing the Financial Literacy Program for Individuals with Developmental Disabilities (Section 9).

²⁹ See ch. 280, F.S., A qualified public depository (QPD) is a bank, savings bank, or savings association that meets specific statutory criteria. The CFO administers the Florida Security for Public Deposits Act, a statewide program that insures public deposits of the state and governmental units are protected from loss due to failure of a financial institution.

³⁰ There are 157 active, qualified public depositories in the state of Florida. Office of Financial Regulation, *2015 Legislative Bill Analysis SB 206*, February 4, 2015 (on file with the Senate Fiscal Policy Committee).

Employment First Act

(Section 6)

The bill creates the Employment First Act requiring an interagency cooperative agreement to ensure a long-term commitment to improve employment for individuals who have a disability among the following state agencies and organizations:

- Agency for Person with Disabilities;
- Department of Education, Bureau of Exceptional Education and Student Services;
- Department of Education, Division of Vocational Rehabilitation;
- Department of Education, Division of Blind Services;
- Department of Economic Opportunity;
- CareerSource Florida, Inc.;
- Department of Children and Families, Substance Abuse and Mental Health Program; and
- Other appropriate organizations.

The interagency cooperative agreement must outline the roles and responsibilities of the parties to the agreement. The bill requires the objectives of the interagency agreement to include the following:

- Establishing commitment by state leadership to maximize resources and coordination to improve employment outcomes for individuals with disabilities;
- Developing strategic goals and benchmarks to assist the state agencies and organizations in the implementation of the agreement;
- Identifying financing and contracting methods to help prioritize employment for individuals with disabilities by state agencies and organizations;
- Establishing training methods to better integrate persons with disabilities into the workforce;
- Ensuring collaborative efforts between agencies;
- Promoting service innovations to better assist individuals with disabilities in the workplace; and
- Identifying accountability measures to ensure sustainability of the agreement.

Florida Unique Abilities Partner Program

(Section 7)

The bill creates the Florida Unique Abilities Partner program to recognize businesses that employ or support the independence of individuals who have a disability. The program is created within the DEO. The DEO is required to consult with the APD, the Division of Vocational Rehabilitation and Division of Blind Services of the DOE, and CareerSource Florida, Inc., in creating the program.

In order to be designated as a Florida Unique Abilities Partner, a business must submit an application to the DEO, indicating that the business would qualify for the designation due to the:

- Employment of individuals who have a disability;
- Contributions to local or national disability organizations; or
- Contributions to or the establishment of a program that contributes to the independence of individuals who have a disability.

At a minimum, to qualify for the designation, a business must:

- Employ at least one Florida resident who has a disability for at least 9 months before applying for the designation; the employer may not be required to provide personally identifiable information about its employees;
- Make a financial or in-kind contribution, including employee volunteer hours, to a local or national disability organization or a contribution in support of individuals who have a disability; or
- Establish or contribute to the establishment of a program that contributes to the independence of individuals who have a disability.

The DEO may also consider nominations from members of the community regarding a local business entity's qualification for designation as a Florida Unique Abilities Partner. The nomination must identify the business entity's achievements in one or more of the above-referenced categories.

A business must annually certify that it continues to meet the requirements to be designated a Florida Unique Abilities Partner. Failure to submit the annual certification will result in the removal of the business' designation. A business may elect to discontinue its use of the designation by notifying the DEO of such decision.

The DEO must adopt procedures for the application, nomination and designation processes for the Florida Unique Abilities Partner program.

The bill directs the DEO, in partnership with the disability community, to develop a logo that may be used to identify a business that has been designated as a Florida Unique Abilities Partner. The DEO is responsible for developing guidelines and requirements for the use and display of the Florida Unique Abilities Partner program logo.

The DEO must maintain a website that, at a minimum, provides:

- A list of businesses, by county, that currently have the Florida Unique Abilities Partners designation, updated quarterly;
- Information on the eligibility requirements for the designation and the method of application of nomination; and
- The best practices for businesses to facilitate the inclusion of individuals who have a disability, updated annually.

The website may provide links to the websites of organizations or other resources that will aid business entities to employ or support individuals who have a disability. The Agency for Persons with Disabilities must provide on its website a link to the DEO website for the Florida Unique Abilities Partner program. On the Employ Florida Marketplace, the DEO and CareerSource, Florida, Inc., must identify the employers that currently have a designation as a Florida Unique Abilities Partner designation.

