

Tab 1	SB 414 by Bradley ; (Identical to H 00375) Criminal Conflict and Civil Regional Counsel Membership in the Senior Management Service Class					
Tab 2	CS/SB 664 by CF, Burgess ; (Similar to CS/H 00757) Contracts Entered into by the Department of Children and Families					
Tab 3	SB 1124 by Calatayud ; (Compare to H 00489) Employment of Ex-offenders					
373002	D	S	RCS	GO, Calatayud	Delete everything after	03/22 03:12 PM
Tab 4	SB 1310 by DiCeglie (CO-INTRODUCERS) Hooper ; (Similar to CS/H 01109) Expanding Public Sector Career Opportunities					
Tab 5	SB 1156 by Burton ; (Similar to CS/H 01121) Florida Retirement System					
248624	A	S	RCS	GO, Burton	Delete L.22 - 131:	03/22 03:12 PM
Tab 6	SB 596 by Martin ; (Similar to H 00515) Board of Governors of the State University System					
Tab 7	CS/SB 598 by HE, Martin ; (Identical to H 00257) Higher Educational Facilities Financing					
Tab 8	SB 892 by Martin ; (Identical to H 00917) State Minimum Wage					
Tab 9	SB 1616 by Martin ; (Similar to H 01495) Public Records/Transportation and Protective Services					
Tab 10	SB 224 by Hooper (CO-INTRODUCERS) Berman, Gruters, Collins, Harrell, Brodeur, Boyd, Polsky, Osgood, DiCeglie, Torres, Wright, Rouson, Trumbull, Pizzo, Book, Powell, Burgess, Davis ; (Similar to CS/H 00239) Special Risk Class Retirement Date					
367100	A	S	RCS	GO, Hooper	btw L.362 - 363:	03/22 03:12 PM
Tab 11	SB 1188 by Boyd ; (Compare to CS/H 01159) Contract Liability					
313992	A	S	RCS	GO, Boyd	btw L.52 - 53:	03/22 03:12 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY

Senator Avila, Chair
Senator Polsky, Vice Chair

MEETING DATE: Wednesday, March 22, 2023

TIME: 11:00 a.m.—1:30 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Avila, Chair; Senator Polsky, Vice Chair; Senators Albritton, Davis, Hooper, Rodriguez, Rouson, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 414 Bradley (Identical H 375)	Criminal Conflict and Civil Regional Counsel Membership in the Senior Management Service Class; Providing that participation in the Senior Management Service Class of the Florida Retirement System is compulsory for each district's assistant regional counsel supervisors, beginning on a specified date, etc. GO 03/22/2023 Favorable ACJ AP	Favorable Yeas 8 Nays 0
2	CS/SB 664 Children, Families, and Elder Affairs / Burgess (Similar CS/H 757)	Contracts Entered into by the Department of Children and Families; Revising requirements for contracts between the department and lead agencies, etc. CF 03/06/2023 Fav/CS GO 03/22/2023 Favorable RC	Favorable Yeas 8 Nays 0
3	SB 1124 Calatayud (Compare H 489, H 1443, S 1028)	Employment of Ex-offenders; Revising the criteria a state agency must consider before denying a license, permit, or certification to a person previously convicted of a crime; requiring a state agency to consider specified factors when determining whether an ex-offender applying for a license, permit, or certificate has not been rehabilitated; authorizing certain persons to petition a state agency to determine whether their criminal record will disqualify them from obtaining a license, permit, or certificate; requiring specified agencies to submit an annual report to the Governor and the Legislature, etc. GO 03/22/2023 Fav/CS CJ RC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Wednesday, March 22, 2023, 11:00 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1310 DiCeglie (Similar H 1109)	Expanding Public Sector Career Opportunities; Citing this act as the "Expanding Public Sector Career Opportunities Act"; providing requirements for hiring considerations by public employers; providing that a postsecondary degree may be a baseline requirement under a certain circumstance; authorizing an applicant to appeal a hiring consideration to the Department of Management Services; authorizing the head of an employing agency to elect to substitute certain work experience for postsecondary educational requirements for a person seeking to enter into a contract with the employing agency under certain circumstances, etc. GO 03/22/2023 Favorable CA RC	Favorable Yeas 8 Nays 0
5	SB 1156 Burton (Identical H 1121)	Florida Retirement System; Requiring the Division of Retirement to adopt rules for the provision of volunteer services by retirees; authorizing employers to establish volunteer programs, etc. GO 03/22/2023 Fav/CS CA RC	Fav/CS Yeas 8 Nays 0
6	SB 596 Martin (Similar H 515)	Board of Governors of the State University System; Granting the Office of the Inspector General of the Board of Governors additional authority to take certain actions in carrying out its duties, etc. HE 03/07/2023 Favorable GO 03/22/2023 Favorable RC	Favorable Yeas 8 Nays 0
7	CS/SB 598 Education Postsecondary / Martin (Identical H 257)	Higher Educational Facilities Financing; Specifying when the term for a new appointee to the Higher Educational Facilities Financing Authority begins; authorizing the authority to conduct meetings and workshops by means of communications media technology; authorizing the authority to contract with an entity to assist with administrative matters; prohibiting the authority from entering into a financing agreement with a participating institution for a project if at the time the agreement is executed certain conditions exist, etc. HE 03/07/2023 Fav/CS GO 03/22/2023 Favorable RC	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Wednesday, March 22, 2023, 11:00 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 892 Martin (Identical H 917)	State Minimum Wage; Specifying that individuals entitled to receive the federal minimum wage under the Federal Fair Labor Standards Act, as amended, are eligible to receive the state minimum wage, etc. CM 03/06/2023 Favorable GO 03/22/2023 Favorable RC	Favorable Yeas 5 Nays 3
9	SB 1616 Martin (Similar H 1495)	Public Records/Transportation and Protective Services; Providing an exemption from public records requirements for records relating to transportation and protective services of specified persons provided by law enforcement agencies; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. GO 03/22/2023 Favorable RC	Favorable Yeas 8 Nays 0
10	SB 224 Hooper (Similar CS/H 239)	Special Risk Class Retirement Date; Revising the definition of "normal retirement date"; decreasing the age and years of service needed to reach the normal retirement date for certain members; providing a declaration of important state interest, etc. GO 03/22/2023 Fav/CS CA AP	Fav/CS Yeas 7 Nays 0
11	SB 1188 Boyd (Similar H 1159)	Contract Liability; Requiring that certain procurement contracts contain a provision specifying a finite maximum limit of liability for a contractor; requiring maximum liability terms for such contract or purchase order to be specified as a defined monetary threshold or formula, etc. GO 03/22/2023 Fav/CS CA FP	Fav/CS Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 414

INTRODUCER: Senator Bradley

SUBJECT: Criminal Conflict and Civil Regional Counsel Membership in the Senior Management Service Class

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVaney	GO	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 414 amends s. 121.055, F.S., to make certain supervising employees of the criminal conflict and regional counsel offices members of the Senior Management Service Class (SMSC) (rather than the Regular Class) of the Florida Retirement System (FRS).

For each employee who participates in the FRS pension plan, this shift means the employee earns 2.0 percent service credit for each year of service, rather than 1.6 percent service credit. For an employee who participates in the FRS investment plan, the employee will receive contributions into the investment account equal to 10.67 percent of salary rather than 9.3 percent of salary.

Any employee who is shifted from the Regular Class to the SMSC is permitted to upgrade retirement credit for service in the same position. The member's employer cannot purchase upgraded service credit on the employee's behalf.

The bill increases the personnel costs incurred by the five offices of the criminal conflict and civil regional counsel by roughly \$1,031,055 annually for the positions enumerated in the bill for membership in the SMSC. The bill appropriates \$950,000 from the General Revenue Fund to the offices to offset a portion of these costs.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.¹ The FRS is a contributory system, with active members contributing three percent of their salaries.²

The membership of the FRS is divided into five membership classes:

- The Regular Class³ consists of 537,128 active members and 7,806 in renewed membership;
- The Special Risk Class⁴ includes 72,925 active members and 1,100 in renewed membership;
- The Special Risk Administrative Support Class⁵ has 104 active members and 1 in renewed membership;
- The Elected Officers' Class⁶ has 2,075 active members and 109 in renewed membership; and
- The Senior Management Service Class⁷ has 7,610 active members and 210 in renewed membership.⁸

Each class is funded separately based upon the costs attributable to the member of that class.

Members of the FRS have two primary plan options available for participation:

- The defined benefit plan, also known as the Pension Plan; and
- The defined contribution plan, also known as the Investment Plan.

¹ Florida Department of Management Services (DMS), Division of Retirement, Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report, 35, available at https://employer.frs.fl.gov/forms/2020-21_ACFR.pdf. (last visited Mar. 21, 2023).

² Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Between 1975 and 2011, the FRS was a non-contributory system. Employees were again required to contribute to the system after July 1, 2011. Members in the Deferred Retirement Option Program do not contribute to the system.

³ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

⁴ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S.

⁵ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

⁶ The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

⁷ The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

⁸ All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, at 263.

Pension Plan

The pension plan is administered by the secretary of the Department of Management Services through the Division of Retirement.⁹ Investment management is handled by the State Board of Administration.

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing 6 years of service with an FRS employer.¹⁰ For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after 8 years of creditable service.¹¹ Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.¹² For most current members of the pension plan (including members in the Regular Class and the Senior Management Service Class), normal retirement (when first eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.¹³ Members initially enrolled in the pension plan on or after July 1, 2011, have longer service requirements—a member in the Regular Class or the Senior Management Service Class (SMSC) must complete 33 years of service or attain age 65.¹⁴

The Regular Class and the SMSC share the same normal retirement dates, average final compensation calculation, and disability/survivor benefits. However, the Regular Class service credit provides a 1.6 percent accrual value for each year of creditable service, while the SMSC earns a 2.0 percent accrual value each year.¹⁵

Section 121.055(1)(j), F.S., authorizes a member of the SMSC to upgrade service credit in the same position from Regular Class accrual value to the SMSC accrual value. Generally, the service credit may be purchased by the employer on behalf of the member.

Investment Plan

In 2000, the Public Employee Optional Retirement Program (investment plan) was created as a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.¹⁶ The State Board of Administration (SBA) is primarily responsible for administering the investment plan.¹⁷ The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.¹⁸

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.¹⁹

⁹ Section 121.025, F.S.

¹⁰ Section 121.021(45)(a), F.S.

¹¹ Section 121.021(45)(b), F.S.

¹² Section 121.091, F.S.

¹³ Section 121.021(29)(a)1., F.S.

¹⁴ Sections 121.021(29)(a)2. and (b)2., F.S.

¹⁵ Section 121.091(1)(a)1. and s. 121.055(4)(d), F.S.

¹⁶ See, ch. 2000-169, Laws of Fla.

¹⁷ Section 121.4501(8), F.S.

¹⁸ FLA. CONST. art. IV, s. 4.

¹⁹ Section 121.4501(1), F.S.

A member vests immediately in all employee contributions paid to the investment plan.²⁰ With respect to the employer contributions, a member vests after completing 1 work year of employment with an FRS employer.²¹ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.²² The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.²³ An FRS member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.²⁴

The table below shows the allocation of contributions made into the FRS for members of the investment plan participating in the Regular Class and SMSC. The contributions are based on a percentage of the member's gross compensation for the month.

Allocation of Contributions	Regular Class	Senior Management Service Class
Investment Account	9.30%	10.67%
Disability	0.25%	0.26%
In line of duty death	0.05%	0.05%
Administrative Assessments	0.06%	0.06%
Total	9.66%	11.04%

Offices of the Public Defender

In an effort to meet its responsibility to provide counsel to indigent defendants, as guaranteed under the Sixth Amendment and applied to the states in *Gideon v. Wainwright*,²⁵ the Legislature first established the office of the Public Defender in 1963.²⁶ Subsequently, the Legislature approved a proposal to amend the Florida Constitution to elevate the Office of Public Defender to the level of a constitutional officer, which was approved by the electorate and adopted in 1972.²⁷ The public defender in each circuit is primarily responsible for representing indigent defendants who have been charged or arrested for an enumerated list of criminal offenses and in

²⁰ Section 121.4501(6)(a), F.S.

²¹ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to 5 years. If the member is not reemployed as an eligible employee within five years, then any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

²² Section 121.591, F.S.

²³ See s. 121.4501(16), F.S.

²⁴ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate an in-line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line of duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

²⁵ *Gideon v. Wainwright*, 372 U.S. 335 (1963)

²⁶ See ch. 63-409, enacting s. 27.50, F.S. (1963).

²⁷ See FLA. CONST. art. V, s. 18.

a limited number of civil proceedings.²⁸ Participation in the SMSC of the Florida Retirement System is compulsory for assistant public defenders.²⁹

Criminal Conflict and Civil Regional Counsel

In 2007, the Legislature established five offices of criminal conflict and civil regional counsel.³⁰ When an Office of the Public Defender determines it has a conflict in representing an indigent defendant, the office of criminal conflict and civil regional counsel will be appointed to represent the defendant.³¹ The office of criminal conflict and civil regional counsel has primary responsibility for representing persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by law in civil proceedings, such as proceedings to terminate parental rights.³²

Each regional counsel is recommended as part of a list of qualified candidates from the Supreme Court Judicial Nominating Commission.³³ Thereafter, the Governor appoints the regional counsel from amongst those listed for a term of 4 years.³⁴ The appointment is subject to Senate confirmation.³⁵ Regional counsels serve on a full-time basis and may not engage in the private practice of law while holding office.³⁶ Each office of criminal conflict and regional counsel is housed, for administrative purposes, in the Justice Administrative Commission (Commission). The regional counsel and the offices are not subject to control, supervision, or direction of the Commission in the performance of their duties.³⁷ Additionally, the regional counsels jointly recommend the classification and pay plans for their offices to the Commission, Senate President, and Speaker of the House.³⁸

III. Effect of Proposed Changes:

Section 1 amends s. 121.055, F.S., to make assistant regional counsel supervisors of the criminal conflict and civil regional counsel offices members of the Senior Management Service Class (rather than the Regular Class) of the FRS. For each employee participating in the pension plan of the FRS, this shift means the employee earns 2.0 percent service credit for each year of service. For an employee participating in the investment plan of the FRS, the employee will receive contributions into the investment account equal to 10.67 percent of salary rather than 9.3 percent of salary. There are currently 57.5 authorized assistant regional counsel supervisor positions³⁹ among the five offices of criminal conflict and civil regional counsel.

²⁸ See s. 27.51(1), F.S.

²⁹ Section 121.055, F.S.

³⁰ Section 27.511(1), F.S.

³¹ Section 27.511(5), F.S.

³² Section 27.511(5) and (6), F.S.

³³ Section 27.511(3)(a), F.S.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Section 27.511(4), F.S.

³⁷ Section 27.511(2), F.S.

³⁸ Section 27.53(4), F.S.

³⁹ There are two FTE positions that are budgeted at a 0.75 rate.

Section 2 appropriates \$950,000 in recurring funds from the General Revenue Fund to the Offices of the Criminal Conflict and Civil Regional Counsel to pay the additional employer contributions.

Section 3 provides that the bill will take effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

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:

The additional annual, employer-paid contributions for the enumerated positions are estimated to cost approximately \$1,031,055, beginning Fiscal Year 2023-2024. These funds will be deposited into the Florida Retirement System Trust Fund to be used to pay benefits upon each member's retirement. This cost will be offset by the \$950,000 recurring appropriation from the General Revenue fund to the Offices of the Criminal Conflict and Civil Regional Counsel.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 121.055 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 Bradley

6-00693A-23

2023414__

A bill to be entitled

An act relating to criminal conflict and civil regional counsel membership in the Senior Management Service Class; amending s. 121.055, F.S.; providing that participation in the Senior Management Service Class of the Florida Retirement System is compulsory for each district's assistant regional counsel supervisors, beginning on a specified date; providing an appropriation; providing an effective date.

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

Section 1. Paragraph (m) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(m)1. Effective July 1, 2020, participation in the Senior Management Service Class is compulsory for each appointed criminal conflict and civil regional counsel and each district's assistant regional counsel chiefs, administrative directors, and chief investigators.

2. Effective July 1, 2023, participation in the Senior Management Service Class is compulsory for each district's assistant regional counsel supervisors.

3. A Senior Management Service Class member under this paragraph may purchase additional retirement credit in the class

Page 1 of 2

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

6-00693A-23

2023414__

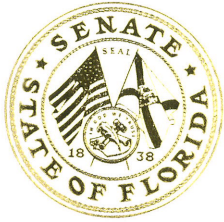
for creditable service within the purview of the Senior Management Service Class retroactive to October 1, 2007, and may upgrade retirement credit for such service in accordance with paragraph (j). However, this service credit may not be purchased by the employer on behalf of the member.

Section 2. For the 2023-2024 fiscal year, the sum of \$950,000 in recurring funds is appropriated from the General Revenue Fund to the offices of the Criminal Conflict and Civil Regional Counsel for the purpose of paying retirement benefits for specified positions within those offices.

Section 3. This act shall take effect July 1, 2023.

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Criminal
and Civil Justice, *Chair*
Criminal Justice, *Vice Chair*
Appropriations
Appropriations Committee on Health
and Human Services
Children, Families, and Elder Affairs
Community Affairs
Regulated Industries

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR JENNIFER BRADLEY
6th District

February 10, 2023

Senator Bryan Avila, Chairman
Senate Committee on Governmental Oversight and Accountability
326 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Avila:

I respectfully request that Senate Bill 414 be placed on the committee's agenda at your earliest convenience. This bill relates to criminal conflict and civil regional counsel membership in the senior management service class.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Joe McVaney, Staff Director
Tamra Redig, Administrative Assistant

REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 410 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

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
Senate professional staff conducting the meeting

3/22/23

Meeting Date

414

Bill Number or Topic

Gov. Ortega

Committee

Amendment Barcode (if applicable)

Name

Candice Brower, Regional Counsel

Phone

350-377-0567

Address

235 S. Main St.

Email

Street

Gainesville FL

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

3/22/23

Meeting Date

414

Bill Number or Topic

Gov Oversight

Committee

Amendment Barcode (if applicable)

Name Chelsea Murphy

Phone 9545570016

Address 605 Middlebrooks Cir

Email

Street

TuH

City

FL

State

32312

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:

Right on Crime

☐ 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
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 Governmental Oversight and Accountability

BILL: CS/SB 664

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

SUBJECT: Contracts Entered into by the Department of Children and Families

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tuszynski	Cox	CF	Fav/CS
2.	McVaney	McVaney	GO	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 664 expands the contract requirements of the Department of Children and Families under s. 409.996, F.S., requiring a lead agency to annually provide and publish operating procedures detailing timelines and procedures to maximize the use of concurrent planning, minimize the time to complete preliminary and final adoptive home studies, and streamline data entry into the statewide child welfare information system.

