

Tab 1	CS/SB 108 by TR, Rodriguez; (Similar to H 00055) Trees and Vegetation Within the Rights-of-way of Certain Roads and Rail Corridors					
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Tab 2	CS/SB 130 by JU, Berman (CO-INTRODUCERS) Book, Hutson, Garcia, Harrell, Yarborough; (Similar to CS/CS/H 00097) Domestic Violence					
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Tab 3	CS/SB 214 by CM, Burgess; (Similar to CS/H 00221) Sales of Firearms and Ammunition					
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Tab 4	SB 218 by Harrell; (Identical to H 00117) Genetic Counselors Using Telehealth					
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Tab 5	SB 614 by Harrell; (Identical to H 01059) Mammography Reports					
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Tab 6	SB 1718 by Ingoglia; (Compare to H 01617) Immigration					
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758374	SA	S	RCS	RC, Ingoglia	Delete L.304 - 309:	03/15 07:29 PM
955484	A	S	RCS	RC, Ingoglia	Delete L.478 - 499:	03/15 07:29 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Mayfield, Chair
Senator Perry, Vice Chair

MEETING DATE: Wednesday, March 15, 2023

TIME: 3:30—5:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Mayfield, Chair; Senator Perry, Vice Chair; Senators Baxley, Book, Boyd, Brodeur, Broxson, Burgess, Burton, DiCeglie, Garcia, Hooper, Hutson, Jones, Osgood, Rodriguez, Rouson, Simon, Torres, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 108 Transportation / Rodriguez (Similar H 55)	Trees and Vegetation Within the Rights-of-way of Certain Roads and Rail Corridors; Providing that the prohibition against the removal, cutting, marring, defacing, or destruction of trees or other vegetation in certain rights-of-way does not apply if the Department of Transportation suspends such prohibition pursuant to a declared state of emergency; requiring the department to publish informational guidelines regarding the removal of debris from certain emergencies, etc. TR 02/14/2023 Fav/CS CA 03/07/2023 Favorable RC 03/15/2023 Favorable	Favorable Yeas 19 Nays 0
2	CS/SB 130 Judiciary / Berman (Similar CS/CS/H 97)	Domestic Violence; Citing this act as "Greyson's Law"; requiring the court with jurisdiction over the proceeding to consider certain factors in deciding whether shared parental responsibility is detrimental to the child; providing additional conduct regarding domestic violence which the court must consider when ordering a parenting plan; providing an additional factor that the court must consider in determining whether a petitioner of a domestic violence injunction is in imminent danger, etc. JU 03/07/2023 Fav/CS RC 03/15/2023 Fav/CS	Fav/CS Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 15, 2023, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 214 Commerce and Tourism / Burgess (Similar CS/H 221)	Sales of Firearms and Ammunition; Prohibiting payment settlement entities, merchant acquiring entities, or third party settlement organizations from assigning merchant category codes or otherwise classifying merchants of firearms or ammunition separately from general merchandise or sporting goods retailers; prohibiting entities involved in facilitating or processing payment card transactions from assigning to or requiring a merchant to use certain merchant category codes; authorizing the Department of Agriculture and Consumer Services to investigate certain alleged violations and bring administrative actions, etc. BI 02/21/2023 Favorable CM 03/06/2023 Fav/CS RC 03/15/2023 Favorable	Favorable Yeas 14 Nays 5
4	SB 218 Harrell (Identical H 117)	Genetic Counselors Using Telehealth; Revising the definition of the term "telehealth provider" to include persons licensed as genetic counselors, etc. HP 02/20/2023 Favorable JU 03/07/2023 Favorable RC 03/15/2023 Favorable	Favorable Yeas 18 Nays 0
5	SB 614 Harrell (Identical H 1059)	Mammography Reports; Abrogating the repeal of provisions requiring facilities that perform mammography to send patients a certain summary of their mammography report under certain circumstances, etc. HP 03/06/2023 Favorable RC 03/15/2023 Favorable	Favorable Yeas 18 Nays 0
6	SB 1718 Ingoglia (Compare H 1617)	Immigration; Prohibiting counties and municipalities, respectively, from providing funds to any person, entity, or organization to issue identification documents to an individual who does not provide proof of lawful presence in the United States; specifying that certain driver licenses and permits issued by other states exclusively to unauthorized immigrants are not valid in this state; requiring certain hospitals to collect patient immigration status data information on admission or registration forms; increasing the maximum fine that may be imposed for a first violation of specified provisions relating to employing, hiring, recruiting, or referring aliens for private or public employment, etc. RC 03/15/2023 Fav/CS FP	Fav/CS Yeas 15 Nays 5

Other Related Meeting Documents

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 15, 2023, 3:30—5:30 p.m.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 108

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Trees and Vegetation Within the Rights-of-way of Certain Roads and Rail Corridors

DATE: March 14, 2023 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.	Hunter	Ryon	CA	Favorable
3.	Price	Twogood	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 108 revises provisions relating to a prohibition against removal, cutting, or destruction of any trees or other vegetation within the rights-of-way of roads located on the State Highway System. The bill provides that the prohibition does not apply if the Florida Department of Transportation (FDOT) suspends such prohibition pursuant to a declared state of emergency.

The FDOT is required to adopt informational guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration, including, but not limited to, a hurricane or a tropical storm.

The bill takes effect July 1, 2023.

II. Present Situation:

With some exception, utility work in the FDOT's right-of-way requires a permit. Current law prohibits the removal, cutting, marring, defacing, or destruction of any trees or other vegetation, either by direct personal action or by cause any other person to take such action, within the

rights-of-way of roads located on the State Highway System (SHS)¹ or within publicly owned rail corridors unless prior written permission has been granted by the FDOT.²

The only exception to the prior-written-permission requirement is in cases “where normal tree trimming is required to ensure the safe operation of utility facilities, and such tree trimming is performed in accordance with the provisions of its [the FDOT’s] utility accommodations guide, and any subsequent amendments thereto.”³

Vegetation control relating to utility installations in the FDOT’s right-of-way which is performed by a utility agency/owner (UAO) in compliance with the FDOT’s *Utility Accommodation Manual* (UAM) may be completed *without* applying for a new permit (one that is in addition to the permit issued for the initial utility installation) under certain conditions.⁴

Rule 14-46.001, F.A.C., incorporates by reference the FDOT’s UAM which contains a number of provisions that regulate vegetation control relating to utility installations in the right-of-way. A UAO may cut vegetation manually or mechanically on a routine or periodic basis provided the work does not exceed limits necessary for proper utility maintenance. Where vegetation interferes with safe utility maintenance and operation, the utility shall do all the following:

- Trim trees in accordance with UAM Section 3.18.2.⁵
- Remove brush cuttings or debris discharged into routinely maintained area.
- Stockpile debris outside the mowing limits and clear zone for later disposal.
- Leave in place all undergrowth.

Section 3.18.2 of the UAM provides:

The UAO shall trim trees to ensure the safe installation, maintenance, and operation of the UAO’s utilities. Where the UAO trims trees, the UAO shall comply with the ANSI A300 Standard Practices.⁶ The UAO shall not cause irreparable damage to a tree by trimming. Such trimming shall employ recognized and approved methods of modern vegetation control, with emphasis on tree health. The UAO may use mechanical tree trimming machines for routine maintenance. The UAO shall remove all waste and debris associated with the trimming from the R/W unless FDOT specifies otherwise in writing.

¹ “State highway system” means the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state’s jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state’s jurisdiction. These facilities shall be facilities to which access is regulated. Section 334.03(24), F.S.

² Section 337.405, F.S. As examples of the required “prior written permission,” requests to remove, cut, or trim vegetation screening outdoor advertising signs for which sign permits have been issued pursuant to ch. 479, F.S., are initiated by application to the FDOT under Rule 14-10.057, F.A.C. Requests for approval to alter, remove, or install landscaping on the FDOT’s right-of-way are initiated through submission of a landscape plan under Rule 14-40.003, F.A.C.

³ *Id.*

⁴ See the FDOT’s *Utility Accommodation Manual*, 2.3, *Work Not Requiring New Permits*, 2.3.1, *Work Types*, at p. 13 of 44, available at [uam2017.pdf \(windows.net\)](#) (last visited February 28, 2023).

⁵ *Id.*, 3.18. *Vegetation Control*, at p. 23 of 44.

⁶ ANSI A300 Standards are described as “the generally accepted industry standards for tree care practices.” See TCIA, *ANSI A300 Standards*, available at [\(1\) New Message \(tcia.org\)](#) (last visited February 28, 2023).

A violator of these provisions is guilty of a second degree misdemeanor,⁷ punishable by a definite term of imprisonment not exceeding 60 days,⁸ plus a possible additional \$500 fine.⁹

III. Effect of Proposed Changes:

The bill amends s. 337.405, F.S., revising the exceptions under which the removal, cutting, marring, defacing, or destruction of any trees or other vegetation with the rights-of-way of roads on the SHS or within publicly owned rail corridors. The prohibition applies unless:

- The FDOT suspends the prohibition pursuant to a declaration of a state of emergency,
- The FDOT grants written permission before the removal or cutting of such trees or other vegetation, or
- Normal tree trimming is required to ensure the safe operation of utility facilities and such tree trimming is performed in accordance with the provisions of the FDOT's UAM.

The FDOT's authority to suspend the prohibition appears to be entirely within its discretion under a declared state of emergency unless, of course, suspension is in response to issuance by the Governor of an executive order or proclamation declaring a state of emergency which *orders* the FDOT to suspend the prohibition. The existing exception for written permission is unchanged, except for editorial revision to improve readability, as is the exception from permitting for normal tree trimming where such trimming is required to ensure safe operation of utility facilities and is performed in accordance with the FDOT's UAM.

The bill also requires the FDOT to adopt informational guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration, including, but not limited to, a hurricane or a tropical storm.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁷ Section 337.405(2), F.S.

⁸ Section 775.082(4)(b), F.S.

⁹ Section 775.083(1)(e), F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDOT would be required to adopt informational guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration. The fiscal impact to the FDOT is indeterminate but likely insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 337.405 of 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 Transportation on February 14, 2023:

The committee substitute restores the FDOT's authority to adopt rules to implement the entire section of law being amended (s. 337.405, F.S.), rather than just one paragraph, and clarifies the FDOT's responsibility with respect to guidelines for removal of debris from an emergency that is subject to an emergency declaration, by providing that such guidelines are informational.

B. Amendments:

None.

By the Committee on Transportation; and Senator Rodriguez

596-02086-23

2023108c1

A bill to be entitled

An act relating to trees and vegetation within the rights-of-way of certain roads and rail corridors; amending s. 337.405, F.S.; providing that the prohibition against the removal, cutting, marring, defacing, or destruction of trees or other vegetation in certain rights-of-way does not apply if the Department of Transportation suspends such prohibition pursuant to a declared state of emergency; requiring the department to publish informational guidelines regarding the removal of debris from certain emergencies; providing an effective date.

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

Section 1. Section 337.405, Florida Statutes, is amended to read:

337.405 Trees or other vegetation within rights-of-way of State Highway System or publicly owned rail corridors; prohibited acts; exceptions; penalties; debris removal guidelines required removal or damage; penalty.—

(1) The removal, cutting, marring, defacing, or destruction of any trees or other vegetation, either by direct personal action or by causing any other person to take such action, within the rights-of-way of roads located on the State Highway System or within publicly owned rail corridors is prohibited unless one of the following applies:

(a) The department suspends this subsection pursuant to a declaration of a state of emergency.

596-02086-23

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(b) The department grants ~~Prior~~ written permission before the removal or cutting of to remove or cut such trees or other vegetation. ~~has been granted by the department, except where~~

(c) Normal tree trimming is required to ensure the safe operation of utility facilities and such tree trimming is performed in accordance with the provisions of the department's its utility accommodations guide, and any subsequent amendments thereto.

(2) The department shall adopt rules to implement for the implementation of this section to achieve protection of vegetation while at the same time assuring safe utility operations.

(3) (2) A Any person who violates the provisions of this section commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) The department shall publish informational guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration, including, but not limited to, a hurricane or a tropical storm.

Section 2. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 8, 2023

I respectfully request that **Senate Bill #108**, relating to Trees and Vegetation Within the Right-of-way of Certain Roads and Rail Corridors, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 130

INTRODUCER: Rules Committee; Judiciary Committee; and Senator Berman and others

SUBJECT: Domestic Violence

DATE: March 16, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Davis</u>	<u>Twogood</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 130 amends two statutes in an effort to refine the descriptions of what constitutes evidence or risks of domestic violence for use in child custody determinations and in domestic violence injunction proceedings.

Section 61.13, F.S., expands the list of factors a court must consider when determining whether shared parental responsibility, meaning shared authority to make decisions for a child, would be detrimental to a child. The new factors require the court to also consider:

- Evidence of domestic violence;
- Whether a parent, in the past or currently, has reasonable cause to believe that he or she or the minor child is or has been in imminent danger of becoming a victim of domestic violence or sexual violence by the other parent, even if no legal action has been brought or is currently pending in court;
- Whether either parent, in the past or currently, has reasonable cause to believe that the shared minor child is or has been in imminent danger of becoming a victim of abuse, abandonment, or neglect by the other parent, even if no legal action has been brought or is currently pending; and
- Any other relevant factors.

Additionally, when a parental responsibility or time-sharing schedule is established or modified by a court, the “best interest of the child” factors that the court must consider are expanded to

include evidence that a parent has or has had reasonable cause to believe that he or she or the minor child is in imminent danger of becoming a victim of domestic violence.

Section 741.30, F.S., expands the factors a court must consider when determining whether to issue a domestic violence injunction. The court must consider whether the respondent named in the petition has engaged in a pattern of abusive or threatening behaviors which demonstrates a continuing purpose and which reasonably causes the petitioner to believe that he or she or the minor shared child is in imminent danger of becoming a victim of an act of domestic violence. Additionally, the bill adds another option on the sworn form that a petitioner may select when filing a petition for a domestic violence injunction. The additional option is that the respondent has engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

The bill takes effect July 1, 2023.

II. Present Situation:

Greyson Kessler: A Victim of Domestic Violence

Greyson Kessler, a 4-year-old boy, was shot and killed by his father who then killed himself. Greyson's parents shared custody of their son, although his mother, Alison Kessler, witnessed many alarming indications that the father, John Stacey, was dangerous.

According to media reports, John Stacey regularly harassed Alison Kessler. He sent disturbing voice and text messages in which he called her degrading names and said she deserved to be decapitated and killed. He also installed a tracking device on her car and tracked her movements.¹

Alison Kessler became increasingly alarmed for Greyson's safety when she realized that Greyson's father would harm their son simply to hurt her. On Wednesday, May 19, 2021, Greyson's father picked him up for a visit. Alison tried making contact with the father but did not receive a response over the next two days. She feared for Greyson's safety and petitioned a court on Thursday for a permanent restraining order to keep the father away from their son. She cited the escalating nature of recent text messages.²

Alison learned that Greyson was absent from school on Thursday and Friday. On Friday, May 21, Alison Kessler's attorney filed a request for an emergency order to have local authorities pick up Greyson from his father. The attorney noted that the mother was justifiably concerned that Greyson could be injured while in the care of his father.³ Police found the bodies of Greyson and

¹ See KC Baker, *Fla. Boy, 4, Killed by Dad in Murder-Suicide on Day Mom Asked Court to Keep Father Away From Him*, People (May 25, 2021), <https://people.com/crime/florida-boy-killed-by-dad-murder-suicide-mom-asked-court-keep-father-away/>.

² CBS Miami, *Police Confirm Murder-Suicide In Deaths of Father, 4-Year-Old Son Greyson Kessler Hours Before Emergency Pick-Up Order Was Denied* (May 25, 2021), <https://www.cbsnews.com/miami/news/emergency-pickup-order-denied-hours-before-greyson-kessler-father-dead-fort-lauderdale/>.

³ *Id.*

his father at the father's apartment on Friday night and believed the deaths may have occurred on Thursday.⁴

According to one media report and the testimony of Alison Kessler, the judge denied the request for the domestic violence injunction. The judge stated that Alison failed to allege that any of the father's actions would constitute domestic violence under the current law because the threats were directed at her and not to the child.⁵

Chapter 61 – Dissolution of Marriage and Parenting Responsibilities

In general terms, chapter 61, F.S., contains the statutes that govern the dissolution of marriage, the distribution of assets and liabilities arising from the marriage, and the parents' responsibilities to support and care for their children, whether the parents are married or unmarried.

Parenting and Time-Sharing: Factors to Consider When Determining What Is Detrimental to a Child

Section 61.13, F.S., establishes a court's authority to order payments for child support and to approve, grant, or modify a parenting plan.⁶ When making a decision in these areas, the guiding principle a court must follow is the "best interests of the child" standard. Additionally, the public policy of the state is that each child have frequent and continuing contact with both parents unless the court finds that shared parental responsibility would be detrimental to the child. Shared parental responsibility refers to the authority of both parents, regardless of the time-sharing schedule, to make decisions for the child in matters such as education and health care.⁷ However, the following factors in s. 61.13(2)(c)2., F.S., create a rebuttable presumption of detriment to the child if the parent:

- Has been convicted of a first degree misdemeanor or higher involving domestic violence as defined in s. 741.28, F.S.,⁸ and chapter 775;

⁴ Peter Belfiore, DailyMail.com, *Father kills his son, 4, then himself after child's mother begged cops to check on him when he sent her threatening texts saying she 'deserved to have her head separated from her body'* (May 24, 2021), <https://www.dailymail.co.uk/news/article-9612843/Florida-woman-says-authorities-failed-act-4-year-old-sons-death-murder-suicide.html>.

⁵ CBS Miami, *Police Confirm Murder-Suicide In Deaths of Father, 4-Year-Old Son Greyson Kessler Hours Before Emergency Pick-Up Order Was Denied* (May 25, 2021), <https://www.cbsnews.com/miami/news/emergency-pickup-order-denied-hours-before-greyson-kessler-father-dead-fort-lauderdale/>; Senate Committee on Judiciary, March 7, 2023, SB 130, Domestic Violence (Testimony of Alison Kessler at approximately 20:38 minutes). https://www.flsenate.gov/media/videoplayer?EventID=1_ky7xx6qg-202303071400&Redirect=true.

⁶ A parenting plan is the document that is created "to govern the relationship between the parents relating to the decisions that must be made regarding the minor child and must contain a time-sharing schedule for the parents and child." Section 61.046(14) F.S.

⁷ See s. 61.13(2)(c)3., F.S.

⁸ "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Section 741.28(2), F.S.

- Is incarcerated for a significant portion of the child's minority and has been convicted of serious violent or sexual offenses or the court finds clear and convincing evidence that harm would result from continuing the parent-child relationship;⁹ or
- Has been convicted of or had adjudication withheld for an offense that requires the person to register as a sexual offender,¹⁰ and was 18 years of age or older and the victim was under the age of 18 years or the parent believed the victim was under 18 years of age.

If the presumption of detriment to the child is not rebutted by the convicted parent after being notified by the court that the presumption exists, shared parental responsibility, including time-sharing with the child and decisions made regarding the child, may not be granted to the convicted parent. The court must consider evidence of domestic violence or child abuse as evidence of detriment to the child, regardless of whether there is a conviction for those offenses. If a court determines that shared parental responsibility would be detrimental to the child, the court may order sole parental responsibility and make arrangements for time-sharing that will best protect the child or abused parent from further harm.¹¹

Factors to Consider When Determining the Best Interests of a Child in a Parenting Plan

Section 61.13(3), F.S., states that when a court establishes or modifies parental responsibility and creates, develops, approves, or modifies a parenting plan, including a time-sharing schedule,¹² the best interests of the child is the court's primary consideration. Parental responsibility, a parenting plan, or a time-sharing plan may not be modified unless there is a showing of a substantial, material, and unanticipated change in circumstances and there is a determination that the modification is in the best interests of the child. The statute then provides a list of twenty factors, although the list is not exhaustive, which a court should consider when determining the best interests of a child.¹³

⁹ Under s. 39.806(1)(d), F.S., these matters constitute grounds for terminating the parental rights of an incarcerated parent.

¹⁰ Section 943.0435(1)(h)1.a., F.S., provides a lengthy list of criminal sexual offenses that require a person to register as a sexual offender with the Department of Law Enforcement.

¹¹ Section 61.13(2)(c)2., F.S.

¹² A time-sharing schedule means a timetable that must be included in the parenting plan that specifies the time, including overnights and holidays, that a minor child will spend with each parent. Section 61.046(14), F.S.

¹³ Those factors are:

- (a) The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required.
- (b) The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.
- (c) The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent.
- (d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
- (e) The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child.
- (f) The moral fitness of the parents.
- (g) The mental and physical health of the parents.
- (h) The home, school, and community record of the child.
- (i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

Chapter 741 – Marriage and Domestic Violence

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.¹⁴

Domestic Violence Statistics in Florida

In 2021, the most recent year for which complete statistics¹⁵ are available from the Department of Law Enforcement, Florida recorded 103,915 incidents of domestic violence. The primary offenses by category are:

Murder	192
Manslaughter	28
Simple Assault	82,735
Aggravated Assault	16,183

(j) The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.

(k) The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.

(l) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.

(m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child.

(n) Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect.

(o) The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties.

(p) The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.

(q) The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.

(r) The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.

(s) The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.

(t) Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.

¹⁴ Section 741.28(2), F.S.

¹⁵ Florida Department of Law Enforcement, *Crime in Florida Abstract, January – December 2021*, <http://www.fdle.state.fl.us/CJAB/UCR/UCR/2021/Annual/UCR-Crime-in-Florida-Abstract-Statewide-2021A.aspx>. According to FDLE, the source of this information is the Florida Uniform Crime Report, 2021. Statistics for 2022 will be available in April, 2023.

Rape	1,877
Threat/Intimidation	1,405
Fondling	958
Simple Stalking	396
<u>Aggravated Stalking</u>	<u>141</u>
Total	103,915

Of the 192 murders reported, the relationship between the victim and the offender was:

Spouse	32
Parent	28
Child	21
Sibling	11
Other Family Member	34
Cohabitant	56
<u>Other</u>	<u>10</u>
Total	192

Domestic Violence Injunctions

An injunction is a court order that commands or prevents an action. To receive a general injunction, the petitioner must show that there is no adequate remedy available at law and that he or she will suffer an irreparable injury if the injunction is not granted.¹⁶ To receive an injunction for protection against domestic violence, a petitioner must file a sworn statement in the circuit court declaring that he or she is either a victim of domestic violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence and state the reasons for that belief.¹⁷ The petition may be filed in the circuit where the petitioner currently or temporarily resides, where the respondent resides, or where the domestic violence occurred.¹⁸ State law prohibits a filing fee from being charged against the petitioner.¹⁹ Once the petition is filed, the court must set a hearing for the earliest possible time.²⁰

Section 741.30(6)(b), F.S., establishes ten factors, listed in the footnote below, that a court must consider and evaluate when determining whether a petitioner who files for an injunction has stated reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.²¹ In broad terms, those factors involve: the history of offenses between the

¹⁶ BLACK'S LAW DICTIONARY (11th ed. 2019).

¹⁷ Section 741.30(1)(a) and (3)(a), F.S.

¹⁸ Section 741.30(1)(j), F.S.

¹⁹ Section 741.30(2)(a), F.S.

²⁰ Section 741.30(4), F.S.

²¹ Section 741.30(6)(b), F.S., lists these factors:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.
2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.
4. Whether the respondent has intentionally injured or killed a family pet.
5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

petitioner and the respondent and the respondent's threats and actions toward family, friends, and pets; the threat or use of weapons or physical restraints; a criminal history of violence; the issuance of orders of protection; the destruction of personal property; and actions that cause the petitioner to believe he or she is about to become a victim of domestic violence.

Section 741.30(3)(b), F.S., contains the form a petitioner uses when petitioning for a domestic violence injunction. The petitioner is provided a list of options that he or she may mark to describe how he or she is a victim of domestic violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence due to the actions of the respondent.

III. Effect of Proposed Changes:

Section 1 – Name of the Act

The bill names the act as “Greyson’s Law” in memory of Greyson Kessler.

Section 2 - Parenting and Time-Sharing: Factors to Consider When Determining What Is Detrimental to a Child

The bill prescribes additional factors a court must consider when determining what constitutes “detriment” to a minor child when determining whether to order shared parental responsibility. These factors are:

- Evidence of domestic violence as defined in s. 741.28;²²
- Whether either parent has or has had reasonable cause to believe that the parent or minor child or children are or have been in imminent danger of becoming victims of domestic violence²³ or sexual violence²⁴ by the other parent, regardless of whether a cause of action has been brought or is currently pending in court;

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-10.

²² Domestic violence is defined in s. 741.28, F.S., as “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.”

²³ *Id.*

²⁴ Sexual violence means any one incident of the following, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney: sexual battery, as defined in chapter 794; a lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child, as described in chapter 787; sexual performance by a child, as described in chapter 827; or any other forcible felony wherein a sexual act is committed or attempted.

- Whether either parent has or has had reasonable cause to believe that the minor child or children are or have been in imminent danger of becoming victims of an act of abuse,²⁵ abandonment,²⁶ or neglect by the other parent against the child or children regardless of whether a cause of action has been brought or is currently pending in court; and
- Any other relevant factors.

Additionally, the bill amends s. 61.13(3)(m), F.S., to add one more factor that a court must consider when establishing or modifying parental responsibility or creating or modifying a parenting plan or time-sharing schedule. The additional factor is “evidence that a parent has or has had reasonable cause to believe that he or she or the minor child or children are in imminent danger of becoming victims of an act of domestic violence.”

Section 3 – Domestic Violence Injunctions

The bill adds an additional factor which the court must consider when determining whether a petitioner has reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence and in need of a domestic violence injunction. The new factor is “whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior that is composed of a series of acts, no matter how short of a period of time, which demonstrates a continuity of purpose and which reasonably cause the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.”

The bill amends the form that a petitioner files when seeking a domestic violence injunction. The bill adds another option that the petitioner may select to describe why he or she is a victim of domestic violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence due to the actions of the respondent. The new provision

²⁵ Abuse is defined in s. 39.01(2), F.S., to mean any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

²⁶ Abandonment is defined in s. 39.01(1), F.S., as a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this subsection, “establish or maintain a substantial and positive relationship” includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. A man’s acknowledgment of paternity of the child does not limit the period of time considered in determining whether the child was abandoned. The term does not include a surrendered newborn infant as described in s. 383.50, F.S., a “child in need of services” as defined in chapter 984, or a “family in need of services” as defined in chapter 984. The absence of a parent, legal custodian, or caregiver responsible for a child’s welfare, who is a service member, by reason of deployment or anticipated deployment as defined in 50 U.S.C. s. 3938(e), may not be considered or used as a factor in determining abandonment. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child’s welfare may support a finding of abandonment.

states that the respondent “engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.”

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 61.13 and 741.30.

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

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

CS/CS by Rules on March 15, 2023:

The committee substitute adds, for purposes of filing a sworn petition for a domestic violence injunction, that the respondent has been engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

CS by Judiciary on March 7, 2023:

The committee adopted a technical amendment to restore to existing law the “flush left” language in s. 741.30(6)(b), F.S., and to conform a cross-reference.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2023	.	
	.	
	.	
	.	

The Committee on Rules (Berman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 156 - 161
and insert:

Section 3. Paragraph (b) of subsection (3) and paragraph
(b) of subsection (6) of section 741.30, Florida Statutes, are
amended to read:

741.30 Domestic violence; injunction; powers and duties of
court and clerk; petition; notice and hearing; temporary
injunction; issuance of injunction; statewide verification
system; enforcement; public records exemption.—



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(3)

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared
Petitioner ...(Name)..., who has been sworn and says that the
following statements are true:

(a) Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate
confidential filing if, for safety reasons, the petitioner
requires the location of the current residence to be
confidential.)

(b) Respondent resides at: ...(last known address)...

(c) Respondent's last known place of employment: ...(name
of business and address)...

(d) Physical description of respondent:.....

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

(e) Aliases of respondent:.....



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(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:.....
.....

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt:.....
.....
Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: ...(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange)...

.....
.....
....committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault,



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sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

....previously threatened, harassed, stalked, or physically abused the petitioner.

....attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

....threatened to conceal, kidnap, or harm the petitioner's child or children.

....intentionally injured or killed a family pet.

....used, or has threatened to use, against the petitioner any weapons such as guns or knives.

....physically restrained the petitioner from leaving the home or calling law enforcement.

....a criminal history involving violence or the threat of violence (if known).

....another order of protection issued against him or her previously or from another jurisdiction (if known).

....destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

....engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

....engaged in any other behavior or conduct that leads the



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petitioner to have reasonable cause to believe he or she is in
imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific
facts: ...(mark appropriate sections)...

....A minor child or minor children reside with the
petitioner whose names and ages are as follows:

....Petitioner needs the exclusive use and possession of
the dwelling that the parties share.

....Petitioner is unable to obtain safe alternative housing
because:

....Petitioner genuinely fears that respondent imminently
will abuse, remove, or hide the minor child or children from
petitioner because:

(j) Petitioner genuinely fears imminent domestic violence
by respondent.

(k) Petitioner seeks an injunction: ...(mark appropriate
section or sections)...

....Immediately restraining the respondent from committing
any acts of domestic violence.

....Restraining the respondent from committing any acts of
domestic violence.

....Awarding to the petitioner the temporary exclusive use
and possession of the dwelling that the parties share or
excluding the respondent from the residence of the petitioner.

....Providing a temporary parenting plan, including a
temporary time-sharing schedule, with regard to the minor child



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or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

....Establishing temporary support for the minor child or children or the petitioner.

....Directing the respondent to participate in a batterers' intervention program.

....Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

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

And the title is amended as follows:

Delete line 13

and insert:

violence injunction is in imminent danger; conforming
a provision to changes made by the act; providing

By the Committee on Judiciary; and Senators Berman, Book,
Hutson, and Garcia

590-02347-23

2023130c1

A bill to be entitled

An act relating to domestic violence; providing a short title; amending s. 61.13, F.S.; requiring the court with jurisdiction over the proceeding to consider certain factors in deciding whether shared parental responsibility is detrimental to the child; making technical and conforming changes; providing additional conduct regarding domestic violence which the court must consider when ordering a parenting plan; amending s. 741.30, F.S.; providing an additional factor that the court must consider in determining whether a petitioner of a domestic violence injunction is in imminent danger; providing an effective date.

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

Section 1. This act may be cited as "Greyson's Law."

Section 2. Paragraph (c) of subsection (2) and paragraph (m) of subsection (3) of section 61.13, Florida Statutes, are amended to read:

61.13 Support of children; parenting and time-sharing; powers of court.—

(2)

(c) The court shall determine all matters relating to parenting and time-sharing of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, except that modification of a parenting plan

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and time-sharing schedule requires a showing of a substantial, material, and unanticipated change of circumstances.

1. It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Except as otherwise provided in this paragraph, there is no presumption for or against the father or mother of the child or for or against any specific time-sharing schedule when creating or modifying the parenting plan of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. In determining detriment to the child, the court shall consider:

a. Evidence of domestic violence, as defined in s. 741.28;

b. Whether either parent has or has had reasonable cause to believe that he or she or his or her minor child or children are or have been in imminent danger of becoming victims of an act of domestic violence as defined in s. 741.28 or sexual violence as defined in s. 784.046(1)(c) by the other parent against the parent or against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court;

c. Whether either parent has or has had reasonable cause to believe that his or her minor child or children are or have been in imminent danger of becoming victims of an act of abuse as defined in s. 39.01(2), abandonment as defined in s. 39.01(1),

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or neglect as defined in s. 39.01(50) by the other parent against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court; and

d. Any other relevant factors.

3. The following evidence creates a rebuttable presumption that shared parental responsibility is detrimental of detriment to the child:

a. A parent has been convicted of a misdemeanor of the first degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775;

b. A parent meets the criteria of s. 39.806(1)(d); or

c. A parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

(I) The parent was 18 years of age or older.

(II) The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

If the presumption is not rebutted after the convicted parent is advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child

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or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

4.3- In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include education, health care, and any other responsibilities that the court finds unique to a particular family.

5.4- The court shall order sole parental responsibility for a minor child to one parent, with or without time-sharing with the other parent if it is in the best interests of the minor child.

6.5- There is a rebuttable presumption against granting time-sharing with a minor child if a parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

a. The parent was 18 years of age or older.

b. The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

A parent may rebut the presumption upon a specific finding in writing by the court that the parent poses no significant risk of harm to the child and that time-sharing is in the best interests of the minor child. If the presumption is rebutted,

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the court ~~must shall~~ consider all time-sharing factors in subsection (3) when developing a time-sharing schedule.

~~7.6-~~ Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to either parent. Full rights under this subparagraph apply to either parent unless a court order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

(3) For purposes of establishing or modifying parental responsibility and creating, developing, approving, or modifying a parenting plan, including a time-sharing schedule, which governs each parent's relationship with his or her minor child and the relationship between each parent with regard to his or her minor child, the best interest of the child shall be the primary consideration. A determination of parental responsibility, a parenting plan, or a time-sharing schedule may not be modified without a showing of a substantial, material, and unanticipated change in circumstances and a determination that the modification is in the best interests of the child. Determination of the best interests of the child shall be made by evaluating all of the factors affecting the welfare and interests of the particular minor child and the circumstances of that family, including, but not limited to:

(m) Evidence of domestic violence, sexual violence, child

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abuse, child abandonment, or child neglect or evidence that a parent has or has had reasonable cause to believe that he or she or his or her minor child or children are in imminent danger of becoming victims of an act of domestic violence, regardless of whether a prior or pending action relating to those issues has been brought. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child.

Section 3. Paragraph (b) of subsection (6) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(6)

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

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175 4. Whether the respondent has intentionally injured or
176 killed a family pet.

177 5. Whether the respondent has used, or has threatened to
178 use, against the petitioner any weapons such as guns or knives.

179 6. Whether the respondent has physically restrained the
180 petitioner from leaving the home or calling law enforcement.

181 7. Whether the respondent has a criminal history involving
182 violence or the threat of violence.

183 8. The existence of a verifiable order of protection issued
184 previously or from another jurisdiction.

185 9. Whether the respondent has destroyed personal property,
186 including, but not limited to, telephones or other
187 communications equipment, clothing, or other items belonging to
188 the petitioner.

189 10. Whether the respondent has or had engaged in a pattern
190 of abusive, threatening, intimidating, or controlling behavior
191 composed of a series of acts over a period of time, however
192 short, which evidences a continuity of purpose and which
193 reasonably causes the petitioner to believe that the petitioner
194 or his or her minor child or children are in imminent danger of
195 becoming victims of any act of domestic violence.

196 11. Whether the respondent engaged in any other behavior or
197 conduct that leads the petitioner to have reasonable cause to
198 believe that he or she is in imminent danger of becoming a
199 victim of domestic violence.

200

201 In making its determination under this paragraph, the court is
202 not limited to those factors enumerated in subparagraphs 1.-11.
203 1.-10.

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590-02347-23

2023130c1

204 Section 4. This act shall take effect July 1, 2023.

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The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

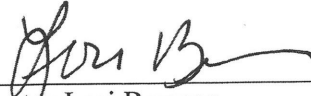
Subject: Committee Agenda Request

Date: March 9, 2023

I respectfully request that **Senate Bill #130**, relating to Domestic Violence, be placed on the:

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

Florida statutes provide parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Named in honor of Greyson, a four year old boy tragically killed in a murder-suicide, this bill seeks to provide additional guidance to courts on what constitutes detriment to the child. It also seeks add an additional factor for the courts to consider when deciding whether to grant a Temporary Injunction for domestic violence.



Senator Lori Berman
Florida Senate, District 26

cc: Senator Keith Perry, Vice Chair
Philip Twogood, Staff Director

File signed original with committee office

S-020 (03/2004)

3/15/23

Meeting Date

Rules

Committee

Name

Lisa Hurley

Phone

850.224.5081

Address

311 E. Park Ave.

Email

lhurley@smithbryanandmyers.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Family Law Section FL Bar

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 130

Bill Number or Topic

559728

Amendment Barcode (if applicable)

The Florida Senate

APPEARANCE RECORD

3-15-23

Meeting Date

130

Bill Number or Topic

Rules

Committee

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Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

850-257-4280

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Street

Tallahassee

City

FL

State

32308

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL NOW

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3.15.23

The Florida Senate

APPEARANCE RECORD

CS/SB 130

Meeting Date

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Yolanda Russell

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407-619-3641

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yolandarussell@earthlink.net

Street

WINTER GARDEN, FL 34787

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

CS/SB 130

Bill Number or Topic

March 15, 2023

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name VIVIAN Lyte-Johnson

Phone 407 595 4264

Address 1884 Ibis Bay Ct

Email V3576@att.net

Street

Ocoee

City

FL

State

34761

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking:

☒ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 130

3/15/23

Meeting Date

Bill Number or Topic

Rules

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name **Lisa Hurley**

Phone **850.224.5081**

Address **311 E. Park Ave.**

Email **lhurley@smithbryanandmyers.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Family Law Section FL Bar

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/15/2023

Meeting Date

Rules

Committee

CS/SB 130

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Call St.

Street

Email

kcfep@yahoo.com

City

Tallahassee FL

State

Zip

32301

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

ES Center for
Fiscal + Economic Policy

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 214

INTRODUCER: Commerce and Tourism Committee and Senator Burgess

SUBJECT: Sales of Firearms and Ammunition

DATE: March 14, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Moody</u>	<u>Knudson</u>	<u>BI</u>	Favorable
2. <u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
3. <u>Moody</u>	<u>Twogood</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 214 revises Florida gun registry laws to prohibit certain entities from using an identifying code for purchases from firearm or ammunition retailers. The information gathered from the use of such codes could be construed as a firearm registry maintained by private entities, which current law prohibits. The bill:

- Makes Legislative findings with respect to maintaining records or tracking by nongovernmental entities of the purchase of firearms and ammunition, specifying that such records and tracking may frustrate the right to keep and bear arms and violates the reasonable privacy rights of lawful purchasers of firearms or ammunition;
- Prohibits payment settlement entities, merchant acquiring entities, third party settlement organizations, or entities involved in facilitating or processing a payment card transaction from classifying or assigning merchants with a merchant category code (“MCC”) that identifies them as sellers of firearms or ammunition;
- Authorizes a firearm or ammunition merchant to assign or use a MCC for general merchandise or sporting goods retailers;
- Provides that any agreement or contractual clause that is not in compliance with these provisions is void and in violation of the public policy of Florida;
- Amends the penalties under current law in s. 790.335, F.S., to only apply to the law prohibiting any person, public or private, from keeping a registry of privately owned firearms;

- Excludes the new provisions relating to MCCs for firearms or ammunition retailers from the provision under current law that provides that the state attorney in the appropriate jurisdiction is responsible for investigating violations; and
- Authorizes the Department of Agriculture and Consumer Services (DACS) to conduct investigations of alleged violations of the new provisions on MCCs, and to bring an administrative action seeking to impose penalties for such violations.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Right to Bear Arms & Firearms Regulation

The Second Amendment states: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” In *District of Columbia v. Heller*, the Supreme Court held that the Second Amendment conferred an individual right to keep and bear arms. However, the right is not unlimited.¹

Federal Regulation of Firearms

In applying *Heller*, a United States Court of Appeals held that a requirement to register a handgun² is constitutional.³ However, the Firearm Owners’ Protection Act of 1986 (FOPA) expressly prohibits any rule or regulation from requiring any records that must be maintained under the Act from being recorded or transferred to a United States or any State owned or controlled facility, or any firearm registration system from being established.⁴

A licensed importer, manufacturer, or dealer must not transfer a firearm to any other person who is not licensed unless a national instant criminal background check is completed and the system provides the licensee with a unique identification number, or 3 days have elapsed without receiving notification that such person is ineligible to receive such firearm or that the receipt of such firearm would violate federal, state, local, or tribal law.⁵ If the background check reveals that receipt or transfer of a firearm by a person would not result in a violation of applicable laws, the national instant criminal background check system must destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.⁶ If receipt or transfer of a firearm would result in a violation of applicable laws, the Attorney General must report to local law enforcement authority certain information, such as the identity of the person.⁷

¹ *District of Columbia v. Heller*, 554 U.S. 570, 595-626 (2008). 18 U.S.C. s. 922 provides that certain persons are ineligible to purchase or possess a firearm including, for instance, specified convicted criminals, fugitives from justice, illegal aliens, and persons who are adjudicated mentally defective or involuntarily committed to treatment. However, 18 U.S.C. s. 922(g)(3), relating to a person who is an unlawful user of or addicted to any controlled substance, was recently held unconstitutional. See *United States v. Harrison*, 2023 WL 1771138 (2023).

² 18 U.S.C. s. 921(30) defines “handgun” as (A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

³ *Heller v. District of Columbia*, 670 F.3d 1244, 1254-55 (D.C.Cir.2011).

⁴ 18 U.S.C. s. 926(a).

⁵ 18 U.S.C. s. 922(t).

⁶ 18 U.S.C. s. 922(t)(2).

⁷ 18 U.S.C. s. 925B(a).

Florida Firearms Laws

The Florida Constitution guarantees “the right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state...except that the manner of bearing arms may be regulated by law.”⁸ Generally, a person does not need a license to possess or use a firearm⁹ in Florida. However, a person is prohibited from openly carrying a firearm on or about his or her person¹⁰ unless the person is a law enforcement officer or engaged in one of the activities listed in s. 790.25(3), F.S., such as hunting, camping, or military service. A violation of this prohibition is punishable as a second degree misdemeanor.¹¹ The open carry prohibition does not apply to a person who holds a concealed weapons license and who briefly and openly displays a firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner.¹²

Except in certain circumstances while in the act of evacuating¹³ during a state of emergency, a person who carries a concealed weapon on or about his or her person without a license commits a third degree felony.¹⁴ The Department of Agriculture and Consumer Services (DACS) must issue a concealed weapon or firearm¹⁵ license to a person who meets the specified qualifications under s. 790.06, F.S.¹⁶ Personal identifying information of an applicant or an individual who has received a concealed weapons license held by the Division of License of the DACS is confidential and exempt from public records disclosure requirements under s. 119.07(1), F.S., and s. 24(a), Art. 1 of the State Constitution.¹⁷

⁸ Art. I, s. 8(a), Fla. Const.

⁹ Section 790.01(6), F.S., defines “firearm” as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.

¹⁰ Section 790.053(1), F.S.

¹¹ Section 790.053(3), F.S. A second degree misdemeanor is punishable by up to 60 days in jail, a \$500 fine, or both. Sections 775.082 and 775.083, F.S.

¹² Section 790.053(1), F.S. The open carry prohibition does not apply to necessary self-defense.

¹³ Section 790.053(3)(a), F.S., defines “in the act of evaluating” as the immediate and urgent movement of a person away from the evacuation zone within 48 hours after a mandatory evacuation is ordered.

¹⁴ Section 790.01(2) and (3)(a), F.S. A third degree felony is punishable by up to five years imprisonment, a \$5,000 fine, or both. Sections 775.082 and 775.083, F.S.

¹⁵ For purposes of Section 790.06, F.S., “concealed weapons” or “concealed firearms” are defined to include a “handgun, electronic weapon or device...but not a machine gun...” Section 790.001(9), F.S., defines “machine gun” as any firearm, as defined herein, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.

¹⁶ Section 790.06(2), F.S. provides for the criteria which must be met to be eligible for a license, including, but not limited to: 1) Be a resident and citizen of the United States, permanent resident alien of the United States, or consular security official that meets certain criteria; 2) Is 21 years of age or older; 3) Does not suffer from a physical infirmity which prevents the safe handling of a firearm; 4) Is not ineligible to possess a firearm due to a felony conviction; 5) Has not been found guilty or had adjudication withheld for committing certain crimes; 6) Does not chronically and habitually use alcoholic beverages or other substances; and 7) Demonstrates competence with a firearm by, for instance, completing a specified course.

¹⁷ Section 790.0601(1), F.S.

A person must be 21 years or older to purchase a firearm.¹⁸ Further, except for certain exclusions,¹⁹ there is a mandatory waiting period between the purchase²⁰ and delivery of a firearm. The purchaser must wait 3 days,²¹ or for the completion of the records checks required under s. 790.065, F.S., whichever occurs later.²² Firearm sales records must be made available for inspection by any law enforcement agency.²³

Florida Law – Records of Firearms Owners

Any records containing the information set out in s. 790.065(1), F.S., pertaining to a buyer or transferee who is not prohibited from receipt or transfer of a firearm under federal or Florida law, are deemed confidential and exempt from public disclosure pursuant to s. 119.07(1), F.S., and may not be disclosed by the Florida Department of Law Enforcement (FDLE) to any person or to another agency.²⁴ The FDLE must destroy any such records after communicating the approval or nonapproval numbers to the licensee and, in any event, no later than 48 hours after the day of the response to the licensee's request.²⁵ However, the FDLE may maintain records of National Crime Information Center transactions as required under federal law, and may keep:

- A log of dates of requests for criminal history records checks;
- Unique approval and nonapproval numbers;
- License identification numbers; and
- Transaction numbers corresponding to such dates for a period of two years or less or as otherwise required by law.²⁶

The provisions in ch. 790, F.S., do not allow Florida to maintain records containing the names of purchasers or transferees who receive unique approval numbers or to keep records of firearm transactions.²⁷ Any current or former officer or employee of the FDLE or law enforcement agency who intentionally or maliciously violates these provisions is guilty of a third degree felony.²⁸

The Florida Legislature has made findings that a list, record, or registry of lawfully owned firearms or law-abiding firearm owners is not a law enforcement tool or tool for fighting

¹⁸ Section 790.065(13), F.S. A licensed importer, manufacturer, or dealer who sells or transfers or facilitates such a sale or transfer of a firearm to a person younger than 21 years of age commits a third degree felony punishable under s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.

¹⁹ Section 790.0655(2), F.S., provides that the exclusions include when a firearm is being purchased by a person who holds a concealed weapons permit, a trade-in of another firearm, to purchase a rifle or shotgun in certain circumstances.

²⁰ Section 790.0655(1), F.S., defines "purchase" as the transfer of money or other valuable consideration to the retailer, and "retailer" means and includes a licensed importer, manufacturer, or dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state.

²¹ Excluding weekends and legal holidays.

²² Section 790.0655(1), F.S.

²³ *Id.* See also s. 934.02, F.S., defines "law enforcement agency" as an agency of the State of Florida or a political subdivision thereof or of the United States if the primary responsibility of the agency is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state and if its agents and officers are empowered by law to conduct criminal investigations and to make arrests.

²⁴ Section 790.065(4)(a), F.S.

²⁵ *Id.*

²⁶ Section 790.065(4)(b), F.S.

²⁷ Section 790.065(4)(c), F.S.

²⁸ Section 790.065(4)(d), F.S.

terrorism, but may be used as a “shopping list for thieves,” or as an instrument for profiling, harassing, or abusing law-abiding citizens based on their choice to exercise a constitutionally protected right to keep and bear arms. Florida law prohibits certain governmental entities, such as state agencies or local governments, or their officials, agents, or employees, or any other person from knowingly and willfully keeping any list, record, or registry of privately owned firearms or the owners of such firearms.²⁹ Any governmental entity or its designee that violates this provision commits a third degree felony,³⁰ which must be investigated and prosecuted by the state attorney in the appropriate jurisdiction.³¹ Such entity or person may be assessed a fine of up to \$5 million if the court finds that the list, record, or registry was compiled or maintained with the management’s knowledge or complicity.³² The Attorney General has authority to bring a civil cause of action to enforce such fines.³³

Use of Merchant Category Codes When Purchasing Firearms

Key Players in Credit Card Transactions

There are several key players that are involved in authorization and payment settlement of credit card transactions, as follows:

- “Participating payee” means (i) in the case of a payment card transaction,³⁴ any person who accepts a payment card³⁵ as payment; and (ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.³⁶ A participating payee may be, for instance, a merchant in a credit card transaction.³⁷
- “Payment settlement entity” means: (A) in the case of a payment card transaction, the merchant acquiring entity; and (B) in the case of a third party network transaction, the third party settlement organization.³⁸ Such entities generally include banks or other organizations

²⁹ Section 790.335(2)(a), F.S.

³⁰ Section 790.335(4)(a), F.S. Except as provided under the U.S. and Florida Constitutions, public funds may not be used to defend the unlawful conduct of a person who is charged with such a violation unless the charges are dismissed or the person is found not guilty after a trial. Public funds, however, may be used to provide services of the office of the public defender or court-appointed conflict counsel as provided by law. Section 779.335(4)(b), F.S.

³¹ Section 790.335(4)(d), F.S.

³² Section 779.335(4)(c), F.S.

³³ *Id.*

³⁴ 26 U.S.C. s. 6050W(c)(2) defines “payment card transaction” as any transaction in which a payment card is accepted as payment.

³⁵ 26 U.S.C. s. 6050W(d)(2) defines “payment card” as any card which is issued pursuant to an agreement or arrangement which provides for (A) one or more issuers of such cards, (B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards of payment, and (C) standards and mechanisms for settling the transactions between merchant acquiring entities and the persons who agree to accept such cards as payment. The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

³⁶ 26 U.S.C. s. 6050W(d)(1)(A).

³⁷ IRS, *IRC Section 6050W Frequently Asked Questions*, available at: [Frequently Asked Questions \(irs.gov\)](https://www.irs.gov/faq) (last visited March 7, 2023).

³⁸ 26 U.S.C. s. 6050W(b)(1).

that process credit card transactions on behalf of a merchant and make an interbank transfer of funds to the merchant from a customer.³⁹

- “**Merchant acquiring entity**” means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.⁴⁰ A merchant acquiring entity is typically called acquiring bank or merchant bank, and is the bank or other organization that process credit card transactions on behalf of a merchant and ultimately transfers the funds received from the customer’s bank (called an “issuing bank”⁴¹) to the merchant’s account.⁴²
- “**Third party settlement organization**” means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.^{43,44} The most common example of a third-party settlement organization is an online auction-payment facilitator, which operates merely as an intermediary between buyer and seller by transferring funds between accounts in settlement of an auction/purchase.⁴⁵

Merchant Category Codes

The International Organization for Standardization (ISO), a non-governmental organization that develops international standards, has established a standard which contains a list of merchant category codes (“MCC”), titled ISO 18245:2023 Retail Financial Services – Merchant Category Codes (the “ISO 2023 Standard”).⁴⁶ A MCC is a four-digit number assigned to a merchant by an acquiring bank (or processor) in compliance with card association or network rules⁴⁷ when the business opens a merchant account to classify the business by specific market segment and to allow the business to begin accepting credit cards as a form of payment.⁴⁸ Visa’s general rules for assignment of MCCs include, in summary:

³⁹ Bonner, P., *Journal of Accountancy, New, Lower Form 1099-K Threshold Prompts Cautions, Criticisms*, Mar. 10, 2022, available at: [New, lower Form 1099-K threshold prompts cautions, criticisms - Journal of Accountancy](#) (hereinafter cited as “Journal of Accountancy Article”) (last visited March 7, 2023).

⁴⁰ 26 U.S.C. s. 6050W(b)(2).

⁴¹ An issuing bank is also often referred to as “card issuer. 15 U.S.C. 1602(o) defines “card issuer” as any person who issues a credit card, or the agent of such person with respect to such card.

⁴² IRS FAQ, *supra* note 37.

⁴³ 26 U.S.C. s. 6050W(c)(3) defines “third party network transaction” as any transaction described in subsection (d)(3)(A)(iii) which is settled through a third party payment network. 26 U.S.C. s. 6050W(d)(3) defines “third party payment network” as any agreement or arrangement (A) which involves the establishment of accounts with a central organization by a substantial number of persons who (i) are unrelated to such organization, (ii) provide goods or services, and (iii) have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, (B) which provides for the standards and mechanisms for settling such transactions, and (C) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services. Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

⁴⁴ 26 U.S.C. s. 6050W(b)(3).

⁴⁵ IRS, *IRC Section 6050W Frequently Asked Questions*, available at: [Frequently Asked Questions \(irs.gov\)](#) (last visited March 7, 2023). Third party settlement organizations include PayPal, Venmo, and CashApp.

⁴⁶ The ISO, *About Us*, available at: [ISO - About us](#) (last visited March 7, 2023); ISO, *ISO 18245:2003 Retail financial services – Merchant category codes*, available at: [ISO - ISO 18245:2023 - Retail financial services — Merchant category codes](#) (all sites last visited March 7, 2023).

⁴⁷ See Visa, *Visa Merchant Data Standards Manual: Visa Supplemental Requirements*, Nov. 2021, [visa-merchant-data-standards-manual.pdf](#) (hereinafter cited as “Visa’s MCC Manual”) (last visited March 7, 2023).

⁴⁸ Dwyer, B., CardFellow, *Merchant Category Code: Reporting & Rates*, Apr. 6, 2020, available at: [What are Merchant Category Codes and Why Do They Matter? \(cardfellow.com\)](#) (last visited March 7, 2023).

- Select the MCC that most accurately describes the merchant’s primary type of business. If the merchant has more than one line of business, the merchant must either:
 - Use the MCC that describes the business with the highest sales volume to process all Visa sales; or
 - Use different MCCs for each line of business.
- Use “miscellaneous” MCCs only if there is no MCC specific to the merchant’s business.
- Merchants with multiple outlets must choose the appropriate MCC for each outlet.
- If there are different businesses operating on the same premises, each business must be assigned its own MCC if certain criteria applies.
- When applicable, use the unique merchant-specific MCC that are designated for major travel and entertainment.⁴⁹

MCCs are used for a several reasons, including to: file reports with the Internal Revenue Service (IRS), determine rewards, identify high-risk business models and prohibited business types, track customer spending, and establish merchant interchange rates.⁵⁰ Businesses with “high-risk” MCCs generally pay higher fees.⁵¹ A MCC is the code of the merchant where the purchase is made but it does not specify the items that were purchased.⁵²

Each credit card network has its own master list of MCCs with many of the codes being standardized and based on the ISO Standard.⁵³ Some financial organizations, third party settlement organizations, or processors also have their own MCC lists.⁵⁴ Historically, retailers who sell firearms and ammunition have been assigned a merchant category code of miscellaneous retail stores or sporting goods stores.⁵⁵ On September 7, 2022, the ISO approved an application by a New York-based bank to adopt a new MCC for firearm retailers.⁵⁶ The ISO has updated the ISO 2003 Standard for MCCs in 2023, which includes a gun code of 5723 for “gun and ammunition shops.”⁵⁷ MCCs adopted by the ISO are not required to be used,⁵⁸ but Visa Inc. (Visa), MasterCard Inc. (MasterCard), and American Express, Inc. (together, the “Card

⁴⁹ See Visa’s MCC Manual.

⁵⁰ See Citi, *Merchant Category Codes*, available at: [Merchant-Category-Codes.pdf \(citibank.com\)](https://citibank.com/merchant-category-codes) (hereinafter cited as “Citi MCC Guide”) (last visited March 7, 2023).

⁵¹ TD Ameritrade, *Fee Changes for Merchants in High Brand Risk Categories*, available at: [Fee Changes for Merchants in High Brand Risk Categories \(td.com\)](https://td.com/fee-changes-for-merchants-in-high-brand-risk-categories) (last visited March 7, 2023).

⁵² Maruf, R. CNN Business. *Credit Card Companies Will Adopt New Sales Code for Gun Transactions*, Sept. 11, 2022, available at: [Credit card companies will adopt new sales code for gun transactions | CNN Business](https://www.cnn.com/2022/09/11/credit-card-companies-gun-transactions/index.html) (hereinafter cited as “The CNN Article”) (all sites last visited March 7, 2023).

⁵³ Motola, C., Merchant Maverick, *Merchant Category Codes (MCC): All You Need to Know*, May 26, 2021, available at: [The Complete Guide to Merchant Category Codes \(MCCs\) \(merchantmaverick.com\)](https://www.merchantmaverick.com/merchant-category-codes) (last visited March 7, 2023).

⁵⁴ Citi MCC Guide; Irby, L., *The Balance, If I Use My Credit Card Through PayPal, Can I Still Earn Bonus Points?*, Apr. 6, 2021, available at: [If I Use My Credit Card Through PayPal, Can I Still Earn Bonus Points? \(thebalancemoney.com\)](https://www.thebalancemoney.com/if-i-use-my-credit-card-through-paypal-can-i-still-earn-bonus-points-2021) (last visited March 7, 2023).

⁵⁵ The CNN Article.

⁵⁶ Kerber, R., Reuters, *Global Standards Body Approves New Merchant code for Gun Sellers*, Sept. 9, 2022, available at: [Global standards body approves new merchant code for gun sellers | Reuters](https://www.reuters.com/business/global-standards-body-approves-new-merchant-code-for-gun-sellers-2022-09-09/) (last visited March 7, 2023).

⁵⁷ ISO, *ISO 18245:2023(en) Retail Financial Services – Merchant Category Codes*, available at: [ISO 18245:2023\(en\), Retail financial services — Merchant category codes](https://www.iso.org/standard/78441.html) (hereinafter cited as “ISO 2023 MCC Standard”) (last visited March 7, 2023); ISO, Electronic mail from Audrey Himmer, ISO/TC68/SC9 Committee Manager, *Re: New Merchant Category Code for Firearm Retailers*, February 20, 2023 (on file with the Senate Committee on Banking and Insurance) (attaching MerchantCategoryCodes 14092022).

⁵⁸ *Id.*

Associations”) have all agreed to use the new MCC.⁵⁹ However, Visa and MasterCard have not yet updated their lists to include a new MCC for firearm retailers.⁶⁰

Advocates for the new MCC for firearm retailers support the measure as a means for financial institutions to identify and report suspicious activity, such as unusually large purchases of weapons or ammunition.⁶¹ Critics raise concerns about the new MCC being tantamount to creating a national registry of gun owners.⁶² On September 20, 2022, twenty-four attorneys general, including Florida, sent a letter to the Card Associations expressing concerns about the potential to misuse the new MCC by tracking data that could infringe upon consumers’ privacy. Additionally, they asserted that isolating merchants who sell firearms may inhibit such purchases or result in “arbitrary disparate treatment” of firearm retailers and consumers.⁶³

Federal Credit Laws

The Truth in Lending Act (TILA), also known as the Consumer Protection Act, was established to ensure that consumers receive adequate disclosure of credit terms, and to “protect the consumer against inaccurate and unfair billing and credit card⁶⁴ practices.”⁶⁵ The TILA includes provisions on credit card accounts that restrict: (a) penalty fees or charges that a card issuer, or

⁵⁹ Mion, L., Fox Business, *Visa, MasterCard, Amex, to Categorize Gun Store Sales Separately*, Sept. 11, 2022, available at: [Visa, Mastercard, AmEx to categorize gun store sales separately | Fox Business](#) (last visited March 7, 2023).

⁶⁰ Visa MCC Manual; MasterCard, *Quick Reference Booklet – Merchant Edition*, Nov. 15, 2008, available at: [Quick Reference Booklet—Merchant Edition \(mastercard.us\)](#) (last visited March 7, 2023) (In Visa’s and MasterCard’s MCC lists, noting firearms under codes 5099 and 5999, for durable goods (not elsewhere classified) and miscellaneous and specialty retail shops, respectively).