The DEO is required to provide a list of businesses that have a designation as a Florida Unique Abilities Partner to VISIT Florida³¹ on a quarterly basis. VISIT Florida must consider using the program and the designees in marketing campaigns, including campaigns that target individuals who have a disability or their families.

The DEO must report its progress in implementing the Florida Unique Abilities Partner program to the Legislature by January 1, 2016. Also, beginning in 2016, the DEO must describe the progress and use of the program in its annual report required under s. 20.60, F.S.³²

For FY 2015-2016, the sums of \$100,000 in recurring funds and \$100,000 in nonrecurring funds from the Special Employment Security Administration Trust Fund are appropriated to the DEO for the purpose of funding the development, implementation, and administration of the Florida Unique Abilities Partner program (Section 8).

Effective Date

Except as otherwise provided, the bill takes effect on July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

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 Financial Literacy Program will facilitate greater financial literacy and economic independence among individuals with developmental disabilities by providing information and resources on financial products and services, financial management,

³¹ VISIT Florida is statutorily referred to as the Florida Tourism Industry Marketing Corporation. s. 288.1226, F.S.

³² This report is due to the Legislature on November 1 annually.

employment options, and federal and state benefits. Employers will also benefit from resources that will facilitate employment of individuals with developmental disabilities.

Financial institutions may incur indeterminate costs associated with providing brochures about the Financial Literacy Program at their places of business and revising their websites to provide a link to access the Financial Literacy Program's website.

Under the Unique Abilities Partner program a business that receives a designation may experience greater patronage due to the designation. Local or national disability organizations may receive additional donations from businesses seeking a designation under the program.

C. Government Sector Impact:

The bill makes several appropriations to implement the programs and activities created in the bill:

State Equal Employment Policy

The bill provides appropriations of \$138,692 in recurring funds and \$26,264 in nonrecurring funds from the State Personnel System Trust Fund to the DMS, and authorizes two positions. The bill also appropriates \$88,285 from the General Revenue Fund and \$76,671 from trust funds to Administered Funds that provide the revenue source to support the appropriation provided to the DMS.

Financial Literacy Program for Individuals with Disabilities

The bill provides one position and \$137,234 from the Insurance Regulatory Trust Fund within the DFS to implement this program (\$63,664 recurring and \$73,570 nonrecurring). This includes expense costs relating to printing and mailing brochures to all bank branches within the state.³³

Unique Abilities Partner Program

The bill appropriates \$100,000 in recurring funds and \$100,000 in nonrecurring funds from the Special Employment Security Administration Trust Fund. These costs are associated with staff time to develop the program, process applications, determine compliance, and designate businesses. IT staff time is also required to create, maintain, and update the website that is required by the bill.³⁴

VI. Technical Deficiencies:

None.

³³ See the DFS, *2015 Legislative Bill Analysis on SB 206*, February 12, 2015 (on file with the Senate Fiscal Policy Committee).

³⁴ The Department of Economic Opportunity, *Senate Bill 1246 Analysis* (March 5, 2015) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

VII. Related Issues:

The bill directs the DMS to adopt rules to relating to forms that provide for the voluntary self-identification of individuals who have a disability. The bill directs the DEO to adopt rules to administer the Florida Unique Abilities Partner program.

Under the Americans with Disabilities Act (ADA), employers are prohibited from inquiring about whether a person has a disability or the nature of a disability prior to employment.³⁵ However, an employer may inquire about the applicant's ability to perform job-related functions. Upon employment, an employer may require a medical examination it is required of all employees, is job-related, and consistent with business necessity. Any medical information obtained from the medical examination must be maintained in a separate file. If an employee requests a reasonable accommodation, an employer is permitted to request documentation sufficient to substantiate the need for the reasonable accommodation.³⁶

The DMS uses data from the Equal Employment Opportunity (EEO) Tabulation that is published by the U.S. Census Bureau for information on women and minorities. The EEO Tabulation provides detailed occupational statistics by race, ethnicity, and sex in the labor market by location-based geography. The Department of Economic Opportunity, the state agency responsible for maintaining employment data, has informed the DMS that data for individuals who have a disability is not available at the occupational level. Data is only available in broad categories (employed/unemployed, full-time/less than full-time). Accordingly, it might be difficult for agencies to establish numerical goals on such limited data.³⁷

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 110.107, 110.112, 280.16, 393.063.