The bill also requires a lead agency to complete the child specific information section of the unified home study, excluding information related to any prospective caregiver, no later than 90 days after the filing of a petition for termination of parental rights.

The bill will likely have an indeterminate but insignificant fiscal impact on the private sector. The bill is not expected to have an impact on state or local government revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

Florida's Child Welfare System

The child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect and works with those families to address the problems that are endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children. Out-of-home placements can include a temporary placement with a family member, a family foster home, or a residential child-caring agency, or a permanent adoptive placement with a family previously unknown to the child.¹

Community-Based Care Organizations and Services

The DCF contracts for case management, out-of-home care (foster care), adoption, and other related services with lead agencies, also known as community-based care organizations (CBCs). The CBC model is designed to increase local community ownership of service delivery and design of child welfare services.²

The DCF, through the CBCs, administers a system of care³ for children that is directed toward:

- Prevention of separation of children from their families;
- Intervention to allow children to remain safely in their own homes;
- Reunification of families who have had children removed from their care;
- Safety for children who are separated from their families;
- Promoting the well-being of children through emphasis on educational stability and timely health care;
- Permanency; and
- Transition to independence and self-sufficiency.⁴

The CBCs must give priority to services that are evidence-based and trauma informed.⁵ The CBCs contract with a number of subcontractors for case management and direct care services to children and their families. There are 17 CBCs statewide, which together serve the state's 20 judicial circuits.⁶ The CBCs employ case managers that serve as the primary link between the child welfare system and families with children under the DCF's supervision. These case managers work with affected families to ensure that a child reaches his or her permanency goal in a timely fashion.⁷

¹ Section 409.175, F.S.

² The Department of Children and Families, *About Community-Based Care*, available at <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/about-community-based-care> (last visited February 27, 2023) (hereinafter cited as "DCF").

³ *Id.*

⁴ *Id.*; Also see generally s. 409.988, F.S.

⁵ Section 409.988(3), F.S.

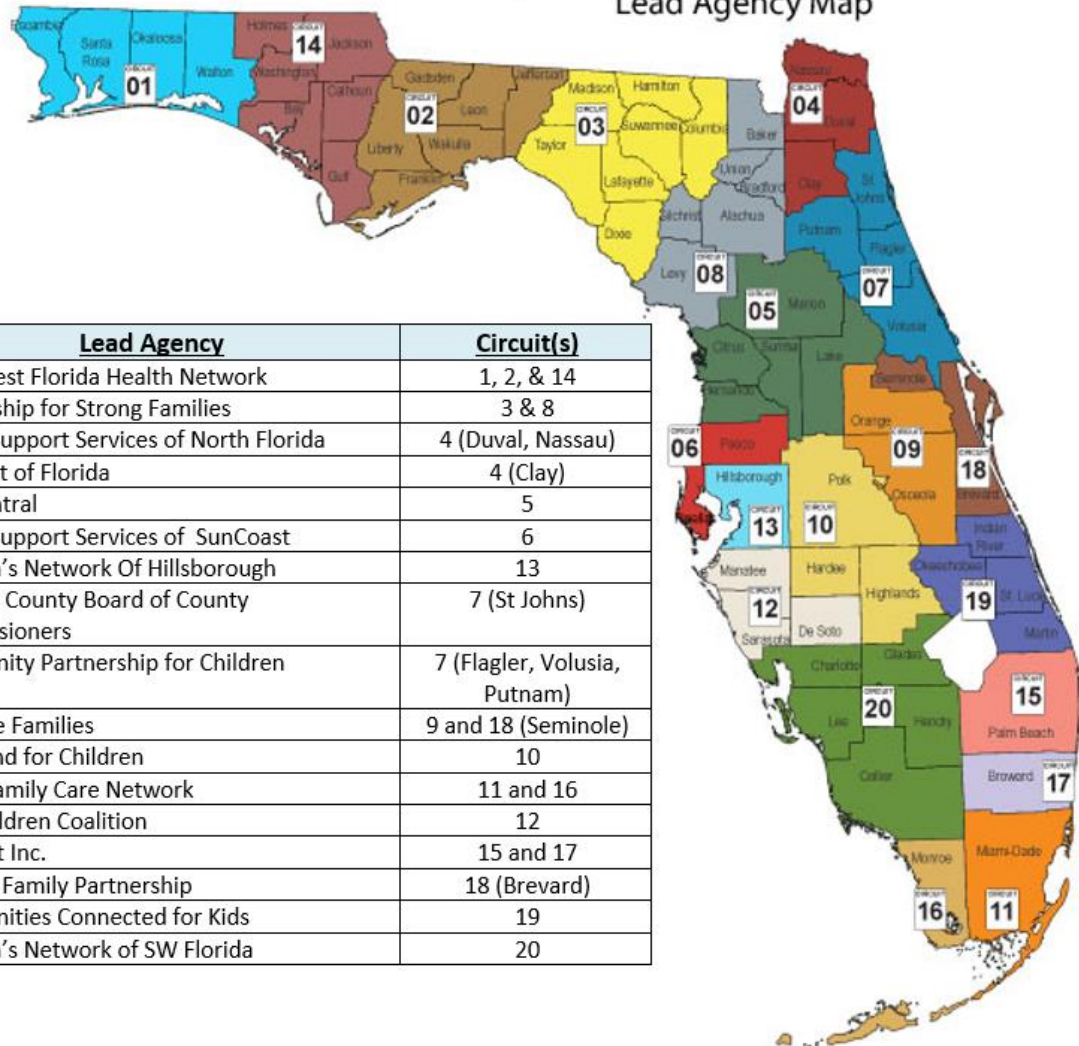
⁶ The DCF, *Lead Agency Information*, available at <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/lead-agency-information> (last visited February 27, 2023).

⁷ Section 409.988(1), F.S.

The DCF contracts with the following lead agencies as illustrated in the table and map below:

Community-Based Care Lead Agency Map

Lead Agency	Circuit(s)
Northwest Florida Health Network	1, 2, & 14
Partnership for Strong Families	3 & 8
Family Support Services of North Florida	4 (Duval, Nassau)
Kids First of Florida	4 (Clay)
Kids Central	5
Family Support Services of SunCoast	6
Children's Network Of Hillsborough	13
St Johns County Board of County Commissioners	7 (St Johns)
Community Partnership for Children	7 (Flagler, Volusia, Putnam)
Embrace Families	9 and 18 (Seminole)
Heartland for Children	10
Citrus Family Care Network	11 and 16
Safe Children Coalition	12
ChildNet Inc.	15 and 17
Brevard Family Partnership	18 (Brevard)
Communities Connected for Kids	19
Children's Network of SW Florida	20



Dependency Process

Current law requires any person who knows or suspects that a child has been abused, abandoned, or neglected to report such knowledge or suspicion to the Florida's central abuse hotline (hotline), including incidents of domestic violence.⁸ A child protective investigation begins if the

⁸ Section 39.201(1), F.S.

hotline determines the allegations meet the statutory definition of abuse,⁹ abandonment,¹⁰ or neglect.¹¹ A child protective investigator investigates the situation either immediately, or within 24 hours after the report is received, depending on the nature of the allegation.¹²

After conducting an investigation, if the child protective investigator determines that the child is in need of protection and supervision that necessitates removal, the investigator may initiate formal proceedings to remove the child from his or her home. When the DCF removes a child from the home, a series of dependency court proceedings must occur before a child may be adjudicated dependent.¹³ The dependency court process is summarized in the table below.

The Dependency Court Process

Dependency Proceeding	Description of Process	Controlling Statute
Removal	A child protective investigation determines a child is unsafe in his or her home and the child is removed.	s. 39.401, F.S.
Shelter Hearing	A shelter hearing occurs within 24 hours after removal. The judge determines whether to keep the child out-of-home.	s. 39.401, F.S.
Petition for Dependency	A petition for dependency occurs within 21 days of the shelter hearing. This petition seeks to find the child dependent.	s. 39.501, F.S.
Arraignment Hearing and Shelter Review	An arraignment and shelter review occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement.	s. 39.506, F.S.
Adjudicatory Trial	An adjudicatory trial is held within 30 days of arraignment. The judge determines whether a child is dependent during trial.	s. 39.507, F.S.

⁹ Section 39.01(2), F.S. The term “abuse” means 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.

¹⁰ Section 39.01(1), F.S. The term “abandoned” or “abandonment” means 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.

¹¹ Sections 39.01(50) and 39.201(2)(a), F.S. “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering necessary services.

¹² Section 39.101(2), F.S.

¹³ See s. 39.01(14), F.S., for the definition of “child who is found to be dependent.”

Dependency Proceeding	Description of Process	Controlling Statute
Disposition Hearing	If the child is found dependent, disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews the case plan and placement of the child. The judge orders the case plan for the family and the appropriate placement of the child.	s. 39.506, F.S. s. 39.521, F.S.
Post-disposition hearing	The court may change temporary placement at a post disposition hearing any time after disposition but before the child is residing in the permanent placement approved at a permanency hearing.	s. 39.522, F.S.
Judicial Review Hearings	The court must review the case plan and placement every 6 months, or upon motion of a party.	s. 39.701, F.S.
Petition for Termination of Parental Rights	Once the child has been out-of-home for 12 months, if DCF determines that reunification is no longer a viable goal, termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed.	s. 39.802, F.S. s. 39.8055, F.S. s. 39.806, F.S. s. 39.810, F.S.
Advisory Hearing	This hearing is set as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights.	s. 39.808, F.S.
Adjudicatory Hearing	An adjudicatory trial shall be set within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial.	s. 39.809, F.S.

In-Home and Out-of-Home Care

The DCF is required to administer a system of care that endeavors to keep children with their families and provides interventions to allow children to remain safely in their own homes.¹⁴ Protective investigators and CBC case managers can refer families for in-home services to allow children who would otherwise be unsafe to remain in their own homes.

When a child protective investigator determines that in-home services are not enough to allow a child to safely remain in his or her home, the investigator removes and places the child with a safe and appropriate temporary placement.¹⁵ These temporary placements, referred to as out-of-home care, provide housing and services to children until they can return home to their families or achieve permanency with other families through adoption or guardianship.¹⁶

The CBCs must place all children in out-of-home care in the most appropriate available setting after conducting an assessment using child-specific factors.¹⁷ Legislative intent is to place

¹⁴ See s. 39.001, F.S.

¹⁵ Sections 39.401 through 39.4022, F.S.

¹⁶ The Office of Program Policy and Government Accountability, *Program Summary*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=5053> (last visited February 28, 2023).

¹⁷ Rule 65C-28.004, F.A.C., provides that the child-specific factors include age, sex, sibling status, physical, educational, emotional, and developmental needs, maltreatment, community ties, and school placement.

children in a family-like environment when they are removed from their homes.¹⁸ When possible, child protective investigators and lead agency case managers place children with relatives or responsible adults whom they know and with whom they have a relationship. These out-of-home placements are referred to as relative and non-relative caregivers or “fictive kin”. When a relative or non-relative caregiver placement is not possible, case managers try to place children in family foster homes licensed by the DCF.

Some children have extraordinary needs, such as multiple placement disruptions, behavioral health problems, juvenile justice involvement, or disabilities, which may require case managers to place them in residential group care. The primary purpose of residential group care is to provide a setting that addresses the unique needs of children and youth who require more intensive services than a family setting can provide.¹⁹

Case Plan Development

The DCF must develop and draft a case plan for each child receiving services within the dependency system.²⁰ The purpose of a case plan is to develop a document that details the permanency goal and services designed to achieve that goal by addressing the identified problems within the family unit.²¹

The services detailed in a case plan must be designed to improve the conditions in the home and aid in maintaining the child in the home, facilitate the child’s safe return to the home, ensure proper care of the child, or facilitate the child’s permanent placement.²² The services offered must be the least intrusive possible into the life of the parent and child and must provide the most efficient path to quick reunification or permanent placement.²³ A case plan must be developed face to face with the parents; guardian ad litem; and, in some cases, the child and temporary custodian of the child.²⁴

A case plan must include:

- A description of the identified problem being addressed;
- The permanency goal;
- If concurrent planning is being used, a goal of reunification and an additional permanency plan;
- The date the case plan expires; and
- Written notice to the parents’ responsibility to comply with the case plan.²⁵

A case plan can be changed at any time to implement the use of concurrent planning.²⁶

¹⁸ Section 39.001(1), F.S.

¹⁹ See generally The Children’s Bureau, Child Welfare Information Gateway, *Group and Residential Care*, available at <https://www.childwelfare.gov/topics/outofhome/group-residential-care/> (last visited March 3, 2023).

²⁰ Section 39.6011(1), F.S.

²¹ See s. 39.6012(1)(b), F.S.

²² S. 39.6012(1)(a), F.S.

²³ *Id.*

²⁴ S. 39.6011(1)(a), F.S.

²⁵ S. 39.6011(2), F.S.

²⁶ Section 39.6013, F.S.

Permanency

An overarching goal of the child welfare system is to ensure that permanent placement with the biological or an adoptive family is achieved as soon as possible for every child and that no child remains in out-of-home care longer than one year²⁷ because time is of the essence for establishing permanency for a child in the child welfare system.²⁸ Because time is of the essence, a permanency hearing must be held no later than 12 months after the date the child was removed from his or her home, or 30 days if a court determines that efforts for reunification are not required.²⁹ During a permanency hearing the court must determine:

- If the current permanency plan is appropriate;
- A timeline of when the child will achieve his or her permanency goal;
- If DCF has made reasonable efforts to finalize the current case plan; and
- The best interest of the child.³⁰

The court is required to review the status of a child at least every six months or more frequently if the court deems necessary or desirable until the child reaches permanency.³¹

Concurrent Planning

In the event reunification does not appear likely or another permanency option is in the best interest of the child, a concurrent plan may be established.³² Concurrent planning is a type of permanency planning in which reunification services are provided to the family of the child at the same time that an alternative permanency plan is made for the child, in case those reunification efforts fail.³³ These secondary goals could be any of the following:

- Adoption;
- Permanent Guardianship;³⁴
- Permanent placement with a fit and willing relative;³⁵ or
- Placement in another planned permanent living arrangement.^{36, 37}

To be effective, concurrent planning requires not only the identification of an alternative plan but also the implementation of active efforts toward both plans simultaneously with the full knowledge of all participants. Compared with more traditional sequential planning for permanency, in which one permanency goal is ruled out before an alternative goal is identified, concurrent planning may provide earlier permanency for the child.³⁸ Current law requires an

²⁷ Section 39.001, F.S.

²⁸ Sections 39.0136 and 39.621, F.S.

²⁹ Section 39.621(1), F.S.

³⁰ Section 39.621(5), F.S.

³¹ Section 39.701(1)(a), F.S.

³² Section 39.6011(2)(c), F.S.

³³ The Children's Bureau, *Concurrent Planning for Timely Permanency for Children*, p. 1, August 2021, available at <https://www.childwelfare.gov/pubPDFs/concurrent.pdf> (last visited February 27, 2023) (hereinafter cited to as "Concurrent Planning").

³⁴ Under s. 39.6221, F.S.

³⁵ Under s. 39.6231, F.S.

³⁶ Under s. 39.6241, F.S.

³⁷ Section 39.01(18), F.S.

³⁸ Concurrent Planning at p. 1

assessment of the family when the child has been in care for 6 months, and a concurrent plan must be developed if, at that time, reunification seems unlikely.³⁹

Unified Home Study

The unified home study (UHS) is an assessment of a common set of requirements that must be met before the DCF can place a child into someone's home, whether a relative/nonrelative placement, foster home, or adoptive home.⁴⁰ The UHS has many requirements, but the two main components are the child-specific information and the assessment of caregiver(s).⁴¹ The child specific information section of the UHS is to assess the needs of the child, including sibling attachments, medical and emotional needs, and placement history and stability to better match that child with a caregiver that can care for and protect that child.

The assessment of caregiver(s) section of the UHS examines the needs of the child and the caregiver(s) capacity to meet those needs, including any health and mental conditions that could interfere with the ability to care for the child and the willingness to:

- Participate in and team to support the permanency of the child's well-being;
- Encourage the child in his or her strengths;
- Maintain awareness of the impact of trauma;
- Ensure safety;
- Make a loving commitment to the child's safety and well-being; and
- Respect the child's culture, religion, and ethnicity.⁴²

This comprehensive assessment creates an ongoing overview of the child's current and past situation and assists a lead agency in identifying the best caregiver for a child quickly.

Concurrent Planning and Unified Home Studies

The effective use of concurrent planning and the UHS can reduce the time to permanency for a child in out-of-home care. This is achieved by making active efforts toward the primary and alternate goals simultaneously rather than only identifying an alternate permanency goal. The time to permanency may shorten by completing all of the child-specific requirements of a UHS as an active effort toward an alternative goal of adoption. This will place case management one step closer to finalizing an adoptive home study after a petition for the termination of parental rights has been filed.⁴³

Child Welfare Information System

The DCF uses a centralized child welfare information system known as Florida Safe Families Network (FSFN) and is in the middle of a multi-year project to transition from old federal guidelines that required a Statewide Automated Child Welfare System (SACWIS) to new federal

³⁹ Section 39.701(5), F.S.

⁴⁰ The Department of Children and Families CFOP, 170-1 ch. 5, 5-1, available at https://www.myflfamilies.com/sites/default/files/2022-12/cfop_170-01_chapter_05_completing_a_unified_home_study.pdf (last visited February 28, 2023) (hereinafter cited as "DCF CFOP").

⁴¹ DCF CFOP 170-1 ch. 5, 5-4g. and j.

⁴² DCF CFOP 170-1 ch. 5, 5-4j.

⁴³ Concurrent Planning

guidelines that require a Comprehensive Child Welfare Information System (CCWIS).⁴⁴ This transition will modernize and enhance the data capabilities of the DCF. Currently, interoperability between the state system and CBCs is difficult and expensive to maintain. The modernization will allow bidirectional interoperability between the DCF and the CBCs as well as the ability to generate richer and more helpful data reports and analytics.