⁶¹ CBS New York Team, CBS New York, *New York Leaders Call for Establishment of Merchant Category Code for Gun and Ammunition Stores*, Aug. 30, 2022, available at: [New York leaders call for establishment of merchant category code for gun and ammunition stores - CBS New York \(cbsnews.com\)](#) (last visited March 7, 2023).

⁶² The CNN Article.

⁶³ Skrmetti, J. and others, Letter from Attorneys General to Card Associations regarding MCCs, *Tennessee State Government, International Organization for Standardization (ISO)* (<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-36-letter.pdf>) (last visited March 7, 2023). The following five states have pending legislation that is similar to or addresses the issues identified in SB 214: Purchases from Licensed Gun Dealers, KY HB221, 2023 Regular Session, ch. 367 (2023); Second Amendment Financial Privacy Act, MS HB1110, 2023 Regular Session (2023); Notice to Consumers Regarding Firearm or Ammunition Transactions, TX HB2041, 2023-2024 88th Legislature Session (2023); Prohibiting Banks and Payment Networks from Tracking Firearm-related Data and Outlining Penalties, WV SB555, 2023 Regular Session (2023); and Banks, Banking and Finance, WY SF0171, 2023 General Session (2023). There is one state, Oklahoma, which had a Senate bill filed that is similar to SB 214 but it has failed. Oklahoma Second Amendment Financial Privacy Act, OK SB 814, 59th Legislature (2023).

⁶⁴ 15 U.S.C. s. 1602(l) defines “credit card” as any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

⁶⁵ 15 U.S.C. s. 1601(a). The TILA does not apply to certain categories of credit, such as transactions primarily for business, commercial, or agricultural purposes, or to governmental agencies. 15 U.S.C. s. 1603(1); 12 C.F.R. s. 1026.3.

issuing bank, may impose,⁶⁶ (b) modifications to the annual percentage rate,^{67,68} (c) a card issuer's discretion to open or increase any credit limit unless the card issuer considers certain information,⁶⁹ and (d) the content of advertisements in relation to specified information.⁷⁰ Before opening a credit card account, a creditor,⁷¹ which may be an issuing bank in a credit card transaction, must disclose to the person to whom credit is to be extended specified information relating to, in part, finance charges and terms of the credit,⁷² and certain information relating to applications, solicitations, and opening of accounts.⁷³

Further, a creditor is also required to provide a statement for each billing cycle with specified information, such as the outstanding balance and the amount and date of each extension of credit.⁷⁴ There are special rules that apply to credit card accounts offered to college students that require a card issuer to disclose a range of balances to which each periodic rate applies for a "category of transactions".⁷⁵ The Fair Credit Billing Act prohibits a card issuer from requiring a merchant to open an account with or procure any other service from a credit card issuer as a condition to participating in a credit card plan,⁷⁶ and limits the circumstances under which a creditor may increase specified rates, fees, and charges.⁷⁷ No provisions were identified under these acts that impose any requirements, protections, or restrictions with respect to MCCs.

⁶⁶ 15 U.S.C. s. 1665d(a).

⁶⁷ 15 U.S.C. s. 1606(a) (stating that the "annual percentage rate" as applicable to any extension of consumer credit shall be determined, in accordance with the regulations of the Bureau of Consumer Financial Protection (the "Bureau"), ... (2) in the case of any extension of credit under an open end credit plan, as the quotient (expressed as a percentage) of the total finance charge for the period to which it relates divided by the amount upon which the finance charge for that period is based, multiplied by the number of such periods in a year). 12 C.F.R. s. 1026.14(a) states that the "annual percentage rate" is a measure of the cost of credit, expressed as a yearly rate. 12 C.F.R. s. 1026.4 defines "finance charge" as the cost of consumer credit as a dollar amount and 15 U.S.C. s. 1605(a) lists examples of charges which are included in the finance charge such as interest, service or carrying charge, loan fee, finder's fee, fee for an investigation or credit report, or charge for any guarantee or insurance protecting the creditor against the obligor's default.

⁶⁸ 15 U.S.C. s. 1665c.

⁶⁹ 15 U.S.C. s. 1665e.

⁷⁰ 15 U.S.C. ss. 1662 and 1663; 12 C.F.R. s. 1026.16.

⁷¹ 15 U.S.C. s. 1602(g) defines "creditor" to mean only a person who both (1) regularly extends, whether in connection with loans, sales property or services, or otherwise, consumer credit which is payable by agreement in more than four installments or for which the payment of a finance charge is or may be required, and (2) is the person to whom the debt arising from the consumer credit transaction is initially payable on the face of the evidence of indebtedness or, if there is no such evidence of indebtedness, by agreement. Notwithstanding the preceding sentence, in the case of an open-end credit plan involving a credit card, the card issuer and any person who honors the credit card and offers a discount which is a finance charge are creditors. For the purpose of the requirements imposed under part D of ss. 1637(a)(5) – (7), 1637(b)(1)-(3), 1637(b)(8), and 1637(b)(10) of Title 15, the term "creditor" shall also include card issuers whether or not the amount due is payable by agreement in more than four installments or the payment of a finance charge is or may be required, and the Bureau shall, by regulation, apply these requirements to such a card issuers, to the extent appropriate, even though the requirements are by their terms applicable only to creditors offering open-end credit plans.

⁷² 15 U.S.C. s. 1637(a).

⁷³ *Id.* at (c); 12 C.F.R. s. 1026.6.

⁷⁴ 15 U.S.C. s. 1637 (b).

⁷⁵ 12 C.F.R. s. 1026.60(b)(1).

⁷⁶ 15 U.S.C. s. 1666g.

⁷⁷ 15 U.S.C. s. 1666i-1(a) and (b).

Anti-money Laundering Laws

Anti-money Laundering Laws aim to detect and prevent money laundering and deter financial criminal activity.⁷⁸ One provision authorizes the Secretary of the Treasury to require any financial institution⁷⁹ or certain individuals related to financial institutions to report any suspicious transaction relevant to a possible violation of law or regulation.⁸⁰ The federal rules require banks, federally and non-federally regulated, to establish anti-money laundering programs which must meet specified requirements.⁸¹ One such requirement is to conduct ongoing monitoring to identify and report suspicious transactions.⁸² The term “suspicious activity” means “any observed behavior that may indicate pre-operational planning associated with terrorism or terrorism-related crime.”⁸³ The U.S. Department of Homeland Security website contains “Signs of Suspicious Activity,” which displays images and a description of categories for signs of suspicious activities. One such sign illustrates a firearm and suggests that weapons collection or storage of unusual amounts of weapons is suspicious activity.⁸⁴

Internal Revenue Code

Payment settlement entities are required to make an annual return to the Internal Revenue Service (IRS) which contains, amongst other information, the gross amount of the reportable payment transactions⁸⁵ with respect to each participating payee.⁸⁶ The Secretary of the Treasury by regulations has the authority to determine the time, form, and manner in which the return must be made,⁸⁷ and has designated Form 1099-K as the form to use to report such information. The form contains a box to report the MCC assigned to the participating payee for which the form is being completed. The MCC may be excluded from the form if the filing entity uses an

⁷⁸ 31 U.S.C. s. 5311(2) and (3).

⁷⁹ 31 U.S.C. s. 5312(a)(2) defines “financial institution” as an insured bank; a commercial bank or trust company; a private banker; an agency or branch of a foreign bank in the United States; any credit union; a thrift institution; a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); a broker or dealer in securities or commodities; an investment banker or investment company; a currency exchange, or a business engaged in the exchange of currency, funds, or value that substitutes for currency of funds; an issuer, redeemer, or cashier of travelers’ checks, checks, money orders, or similar instruments; an operator of a credit card system; an insurance company; a dealer in precious metals, stones or jewels; a pawnbroker; a loan or finance company; a travel agency; a licensed sender of money or any other person who engages as a business in the transmission of currency, funds, or value that substitutes for currency; a telegraph company; a business engaged in vehicle sales, including automobile, airplane, and boat sales; persons involved in real estate closings and settlements; the United States Postal Service; an agency of the United States Government or of a State or local government carrying out a duty or power of a business described in this paragraph; a casino, gambling casino, or gaming establishment with an annual gaming revenue of more than \$1 million; any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation to be an activity which is similar to, or related to, or a substitute for any activity in which any business described in this paragraph is authorized to engage; or any other business designated by the Secretary whose cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters.

⁸⁰ 31 U.S.C. s. 5318(g)(1).

⁸¹ 31 C.F.R. 1020.210.

⁸² 31 C.F.R. 1020.10(a)(2)(v)(B) and (b)(2)(v)(B).

⁸³ The United States Department of Homeland Security, *Recognize Suspicious Activity*, available at: [Recognize Suspicious Activity | Homeland Security \(dhs.gov\)](https://www.dhs.gov/recognize-suspicious-activity) (last visited March 7, 2023).

⁸⁴ *Id.*

⁸⁵ 26 U.S.C. s. 6050W(c) defines “reportable payment transaction” as any payment card transaction and any third party network transaction.

⁸⁶ 26 U.S.C. s. 6050W(a).

⁸⁷ *Id.*

industry classification system other than or in addition to MCCs or is a third party settlement organization.⁸⁸ Broadly speaking, the MCCs classify businesses based on whether they predominately furnish services or goods. Payments for services are reportable, but payments for goods are not reportable.⁸⁹

Florida Credit Card Laws

Relevant Florida laws that relate to credit cards⁹⁰ are contained in the Financial Institutions Code and the Consumer Protection Act. A financial institution⁹¹ is authorized to make an extension of credit to any person on a credit card and to charge interest on the outstanding amount at a certain rate.⁹² Florida's Credit Card Bank Act provides that a credit card account between a domestic lender⁹³ or credit card bank⁹⁴ and a borrower must be governed by the laws of Florida or federal law unless otherwise expressly agreed in writing by the parties.⁹⁵ Florida consumer protection laws set out a limited number of protections relating to credit cards,⁹⁶ such as provisions relating to issuing credit cards,⁹⁷ imposing a surcharge,⁹⁸ or printing certain information on a merchant's receipt.⁹⁹ No provisions were identified that explicitly restrict or address the use of MCCs.

III. Effect of Proposed Changes:

The bill contains several "whereas" clauses as an introduction to the bill that explains its background.

The bill amends s. 790.335(1)(a), F.S., to include an additional Legislative finding which states:

⁸⁸ IRS, *Instructions for Form 1099-K (01/2022)*, Jan. 2022, available at: [Instructions for Form 1099-K \(01/2022\) | Internal Revenue Service \(irs.gov\)](https://www.irs.gov/irb/2022-01/irb-22-0101) (last visited March 7, 2023).

⁸⁹ IRS, *Rev. Proc. 2004-43*, Aug. 2, 2004, available at: [Internal Revenue Bulletin: 2004-31 | Internal Revenue Service \(irs.gov\)](https://www.irs.gov/irb/2004-31/irb-2004-3101) (last visited March 7, 2023).

⁹⁰ Section 658.995(2)(a), F.S., defines "credit card" as any type of arrangement or loan agreement pursuant to which a domestic lender or credit card bank gives a borrower the privilege of using the credit card or other credit confirmation or device of any type in transactions out of which debt arises, including: by the domestic lender or credit card bank honoring a draft or similar order for the payment of money created, authorized, issued, or accepted by the borrower; or by the domestic lender or credit card bank paying or agreeing to pay the borrower's obligation.

⁹¹ Section 655.005(1)(i), F.S., defines "financial institution" as a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.

⁹² Section 655.954(1), F.S.

⁹³ Section 658.995(2)(d), F.S., defines "domestic lender" as any bank, savings and loan association, credit union, or other business organization organized or chartered under the laws of Florida or of the United States, which in any event is authorized by law to accept deposits and make loans and has its principal place of business in Florida.

⁹⁴ See s. 658.995(3), F.S., for the terms and conditions under which certain entities may own or control a credit card bank.

⁹⁵ Section 658.995(4), F.S. However, such writing may not supersede the interest rate provisions of s. 655.954, F.S.

⁹⁶ Ch. 501, F.S.

⁹⁷ Section 501.011(3), F.S.

⁹⁸ Section 501.0117(1), F.S., defines "surcharge" as any additional amount imposed at the time of a sale or lease transaction by the seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit card to make payment.

⁹⁹ Section 501.0118(2), F.S.

The creation or maintenance of records of purchases of firearms or ammunition or the tracking of sales made by a retailer of firearms or ammunition by a nongovernmental entity, including a financial institution, without a substantial and historical business need or a requirement imposed by law, may frustrate the right to keep and bear arms and violate the reasonable privacy rights of lawful purchasers of firearms or ammunition.

The bill prohibits a payment settlement entity,¹⁰⁰ merchant acquiring entity,¹⁰¹ third party settlement organization,¹⁰² or entities involved in facilitating or processing a payment card transaction from classifying or assigning a MCC to or otherwise classifying a merchant as a firearms or ammunition retailer, or separately from general merchandise or sporting goods retailers. Any agreement or contractual clause that does not comply with these provisions is void and in violation of the public policy of Florida.

The bill provides that the current penalties under s. 790.335, F.S.,¹⁰³ only apply to paragraph (2)(a), which prohibits any governmental agency or local government, special district, or other political subdivision or official, agent, or employee of Florida or other governmental entity or any other person, public or private from keeping a registry of privately owned firearms.

The bill provides the new paragraphs (2)(b) and (c) in the bill are exceptions to the provision under current law that the state attorney in the appropriate jurisdiction must investigate complaints of criminal violations under s. 790.335, F.S. The bill authorizes the Department of Agriculture and Consumer Services to investigate alleged violations of s. 790.335(2)(b) and (c), F.S., relating to MCCs, and upon finding a violation, to bring an administrative action seeking to impose an administrative fine for each violation of an unlawfully classified retailer. Such administrative fine imposed in the Class III category may not exceed \$10,000 for each violation.¹⁰⁴

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁰⁰ 26 U.S.C. s. 6050W(d)(1)(A). The merchant acquiring entity or third party settlement organization.

¹⁰¹ 26 U.S.C. s. 6050W(b)(2). The bank or other entity that has the contractual obligation to pay merchants in settlement of credit card transactions.

¹⁰² 26 U.S.C. s. 6050W(b)(3). The organization which has the contractual obligation to pay merchants of third party network transactions, such as PayPal, Venmo, or CashApp.

¹⁰³ The penalty is a third degree felony. A third degree felony is punishable by up to five years imprisonment, a \$5,000 fine, or both. Sections 775.082 and 775.083, F.S.

¹⁰⁴ See s. 570.971(1)(c), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that any payment settlement entities, merchant acquiring entities, or third party settlement organizations violate the provisions in the bill or contest any administrative fines imposed by the DACS for such violations, the bill may result in an indeterminate fiscal impact on them.

C. Government Sector Impact:

To the extent that violators contest any administrative fines through the formal administrative hearing process, the bill may result in an indeterminate fiscal impact on the DACS and the state court system.

The DACS is unable to estimate any fiscal impact the proposed bill may have on the agency.¹⁰⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.335 of the Florida Statutes.

¹⁰⁵ The DACS, *Agency Analysis for SB 214*, p. 4, January 31, 2023, (on file with the Senate Committee on Banking and Insurance).

IX. Additional Information:

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

CS by Commerce and Tourism on March 6, 2023:

The committee substitute prohibits an entity involved in facilitating or processing a payment card transaction from assigning or requiring a merchant to use a merchant category code that classifies the merchant as a firearms or ammunition retailer.

Additionally, the amendment provides that a merchant of firearms or ammunition may be assigned a merchant category code for general merchandise retailers or sporting goods retailers, and any agreement or contractual provision to the contrary is void in violation of the public policy of the state. The substitute amendment also clarifies that the department of Agriculture and Consumer Services has enforcement authority for a violation of the above prohibition.

- B. Amendments:

None.

By the Committee on Commerce and Tourism; and Senator Burgess

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A bill to be entitled

An act relating to sales of firearms and ammunition; amending s. 790.335, F.S.; providing legislative findings; prohibiting payment settlement entities, merchant acquiring entities, or third party settlement organizations from assigning merchant category codes or otherwise classifying merchants of firearms or ammunition separately from general merchandise or sporting goods retailers; prohibiting entities involved in facilitating or processing payment card transactions from assigning to or requiring a merchant to use certain merchant category codes; authorizing a merchant of firearms or ammunition to be assigned or to use certain merchant category codes; specifying that any agreement or contractual provision to the contrary is void and in violation of the public policy of this state; authorizing the Department of Agriculture and Consumer Services to investigate certain alleged violations and bring administrative actions; providing an exception to complaint investigations by state attorneys; making technical changes; providing an effective date.

WHEREAS, the International Standards Organization, based in Switzerland, recently approved a new merchant category code for firearm and ammunition merchants, and

WHEREAS, firearm and ammunition merchants historically have been classified as sporting goods retailers or general merchandise retailers, which has been sufficient for credit card

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

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companies' business needs, and

WHEREAS, according to advocates for the new merchant category code, the new code will allow credit card companies to flag "suspicious" transactions, ostensibly for the purpose of predicting and preventing future gun violence, and

WHEREAS, proponents indicate that the new merchant category code is a "first step" but have given no guidance as to how to distinguish suspicious activity from lawful sales, and

WHEREAS, the use of either merchant category code cannot distinguish the sale of a firearm from the sale of a gun safe by a firearms and ammunition merchant, and

WHEREAS, the use of the new merchant category code to detect suspicious activities predicting future unlawful activity will likely discourage financial institutions from serving lawful retailers of firearms and ammunition and chill the lawful exercise of Second Amendment rights, and

WHEREAS, current law requires a firearm retailer to conduct a criminal history records check on a potential purchaser before delivering a firearm to the purchaser, and

WHEREAS, the new merchant category code may result in credit card companies reporting law-abiding citizens to a law enforcement agency based on overbroad definitions of suspicious activity and the creation of a de facto gun registry and watchlists of law-abiding citizens, and

WHEREAS, the use of the new merchant category code will likely make the job of law enforcement officers more difficult, as those purchasing a firearm from a firearm retailer for an unlawful purpose will likely purchase firearms with cash, cryptocurrency, or other means that are difficult or impossible

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to trace, and

WHEREAS, developing appropriate regulations for the sale of firearms and ammunition while protecting the right of self-defense is the role of democratically elected officials, not the role of unelected bankers and foreign organizations, NOW, THEREFORE,

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

Section 1. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 790.335, Florida Statutes, are amended to read:

790.335 Prohibition of registration of firearms; electronic records.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds and declares that:

1. The right of individuals to keep and bear arms is guaranteed under both the Second Amendment to the United States Constitution and s. 8, Art. I of the State Constitution.

2. A list, record, or registry of legally owned firearms or law-abiding firearm owners is not a law enforcement tool and can become an instrument for profiling, harassing, or abusing law-abiding citizens based on their choice to own a firearm and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution. Further, such a list, record, or registry has the potential to fall into the wrong hands and become a shopping list for thieves.

3. A list, record, or registry of legally owned firearms or law-abiding firearm owners is not a tool for fighting terrorism,

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but rather is an instrument that can be used as a means to profile innocent citizens and to harass and abuse American citizens based solely on their choice to own firearms and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution.

4. The creation or maintenance of records of purchases of firearms or ammunition or the tracking of sales made by a retailer of firearms or ammunition by a nongovernmental entity, including a financial institution, without a substantial and historical business need or a requirement imposed by law, may frustrate the right to keep and bear arms and violate the reasonable privacy rights of lawful purchasers of firearms or ammunition.

5. Law-abiding firearm owners whose names have been illegally recorded in a list, record, or registry are entitled to redress.

(2) PROHIBITIONS.—

(a) A ~~No~~ state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of the ~~such~~ state or other governmental entity or any other person, public or private, may not ~~shall~~ knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms.

(b) A payment settlement entity, merchant acquiring entity, or third party settlement organization as those terms are defined in s. 6050W of the Internal Revenue Code may not assign a merchant category code to or otherwise classify a merchant that is a seller of firearms or ammunition separately from

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general merchandise retailers or sporting goods retailers.

(c) An entity involved in facilitating or processing a payment card transaction, including, but not limited to, a financial institution, an acquirer, a payment card network, or a payment card issuer, may not assign to or require a merchant to use a merchant category code that classifies the merchant as a firearms or ammunition retailer or places the merchant in a similar classification. A merchant of firearms or ammunition may be assigned or may use a merchant category code for general merchandise retailers or sporting goods retailers. Any agreement or contractual provision to the contrary is void in violation of the public policy of this state.

(4) PENALTIES.—

(a) Any person who, or entity that, violates paragraph (2) (a) ~~a provision of this section~~ commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as required by ~~the provisions of~~ s. 16, Art. I of the State Constitution or the Sixth Amendment to the United States Constitution, ~~no~~ public funds may not ~~shall~~ be used to defend the unlawful conduct of any person charged with a violation of this section, unless the charges against ~~the such~~ person are dismissed or ~~the such~~ person is determined to be not guilty at trial. Notwithstanding this paragraph, public funds may be expended to provide the services of the office of public defender or court-appointed conflict counsel as provided by law.

(c) The governmental entity, or the designee of ~~the such~~ governmental entity, in whose service or employ a list, record, or registry was compiled in violation of paragraph (2) (a) ~~this section~~ may be assessed a fine of up to not more than \$5

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million~~7~~, if the court determines that the evidence shows that the list, record, or registry was compiled or maintained with the knowledge or complicity of the management of the governmental entity. The Attorney General may bring a civil cause of action to enforce the fines assessed under this paragraph.

(d) The Department of Agriculture and Consumer Services may investigate alleged violations of paragraph (2) (b) or paragraph (2) (c) and, upon finding a violation, bring an administrative action seeking to impose an administrative fine pursuant to s. 570.971 in the Class III category for each violation of paragraph (2) (b) or paragraph (2) (c) for each instance of an unlawfully classified retailer.

(e) The state attorney in the appropriate jurisdiction shall investigate complaints of criminal violations of this section, except for alleged violations of paragraph (2) (b) or paragraph (2) (c), and shall prosecute violators, where evidence indicates that a violation may have occurred, ~~shall prosecute violators.~~

Section 2. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 9, 2023

I respectfully request that **Senate Bill #214**, relating to Sales of Firearms and Ammunition, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 23

APPEARANCE RECORDCS/SB 214
Bill Number or Topic

3.15.23

Meeting Date

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Yolanda Russell

Phone

407-619-3641

Address

5803 CITENS Village Blvd #323

Email

yolandarussell@earthlink.net

Street

WINTERGARDEN FL

State

34787

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:☒I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

March 15, 2023

Meeting Date

Rules

Committee

CS/SB 214

Bill Number or Topic

Amendment Barcode (if applicable)

Name

VIVIAN Lyte-Johnson

Phone

407 595 4264

Address

1884 Ibis Bay Ct

Email

v3576@att.net

Street

Ocoee

City

FL

State

34761

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-15-23

Meeting Date

Rules

Committee

214

Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara DeVane

Phone 850-257-4280

Address 625 E. Brevard St

Email barbaradervane1@yahoo.com

Street

Tallahassee FL 32308

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

FL NOW

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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CFU JIMMY PATRONIS

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/15/23

Meeting Date

Rules

Committee

Name **Alex Haley**

Address **400 S. Monroe St - PL 10**

Street

Tallahassee

City

FL

State

32399

Zip

214

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **(850) 257-1345**

Email **alex.haley@fdacs.gov**

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Florida Department of Agriculture & Consumer Services

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/15/23

Meeting Date

SB 214

Bill Number or Topic

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name

Marshall Clayton Rawson

Phone

352-514-8568

Address

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Email

marshallclaytonr@yahoo.com

Street

Hampton

City

Florida

State

32044

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 218

INTRODUCER: Senator Harrell

SUBJECT: Genetic Counselors Using Telehealth

DATE: March 14, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Favorable
2.	Collazo	Cibula	JU	Favorable
3.	Rossitto-Van Winkle	Twogood	RC	Favorable

I. Summary:

SB 218 amends the definition of a telehealth provider in s. 456.47, F.S., to allow licensed genetic counselors to provide health care and related services using telehealth.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

Telehealth

Section 456.47, F.S., defines the term “telehealth” as the use of synchronous or asynchronous telecommunications technology by a telehealth provider to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include audio-only telephone calls, e-mail messages, or facsimile transmissions.¹

In a general sense, “synchronous” telehealth happens in live, real-time settings where the patient interacts with a provider, usually via phone or video. Providers and patients communicate directly, often resulting in a diagnosis, treatment plan, or prescription. Synchronous telehealth can include additional at-home devices such as a blood pressure or heart rate monitors, thermometers, oximeters, cameras, or scales to help the provider more accurately assess the patient’s health status.²

¹ Section 456.47(1)(a), F.S.

² TELEHEALTH.HHS.GOV, *Synchronous direct-to-consumer telehealth*, <https://telehealth.hhs.gov/providers/direct-to-consumer/synchronous-direct-to-consumer-telehealth/> (last visited Mar. 2, 2023).

“Asynchronous” telehealth, also known as “store-and-forward,” is often used for patient intake or follow-up care. For example, a patient sends a photo of a skin condition that is later reviewed by a dermatologist who recommends treatment.³

Section 456.47, F.S., also authorizes out-of-state health care providers to use telehealth to deliver health care services to Florida patients if they register with the applicable board,⁴ or the Department of Health (DOH) if there is no board, and meet certain eligibility requirements.⁵ A registered out-of-state telehealth provider may use telehealth, within the relevant scope of practice established by Florida law and rule, to provide health care services to Florida patients, but such providers are prohibited from opening an office in Florida, and from providing in-person health care services to patients located in Florida, without first becoming licensed by the state.⁶

A telehealth provider may not use telehealth to prescribe a controlled substance listed in Schedule II⁷ of the state law establishing standards and schedules for controlled substances⁸ unless the controlled substance is prescribed for the following:

- The treatment of a psychiatric disorder;
- Inpatient treatment at a licensed hospital;
- The treatment of a patient receiving hospice services;⁹ or
- The treatment of a resident of a nursing home facility.^{10, 11}

A telehealth provider must document in the patient’s medical record the health care services rendered using telehealth according to the same standard as used for in-person services. Medical records, including video, audio, electronic, or other records generated as a result of providing such services, are confidential.¹²

³ TELEHEALTH.HHS.GOV, *Asynchronous direct-to-consumer telehealth*, <https://telehealth.hhs.gov/providers/direct-to-consumer/asynchronous-direct-to-consumer-telehealth/> (last visited Mar. 2, 2023).

⁴ Under s. 456.001(1), F.S., the term “board” is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the DOH’s Division of Medical Quality Assurance (MQA).

⁵ See generally s. 456.47(4), F.S.

⁶ See s. 456.47(4)(f), F.S.

⁷ Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous. Some examples of Schedule II drugs are: combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin. U.S. Drug Enforcement Administration, *Drug Scheduling*, <https://www.dea.gov/drug-information/drug-scheduling> (last visited Mar. 2, 2023).

⁸ Section 893.03, F.S.

⁹ Section 400.601(14), F.S., defines “hospice services” as items and services furnished to a patient and family by a hospice, or by others under arrangements with such a program, in a place of temporary or permanent residence used as the patient’s home for the purpose of maintaining the patient at home; or, if the patient needs short-term institutionalization, the services must be furnished in cooperation with those contracted institutions or in the hospice inpatient facility.

¹⁰ Section 400.021(12), F.S., defines a “nursing home facility” as any facility which provides nursing services defined and licensed under ch. 464 part I, F.S..

¹¹ Section 456.47(2)(c), F.S.

¹² Section 456.47(3), F.S. (referencing ss. 395.3025(4) and 456.057, F.S., in connection with confidentiality).

The website of an out-of-state telehealth provider registered under s. 456.47, F.S., must prominently display a hyperlink to the DOH website, and the DOH website must publish a list of all out-of-state registrants and include the following information for each:

- Name.
- Health care occupation.
- Health care training and education, including completion dates and any certificates or degrees obtained.
- Out-of-state health care licenses, including license numbers.
- Florida telehealth provider registration number.
- Specialty, if any.
- Board certification, if any.
- Five years of disciplinary history, including sanctions imposed and board actions.
- Medical malpractice insurance provider and policy limits, including whether the policy covers claims that arise in Florida.
- The name and address of the registered agent designated for service of process in Florida.¹³

A health care professional may not register under s. 456.47, F.S., if his or her license to provide health care services is subject to a pending disciplinary investigation or action, or has been revoked in any state or jurisdiction. A registered health care professional must notify the appropriate board, or the DOH if there is no board, of any restrictions placed on his or her license to practice, or any disciplinary action taken or pending against him or her, in any state or jurisdiction. This notification must be provided within five business days after the restriction is placed or the disciplinary action is initiated or taken.¹⁴

The board, or the DOH if there is no board, may take disciplinary action against an out-of-state telehealth provider registered under s. 456.47, F.S., if the registrant:

- Fails to notify the applicable board, or the DOH if there is no board, of any adverse actions taken against his or her license;
- Has restrictions placed on, or disciplinary action taken against, his or her license in any state or jurisdiction;
- Violates any of the requirements of s. 456.47, F.S.; or
- Commits any act that constitutes grounds for disciplinary action for Florida-licensed providers.¹⁵

Disciplinary action taken by the applicable board, or the DOH if there is no board, may include suspension or revocation of the provider's registration, or the issuance of a reprimand or letter of concern. A suspension may be accompanied by a corrective action plan as determined by the board, or the DOH if there is no board, the completion of which may lead to the suspended registration being reinstated according to rules adopted by the board, or the DOH if there is no board.¹⁶

¹³ Section 456.47(4)(c) and (4)(h), F.S.

¹⁴ Section 456.47 (4)(d), F.S.

¹⁵ Section 456.47(4)(i), F.S. (referencing s. 456.072(1), F.S. or the applicable practice act, as the grounds for disciplinary action).