This bill creates section 17.68 of the Florida Statutes.

This bill creates two undesignated sections of the Florida Statutes.

IX. Additional Information:

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

CS by Fiscal Policy on March 19, 2015:

The committee substitute modifies the states equal opportunity policy and creates several programs related to the economic independence of individuals who have disabilities. Specifically, the bill:

³⁵ See 42 U.S.C. s. 12112.

³⁶ EEOC, No. 915.002, *EEOC Enforcement Guidance of Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA)*, July 27, 2000, available at <http://www.eeoc.gov/policy/docs/guidance-inquiries.html> (last visited Mar. 13, 2015).

³⁷ See the DMS, *2015 Legislative Analysis on SB 7022*, (Feb. 13, 2015) (on file with the Senate Fiscal Policy Committee).

- Modifies the state's employment policy to provide enhanced executive agency employment opportunities for persons who have a disability;
- Creates the Financial Literacy Program for Individuals with Developmental Disabilities within the DFS;
- Creates the Employment First Act requiring an interagency cooperative agreement among specified state agencies and organizations to ensure a long-term commitment to improve employment for individuals who have a disability;
- Creates the Florida Unique Abilities Partner program within the DEO to recognize businesses that employ or support the independence of individuals who have a disability;
- Appropriates \$137,234 and 1 FTE to the DFS for the implementation of the Financial Literacy Program; and
- Appropriates \$200,000 to the DEO for the implementation of the Florida Unique Abilities Partner program.

As recommended by Appropriations Subcommittee on General Government the CS provides an appropriation to the DMS for FY 2015-2016 of \$138,692 in recurring funds and \$26,264 in nonrecurring funds from the State Personnel System Trust Fund and authorizes two FTE to implement and manage the programs.

B. Amendments:

None.

By the Committee on Governmental Oversight and Accountability

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1 A bill to be entitled
 2 An act relating to individuals with disabilities;
 3 reordering and amending s. 110.107, F.S.; revising
 4 definitions and defining the term "individual who has
 5 a disability"; amending s. 110.112, F.S.; revising the
 6 state's equal employment opportunity policy to include
 7 individuals who have a disability; requiring each
 8 executive agency to annually report to the Department
 9 of Management Services regarding the agency's progress
 10 in increasing employment among certain
 11 underrepresented groups; revising the required content
 12 of the department's annual workforce report; requiring
 13 the department to develop and implement certain
 14 programs geared toward individuals who have a
 15 disability; requiring the department to develop
 16 training programs by a specified date; requiring each
 17 executive agency to develop a plan regarding the
 18 employment of individuals who have a disability by a
 19 specified date; requiring the department to report to
 20 the Governor and the Legislature regarding
 21 implementation; requiring the department to compile
 22 and post data regarding the hiring practices of
 23 executive agencies regarding the employment of
 24 individuals who have a disability; requiring the
 25 department to assist executive agencies in identifying
 26 strategies to retain employees who have a disability;
 27 requiring the department to adopt certain rules;
 28 specifying that the act does not create any
 29 enforceable right or benefit; providing an effective

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30 date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Section 110.107, Florida Statutes, is reordered
 35 and amended to read:
 36 110.107 Definitions.—As used in this chapter, the term:
 37 (5)(1) "Department" means the Department of Management
 38 Services.
 39 (28)(2) "Secretary" means the Secretary of Management
 40 Services.
 41 (11)(3) "Furlough" means a temporary reduction in the
 42 regular hours of employment in a pay period, or temporary leave
 43 without pay for one or more pay periods, with a commensurate
 44 reduction in pay, which is necessitated by a projected deficit
 45 in any fund that supports salary and benefit appropriations. The
 46 deficit must be projected by the Revenue Estimating Conference
 47 pursuant to s. 216.136(3).
 48 (30)(4) "State agency" or "agency" means any official,
 49 officer, commission, board, authority, council, committee, or
 50 department of the executive branch or the judicial branch of
 51 state government as defined in chapter 216.
 52 (21)(5) "Position" means the work, consisting of duties and
 53 responsibilities, assigned to be performed by an officer or
 54 employee.
 55 (10)(6) "Full-time position" means a position authorized
 56 for the entire normally established work period, whether daily,
 57 weekly, monthly, or annually.
 58 (18)(7) "Part-time position" means a position authorized

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59 for less than the entire normally established work period,
60 whether daily, weekly, monthly, or annually.