The DCF has reported the following current activities and milestones on CCWIS modernization:⁴⁵

Key Activity/Milestone	Date Due	Status
PMO Director Onboarded	October 1, 2022	Completed
IV&V Vendor Onboarded	October 11, 2022	Completed
Systems Integrator Vendor Onboarded	December 31, 2022	Completed
Staffing Plan Submitted by Advisory Service Team	December 31, 2022	Completed
IV&V initial interviews conducted	January 10, 2023	Completed
Formal Kick-Off Session with Project Team	January 23, 2023	Completed
User Stories Completed	February 17, 2023	In Progress
Functional Discovery Sessions Held	February 20, 2023	In Progress

Future scope of activities include:⁴⁶



III. Effect of Proposed Changes:

The bill expands the contract requirements of the Department of Children and Families under s. 409.996, F.S., requiring a lead agency to annually provide and publish operating procedures detailing timelines and procedures to maximize the use of concurrent planning, minimize the

⁴⁴ The Children's Bureau, *CCWIS Status*, available at <https://www.acf.hhs.gov/cb/training-technical-assistance/ccwis-status> (last visited February 27, 2023).

⁴⁵ The DCF, *CCWIS Modernization Project Update*, PowerPoint Presentation by Cole Sousa, Chief Information Officer, Meeting of the Senate Appropriations Committee on Health and Human Services on February 16, 2023, p. 29, available at https://www.flsenate.gov/Committees/Show/AHS/MeetingPacket/5666/10109_MeetingPacket_5666_2.pdf (last visited March 3, 2023).

⁴⁶ *Id.* at p. 30.

time to complete preliminary and final adoptive home studies, and streamline data entry into the statewide child welfare information system.

The bill also requires a lead agency to complete the child specific information section of the unified home study, excluding information related to any prospective caregiver, no later than 90 days after the filing of a petition for termination of parental rights.

The bill is effective July 1, 2023

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

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:

The bill will likely have an indeterminate fiscal impact on the private sector as the lead agency must change operations, increase support, or increase contract amounts for the requirement to complete preliminary and final adoptive home studies no later than 90 days of the filing of a petition for the termination of parental rights. It is likely that a lead agency can absorb this impact within current operating budgets.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 409.996 of the Florida Statutes.

IX. Additional Information:

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

CS by Children, Families, and Elder Affairs on March 6, 2023:

The committee substitute:

- Requires a community-based care lead agency (CBC) to publish operating procedures, rather than just develop a plan, for certain timelines and procedures.
- Clarifies that a CBC must only complete certain portions of the child-specific information section in the unified home study within 90 days of the filing of the termination of parental rights.

- B. Amendments:

None.

By the Committee on Children, Families, and Elder Affairs; and
Senator Burgess

586-02301-23

2023664c1

A bill to be entitled

An act relating to contracts entered into by the
Department of Children and Families; amending s.
409.996, F.S.; revising requirements for contracts
between the department and lead agencies; providing an
effective date.

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

Section 1. Present paragraph (f) of subsection (1) of
section 409.996, Florida Statutes, is redesignated as paragraph
(h), and new paragraph (f) and paragraph (g) are added to that
subsection, to read:

409.996 Duties of the Department of Children and Families.—
The department shall contract for the delivery, administration,
or management of care for children in the child protection and
child welfare system. In doing so, the department retains
responsibility for the quality of contracted services and
programs and shall ensure that, at a minimum, services are
delivered in accordance with applicable federal and state
statutes and regulations and the performance standards and
metrics specified in the strategic plan created under s.
20.19(1).

(1) The department shall enter into contracts with lead
agencies for the performance of the duties by the lead agencies
established in s. 409.988. At a minimum, the contracts must do
all of the following:

(f) Require lead agencies to annually provide written and
published operating procedures that detail timelines and

Page 1 of 2

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

586-02301-23

2023664c1

procedures to maximize the use of concurrent case planning,
minimize the time to complete preliminary and final adoptive
home studies, streamline data entry into the statewide child
welfare information system, and reduce time to permanency.

(g) Require lead agencies to gather all information to
complete the requirements for the child-specific section of the
unified home study, excluding information related to any
prospective caregiver, and enter that data into the child
welfare information system of record no later than 90 days after
the filing of a petition for termination of parental rights.

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

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 9, 2023

I respectfully request that **Senate Bill #664**, relating to Contracts Entered into by the Department of Children and Families, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

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 Governmental Oversight and Accountability

BILL: CS/SB 1124

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Calatayud

SUBJECT: Employment of Ex-offenders

DATE: March 23, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Limones-Borja	McVaney	GO	Fav/CS
2.			CJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1124 creates state-level procedures by which agencies and licensing boards must abide in their determinations whether to grant or deny a license, permit, or certification to pursue, practice, or engage in an occupation, trade, vocation, profession, or business based on an individual's criminal conviction. The bill places an enhanced burden on agencies to prove by *clear and convincing* evidence that the applicant has not been rehabilitated based on the applicant's current circumstances and mitigating factors set forth in the bill.

The bill creates additional notice procedures that allow an applicant for licensure, permitting, or certification, to dispute an agency's grounds for denial.

The bill authorizes a person to petition a state agency for a binding agency decision as to whether the person's criminal record would disqualify him or her from obtaining a license, permit, or certification. The bill creates a process an agency must follow to make its decision, and any decision that a petitioner is *not disqualified* is **binding**, barring a material and adverse change that directly and specifically relates to the person's criminal record. An agency that decides that a petitioner *is disqualified* must advise such petitioner how to remedy the disqualification. The bill creates a process by which a revised petition may be submitted.

The bill prohibits a state agency from using vague terms such as, "good moral character," "moral turpitude," or "character and fitness" in its decision to disqualify a person from a license, permit, or certification based on the person's criminal record.

The bill updates the legislative intent regarding the restrictions on the employment of ex-offenders. The bill takes away a state agency's authority to restrict occupational licenses, permits, certifications, and employment to ex-offenders based on statute, administrative rule, or agency policy. Instead, a state agency must follow the state-level procedures set forth in this bill.

The bill requires each state agency responsible for issuing licenses, permits, or certifications to pursue, practice, or engage in an occupation, trade, vocation, profession, or business to annually submit a report to the Governor, President of the Senate, and the Speaker of the House of Representatives regarding any applications, petitions, and renewals denied, withheld, or refused. Each state agency is also required to make the report publically available on its website.

The bill also prohibits the DBPR from using a criminal history record to determine good moral character, but does not prohibit a criminal history record check altogether.

The bill may have a negative fiscal impact on state agencies; however, the impact is indeterminate. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Disqualification from Licensing and Public Employment based on Criminal Conviction

Current law prohibits a person from being disqualified from employment by the state and municipalities solely because of a prior conviction from a crime.¹ However, a person may be denied employment if the crime was a felony or first-degree misdemeanor that is directly related to the position sought² or directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.³ These laws do not apply to the employment practices of any law enforcement or correctional agency,⁴ fire department,⁵ or county or municipality related to the hiring of personnel for position deemed to be critical to security or public safety.⁶ Any complaints regarding a violation of this employment provision must be adjudicated according to the Administrative Procedure Act.⁷

¹ Section 112.011(1)(a), F.S.

² *Id.*

³ Section 112.011(1)(b), F.S.

⁴ Section 112.011(2)(a), F.S.

⁵ Section 112.011(2)(b), F.S.

⁶ Section 112.011(2)(c), F.S.

⁷ Section 112.011(3), F.S.

Administrative Procedures Act

Administrative Review

The Administrative Procedures Act (APA) provides that a party who wishes to challenge an agency determination of his or her substantial interests must file a petition for a hearing with the agency. An agency request for an administrative law judge (ALJ) must be made to the Division of Administrative Hearings within 15 days after receiving the petition.^{8,9} All parties shall be given an opportunity for a hearing after reasonable notice.¹⁰ Generally, licensing determinations are subject to either an informal hearing in which the petitioner-applicant does not dispute any material facts of the agency's final action,¹¹ or a formal hearing, in which the petitioner disputes a material fact of the agency's final action.¹²

Department of Business and Professional Regulation

The Department of Business and Professional Regulation (DBPR) is the agency charged with the licensing and regulation of businesses and professionals in the state.¹³ The DBPR is made up by the following 12 divisions:¹⁴

- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Pari-mutuel Wagering;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and
- Technology.

Sections 455.203 and 455.213, F.S., establish the DBPR's general licensing authority, including its authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.¹⁵ When a person is

⁸ Section 120.569(2)(a), F.S.

⁹ Section 120.569, F.S., applies except when mediation is elected by all parties pursuant to s. 120.573, or when a summary hearing is elected by all parties pursuant to s. 120.574, F.S.

¹⁰ The notice must contain a statement of (1) time, place, and nature of the hearing; and (2) the legal authority and jurisdiction under which the hearing is to be held. Section 120.569(2)(b), F.S.

¹¹ Section 120.57(2), F.S.

¹² Section 120.57(1), F.S.

¹³ Florida DBPR, *General DBPR Information*, available at https://myfloridalicense.custhelp.com/app/answers/detail/a_id/2218/~/general-dbpr-information%3A (last visited Mar. 18, 2023).

¹⁴ Section 20.165, F.S.

¹⁵ Section 455.219(1), F.S.

authorized to engage in a profession or occupation in Florida, the DBPR issues a “permit, registration, certificate, or license” to the licensee.¹⁶

Division of Professions

The Division of Professions (Division) is responsible for the licensing of approximately 482,886 professionals. The Division administers 12 professional boards, one council, one commission, and five Department-regulated professions. These professionals include: architects and interior designers, asbestos consultants and contractors, athlete agents, auctioneers, barbers, building code administrators and inspectors, community association managers, the construction industry, cosmetologists, electrical contractors, employee leasing companies, geologists, harbor pilots, home inspectors, landscape architects, mold related services, talent agencies and veterinarians. In Fiscal Year 2020-2021, there was a total of 464,200 active licenses in the Division, including:¹⁷

Profession	Active	Inactive
Architecture and Interior Design	13,164	397
Asbestos Contractors & Consultants	449	9
Athlete Agents	436	2
Auctioneers	2,421	10
Barbers	23,702	92
Building Code Administrators/Inspectors	9,515	539
Community Association Managers	19,944	189
Construction Industry	79,651	12,637
Cosmetology	271,789	2,015
Electrical Contractors	13,473	1,172
Employee Leasing Companies	1,053	0
Geologists	1,697	62
Home Inspectors	7,867	608
Landscape Architecture	1,285	130
Mold-Related Services	5,070	617
Pilot Commissioners	103	0
Talent Agencies	425	0
Veterinarians	12,156	207
Total	464,200	18,686

Denial of Licensure

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as

¹⁶ Section 455.01(4) and (5), F.S.

¹⁷ Florida Department of Business and Professional Regulation, *Annual Report 2020-2021*, pages 12 and 20, available at: http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY2021.pdf (last visited Mar. 18, 2023).

the Divisions.¹⁸ The DBPR may regulate professions “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”¹⁹ Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.²⁰

Section 455.213, F.S., creates the process by which an applicable board may deny a license. The applicable board shall use the process to review an applicant’s criminal record to determine his or her eligibility for the following licensures:

- A barber under chapter 476, F.S.;
- A cosmetologist or cosmetology specialist under chapter 477, F.S.;
- Any of the following construction professions under chapter 489, F.S.:
 - Air-conditioning contractor;
 - Electrical contractor;
 - Mechanical contractor;
 - Plumbing contractor;
 - Pollutant storage systems contractor;
 - Roofing contractor;
 - Sheet metal contractor;
 - Solar contractor;
 - Swimming pool and spa contractor;
 - Underground utility and excavation contractor; or
 - Other specialty contractors; or
- Any other profession for which the DBPR issues a license, provided the profession is offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program.²¹

Current law provides that a conviction²², or any other adjudication, for a crime that occurred more than 5 years before the application date may not serve as grounds for denial of a license. DBPR’s licensing boards may consider an applicant’s criminal history, regardless of the time elapsed since, if it includes a crime listed in the sexual predators act²³ or a forcible felony,²⁴ but only if such criminal history has been found to relate to the practice of the applicable profession.

¹⁸ See ss. 455.01(6) and 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

¹⁹ Section 455.201(2), F.S.

²⁰ Section 455.201(2), F.S.

²¹ Section 455.213(3)(a), F.S.

²² The term “conviction” means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. Section 455.213(3)(b)1., F.S.

²³ Section 775.21, F.S.

²⁴ “Forcible felony” means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual. Section 776.08, F.S.

The applicable board may also consider the criminal history of an applicant for licensure if such criminal history has been found to relate to good moral character.

The Barbers' Board

Barbers are regulated under ch. 476, F.S., by the Barber's Board within the DBPR. Chapter 476, F.S., does not provide a basis for denial of a license application based on a person's criminal background. However, a person may be denied a license application as a barber for any violation of s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a licensee's profession.²⁵

The Board of Cosmetology

The Board of Cosmetology may deny a cosmetology license or specialty registration application based on a person's criminal background. The board may deny a license or application for any violation of s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a licensee's profession.²⁶

The Construction Industry Licensing Board

The Construction Industry Licensing Board (CILB) may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.²⁷ Specifically, the CILB may deny a license application for any person who was convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of, or the ability to practice, a licensee's profession.²⁸ The CILB may also deny a registration application under s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a profession.²⁹

The Electrical Contractors' Licensing Board

The Electrical Contractors' Licensing Board (ECLB) may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.³⁰ The ECLB may also deny a registration application under s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a profession.³¹

The Board of Pilot Commissioners

Pilots are regulated under ch. 310, F.S., by the Board of Pilot Commissioners within the DBPR. Any applicant for a deputy pilot certificate is disqualified if the applicant has ever been found guilty of, or pled guilty or nolo contendere to, a felony or first degree misdemeanor which

²⁵ Section 455.227(1)(c), F.S.

²⁶ Section 477.029(1)(h), F.S.

²⁷ Section 455.227(2), F.S.

²⁸ Sections 489.129(1)(b) and 489.553(1)(d), F.S., providing the disciplinary grounds for construction contractors and electrical contractors, respectively.

²⁹ Section 477.029(1)(h), F.S.

³⁰ See supra note 27.

³¹ See supra note 29.

directly related to the navigation or operation of a vessel; or a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as defined by chapter 893, or an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, such controlled substance.³²

The Financial Services Commission

The Financial Services Commission (Commission) consists of the Office of Financial Regulation, which regulates the banking, finance and securities industries in Florida, and the Office of Insurance Regulation, which regulates insurance companies.³³

Office of Financial Regulation

The Office of Financial Regulation (OFR) is responsible for supervising state-chartered banks, credit unions, savings associations, and international bank agencies, and licenses and regulates non-depository finance companies and the securities industry. The OFR reports to the Financial Services Commission.³⁴

Loan Originator, Mortgage Broker, and Mortgage Lender

Chapter 494, F.S., provides general guidance regarding grounds for denial of licensure. The Commission is authorized to adopt rules to administer parts of the chapter. Specifically, the rules must provide:

- Permanent bars for felonies involving fraud, dishonesty, breach of trust, or money laundering;
- A 15-year disqualifying period for felonies involving moral turpitude;
- A 7-year disqualifying period for all other felonies; and
- A 5-year disqualifying period for misdemeanors involving fraud, dishonesty, or any other act of moral turpitude.³⁵

The rules may provide for an additional waiting period due to dates of imprisonment or community supervision, the commitment of multiple crimes, and other factors reasonably related to the applicant's criminal history.³⁶ Section 112.011, F.S., is not applicable to eligibility for licensure under this part.³⁷

³² Section 310.071(4), F.S.

³³ OPPAGA, *Financial Services Commission*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=4137> (last visited Mar. 23, 2023)

³⁴ My Florida CFO, *Financial Regulation*, available at <https://www.myfloridacfo.com/about/about-dfs/commission> (last visited Mar. 23, 2023).

³⁵ Section 494.0011(2)(c), F.S.

³⁶ Section 494.0011(2)(c)2., F.S.

³⁷ Section 494.0011(2)(c)5., F.S.

Securities Related Licenses

Chapter 517, F.S., provides general guidance regarding the licenses of dealers,³⁸ associated persons,³⁹ intermediaries,⁴⁰ and investment advisers.⁴¹ Section 112.011, F.S., does not apply to the ch. 517, F.S., registrations. The Commission is authorized to adopt rules related to disqualifying periods in which an applicant will be disqualified from eligibility for registration based upon criminal convictions, pleas of nolo contendere, or pleas of guilt, regardless of whether adjudication was withheld.⁴² Specifically the rules must provide:

- The disqualifying periods shall be 15 years for a felony and 5 years for a misdemeanor.⁴³
- The disqualifying periods shall be related to crimes involving registration as a dealer, investment adviser, issuer of securities, or associated person or the application for such registration or involving moral turpitude or fraudulent or dishonest dealing.⁴⁴
- The rules may also address mitigating factors, an additional waiting period based upon dates of imprisonment or community supervision, an additional waiting period based upon commitment of multiple crimes, and other factors reasonably related to the consideration of an applicant's criminal history.⁴⁵
- An applicant is not eligible for registration until the expiration of the disqualifying period set by rule.⁴⁶

Commercial Collection Related Licenses

Chapter 559, F.S., provides general guidance regarding commercial collection practices. Section 112.011, F.S., does not apply to the registration provisions under this chapter. The Commission is authorized to adopt rules related to the time periods during which a consumer collection

³⁸ "Dealer" includes any of the following:

1. Any person, other than an associated person registered under this chapter, who engages, either for all or part of her or his time, directly or indirectly, as broker or principal in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.
2. Any issuer who through persons directly compensated or controlled by the issuer engages, either for all or part of her or his time, directly or indirectly, in the business of offering or selling securities which are issued or are proposed to be issued by the issuer. Section 517.021(6)(a), F.S.

³⁹ "Associated person" means:

1. Any partner, officer, director, or branch manager of a dealer or investment adviser or any person occupying a similar status or performing similar functions;
2. Any natural person directly or indirectly controlling or controlled by such dealer or investment adviser, other than an employee whose function is only clerical or ministerial; or
3. Any natural person, other than a dealer, employed, appointed, or authorized by a dealer, investment adviser, or issuer to sell securities in any manner or act as an investment adviser as defined in this section. Section 517.021(2), F.S.

⁴⁰ "Intermediary" means a natural person residing in the state or a corporation, trust, partnership, association, or other legal entity registered with the Secretary of State to do business in the state, which facilitates the offer or sale of securities under s. 517.0611. Section 517.021(13), F.S.

⁴¹ "Investment adviser" includes any person who receives compensation, directly or indirectly, and engages for all or part of her or his time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities, except a dealer whose performance of these services is solely incidental to the conduct of her or his business as a dealer and who receives no special compensation for such services. Section 517.021(14)(a), F.S.