¹⁶ *Id.*

Venue for civil or administrative actions initiated by the DOH, the appropriate board, or a patient who receives telehealth services from an out-of-state telehealth provider may be located in the patient's county of residence or in Leon County.¹⁷

A health care professional who is not licensed to provide health care services in Florida, but who holds an active license to provide health care services in another state or jurisdiction, and who provides such services using telehealth to a patient located in Florida, is not subject to the registration requirement under s. 456.47, F.S., if the services are provided:

- In response to an emergency medical condition; or
- In consultation with a health care professional licensed in Florida who has ultimate authority over the diagnosis and care of the patient.¹⁸

Genetic Counselors

In 2021, the Legislature established a new licensed and regulated practice, genetic counseling, within the DOH, in ch. 483, part III, F.S., and authorized the new practice act to be cited as the “Genetic Counseling Workforce Act” (Act).¹⁹ The Legislature also amended s. 456.001, F.S., to include genetic counselors in the definition of “health care practitioner.”²⁰

The Act provides legislative intent and findings to establish the new health care profession, the practice of genetic counseling.²¹ The Act defines the scope of practice of genetic counseling as a process of advising an individual or a family affected by, or at risk of, genetic disorders, to include:

- Obtaining and evaluating individual, family, and medical histories to determine the genetic risk for genetic or medical conditions and diseases in a patient, his or her offspring, and other family members;
- Discussing the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions and diseases;
- Identifying, ordering, and coordinating genetic laboratory tests and other diagnostic studies as appropriate for a genetic assessment;
- Integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases;
- Explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results;
- Evaluating the client's or family's responses to the condition or risk of recurrence and providing client-centered counseling and anticipatory guidance;
- Identifying and using community resources that provide medical, educational, financial, and psychosocial support and advocacy;

¹⁷ Section 456.47(5), F.S.

¹⁸ Section 456.47(6), F.S. (referencing s. 395.002, F.S., in connection with emergency medical conditions).

¹⁹ Ch. 2021-133, Laws of Fla.; ss. 483.911-483.919, F.S. Notably, however, genetic counseling is not listed as one of the DOH's divisions or boards in s. 20.43, F.S., pursuant to which the DOH derives its general regulatory authority. *See* s. 20.43, F.S.

²⁰ Ch. 2021-133, s. 2, Laws of Fla.; s. 456.001(4), F.S.

²¹ Section 483.912, F.S.

- Providing written documentation of medical, genetic, and counseling information for families and health care professionals; and
- Referring patients to a physician for diagnosis and treatment.²²

A person desiring to be licensed as a genetic counselor must apply to the DOH, and the DOH must issue a two-year license to each applicant who:

- Is of good moral character;
- Provides satisfactory documentation of having earned:
 - A master's degree from a genetic counseling training program or its equivalent as determined by the Accreditation Council of Genetic Counseling or its successor or an equivalent entity; or
 - A doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics and Genomics or the Canadian College of Medical Geneticists.
- Has passed the examination for certification as:
 - A genetic counselor by the American Board of Genetic Counseling, Inc., the American Board of Medical Genetics and Genomics, or the Canadian Association of Genetic Counsellors; or
 - A medical or clinical geneticist by the American Board of Medical Genetics and Genomics or the Canadian College of Medical Geneticists.²³

The Act also establishes grounds for disciplinary action and penalties²⁴ and creates exemptions from genetic counseling regulation for:

- Commissioned medical officers of the U.S. Armed Forces or Public Health Service while on active duty or while acting within the scope of their military or public health responsibilities; and
- Health care practitioners, other than genetic counselors, who are practicing within the scope of their education, training, and licensure.²⁵

The Act includes a “conscience clause” allowing a genetic counselor to refuse to participate in counseling that conflicts with his or her deeply held moral or religious beliefs. The license of a genetic counselor may not be contingent upon participation in such counseling. A genetic counselor’s refusal to participate in counseling that conflicts with his or her deeply held moral or religious beliefs may also not form the basis for any claim of damages or for any disciplinary action against a genetic counselor, provided:

- The genetic counselor informs the patient that he or she will not participate in such counseling; and
- Offers to direct the patient to the online health care practitioner license verification database maintained by the DOH.²⁶

²² Section 483.913(3)(a)-(i), F.S.

²³ Section 483.914(2), F.S.

²⁴ Section 483.917, F.S.

²⁵ Section 483.919, F.S. (referencing s. 456.001(4), F.S., for the definition of health care practitioner under state law).

²⁶ Section 483.918, F.S.

Genetic Counseling and Telehealth

According to the Division of Medical Quality Assurance 2021-2022 Annual Report, since the genetic counseling program's inception, the department has licensed 532 genetic counselors with 107 (20%) active licensees living in-state and 425 (80%) active licenses living out-of-state.²⁷

There are 31 states, including Florida, regulating licensure for genetic counselors and 13 states with bills in progress. All other states regulating the profession authorize genetic counselors to provide telehealth services.²⁸

The profession of genetic counseling is young compared to other medical specialties. For this reason, there are only a few thousand genetic counselors employed in the U.S., which makes telehealth a common practice for the profession. Genetic counseling is unique in that evaluating a patient's health and family history with genetic test results could be done almost entirely through telehealth services. According to the department, genetic counselors could conceivably deliver equally effective services whether someone is in-person or several time zones away.²⁹

III. Effect of Proposed Changes:

SB 218 amends the definition of a telehealth provider in s. 456.47, F.S., to include licensed genetic counselors so that they may practice their profession using telehealth.

The bill provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²⁷ Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan: Fiscal Year 2021-22*, 14 (Table 1: Summary of Licensed Practitioners), available at <https://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/index.html>.

²⁸ Department of Health, *2023 Agency Legislative Bill Analysis for SB 218* (Jan. 11, 2023), 2-3 (on file with the Senate Committee on Judiciary).

²⁹ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce the costs to patients receiving genetic counseling services by not requiring patients to travel long distances to receive test results or follow-up counseling.

C. Government Sector Impact:

The DOH anticipates there will be a minimal increase in revenues collected at initial application in the amount of \$5.00 per applicant. There will also be an impact to the DOH's workload due to the bill, but the department anticipates that it will be minimal and can be absorbed by the DOH's existing budget.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 456.47 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.

³⁰ *Id.* at 5.

By Senator Harrell

31-00610-23

2023218__

A bill to be entitled

An act relating to genetic counselors using telehealth; amending s. 456.47, F.S.; revising the definition of the term "telehealth provider" to include persons licensed as genetic counselors; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 456.47, Florida Statutes, is amended to read:

456.47 Use of telehealth to provide services.—

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

(b) "Telehealth provider" means any individual who provides health care and related services using telehealth and who is licensed or certified under s. 393.17; part III of chapter 401; chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; chapter 467; part I, part III, part IV, part V, part X, part XIII, or part XIV of chapter 468; chapter 478; chapter 480; part I, ~~or~~ part II, or part III of chapter 483; chapter 484; chapter 486; chapter 490; or chapter 491; who is licensed under a multistate health care licensure compact of which Florida is a member state; or who is registered under and complies with subsection (4).

Section 2. This act shall take effect July 1, 2023.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Health and
Human Services, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations
Appropriations Committee on Education
Education Postsecondary
Health Policy
Judiciary

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR GAYLE HARRELL

31st District

March 8, 2023

Senator Debbie Mayfield
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Mayfield,

I respectfully request that SB 218 – Genetic Counselors Using Telehealth be placed on the next available agenda for the Rules Committee.

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

Thank you,

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

Senator Gayle Harrell
Senate District 31

Cc: Philip Twogood, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

- ☐ 215 SW Federal Highway, Suite 203, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
- ☐ 414 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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3/15/23

Meeting Date

SB 218

Bill Number or Topic

RULES

Committee

Amendment Barcode (if applicable)

Name Robby Høiroyd

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Address 205 South Adams St.
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Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:
Florida Association
of Genetic Counselors

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 218

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

3/15/2023
RULES

Committee

Name

CHRISTIAN CAMARERA

Phone

305 608 4300

Address

PO Box 122

Email

Street

TALLAHASSEE FL 32302

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

INSTITUTE FOR JUSTICE

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S-001 (08/10/2021)

**The following Appearance Record
not read by the Chair**

The Florida Senate

APPEARANCE RECORD

15 March 2023

Meeting Date

Rules

Committee

218

Bill Number or Topic

Amendment Barcode (if applicable)

Name

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Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Americans for Prosperity

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 614

INTRODUCER: Senator Harrell

SUBJECT: Mammography Reports

DATE: March 14, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stovall	Brown	HP	Favorable
2.	Stovall	Twogood	RC	Favorable

I. Summary:

SB 614 removes the statutory repeal date in s. 381.933, F.S., relating to mammography reports so that this section of statute does not sunset on June 30, 2023.

Section 381.933, F.S., enacted in the 2018 Legislative Session, requires a facility that performs mammography to send a summary of the patient's mammography report to the patient. If a facility determines that a patient has heterogeneously or extremely dense breasts, the summary must include a specific notice to raise the patient's awareness of dense breast tissue. The statute will be repealed on June 30, 2023, unless otherwise saved from repeal.

The act shall take effect upon becoming a law.

II. Present Situation:

What is dense breast tissue?

Dense breast tissue refers to the appearance of breast tissue on a mammogram. It is a normal and common finding.¹

Breast tissue is composed of milk glands, milk ducts and supportive tissue (dense breast tissue), and fatty tissue (non-dense breast tissue). When viewed on a mammogram, women with dense breasts have more dense tissue than fatty tissue. On a mammogram, non-dense breast tissue appears dark and transparent. Dense breast tissue appears as a solid white area on a mammogram, which makes it difficult to see through.

¹ The Mayo Clinic: Dense Breast Tissue: What it means to have dense breast tissue, last updated February 25, 2022; available at: <https://www.mayoclinic.org/tests-procedures/mammogram/in-depth/dense-breast-tissue/art-20123968> (last visited February 28, 2023).

The radiologist who analyzes the mammogram determines the ratio of non-dense tissue to dense tissue and assigns a level of breast density. Levels of density are described using a results reporting system called Breast Imaging Reporting and Data System (BI-RADS). The levels of density are often recorded in a mammogram report using letters. The levels of density are:

- A: Almost entirely fatty indicates that the breasts are almost entirely composed of fat. About 10 percent of women have this result.
- B: Scattered areas of fibroglandular density indicates there are some scattered areas of density, but the majority of the breast tissue is non-dense. About 40 percent of women have this result.
- C: Heterogeneously dense indicates that there are some areas of non-dense tissue while the majority of the breast tissue is dense. About 40 percent of women have this result.
- D: Extremely dense indicates that nearly all of the breast tissue is dense. About 10 percent of women have this result.

In general, women with breasts that are classified as heterogeneously dense or extremely dense are considered to have dense breasts. About half of women undergoing mammograms have dense breasts.

Reporting to Patients

Thirty-nine states require notification concerning dense breasts, while 29 states mandate specific language for such notifications.²

Section 381.933, F.S., relating to mammography reports was enacted in 2018. It defines “facility,” “mammography,” and “mammography report” to comport with the definitions in the Federal Food and Drug Administration’s (FDA) federal regulations under the Mammography Quality Standards Act.

Subsection (2) of this statute requires a facility that performs mammography to send a summary of the patient’s mammography report to the patient. Also, if a facility determines that a patient has heterogeneously or extremely dense breasts, the summary must include a specific notice to raise the patient’s awareness of dense breast tissue. This notice must state:

Your mammogram shows that your breast tissue is dense. Dense breast tissue is relatively common and is found in approximately 50 percent of women. The presence of dense breast tissue can make it more difficult to detect some abnormalities in the breast and may also be associated with an increased risk of breast cancer. This information about the result of your mammogram is given to you to raise your awareness. A report of your results was sent to your health care provider. Further recommendations may be added at the discretion of the interpreting radiologist. Please be aware that additional screening studies may not be covered by your insurance.

² Dense Breast-info: Comparative Analysis of State Density Inform Efforts and Insurance Coverage, revised October 10, 2022; available at: https://densebreast-info.org/wp-content/uploads/2022/12/Table.laws_.ALPHA_.10.9.22.copyright.pdf (last visited February 28, 2023).

The law provides that it does not create a duty, standard of care, or other legal obligation beyond the duty to provide notice as set forth in this subsection. The law further provides that it does not require a notice that is inconsistent with the federal Mammography Quality Standards Act or any regulation promulgated pursuant to that act.

The FDA published an updated final rule on March 10, 2023, to, among other things, address reporting to patients about breast density.³ The effective date of this final rule is September 10, 2024.

III. Effect of Proposed Changes:

SB 614 repeals the sunset of s. 381.933, F.S., found in subsection (3) of that section, and thereby retains in Florida law the requirement for a facility that performs a mammography to provide a summary of a mammography report to the patient, as provided under current law.

No changes are made to the statute as it currently exists, other than striking the repeal date.

The act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³ See: 88 FR 15126, 15169. Available at: <https://www.govinfo.gov/content/pkg/FR-2023-03-10/pdf/2023-04550.pdf> (last visited March 13, 2023).

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.933 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 Harrell

31-01454-23

2023614__

A bill to be entitled

An act relating to mammography reports; amending s.
381.933, F.S.; abrogating the repeal of provisions
requiring facilities that perform mammography to send
patients a certain summary of their mammography report
under certain circumstances; providing an effective
date.

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

Section 1. Subsection (3) of section 381.933, Florida
Statutes, is amended to read:

381.933 Mammography reports.-

~~(3) REPEAL. This section is repealed June 30, 2023.~~

Section 2. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Health and
Human Services, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations
Appropriations Committee on Education
Education Postsecondary
Health Policy
Judiciary

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR GAYLE HARRELL

31st District

March 8, 2023

Senator Debbie Mayfield
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Mayfield,

I respectfully request that SB 614 – Mammography Reports be placed on the next available agenda for the Rules Committee.

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

Thank you,

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

Senator Gayle Harrell
Senate District 31

Cc: Philip Twogood, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

- ☐ 215 SW Federal Highway, Suite 203, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
- ☐ 414 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3-15-23

Meeting Date

SB 614

Bill Number or Topic

RULES

Committee

Amendment Barcode (if applicable)

Name

Yolanda Russell

Phone

407-619-3641

Address

5803 CITRUS VILLAGE BLVD #323

Email

yolandarussell@earthlink.net

Street

WINTER GARDEN, FL, 34787

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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March 15, 2023

Meeting Date

SB 614

Bill Number or Topic

Rubio

Committee

Amendment Barcode (if applicable)

Name

VIVIAN Lyte-Johnson

Phone

407 595 4264

Address

1884 Ibis Bay Ct

Email

V3576 @att.net

Street

Ocoee

City

FL

State

34761

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

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

S-001 (08/10/2021)

The Florida Senate

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3/15/23
Meeting Date

Rules
Committee

SB 614
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alison Dudley

Phone 850/559-1139

Address 108 S Monroe St.
Street

Email alisondudley@dudleyandassociates.com

Tall
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1718

INTRODUCER: Rules Committee and Senator Ingoglia

SUBJECT: Immigration

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cibula/Stokes /Vickers	Twogood	RC	Fav/CS
2.	_____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1718 amends various Florida statutes to address provisions related to individuals in this state who may be unauthorized aliens. Specifically the bill:

- Expands the crime of human smuggling to include concealing, harboring, or shielding a person who has entered the United States, in violation of the law, from detection;
- Enhances the crime of human smuggling in certain circumstances;
- Allows a law enforcement agency to send relevant information obtained pursuant to enforcement of s. 448.095, F.S., to a federal immigration agency;
- Amends the state's domestic security statutes to provide the necessary authority for the department to coordinate with and provide assistance to the Federal Government in the enforcement of federal immigration laws, and responses to immigration enforcement incidents within or affecting Florida;
- Revises requirements for public and private employers for employment verification, including requiring an employer to retain employment verification documentation used for at least 5 years; altering the defenses for employers using I-9 Form or E-Verify; and amending the penalties for an employer's noncompliance with the employment verification law, including allowing for private employers the suspension and revocation of licenses in certain circumstances and the imposition of fines;
- Increases the fines associated with violation of laws prohibiting the employment of unauthorized aliens;

- Creates a third degree felony for an unauthorized alien to knowingly use a false identification document, or who fraudulently uses an identification document of another person, to obtain employment;
- Prohibits a county or municipality from providing funds to any person, entity, or organization for the purpose of issuing an identification card or other document to an individual who does not provide proof of lawful presence in the United States;
- Prohibits a person from operating a motor vehicle if his or her driver's license is issued by another state which exclusively provides such a license to undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued;
- Provides that certain existing exemptions from obtaining a Florida driver license for nonresidents do not apply for undocumented immigrants;
- Repeals the statute that allows an applicant to the Florida Bar who is an unauthorized immigrant to be admitted to the Bar by the Florida Supreme Court if certain conditions are met;
- Requires a person who is in the custody of a law enforcement agency and is subject to an immigration detainer to submit a DNA sample when he or she is booked into a jail, correctional, or juvenile facility;
- Requires any hospital that accepts Medicaid to include a question on its admission or registration forms inquiring about whether the patient is a United States citizen, is lawfully present in the United States, or is not lawfully present in the United States; and
- Requires each hospital to provide a quarterly report to the Agency of Health Care Administration, detailing the number of visits or admissions by patients who responded to the above question in each category.

The bill is expected to have a significant, negative fiscal impact to the Department of Economic Opportunity. The bill is not expected to have a significant fiscal impact on other state agencies or local governments.

The bill is effective July 1, 2023.

II. Present Situation:

General Overview

The Federal Government is responsible for both establishing and enforcing immigration laws. Congress has enacted legislation, which the federal courts have interpreted, and the body of immigration law has developed. The responsibility for enforcing immigration laws rests with the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE) and its Enforcement and Removal Operations. It is the mission of Enforcement and Removal Operations to identify, apprehend, and remove aliens who are a risk to national security or public safety, enter the country illegally, or seek to undermine the integrity of the country's immigration laws or border control efforts.¹

¹ U.S. Immigration and Customs Enforcement, *Enforcement and Removal Operations, Mission*, available at <https://www.ice.gov/ero> (last visited March 10, 2023).

In federal fiscal year 2020, the U.S. Border Patrol and Office of Field Operations had 646,822 enforcement actions for the year; in 2021, that total increased to over 1.9 million actions, an increase of over 200 percent. The total enforcement actions in federal fiscal year 2022 was about 2.8 million, another 41 percent increase, and to date for 2023, the total is already over 1 million. These statistics include individuals “encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.” The total also includes encounters that led to apprehensions or expulsions; apprehensions refer to individuals who were physically controlled or temporarily detained due to being unlawfully present in the United States.²

In addition to the dramatic increase in border encounters, the recidivism rate has also increased. “Recidivism refers to percentage of individuals apprehended more than one time by the Border Patrol within a fiscal year.” In federal fiscal year 2019, the rate was only 7 percent. However, that climbed to an increase of 26 percent in federal fiscal year 2020 and 27 percent in federal fiscal year 2021.³

Encounters with criminal noncitizens were:

FFY 2020	FFY 2021	FFY 2022	FFY 2023 to date
9,447	17,330	29,021	9,445

“Criminal noncitizens refers to noncitizens who have been convicted of crime, whether in the United States or abroad, so long as the conviction is for conduct which is deemed criminal by the United States.”⁴

The Governor has issued two Executive Orders attempting to address the enforcement of immigration laws and the immigration crisis the state has on its borders.⁵

On September 28, 2021, the Governor issued Executive Order No. 21-223, Biden Border Crisis. Finding that the detrimental effects of an unsecured southwest border of the United States would reverberate beyond border states, including increased crime, such as drug trafficking and human trafficking and smuggling, diminished economic opportunities for American workers, and stresses on education and healthcare systems. The order prohibited state agencies from assisting with the transport of aliens apprehended at the southwest border into Florida; and required state agencies to use the federal Systematic Alien Verification for Entitlements program to confirm

² U.S. Customs and Border Protection, *CBP Enforcement Statistics Fiscal Year 2023*, available at <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (last visited March 11, 2023). The federal fiscal year is October to September.

³ *Id.*

⁴ *Id.*

⁵ See State of Florida, Office of the Governor, *Executive Order No. 21-223*, September 28, 2021, available at https://www.flgov.com/wp-content/uploads/2021/09/EO_21-223.pdf (last visited March 10, 2023) and State of Florida, Office of the Governor, *Executive Order No. 23-03*, January 6, 2023, available at <https://www.flgov.com/wp-content/uploads/2023/01/EO-23-03.pdf> (last visited March 10, 2023).

the eligibility of persons before providing any funds, resources, or other benefits. The order specifically:

- Directs the Florida Department of Law Enforcement (FDLE) and the Florida Highway Patrol to determine on an ongoing basis the number and identities of all illegal aliens⁶ whom the DHS, as well as any other federal departments or agencies, federal contractors, or affiliated non-governmental organizations, transport to Florida and to detain any aircraft, bus, or other vehicle used to transport illegal aliens to the state in the commission of a state offense, including state laws against human trafficking.
- Requests state attorneys and statewide prosecutor to report monthly to the Governor's Office and the FDLE on information related to illegal aliens and crimes, which the department was to make available on its website.
- Directs the Agency for Health Care Administration (AHCA), in coordination with the Department of Children and Families, the Department of Health, and county health departments, to use all lawful means to determine the amount of state and local funds spent on health care, including emergency care, for illegal aliens each fiscal year. The AHCA was also directed to require managed care plans and hospitals to report any Medicaid or other governmental expenditures incurred for illegal aliens for each fiscal year beginning in 2021. Such information was to be made available to the Governor's Office and posted on the websites for the AHCA and the Department of Health.
- Directs the Department of Children and Families to determine the amount and purpose of state funds expended by the department on illegal aliens for each fiscal year. Such information was to be made available to the Governor's Office and posted on the website for the department. The department was also directed to review resettlement of unaccompanied alien children⁷ in Florida and make determinations on resettlement under state laws; to the extent that such resettlement did not constitute "evidence of need" under Florida law, the department was directed to not grant or renew licenses to family foster homes, residential child-caring agencies, or child-placing agencies that applied to house unaccompanied minors and to prohibit these entities from accepting additional children if they already housed unaccompanied alien children. These entities were also required, as a part of licensure, to conduct in-person welfare checks on these children and report to the department, if the department determined that such checks were permitted by state law.
- Directs the FDLE, in consultation with the Attorney General, to conduct regular audits of businesses in Florida to ensure that businesses were complying with state law to verify the employment eligibility of new employees. The department was ordered to prioritize audits of publicly traded corporations or companies with more than 200 employees that operate in sectors of the economy known for employing illegal aliens. If any violation was found, the department was to notify the Department of Economic Opportunity (DEO) to take appropriate action under state law.
- Requires any executive agency to report any evidence found of a crime perpetrated by an illegal alien to the FDLE; and to take all appropriate action under state law, including the imposition of fines or revocation of licenses, of any violation of law by a private

⁶ Defined in the order to have the same meaning as under 8 U.S.C. s. 1101(a)(3); except that the order specified that lawful immigration status does not include parole under 8 U.S.C. s. 1182(d)(5).

⁷ Defined in the order to have the same meaning as under 6 U.S.C. s. 279(g)(2).

contractor or non-governmental organization involved in the resettlement of illegal aliens.⁸

On January 6, 2023, the Governor issued Executive Order No. 23-03, Emergency Management – Illegal Migration. Based on findings of unprecedented interdictions, attempts of entry, and border patrol encounters, the Governor designated the migration of unauthorized aliens to Florida as likely to constitute a major disaster and designated the director of the Division of Emergency Management as the state coordinating officer for the disaster with direction to execute response, recovery, and mitigation plans necessary to cope with the emergency. The order also activates the Florida National Guard, as needed, to assist with the efforts. The order waives contracting policies and requirements, allows for expenditure of state funds through the Emergency Preparedness and Response Fund, and authorizes medical professionals, social workers, and counselors with good and valid licenses issued by other states to provide humanitarian aid services.⁹

Federal Immigration Law

The federal government has broad power over immigration and alien status.¹⁰ This broad power is enforced through an extensive set of rules governing alien admission, removal, and conditions for continued presence within the United States, including the Immigration and Nationality Act.¹¹ While the federal government’s authority over immigration is well established, the United States Supreme Court has recognized that not “every state enactment which in any way deals with aliens is a regulation of immigration and thus per se preempted” by the federal government.¹²

Human Smuggling

It is estimated that there are 3 million illegal entries into the United States each year, over and above the amount of encounters that the U.S. Border Patrol has with border-crossers. Full-time professional criminals are facilitating the smuggling of immigrants across the border which generates over \$6.75 billion a year from human smuggling.¹³ Federal law governs whether a person is legally authorized to enter or remain in this country and provides criminal penalties for illegally transporting a person into the country. Specifically, 8 U.S.C. s. 1324 provides criminal penalties for any person who:

- Knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner of Immigration and Naturalization, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the

⁸ State of Florida, Office of the Governor, *Executive Order No. 21-223*, September 28, 2021, available at https://www.flgov.com/wp-content/uploads/2021/09/EO_21-223.pdf (last visited March 10, 2023)

⁹ State of Florida, Office of the Governor, *Executive Order No. 23-03*, January 6, 2023, available at <https://www.flgov.com/wp-content/uploads/2023/01/EO-23-03.pdf> (last visited March 10, 2023).

¹⁰ *Arizona v. United States*, 567 U.S. 387 (2012).

¹¹ 8 U.S.C. s. 1108, et seq.

¹² *De Canas v. Bica*, 424 U.S. 351, 355 (1976).

¹³ United Nations Office on Drugs and Crime, *Transnational Organized Crime: Let's put them out of business*, available at <https://www.unodc.org/toc/en/crimes/migrant-smuggling.html> (last visited March 10, 2023).

United States and regardless of any future official action which may be taken with respect to such alien;

- Knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports or moves or attempts to transport or move such alien within the United States, by means of transportation or otherwise, in furtherance of such violation of law;
- Knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation; or
- Encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law.¹⁴

Before 2009, Florida law did not specifically provide criminal penalties for transporting a person into the state who is illegally entering or remaining in the United States. In 2009, the Florida Legislature created s. 787.07, F.S., providing criminal penalties for human smuggling.¹⁵ Currently, s. 787.07, F.S., provides it is a third degree felony¹⁶ for a person to transport an individual into this state, when the person, who is doing the transporting, knows or should know that the person he or she is transporting is illegally entering the United States from another country.

Federal Immigration Enforcement

In 2019, the Legislature passed federal immigration enforcement legislation.¹⁷ The act sought to ensure that state and local entities and law enforcement agencies cooperate with federal government officials to enforce, and not obstruct, immigration laws. In its most general and broad terms, the law prohibits sanctuary policies and requires law enforcement agencies to support the enforcement of federal immigration law.¹⁸ When local law enforcement agencies work with federal immigration officials, aliens who have committed serious crimes are more easily identified and removed.

Specifically, s. 908.104(2), F.S., allows a law enforcement agency¹⁹ to take the following actions with respect to information regarding a person's immigration status:

- Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of ch. 908, F.S.

¹⁴ 8 U.S.C. s. 1324(a).

¹⁵ Chapter 2009-160, L.O.F.

¹⁶ A third degree felony is punishable by up to five years imprisonment and up to a \$5,000 fine. Sections 775.082, 775.083, and 775.084, F.S.

¹⁷ Chapter 2019-102, L.O.F. The law was challenged in *City of South Miami v. DeSantis*, 408 F.Supp.3d 1266 (S.D. Fla. Sept. 21, 2021). Three provisions were enjoined but severable from the remainder of the law. The case was appealed to the Eleventh Circuit Court of Appeals on October 20, 2021, and is now pending.

¹⁸ See ch. 908, F.S.

¹⁹ Section 908.102(4), F.S., defines a "law enforcement agency" to mean an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriffs' offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.

- Recording and maintaining the information for purposes of ch. 908, F.S.
- Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of ch. 908, F.S.
- Using the information to comply with an immigration detainer.
- Using the information to confirm the identity of a person who is detained by a law enforcement agency.

Domestic Security

The mission of the FDLE is to “promote public safety and strengthen domestic security by providing services in partnership with local, state, and federal criminal justice agencies to prevent, investigate, and solve crimes while protecting Florida’s citizens and visitors.”²⁰ FDLE’s Executive Director serves as the Chief of Domestic Security in Florida and oversees Office of Domestic Security. The office works with federal, state, and local officials to prepare for, prevent, protect, respond to, and recover from domestic security incidents within or affecting the state.²¹

There are three primary components to Florida’s domestic security governance structure: the regional domestic security task forces, the domestic security coordinating group, and the domestic security oversight council.²²

The regional domestic security task forces consist of local and multi-disciplinary representatives who collectively support the domestic security mission and provide the necessary link between the state and local communities. There are seven regional domestic security task forces located in Pensacola, Tallahassee, Jacksonville, Orlando, Tampa, Ft. Myers, and Miami.²³

Regional domestic security task forces advise the FDLE and the Chief of Domestic Security on the development and implementation of a statewide strategy to address prevention, preparation, protection, response, and recovery efforts related to the state’s domestic security. The task forces also coordinate the resources of local, state, and federal to ensure that such efforts are not fragmented and duplicative.²⁴

The domestic security coordinating group (DSCG) provides the structure for federal, state, and local response to domestic security incidents. The DSCG is made up of representatives and subject matter experts from the regional domestic security task forces, designated urban areas, other key organization liaisons and private sector representatives who come together to address domestic security incidents.²⁵

²⁰ Florida Department of Law Enforcement, FDLE Home, *About FDLE*, available at <https://www.fdle.state.fl.us/About-Us> (last visited March 10, 2023).

²¹ Section 943.0311(1), F.S.