61 ~~(16)(8)~~ "Occupation" means all positions that which are
62 sufficiently similar in knowledge, skills, ~~and~~ abilities, and
63 ~~the sufficiently similar as to~~ kind or subject matter of work.

64 ~~(17)(9)~~ "Occupational group" means a group of occupations
65 that which are sufficiently similar in the kind of work
66 performed to warrant the use of the same performance factors in
67 determining the level of complexity for all occupations in that
68 occupational group.

69 ~~(3)(10)~~ "Classification plan" means a formal description of
70 the concepts, rules, job family definitions, occupational group
71 characteristics, and occupational profiles used in the
72 classification of positions.

73 ~~(20)(11)~~ "Pay plan" means a formal description of the
74 philosophy, methods, procedures, and salary schedules for
75 competitively compensating employees at market-based rates for
76 work performed.

77 ~~(27)(12)~~ "Salary schedule" means an official document that
78 ~~which~~ contains a complete list of occupation titles, broadband
79 level codes, and pay bands.

80 ~~(1)(13)~~ "Authorized position" means a position included in
81 an approved budget. In counting the number of authorized
82 positions, part-time positions may be converted to full-time
83 equivalents.

84 ~~(8)(14)~~ "Established position" means an authorized position
85 that which has been classified in accordance with a
86 classification and pay plan as provided by law.

87 ~~(22)(15)~~ "Position number" means the identification number

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88 assigned to an established position.

89 ~~(26)(16)~~ "Reclassification" means the changing of an
90 established position in one broadband level in an occupational
91 group to a higher or lower broadband level in the same
92 occupational group or to a broadband level in a different
93 occupational group.

94 ~~(24)(17)~~ "Promotion" means the changing of the
95 classification of an employee to a broadband level having a
96 higher maximum salary; or the changing of the classification of
97 an employee to a broadband level having the same or a lower
98 maximum salary but a higher level of responsibility.

99 ~~(4)(18)~~ "Demotion" means the changing of the classification
100 of an employee to a broadband level having a lower maximum
101 salary; or the changing of the classification of an employee to
102 a broadband level having the same or a higher maximum salary but
103 a lower level of responsibility.

104 ~~(32)(19)~~ "Transfer" means moving an employee from one
105 geographic location of the state to a different geographic
106 location more than in excess of 50 miles from the employee's
107 current work location.

108 ~~(25)(20)~~ "Reassignment" means moving an employee from a
109 position in one broadband level to a different position in the
110 same broadband level or to a different broadband level having
111 the same maximum salary.

112 ~~(6)(21)~~ "Dismissal" means a disciplinary action taken by an
113 agency pursuant to s. 110.227 against an employee which results
114 ~~resulting in the~~ termination of his or her employment.

115 ~~(31)(22)~~ "Suspension" means a disciplinary action taken by
116 an agency pursuant to s. 110.227 against an employee which ~~to~~

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117 temporarily relieves ~~relieve~~ the employee of his or her duties
118 and places ~~place~~ him or her on leave without pay.

119 ~~(15)-(23)~~ "Layoff" means termination of employment due to a
120 shortage of funds or work, or a material change in the duties or
121 organization of an agency, including the outsourcing or
122 privatization of an activity or function previously performed by
123 career service employees.

124 ~~(7)-(24)~~ "Employing agency" means any agency authorized to
125 employ personnel to carry out the responsibilities of the agency
126 under the provisions of chapter 20 or other law ~~statutory~~
127 ~~authority~~.

128 ~~(29)-(25)~~ "Shared employment" means part-time career
129 employment in which ~~whereby~~ the duties and responsibilities of a
130 full-time position in the career service are divided among part-
131 time employees who are eligible for the position and who receive
132 career service benefits and wages pro rata. The term ~~In no case~~
133 ~~shall~~ "shared employment" does not include the employment of
134 persons paid from other-personal-services funds.

135 ~~(9)-(26)~~ "Firefighter" means a firefighter certified under
136 chapter 633.

137 ~~(14)-(27)~~ "Law enforcement or correctional officer" means a
138 law enforcement officer, special agent, correctional officer,
139 correctional probation officer, or institutional security
140 specialist ~~required to be~~ certified under chapter 943.