⁴² Section 517.1611(2), F.S.

⁴³ Section 517.1611(2)(a), F.S.

⁴⁴ Section 517.1611(2)(b), F.S.

⁴⁵ Section 517.1611(2)(c), F.S.

⁴⁶ Section 517.1611(2)(d), F.S.

agency is barred from registration due to prior criminal convictions of, or guilty or nolo contendere pleas by, an applicant's control persons, regardless of adjudication. Specifically the rules must provide:

- A 15-year disqualifying period for felonies involving fraud, dishonesty, breach of trust, money laundering, or other acts of moral turpitude.⁴⁷
- A 7-year disqualifying period for all other felonies.⁴⁸
- A 5-year disqualifying period for misdemeanors involving fraud, dishonesty, or other acts of moral turpitude.⁴⁹
- An additional waiting period due to dates of imprisonment or community supervision, the commitment of multiple crimes, and other factors reasonably related to the applicant's criminal history.⁵⁰

Florida Insurance Code Related Licenses

Chapter 626, F.S., provides general guidance regarding the licenses under the Florida Insurance Code. Section 112.011, F.S., does not apply to any applicants for licensure under the Florida Insurance Code.⁵¹ An applicant⁵² who has been found guilty of or has pleaded guilty or nolo contendere to any of the following crimes, regardless of adjudication, is permanently barred from licensure under this chapter:

- A felony of the first degree;
- A capital felony;
- A felony involving money laundering;
- A felony embezzlement; or
- A felony directly related to the financial services business.⁵³

An applicant who has been found guilty of or has pleaded guilty or nolo contendere to a crime not included in subsection (2), regardless of adjudication, is subject to:

- A 15-year disqualifying period for all felonies involving moral turpitude which are not specifically included in the permanent bar contained in subsection (2).
- A 7-year disqualifying period for all felonies to which neither the permanent bar in subsection (2) nor the 15-year disqualifying period in paragraph (a) applies. Notwithstanding subsection (4), an applicant who served at least half of the disqualifying period may reapply for a license if, during that time, the applicant has not been found guilty of or has not pleaded guilty or nolo contendere to a crime. The department may issue the applicant a license on a probationary basis for the remainder of the disqualifying period. The applicant's probationary period ends at the end of the disqualifying period.

⁴⁷ Section 559.554 (2)(b)1.a., F.S.

⁴⁸ Section 559.554 (2)(b)1.b., F.S.

⁴⁹ Section 559.554 (2)(b)1.c., F.S.

⁵⁰ Section 559.554 (2)(b)2., F.S.

⁵¹ Section 626.207, F.S.

⁵² "Applicant" means an individual applying for licensure or relicensure under this chapter, and an officer, director, majority owner, partner, manager, or other person who manages or controls an entity applying for licensure or relicensure under this chapter. Section 626.207(1)(a), F.S.

⁵³ Section 626.207(2), F.S.

- A 7-year disqualifying period for all misdemeanors directly related to the financial services business.⁵⁴

Bail Bond Agent Licensure

The Department of Financial Services may adopt rules to implement ch. 648, F.S., regarding the licensing of bail bond agents and related licensees.⁵⁵ The provisions of s. 112.011, F.S., do not apply to bail bond agents or to applicants for licensure as bail bond agents.⁵⁶

III. Effect of Proposed Changes:

Currently, occupational licensing decisions are delegated to the appropriate licensing agency by the Legislature. This bill creates state-level procedures by which agencies must abide in their determinations whether to grant or deny an occupational license. The bill also creates a method through which an individual can request a binding agency decision on his or her eligibility for licensure before being required to submit an application for the license.

Section 1 amends s. 112.011, F.S., to revise the criteria a state agency must consider before denying a license, permit, or certification to pursue, practice, or engage in an occupation, trade, vocation, profession or business based on a criminal conviction. The section prohibits an agency from denying an applicant on the basis of criminal history unless:

- The applicant was convicted of:
 - A forcible felony;⁵⁷
 - A felony or first-degree misdemeanor (for which the applicant was not incarcerated) in the 3 years prior to his or her application determination; or
 - A felony or first-degree misdemeanor for which the person's incarceration ended less than 3 years before the agency's consideration.
- The conviction specifically relates to the duties and responsibilities of the occupation; and
- Granting the license, permit, or certification would pose a direct and substantial risk to public safety because there is clear and convincing evidence that the person has not been rehabilitated to safely perform the duties and responsibilities of the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.

The bill places an enhanced burden on agencies to prove by clear and convincing evidence that the applicant has not been rehabilitated, and should therefore be subject to a denial of licensure. Section 1 creates a process to determine whether a person has *not been* rehabilitated in considering whether to grant a license, permit, or certificate. The agency must consider an applicant's current circumstances and all of the following mitigating factors:

- The age of the person when he or she committed the offense;
- The circumstances and nature of the offense;
- The completion of the criminal sentence;
- A certificate of rehabilitation or good conduct;
- Completion of or active participation in rehabilitative drug or alcohol treatment;

⁵⁴ Section 626.207(3), F.S.

⁵⁵ Section 648.26, F.S.

⁵⁶ Section 648.34(7), F.S.

⁵⁷ See *supra* note 24.

- Testimonials and recommendations, which may include a progress report from the person's probation or parole officer;
- Education and training;
- Employment history and aspirations;
- The person's family responsibilities;
- Whether the person will be bonded in the occupation; and
- Other evidence of rehabilitation or information the person submitted to the state agency or board.

Section 1 continues to prohibit a state agency from denying an application for a license, permit, certificate, or employment based on solely on the applicant's lack of civil rights.

Section 1 requires an agency to follow the following procedure if it intends to deny an application on the basis of the applicant's criminal background. Specifically, the agency must:

- Notify the applicant of its intention of denial and inform the applicant that he or she may request an informal meeting, and attend it in person or by means of communications media technology.⁵⁸
- Inform the applicant of the reasons for denial.
- Allow the applicant at least 30 calendar days to gather evidence

The agency must allow the applicant 30 calendar days to gather and provide such evidence. The agency must offer the applicant to attend the meeting in person, by teleconference, or by video conference. The section prohibits an agency from making an *adverse* inference based on an applicant's decision to not attend an informal meeting or to not include witnesses at the meeting.

The agency must hold this informal meeting within 60 days after its receipt of a completed application. Within 60 days of the informal meeting or submission of a complete application to the agency, whichever is later, the agency must notify the applicant in writing the grounds or basis for the denial.

Section 1 requires an agency that denies or intends to deny a license, permit, or certificate to provide a notice with the following:

- An explanation detailing what clear and convincing evidence exists that an applicant has not been rehabilitated to safely perform the duties and responsibilities of the specific occupation, trade, vocation, profession, or business; and
- An indication of what procedure the applicant must follow to request an administrative review and the applicable time limits for such administrative review.

The notice must be administratively reviewable pursuant to ss. 120.569 and 120.57, F.S.

Section 1 authorizes a person with a criminal record to petition a state agency at any time (including while in confinement, under supervision, or before obtaining any required personal qualification for a license, permit, or certification) for a binding agency decision as to whether the person's criminal record would disqualify him or her from obtaining the license, permit, or

⁵⁸ "Communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available. Section 120.54(5)(b)2., F.S.

certification. The petition must include the petitioner's criminal record, or authorization for the state agency to obtain the person's criminal record. For the agency to make its decision, it must:

- Consider whether granting the license, permit, or certification would pose a direct and substantial risk to public safety because there is clear and convincing evidence that the person has not been rehabilitated to safely perform the duties and responsibilities of the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought;
- Consider an applicant's current circumstances and the mitigating factors; and
- Follow the procedure for the denial.

An agency's decision that a person is *not disqualified* is **binding** on the agency in any later decision on the license, permit, or certificate application of that person unless the information contained in the petition is later found to be inaccurate or incomplete, or if there is a material and adverse change that directly and specifically relates to the person's criminal record. If an agency decides that a license, permit, or certification should not be granted, then the agency must advise the person of any action he or she can take to remedy the disqualification. The decision must set a deadline for the petitioner to submit a revised petition reflecting completion of the remedial actions. The petitioner cannot submit a new petition to the agency for 1 year following the final decision on the initial petition or upon obtaining the required personal qualification for the license, permit, or certificate, whichever is earlier.

Section 1 prohibits a state agency from using vague terms such as, "good moral character," "moral turpitude," or "character and fitness" in its decision to disqualify a person from a license, permit, or certification based on the person's criminal record.

Section 2 amends s. 112.0111, F.S., to update the legislative intent regarding the restrictions on the employment of ex-offenders. The section declares that the goal of this state is to make employment opportunities available to ex-offenders in a manner that preserves and protects the health, safety, and welfare of the general public, while still encouraging ex-offenders to become productive members of society. The section takes away a state agency's ability to restrict occupational licenses, permits, certifications, and employment to ex-offenders based on statute, administrative rule, or agency policy. Instead this section requires a state agency to follow the state law.

Section 2 requires each state agency responsible for issuing licenses, permits, or certifications to pursue, practice, or engage in an occupation, trade, vocation, profession, or business to annually submit a report to the Governor, President of the Senate, and the Speaker of the House of Representatives a report that includes the following:

- The number of applicants with a criminal record who applied for each license, permit, or certificate in the prior year, and of that number, the number of times the state agency granted the application and the number of times it denied, withheld, or refused to grant a license, permit or certification because of an applicant's criminal history and the offense or offenses on which each decision to deny, withhold, or refuse to grant the license, permit, or certification was based.
- The number of applicants with a criminal record for each license, permit, or certificate who petitioned the state agency under s. 112.011(2) in the prior year and the number of such

applicants whose petitions were approved or denied. The report must also specify the offense or offenses on which each decision to approve or deny a petition was based.

- Any other data the agency deems relevant in fulfilling the legislative purpose identified in this section.

The report must also be made publicly available on the agency's website.

Section 3 amends s. 310.071, F.S., to require the Board of Pilot Commissioners to follow the requirements in s. 112.011(2), F.S.

Section 4 amends s. 455.213, F.S., to replace the process for which a board responsible for reviewing an applicant's criminal history may determine an applicant's eligibility for licensure, permit, or certification with the process set forth by section 1 of the bill. The section also prohibits an agency from using a criminal history record to determine good moral character. The section does not prohibit a criminal history record check altogether.

Section 5 amends s. 494.0011, F.S., to require the Financial Services Commission to follow the requirements in s. 112.011(2), F.S., when considering an application for a loan originator, mortgage broker, or mortgage lender license.

Section 6 amends s. 517.1611, F.S., to require the Financial Services Commission to follow the requirements in s. 112.011(2), F.S.

Section 7 amends s. 559.554, F.S., to require the Financial Services Commission to follow the requirements in s. 112.011(2), F.S.,

Section 8 amends 626.207, F.S., to require that section 112.11(2), does apply to any applicants for licensure under the Florida Insurance Code.

Section 9 amends 626.9954, F.S., to require that section 112.11(2), does apply to applicants for registration as a navigator.

Section 10 amends 648.34, F.S., to require that section 112.11(2), does apply to applicants for licensure as bail bond agents.

Section 11 provides that the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

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:

The bill is expected to have an indeterminate, negative fiscal impact on state agencies that issue licenses, permits, or certifications for any occupation, trades, or vocations. The bill creates a new process that state agencies must follow. As such the state agencies will be taking on a significant workload under this bill.

VI. Technical Deficiencies:

Criminal record is not defined. Consideration should be given to clarifying whether both state and national criminal history records are included under this term.

VII. Related Issues:

The Department of Law Enforcement states that lines 140-163, may result in an individual being improperly advised on whether or not his or her record would disqualify them prior to the true application. An arrest could be present without a disposition and then, when the application is reviewed, the disposition is now present.⁵⁹

⁵⁹ Florida Department of Law Enforcement, *2023 FDLE Legislative Bill Analysis*, Mar. 3, 2023. (On File with Senate Governmental Oversight and Accountability Committee) (Last visited Mar. 18, 2023).

VIII. Statutes Affected:

This bill substantially amends sections 112.011, 112.0111, and 455.213 of the Florida Statutes.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on March 22, 2023:

- Clarifies that an agency can only deny an application on the basis of criminal history if the conviction directly and specifically relates to the duties and responsibilities of the occupation, trade, vocation, profession, or business for which the license, permit, or certification is sought.
- Requires a state agency's notice of intent to deny an application allow the applicant 30 calendar days to gather and provide additional evidence.
- Clarifies that an agency decision regarding a petition for statement of eligibility is not binding if the information provided is found to be inaccurate or incomplete.
- Requires the rules of the Financial Services Commission and Department of Financial Services to be consistent with the provisions of section 112.011(2), F.S.

B. Amendments:

None.



373002

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2023	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 112.011, Florida Statutes, is amended to
read:

112.011 Disqualification from licensing, permitting, or
certification; and public employment based on criminal
conviction.—

(1)~~(a)~~ Except as provided in s. 775.16, a person may not be



373002

disqualified from employment by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person may be denied employment by the state, any of its agencies or political subdivisions, or any municipality by reason of the prior conviction for a crime if the crime was a felony or first-degree misdemeanor and directly related to the position of employment sought.

(2) (a) ~~(b)~~ Notwithstanding any other law ~~Except as provided in s. 775.16~~, a person may be denied a license, permit, or certification to pursue, practice, or engage in an occupation, trade, vocation, profession, or business by reason of the prior conviction for a crime only if all of the following apply:

1. The crime was:

a. A forcible felony as defined in s. 776.08;

b. A felony or first-degree misdemeanor for which the person was not incarcerated, and he or she was convicted less than 3 years before a state agency began considering his or her application for the license, permit, or certification; or

c. A felony or first-degree misdemeanor for which the person was incarcerated, and his or her incarceration ended less than 3 years before a state agency began considering his or her application for the license, permit, or certification.

2. The conviction directly and specifically relates to the duties and responsibilities of the occupation, trade, vocation, profession, or business for which the license, permit, or certification is sought.

3. Granting the license, permit, or certification would pose a direct and substantial risk to public safety because



373002

there is clear and convincing evidence the person has not been rehabilitated per the criteria in paragraph (c) to safely perform the duties and responsibilities of ~~that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for~~ the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.

(b)(e) Notwithstanding any law to the contrary, a state agency may not deny an application for a license, permit, certificate, or employment based solely on the applicant's lack of civil rights. However, this paragraph does not apply to applications for a license to carry a concealed weapon or firearm under chapter 790.

(c) To determine if a person has not been rehabilitated as required under paragraph (a), a state agency shall consider the person's current circumstances and mitigating factors, including all of the following:

1. The age of the person when he or she committed the crime.

2. The amount of time elapsed since the person committed the crime.

3. The circumstances surrounding and the nature of the crime.

4. Whether the person completed his or her criminal sentence and, if so, the amount of time since doing so.

5. Whether the person received a certificate of rehabilitation or good conduct.

6. Whether the person completed or is an active participant



373002

in a rehabilitative drug or alcohol program.

7. Any testimonials or recommendations, including progress reports from the person's probation or parole officer.

8. Any education or training the person has received.

9. The person's employment history and employment aspirations.

10. The person's family responsibilities.

11. Whether the occupation, trade, vocation, profession, or business for which the person seeks employment requires him or her to be bonded.

12. Any other evidence of rehabilitation or information the person submits to the state agency.

(d) A state agency may deny an application for a license, permit, or certificate to pursue, practice, or engage in an occupation, trade, vocation, profession, or business based on a person's criminal record only if the state agency does all of the following:

1. Notifies the person of its intention to deny the application and informs the person that he or she may request an informal meeting and attend such meeting in person or by means of communications media technology as defined in s.

120.54(5)(b)2. The notice provided must be consistent with s. 120.60(3) and must inform the person of the reasons for denial and that, at the informal meeting, he or she may provide a rebuttal and additional evidence of circumstances or rehabilitation, including any verbal or written support provided by character witnesses in support of him or her. The state agency must allow the person at least 30 calendar days to gather and provide such additional evidence. The state agency may not



373002

98 make an adverse inference if the person does not request or
99 attend an informal meeting or does not bring witnesses to such
100 meeting.

101 2. Provides written notification consistent with s.
102 120.60(3) of its final decision within 60 days after the
103 informal meeting or receipt of a completed application,
104 whichever is later. If the state agency denies or intends to
105 deny the application for a license, permit, or certificate, the
106 written notice must specify the clear and convincing evidence on
107 which the agency based its determination to deny the license,
108 permit, or certification. The agency's decision shall be
109 administratively reviewable pursuant to ss. 120.569 and 120.57.
110 The agency's notice must indicate the procedure and time limits
111 that the applicant must follow in requesting an administrative
112 review of the decision and must provide the earliest date that
113 the applicant may submit another application for the license,
114 permit, or certification.

115 (e)1. Notwithstanding any law to the contrary, a person
116 with a criminal record may petition a state agency at any time,
117 including while in confinement, under supervision, or before
118 obtaining any required personal qualifications for a license,
119 permit, or certificate, for a decision as to whether the
120 person's criminal record would disqualify him or her from
121 obtaining the license, permit, or certification. The person must
122 include in the petition his or her criminal record or authorize
123 the state agency to obtain such criminal record. In reviewing
124 the petition, the state agency must determine if granting the
125 license, permit, or certification to such person would pose a
126 direct and substantial risk to public safety because there is



373002

clear and convincing evidence that the person has not been rehabilitated to safely perform the duties and responsibilities of the specific occupation, trade, vocation, profession, or business for which the license, permit, or certification is sought. The state agency must follow the procedure in paragraph (d) when reviewing and making its decision on the petition.

2. If a state agency determines under subparagraph 1. that a person is not disqualified for a license, permit, or certification, such decision is binding on the state agency in any later ruling on the person's formal application unless the information contained in the petition is subsequently found to be inaccurate or incomplete, or there is a material and adverse change that directly relates to the person's criminal record.

3. If the state agency determines under subparagraph 1. that a person is disqualified for a license, permit, or certification, the agency must advise the person of any actions he or she may take, if any, to remedy the disqualification. The person may submit a revised petition reflecting completion of the remedial actions before a deadline set by the agency in its final decision on the petition.

4. A person may not submit a new petition to the state agency until 1 year after a final decision on the initial petition is rendered or the person obtains the required qualifications for the license, permit, or certification, whichever is earlier.

(f) Notwithstanding any law to the contrary, a state agency may not use vague terms such as "good moral character," "moral turpitude," or "character and fitness" in its decision to disqualify a person from a license, permit, or certification



373002

based on the person's criminal record.