²² Florida Department of Law Enforcement, FDLE Home, *Domestic Security, Domestic Security Organization*, available at <http://www.fdle.state.fl.us/Domestic-Security/Organization.aspx> (last visited March 10, 2023).

²³ *Id.*

²⁴ Section 943.0312, F.S.

²⁵ 2021 Domestic Security Annual Report, *Making Florida Safer*, p. 3, available at <https://www.fdle.state.fl.us/Domestic-Security/Documents/2021DSAnnualReportFINAL.aspx> (last visited March 10, 2023).

The domestic security oversight council was established in 2004 to provide direction, leadership, and recommendations to the Governor and the Legislature on domestic security.²⁶ The council's membership is made up of voting and nonvoting members. Voting members include but are not limited to the Executive Director of the Division of Emergency Management, the Attorney General, and the Adjutant General of the Florida National Guard. Nonvoting membership includes but is not limited to, the Executive Director of the Department of Highway Safety and Motor Vehicles, a representative of the United States Coast Guard, and a special agency in charge from an office of the Federal Bureau of Investigations within Florida.²⁷

The council duties include providing guidance to the regional domestic security task forces and the DSCG with respect to statewide policies and operational protocols that support domestic security efforts. The council must also review statewide or multiagency mobilizations and responses to major domestic security incidents and recommend suggestions for training, improvement of response efforts, or improvement of coordination within the state.²⁸

Employment Verification

Federal Law – I-9 Form and E-Verify

Under the Immigration Reform and Control Act of 1986 (IRCA),²⁹ it is illegal for any United States employer to knowingly:

- Hire, recruit, or refer for a fee an alien knowing he or she is unauthorized to work;
- Continue to employ an alien knowing he or she has become unauthorized; or
- Hire, recruit or refer for a fee, any person (citizen or alien) without following the record keeping requirements of the IRCA.³⁰

The employment verification process begins when an employee accepts an offer of employment.³¹ Between this point and the employee's first day on the job, an *employee* must present documents that establish his or her identity and eligibility to work³² by completing Section 1 of the Form I-9, which requires the employee's name, address, social security number (SSN), and citizenship status under penalty of perjury.³³

By the end of the third day on the job, the *employer* is required to complete Section 2, which states under penalty of perjury that certain employee-provided documents that establish the employee's eligibility were reviewed.³⁴ Most employers are not required to continue the

²⁶ *Id.*

²⁷ Section 943.0313(1), F.S.

²⁸ Section 943.0313(5), F.S.

²⁹ Public Law 99-603, 100 Stat. 3359.

³⁰ 8 U.S.C. s. 1324a.

³¹ U.S. Citizenship and Immigration Services, *Complete and Correct Form I-9*, available at <https://www.uscis.gov/i-9-central/complete-and-correct-form-i-9> (last visited March 11, 2023).

³² An employer may rely on a U.S. passport; resident alien card, alien registration card, or other document designated by the U.S. Attorney General that contains a photograph and other personal identifying information, authorizes employment in the U.S., and is tamper resistant. Alternatively, an employer may review a combination of documents that establish the individual's identity, e.g., a SSN, and a document that establishes the individual's identity, e.g., a driver's license.

³³ See 8 C.F.R. § 274a.2(b)(1)(i)(A).

³⁴ 8 U.S.C. s. 1324a. See 8 C.F.R. § 274a.2(b)(1)(ii).

verification of employment eligibility process beyond this step. However, for those who choose to use or are required to use E-Verify, the process continues.

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA),³⁵ which, among other provisions, created various employment eligibility verification programs, including the Basic Pilot program, now referred to as E-Verify. E-Verify is an Internet-based system through which an employer can verify that a newly hired employee is authorized to work in the United States. E-Verify is operated by the USICS in partnership with the Social Security Administration (SSA). It is free for employers to use and provides an automated link to Government records to help employers confirm the employment eligibility of new hires.³⁶

Originally, the program was available in five of the seven states that had the highest populations of unauthorized aliens and was initially authorized for only 4 years. However, Congress has consistently extended the program's life. It expanded the program in 2004, making it available in all 50 states. In 2008, the federal government began requiring any entity that maintained or applied for federal contracts to use E-Verify.³⁷ As of December 31, 2022, there were 1,093,292 employers enrolled in the system with a usage rate of 16.51 percent and a total of 296,690 case checks for the calendar year. As of March 2023, Florida accounts for 81,511 employer accounts with 66,385 actively enrolled employers.³⁸

The employer opens a "case" for the employee on the E-Verify system and enters basic information from the employee's Form I-9 (name, address, SSN) into the case.³⁹ Then, the E-Verify system checks the submitted information to records that are available to the DHS and SSA, and issues one of several possible results to the employer:

- **Employment Authorized** - The employee's information matched records available to the DHS and/or SSA.
- **E-Verify Needs More Time** - This case was referred to the DHS for further verification.
- **Tentative Nonconfirmation (Mismatch)** - Information did not match records available to the DHS and/or SSA. Additional action is required.
- **Case in Continuance** - The employee has contacted the DHS or visited an SSA field office, but more time is needed to determine a final case result.

³⁵ Public Law 104-208.

³⁶ U.S. Citizenship and Immigration Services, *How do I use E-Verify?* available at <https://www.e-verify.gov/sites/default/files/everify/guides/E4en.pdf> (last visited March 11, 2023).

³⁷ E-Verify, *History and Milestones*, available at <https://www.e-verify.gov/about-e-verify/history-and-milestones> (last visited March 11, 2023).

³⁸ E-Verify, *E-Verify Usage Statistics*, click "Show the Data Table" for a download csv, available at <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-usage-statistics> and *How To Find Participating Employers*, for a list of Florida employers, available at [https://www.e-verify.gov/about-e-verify/e-verify-data/how-to-find-participating-employers?hiringstates\[\]=11&field_account_status_value=All&items_per_page=10](https://www.e-verify.gov/about-e-verify/e-verify-data/how-to-find-participating-employers?hiringstates[]=11&field_account_status_value=All&items_per_page=10) (last visited March 11, 2023).

³⁹ E-Verify, *Verification Process*, for details on how the system works, available at <https://www.e-verify.gov/employers/verification-process> (last visited March 11, 2023). Before using E-Verify, an employer must enroll and sign a Memorandum of Understanding that provides the terms of agreement between the employer and the DHS. See E-Verify, *The E-Verify Memorandum of Understanding for Employers*, available at <https://www.e-verify.gov/sites/default/files/everify/memos/MOUforEVerifyEmployer.pdf> (last visited March 11, 2023).

- **Close Case and Resubmit** – The DHS or SSA requires that the employer to close the case and create a new case for the employee. This result may be issued when the employee’s United States passport, passport card, or driver’s license information is incorrect.
- **Final Nonconfirmation** - E-Verify cannot confirm the employee’s employment eligibility after the employee contacted the DHS or SSA, the time for resolving the case expired, or the DHS closed the case without confirming the employee’s employment eligibility for some other reason.⁴⁰

If the result is Tentative Nonconfirmation, then the employer must notify the employee, who must take further action to verify his or her eligibility. If the result is E-Verify Needs More Time or Case in Continuance, then the E-Verify system needs more time to process the case.⁴¹

Defenses for Employers

An employer using the I-9 Form, establishing good faith compliance with the law, has established an affirmative defense that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.⁴²

An employer taking the additional steps to use the E-Verify system to verify employment eligibility may establish a rebuttable presumption that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.⁴³

The IRCA provides sanctions to be imposed on employers who knowingly employ aliens who are not authorized to work.⁴⁴ Federal law contains no criminal sanction for working without authorization, although document fraud is a civil violation.⁴⁵ The United States Citizenship and Immigration Services (USCIS) enforces these provisions.⁴⁶

E-Verify Results in Federal Fiscal Year 2022⁴⁷

In federal fiscal year 2022, E-Verify processed 48,042,413 cases, 98.43 percent of which were automatically confirmed as “work authorized.” Another 1.61 percent were confirmed after an initial “mismatch” and of these 1.54 percent were ultimately found to be not work authorized.⁴⁸

In the remaining 1.54 percent of cases, the employees were not found to be authorized to work in the United States. The majority of these were cases that were not resolved by the end of Fiscal Year 2019 for various reasons, including because the case was awaiting further action by either the employer or employee at the end of the fiscal year or because the employer closed the case as “self-terminated.”⁴⁹

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² 8 U.S.C. s. 1324a(a)(3).

⁴³ 8 U.S.C. s. 1324a notes, *Pilot Programs for Employment Eligibility Confirmation*.

⁴⁴ 8 U.S.C. s. 1324a(a)(1)-(2).

⁴⁵ 8 U.S.C. s. 1324c.

⁴⁶ 8 U.S.C. s. 1324a.

⁴⁷ E-Verify, *E-Verify Performance*, available at <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-performance> (last visited March 11, 2023).

⁴⁸ *Id.*

⁴⁹ *Id.*

E-Verify Operational Disturbances

During the January 2019 partial federal government shut down, the E-Verify system was unavailable. As a result, employers were unable to enroll in E-Verify, contact customer support representatives, create an E-Verify case, or view or take action on a case, among other functions.⁵⁰ The DHS issued guidance that extended the 3-day rule to permit employers additional time to submit new employee information to E-Verify and gave employees additional time to resolve a case.⁵¹

Florida Law

Public employers and their contractors, and subcontractors thereof, are required to register and use E-Verify to verify the work authorization status of all newly hired employees.⁵²

Subcontractors who contract with contractors must provide an affidavit to the contractor stating that they do not employ, contract with, or subcontract with unauthorized aliens. The contractor must keep a copy of such affidavit for the duration of the contract.⁵³

A private employer that transacts business in Florida, has a license issued by an agency,⁵⁴ and employs workers in Florida is required to use the I-9 Form or E-Verify or a substantially equivalent system to verify that new hires or retained contract employees are authorized to work in the United States.⁵⁵ If the employer uses the I-9 system, the employer must retain a copy of the documentation for at least 3 years after the individual's initial date of employment.⁵⁶

A private employer that complies with the law may not be held civilly or criminally liable under state law for hiring, continuing to employ, or refusing to hire an unauthorized alien if the information obtained indicated that the individual's work authorization status was not that of an

⁵⁰ National Law Review, *When the Government Shuts Down: The Impact on E-Verify, I-9's, and Visas*, January 25, 2019, available at <https://www.natlawreview.com/article/when-government-shuts-down-impact-e-verify-i-9-s-and-visas> (last visited March 11, 2023).

⁵¹ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *E-Verify Resumes Operation*, January 27, 2019, available at <https://www.e-verify.gov/e-verify-resumes-operation> (last visited March 11, 2023). Due to the lapse in federal funding, the E-Verify system was not in operation from December 22, 2018, to January 26, 2019. E-Verify restarted on Sunday, January 27, 2019. Department of Homeland Security, U.S. Citizenship and Immigration Services, *January 2019, E-Verify Incidents*, April 23, 2019, available at <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-enhancements/january-2019> (last visited March 11, 2023).

⁵² Section 448.095(2), F.S. This section was enacted in 2020. Previously, pursuant to Executive Order 11-116, state agencies under the direction of the Governor were required to use E-Verify for all newly hired employees. The order also required an agency to include a provision in contracts to require a contractor (and any subcontractors thereof) to use E-Verify for all new hires for the duration of the contract. State of Florida, Office of the Governor, *Executive Order No. 11-116*, May 27, 2011, available at <http://edocs.dlis.state.fl.us/fldocs/governor/orders/2011/11-116-suspend.pdf> (last visited March 11, 2023).

⁵³ Section 448.095(2)(b), F.S.

⁵⁴ Defined in s. 448.095(1)(g) as a permit, a certificate, an approval, a registration, a charter, or any similar form of authorization required by state law and issued by an agency for the purpose of operating a business in this state. The term includes, but is not limited to, an article of incorporation; a certificate of partnership, a partnership registration, or an article of organization; a grant of authority issued pursuant to state or federal law; or a transaction privilege tax license.

⁵⁵ A private employer does not include a public employer, an employee leasing company that has a written agreement or understanding with its client company that places the primary obligation for compliance with this section upon the client company; or an occupant or owner of a private residence that hires casual labor or a licensed independent contractor. Section 448.095(3), F.S.

⁵⁶ Section 448.095(3), F.S.

unauthorized alien. Further, using either the I-9 Form or E-Verify creates a rebuttable presumption that the private employer did not knowingly employ an unauthorized alien.⁵⁷

A person may not knowingly employ, hire, recruit, or refer an alien for private or public employment within the state if the alien is not authorized to work under “the immigration laws” or by the United States Attorney General.⁵⁸ A first offense of this prohibition is a noncriminal violation punishable by a fine of up to \$500, regardless of the number of aliens with respect to which the violation occurred; each subsequent offense is a second degree misdemeanor, punishable by up to 60 days in jail and a fine not to exceed \$500, with each unauthorized alien employed as a separate violation.⁵⁹

The FDLE, the Attorney General, a state attorney, or the statewide prosecutor is authorized to request documentation from a private employer used to verify an individual’s employment eligibility. Ultimately, the federal government’s determination of verification of an individual’s employment status stands and one of the authorized state agencies may not make an independent determination as to whether a person is an unauthorized alien.⁶⁰

A private employer that does not use the I-9 Form or E-Verify, or does not maintain the I-9 Form documentation for 3 years, will be required by the DEO to provide an affidavit stating that the private employer will comply with the law, has terminated the employment of all unauthorized aliens in this state, and will not intentionally or knowingly employ an unauthorized alien in this state.⁶¹

If the private employer does not provide the required affidavit within 30 days after the request by the DEO, the appropriate licensing agency⁶² must suspend all applicable licenses held by the private employer until the private employer provides the DEO with the required affidavit. If a private employer does not provide the required affidavit within the required time period three times within any 36-month period, then the appropriate licensing agency must revoke all applicable licenses held by the private employer. The licenses subject to suspension or revocation are:

- All licenses that are held by the private employer specific to the business location where the unauthorized alien performed work.
- If the private employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the private employer’s business in general, then the provision apply to all licenses that are held by the private employer at the private employer’s primary place of business.⁶³

⁵⁷ *Id.*

⁵⁸ Section 448.09(1), F.S.

⁵⁹ Section 448.09(2), F.S. *See ss. 775.082 and 775.083, F.S.*

⁶⁰ Section 448.095(3), F.S.

⁶¹ *Id.*

⁶² The term “agency” means any agency, department, board, or commission of this state or a county or municipality in this state that issues a license to operate a business in this state.

⁶³ *Id.*

Mandatory Use of E-Verify in Other States

At least 19 other states require the use of E-Verify by public employers, contractors or subcontractors of public employers, or private employers.

The following states require private employers, as well as public employers and their contractors and subcontractors, to use E-Verify: North Carolina;⁶⁴ Mississippi;⁶⁵ Georgia;⁶⁶ Arizona;⁶⁷ Alabama;⁶⁸ Utah;⁶⁹ and South Carolina.⁷⁰

The following states require only public employers and their contractors to use E-Verify: Indiana;⁷¹ Nebraska;⁷² Missouri;⁷³ Colorado;⁷⁴ Oklahoma;⁷⁵ Texas;⁷⁶ and Virginia.⁷⁷

Some states' approaches do not fall squarely into the above categories. For example, Tennessee requires only private employers that have 50 or more employees to use E-Verify.⁷⁸ Pennsylvania requires public contractors and private *construction* employers to use E-Verify.⁷⁹ In Michigan, only contractors of the Michigan Department of Transportation must use E-Verify.⁸⁰ Finally, West Virginia requires contractors whose employees work on the Capitol grounds to use E-Verify.⁸¹

Community or Municipal Identification Cards

A local government may issue an identification card (ID card) itself or through partnership with an organization to provide benefits to local residents. An ID card issued by a local government may aid those without state-issued identification to obtain access to services, provide identity, or participate in local programs only open to local residents.

The FaithAction International House has worked with local communities nation-wide to issue community IDs. The goal is to provide ID cards to individuals who may not currently have access to government issued forms of ID, including new immigrants and refugees, homeless and

⁶⁴ N.C.G.S. § 160A-169.1 (municipalities); 153A-99.1 (counties); 143-48.5, 143-133.3 (public contractors); 64-26 (private employers that have more than 25 employees); 126-7.1 (state agencies).

⁶⁵ Miss. Code § 71-11-3.

⁶⁶ Ga. Code § 13-10-91 (public employers and contractors); 36-60-6 (private employers that have more than 10 employees).

⁶⁷ Ariz. Rev. Stat. § 41-4401 (public contractors); 23-214 (private and public employers).

⁶⁸ Ala. Code § 31-13-15.

⁶⁹ Utah Code § 63G-12-301 (private employers having 15 or more employees, unless the employee has a guest worker permit), 63G-12-302 (public employers and contractors). Under both statutes, the employers may use E-Verify or another federal verification program.

⁷⁰ S.C. Code § 41-8-20 (private employers); 8-14-20 (public employers and contractors).

⁷¹ Ind. Code § 22-5-1.7-11.1.

⁷² Nev. Rev. St. § 4-114.

⁷³ Miss. Stat. § 285.530.

⁷⁴ Colo. Rev. Stat. § 8-17.5-102.

⁷⁵ 25 Okl. St. § 1313 (public employers and contractors must use E-Verify or another federal verification program).

⁷⁶ Tex. Nat. Res. Code § 81.072 (public contractors); Tex. Gov. Code § 673.002 (state agencies)

⁷⁷ Va. Code § 40.1-11.2 (state agencies), 2.2-4308.2 (public contractors).

⁷⁸ Tenn. Code § 50-1-703.

⁷⁹ 43 Penn. Stat. § 167.3 (public contractors); 43 Penn. Stat. § 168.3 (private construction employers).

⁸⁰ Act 200, Public Acts of 2012, Sec. 381.

⁸¹ W. Va. Code, § 15-2D-3.

elderly individuals, and those recently returning from jail. “The FaithAction ID provides card holders with a verifiable form of identification that can be used as a tool by law enforcement, health centers, schools, nonprofits, businesses, and cultural arts organizations to better identify, serve, and protect them.”⁸² FaithAction International House provides that ID card is not a state issued form of identification, which is clearly noted on the back of the card; therefore it cannot be used to vote, does not entitle the cardholder to any social welfare benefits; does not have any impact on an individual’s immigration status. Individuals may pay a small fee for the card, or the card may be issued for free, and must attend an ID drive event that provide an orientation on the benefits and limitations of the card.⁸³

In Florida, Miami-Dade County, Broward County, Palm Beach County, and Alachua County have partnered with local organizations to offer a Community ID card.⁸⁴ For example, Broward County Legal Aid assists to issue the Community IDs, requiring attendance at an ID drive or an office appointment, where the individual brings documentation such as a passport issued by the individual’s country (expired or current), a foreign national card (expired or current), or other documentation and proof that the individual is a county resident. There is no inquiry into the individual’s immigration status. The cards are geared towards “formerly incarcerated persons, foster youth, transgender persons, the homeless, new immigrants, refugees, or anyone who might face difficulties obtaining a state-issued ID.”⁸⁵ The card “helps residents identify themselves to law enforcement, schools, banks, health centers, city departments, and social service agencies.”⁸⁶

Other local governments issue resident ID cards that are conditioned on presentation of a government-issued ID like a valid driver’s license or passport and proof of residency.⁸⁷ Cardholders can access discounted rates at fishing piers, city-owned recreational facilities, reduced pricing on programs and activities, and free entrance to certain events. Cards may require a small fee or may be provided for free and require renewal annually or may be valid for up to three years, depending on the locality.

⁸² FaithAction International House, *FaithAction ID Program and Network*, available at <https://faithaction.org/faithaction-id-program-and-network/> (last visited March 11, 2023).

⁸³ *Id.*

⁸⁴ See Branches Trist & Dan Bell Family Empowerment Center, *Miami-Dade Community ID*, available at <https://miamiid.org/>; Broward Legal Aid, Broward Community ID, available at <https://www.browardlegalaid.org/communityid/>; Legal Aid Society of Palm Beach County, *Community ID of the Palm Beaches*, available at <https://legalaidpbc.org/2018/05/01/veteran-will-clinic-65/>; Human Rights Coalition of Alachua County, *The HRC Community ID*, available at <https://hrcalachua.com/community-id-program/> (last visited March 11, 2023). The City of Tallahassee approved a Community ID program to be run through the Legal Aid Foundation of Tallahassee in 2021 as a 2-year pilot program; see Tallahassee Democrat, Karl Etters, *Jack Porter's city-funded ID card program approved in 'no bid' deal, but questions remain*, available at <https://www.tallahassee.com/story/news/2021/11/05/tallahassee-city-funded-id-card-program-works/6254350001/> (last visited March 11, 2023).

⁸⁵ Broward Legal Aid, Broward Community ID, available at <https://www.browardlegalaid.org/communityid/> (last visited March 11, 2023).

⁸⁶ *Id.*

⁸⁷ City of Aventura, *Aventura ID Card*, available at <https://www.cityofaventura.com/221/Aventura-ID-Card>; City of Delray Beach, *Residency (Activities) Identification Cards*, available at <https://www.delraybeachfl.gov/government/city-departments/city-clerk/residency-identification-cards>; City of Sunny Isles Beach, *Resident ID Card*, available at <https://www.sibfl.net/ccs/residentid/>; The Villages, *Resident ID Card Information*, available at <https://districtgov.org/departments/Community-Service/idCards.aspx> (last visited March 11, 2023).

Driver Licenses

Section 322.03, F.S., prohibits a person from driving any motor vehicle upon a Florida highway unless such person has a valid driver license issued under ch. 322, F.S. However, an individual is exempt from obtaining a Florida driver license if he or she is a nonresident who is:

- At least 16 years of age and possesses a valid noncommercial driver license issued to him or her in his or her home state or country and operating a type of motor vehicle for which a Class E driver license is required in this state.
- At least 18 years of age and possesses a valid noncommercial driver license issued to him or her in his or her home state or country and operating a motor vehicle, other than a commercial motor vehicle, in this state.⁸⁸

Section 322.08, F.S., establishes requirements governing the issuance of driver licenses by the Department of Highway Safety and Motor Vehicles (DHSMV). An applicant for a driver license or identification card is required to provide his or her SSN for the purpose of identification. This information is electronically verified with the federal SSA to confirm identity, as required by the Real ID Act of 2005. Applicants are required to provide proof of identity that is satisfactory to the DHSMV. The following documents constitute acceptable proof of identification:

- A certified copy of a United States birth certificate;
- A valid, unexpired passport or passport card;
- A Certificate of Naturalization issued by the DHS;
- A valid, unexpired alien registration receipt card (green card);
- A Consular Report of Birth Abroad; and
- A valid, employment authorization card issued by the DHSMV.⁸⁹

The DHSMV is authorized to require an applicant for an original driver license to produce certain DHS or foreign documents to prove nonimmigrant classification for the sole purpose of establishing continuous lawful presence in the United States.⁹⁰

Section 322.12, F.S., authorizes the DHSMV to waive the Class E knowledge (written) and skills requirements if an applicant for an original driver license presents a valid driver license from another state, province of Canada, or the United States Armed Forces when applying for a Florida driver license of equal or lesser classification.

Driver License Compact and Reciprocity

The Driver License Compact was created to provide uniformity among member jurisdictions when exchanging information with other members on convictions, records, licenses, withdrawals, and other data pertinent to the licensing process. Uniformity helps ease administrative costs and meets the underlying tenet of the agreement that each driver nationwide have only one driver license and one driver control record.

⁸⁸ Section 322.04(1)(c) and (d), F.S.

⁸⁹ Section 322.08(2)(c), F.S.

⁹⁰ Section 322.08(2)(c)8., F.S.

Section 322.02(4), F.S., authorizes the DHSMV to enter into reciprocal driver license agreements with other jurisdictions within the United States and its territories and possessions and with foreign countries or political entities equivalent to Florida state government within a foreign country. Generally, valid driver licenses issued by any state in the United States are valid when visiting another state. However, exceptions do exist for state-specific laws, such as required driving ages.⁹¹

States Issuing Driver Licenses to Undocumented Immigrants

States issue driver's licenses under the constitutional authority of the 10th Amendment. In 2005, Congress enacted the Real ID Act, creating standards for state-issued driver's licenses, including evidence of lawful status. Currently, 18 states and the District of Columbia have enacted laws to allow undocumented immigrants to obtain driver's licenses. These states – California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Virginia, and Washington – issue a license (or a “driving privilege card”) if an applicant provides certain documentation, such as a foreign birth certificate, foreign passport, or consular card and evidence of current residency in the state.⁹²

Since 1993, beginning in the State of Washington, states have offered undocumented immigrants the ability to obtain state driver licenses to encourage otherwise unlicensed drivers to pass driver license testing and obtain vehicle insurance.⁹³

Following the Real ID Act, noncompliant cards must have a recognizable feature on their face to distinguish the license from those issued to legal residents. Possession of a Real ID compliant driver license is not federally required for operating a motor vehicle. The DHS cautions against assuming that possession of a noncompliant card indicates that an individual is undocumented. Individuals may choose to obtain a noncompliant card for reasons unrelated to lawful presence in the United States.⁹⁴

Admission to Practice Law

In 2014 the Legislature provided that an applicant to the Florida Bar who is an unauthorized immigrant may be admitted to the Bar by the Florida Supreme Court if certain conditions are met.⁹⁵ The Legislature acted following an advisory opinion from the Florida Supreme Court that related to whether undocumented immigrants are eligible for admission to the Florida Bar.⁹⁶ The Court held that federal law prohibits specified categories of aliens from obtaining certain public

⁹¹ FindLaw, *Driver's Licenses FAQ*, November 27, 2017, available at <https://www.findlaw.com/traffic/drivers-license-vehicle-info/driver-s-licenses-faq.html> (last visited March 12, 2023).

⁹² National Conference of State Legislatures, *States Offering Driver's Licenses to Immigrants*, January 16, 2023, available at <https://www.ncsl.org/immigration/states-offering-drivers-licenses-to-immigrants> (last visited March 10, 2023).

⁹³ Britannica ProCon, *States (and DC) That Allow Undocumented Immigrants to Obtain Driver's Licenses*, November 14, 2022, available at [States \(and DC\) That Allow Undocumented Immigrants to Obtain Driver's Licenses - Immigration - ProCon.org](https://www.procon.org/entry/states-and-dc-that-allow-undocumented-immigrants-to-obtain-drivers-licenses) (last visited March 12, 2023).

⁹⁴ Department of Homeland Security, *Real ID Frequently Asked Questions for the Public*, available at <https://www.dhs.gov/archive/real-id-public-faqs> (last visited March 12, 2023).

⁹⁵ Chapter 2014-35, L.O.F.

⁹⁶ *Florida Board of Bar Examiners Re: Question as to Whether Undocumented Immigrants are Eligible for Admission to the Florida Bar*. No. SC11-2568 (March 6, 2014).

benefits, which includes a professional license that is provided by appropriated funds of a state. However, the federal law in question allows a state to provide such a benefit through the enactment of a state law that affirmatively provides for such eligibility.⁹⁷

Section 454.021(3), F.S., allows the Florida Supreme Court to admit an applicant for admission to the Florida Bar if such applicant has:

- Been brought to the United States as a minor;
- Been present in the United States for more than 10 years;
- Received documented employment authorization from the U.S. Citizenship and Immigration Services;
- Been issued a SSN;
- Registered with the Selective Service System if required to do so under the federal Military Selective Service Act; and
- Otherwise fulfilled all requirements for admission to practice of law in this state.

DNA Database

Section 943.325, F.S., created the DNA database within the FDLE in 1989 and required persons convicted of certain sex crimes to provide blood samples to be tested for genetic markers for the purpose of personal identification of the person submitting the sample.⁹⁸ The results from the blood samples were then entered into a DNA database maintained by the FDLE to be available in a statewide automated personal identification system for classifying, matching, and storing DNA analyses.⁹⁹

Since its creation, the statewide DNA database has evolved to the point where the FDLE now accepts oral swab samples (known samples) from qualifying offenders. A qualifying offender means:

- Any person who is:
 - Committed to a county jail;
 - Committed to or under the supervision of the Department of Corrections, including a person incarcerated in a private correctional institution;
 - Committed to or under the supervision of the Department of Juvenile Justice;
 - Transferred to this state under the Interstate Compact on Juveniles, part XIII of ch. 985, F.S.; or
 - Accepted under Article IV of the Interstate Corrections Compact, part III of ch. 941, F.S.;¹⁰⁰
- And who is:
 - Convicted of any felony offense or attempted felony offense in this state or of a similar offense in another jurisdiction;
 - Convicted of:
 - A misdemeanor offense of: stalking; voyeurism; exposing minors to harmful motion pictures, exhibitions, shows, presentations, or representations; computer pornography,

⁹⁷ 8 U.S.C. s. 1621(d) (2012).

⁹⁸ Ch. 89-335, L.O.F.

⁹⁹ *Id.*

¹⁰⁰ Section 943.325(2)(g)1.a.-e., F.S.