141 ~~(23)-(28)~~ "Professional health care provider" means
142 registered nurses, physician's assistants, dentists,
143 psychologists, nutritionists or dietitians, pharmacists,
144 psychological specialists, physical therapists, and speech and
145 hearing therapists.

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146 ~~(13)-(29)~~ "Job family" means a defined grouping of one or
147 more occupational groups.

148 ~~(19)-(30)~~ "Pay band" means the minimum salary, the maximum
149 salary, and intermediate rates that ~~which~~ are payable for work
150 in a specific broadband level.

151 ~~(2)-(31)~~ "Broadband level" means all positions that ~~which~~
152 are sufficiently similar in knowledge, skills, and abilities;
153 ~~the, and sufficiently similar as to~~ kind or subject matter of
154 work; ~~the,~~ level of difficulty or the level of
155 responsibilities; ~~and the~~ qualification requirements of the
156 work so as to warrant the same treatment with respect ~~as~~ to
157 title, pay band, and other personnel transactions.

158 ~~(12)~~ "Individual who has a disability" means a person who
159 has a physical or intellectual impairment that substantially
160 limits one or more major life activities; a person who has a
161 history or record of such an impairment; or a person who is
162 perceived by others as having such an impairment.

163 Section 2. Subsections (1) and (2) of section 110.112,
164 Florida Statutes, are amended, present subsections (3) through
165 (6) of that section are redesignated as subsections (4) through
166 (7), respectively, and a new subsection (3) is added to that
167 section, to read:

168 110.112 Affirmative action; equal employment opportunity.—

169 (1) It is ~~shall be~~ the policy of this ~~the~~ state to assist
170 in providing the assurance of equal employment opportunity
171 through programs of affirmative and positive action that will
172 allow full utilization of women, and minorities, and individuals
173 who have a disability.

174 (2) (a) The head of each executive agency shall develop and

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175 implement an affirmative action plan in accordance with rules
 176 adopted by the department and approved by a majority vote of the
 177 Administration Commission before their adoption.

178 (b) Each executive agency shall establish annual goals for
 179 ensuring full utilization of groups underrepresented in the
 180 agency's ~~its~~ workforce, including women, minorities, and
 181 individuals who have a disability, as compared to the relevant
 182 labor market, as defined by the agency. Each executive agency
 183 shall design its affirmative action plan to meet its established
 184 goals.

185 (c) Each executive agency shall annually report to the
 186 department regarding the agency's progress toward increasing
 187 employment among women, minorities, and individuals who have a
 188 disability.

189 (d) ~~(e)~~ An affirmative action-equal employment opportunity
 190 officer shall be appointed by the head of each executive agency.
 191 The affirmative action-equal employment opportunity officer's
 192 responsibilities must include determining annual goals,
 193 monitoring agency compliance, and providing consultation to
 194 managers regarding progress, deficiencies, and appropriate
 195 corrective action.

196 (e) ~~(d)~~ The department shall report information in its
 197 annual workforce report relating to the implementation,
 198 continuance, updating, and results of each executive agency's
 199 affirmative action plan for the previous fiscal year. The annual
 200 workforce report must also include data for each executive
 201 agency relating to employment levels among women, minorities,
 202 and individuals who have a disability.

203 (f) ~~(e)~~ The department shall provide to all supervisory

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204 personnel of the executive agencies training in the principles
 205 of equal employment opportunity and affirmative action, the
 206 development and implementation of affirmative action plans, and
 207 the establishment of annual affirmative action goals. The
 208 department may contract for training services, and each
 209 participating agency shall reimburse the department for costs
 210 incurred through such contract. After the department approves
 211 the contents of the training program for the agencies, the
 212 department may delegate this training to the executive agencies.

213 (3) (a) The department, in consultation with the Agency for
 214 Persons with Disabilities, the Division of Vocational
 215 Rehabilitation of the Department of Education, the Department of
 216 Economic Opportunity, and the Executive Office of the Governor,
 217 shall develop and implement programs that incorporate
 218 internships, mentoring, on-the-job training, unpaid work
 219 experience, situational assessments, and other innovative
 220 strategies that are specifically geared toward individuals who
 221 have a disability.

222 (b) By January 1, 2016, the department shall develop
 223 mandatory training programs for human resources personnel and
 224 hiring managers of executive agencies which support the
 225 employment of individuals who have a disability.