~~(3) (a) (2) (a)~~ This section does not apply to any law enforcement or correctional agency.

(b) This section does not apply to the employment practices of any fire department relating to the hiring of firefighters.

(c) This section does not apply to the employment practices of any county or municipality relating to the hiring of personnel for positions deemed to be critical to security or public safety pursuant to ss. 125.5801 and 166.0442.

~~(4) (3)~~ Any complaint concerning the violation of this section shall be adjudicated in accordance with the procedures set forth in chapter 120 for administrative and judicial review.

Section 2. Section 112.0111, Florida Statutes, is amended to read:

112.0111 Restrictions on the employment of ex-offenders; legislative intent; state agency reporting requirements.—

(1) The Legislature declares that a goal of this state is to ~~clearly identify the occupations from which ex-offenders are disqualified based on the nature of their offenses. The Legislature seeks to~~ make employment opportunities available to ex-offenders in a manner that preserves and protects ~~serves to preserve and protect~~ the health, safety, and welfare of the general public, yet encourages ex-offenders ~~them~~ to become productive members of society. To this end, state agencies that exercise regulatory authority ~~are in the best position to identify all restrictions on employment imposed by the agencies or by boards that regulate professions and occupations and are~~ obligated to protect the health, safety, and welfare of the general public by ~~clearly setting forth those restrictions in~~



373002

keeping with standards in state law and protections determined by the agencies to be in the least restrictive manner.

(2) Annually, each state agency, ~~including, but not limited to, those state agencies~~ responsible for issuing licenses, permits, or certifications to pursue, practice, or engage in an occupation, trade, vocation, profession, or business must professional and occupational regulatory boards, shall ensure the appropriate restrictions necessary to protect the overall health, safety, and welfare of the general public are in place, and by December 31, 2011, and every 4 years thereafter, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives and make publicly available on its website a report that includes all of the following:

(a) The number of applicants with a criminal record who applied for each license, permit, or certification in the prior year, and of that number, the number of times the state agency granted the application and the number of times it denied, withheld, or refused to grant a license, permit, or certification because of an applicant's criminal history. The report must also specify the offense or offenses for which each decision to deny, withhold, or refuse to grant the license, permit, or certification was based ~~A list of all agency or board statutes or rules that disqualify from employment or licensure persons who have been convicted of a crime and have completed any incarceration and restitution to which they have been sentenced for such crime.~~

(b) The number of applicants with a criminal record for each license, permit, or certificate who petitioned the state agency under s. 112.011(2)(e) in the prior year and the number



373002

of such applicants whose petitions were approved or denied. The report must also specify the offense or offenses on which each decision to approve or deny a petition was based ~~A determination of whether the disqualifying statutes or rules are readily available to prospective employers and licensees.~~

(c) Any other data the agency deems relevant in fulfilling its purpose under subsection (1) ~~The identification and evaluation of alternatives to the disqualifying statutes or rules which protect the health, safety, and welfare of the general public without impeding the gainful employment of ex-offenders.~~

Section 3. Subsection (4) of section 310.071, Florida Statutes, is amended to read:

310.071 Deputy pilot certification.—

(4) The board must follow the requirements in s. 112.011(2) before ~~Notwithstanding s. 112.011 or any other provision of law relating to the restoration of civil rights,~~ an applicant may ~~shall~~ be disqualified from applying for or ~~and shall be~~ denied a deputy pilot certificate ~~if the applicant, regardless of adjudication, has ever been found guilty of, or pled guilty or nolo contendere to, a charge which was:~~

~~(a) A felony or first degree misdemeanor which directly related to the navigation or operation of a vessel; or~~

~~(b) A felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as defined by chapter 893, or an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, such controlled substance.~~



373002

Section 4. Subsections (3) and (11) of section 455.213, Florida Statutes, are amended to read:

455.213 General licensing provisions.—

(3)(a) Notwithstanding any other law, the applicable board shall use the process in s. 112.011(2) ~~this subsection~~ for review of an applicant's criminal record to determine his or her eligibility for licensure, a permit, or certification ~~as:~~

~~1. A barber under chapter 476;~~

~~2. A cosmetologist or cosmetology specialist under chapter 477;~~

~~3. Any of the following construction professions under chapter 489:~~

~~a. Air-conditioning contractor;~~

~~b. Electrical contractor;~~

~~c. Mechanical contractor;~~

~~d. Plumbing contractor;~~

~~e. Pollutant storage systems contractor;~~

~~f. Roofing contractor;~~

~~g. Sheet metal contractor;~~

~~h. Solar contractor;~~

~~i. Swimming pool and spa contractor;~~

~~j. Underground utility and excavation contractor; or~~

~~k. Other specialty contractors; or~~

~~4. Any other profession for which the department issues a license, provided the profession is offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program.~~

~~(b) 1. A conviction, or any other adjudication, for a crime more than 5 years before the date the application is received by~~



373002

~~the applicable board may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. This paragraph does not limit the applicable board from considering an applicant's criminal history that includes a crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but only if such criminal history has been found to relate to the practice of the applicable profession.~~

~~2. The applicable board may consider the criminal history of an applicant for licensure under subparagraph (a)3. if such criminal history has been found to relate to good moral character.~~

~~(e)1.~~ A person may apply for a license before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The applicable board may not deny an application for a license solely on the basis of the applicant's current confinement or supervision.

2. After a license application is approved, the applicable board may stay the issuance of a license until the applicant is lawfully released from confinement or supervision and the applicant notifies the applicable board of such release. The applicable board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the applicable board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the applicable



373002

board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the applicable board must ~~shall~~ cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(c) ~~(d)~~ Each applicable board shall compile a list of crimes that, if committed and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a license. This list must be made available on the department's website and updated annually. Beginning October 1, 2019, each applicable board shall compile a list of crimes that although reported by an applicant for licensure, were not used as a basis for denial. The list must identify for each such license application the crime reported and the date of conviction and whether there was a finding of guilt, a plea, or an adjudication entered or the date of sentencing.

(d) ~~(e)~~ Each applicable board shall compile a list of crimes that have been used as a basis for denial of a license in the past 2 years and shall make the list available on the department's website. Starting October 1, 2019, and updated quarterly thereafter, the applicable board shall compile a list indicating each crime used as a basis for denial. For each crime listed, the applicable board shall ~~must~~ identify the date of conviction, finding of guilt, plea, or adjudication entered, or date of sentencing. Such denials must be made available to the public upon request.



373002

(11) For any profession requiring fingerprints as part of the registration, certification, or licensure process or for any profession requiring a criminal history record check ~~to determine good moral character~~, the fingerprints of the applicant must accompany all applications for registration, certification, or licensure. The fingerprints must ~~shall~~ be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for processing to determine whether the applicant has a criminal history record. The fingerprints must ~~shall~~ also be forwarded to the Federal Bureau of Investigation to determine whether the applicant has a criminal history record. The information obtained by the processing of the fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation must ~~shall~~ be sent to the department to determine whether the applicant is statutorily qualified for registration, certification, or licensure.

Section 5. Paragraph (c) of subsection (2) of section 494.0011, Florida Statutes, is amended to read:

494.0011 Powers and duties of the commission and office.—

(2) The commission may adopt rules to administer parts I, II, and III of this chapter, including rules:

(c) Establishing time periods during which a loan originator, mortgage broker, or mortgage lender license applicant under part II or part III is barred from licensure due to prior criminal convictions of, or guilty or nolo contendere pleas by, any of the applicant's control persons, regardless of adjudication. The requirements of s. 112.011(2) apply

~~1. The rules must provide:~~



373002

~~a. Permanent bars for felonies involving fraud, dishonesty, breach of trust, or money laundering;~~

~~b. A 15-year disqualifying period for felonies involving moral turpitude;~~

~~c. A 7-year disqualifying period for all other felonies; and~~

~~d. A 5-year disqualifying period for misdemeanors involving fraud, dishonesty, or any other act of moral turpitude.~~

~~2. The rules may provide for an additional waiting period due to dates of imprisonment or community supervision, the commitment of multiple crimes, and other factors reasonably related to the applicant's criminal history.~~

~~3. The rules may provide for mitigating factors for crimes identified in sub-subparagraph 1.b. However, the mitigation may not result in a period of disqualification less than 7 years. The rule may not mitigate the disqualifying periods in sub-subparagraphs 1.a., 1.c., and 1.d.~~

~~4. An applicant is not eligible for licensure until the expiration of the disqualifying period set by rule.~~

~~5. Section 112.011 is not applicable to eligibility for licensure under this part.~~

Section 6. Subsection (2) of section 517.1611, Florida Statutes, is amended to read:

517.1611 Guidelines.—

(2) The commission shall adopt by rule disqualifying periods pursuant to which an applicant will be disqualified from eligibility for registration based upon criminal convictions, pleas of nolo contendere, or pleas of guilt, regardless of whether adjudication was withheld, by the applicant; any



373002

partner, member, officer, or director of the applicant or any person having a similar status or performing similar functions; or any person directly or indirectly controlling the applicant. The requirements of s. 112.011(2) apply

~~(a) The disqualifying periods shall be 15 years for a felony and 5 years for a misdemeanor.~~

~~(b) The disqualifying periods shall be related to crimes involving registration as a dealer, investment adviser, issuer of securities, or associated person or the application for such registration or involving moral turpitude or fraudulent or dishonest dealing.~~

~~(c) The rules may also address mitigating factors, an additional waiting period based upon dates of imprisonment or community supervision, an additional waiting period based upon commitment of multiple crimes, and other factors reasonably related to the consideration of an applicant's criminal history.~~

~~(d) An applicant is not eligible for registration until the expiration of the disqualifying period set by rule. Section 112.011 does not apply~~ to the registration provisions under this chapter. Nothing in this section changes or amends the grounds for denial under s. 517.161.

Section 7. Paragraph (b) of subsection (2) of section 559.554, Florida Statutes, is amended to read:

559.554 Powers and duties of the commission and office.—

(2) The commission may adopt rules to administer this part, including rules:

(b) Establishing time periods during which a consumer collection agency is barred from registration due to prior criminal convictions of, or guilty or nolo contendere pleas by,



373002

an applicant's control persons, regardless of adjudication. The requirements of s. 112.011(2) apply

~~1. The rules must provide:~~

~~a. A 15-year disqualifying period for felonies involving fraud, dishonesty, breach of trust, money laundering, or other acts of moral turpitude.~~

~~b. A 7-year disqualifying period for all other felonies.~~

~~c. A 5-year disqualifying period for misdemeanors involving fraud, dishonesty, or other acts of moral turpitude.~~

~~2. The rules must provide for an additional waiting period due to dates of imprisonment or community supervision, the commitment of multiple crimes, and other factors reasonably related to the applicant's criminal history.~~

~~3. The rules must provide for mitigating factors for crimes identified in sub-subparagraphs 1.a., 1.b., and 1.c.~~

~~4. An applicant is not eligible for registration until expiration of the disqualifying period set by rule.~~

~~5. Section 112.011 does not apply to eligibility for registration under this part.~~

Section 8. Subsection (9) of section 626.207, Florida Statutes, is amended to read:

626.207 Disqualification of applicants and licensees; penalties against licensees; rulemaking authority.—

(9) Section 112.011(2) applies ~~112.011 does not apply~~ to any applicants for licensure under the Florida Insurance Code, including, but not limited to, agents, agencies, adjusters, adjusting firms, or customer representatives.

Section 9. Subsection (8) of section 626.9954, Florida Statutes, is amended to read:



373002

626.9954 Disqualification from registration.—

(8) Section 112.011(2) applies ~~112.011 does not apply~~ to an applicant for registration as a navigator.

Section 10. Subsection (7) of section 648.34, Florida Statutes, is amended to read:

648.34 Bail bond agents; qualifications.—

(7) Section 112.011(2) applies ~~The provisions of s. 112.011 do not apply~~ to bail bond agents or to applicants for licensure as bail bond agents.

Section 11. This act shall take effect July 1, 2023.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to employment of ex-offenders;
amending s. 112.011, F.S.; revising the criteria a
state agency must consider before denying a license,
permit, or certification to a person previously
convicted of a crime; requiring a state agency to
consider specified factors when determining if an ex-
offender applying for a license, permit, or
certification has not been rehabilitated; requiring a
state agency to use a specified process in its
decision to deny a license, permit, or certificate to
a person previously convicted of a crime; authorizing
certain persons to petition a state agency to
determine whether their criminal record disqualifies



373002

them from obtaining a license, permit, or certification; providing the requirements for the petition; requiring the state agency to use a specified procedure when reviewing the petition and making a decision on such petition; providing that such decision is binding on the state agency regarding any subsequent license, permit, or certification application received from that person; requiring the agency to advise the person of any actions he or she may take to remedy the disqualification; authorizing the person to submit a revised petition under specified circumstances; prohibiting a person from submitting a new petition during a specified timeframe; prohibiting a state agency from using specified terminology in a decision related to the denial of a license, permit, or certification; amending s. 112.0111, F.S.; revising legislative intent; requiring specified agencies to submit an annual report to the Governor and the Legislature; requiring that such report be made available on the agency's website; providing report requirements; amending ss. 310.071, 455.213, 494.0011, 517.1611, 559.554, 626.207, 626.9954, and 648.34, F.S.; conforming provisions to changes made by the act; providing an effective date.

By Senator Calatayud

38-01565-23

20231124__

1 A bill to be entitled
 2 An act relating to employment of ex-offenders;
 3 amending s. 112.011, F.S.; revising the criteria a
 4 state agency must consider before denying a license,
 5 permit, or certification to a person previously
 6 convicted of a crime; requiring a state agency to
 7 consider specified factors when determining whether an
 8 ex-offender applying for a license, permit, or
 9 certificate has not been rehabilitated; requiring a
 10 state agency to use a specified process in its
 11 decision to deny a license, permit, or certificate to
 12 a person previously convicted of a crime; authorizing
 13 certain persons to petition a state agency to
 14 determine whether their criminal record will
 15 disqualify them from obtaining a license, permit, or
 16 certificate; providing the requirements for the
 17 petition; requiring the state agency to use certain
 18 standards, factors, and procedures when making a
 19 decision on the petition; providing that such decision
 20 is binding on the state agency regarding any
 21 subsequent license, permit, or certification
 22 application received from that person; providing an
 23 exception; prohibiting a person from submitting a new
 24 petition during a specified timeframe; prohibiting a
 25 state agency from using specified terminology in a
 26 decision related to the denial of a license, permit,
 27 or certification; amending s. 112.011, F.S.; revising
 28 legislative intent; requiring specified agencies to
 29 submit an annual report to the Governor and the

Page 1 of 13

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

38-01565-23

20231124__

30 Legislature; requiring such report to be made
 31 available on the agency's website; providing report
 32 requirements; amending s. 455.213, F.S.; requiring
 33 applicable boards to use a specified process to review
 34 an applicant's criminal record; conforming provisions
 35 to changes made by the act; providing an effective
 36 date.

37
 38 Be It Enacted by the Legislature of the State of Florida:

39
 40 Section 1. Section 112.011, Florida Statutes, is amended to
 41 read:

42 112.011 Disqualification from licensing and public
 43 employment based on criminal conviction.—

44 (1)~~(a)~~ Except as provided in s. 775.16, a person may not be
 45 disqualified from employment by the state, any of its agencies
 46 or political subdivisions, or any municipality solely because of
 47 a prior conviction for a crime. However, a person may be denied
 48 employment by the state, any of its agencies or political
 49 subdivisions, or any municipality by reason of the prior
 50 conviction for a crime if the crime was a felony or first-degree
 51 misdemeanor and directly related to the position of employment
 52 sought.

53 (2) (a) ~~(b)~~ Notwithstanding any law to the contrary ~~Except as~~
 54 ~~provided in s. 775.16~~, a person may be denied a license, permit,
 55 or certification to pursue, practice, or engage in an
 56 occupation, trade, vocation, profession, or business by reason
 57 of the prior conviction for a crime only if all of the following
 58 apply:

Page 2 of 13

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

38-01565-23

20231124

1. The crime was a forcible felony as defined by s. 776.08; the crime was a felony or first-degree misdemeanor for which the person was convicted less than 3 years before the agency's consideration, if the person was not incarcerated for the offense; or the crime was a felony or first-degree misdemeanor for which the person's incarceration ended less than 3 years before the agency's consideration, if the person was incarcerated for the offense.

2. The conviction specifically relates to the duties and responsibilities of the occupation.

3. Granting the license, permit, or certification would pose a direct and substantial risk to public safety because there is clear and convincing evidence the person has not been rehabilitated, per the criteria in paragraph (c), to safely perform the duties and responsibilities of the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought ~~that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.~~

~~(b)(e)~~ Notwithstanding any law to the contrary, a state agency may not deny an application for a license, permit, certificate, or employment based solely on the applicant's lack of civil rights. However, this paragraph does not apply to applications for a license to carry a concealed weapon or firearm under chapter 790.

(c) To determine whether a person has not been

38-01565-23

20231124

rehabilitated for purposes of deciding whether to grant a license, permit, or certificate under paragraph (a), the agency shall consider the person's current circumstances and mitigating factors, including all of the following:

1. The age of the person when he or she committed the offense.
2. The time elapsed since the offense.
3. The circumstances and nature of the offense.
4. The completion of the criminal sentence.
5. A certificate of rehabilitation or good conduct.
6. Completion of or active participation in rehabilitative drug or alcohol treatment.
7. Testimonials and recommendations, which may include a progress report from the person's probation or parole officer.
8. Education and training.
9. Employment history and aspirations.
10. The person's family responsibilities.
11. Whether the person will be bonded in the occupation.
12. Other evidence of rehabilitation or information the person submitted to the state agency or board.

(d) A state agency may deny a license, permit, or certificate to pursue, practice, or engage in an occupation, trade, vocation, profession, or business pursuant to paragraph (a) by using only the following process:

1. If the agency intends to deny the application because of the person's criminal record, the agency must notify the person of its intention and request an informal meeting with the person regarding the application. The notice must be consistent with s. 120.60(3) and must notify the person that he or she may bring

38-01565-23

20231124

character witnesses to the informal meeting to offer verbal or written support. The agency must hold the informal meeting within 60 days after receiving the person's completed application and must provide the person the option to attend the informal meeting in person, by teleconference, or by video conference. The agency may not make an adverse inference from a person's decision not to attend an informal meeting or to not include witnesses at the meeting.