- prohibited computer usage, or traveling to meet a minor; or direct observation, videotaping, or visual surveillance of customers in a merchant's dressing room;¹⁰¹ or
- An offense that was found to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang;¹⁰² or
 - Arrested for any felony offense or attempted felony offense in this state.¹⁰³

The collection of samples from a person booked into a jail, correctional facility, or juvenile facility for a felony has been a phased-in process. The process started in January 2011 and was completed 2020.¹⁰⁴

Heath Data

In response to Executive Order No. 21-223, the AHCA issued a corresponding data request to all Florida hospitals with an attached questionnaire.¹⁰⁵ On August 18, 2022, the AHCA reported the results of the data request finding that total costs attributed to illegal aliens were \$312.92 million and that hospitals were paid for \$103.49 million of those costs. The local funds expended for inpatient and outpatient services cost \$700,000, while state and federal funds expended were \$104.91 million and \$5.30 million, respectively. The report also stated that 142 of 316 facilities indicated that charity care provided included illegal aliens.¹⁰⁶ There is some indication that the reported data may be incomplete, however, as many health care facilities do not question patients about their immigration status and struggled to meet the data reporting requirement.¹⁰⁷

Hospitals

Hospitals are regulated by the AHCA under ch. 395, F.S., and the general licensure provisions of part II, of ch. 408, F.S. Hospitals offer a range of health care services with beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care.¹⁰⁸ Hospitals must make regularly available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment.¹⁰⁹

¹⁰¹ These offenses are: stalking; voyeurism; certain acts in connection with obscene, or lewd, materials; renting, selling, or loaning harmful motion pictures, exhibitions, shows, presentations, or representations to minors; computer pornography, prohibited computer usage, or traveling to meet a minor; direct observation, videotaping, or visual surveillance of customers in a merchant's dressing room.

¹⁰² "Criminal gang" means a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols, including, but not limited to, terrorist organizations and hate groups. Section 874.03, F.S.

¹⁰³ Section 943.325(2)(g)2.a.-c., F.S.

¹⁰⁴ Section 943.325(3)(b), F.S. and FDLE Long Range Program Plan, September 30, 2021, p. 12, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=23192&DocType=PDF> (last visited March 10, 2023).

¹⁰⁵ AHCA Data Request - EO 21-223, available at https://ahca.myflorida.com/docs/AHCA_Data_Request-EO_21-223.pdf (last visited March 11, 2023). The questionnaire is available as a link on the data request.

¹⁰⁶ Cost of Services on the Health Care System, Executive Order 21-223, Data for SFY 2020-2021, August 18, 2022, available at https://ahca.myflorida.com/Executive/Communications/Press_Releases/pdf/Executive_Order_21-223_Update_01302023.pdf (last visited March 11, 2023).

¹⁰⁷ Hospitals unable to meet undocumented patient data demand from Gov. DeSantis, The Gainesville Sun, Javon L. Harris, June 9, 2022, available at <https://www.gainesville.com/story/news/2022/06/09/florida-hospitals-unable-meet-immigration-data-demand-desantis/7499186001/> (last visited March 11, 2023).

¹⁰⁸ Section 395.002(12), F.S.

¹⁰⁹ *Id.*

The AHCA must maintain an inventory of hospitals with an emergency department.¹¹⁰ The inventory must list all services within the capability of each hospital, and such services must appear on the face of the hospital's license. As of March 2, 2023, there are 323 licensed hospitals in the state.¹¹¹

Section 395.1055, F.S., authorizes the AHCA to adopt rules for hospitals. Separate standards may be provided for general and specialty hospitals.¹¹² The rules for general and specialty hospitals must include minimum standards to ensure:

- A sufficient number of qualified types of personnel and occupational disciplines are on duty and available at all times to provide necessary and adequate patient care;
- Infection control, housekeeping, sanitary conditions, and medical record procedures are established and implemented to adequately protect patients;
- A comprehensive emergency management plan is prepared and updated annually;
- Licensed facilities are established, organized, and operated consistent with established standards and rules; and
- Licensed facility beds conform to minimum space, equipment, and furnishing standards.¹¹³

The minimum standards for hospital licensure are contained in Chapter 59A-3, F.A.C.

The Emergency Medical Treatment and Labor Act (EMTALA)

In 1986, Congress enacted EMTALA to ensure public access to emergency services regardless of ability to pay. Section 1867 of the Social Security Act imposes specific obligations on Medicare-participating hospitals that offer emergency services to provide a medical screening examination when a request is made for examination or treatment for an emergency medical condition (EMC), including active labor, regardless of an individual's ability to pay. Hospitals are then required to provide stabilizing treatment for patients with EMCs. If a hospital is unable to stabilize a patient within its capability, or if the patient requests, an appropriate transfer should be implemented.¹¹⁴

Impermissible Delays

EMTALA prohibits a participating hospital from delaying providing the appropriate medical screening examination or treatment required for specified reasons. The act allows a hospital to follow "reasonable registration processes;" however, such registration processes "may not unduly discourage individuals from remaining for further evaluation."¹¹⁵ Interpretive guidelines issued by the federal Centers for Medicare and Medicaid Services for these provisions state that "the registration process permitted in the dedicated [emergency department] typically consists of

¹¹⁰ Section 395.1041(2), F.S.

¹¹¹ Agency for Health Care Administration, Florida Health Finder Report, available at <https://quality.healthfinder.fl.gov/facilitylocator/ListFacilities.aspx> (reports generated on Mar. 3, 2023) (last visited March 10, 2023).

¹¹² Section 395.1055(2), F.S.

¹¹³ Section 395.1055(1), F.S.

¹¹⁴ *Emergency Medical Treatment & Labor Act (EMTALA)*, Centers for Medicare and Medicaid Services, last updated December 5, 2022, available at <https://www.cms.gov/regulations-and-guidance/legislation/emtala> (last visited March 10, 2023).

¹¹⁵ See 42 CFR s. 489.24(d)(4)(iv)

collecting demographic information, insurance information, whom to contact in an emergency and other relevant information.”¹¹⁶

III. Effect of Proposed Changes:

Human Smuggling

Section 10 of the bill amends the human smuggling crime in s. 787.07, F.S., to provide that a person commits a third degree felony when he or she knowingly and willfully:

- Transports into or within this state an individual whom the person knows, or reasonably should know, has entered the United States in violation of law and has not been inspected by the Federal Government since his or her unlawful entry; or
- Conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, in any place within this state, including any temporary or permanent structure or through any means of transportation, an individual whom the person knows, or reasonably should know, has entered the United States in violation of law and has not been inspected by the Federal Government since his or her unlawful entry from another country.

The bill provides that a person commits a separate offense for each individual he or she transports, conceals, harbors, or shields from detection, or attempts to transport, conceal, harbor, or shield from detection, into this state in violation of this section.

The bill also enhances the offense of human smuggling to a second degree felony¹¹⁷ if a person:

- Commits five or more separate offenses under this section during a single episode; or
- Has a prior conviction¹¹⁸ for human smuggling and commits a subsequent violation of human smuggling.

Proof that a person presents identification or gave false information to a law enforcement officer who is conducting an investigation for human smuggling, gives rise to an inference that such person was aware that the transported, concealed, harbored, or shielded individual has entered the United States in violation of the law and had not been inspected by the Federal Government since his or her unlawful entry.

The bill requires a person who is arrested for the crime of human smuggling must be held in custody for a court to determine pretrial release in accordance with chapter 903, F.S.

¹¹⁶ *State Operations Manual Appendix V – Interpretive Guidelines – Responsibilities of Medicare Participating Hospitals in Emergency Cases*, Centers for Medicare and Medicaid Services, (Rev. 191, 07-19-19), p. 56, available at https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/som107ap_v_emerg.pdf (last visited March 10, 2023).

¹¹⁷ A second degree felony is punishable by up to 15 years imprisonment and up to a \$10,000 fine. Sections 775.082 775.083, and 775.084 F.S.

¹¹⁸ The term “conviction” means a determination of guilt that is the result of a plea agreement or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Federal Immigration Enforcement

Section 11 of the bill amends s. 908.104, F.S., to add to the actions a law enforcement agency may take regarding the information regarding a person's immigration status. Specifically, the bill allows a law enforcement agency to send relevant information obtained pursuant to enforcement of s. 448.095, F.S., to a federal immigration agency.¹¹⁹ Further, **Section 14** creates s. 943.0311(2), F.S., to require the Chief of Domestic Security of the FDLE to ensure compliance with s. 448.095, F.S., by regularly coordinating random audits and notifying the DEO of any violations found.

Domestic Security

Sections 12-16 of the bill amend the FDLE's domestic security statutes to provide the necessary authority for the department to coordinate with and provide assistance to the Federal Government in the enforcement of federal immigration laws, responses to immigration enforcement incidents within or affecting Florida. The bill also directs the department to coordinate and direct the law enforcement, initial emergency, and other initial responses to other matters of concerning the domestic security of Florida as it relates to immigration enforcement incidents.

Specifically, the bill amends the:

- Legislative findings in s. 943.03101, F.S., to include immigration enforcement coordination and require the department to take the lead in such coordination in preparation and response to immigration enforcement incidents within or affecting Florida.
- Regional domestic security task forces to:
 - Direct each task force to cooperate with and provide assistance to the Federal Government in the enforcement of federal immigration laws within or affecting Florida;
 - Facilitate responses to immigration enforcement incidents within or affecting Florida;
 - Establish training standards including curricula and materials related to effective response to immigration enforcement incidents; and
 - Work to ensure that hate-driven acts against ethnic groups that may have been targeted as a result of immigration enforcement incidents within or affecting Florida are appropriately investigated and responded to.
- Domestic security oversight council to:
 - Include the need of executive direction and leadership as it relates to immigration enforcement incidents to the council's legislative findings;
 - Provide guidance to the regional domestic security task forces and other domestic security working groups to make recommendations to the Governor and the Legislature regarding expenditure of funds and resources related to cooperating with and providing assistance to the Federal Government in the enforcement of federal immigration laws;
 - Include representatives from the DHS, ICE, and U.S. Customs and Border Protection as nonvoting members of the council; and

¹¹⁹ "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law. Section 908.102(1), F.S.

- Specify immigration enforcement incidents and coordination with and providing assistance to the Federal Government in the enforcement of federal immigration laws are part of the council's duties of oversight of the state's domestic security efforts.

Employment Verification

Section 7 of the bill amends s. 448.095, F.S., related to public and private employer verification of employment eligibility. The bill requires private employers to also verify the employment status of an individual before recruiting or referring for a fee the individual for employment, similar to federal law.¹²⁰

Under the bill, an employer must retain employment verification documentation for at least *5 years*. If the employer used the E-Verify system, the official verification generated by the system is also required to be retained.

The bill alters the defenses for employers using I-9 Form or E-Verify, similar to federal law. An employer using the I-9 Form, establishing good faith compliance with the law, has established an affirmative defense that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring. An employer taking the additional steps to use, and all public employers, contractors, and subcontractors required to use, the E-Verify system to verify employment eligibility may establish a rebuttable presumption that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring, as applicable.

The bill clarifies that an employer that obtains knowledge that an employee is or has become an unauthorized alien may not continue to employ that person.¹²¹

Current law allows the FDLE, the Attorney General, a state attorney, or the statewide prosecutor to request documentation from a private employer used to verify an individual's employment eligibility. The bill authorizes the above persons or entities to request such documentation from public employers, contractors, or subcontractors. The bill also allows the DEO to request such information from employers.

Under the bill, if the FDLE, the Attorney General, a state attorney, or the statewide prosecutor determines or finds that an employer has violated the state's employment verification law, then the person or entity must notify the DEO of such violation. A private employer that does not use the I-9 Form or E-Verify or does not maintain the documentation as required has to provide the DEO with an affidavit as discussed in the Present Situation. A public employer, contractor, or subcontractor is also required by the bill to provide the DEO with such an affidavit if a violation is found.

¹²⁰ See 8 U.S.C. s. 1324a(a)(1)(A).

¹²¹ See 8 U.S.C. s. 1324a(a)(2).

However, the bill amends the penalties for a *private employer's* noncompliance with the employment verification law:

- If the private employer does not provide the required affidavit within 30 days after the request by the DEO, then the DEO must notify the appropriate licensing agencies to suspend all applicable licenses held by the private employer.
 - The licensing agency must provide the private employer with notification that the suspension shall last until the private employer provides the DEO with the required affidavit.
 - Upon receipt of the required affidavit, the DEO will notify the appropriate licensing agencies to reinstate the licenses held by the private employer.
- If a private employer does not provide the required affidavit within the required time period three times within any *24-month* period, then the appropriate licensing agency must revoke all applicable licenses held by the private employer.
- The DEO is authorized to impose a fine if the private employer violated the employment verification law and knowingly employed an unauthorized alien in violation of the law.
 - For a first violation, the fine is \$5,000 for each unauthorized alien employed as a result of noncompliance with the law.
 - For a second violation that occurs within 24 months of the first, the fine is \$7,500 for each unauthorized alien employed as a result of noncompliance with the law. All applicable licenses held by the private employer will be suspended for 120 days.
 - For a third or subsequent violation that occurs within 24 months of the first, the fine is \$10,000 for each unauthorized alien employed as a result of noncompliance with the law. All applicable licenses held by the private employer will be revoked.

Enforcement of penalties by the DEO are subject to ch. 120, F.S., and the DEO must provide notice to the private employer, including a statement of facts and notice of the opportunity to request a hearing. All fines collected will be deposited into the General Revenue Fund.

The bill also repeals the definition of department as a clarifying change due to other amendments made to the statute.

Section 6 of the bill amends s. 448.09, F.S., related to employment of unauthorized aliens. The bill increases the fine applied to the first offense from up to \$500 to up to \$1,000; and for each subsequent offense increases the fine from up to \$500 to up to \$2,500.¹²² The bill also creates a new penalty for an unauthorized alien who knowingly uses a false identification document, or who fraudulently uses an identification document of another person, for the purpose of obtaining employment. The act is a felony of the third degree, punishable by a term of imprisonment of up to 5 years and a fine of up to \$5,000.¹²³

Identification Cards

Sections 1 and 2 of the bill create ss. 125.0156 and 166.246, F.S., to prohibit any county or municipality from providing funds to any person, entity, or organization for the purpose of

¹²² Section 448.09(2), F.S. See ss. 775.082 and 775.083, F.S.

¹²³ Sections 775.082 and 775.083, F.S.

issuing an ID card or other document to an individual who does not provide proof of lawful presence in the United States.

Local governments currently participating in the FaithAction International House or other program to issue ID cards will be required to amend their programs to require proof of lawful presence in the United States if the local governments provide any funds to the organizations issuing the cards.

Driver Licenses

Sections 3 of the bill creates s. 322.033, F.S., which provides if a driver license is of a class of licenses issued by another state *exclusively* to undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued, the driver license, or other permit purporting to authorize the holder to operate a motor vehicle on public roadways, is invalid in this state and does not authorize the holder to operate a motor vehicle in this state. Such classes of licenses include licenses that are issued exclusively to undocumented immigrants or licenses that are substantially the same as licenses issued to citizens, residents, or those lawfully present in the United States but have markings establishing that the license holder did not exercise the option of providing proof of lawful presence.

A law enforcement officer or other authorized representative of the DHSMV who stops a person driving with an invalid license as described and driving without a valid license shall issue a citation to the driver for driving without a license in violation of s. 322.03, F.S.

Currently, s. 322.39, F.S., provides that a person convicted of a violation of ch. 322, F.S., is guilty of a second degree misdemeanor, punishable by a fine of up to \$500 or a term of imprisonment of up to 60 days.¹²⁴

In order to facilitate the enforcement of the new provision related to invalid licenses issued by other states to undocumented immigrants and to aid in providing notice to the public and visitors of these invalid licenses, the DHSMV must maintain on its website a list of out-of-state classes of driver licenses that are invalid in this state.

Section 4 of the bill amends s. 322.04, F.S., to exclude from certain existing exemptions from obtaining a Florida driver license certain nonresidents who have invalid licenses under the new provisions contained in s. 322.033, F.S., relating to proof of the licensee's lawful presence in the United States.

Admission to Practice Law

Effective November 1, 2026, **Section 8** of the bill repeals s. 454.021(3), F.S., and the provisions that allowed an applicant to the Florida Bar who is an unauthorized immigrant to be admitted to the Bar by the Florida Supreme Court if certain conditions were met.

¹²⁴ See ss. 775.082 or 775.083, F.S.

The bill specifies in **Section 9** of the bill that the repeal of s. 454.021(3), F.S., does not affect the validity of any license to practice law issued pursuant to s. 454.021(3), F.S., before November 1, 2026.

DNA Database

Section 17 of the bill amends the definition of “qualifying offender” to add a person who is in the custody of a law enforcement agency and is subject to an immigration detainer. A qualifying offender must submit a DNA sample when he or she is booked into a jail or a correctional or juvenile facility. The bill also specifies that a person who becomes a qualifying offender solely because of the issuance of an immigration detainer by a federal immigration agency must submit a DNA sample when the law enforcement agency having custody of the offender receives the detainer.

Health Data

Section 5 of the bill creates s. 395.3027, F.S. to require any hospital that accepts Medicaid to include a question on its admission or registration forms, that may be answered by the patient or the patient’s representative, inquiring about whether the patient is a United States citizen, is lawfully present in the United States, or is not lawfully present in the United States. The question must be followed by a statement indicating that the response to the question will not affect patient care or result in a report of the patient’s immigration status to immigration authorities.

The bill requires each hospital to provide a quarterly report to the AHCA, within 30 days of the end of each quarter, detailing the number of visits or admissions by patients who responded to the above question in each category. The AHCA must, in turn, provide a report to the Governor and the Legislature by March 1 of each year compiling the data received from the hospitals. In addition, the annual report must describe the costs of uncompensated care provided to patients not lawfully in the country, the impact of uncompensated care on the cost or ability of hospitals to provide services to the public and on hospital funding needs, and other related information.

The AHCA is authorized to adopt rules specific to the format of the quarterly report and the format of the question that hospitals must include on their admission or registration forms. The bill specifies that the rules may not require disclosure of patient names to the AHCA.

Effective Date

The bill take effect July 1, 2023, except for **Section 8**, relating to admissions to practice law in Florida.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Section 19 of Article VII, Florida Constitution requires increased taxes or fees to be passed in a separate bill and by two-thirds vote of the membership of each house of the Legislature. This bill does not increase any taxes or fees, and thus the increased tax or fee requirements do not apply.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Individuals found in violation of employment laws related to knowingly employing unauthorized aliens will be subject to stronger penalties. Employers who violate laws related to employment verification and knowingly employ unauthorized aliens in violation of the employment verification law will be subject to stronger penalties.

Individuals using false documentation or identification to obtain employment may be subject to a third degree felony.

Organizations that partner with local governments to issue Community ID cards that do not require proof of lawful presence in the United States may experience a loss in revenue if the local government ends the partnership program or no longer provides funding.

Individuals in Florida with out-of-state driver's licenses that are issued exclusively to undocumented immigrants may be subject to penalties or may be required to obtain a Florida driver's license to operate in this state.

Hospitals will be required to change their forms, if the question is not already included on the forms; however this cost is anticipated to be minimal.

C. Government Sector Impact:

The bill may have a positive indeterminate (unquantifiable increase in prison beds) fiscal impact on the DOC. The bill expands the crime of human smuggling to make concealing, harboring, or shielding a person who has entered the United States, in violation of the law, from detection a third degree felony. The bill also enhances the crime of human smuggling to a second degree felony in certain circumstances. The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill.

The bill amends the FDLE's domestic security statutes to provide the necessary authority for the department to coordinate with and provide assistance to the Federal Government in the enforcement of federal immigration laws, responses to immigration enforcement incidents within or affecting Florida. The FDLE has the necessary framework and governance structure for domestic security in place. Any changes needed can be addressed within existing resources.

The FDLE is already conducting audits of private employers in Florida, pursuant to the Governor's Executive Order in 2021, and the provisions of the bill requiring regular coordination of random audits or the ability to conduct audits of public employers, contractors, or subcontractors, should not have a negative fiscal impact on the department.

The DEO currently does not have a robust enforcement section and will incur costs to establish positions and enforce the provisions of this section. The department has not yet submitted an analysis of the fiscal impact of the bill at this time. The impact is anticipated to be a significant cost to the DEO.

There may be an insignificant, positive fiscal impact from fees for individuals who have to obtain a Florida driver's license who were previously exempt. The DHSMV can maintain the list of invalid licenses on its website within existing resources. The bill may also have a positive indeterminate (unquantifiable increase in jail beds) fiscal impact on county jails because the bill creates a new second degree misdemeanor for those individuals caught driving with an out-of-state license made invalid under the bill.

The ACHA can collect the information and create the report required by the bill with minimal fiscal impact. In 2022, in response to Executive Order No. 21-223, the AHCA issued a similar report. However, see Section VII. Related Issues, below.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 5 of the bill requires hospitals to report to the AHCA the number of patients who responded to the added question about immigration status on their admission or registration forms in specified ways. The bill also requires the AHCA to compile a report to the Governor

and the Legislature detailing the data gathered from the reports above as well as indicating specified costs of services provided to patients not in the country lawfully. However, the bill does not require hospitals to report such costs of services to the AHCA, only the number of patients served; as such, the AHCA may lack the required information to provide an accurate report to the Governor and the Legislature on the actual costs of services provided to patients not in the country lawfully.

Section 10 of the bill expands the crime of human smuggling. In 2010, the Governor of Arizona signed S.B. 1070 which contained criminal penalties for human smuggling.¹²⁵ The federal government sought to declare S.B. 1070 invalid arguing it was preempted by federal law and violated the Supremacy Clause of the United States Constitution. The Supreme Court ruled that the Arizona law was preempted by federal law.¹²⁶ To the extent that the expansion of the offense of human smuggling is similar to the Arizona's S.B. 1070, it may be preempted by federal law.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.04, 448.09, 448.095, 454.021, 787.07, 908.104, 943.03, 943.03101, 943.0311, 943.0312, 943.0313, and 943.325.

This bill creates the following sections of the Florida Statutes: 125.0156, 166.246, 322.033, and 395.3027.

IX. Additional Information:

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

CS by Rules on March 15, 2023:

The CS:

- Clarifies that the individual who is being smuggled must have entered the United States in violation of the law and that the offense of human smuggling is enhanced if a person has a prior conviction and commits a subsequent violation;
- Requires public employers, contractors, and subcontractors to:
 - Retain the employment verification records for 5 years;
 - Provide employment verification records to certain specified agencies; and
 - Provide an affidavit to the DEO under certain conditions.
- Provides public employers, contractors, and subcontractors with a rebuttable presumption defense in hiring using the E-Verify system and that such an employer may not continue employment of an individual if the employer later finds out the person is an unauthorized alien.

¹²⁵ *U.S. v. Arizona*, 2010 WL 2653363, Complaint. (July 6, 2010).

¹²⁶ *U.S. v. Arizona*, 119 F.Supp. 3d. 955, (2014).

B. Amendments:

None.

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



649870

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/15/2023	.	
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	.	
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The Committee on Rules (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 361 - 383
and insert:
following persons or entities may request, and a public or
private employer must provide, copies of any documentation
relied upon by the private employer for the verification of a
person's employment eligibility, including, but not limited to,
any documentation required under paragraph (b) or paragraph (c):
a.1. The Department of Law Enforcement.
b.2. The Attorney General.



649870

c.3. The state attorney.

d.4. The statewide prosecutor.

e. The Department of Economic Opportunity.

2. A person or entity that makes a request under this paragraph must rely upon the Federal Government to verify a person's employment eligibility and may not independently make a final determination as to whether a person is an unauthorized alien. If the person or entity determines or finds that a public or private employer has violated this section, the person or entity must notify the Department of Economic Opportunity.

(f) If a public or private employer does not comply with paragraph (b) or paragraph (c), the Department of Economic Opportunity must: ~~shall~~

1. Require the public or private employer to provide an affidavit to the department stating that the public or private employer will comply with paragraphs ~~paragraph~~ (b) and (c), the public or private employer has

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

And the title is amended as follows:

Delete lines 61 - 68

and insert:

unauthorized alien; authorizing specified entities and the Department of Economic Opportunity to request, and requiring a public or private employer to provide, copies of specified documentation; requiring a person or an entity that determines or finds that a public or private employer has violated certain provisions to notify the department; revising the required actions



649870

41 that the department must take if a public or private
42 employer does not comply with



758374

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2023	.	
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The Committee on Rules (Ingoglia) recommended the following:

Senate Substitute for Amendment (649870) (with title amendment)

Delete lines 304 - 309

and insert:

Section 7. Paragraph (c) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 448.095, Florida Statutes, are amended, and paragraphs (g), (h), and (i) are added to subsection (2) of that section, to read:

448.095 Employment eligibility.—

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



758374

~~(c) "Department" means the Department of Economic Opportunity.~~

(2) PUBLIC EMPLOYERS, CONTRACTORS, AND SUBCONTRACTORS.—

(a) ~~Beginning January 1, 2021,~~ Every public employer, contractor, and subcontractor shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees. A public employer, contractor, or subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-Verify system. A public employer, contractor, or subcontractor must retain a copy of the official verification generated by the E-Verify system and any supporting documentation used to generate the verification for at least 5 years after the date the verification was generated.

(g)1. A public employer, contractor, or subcontractor that establishes compliance with this subsection with respect to the hiring of an unauthorized alien has established a rebuttable presumption that the public employer, contractor, or subcontractor has not violated this section with respect to such hiring.

2. A public employer, contractor, or subcontractor may not continue to employ an unauthorized alien after obtaining knowledge that a person is or has become an unauthorized alien.

(h)1. For the purpose of enforcement of this section, the following persons or entities may request, and a private employer must provide, copies of any documentation relied upon by the public employer, contractor, or subcontractor for the verification of a person's employment eligibility, including, but not limited to, any documentation required under paragraph



758374

(a) or paragraph (b) :

a. The Department of Law Enforcement.

b. The Attorney General.

c. The state attorney.

d. The statewide prosecutor.

e. The Department of Economic Opportunity.

2. A person or entity that makes a request under this paragraph must rely upon the Federal Government to verify a person's employment eligibility and may not independently make a final determination as to whether a person is an unauthorized alien. If the person or entity determines or finds that a public employer, contractor, or subcontractor has violated this section, the person or entity must notify the Department of Economic Opportunity.

(i) If a public employer, contractor, or subcontractor does not comply with paragraph (a) or paragraph (b), as applicable, the Department of Economic Opportunity must require the public employer, contractor, or subcontractor to provide an affidavit to the department stating that the entity will comply with paragraphs (a) and (b), as applicable, the entity has terminated the employment of all unauthorized aliens employed in this state, and the entity will not intentionally or knowingly employ an unauthorized alien in this state.

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

And the title is amended as follows:

Between lines 43 and 44

insert:

public employer, contractor, or subcontractor to



758374

70 retain specified copies for at least a certain number
71 of years; creating a certain rebuttable presumption
72 that the public employer, contractor, or subcontractor
73 has not violated specified provisions with respect to
74 the hiring of an unauthorized alien; prohibiting a
75 public employer from continuing to employ an
76 unauthorized alien after obtaining knowledge that a
77 person is or has become an unauthorized alien;
78 authorizing specified persons or entities to request,
79 and requiring a public employer to provide, copies of
80 specified documentation; requiring a public employer,
81 contractor, or subcontractor to provide an affidavit
82 to the Department of Economic Opportunity under
83 certain circumstances; requiring a



955484

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2023	.	
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	.	

The Committee on Rules (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 478 - 499
and insert:

~~who~~ the person knows, or reasonably should know, has entered is
~~illegally entering~~ the United States in violation of law and has
not been inspected by the Federal Government since his or her
unlawful entry from another country.

(b) Conceals, harbors, or shields from detection, or
attempts to conceal, harbor, or shield from detection, in any
place within this state, including any temporary or permanent



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structure or through any means of transportation, an individual
whom the person knows, or reasonably should know, has entered
the United States in violation of law and has not been inspected
by the Federal Government since his or her unlawful entry from
another country ~~commits a felony of the third degree, punishable~~
~~as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(2) A person commits a separate offense for each individual
he or she transports, conceals, harbors, or shields from
detection, or attempts to transport, conceal, harbor, or shield
from detection, into this state in violation of this section.

(3) A person who commits five or more separate offenses
under this section during a single episode commits a felony of
the second degree, punishable as provided in s. 775.082, s.
775.083, or s. 775.084.