226 (c) 1. By January 1, 2016, each executive agency shall
 227 develop an agency-specific plan that addresses how to promote
 228 employment opportunities for individuals who have a disability.

229 2. The department shall assist executive agencies in the
 230 implementation of agency-specific plans. The department shall
 231 regularly report to the Governor, the President of the Senate,
 232 and the Speaker of the House of Representatives the progress of

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233 executive agencies in implementing these plans. Such reports
234 shall be made at least biannually.

235 (d) The department shall compile data regarding the hiring
236 practices of executive agencies with regard to individuals who
237 have a disability and make such data available on its website.

238 (e) The department shall assist executive agencies in
239 identifying and implementing strategies for retaining employees
240 who have a disability which include, but are not limited to,
241 training programs, funding reasonable accommodations, increasing
242 access to appropriate technologies, and ensuring accessibility
243 of physical and virtual workplaces.

244 (f) The department shall adopt rules relating to forms that
245 provide for the voluntary self-identification of individuals who
246 a disability who are employed by an executive agency.

247 (g) This subsection does not create any substantive or
248 procedural right or benefit enforceable at law or in equity
249 against the state or a state agency, or an officer, employee, or
250 agent thereof.

251 Section 3. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-19-15

Meeting Date

SB 7022

Bill Number (if applicable)

Topic SB 7022 with Amendments

Amendment Barcode (if applicable)

Name Margaret S. Hooper

Job Title Public Policy Coordinator

Address 124 Marriott Dr.

Phone (850) 921-7263

Street

Tallahassee

FL

32311

City

State

Zip

Email Margaret@FD02.org

Speaking: For Against Information

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

Representing Florida Developmental Disabilities Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ALAN HAYS
11th District

March 19, 2015

The Honorable Anitere Flores
413 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Flores,

In case I do not get to Fiscal Policy in time, I respectfully request to be excused from the committee meeting. I am presenting bills in other committees and am afraid I will not make it back in time before you adjourn.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "D. Alan Hays".

Senator D. Alan Hays, DMD
District 11

COMMITTEES:
Appropriations Subcommittee on General
Government, *Chair*
Governmental Oversight and Accountability,
Vice Chair
Appropriations
Environmental Preservation and Conservation
Ethics and Elections
Fiscal Policy

JOINT COMMITTEE:
Joint Select Committee on Collective Bargaining,
Alternating Chair

REPLY TO:

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: KN 412

Caption: Senate Fiscal Policy Committee

Case:

Judge:

Type:

Started: 3/19/2015 1:05:18 PM

Ends: 3/19/2015 1:30:46 PM

Length: 00:25:29

1:05:25 PM Senator Bradley in chair
1:06:19 PM Tab 6 - SB 620 Senator Richter
1:07:11 PM SB 620 Favorable
1:07:38 PM Tab 1 SB 152 Senator Ring
1:09:12 PM SB 152 Favorable
1:09:49 PM Tab 8 SB 7022 Senator Ring
1:10:07 PM Amendment Barcode 692948
1:11:06 PM Amendment Barcode 236650
1:13:23 PM Amendment Barcode 236650 favorable
1:13:50 PM Margaret Hooper, Florida Developmental Disabilities Council
1:15:02 PM SB 7022 Favorable
1:16:08 PM Tab 2 SB 160 Senator Evers
1:16:43 PM Amendment Barcode 326740
1:16:58 PM Senator Sachs question
1:17:26 PM Senator Bean in chair
1:18:58 PM Follow up Senator Sachs
1:20:18 PM Amendment adopted
1:20:32 PM SB 160 favorable
1:21:05 PM Tab 3 SB 296 Marcos Cabello for Senator Garcia
1:22:03 PM Amendment Barcode 710582
1:22:11 PM Amendment adopted
1:22:37 PM SB 296 Favorable
1:23:15 PM Tab 4 SB 408 Senator Simmons
1:25:11 PM SB 408 Favorable
1:25:47 PM Tab 5 SB 522 Senator Brandes
1:26:19 PM Senator Bradley
1:26:52 PM Senator Margolis
1:27:35 PM SB 522 Favorable
1:27:55 PM Tab 7 SB 206 Senator Hukill
1:28:20 PM PCS Amendment 692948
1:29:05 PM Amendment Barcode 185318
1:29:23 PM Amendment adopted
1:29:47 PM SB 206 Favorable
1:30:32 PM Meeting adjourned