2. Within 60 days after the informal meeting, if applicable, or a complete application is submitted to the agency for its consideration, whichever is later, the agency must notify the applicant of its written decision, consistent with s. 120.60(3). If the agency denies or intends to deny the license, permit, or certificate, its notice must explain in detail what clear and convincing evidence exists that the applicant has not been rehabilitated to safely perform the duties and responsibilities of the specific occupation, trade, vocation, profession, or business for which the license, permit, or certification is sought. The agency's decision must be administratively reviewable pursuant to ss. 120.569 and 120.57. The agency's notice must indicate the procedure that the applicant must follow in requesting an administrative review and the applicable time limits for such administrative review.

(e)1. Notwithstanding any law to the contrary, a person with a criminal record may petition a state agency at any time, including while in confinement, under supervision, or before obtaining any required personal qualifications for a license, permit, or certificate, for an agency decision as to whether the person's criminal record would disqualify him or her from

38-01565-23

20231124

obtaining the license, permit, or certification pursuant to paragraph (a). The person must include in the petition his or her criminal record or authorize the state agency to obtain the person's criminal record. The state agency must use the standard provided in subparagraph (a)3. and the factors in paragraph (c), and must follow the procedure in paragraph (d), in making its decision on the petition.

2. An agency's decision under subparagraph 1. that a person is not disqualified is binding on the agency in any later decision on the license, permit, or certificate application of that person unless there is a material and adverse change that directly and specifically relates to the person's criminal record. If the agency decides that a license, permit, or certification should not be granted, the agency must advise the person of any actions he or she may take to remedy the disqualification. The person may submit a revised petition reflecting completion of the remedial actions before a deadline the agency sets in its decision notification to the person.

3. The person may not submit a new petition to the agency, under subparagraph 1. for 1 year following a final decision on the initial petition or upon obtaining the required personal qualifications for the license, permit, or certificate, whichever is earlier.

(f) Notwithstanding any law to the contrary, a state agency may not use a vague term such as "good moral character," "moral turpitude," or "character and fitness" in its decision to disqualify a person from a license, permit, or certification based on the person's criminal record.

(3) (a) ~~(2)~~ (a) This section does not apply to any law

38-01565-23

20231124__

enforcement or correctional agency.

(b) This section does not apply to the employment practices of any fire department relating to the hiring of firefighters.

(c) This section does not apply to the employment practices of any county or municipality relating to the hiring of personnel for positions deemed to be critical to security or public safety pursuant to ss. 125.5801 and 166.0442.

~~(4)(3)~~ Any complaint concerning the violation of this section shall be adjudicated in accordance with the procedures set forth in chapter 120 for administrative and judicial review.

Section 2. Section 112.0111, Florida Statutes, is amended to read:

112.0111 Restrictions on the employment of ex-offenders; legislative intent; state agency reporting requirements.—

(1) The Legislature declares that a goal of this state is to ~~clearly identify the occupations from which ex-offenders are disqualified based on the nature of their offenses. The Legislature seeks to~~ make employment opportunities available to ex-offenders in a manner that preserves and protects ~~serves to preserve and protect~~ the health, safety, and welfare of the general public, yet encourages ex-offenders ~~them~~ to become productive members of society. To this end, state agencies that exercise regulatory authority ~~are in the best position to identify all restrictions on employment imposed by the agencies or by boards that regulate professions and occupations and are obligated to protect the health, safety, and welfare of the general public by clearly setting forth those restrictions in keeping with standards in state law and protections determined by the agencies to be in the least restrictive manner.~~

38-01565-23

20231124__

(2) Each state agency, ~~including, but not limited to, those state agencies~~ responsible for issuing licenses, permits, or certifications to pursue, practice, or engage in an occupation, trade, vocation, profession, or business professional and occupational regulatory boards, shall annually ensure the appropriate restrictions necessary to protect the overall health, safety, and welfare of the general public are in place, and by December 31, 2011, and every 4 years thereafter, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives and make publicly available on its website a report that includes all of the following:

(a) The number of applicants with a criminal record who:

1. Applied for each license, permit, or certificate in the prior year, and of that number, the number of times the state agency granted the application and the number of times it denied, withheld, or refused to grant a license, permit or certification because of an applicant's criminal history and the offense or offenses on which each decision to deny, withhold, or refuse to grant the license, permit, or certification was based.

2. Applied for renewal of a license, permit, or certificate in the prior year, and of that number, the number of times the state agency granted an application for renewal and the number of times it denied, withheld, or refused to renew a license, permit, or certification because of an applicant's criminal history and the offense or offenses on which each decision to deny, withhold, or refuse to renew the license, permit, or certification was based on A list of all agency or board statutes or rules that disqualify from employment or licensure persons who have been convicted of a crime and have completed

38-01565-23 20231124__

any incarceration and restitution to which they have been sentenced for such crime.

(b) The number of applicants petitioning each agency under s. 112.011(2)(e) in the prior year, the number of each agency's approvals and denials under s. 112.011(2)(e), and the offense or offenses for which each board approved or denied petitions under s. 112.011(2)(e) A determination of whether the disqualifying statutes or rules are readily available to prospective employers and licensees.

(c) Any other data the agency deems relevant in fulfilling the purpose identified in subsection (1) The identification and evaluation of alternatives to the disqualifying statutes or rules which protect the health, safety, and welfare of the general public without impeding the gainful employment of ex-offenders.

Section 3. Subsections (3) and (11) of section 455.213, Florida Statutes, are amended to read:

455.213 General licensing provisions.—

(3)(a) Notwithstanding any other law, the applicable board shall use the process in s. 112.011(2) ~~this subsection~~ for review of an applicant's criminal record to determine his or her eligibility for licensure, a permit, or certification as:

1. ~~A barber under chapter 476;~~

2. ~~A cosmetologist or cosmetology specialist under chapter 477;~~

3. ~~Any of the following construction professions under chapter 489:~~

a. ~~Air conditioning contractor;~~

b. ~~Electrical contractor;~~

38-01565-23 20231124__

~~e. Mechanical contractor;~~

~~d. Plumbing contractor;~~

~~e. Pollutant storage systems contractor;~~

~~f. Roofing contractor;~~

~~g. Sheet metal contractor;~~

~~h. Solar contractor;~~

~~i. Swimming pool and spa contractor;~~

~~j. Underground utility and excavation contractor; or~~

~~k. Other specialty contractors; or~~

4. Any other profession for which the department issues a license, provided the profession is offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program.

(b) 1. A conviction, or any other adjudication, for a crime more than 5 years before the date the application is received by the applicable board may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. This paragraph does not limit the applicable board from considering an applicant's criminal history that includes a crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but only if such criminal history has been found to relate to the practice of the applicable profession.

2. The applicable board may consider the criminal history of an applicant for licensure under subparagraph (a)3. if such criminal history has been found to relate to good moral character.

~~(c)~~1. A person may apply for a license before his or her

38-01565-23 20231124__

lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The applicable board may not deny an application for a license solely on the basis of the applicant's current confinement or supervision.

2. After a license application is approved, the applicable board may stay the issuance of a license until the applicant is lawfully released from confinement or supervision and the applicant notifies the applicable board of such release. The applicable board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the applicable board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the applicable board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the applicable board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(c) ~~(d)~~ Each applicable board shall compile a list of crimes that, if committed and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a license. This list must be made available on the department's website and updated annually. Beginning October 1, 2019, each applicable board shall compile a list of crimes that although

38-01565-23 20231124__

reported by an applicant for licensure, were not used as a basis for denial. The list must identify for each such license application the crime reported and the date of conviction and whether there was a finding of guilt, a plea, or an adjudication entered or the date of sentencing.

(d) ~~(e)~~ Each applicable board shall compile a list of crimes that have been used as a basis for denial of a license in the past 2 years and shall make the list available on the department's website. Starting October 1, 2019, and updated quarterly thereafter, the applicable board shall compile a list indicating each crime used as a basis for denial. For each crime listed, the applicable board must identify the date of conviction, finding of guilt, plea, or adjudication entered, or date of sentencing. Such denials must be made available to the public upon request.

(11) For any profession requiring fingerprints as part of the registration, certification, or licensure process or for any profession requiring a criminal history record check ~~to determine good moral character~~, the fingerprints of the applicant must accompany all applications for registration, certification, or licensure. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for processing to determine whether the applicant has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation to determine whether the applicant has a criminal history record. The information obtained by the processing of the fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department

38-01565-23 20231124__

349 to determine whether the applicant is statutorily qualified for
350 registration, certification, or licensure.

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



2023 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

BILL NUMBER:	SB 1124
BILL TITLE:	Employment of Ex-offenders
BILL SPONSOR:	Senator Calatayud
EFFECTIVE DATE:	7/1/2023

COMMITTEES OF REFERENCE

1) Governmental Oversight and Accountability
2) Criminal Justice
3) Rules
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

Governmental Oversight and Accountability

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	March 3, 2023
LEAD AGENCY ANALYST:	Lucy Saunders
ADDITIONAL ANALYST(S):	Ashley Black, Becky Bezemek
LEGAL ANALYST:	Jason Harrison
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Revising the criteria a state agency must consider before denying a license, permit, or certification to a person previously convicted of a crime; requiring a state agency to consider specified factors when determining whether an ex-offender applying for a license, permit, or certificate has not been rehabilitated; authorizing certain persons to petition a state agency to determine whether their criminal record will disqualify them from obtaining a license, permit, or certificate; requiring specified agencies to submit an annual report to the Governor and the Legislature.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** Section 112.011, F.S., codifies disqualification from licensing and public employment based on criminal conviction.
2. **EFFECT OF THE BILL:** Amends s. 112.011, F.S., revising the criteria a state agency (that exercises regulatory authority) must consider before denying a license, permit, or certification to a person previously convicted of a crime. This bill also amends s. 455.213, F.S., requiring the applicable board to use the process in s. 112.011(2), F.S., for review of an applicant's criminal record to determine his or her eligibility for licensure, a permit, or certification.

3. **DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES?** Y ☐ N ☒

If yes, explain:	
What is the expected impact to the agency's core mission?	
Rule(s) impacted (provide references to F.A.C., etc.):	

4. **WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. **ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?** Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number:	

6. **ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL?** Y ☐ N ☒

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	

Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	The number of potential applicants who may utilize the petition process prior to applying for a license, permit, or certification is unknown; as such, the Florida Department of Law Enforcement (FDLE) is unable to accurately report any potential change(s) in revenue.
Expenditures:	
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☒ N ☐

Revenues:	
Expenditures:	The number of potential applicants who may utilize the petition process prior to applying for a license, permit, or certification is unknown; as such, FDLE is unable to accurately report the potential fiscal impact to the private sector.
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	

Bill Section Number:	
----------------------	--

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☒ N ☐

If yes, describe the anticipated impact to the agency including any fiscal impact.	The impact of this bill is unknown.
--	-------------------------------------

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☐

If yes, describe the anticipated impact including any fiscal impact.	
--	--

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	As written, in lines 140-163, a person may petition a state agency for an advisory opinion on whether the criminal record would disqualify them from a license permit or certification. The criminal history record can change at any time, an individual could not be properly advised on whether or not the record would disqualify them prior to the true application. This advisory opinion would then be binding when the agency may not be aware or misinterpret the record on an initial review. An arrest could be present without a disposition and then when the application is reviewed, the disposition is now present. Does "criminal record" mean state and national criminal history record? The binding nature of an advisory opinion that could lead to an agency misinterpreting an out of state criminal history record and being bound by that decision is a real possibility. Also, if the applicant provides a criminal history record, it may not be the complete record as citizens are not always provided the same record as different state agencies depending on the level of authorization given to the agency. The possibility of changes to a criminal history record in the time between the advisory opinion and actual application could lead to substantial litigation over trying to enforce that binding advisory opinion on the material and adverse, direct and specific relation to the criminal record.
--	---

ADDITIONAL COMMENTS

- Lines 140-152: As written, it is unclear how the respective state agency will obtain the potential applicant's criminal history record without initiating an application for licensing, permitting, certification, or employment, which may include the submission of fingerprints for a state and national criminal history record check (i.e., Level 2 background check) and other qualifications. If the intent of the bill is to leverage the existing statutory screening authority of the respective agency, it should be noted that continued access to national criminal history record information is reliant upon the Federal Bureau of Investigation's (FBI) approval of the legislative changes. As such, FDLE recommends providing

additional clarification within the bill to explain how the respective state agency will obtain criminal history record information, if it is not provided by the potential applicant.

However, if the intent of the bill is to allow applicants to undergo separate Florida (state-only) criminal history record checks (i.e., Level 1 background checks) prior to their application, FDLE also recommends stating so specifically within the bill. Level 1 background checks only verify if an individual has been arrested or convicted within the state of Florida; arrests and/or convictions that occur outside the state are not included in a state-only criminal history record check.

- While the impact of this bill does not necessitate additional FTE or other resources, this bill, in combination with additional criminal history record check bills, could rise to the level requiring additional staffing and other resources.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR Alexis M. Calatayud
38th District

COMMITTEES:

Community Affairs, Chair
Appropriations Committee on Education
Appropriations Committee of Health and Human
Services
Education Pre-K 12
Fiscal Policy
Health Policy
Military and Veterans Affairs, Space and Domestic
Security
Select Committee on Resiliency

March 3rd, 2023

Honorable Senator Bryan Avila
Chair
Committee on Governmental Oversight and Accountability

Honorable Chair Avila,

I respectfully request SB 1124 Employment of Ex-offenders be placed on the next committee agenda.

The bill revises the criteria a state agency must consider before denying a license, permit, or certification to a person previously convicted of a crime; requiring a state agency to consider specified factors when determining whether an ex-offender applying for a license, permit, or certificate has not been rehabilitated; authorizing certain persons to petition a state agency to determine whether their criminal record will disqualify them from obtaining a license, permit, or certificate; requiring specified agencies to submit an annual report to the Governor and the Legislature.

Sincerely,

Alexis M. Calatayud

Senator Alexis M. Calatayud
Florida Senate, District 39

CC: Joe McVaney, Staff Director
Tamara Redig, Committee Administrative Assistant

REPLY TO:

- ☐ 11011 SW 101st St, STE 5101, Miami Florida 33176 (305) 596-3002
- ☐ 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5038

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
Senate professional staff conducting the meeting

March 22, 2023

Meeting Date

Gov Oversight & Accountability

Committee

SB 1124

Bill Number or Topic

373002

Amendment Barcode (if applicable)

Name **Gus Corbella**

Phone **8504438925**

Address **101 East College Avenue**

Email **corbella@gtlaw.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:

**Florida Rights Restoration
Coalition**

☐ 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 1124

Bill Number or Topic

Amendment Barcode (if applicable)

3/22/23

Meeting Date

Gov't Oversight + Acc't

Committee

Name Mike Greenberg

Phone 703-682-9320

Address 901 N. Glebe Rd.

Email mgreenberg@fl.com

Street

Arlington

City

VA

State

22203

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)

3/22/23

Meeting Date

Gov't Oversight + Acct.

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name Mike Greenberg

Phone 703-682-9320

Address 901 N. Glebe Rd. #900
Street

Email mgreenberg@ij.org

Arlington

City

VA

State

22203

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)

March 22, 2023

Meeting Date

Gov Oversight & Accountability

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Gus Corbella**

Phone **8504438925**

Address **101 East College Avenue**

Email **corbella@gtlaw.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:

**Florida Rights Restoration
Coalition**

☐ 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

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:

Right on Crime.

☐

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)

3/22/2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1124

Bill Number or Topic

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

Gov't Oversight & Acct.

Committee

Amendment Barcode (if applicable)

Name

CHRISTIAN CANARA

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:

INSTITUTE FOR JUSTICE

☐

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

3/22/23
Meeting Date

SB 1121
Bill Number or Topic

Senate Gov Oversight & Account
Committee

Amendment Barcode (if applicable)

Name Christian Minor

Phone (321) 223-4232

Address 1500 N Adams St.
Street

Email cminor@fja.org

Tallahassee FL 32303
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:

Florida Juvenile Justice Association

☐ 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

3.22.23

Meeting Date

Gov Oversight

Committee

1124

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Albert Balido

Phone

850 251 3440

Address

201 W Park Ave

Email

Street

Tallah

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:

Florida Policy Institute

☐

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

3-22-21

Meeting Date

Gov Oversight

Committee

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

1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Albert Balido

Phone

850 251 3440

Address

201 W Paul Ave

Email

Street

Tam

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:

SPLC Action Fund

☐

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)

3/22/23

Meeting Date

The Florida Senate

APPEARANCE RECORD

1124

Bill Number or Topic

Gov Oversight and Accountability

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

Committee

Amendment Barcode (if applicable)

Name **Sal Nuzzo - The James Madison Institute**Phone **8503229941**Address **100 N Duval Street**Email **snuzzo@jamesmadison.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:

☐ 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
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 Governmental Oversight and Accountability

BILL: SB 1310

INTRODUCER: Senator DiCeglie

SUBJECT: Expanding Public Sector Career Opportunities

DATE: March 21, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. McVaney	McVaney	GO	Favorable
2. _____	_____	CA	_____
3. _____	_____	RC	_____

I. Summary:

SB 1310 requires public employers (state agencies and branches, state universities and public colleges, counties, cities, special districts, school boards, and all other governmental entities) to prioritize direct work experience over postsecondary education in their hiring considerations. Postsecondary education may be considered in hiring decisions only (a) as an alternative for direct work experience or (b) if the position requires advanced accreditation or licensure that is available only to a person holding a specific postsecondary degree.

The bill grants authority to the Department of Management Services to enforce the new requirements either (a) through appeals by applicants who allege the lack of a postsecondary degree is the sole basis for the applicant not being hired by the public employer or (b) notices from any person that a job posting for a public sector job required a postsecondary degree without including information justifying the requirement for the degree.

The bill's impact state or local government revenues and expenditures is indeterminate. However, the Department of Management Services may incur costs associated the resolution of appeals and reports of noncompliance by public employers.

The bill takes effect July 1, 2023.