(4) (a) A person with a prior conviction under this section
who commits a subsequent violation of this section

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

And the title is amended as follows:

Delete line 90

and insert:

who entered the United States unlawfully and without
inspection by the Federal Government; providing

By Senator Ingoglia

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1 A bill to be entitled
 2 An act relating to immigration; creating ss. 125.0156
 3 and 166.246, F.S.; prohibiting counties and
 4 municipalities, respectively, from providing funds to
 5 any person, entity, or organization to issue
 6 identification documents to an individual who does not
 7 provide proof of lawful presence in the United States;
 8 creating s. 322.033, F.S.; specifying that certain
 9 driver licenses and permits issued by other states
 10 exclusively to unauthorized immigrants are not valid
 11 in this state; requiring law enforcement officers and
 12 authorized representatives of the Department of
 13 Highway Safety and Motor Vehicles to cite a person
 14 driving with a specified invalid license; requiring
 15 the department to maintain a list on its website of
 16 out-of-state classes of driver licenses that are
 17 invalid in this state; amending s. 322.04, F.S.;
 18 revising the circumstances under which certain persons
 19 are exempt from obtaining a driver license; creating
 20 s. 395.3027, F.S.; requiring certain hospitals to
 21 collect patient immigration status data information on
 22 admission or registration forms; requiring hospitals
 23 to submit quarterly reports to the Agency for Health
 24 Care Administration containing specified information;
 25 requiring the agency to submit an annual report to the
 26 Governor and the Legislature containing specified
 27 information; authorizing the agency to adopt rules;
 28 prohibiting rules requiring the disclosure of patient
 29 names to the agency; amending s. 448.09, F.S.;

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30 increasing the maximum fine that may be imposed for a
 31 first violation of specified provisions relating to
 32 employing, hiring, recruiting, or referring aliens for
 33 private or public employment; providing a fine for
 34 second or subsequent violations of specified
 35 provisions after a certain previous conviction
 36 relating to employing, hiring, recruiting, or
 37 referring aliens for private or public employment;
 38 providing criminal penalties for certain aliens who
 39 knowingly use false identification documents or who
 40 fraudulently use identification documents of another
 41 person for the purpose of obtaining employment; making
 42 technical changes; amending s. 448.095, F.S.; deleting
 43 the definition of the term "department"; requiring a
 44 private employer to verify a person's employment
 45 eligibility before recruiting or referring for a fee a
 46 person for employment; requiring a private employer to
 47 retain specified copies for at least a certain number
 48 of years; deleting a provision absolving private
 49 employers of civil or criminal liability for complying
 50 with certain provisions; creating a certain rebuttable
 51 presumption that the private employer has not violated
 52 specified provisions with respect to the hiring,
 53 recruitment, or referral for employment of an
 54 unauthorized alien; establishing an affirmative
 55 defense to an allegation that the private employer has
 56 not violated specified provisions with respect to the
 57 hiring, recruitment, or referral for employment of an
 58 unauthorized alien; prohibiting a private employer

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59 from continuing to employ an unauthorized alien after
 60 obtaining knowledge that a person is or has become an
 61 unauthorized alien; authorizing the Department of
 62 Economic Opportunity to request, and requiring a
 63 private employer to provide, copies of specified
 64 documentation; requiring a person or an entity that
 65 determines or finds that a private employer has
 66 violated certain provisions to notify the department;
 67 revising the required actions that the department must
 68 take if a private employer does not comply with
 69 specified provisions, including imposing fines for
 70 first, second, or subsequent violations; requiring
 71 that specified fines be deposited into the General
 72 Revenue Fund; requiring the department to provide
 73 certain notice to private employers for any action
 74 taken pursuant to specified provisions; requiring the
 75 department to notify private employers of the
 76 opportunity for a hearing pursuant to specified
 77 provisions; deleting provisions relating to penalties
 78 imposed upon private employers for specified
 79 violations; conforming provisions to changes made by
 80 the act; amending s. 454.021, F.S.; deleting a
 81 provision authorizing an unauthorized immigrant to
 82 obtain a license to practice law in this state under
 83 certain circumstances; providing applicability;
 84 amending s. 787.07, F.S.; providing criminal penalties
 85 for persons who knowingly and willfully violate, or
 86 who reasonably should know and who violate, certain
 87 provisions relating to the transporting into or within

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88 this state, or the concealing, harboring, or shielding
 89 from detection, or the attempt thereof, of individuals
 90 who illegally entered the United States; providing
 91 enhanced criminal penalties for prior convictions of
 92 specified provisions; defining the term "conviction";
 93 providing circumstances that give rise to a certain
 94 inference; requiring that persons who violate certain
 95 provisions be held in custody; making technical
 96 changes; amending s. 908.104, F.S.; specifying that a
 97 state entity, local governmental entity, or law
 98 enforcement agency, or an employee, an agent, or a
 99 representative of the entity or agency, may not
 100 prohibit or in any way restrict a law enforcement
 101 agency from sending the applicable information
 102 obtained pursuant to certain provisions to a federal
 103 immigration agency; amending s. 943.03, F.S.;
 104 requiring the Department of Law Enforcement to
 105 coordinate and direct the law enforcement, initial
 106 emergency, and other initial responses in matters
 107 dealing with the Federal Government in federal
 108 immigration law enforcement and responses to
 109 immigration enforcement incidents within or affecting
 110 this state; amending s. 943.03101, F.S.; revising
 111 legislative findings and determinations; amending s.
 112 943.0311, F.S.; revising the required duties of the
 113 Chief of Domestic Security; requiring the chief to
 114 regularly coordinate random audits pursuant to
 115 specified provisions and notify the Department of
 116 Economic Opportunity of any violations; amending s.

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117 943.0312, F.S.; revising legislative findings;
 118 requiring that each task force cooperate with and
 119 provide assistance to the Federal Government in the
 120 enforcement of federal immigration laws within or
 121 affecting this state in compliance with specified
 122 provisions, in accordance with the state's domestic
 123 security strategic goals and objectives; requiring the
 124 Chief of Domestic Security to, in conjunction with
 125 specified entities, identify appropriate equipment and
 126 training needs, curricula, and materials related to
 127 the effective response to immigration enforcement
 128 incidents; requiring that each regional domestic
 129 security task force, working in conjunction with
 130 specified entities, work to ensure that hate-driven
 131 acts against ethnic groups that may have been targeted
 132 as a result of immigration enforcement incidents
 133 within or affecting this state are appropriately
 134 investigated and responded to; amending s. 943.0313,
 135 F.S.; revising legislative findings; requiring the
 136 Domestic Security Oversight Council to make
 137 recommendations to the Governor and the Legislature
 138 regarding the expenditure of funds and allocation of
 139 resources related to cooperating with and providing
 140 assistance to the Federal Government in the
 141 enforcement of federal immigration laws; expanding the
 142 list of persons whom the council may invite to attend
 143 and participate in its meetings as ex officio,
 144 nonvoting members; revising the duties of the council;
 145 amending s. 943.325, F.S.; revising the definition of

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146 the term "qualifying offender" to include certain
 147 persons who are the subject of an immigration detainer
 148 issued by a federal immigration agency; requiring
 149 certain qualifying offenders to submit DNA samples at
 150 a specified time; requiring law enforcement agencies
 151 to immediately take DNA samples from certain
 152 qualifying offenders under certain circumstances;
 153 providing effective dates.

154
 155 Be It Enacted by the Legislature of the State of Florida:

156
 157 Section 1. Section 125.0156, Florida Statutes, is created
 158 to read:

159 125.0156 Restriction on providing funds for identification
 160 documents.—A county may not provide funds to any person, entity,
 161 or organization for the purpose of issuing an identification
 162 card or document to an individual who does not provide proof of
 163 lawful presence in the United States.

164 Section 2. Section 166.246, Florida Statutes, is created to
 165 read:

166 166.246 Restriction on providing funds for identification
 167 documents.—A municipality may not provide funds to any person,
 168 entity, or organization for the purpose of issuing an
 169 identification card or document to an individual who does not
 170 provide proof of lawful presence in the United States.

171 Section 3. Section 322.033, Florida Statutes, is created to
 172 read:

173 322.033 Unauthorized aliens; invalid out-of-state driver
 174 licenses.—

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(1) If a driver license is of a class of licenses issued by another state exclusively to undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued, the driver license, or other permit purporting to authorize the holder to operate a motor vehicle on public roadways, is invalid in this state and does not authorize the holder to operate a motor vehicle in this state. Such classes of licenses include licenses that are issued exclusively to undocumented immigrants or licenses that are substantially the same as licenses issued to citizens, residents, or those lawfully present in the United States but have markings establishing that the license holder did not exercise the option of providing proof of lawful presence.

(2) A law enforcement officer or other authorized representative of the department who stops a person driving with an invalid license as described in subsection (1) and driving without a valid license shall issue a citation to the driver for driving without a license in violation of s. 322.03.

(3) The department, to facilitate the enforcement of this section and to aid in providing notice to the public and visitors of invalid licenses, shall maintain on its website a list of out-of-state classes of driver licenses that are invalid in this state.

Section 4. Section 322.04, Florida Statutes, is amended to read:

322.04 Persons exempt from obtaining driver license.—

(1) The following persons are exempt from obtaining a driver license:

(a) Any employee of the United States Government, while

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operating a noncommercial motor vehicle owned by or leased to the United States Government and being operated on official business.

(b) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

(c) A nonresident who is at least 16 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or country operating a motor vehicle of the type for which a Class E driver license is required in this state, if the nonresident's license is not invalid under s. 322.033 relating to proof of the licensee's lawful presence in the United States.

(d) A nonresident who is at least 18 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or country operating a motor vehicle, other than a commercial motor vehicle, in this state, if the nonresident's license is not invalid under s. 322.033 relating to proof of the licensee's lawful presence in the United States.

(e) Any person operating a golf cart, as defined in s. 320.01, which is operated in accordance with the provisions of s. 316.212.

(2) This section does not apply to any person to whom s. 322.031 applies.

(3) Any person working for a firm under contract to the United States Government whose residence is outside this state and whose main point of employment is outside this state may drive a noncommercial vehicle on the public roads of this state

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for periods up to 60 days while in this state on temporary duty,
if the person has a valid driver license from the state of the
person's residence and if the license is not invalid under s.
322.033 relating to proof of the licensee's lawful presence in
the United States.

Section 5. Section 395.3027, Florida Statutes, is created
to read:

395.3027 Patient immigration status data collection.—

(1) Each hospital that accepts Medicaid must include a
provision on its patient admission or registration forms for the
patient or the patient's representative to state or indicate
whether the patient is a United States citizen or lawfully
present in the United States or is not lawfully present in the
United States. The inquiry must be followed by a statement that
the response will not affect patient care or result in a report
of the patient's immigration status to immigration authorities.

(2) Each hospital must submit a quarterly report to the
agency within 30 days after the end of each calendar quarter
which reports the number of hospital admissions or visits within
the previous quarter which were made by a patient who indicated
that he or she was a citizen of the United States or lawfully
present in the United States, was not lawfully present in the
United States, or declined to answer.

(3) By March 1 of each year, the agency shall submit a
report to the Governor, the President of the Senate, and the
Speaker of the House of Representatives which includes the total
number of hospital admissions and visits for the previous
calendar year for which the patient or patient's representative
reported that the patient was a citizen of the United States or

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lawfully present in the United States, was not lawfully present
in the United States, or declined to answer. The report must
also describe information relating to the costs of uncompensated
care for aliens who are not lawfully present in the United
States, the impact of uncompensated care on the cost or ability
of hospitals to provide services to the public, hospital funding
needs, and other related information.

(4) The agency may adopt rules relating to the format and
information to be contained in quarterly reports and the
acceptable formats for hospitals to use in requesting
information regarding a patient's immigration status on hospital
admission or registration forms. The rules may not require the
disclosure of patient names to the agency.

Section 6. Section 448.09, Florida Statutes, is amended to
read:

448.09 Unauthorized aliens; employment prohibited.—

(1) It is ~~shall be~~ unlawful for any person to knowingly to
employ, hire, recruit, or refer, either for herself or himself
or on behalf of another, for private or public employment within
the state, an alien who is not duly authorized to work by the
immigration laws or the Attorney General of the United States.

(2) A person who violates ~~The first violation of~~ subsection
(1) a first time commits ~~shall be~~ a noncriminal violation as
defined in s. 775.08(3) and, upon conviction, shall be
punishable as provided in s. 775.082(5) by a civil fine of not
more than \$1,000 ~~\$500~~, regardless of the number of aliens with
respect to whom the violation occurred.

(3) ~~A~~ Any person who has been previously convicted for a
violation of subsection (1) and who subsequently thereafter

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violates that subsection commits ~~(1)~~, ~~shall be guilty of a~~ misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that the fine is \$2,500. Any such subsequent violation of this section constitutes ~~shall constitute~~ a separate offense with respect to each unauthorized alien.

(4) Any alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States who knowingly uses a false identification document, or who fraudulently uses an identification document of another person, for the purpose of obtaining employment commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Paragraph (c) of subsection (1) and subsection (3) of section 448.095, Florida Statutes, are amended to read:
448.095 Employment eligibility.—

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

~~(c) "Department" means the Department of Economic Opportunity.~~

(3) PRIVATE EMPLOYERS.—

~~(a) Beginning January 1, 2021, a private employer shall,~~ After making an offer of employment which has been accepted by a person or before recruiting or referring for a fee a person for employment, a private employer shall verify such person's employment eligibility. A private employer is not required to verify the employment eligibility of a continuing employee hired before January 1, 2021. However, if a person is a contract employee retained by a private employer, the private employer must verify the employee's employment eligibility upon the

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renewal or extension of his or her contract.

(b) A private employer shall verify a person's employment eligibility by:

1. Using the E-Verify system; or

2. Requiring the person to provide the same documentation that is required by the United States Citizenship and Immigration Services on its Employment Eligibility Verification form (Form I-9).

(c) The private employer must retain, for at least 5 years:

1. A copy of the documentation provided ~~under this subparagraph for at least 3 years~~ after the person's initial date of employment.

2. A copy of the official verification generated by the E-Verify system, if used, and any supporting documentation used to generate the verification after the date the verification was generated.

~~(e) A private employer that complies with this subsection may not be held civilly or criminally liable under state law for hiring, continuing to employ, or refusing to hire an unauthorized alien if the information obtained under paragraph (b) indicates that the person's work authorization status was not that of an unauthorized alien.~~

(d) 1. A private employer that establishes compliance with subparagraph (b)1. with respect to the hiring, recruitment, or referral for employment of an unauthorized alien has established a rebuttable presumption that the private employer has not violated this section with respect to such hiring, recruiting, or referral.

2. A private employer that establishes compliance with

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subparagraph (b)2. with respect to the hiring, recruitment, or referral for employment of an unauthorized alien has established an affirmative defense that the private employer has not violated this section with respect to such hiring, recruiting, or referral.

3. A private employer may not continue to employ an unauthorized alien after obtaining knowledge that a person is or has become an unauthorized alien. ~~For purposes of this subsection, compliance with paragraph (b) creates a rebuttable presumption that a private employer did not knowingly employ an unauthorized alien in violation of s. 448.09(1).~~

(e)1. For the purpose of enforcement of this section, the following persons or entities may request, and a private employer must provide, copies of any documentation relied upon by the private employer for the verification of a person's employment eligibility, including, but not limited to, any documentation required under paragraph (b) or paragraph (c):

~~a.1-~~ The Department of Law Enforcement.

~~b.2-~~ The Attorney General.

~~c.3-~~ The state attorney.

~~d.4-~~ The statewide prosecutor.

e. The Department of Economic Opportunity.

2. A person or entity that makes a request under this paragraph must rely upon the Federal Government to verify a person's employment eligibility and may not independently make a final determination as to whether a person is an unauthorized alien. If the person or entity determines or finds that a private employer has violated this section, the person or entity must notify the Department of Economic Opportunity.

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(f) If a private employer does not comply with paragraphs paragraph (b) or (c), the Department of Economic Opportunity must: ~~shall~~

1. Require the private employer to provide an affidavit to the department stating that the private employer will comply with ~~paragraphs~~ paragraph (b) and (c), the private employer has terminated the employment of all unauthorized aliens employed in this state, and the employer will not intentionally or knowingly employ an unauthorized alien in this state.

a. If the private employer does not provide the required affidavit within 30 days after the department's request, the department shall notify all appropriate agencies to suspend the appropriate licensing agency shall suspend all applicable licenses held by the private employer. The appropriate agency shall notify the private employer that such suspension is effective until the private employer provides the department with the required affidavit. Upon receipt of the required affidavit, the department shall notify the respective agencies to reinstate the licenses held by the private employer.

b. For any private employer that does not provide the required affidavit within 30 days after the department's request three times within any 24-month period, all applicable licenses held by the private employer must be revoked by the respective agencies that issued them.

2. Impose a fine if the private employer knowingly employed an unauthorized alien in violation of this subsection:

a. For a first violation, the fine is \$5,000 for each unauthorized alien employed as a result of noncompliance with this subsection.

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b. For a second violation within 24 months of the first violation, the fine is \$7,500 for each unauthorized alien employed as a result of noncompliance with this subsection. Additionally, all applicable licenses held by the private employer must be suspended for 120 days by the respective agencies that issued them.

c. For a third or subsequent violation within 24 months of the first violation, the fine is \$10,000 for each unauthorized alien employed as a result of noncompliance with this subsection. Additionally, all applicable licenses held by the private employer must be revoked by the respective agencies that issued them.

d. All fines imposed pursuant to this subparagraph must be deposited in the General Revenue Fund.

(g) For purposes of paragraph (f): this paragraph,

1. The applicable licenses that are subject to suspension or revocation under that this paragraph are all licenses that are held by the private employer specific to the business location where the unauthorized alien performed work. If the private employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the private employer's business in general, the licenses that are subject to suspension or revocation under this paragraph (f) are all licenses that are held by the private employer at the private employer's primary place of business.

2. The Department of Economic Opportunity must provide notice to a private employer for any action under that paragraph in accordance with the provisions of chapter 120, including a

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statement of facts, and must notify the private employer of the opportunity for a hearing pursuant to ss. 120.569 and 120.57.

~~(g) For any private employer found to have violated paragraph (f) three times within any 36 month period, the appropriate licensing agency shall permanently revoke all licenses that are held by the private employer specific to the business location where the unauthorized alien performed work. If the private employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the private employer's business in general, the appropriate licensing agency shall permanently revoke all licenses that are held by the private employer at the private employer's primary place of business.~~

Section 8. Effective November 1, 2026, subsection (3) of section 454.021, Florida Statutes, is amended to read:

454.021 Attorneys; admission to practice law; Supreme Court to govern and regulate.—

~~(3) Upon certification by the Florida Board of Bar Examiners that an applicant who is an unauthorized immigrant who was brought to the United States as a minor, has been present in the United States for more than 10 years, has received documented employment authorization from the United States Citizenship and Immigration Services (USCIS), has been issued a social security number, if a male, has registered with the Selective Service System if required to do so under the Military Selective Service Act, 50 U.S.C. App. 453, and has fulfilled all requirements for admission to practice law in this state, the Supreme Court of Florida may admit that applicant as an attorney at law authorized to practice in this state and may direct an~~

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~~order be entered upon the court's records to that effect.~~

Section 9. The repeal of s. 454.021(3), Florida Statutes,
by this act does not affect the validity of any license to
practice law issued pursuant to that subsection before November
1, 2026.

Section 10. Section 787.07, Florida Statutes, is amended to
read:

787.07 Human smuggling.—

(1) Except as provided in subsections (3) and (4), a person
who knowingly and willfully commits any of the following
offenses commits a felony of the third degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Transports into or within this state an individual whom
~~who~~ the person knows, or reasonably should know, ~~has is~~
illegally entered ~~entering~~ the United States in violation of law
and has not been inspected by the Federal Government since his
or her unlawful entry.

(b) Conceals, harbors, or shields from detection, or
attempts to conceal, harbor, or shield from detection, in any
place within this state, including any temporary or permanent
structure or through any means of transportation, an individual
whom the person knows, or reasonably should know, has entered
the United States in violation of law and has not been inspected
by the Federal Government since his or her unlawful entry ~~from~~
~~another country commits a felony of the third degree, punishable~~
~~as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(2) A person commits a separate offense for each individual
he or she transports, conceals, harbors, or shields from
detection, or attempts to transport, conceal, harbor, or shield

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from detection, into this state in violation of this section.

(3) A person who commits five or more separate offenses
under this section during a single episode commits a felony of
the second degree, punishable as provided in s. 775.082, s.
775.083, or s. 775.084.

(4) (a) A person with a prior conviction under this section
commits a felony of the second degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084.

(b) As used in paragraph (a), the term "conviction" means a
determination of guilt that is the result of a plea agreement or
a trial, regardless of whether adjudication is withheld or a
plea of nolo contendere is entered.

(5) Proof that a person knowingly and willfully presented
false identification or gave false information to a law
enforcement officer who is conducting an investigation for a
violation of this section gives rise to an inference that such
person was aware that the transported, concealed, harbored, or
shielded individual has entered the United States in violation
of the law and had not been inspected by the Federal Government
since his or her unlawful entry.

(6) A person who is arrested for a violation of this
section must be held in custody until brought before the court
for admittance to pretrial release in accordance with chapter
903.

Section 11. Paragraph (f) is added to subsection (2) of
section 908.104, Florida Statutes, to read:

908.104 Cooperation with federal immigration authorities.—

(2) Except as otherwise expressly prohibited by federal
law, a state entity, local governmental entity, or law

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enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:

(f) Sending the applicable information obtained pursuant to enforcement of s. 448.095 to a federal immigration agency.

Section 12. Subsection (14) of section 943.03, Florida Statutes, is amended to read:

943.03 Department of Law Enforcement.—

(14) The department, with respect to counter-terrorism efforts, responses to acts of terrorism within or affecting this state, coordinating with and providing assistance to the Federal Government in the enforcement of federal immigration laws, responses to immigration enforcement incidents within or affecting this state, and other matters related to the domestic security of Florida as it relates to terrorism and immigration enforcement incidents, shall coordinate and direct the law enforcement, initial emergency, and other initial responses. The department shall work closely with the Division of Emergency Management, other federal, state, and local law enforcement agencies, fire and rescue agencies, first-responder agencies, and others involved in preparation against acts of terrorism in or affecting this state, immigration enforcement incidents within or affecting this state, and in the response to such acts or incidents. The executive director of the department, or another member of the department designated by the director, shall serve as Chief of Domestic Security for the purpose of directing and coordinating such efforts. The department and

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Chief of Domestic Security shall use the regional domestic security task forces as established in this chapter to assist in such efforts.

Section 13. Section 943.03101, Florida Statutes, is amended to read:

943.03101 Counter-terrorism and immigration enforcement coordination.—The Legislature finds that with respect to counter-terrorism efforts, ~~and~~ initial responses to acts of terrorism within or affecting this state, coordinating with and providing assistance to the Federal Government in the enforcement of federal immigration laws, and responses to immigration enforcement incidents within or affecting this state, specialized efforts of emergency management which are unique to such situations are required and that these efforts intrinsically involve very close coordination of federal, state, and local law enforcement agencies with the efforts of all others involved in emergency-response efforts. In order to best provide this specialized effort, the Legislature has determined that such efforts should be coordinated by and through the Department of Law Enforcement, working closely with the Division of Emergency Management and others involved in preparation against acts of terrorism in or affecting this state, immigration enforcement incidents within or affecting this state, and in the initial response to such acts, in accordance with the state comprehensive emergency management plan prepared pursuant to s. 252.35(2)(a).

Section 14. Present subsections (2) through (7) of section 943.0311, Florida Statutes, are redesignated as subsections (3) through (8), respectively, a new subsection (2) is added to that

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section, and subsection (1) and present subsection (3) of that section are amended, to read:

943.0311 Chief of Domestic Security; duties of the department with respect to domestic security.—

(1) The executive director of the department, or a member of the department designated by the executive director, shall serve as the Chief of Domestic Security. The Chief of Domestic Security shall:

(a) Coordinate the efforts of the department in the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting this state.

(b) Prepare recommendations for the Governor, the President of the Senate, and the Speaker of the House of Representatives, which are based upon ongoing assessments to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

(c) Coordinate the collection of proposals to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

(d) Use regional task forces to support the duties of the department set forth in this section.

(e) Use public or private resources to perform the duties assigned to the department under this section.

(2) The chief shall regularly coordinate random audits pursuant to s. 448.095 to ensure compliance and enforcement and shall notify the Department of Economic Opportunity of any violations.

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(4)(3) The chief shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under subsection (6) ~~(5)~~. The chief may utilize the assessments provided under subsection (6) ~~(5)~~ in making his or her suggestions. The report shall suggest strategies to maximize federal funds in support of building or facility security if such funds are available.

Section 15. Section 943.0312, Florida Statutes, is amended to read:

943.0312 Regional domestic security task forces.—The Legislature finds that there is a need to develop and implement a statewide strategy to address prevention, preparation, protection, response, and recovery efforts by federal, state, and local law enforcement agencies, emergency management agencies, fire and rescue departments, first-responder personnel, and others in dealing with potential or actual terrorist acts within or affecting this state and potential or actual immigration enforcement incidents within or affecting this state.

(1) To assist the department and the Chief of Domestic Security in performing their roles and duties in this regard, the department shall establish a regional domestic security task force in each of the department's operational regions. The task forces shall serve in an advisory capacity to the department and the Chief of Domestic Security and shall provide support to the

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department in its performance of functions pertaining to domestic security.

(a) Subject to annual appropriation, the department shall provide dedicated employees to support the function of each regional domestic security task force.

(b) Each task force shall be co-chaired by the department's special agent in charge of the operational region in which the task force is located and by a local sheriff or chief of police from within the operational region.

(c) Each task force membership may also include representatives of state and local law enforcement agencies, fire and rescue departments, or first-responder personnel; representatives of emergency management agencies and health, medical, and hospital agencies; representatives of local emergency planning committees; and other persons as deemed appropriate and necessary by the task force co-chairs.

(d) The co-chairs of each task force may appoint subcommittees and subcommittee chairs as necessary in order to address issues related to the various disciplines represented on the task force, except that subcommittee chairs for emergency management shall be appointed with the approval of the director of the Division of Emergency Management. A subcommittee chair shall serve at the pleasure of the co-chairs.

(2) In accordance with the state's domestic security strategic goals and objectives, each task force shall coordinate efforts to counter terrorism, as defined by s. 775.30, and cooperate with and provide assistance to the Federal Government in the enforcement of federal immigration laws within or affecting this state in compliance with chapter 908, among

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local, state, and federal resources to ensure that such efforts are not fragmented or unnecessarily duplicated; coordinate training for local and state personnel to counter terrorism as defined ~~in~~ by s. 775.30; and cooperate with and provide assistance to the Federal Government in the enforcement of federal immigration laws within or affecting this state in compliance with chapter 908; coordinate the collection and dissemination of investigative and intelligence information; and facilitate responses to terrorist incidents within or affecting each region and immigration enforcement incidents within or affecting each region. With the approval of the Chief of Domestic Security, the task forces may incorporate other objectives reasonably related to the goals of enhancing the state's domestic security and ability to detect, prevent, and respond to acts of terrorism within or affecting this state or immigration enforcement incidents within or affecting this state. Each task force shall take into account the variety of conditions and resources present within its region.

(3) The Chief of Domestic Security, in conjunction with the Division of Emergency Management, the regional domestic security task forces, and the various state entities responsible for establishing training standards applicable to state law enforcement officers and fire, emergency, and first-responder personnel shall identify appropriate equipment and training needs, curricula, and materials related to the effective response to suspected or actual acts of terrorism, immigration enforcement incidents, or incidents involving real or hoax weapons of mass destruction as defined in s. 790.166. Recommendations for funding for purchases of equipment, delivery

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of training, implementation of, or revision to basic or continued training required for state licensure or certification, or other related responses shall be made by the Chief of Domestic Security to the Domestic Security Oversight Council, the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives as necessary to ensure that the needs of this state with regard to the preparing, equipping, training, and exercising of response personnel are identified and addressed. In making such recommendations, the Chief of Domestic Security and the Division of Emergency Management shall identify all funding sources that may be available to fund such efforts.

(4) Each regional domestic security task force, working in conjunction with the department, the Office of the Attorney General, and other public or private entities, shall work to ensure that hate-driven acts against ethnic groups that may have been targeted as a result of acts of terrorism in or affecting this state, or as a result of immigration enforcement incidents within or affecting this state, are appropriately investigated and responded to.

(5) Members of each regional domestic security task force may not receive any pay other than their salaries normally received from their employers, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061.

(6) Subject to annual appropriation, the department shall provide staff and administrative support for the regional domestic security task forces.

Section 16. Section 943.0313, Florida Statutes, is amended to read:

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943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism and immigration enforcement incident prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state's regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and cooperating with and providing assistance to the Federal Government in the enforcement of federal immigration laws and domestic security efforts.

(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall consist of the following voting members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Division of Emergency Management.
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.
8. The adjutant general of the Florida National Guard.
9. The state chief information officer.
10. Each sheriff or chief of police who serves as a co-

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chair of a regional domestic security task force pursuant to s.
943.0312(1)(b).

11. Each of the department's special agents in charge who
serve as a co-chair of a regional domestic security task force.

12. Two representatives of the Florida Fire Chiefs
Association.

13. One representative of the Florida Police Chiefs
Association.

14. One representative of the Florida Prosecuting Attorneys
Association.

15. The chair of the Statewide Domestic Security
Intelligence Committee.

16. One representative of the Florida Hospital Association.

17. One representative of the Emergency Medical Services
Advisory Council.

18. One representative of the Florida Emergency
Preparedness Association.

19. One representative of the Florida Seaport
Transportation and Economic Development Council.

(b) In addition to the members designated in paragraph (a),
the council may invite other ex officio, nonvoting members to
attend and participate in council meetings. Those nonvoting
members may include, but need not be limited to:

1. The executive director of the Department of Highway
Safety and Motor Vehicles.

2. The Secretary of Health Care Administration.

3. The Secretary of Environmental Protection.

4. The director of the Division of Law Enforcement within
the Fish and Wildlife Conservation Commission.

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5. A representative of the Commission on Human Relations.

6. A representative of the United States Coast Guard.

7. A United States Attorney from a federal judicial circuit
within this state.

8. A special agent in charge from an office of the Federal
Bureau of Investigation within this state.

9. A representative of the United States Department of
Homeland Security.

10. A representative of United States Immigration and
Customs Enforcement.

11. A representative of United States Customs and Border
Protection.

(2) ORGANIZATION.—

(a) The Legislature finds that the council serves a
legitimate state, county, and municipal purpose and that service
on the council is consistent with a member's principal service
in public office or employment. Membership on the council does
not disqualify a member from holding any other public office or
being employed by a public entity, except that a member of the
Legislature may not serve on the council.

(b) The executive director of the Department of Law
Enforcement shall serve as chair of the council, and the
director of the Division of Emergency Management shall serve as
vice chair of the council. In the absence of the chair, the vice
chair shall serve as chair. In the absence of the vice chair,
the chair may name any member of the council to perform the
duties of the chair if such substitution does not extend beyond
a defined meeting, duty, or period of time.