II. Present Situation:

State Employment Policy

According to the employment policy of the state, conditions of employment in state government must be made without regard to age, sex, color, religion, national origin, political affiliation,

marital status, or disability.¹ The state and its political subdivisions must comply with the Americans with Disabilities Act,² Equal Employment Opportunity Act,³ Florida Civil Rights Act,⁴ and Fair Labor Standards Act.⁵ In addition, the state and its political subdivisions must give preference to veterans for positions of employment.⁶

State Hiring Process

The State's employment process is decentralized with each state agency being responsible for its recruitment, selection, and hiring decisions.⁷ Selection of candidates for employment is based on an assessment of the specific knowledge, skills, and abilities necessary for the successful performance of the position's duties.⁸ After assembling a pool of candidates, an agency's hiring official compares candidates' education, experience, and any necessary license or certification requirements.⁹ Candidates who appear to possess the required knowledge, skills, abilities, licensure and certifications will proceed further in the selection process.¹⁰ The hiring official then determines the candidates who will be asked to participate in additional selection procedures, such as oral interviews or work sample exercises.¹¹ The job-related information gained during the selection process assists the hiring official in making the final selection decision. The final selection decision is the sole responsibility of the employing agency.¹² Agencies are required to document the qualifications of the selected candidate to ensure the candidate meets the minimum requirements specified by the employing agency, any licensure or certification requirements, and possess the requisites for the position.¹³

Section 110.201 F.S., authorizes the Department of Management Services (DMS), in consultation with agencies, to create rules relating to employees and positions in the Career Service.¹⁴ The statute allows the DMS to adopt rules providing alternative requirements. Section 110.2035, F.S., requires employing agencies to maintain, on a current basis, a position description of each authorized and established position within the agency. The position description shall include a description of the assigned duties and responsibilities, along with any

¹ Section 110.105(2)(a), F.S.

² U.S. Department of Labor, *Employers' Responsibilities, Americans with Disabilities Act*, <https://www.dol.gov/general/topic/disability/employersresponsibilities> (last visited Mar. 20, 2023).

³ U.S. Equal Employment Opportunity Commission, *Overview*, [https://www.eeoc.gov/overview#:~:text=The%20U.S.%20Equal%20Employment%20Opportunity,national%20origin%2C%20age%2%20\(40%20or](https://www.eeoc.gov/overview#:~:text=The%20U.S.%20Equal%20Employment%20Opportunity,national%20origin%2C%20age%2%20(40%20or) (last visited Mar. 20, 2023).

⁴ Section 760.02(7), F.S.

⁵ U.S. Department of Labor, *Wages and the Fair Labor Standards Act*, <https://www.dol.gov/agencies/whd/flsa> (last visited Mar. 20, 2023).

⁶ Section 296.07, F.S.

⁷ DMS, *Job Candidate Program Manual, Division of Human Resource Management*, available at https://www.dms.myflorida.com/content/download/99277/573474/Job_Candidate_Program_Manua_l_Final_3-21-17.pdf (last visited Mar. 20, 2023).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 110.211(1), F.S.

¹³ Section 110.213(2), F.S.

¹⁴ The Career Service system provides uniform pay, job classifications, benefits and recruitment for the majority of non-management jobs within state agencies.

other pertinent information concerning the position.¹⁵ The position description shall serve as a record of the official assignment of duties to the position.¹⁶

The DMS has established rules¹⁷ that provide agencies with discretion to establish the duties for any given position, which includes:

- An accurate description of the duties and responsibilities assigned to the position;
- The job related knowledge, skills, and abilities;
- Any licensure, certification, or registration; and
- Any position designators.¹⁸

County and Municipal Powers

Section 125.74, F.S., of the County Administration Law of 1974, enumerates specific powers and duties which the county administrator possesses, including the power to recommend to the board of county commissioners (Board) position classifications and pay plans for all positions in county service. The county administrator is also responsible for selecting, employing, and supervising all personnel, and filling all vacancies, positions, or employment under the jurisdiction of the Board, although the employment of department heads requires confirmation by the Board.¹⁹

Section 166.021, F.S., of Florida's Municipal Home Rule Powers Act, contains general provisions that govern the exercise of municipal powers under the framework established in article VIII, section 2(b) of the Florida Constitution. Section 166.021(1), F.S., grants municipalities the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services. The statute grants municipalities the ability to exercise any power for municipal purposes, except when expressly prohibited by law.²⁰

Hiring Authority of Elected Officers

Section 27.25, F.S., grants the state attorney the authority to employ assistant state attorneys, an executive director, and other staff.

Section 27.53, F.S., grants the public defender the authority to employ assistant public defenders and other staff.

Section 28.06, F.S., grants the clerk of the court the authority to appoint a deputy or deputies.

Section 30.53, F.S., preserves the independence of sheriffs concerning the purchase of supplies and equipment, selection of personnel, and the hiring, firing, and setting of salaries of such personnel.

¹⁵ Section 110.2035(5)(a), F.S.

¹⁶ *Id.*

¹⁷ Rule 60L-31.003, F.A.C.

¹⁸ Rule 60L-31.003(1), F.A.C.

¹⁹ Section 125.74(k), F.S.

²⁰ Section 166.021(a), F.S.

Authority of Special Districts

A “special district” is a unit of local government created for a special purpose operating within a limited geographic boundary.²¹ Special districts are created by general law, special act, local ordinance, or administrative rule of the Governor and Cabinet.²² Special districts are created to provide a wide variety of services, such as mosquito control,²³ children’s services,²⁴ fire control and rescue,²⁵ and drainage and water control.²⁶

Special districts cooperate and coordinate their activities within the units of general-purpose local government in which they are located.²⁷ Chapter 189, F.S., does not expressly provide special districts the authority to employ people or the ability to set out any requirements regarding education or work experience.

Substitution of work experience for postsecondary educational requirements

Section 112.219, F.S., allows an employing agency to substitute equivalent work experience in lieu of a postsecondary education. Work experience may not be substituted for any required licensure, certification, or registration as established by the agency and indicated on the position description. The section requires any employing agency that elects to substitute work experience for post-secondary education to include a notice in the job advertisement that substitution is authorized and a description of what education and work experience equivalencies apply. This section does not abridge state and federal laws and regulations governing equal opportunity employment.

This section defines the term “employing agency” to mean any agency or unit of government of the state or any county, municipality, or political subdivision thereof, including special districts, authorized to employ personnel to carry out the responsibilities of the agency or unit of government.

Veteran Preference in Hiring and Retention

Section 295.07, F.S., directs the state and its political subdivisions to give preference to disabled veterans, spouses, widows and widowers of veterans, and current members of the reserve component of the United State Armed Forces or the Florida National Guard. The state and its political subdivisions may waive postsecondary educational requirements if the veteran or current member of the armed forces is otherwise qualified for the position.

Section 295.11, F.S., authorizes the Department of Veterans’ Affairs (DVA) to investigate any complaint that indicates a person has applied for a job with the state or a political subdivision

²¹ Section 189.012(6), F.S.

²² *Id.*

²³ Section 388.021(1), F.S.

²⁴ Section 125.901(1), F.S.

²⁵ Section 191.002, F.S.

²⁶ Section 298.01, F.S.

²⁷ Section 189.011(3), F.S.

and the job was awarded to a nonveteran. The DVA issues its opinion as to the merit or lack of merit to the parties and to the Public Employees Relation Commission (PERC). If the DVA opines that the claim lacks merit and the PERC agrees, no hearing is necessary. Otherwise, the PERC will hold a hearing and render a decision that is deemed final agency action.

Public Employees Relations Commission

The PERC is created by law,²⁸ consisting of a chair and two other members to be appointed by the Governor, subject to confirmation by the Senate. Relevant to this discussion, the PERC is authorized to hear appeals relating to certain employers not employing a preferred veteran applicant.²⁹ The appeal hearing must be held within 30 days of the filing of the claim, unless an extension of time is granted for good cause.³⁰

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Expanding Public Sector Career Opportunities Act.”

Section 2 creates s. 110.1075, F.S., to establish a policy on the way a public employer considers applicants.

A public employer must determine for each position the baseline requirements that an applicant must meet. The baseline requirements may include:

- Prior direct experience or specified certifications or courses; and
- A postsecondary degree, only as an alternative to the number of years of direct experience, ranging 2 to 9 years depending on the level of the degree.

A public employer may not deny consideration of an applicant solely on the basis of the applicant lacking a postsecondary degree unless the public employer clearly demonstrates that the job duties require a postsecondary degree. In the job posting, the public employer must substantiate the necessity for the postsecondary degree on the basis that the degree is the best measure to determine whether an applicant possesses the specific skills required for the job or that the position requires advanced accreditation or licensure only available to a person who holds a specific postsecondary degree.

If an applicant is eliminated from a hiring consideration solely because of the lack of a postsecondary degree, the applicant may appeal the decision to the Department of Management Services (DMS).

A person (not limited to an applicant) may report to the DMS any job postings by a public employer which require a postsecondary degree, but fail to include the information substantiating the necessity of the degree.

²⁸ Section 447.205, F.S.

²⁹ Section 447.207(9)(c), F.S.

³⁰ Section 447.208(1), F.S.

If an appeal by an applicant or a report by a person are substantiated by the DMS, the public employer must reopen the hiring process, modify the job posting, or take other action as directed by the DMS.

None of these requirements apply to political appointments (undefined) or other positions for which hiring is done by elected representatives in this state.

Section 3 amends s. 112.219, F.S., to allow an agency to substitute verifiable, related work experience in lieu of postsecondary educational requirements for a contract for services if the person seeking to contract is otherwise qualified for the position. However, work experience may not be substituted for any licensure, certification, or registration required for the contract if indicated in the advertised description of the contract.

Section 4 provides that the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

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:

The overall impact on state and local government expenditures is indeterminate. Public employers will experience incur some additional workload in modifying position descriptions and reviewing knowledge, skills, and abilities of each position to determine whether a postsecondary degree is a necessary requirement in hiring considerations. Public employers who choose to require a postsecondary degree in its hiring considerations may incur new costs associated with appeals from applicants and others.

The Department of Management Services will incur additional cost associated with addressing the appeals from unsuccessful applicants and those persons reporting a job notice not in compliance with the new requirements.

VI. Technical Deficiencies:

The bill amends chapter 110, F.S., which sets forth a system of personnel management for state government. The bill sets forth standards that are to apply to all public employers. To ensure compliance by all public employers, consideration should be given to creating these provisions in chapter 112, F.S.

On lines 102 through 104, the bill exempts from its application “political appointments or other employment positions for which hiring is done by elected representatives in this state”. The bill does not define “political appointments.” Consideration should be given to defining the term so that public employers and the DMS will not incur the cost of appeals or reports of noncompliance.

In terms of the “other employment positions for which hiring is done by elected representatives in this state” appears to exempt employees of the clerks of court, the sheriffs, the state attorneys and public defenders, the Legislature, and the Executive Office of the Governor, and potentially some portion of the employees of the Department of Financial Services (hired by the Chief Financial Officer), the Department of Agriculture and Consumer Services (hired by the Commissioner of Agriculture), the Department of Legal Affairs (hired by the Attorney General). If the exemption, as described above, is intended to be interpreted more broadly or more narrowly, consideration should be given to more concisely define the exemption.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 110.1075 and 112.219 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator DiCeglie

18-00824B-23

20231310__

A bill to be entitled

An act relating to expanding public sector career opportunities; providing a short title; creating s. 110.1075, F.S.; defining terms; providing requirements for hiring considerations by public employers; providing an exception; providing that a postsecondary degree may be a baseline requirement under a certain circumstance; providing direct experience to degree equivalencies; authorizing an applicant to appeal a hiring consideration to the Department of Management Services; authorizing a person to report to the department that certain job openings do not include specified required information; providing remedies if the department substantiates an appeal or report; providing applicability; requiring the department to adopt specified rules; amending s. 112.219, F.S.; deleting obsolete language; authorizing the head of an employing agency to elect to substitute certain work experience for postsecondary educational requirements for a person seeking to enter into a contract with the employing agency under certain circumstances; prohibiting the substitution of work experience for certain licensure, certification, or registration requirements; providing an effective date.

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

Section 1. This act may be cited as the "Expanding Public Sector Career Opportunities Act."

Page 1 of 5

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

18-00824B-23

20231310__

Section 2. Section 110.1075, Florida Statutes, is created to read:

110.1075 Expanding public sector career opportunities.—

(1) For purposes of this section, the term:

(a) "Applicant" means a person seeking gainful employment from a public employer.

(b) "Baseline requirement" means the minimum skills or previous training or experience required to satisfactorily perform the primary duties of an employment position.

(c) "Direct experience" means any previous work experience during which:

1. The applicant's primary duties were consistent with the employment position he or she is currently seeking; or

2. The skills required for the applicant's primary duties are transferable to the employment position he or she is currently seeking.

(d) "Hiring consideration" means all of the following:

1. A decision to offer an applicant an interview.

2. An interview held in good faith between the public employer and the applicant.

3. A decision to move an applicant to a subsequent round in the hiring process.

4. A decision to include the applicant on a list of applicants for consideration by another member of the public employer.

5. A final offer of employment.

(e) "Postsecondary degree" means an associate degree, a bachelor's degree, or a graduate degree earned from an accredited college or university.

Page 2 of 5

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

18-00824B-23

20231310

(f) "Public employer" has the same meaning as in s. 448.095(1).

(2) Both of the following apply for hiring considerations by public employers:

(a) A public employer may not deny consideration to an applicant solely on the basis of the applicant lacking a postsecondary degree.

(b) A public employer shall determine for each employment position the baseline requirements that an applicant must meet. Prior direct experience or specified certifications or courses may be included as a baseline requirement. A postsecondary degree may only be included as a baseline requirement as provided in subsection (4).

(3) Paragraph (2)(a) does not apply if a public employer clearly demonstrates that the job duties of the employment position require a postsecondary degree. In the job posting, a public employer must substantiate the necessity of a postsecondary degree on the basis that the postsecondary degree is the best measure to determine if an applicant possesses specific skills required for the job or that the employment position requires advanced accreditation or licensure that is only available to a person who holds a specific postsecondary degree.

(4) A public employer may include a postsecondary degree as a baseline requirement only as an alternative to the number of years of direct experience required, not to exceed:

(a) Two years of direct experience for an associate degree;

(b) Four years of direct experience for a bachelor's degree;

18-00824B-23

20231310

(c) Six years of direct experience for a master's degree;

(d) Seven years of direct experience for a professional degree; or

(e) Nine years of direct experience for a doctoral degree.

(5) (a) An applicant eliminated from a hiring consideration solely because he or she lacks a postsecondary degree may appeal such decision to the department.

(b) A person may report to the department any job postings by a public employer which require a postsecondary degree but fail to include the information required under subsection (3).

(c) If an appeal or report is substantiated by the department, the public employer must reopen the hiring process, modify the job posting, or take other action as directed by the department.

(6) This section does not apply to political appointments or other employment positions for which hiring is done by elected representatives in this state.

(7) The department shall adopt rules to implement the requirements of subsection (5).

Section 3. Present subsections (4) and (5) of section 112.219, Florida Statutes, are redesignated as subsections (5) and (6), respectively, subsection (1) of that section is amended, and a new subsection (4) is added to that section, to read:

112.219 Substitution of work experience for postsecondary educational requirements.—

(1) ~~Beginning July 1, 2022,~~ The head of an employing agency may elect to substitute verifiable, related work experience in lieu of postsecondary educational requirements for a position of

18-00824B-23

20231310

employment if the person seeking the position of employment is
otherwise qualified for such position.

(4) (a) The head of an employing agency may elect to
substitute verifiable, related work experience in lieu of
postsecondary educational requirements for a contract for the
performance of services with the employing agency if the person
seeking to enter into the contract with the employing agency is
otherwise qualified for such position.

(b) Related work experience may not substitute for any
licensure, certification, or registration required for the
contract, as established by the employing agency and indicated
in the advertised description of the contract.

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



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: March 20, 2023

I respectfully request that **Senate Bill #1310**, relating to Expanding Public Sector Career Opportunities be placed on the:

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

A handwritten signature in blue ink that reads "Nick DiCeglie".

Senator Nick DiCeglie
Florida Senate, District 18

The Florida Senate

APPEARANCE RECORD

22 March 2023

Meeting Date

Gov Oversight

Committee

1310

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Chris Stranburg

Phone 813 767 9667

Address 107 E College Ave

Email cstranburg@afphg.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:
Americans for Prosperity

☐ 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)

3/22/23

Meeting Date

Government Oversight and Accountability

Committee

The Florida Senate

APPEARANCE RECORD

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

1310

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Amanda Prater**

Phone **850-766-0679**

Address **4035 Swift Way**

Street

Email **amanda@thefga.org**

Tallahassee

City

FL

State

32311

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:

Opportunity Solutions Project

☐ 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
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 Governmental Oversight and Accountability

BILL: CS/SB 1156

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Burton

SUBJECT: Florida Retirement System

DATE: March 23, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1156 allows a retiree to provide certain volunteer services to a Florida Retirement System (FRS) employer while maintaining his or her bona fide termination status, which is required for the payment of retirement benefits to the retiree.

Under the bill, an FRS employer may establish a post-employment volunteer program that does not negatively impact a volunteer's status as a bona fide retiree if the program meets all of the following criteria:

- At the time of retirement, there is no agreement or understanding between an FRS employer and the retiree that the retiree would provide services to an employer post-retirement.
- The employer or third party may not provide any form of compensation to the volunteer for the volunteer services.
- Employee benefits may not be provided to the volunteer, except in certain limited instances.
- The number of volunteer hours per week is limited to no more than 20 percent of the amount of time that was expected of the retiree per week before retirement.
- A clear distinction between the duties of a volunteer and the duties of an employee is required.
- Volunteers must maintain control of their volunteer schedule.
- Adequate record keeping must be maintained by the volunteer and the FRS employer.

The bill is not expected to impact state and local government revenues and expenditures. See V. Fiscal Impact Statement below.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Florida Retirement System (FRS)

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.¹ The FRS is a contributory system, with active members contributing 3 percent of their salaries.²

The FRS is a multi-employer plan, governed by ch. 121, F.S., the "Florida Retirement System Act." As of June 30, 2022, the FRS had 629,073 active non-retired members, 448,846 annuitants, 14,858 disabled retirees, and 28,827 active participants of the Deferred Retirement Option Program (DROP).³ As of September 2022, the FRS consisted of 990 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and includes the 180 cities and 153 special districts that have elected to join the system.⁴

The membership of the FRS is divided into five membership classes:

- The Regular Class⁵ consists of 537,128 active members and 7,806 in renewed membership;
- The Special Risk Class⁶ includes 72,925 active members and 1,100 in renewed membership;
- The Special Risk Administrative Support Class⁷ has 104 active members and one in renewed membership;

¹ Florida Department of Management Services (DMS), Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, 35, available at https://employer.frs.fl.gov/forms/2020-21_ACFR.pdf. (last visited Mar. 7, 2023).

² Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. *See*, ch. 2011-68, s. 33, Laws of Fla. Members in the Deferred Retirement Option Program do not contribute to the system.