(c) Any absent voting member of the council may be

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813 represented by a designee empowered to act on any issue before
 814 the council to the same extent that the designating member is
 815 empowered. If a co-chair of a regional domestic security task
 816 force is absent from a council meeting, the co-chair shall
 817 appoint a subcommittee chair of that task force as the designee.
 818 (d) The council shall establish bylaws for its general
 819 governance.
 820 (e) Any member of the council serving by reason of the
 821 office or employment held by the member shall cease to serve on
 822 the council at such time as he or she ceases to hold the office
 823 or employment which was the basis for appointment to the
 824 council.
 825 (f) Representatives from agencies or organizations other
 826 than those designated by title shall be chosen by the entity.
 827 Except for those individuals designated by title, council
 828 members shall be certified annually to the chair by the
 829 organization they represent.
 830 (g) Members of the council or their designees shall serve
 831 without compensation but are entitled to reimbursement for per
 832 diem and travel expenses pursuant to s. 112.061.
 833 (h) The department shall provide the council with the staff
 834 support necessary to assist in the performance of its duties.
 835 (3) MEETINGS.—The council must meet at least semiannually.
 836 Additional meetings may be held as necessary. A majority of the
 837 members of the council constitutes a quorum.
 838 (4) EXECUTIVE COMMITTEE.—
 839 (a) The council shall establish an executive committee
 840 consisting of the following members:
 841 1. The executive director of the Department of Law

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842 Enforcement.
 843 2. The director of the Division of Emergency Management.
 844 3. The Attorney General.
 845 4. The Commissioner of Agriculture.
 846 5. The State Surgeon General.
 847 6. The Commissioner of Education.
 848 7. The State Fire Marshal.
 849 (b) The executive director of the Department of Law
 850 Enforcement shall serve as the chair of the executive committee,
 851 and the director of the Division of Emergency Management shall
 852 serve as the vice chair of the executive committee.
 853 (c) The executive committee shall approve all matters
 854 brought before the council prior to consideration. When
 855 expedited action of the council is deemed necessary by the chair
 856 or vice chair, the executive committee may act on behalf of the
 857 council.
 858 (5) DUTIES OF THE COUNCIL.—
 859 (a) The Domestic Security Oversight Council shall serve as
 860 an advisory council to the Governor, the Legislature, and the
 861 Chief of Domestic Security. The council shall:
 862 1. Review the development, maintenance, and operation of a
 863 comprehensive multidisciplinary domestic security strategy that
 864 will guide the state's prevention, preparedness, protection,
 865 response, and recovery efforts against terrorist attacks and
 866 immigration enforcement incidents and make appropriate
 867 recommendations to ensure the implementation of that strategy.
 868 2. Review the development of integrated funding plans to
 869 support specific projects, goals, and objectives necessary to
 870 the state's domestic security strategy and make appropriate

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recommendations to implement those plans.

3. Review and recommend approval of prioritized recommendations from regional domestic security task forces and state working groups on the use of available funding to ensure the use of such funds in a manner that best promotes the goals of statewide, regional, and local domestic security through coordinated planning and implementation strategies.

4. Review and recommend approval of statewide policies and operational protocols that support the domestic security efforts of the regional domestic security task forces and state agencies.

5. Review the overall statewide effectiveness of domestic security efforts, ~~and~~ counter-terrorism efforts, and efforts of coordinating with and providing assistance to the Federal Government in the enforcement of federal immigration laws in order to provide suggestions to improve or enhance those efforts.

6. Review the efforts of any agency or entity involved in state or local domestic security efforts, ~~and~~ counter-terrorism efforts, and efforts of coordination with and providing assistance to the Federal Government in the enforcement of federal immigration laws that requests assistance or that appears to need such review in order to provide suggestions to improve or enhance those efforts.

7. Review efforts within the state to better secure state and local infrastructure against terrorist attack or immigration enforcement incidents and make recommendations to enhance the effectiveness of such efforts.

8. Review and recommend legislative initiatives related to

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the state's domestic security and provide endorsement or recommendations to enhance the effectiveness of such efforts.

9. Review statewide or multiagency mobilizations and responses to major domestic security incidents and recommend suggestions for training, improvement of response efforts, or improvement of coordination or for other strategies that may be derived as necessary from such reviews.

10. Conduct any additional review or inquiry or make recommendations to the Governor and Legislature in support of other initiatives, as may be necessary, to fulfill the function of general oversight of the state's domestic security efforts, ~~and~~ counter-terrorism efforts, and efforts of coordinating with and providing assistance to the Federal Government in the enforcement of federal immigration laws and to promote increased security.

11. Promote and preserve intergovernmental cooperation and consensus among state and local agencies, the Federal Government, private entities, other states, and other nations, as appropriate, under the guidance of the Governor.

(b) The Domestic Security Oversight Council shall make an annual funding recommendation to the Governor and Legislature which shall prioritize funding requests based on allocations from all available sources for implementing the state's domestic security strategy. This recommendation must include the prioritized recommendations of each of the regional domestic security task forces and the various working groups that participate in the prioritization process for funding allocations. The recommendation must reflect the consideration of strategic priorities and allocations that best serve the

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state's overall domestic security needs. The recommendation shall be transmitted to the Governor and the Legislature by December 31 of each year. If additional funds become available, or reallocation of funding is required beyond current spending authorizations, the council may make recommendations to the Governor for consideration by the Legislative Budget Commission.

(6) REPORTS.—The council shall report annually on its activities, on or before December 31 of each calendar year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the committees having principal jurisdiction over domestic security in the Senate and the House of Representatives.

(7) AGENCY DESIGNATION.—For purposes of this section, the Domestic Security Oversight Council shall be considered a criminal justice agency within the definition of s. 119.011(4).

Section 17. Paragraph (g) of subsection (2) and paragraph (a) of subsection (3) of section 943.325, Florida Statutes, are amended, and paragraph (f) is added to subsection (7) of that section, to read:

943.325 DNA database.—

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

(g) "Qualifying offender" means any person, including juveniles and adults, who is:

1.a. Committed to a county jail;

b. Committed to or under the supervision of the Department of Corrections, including persons incarcerated in a private correctional institution operated under contract pursuant to s. 944.105;

c. Committed to or under the supervision of the Department

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of Juvenile Justice;

d. Transferred to this state under the Interstate Compact on Juveniles, part XIII of chapter 985; or

e. Accepted under Article IV of the Interstate Corrections Compact, part III of chapter 941; and who is:

2.a. Convicted of any felony offense or attempted felony offense in this state or of a similar offense in another jurisdiction;

b. Convicted of a misdemeanor violation of s. 784.048, s. 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an offense that was found, pursuant to s. 874.04, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03; ~~or~~

c. Arrested for any felony offense or attempted felony offense in this state; or

d. In the custody of a law enforcement agency and is subject to an immigration detainer issued by a federal immigration agency.

(3) COLLECTION OF SAMPLES.—

(a) Each qualifying offender shall submit a DNA sample at the time he or she is booked into a jail, correctional facility, or juvenile facility. A person who becomes a qualifying offender solely because of the issuance of an immigration detainer by a federal immigration agency must submit a DNA sample when the law enforcement agency having custody of the offender receives the detainer.

(7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

(f) A law enforcement agency having custody of a person who

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987 becomes a qualifying offender solely because of the issuance of
988 an immigration detainer by a federal immigration agency shall
989 ensure that a DNA sample is taken from the offender immediately
990 after the agency receives the detainer and shall secure and
991 transmit the sample to the department in a timely manner.

992 Section 18. Except as otherwise expressly provided in this
993 act, this act shall take effect July 1, 2023.

3/15/23

APPEARANCE RECORD

SB1718

Meeting Date

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Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Carol Cleaver

Phone

251-599-9543

Address

2300 Magnolia Ave

Email

cleaveremiko@gmail.com

Street

Pensacola

FL

32503

City

State

Zip

Speaking:

☐ For☒ Against☐ Information

OR

Waive Speaking:

☐ In Support☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FEA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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3115123

Meeting Date

SB1718

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

KAITLYNN DANEHY-SAMITZ

Phone

SUSMEARS

Address

Street

BRADENTON

FL

Email

ADMIN@WVS-WFL.COM

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

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In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:

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Information

OR

Waive Speaking:

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In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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Meeting Date

Rules

Committee

SB 1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Curtis Hierro

Phone

407 334 4934

Address

8290 Lake Dr #340

Email

Curtis Hierro@gmail.com

Street

Doral

FL

33166

City

State

Zip

Speaking:

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For

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Against

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OR

Waive Speaking:

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In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3/15/23

Meeting Date

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SB1718

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name

Mary Herrera

Phone

Address

Street

Cross City

City

FL

State

32620

Zip

Email

Speaking:

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For

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Against

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Information

OR

Waive Speaking:

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In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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Meeting Date

1718

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Tabaisya

Phone

Address

Street

Email

City

State

Zip

Speaking:

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For

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Against

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Information

OR

Waive Speaking:

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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SB1718

3/15/23

Meeting Date

Bill Number or Topic

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Harrison Lundy

Amendment Barcode (if applicable)

Name

Harrison Lundy

Phone

MA

Address

N/A

Email

N/A

Street

N/A

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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3/15/2023

Meeting Date

SB 1718

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Felipe Sousa Lazaballet

Phone

407-955-6798

Address

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Email

fmatos007@gmail.com

Street

Orlando

City

FL

State

32822

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FLIC Votes

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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03-15-23

Meeting Date

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1718

Bill Number or Topic

Committee

Name

Riley Moon

Phone

Address

Street

Gainesville FL

City

State

Zip

32607

Email

Amendment Barcode (if applicable)

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3/15/2023

Meeting Date

SB1718

Bill Number or Topic

Rules

Committee

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Amendment Barcode (if applicable)

Name

Renata Bozzetto

Phone

(561) 667-7325

Address

9497 Boca Gardens Cir # A

Email

RENATA@flicvote.org

Street

Boca Gardens

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Flic Voter

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/15/23

Meeting Date

APPEARANCE RECORD

1718

Bill Number or Topic

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Madeline Kopta

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

3/15

Meeting Date

SB 1718

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name SARAH PARKER

Phone

Address

Street

BRADENTON

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/15/23

Meeting Date

1718

Bill Number or Topic

RULES

Committee

Amendment Barcode (if applicable)

Name

REV DR RUSSELL MEYER

Phone

813 421 5330

Address

3808 W CYPRESS ST

Street

Email

russellmeyer@att.net

SPA

City

FL

State

33607

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FLORIDA FARM ADVOCACY ORG

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/15/23

Meeting Date

Rules

Committee

SB 1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Aurelie Colon Larravin

Phone

9548818595

Address

Street

Email

aurelie@latinainstitute.org

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

National Latina
Institute for Reproductive
Justice FL

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/15/23
Meeting Date

Rules
Committee

SB 1718
Bill Number or Topic

Amendment Barcode (if applicable)

Name David Metellus

Phone 954 798 2255

Address _____
Street

Email David@flicvotes.org

City _____ State _____ Zip _____

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

03/15/2023

Meeting Date

APPEARANCE RECORD

SB1718

Bill Number or Topic

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Rosy Pérez

Phone

718-790-8869

Address

1562 NE 191 Street Apt #113

Email

rosyperez@gmail.com

Street

Miami

City

FL

State

33179

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

15.07.2023

SB1718

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Dr Gerae Tillyard

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

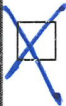
☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

SB 1718

3/15/23

Meeting Date

RULES

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name

PAUL CHAVEZ

Phone

Address

400 WASHINGTON AVE

Street

Email

PAUL.CHAVEZ@SPLC.ORG

MONTGOMERY AL

City

State

36104

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☒I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

SPLC ACTION FUND

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/15/2023

Meeting Date

Rules

Committee

1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Call St

Email

kcfep@yahoo.com

Street

Tallahassee, FL

State

32301

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL Center for
Fiscal & Economic
Policy

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

3/15/23

1718

Meeting Date

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Christie Arnold

Phone

407-312-5374

Address

201 W Park Ave

Email

carnold@flaccb.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:FL
Conference of
Catholic Bishops☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

3/15/23

Bill Number or Topic

1719

Committee

Rules

Amendment Barcode (if applicable)

Name

Ryan Ray

Phone

(813) 843-8459

Address

Street

501 324th Street Del

Email

ryanray@flsenate.gov

City

Tallahassee

State

FL

Zip

32301

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/15

APPEARANCE

APPEARANCE RECORD

1718

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Anaroth Solache

Phone

305-528-8495

Address

7385 fairway drives

Email

Anaroth@a catalystmiami.org

Street

Miami Lakes

FL

33014

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☒I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Catalyst Miami

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/16/22
Meeting Date

Rules
Committee

SB 1718
Bill Number or Topic

Name NR Hines

Hines

Amendment Barcode (if applicable)
Phone 786-363-1104

Address _____
Street

Email nhines@aclufl.org

City _____ State _____ Zip _____

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

ACLU FL

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03/15/23

APPEARANCE RECORD

SB 1718

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Nelson Quezada

Phone

321-315-4310

Address

4147 Singing Creek Ln Apt 76

Email

nquezada1998@gmail.com

Street

Orlando

FL

32809

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03/15

Meeting Date

Rules

Committee

1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lauren Brownzel

Phone

Address

Street

Tallahassee

City

FL

State

32301

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

March 15, 2023

SB 1718

Meeting Date

Bill Number or Topic

G

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

VIVIAN Lyte-Johnson

Phone

407 595 4264

Address

1884 Ibis Bay

Email

V3576@att.net

Street

DCoe

City

FL

State

34761

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☐ In Support ☒ Against**PLEASE CHECK ONE OF THE FOLLOWING:**I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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

S-001 (08/10/2021)

APPEARANCE RECORD

3/5/23

SB 1718

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Volanda Russell

Phone

407-619-3641

Address

5803 CITRUS VILLAGE RD #323

Email

volandarussell@earthlink.net

Street

City

WINTER GARDEN FL 34787

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/15/23

Meeting Date

Rules

Committee

Name

Matt Nelson

Address

1172 Tracy Dr.

Street

Port Orange

City

State

FL

32129

Zip

Phone

386-295-4006

Email

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Matt Nelson

1718

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/15/23

Meeting Date

Rules

Committee

1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tara Nelson

Phone

Address

1172 Tracy Dr.

Street

Port Orange

City

FL

State

32129

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1718

3:30

3-23-23

Meeting Date

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

William Scolnik

Phone

754-214-1318

Address

1732 NE 15th Ave

Email

ScolnikWilliam@yahoo.com

Street

Fort Lauderdale

State

FL

Zip

33305

City

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-15-23

Meeting Date

Rules

Committee

SB 1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jorge Acosta

Phone

954-531-2582

Address

Fort Lauderdale 4688 S.W. 2nd Terr
Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

5/15/23

Meeting Date

~~SB 718~~ SB 718

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Zahalem Adefris

Phone

7864141300

Address

1236 Drexel Ave

Email

z.adefris@gmail.com

Street

Miami Beach

FL

33139

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

~~SB 1718~~ March-15-23

The Florida Senate
APPEARANCE RECORD

SB 1718

Meeting Date

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Julio DIAZ

Phone

786-683-4066

Address

19545 Lenore Drive

Email

whollyjd@yahoo.com

Street

Cutler Bay

FL

33157

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-15-2023

Meeting Date

Rules Committee

Committee

SB 1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name Randy Grice

Phone 305-801-9898

Address 3000 Biscayne Blvd

Email randy1.grice@gmail.com

Street

Miami

City

FL

State

33137

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/15/23

Meeting Date

Rules

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name Janielle Murphy

Phone 786-218-7587

Address 7035 NW 28th Ave
Street

Email janiellem002@gmail.com

Miami
City

FL
State

33147
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD3/15/23
Meeting DateSB 1718
Bill Number or TopicDeliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Marshall Clayton Rawson

Phone

352-514-8568

Address

10528 US Hwy 301
Street

Email

marshallclaytonrawson@gmail.comHampton, Florida 32044
City State Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☒I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD3/15/23
Meeting DateSB 1718
Bill Number or TopicDeliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Karyn Morton

Phone

904-652-7640

Address

2771 Monument Rd #29-213
Street

Email

Kamlady@yahoo.com

Jacksonville FL 32225
City State Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☒I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03-15-2023

Meeting Date

Rules

Committee

SB1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ramona Hooks

Phone

(817) 308-8130

Address

149 Lake Merial Shores Dr.

Street

Email

Panama City

City

FL

State

32409

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Concerned
voter

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

03-15-2023

APPEARANCE RECORD

1718

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Carl Croon Croon

Phone

(850) 866-2562

Address

6411 Lance St.

Email

Marla.Croon@bell.southnet

Street

Panama

FL

32404

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03-15-23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1718

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

FREDERICK CROON

Phone

850-257-3888

Address

6411 LANCE ST

Email

fredcwa@bellsouth.net

Street

PANAMA CITY

FL 32404

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

CWA of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03/15/23

Meeting Date

SB 1718

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Jackson Oberlin

Phone 772-532-1371

Address 10800 Biscayne Blvd #1050

Email jackson@Floridaforall.vote

Miami

City

FL

State

33161

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Florida Rising

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

315 23

Meeting Date

HB ~~1718~~ 1718

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Florida Policy Inst.

Phone

727 744 4681

Address

1001 N Orange Ave

Email

bullard
@ Florida
pol.y. org

Street

City

ORL

State

FL

Zip

32801
~~3420~~

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03/15/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB1718

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name CHARLENE F

Phone _____

Address _____
Street

Email charlenef@catalystmiami.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/15/23

Meeting Date

APPEARANCE RECORD

SB 1718

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Yenisbel Vilorio

Phone

786-419-6049

Address

P.O. Box 260230

Email

yenisbel@stateinnovation.org

Street

Madison

WI

53726

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:

State Innovation Exchange Action

☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/15/2023

Meeting Date

SB 1718

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Raiza Sequeira

Phone

305-762-9312

Address

748 River Grass Ln

Street

Email

Winter Garden FL

City

State

34787

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Uni dos US

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

03/15/23
Meeting Date

The Florida Senate APPEARANCE RECORD

1718
Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

HVLS
Committee

Amendment Barcode (if applicable)

Name Zaney M. Perry

Phone 305 930 2202

Address 2201 Ludlow Rd
Street

Email Zaney@AllapattahCDC.org

Miami FL 33155
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03/15/23

Meeting Date

rules

Committee

1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Natalia Brown

Phone

Address

PO BOX 381949

Email

nataliab@catalystmiami.org

Street

Miami

City

FL

State

33131

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

catalyst Miami

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

03/15/2023

Meeting Date

1718

Bill Number or Topic

RMS

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Fernando Trujillo

Phone

3055 881 804

Address

3043 NW 23 Ave

Email

powerbeauty salon corp
@gmail.com

Street

Miami

State

FL

Zip

33142

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/15

Meeting Date

Rules

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1718

Bill Number or Topic

Amendment Barcode (if applicable)

Name

David Hicks

Phone

678 862 9990

Address

15842 Cedar Elm Ter

Email

d-a-hicks@yahoo.com

Street

Land O Lakes

Fl

34638

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/15/23

Meeting Date

Rule)

SB 1718

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Michael Sampson

Phone

(904) 885-4423

Address

5208 N Pearl St

Email

m.sampson@flsenate.gov

Street

Jax

FL

32208

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1718

Bill Number or Topic

3-15-23

Meeting Date

Rules

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

850-251-4280

Address

625 E. Brevard St

Email

barbaradevane1@

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Tallahassee

State

FL 32308

Zip

yahoo.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL NOW

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412

Caption: Senate Rules Committee

Case No.: -

Judge:

Type:

Started: 3/15/2023 3:31:08 PM

Ends: 3/15/2023 5:46:06 PM

Length: 02:14:59

3:31:07 PM Chair Mayfield calls meeting to order
3:31:23 PM Recording Paused
3:31:42 PM Recording Resumed
3:31:45 PM Chair Mayfield calls meeting to order
3:31:48 PM Roll call
3:32:36 PM Quorum announced
3:32:38 PM Pledge of Allegiance
3:32:55 PM Chair Mayfield with opening comments
3:33:32 PM Tab 4 SB 218 Genetic Counselors Using Telehealth
3:33:43 PM Senator Harrell explains the bill
3:34:35 PM Questions
3:34:37 PM Appearance Forms
3:34:40 PM Robby Halroyd, Florida Association of Genetic Counselors, waives
3:34:49 PM Christian Camara, Institute for Justice, waives
3:35:02 PM Debate
3:35:11 PM Senator Harrell waives close
3:35:12 PM Roll call
3:35:52 PM SB 218 is reported favorably
3:35:54 PM Tab 5 SB 614 Mammography Reports
3:36:01 PM Senator Harrell explains the bill
3:36:38 PM Questions
3:36:41 PM Appearance Forms
3:36:43 PM Yolanda Russell waives
3:36:49 PM Vivian Lyte-Johnson waives
3:36:53 PM Alison Dudley waives
3:36:58 PM Debate
3:37:04 PM Senator Harrell waives close
3:37:10 PM Roll call
3:37:43 PM SB 614 is reported favorably
3:37:48 PM Tab 2 CS/SB 130 Domestic Violence
3:37:55 PM Senator Berman explains the bill
3:41:47 PM Amendment Barcode 559728
3:41:56 PM Senator Berman explains the amendment
3:42:06 PM Questions
3:42:32 PM Appearance Form
3:42:39 PM Lisa Hurley, Family Law Section FL Bar, waives
3:42:49 PM Debate
3:42:50 PM Senator Berman waives close
3:42:58 PM Amendment adopted
3:42:59 PM Back on the bill
3:43:02 PM Questions
3:43:06 PM Appearance Forms
3:43:07 PM Barbara DeVane, FL NOW, speaks
3:45:28 PM Yolanda Russell waives
3:45:33 PM Vivian Lyte-Johnson waives
3:45:37 PM Lisa Hurley, Family Law Section FL Bar, waives
3:45:43 PM Karen Woodall, FL Center for Fiscal & Economic Policy, waives
3:45:51 PM Debate
3:45:59 PM Senator Book
3:46:30 PM Senator Torres
3:47:37 PM Chair Mayfield
3:47:54 PM Senator Berman

3:48:18 PM	Roll call
3:48:56 PM	CS/CS/SB 130 is reported favorably
3:49:04 PM	Tab 3 CS/SB 214
3:49:14 PM	Senator Burgess explains the bill
3:49:25 PM	Questions
3:49:39 PM	Senator Book
3:50:04 PM	Senator Burgess
3:51:22 PM	Senator Book
3:51:29 PM	Senator Burgess
3:52:17 PM	Senator Book
3:52:24 PM	Senator Burgess
3:53:12 PM	Senator Book
3:53:58 PM	Senator Burgess
3:55:04 PM	Senator Book
3:55:38 PM	Senator Burgess
3:56:19 PM	Senator Book
3:56:25 PM	Senator Burgess
3:56:57 PM	Senator Osgood
3:57:31 PM	Senator Burgess
3:58:17 PM	Senator Osgood
3:58:38 PM	Senator Burgess
3:59:10 PM	Senator Rouson
3:59:57 PM	Senator Burgess
4:00:01 PM	Appearance Forms
4:00:23 PM	Yolanda Russell waives
4:00:27 PM	Vivian Lyte-Johnson waives
4:00:37 PM	Barbara DeVane waives
4:00:46 PM	Parker Powell, CFO Jimmy Patronis, waives
4:00:50 PM	Alex Haley, Florida Department of Agriculture & Consumer Services, waives
4:01:04 PM	Debate
4:01:05 PM	Senator Torres
4:04:19 PM	Senator Brodeur
4:05:40 PM	Appearance Forms
4:05:43 PM	Marshall Clayton Rawson waives
4:06:01 PM	Senator Burgess closes on the bill
4:07:28 PM	Roll call
4:08:11 PM	CS/SB 214 is reported favorably
4:08:14 PM	Tab 1 CS/SB 108 Trees and Vegetation Within the Rights-of-Way of Certain Roads and Rail Corridors
4:08:28 PM	Senator Rodriguez explains the bill
4:08:40 PM	Questions
4:08:46 PM	Debate
4:08:52 PM	Senator Rodriguez waives close
4:08:54 PM	Roll call
4:09:39 PM	CS/SB 108 is reported favorably
4:09:42 PM	Tab 6 SB 1718 Immigration
4:09:50 PM	Chair Mayfield
4:10:04 PM	Senator Ingoglia explains the bill
4:12:59 PM	Questions
4:13:05 PM	Senator Jones
4:13:17 PM	Senator Ingoglia
4:13:35 PM	Senator Jones
4:14:00 PM	Senator Ingoglia
4:14:36 PM	Senator Jones
4:15:17 PM	Senator Ingoglia
4:15:33 PM	Senator Jones
4:15:39 PM	Senator Ingoglia
4:16:15 PM	Senator Jones
4:16:33 PM	Senator Ingoglia
4:16:55 PM	Senator Jones
4:17:02 PM	Senator Ingoglia
4:17:23 PM	Senator Jones
4:17:31 PM	Senator Ingoglia

4:18:09 PM	Senator Jones
4:20:10 PM	Senator Ingoglia
4:21:56 PM	Senator Book
4:22:16 PM	Senator Ingoglia
4:23:32 PM	Senator Book
4:23:44 PM	Senator Ingoglia
4:23:48 PM	Senator Book
4:24:01 PM	Senator Ingoglia
4:24:17 PM	Senator Torres
4:24:55 PM	Senator Ingoglia
4:25:17 PM	Senator Torres
4:26:14 PM	Senator Ingoglia
4:26:20 PM	Senator Torres
4:26:49 PM	Senator Ingoglia
4:26:57 PM	Senator Torres
4:27:32 PM	Senator Ingoglia
4:28:08 PM	Amendment Barcode 758374
4:28:27 PM	Senator Ingoglia explains the amendment
4:28:59 PM	Questions
4:29:03 PM	Debate
4:29:06 PM	Senator Ingoglia waives close
4:29:11 PM	Amendment adopted
4:29:19 PM	Take up next amendment
4:29:21 PM	Amendment Barcode 955484
4:29:22 PM	Senator Ingoglia explains the amendment
4:29:33 PM	Questions
4:29:41 PM	Senator Torres
4:29:46 PM	Senator Ingoglia
4:30:41 PM	Debate
4:31:28 PM	Senator Ingoglia waives close
4:31:29 PM	Amendment adopted
4:31:36 PM	Back on the bill
4:31:40 PM	Questions
4:31:43 PM	Senator Torres
4:31:57 PM	Senator Ingoglia
4:32:38 PM	Senator Torres
4:32:41 PM	Senator Ingoglia
4:32:52 PM	Appearance Forms
4:33:40 PM	Carol Cleaver, FEA, speaks
4:35:31 PM	Kaitlynn Danehy-Samitz speaks
4:36:52 PM	Thomas Kennedy speaks
4:38:55 PM	Curtis Hierro speaks
4:40:31 PM	Mary Herrera speaks
4:41:32 PM	Tabaisya speaks
4:42:32 PM	Harrison Lundy
4:43:49 PM	Felipe Sousa Lazaballet, LCIC Votes, speaks
4:45:46 PM	Riley Moon speaks
4:46:20 PM	Renata Bozzetto, speaks
4:48:03 PM	Madeline Kopka waives
4:48:29 PM	Sarah Parker speaks
4:50:19 PM	Rev. Dr. Russell Meyer, Florida Faith Advocacy, speaks
4:53:34 PM	Aurelie Colon Larraun, National Latina Institute for Reproductive Justice FL, speaks
4:55:24 PM	David Metellus speaks
4:57:08 PM	Rosy Perez speaks
4:59:06 PM	Dr. Grace Tillyard speaks
5:00:49 PM	Paul Chavez, SPLC Action Fund, speaks
5:03:48 PM	Karen Woodall, FL Center for Fiscal & Economic Policy, speaks
5:05:59 PM	Christie Arnold, FL Conference of Catholic Bishops, speaks
5:07:21 PM	Ryan Ray speaks
5:08:14 PM	Anaruth Solache, Catalyst Miami, speaks
5:09:59 PM	NR Hines, ACLU FL, speaks
5:10:48 PM	Nelson Quezada speaks

5:13:41 PM	Lauren Bronzel speaks
5:15:09 PM	Vivian Lyte- Johnson waives
5:15:14 PM	Yolanda Russell waives
5:15:18 PM	Matt Nelson waives
5:15:21 PM	Tara Nelson waives
5:15:29 PM	William S., Ft. Lauderdale, waives
5:15:38 PM	Jorge Acosta waives
5:15:42 PM	Zelalem Adefris waives
5:15:50 PM	Julio Diaz waives
5:15:53 PM	Randy Grice waives
5:15:55 PM	Janielle Murphy waives
5:15:59 PM	Marshall Clayton Rawson waives
5:16:03 PM	Karyn Morton waives
5:16:07 PM	Ramona Hooks waives
5:16:12 PM	Carol Croon waives
5:16:15 PM	Frederick Croom waives
5:16:22 PM	Jackson Oberlinic, Florida Rising, waives
5:16:32 PM	Holly Bullard, Florida Policy Institute, waives
5:16:37 PM	Charlean F. waives
5:16:46 PM	Yenisbel Vilorio waives
5:16:53 PM	Raisa Sequeira, Unidos US waives
5:17:02 PM	Zaney M. Perez waives
5:17:04 PM	Natalia Brown waives
5:17:11 PM	M. Figuerito, Miami, FL, waives
5:17:14 PM	Fernando Trinidad waives
5:17:20 PM	Fidel Aquiro, Miami, FL, waives
5:17:23 PM	David Hicks waives
5:17:26 PM	Michael Sampson waives
5:17:28 PM	Barbara DeVane waives
5:17:33 PM	Chair Mayfield with comments
5:17:54 PM	Under Rule 2.10- meeting extended
5:18:33 PM	Debate
5:18:37 PM	Senator Jones
5:23:18 PM	Senator Rouson
5:26:05 PM	Senator Osgood
5:27:48 PM	Senator Torres
5:34:08 PM	Chair Mayfield
5:36:03 PM	Senator Ingoglia
5:43:17 PM	Roll call
5:45:09 PM	CS/SB 1718 is reported favorably
5:45:22 PM	Vote after motions
5:45:25 PM	Senator DiCeglie -makes vote after motion
5:45:41 PM	Motion adopted
5:45:51 PM	Senator Boyd moves to adjourn
5:45:52 PM	Without objection
5:45:53 PM	Meeting adjourned