³ DMS, Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, at 260, available at https://employer.frs.fl.gov/forms/2020-21_ACFR.pdf. (last visited Mar. 7, 2023).

⁴ DMS, Division of Retirement, *Participating Employers for Fiscal Year 2022-2023* (Sept. 2022), available at <https://employer.frs.fl.gov/forms/part-emp.pdf> (last visited Mar. 7, 2023).

⁵ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

⁶ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S.

⁷ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

- The Elected Officers' Class⁸ has 2,075 active members and 109 in renewed membership; and
- The Senior Management Service Class⁹ has 7,610 active members and 210 in renewed membership.¹⁰

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:¹¹

- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.

Investment Plan

In 2000, the Public Employee Optional Retirement Program (investment plan) was created as a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.¹²

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.¹³

A member vests immediately in all employee contributions paid to the investment plan.¹⁴ With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.¹⁵ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.¹⁶ The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.¹⁷ An FRS member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.¹⁸

⁸ The Elected Officers' Class includes elected state and county officers, and those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

⁹ The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

¹⁰ All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, at 263.

¹¹ Florida State Board of Administration (SBA), *Plan Comparison Chart* (Jul. 2020), available at <https://www.myfrs.com/pdf/forms/plancomparison.pdf> (last visited Mar. 7, 2023).

¹² See, ch. 2000-169, Laws of Fla.

¹³ Section 121.4501(1), F.S.

¹⁴ Section 121.4501(6)(a), F.S.

¹⁵ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

¹⁶ Section 121.591, F.S.

¹⁷ See s. 121.4501(16), F.S.

¹⁸ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate a line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line-of-duty, the monthly

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.¹⁹ The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.²⁰

Pension Plan

The pension plan is administered by the Secretary of Management Services (DMS) through the Division of Retirement.²¹ The State Board of Administration manages the pension fund's assets.²²

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.²³ For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.²⁴ Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.²⁵ For most current members of the pension plan, normal retirement (when first eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.²⁶ For public safety employees in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.²⁷ Members initially enrolled in the pension plan on or after July 1, 2011, have longer service requirements. For members initially enrolled after that date, the member must complete 33 years of service or attain age 65, and members in the Special Risk classes must complete 30 years of service or attain age 60.²⁸

Optional Retirement Programs

Eligible employees may choose to participate in one of three retirement programs instead of participating in the FRS:

- Members of the Senior Management Service Class may elect to enroll in the Senior Management Service Optional Annuity Program;²⁹

benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date.

Section 121.091(4)(f), F.S.

¹⁹ Section 121.4501(8), F.S.

²⁰ FLA. CONST. art. IV, s. 4.

²¹ Section 121.025, F.S.

²² Florida SBA, *Summary Overview of the State Board of Administration of Florida*, 4, available at

https://www.sbafla.com/fsb/Portals/FSB/Content/Topics/SBAOverview_20211025.pdf?ver=2021-10-28-120954-217 (last visited Mar. 7, 2023).

²³ Section 121.021(45)(a), F.S.

²⁴ Section 121.021(45)(b), F.S.

²⁵ Section 121.091, F.S. See also, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, 35-37, *supra* at 1.

²⁶ Section 121.021(29)(a)1., F.S.

²⁷ Section 121.021(29)(b)1., F.S.

²⁸ Sections 121.021(29)(a)2. and (b)2., F.S.

²⁹ The Senior Management Service Optional Annuity Program (SMSOAP) was established in 1986 for members of the Senior Management Service Class. Employees in eligible positions may irrevocably elect to participate in the SMSOAP rather than the FRS. Effective July 1, 2017, the SMSOAP is closed to new members. Section 121.055(6), F.S. See also, Florida DMS, *Senior Management Service Optional Annuity Program*,

- Members in specified positions in the State University System may elect to enroll in the State University System Optional Retirement Program;³⁰ and Members in specified positions at a Florida College institution may elect to enroll in the State Community College System Optional Retirement Program.³¹

Maintaining Status as a Qualified Plan

The FRS includes a governmental defined benefit plan under Internal Revenue Code section 414(d) and is qualified under Internal Revenue Code section 401(a). This means that the contributions to the FRS qualify for tax deductions, and that investment earnings are tax-deferred until they are distributed to retirees.

“In order for a pension plan to be a qualified plan under section 401(a), the plan must be established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to its employees over a period of years, usually for life, *after retirement* (emphasis added) or attainment of normal retirement age”³²

A termination of employment must be bona fide (i.e., not a mere subterfuge in order to initiate an otherwise impermissible distribution where no substantial change in employment has occurred).³³ “Retirement does not include a mere reduction in the number of hours that an employee works. Accordingly, benefits may not be distributed prior to normal retirement age solely due to a reduction in the number of hours that an employee works.”³⁴

Current law relating to the FRS requires an employee to terminate his or her employment in order to commence a retirement benefit, either before or after normal retirement age. The determination of whether a bona fide termination from employment has occurred is critical for both the tax qualification of the FRS and Florida statutory compliance purposes.³⁵

To address the requirement of bona fide termination, the FRS states “termination” occurs “when a member ceases all employment relationships with participating employers.”³⁶ This includes a relationship with an FRS-participating employer as an officer, employee, or volunteer. If the retiree is reemployed by an FRS-participating employer within the first 6 calendar months after the month of retirement, termination is deemed not to have occurred, and the retiree must return

https://www.dms.myflorida.com/workforce_operations/retirement/optional_retirement_programs/senior_management_service_optional_annuity_program (last visited Mar. 7, 2023).

³⁰ Eligible participants of the State University System Optional Retirement Program (SUSORP) are automatically enrolled in the SUSORP. However, the member must execute a contract with a SUSORP provider within the first 90 days of employment or the employee will default into the pension plan. If the employee decides to remain in the SUSORP, the decision is irrevocable and the member must remain in the SUSORP as long as the member remains in a SUSORP-eligible position. Section 121.35, F.S.

³¹ If the member is eligible for participation in a State Community College System Optional Retirement Program, the member must elect to participate in the program within 90 days of employment. Unlike the other optional programs, an employee who elects to participate in this optional retirement program has one opportunity to transfer to the FRS. Section 1012.875, F.S.

³² Treas. Reg. section 1.401(a)-1(b)(1)(i).

³³ Private Letter Ruling 201147038 (Apr. 20, 2010).

³⁴ Treas. Reg. section 1.401(a)-1(b)(3).

³⁵ Memorandum to David DiSalvo, Director, Division of Retirement, *Re: Bona Fide Terminations from Employment and Bona Fide Volunteer Services* (dated January 8, 2021).

³⁶ Section 121.021(39), F.S.

all retirement distributions, including DROP accumulations.³⁷ Generally, if the retiree is employed by an FRS-participating employer during the 7th through 12th calendar months after the month of retirement, the retiree's benefit for those months is suspended and is forfeited.³⁸ There are no restrictions on receiving salary and retirement benefits from FRS-participating employers after the 12th calendar month from retirement.

III. Effect of Proposed Changes:

Section 1 amends s. 121.021, F.S., to state that "termination" with an FRS employer occurs when the member ceases all employment relationships with, and ceases providing services to, all FRS employers. The term is further described so that "volunteer services" do not constitute employment by, or provision of services to, an employer.

Section 1 defines "volunteer services" to mean services provided in accordance with any rules adopted under s. 121.091(15), F.S. (a new subsection created in section 2 of this bill).

Section 2 amends s. 121.091, F.S., to grant the FRS employers the authority to establish a post-employment volunteer program that does not negatively impact a volunteer's status as a bona fide retiree if the program meets all of the following criteria:

- At the time of retirement, there is no agreement or understanding between an FRS employer and the retiree that the retiree would provide services to an employer post-retirement.
- The employer or third party may not provide any form of compensation to the volunteer for the volunteer services.
- Employee benefits may not be provided to the volunteer, except in certain limited instances.
- The number of volunteer hours per week is limited to no more than 20 percent of the amount of time that was expected of the retiree per week before retirement.
- A clear distinction between the duties of a volunteer and the duties of an employee is required.
- Volunteers must maintain control of their volunteer schedule.
- Adequate record keeping must be maintained by the volunteer and the FRS employer.

Section 3 provides that the bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

³⁷ Section 121.091(9), F.S.

³⁸ Section 121.091(9)(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:

None.

C. Government Sector Impact:

The bill is not expected to impact state and local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 121.021 and 121.091 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Governmental Oversight and Accountability on March 22, 2023:

The committee substitute provides statutory requirements for the FRS employers to comply with regarding the creation of post-employment volunteer programs rather than granting DMS broad discretion to establish the criteria for those programs.

B. Amendments:

None.

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



248624

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2023	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Burton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 22 - 131
and insert:
employment, including the provision of services, relationships
with all participating employers, however:

1. For retirements effective before July 1, 2010, if a
member is employed by any ~~such~~ employer within the next calendar
month, termination shall be deemed not to have occurred. A leave
of absence constitutes a continuation of the employment



248624

relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). ~~The department or state board may require other evidence of termination as it deems necessary.~~

2. For retirements effective on or after July 1, 2010, if a member is employed by any ~~such~~ employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). ~~The department or state board may require other evidence of termination as it deems necessary.~~

(b) "Termination" for a member ending participation ~~electing to participate~~ in the Deferred Retirement Option Program occurs when the program participant ceases all employment, including the provision of services, relationships ~~with all participating~~ employers in accordance with s. 121.091(13), however:

1. For termination dates occurring before July 1, 2010, if ~~a the~~ member is employed by any ~~such~~ employer within the next calendar month, termination shall ~~will~~ be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes ~~shall constitute~~ a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if ~~a the~~ member becomes employed by any ~~such~~ employer within the next 6 calendar months, termination shall ~~will~~ be



248624

deemed not to have occurred, except as provided in s.
121.091(13)(b)4.c. A leave of absence constitutes a continuation
of the employment relationship.

(c) Effective July 1, 2011, "termination" for a member
receiving a refund of employee contributions occurs when a
member ceases all employment, including the provision of
services, relationships with all participating employers for 3
calendar months. A leave of absence constitutes a continuation
of the employment relationship.

All terminations must be a termination of employment as defined
in 26 C.F.R. s. 1.409A-1(h)(1)(ii). Volunteer services do not
constitute employment by, or provision of services to, an
employer. The department or state board may require any evidence
of termination necessary to determine compliance with this
chapter or the rules adopted thereunder.

(65) "Volunteer services" means services provided in
accordance with s. 121.091(15).

Section 2. Subsection (15) is added to section 121.091,
Florida Statutes, to read:

121.091 Benefits payable under the system.—Benefits may not
be paid under this section unless the member has terminated
employment as provided in s. 121.021(39)(a) or begun
participation in the Deferred Retirement Option Program as
provided in subsection (13), and a proper application has been
filed in the manner prescribed by the department. The department
may cancel an application for retirement benefits when the
member or beneficiary fails to timely provide the information
and documents required by this chapter and the department's



248624

rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(15) VOLUNTEER SERVICES.—Employers may establish post-employment volunteer programs that allow retirees to provide civic, charitable, and humanitarian services during the first 12 calendar months following retirement without causing the retiree to violate the requirement that the retiree have a termination of employment as defined in 26 C.F.R. s. 1.409A-1(h)(1)(ii), provided that the program meets all of the following criteria:

(a) Before the date of retirement, there was no agreement or understanding between the employer and the retiree that the retiree would provide any service to the employer.

(b) The employer or any third party may not provide a form of compensation, including cash equivalents, to a volunteer for the volunteer services.

(c) Except as otherwise provided in this chapter, employee benefits, including health or life insurance benefits, may not be provided to a volunteer. However, certain prerequisites that are necessary to complete tasks associated with the volunteer program, such as an assigned uniform or the provision of equipment, are permissible.

(d) The number of volunteer hours per week, including training, is limited to no more than 20 percent of the amount of time that was expected of the retiree per week before his or her date of retirement.

(e) A clear distinction between the duties of a volunteer and the duties of an employee is required.



248624

(f) Volunteers must maintain control of their volunteer schedule, including the number of hours volunteered and assignments for which they agree to volunteer.

(g) Adequate volunteer program record keeping must be maintained by both the employer and the volunteer to document adherence to the criteria listed in this subsection. The records must be made available to the department upon request.

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

And the title is amended as follows:

Delete lines 5 - 9

and insert:

services"; amending s. 121.091, F.S.; authorizing employers to establish post-employment volunteer programs to allow retirees to provide certain services during a specified timeframe; requiring such programs to meet specified criteria;

By Senator Burton

12-01035A-23

20231156__

A bill to be entitled

An act relating to the Florida Retirement System; amending s. 121.021, F.S.; revising the definition of the term "termination"; defining the term "volunteer services"; amending s. 121.091, F.S.; requiring the Division of Retirement to adopt rules for the provision of volunteer services by retirees; authorizing employers to establish volunteer programs; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsection (39) of section 121.021, Florida Statutes, is amended, and subsection (65) is added to that section, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(39)(a) "Termination" occurs, except as provided in ~~paragraphs~~ paragraph (b) and (c), when a member ceases all employment relationships with, and ceases providing services to, all participating employers, however:

1. For retirements effective before July 1, 2010, if a member is employed by, or provides services to, any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute

Page 1 of 5

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

12-01035A-23

20231156__

termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). ~~The department or state board may require other evidence of termination as it deems necessary.~~

2. For retirements effective on or after July 1, 2010, if a member is employed by, or provides services to, any such employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). ~~The department or state board may require other evidence of termination as it deems necessary.~~

(b) "Termination" for a member ending participation ~~electing to participate~~ in the Deferred Retirement Option Program occurs when the program participant ceases all employment relationships with, and ceases providing services to, all participating employers in accordance with s. 121.091(13), however:

1. For termination dates occurring before July 1, 2010, if ~~a the~~ member is employed by, or provides services to, any such employer within the next calendar month, termination ~~shall will~~ be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes ~~shall constitute~~ a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if ~~a the~~ member becomes employed by, or provides services to, any such employer within the next 6 calendar months,

Page 2 of 5

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

12-01035A-23

20231156__

59 termination ~~shall will~~ be deemed not to have occurred, except as
60 provided in s. 121.091(13)(b)4.c. A leave of absence constitutes
61 a continuation of the employment relationship.

62 (c) Effective July 1, 2011, "termination" for a member
63 receiving a refund of employee contributions occurs when a
64 member ceases all employment relationships with, and ceases
65 providing services to, all participating employers for 3
66 calendar months. A leave of absence constitutes a continuation
67 of the employment relationship.

68
69 All terminations must be a termination of employment as defined
70 in 26 C.F.R. s. 1.409A-1(h)(1)(ii). Volunteer services do not
71 constitute employment by, or provision of services to, an
72 employer. The department or state board may require any evidence
73 of termination necessary to determine compliance with this
74 chapter or the rules adopted thereunder.

75 (65) "Volunteer services" means services provided in
76 accordance with any rules adopted under s. 121.091(15).

77 Section 2. Paragraph (c) of subsection (4) of section
78 121.091, Florida Statutes, is amended, and subsection (15) is
79 added to that section, to read:

80 121.091 Benefits payable under the system.—Benefits may not
81 be paid under this section unless the member has terminated
82 employment as provided in s. 121.021(39)(a) or begun
83 participation in the Deferred Retirement Option Program as
84 provided in subsection (13), and a proper application has been
85 filed in the manner prescribed by the department. The department
86 may cancel an application for retirement benefits when the
87 member or beneficiary fails to timely provide the information

12-01035A-23

20231156__

88 and documents required by this chapter and the department's
89 rules. The department shall adopt rules establishing procedures
90 for application for retirement benefits and for the cancellation
91 of such application when the required information or documents
92 are not received.

93 (4) DISABILITY RETIREMENT BENEFIT.—

94 (c) *Proof of disability.*—The administrator, before
95 approving payment of any disability retirement benefit, shall
96 require proof that the member is totally and permanently
97 disabled as provided herein:

98 1. Such proof shall include the certification of the
99 member's total and permanent disability by two licensed
100 physicians of the state and such other evidence of disability as
101 the administrator may require, including reports from vocational
102 rehabilitation, evaluation, or testing specialists who have
103 evaluated the applicant for employment. A member whose position
104 with an employer requires that the member work full time outside
105 this state in the United States may include certification by two
106 licensed physicians of the state where the member works. A
107 member who is receiving care at a federal Veterans Health
108 Administration facility may include certification by two
109 licensed physicians working at the facility.

110 2. It must be documented that:

111 a. The member's medical condition occurred or became
112 symptomatic during the time the member was employed in an
113 employee/employer relationship with his or her employer;

114 b. The member was totally and permanently disabled at the
115 time he or she terminated covered employment; and

116 c. The member has not been employed with, or provided any

12-01035A-23

20231156__

117 services to, any other employer after such termination.

118 3. If the application is for in-line-of-duty disability, in
119 addition to the requirements of subparagraph 2., it must be
120 documented by competent medical evidence that the disability was
121 caused by a job-related illness or accident which occurred while
122 the member was in an employee/employer relationship with his or
123 her employer.

124 4. The unavailability of an employment position that the
125 member is physically and mentally capable of performing will not
126 be considered as proof of total and permanent disability.

127 (15) VOLUNTEER SERVICES.—The division shall adopt rules
128 establishing criteria for volunteer services that retirees may
129 provide to an employer while still being deemed to have a
130 termination as defined in s. 121.021(39). Employers may
131 establish volunteer programs in accordance with these rules.

132 Section 3. This act shall take effect July 1, 2023.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Education
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules
Transportation

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR COLLEEN BURTON

12th District

March 6, 2023

The Honorable Bryan Avila
Committee on Governmental Oversight and Accountability
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Avila,

I respectfully request SB 1156: Florida Retirement System be put on the Committee on Governmental Oversight and Accountability agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Joe McVaney, Staff Director
Jessie Harmsen, Deputy Staff Director
Tamra Redig, Administrative Assistant

REPLY TO:

- ☐ 100 South Kentucky Avenue, Suite 260, Lakeland, Florida 33801 (863) 413-1529
- ☐ 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

APPEARANCE RECORD

03/22/23

Meeting Date

GOV OVERSIGHT & ACCT.

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting~~2156~~

1156

Bill Number or Topic

248624

Amendment Barcode (if applicable)

Name ALLI LIBY-SCHOONOVERPhone 850-205-9000Address 119 S. MONROE ST. SUITE 200
StreetEmail ALV@MHOFFIRM.COMTLH FL 32301
City State ZipSpeaking: ☐ 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:SEMINOLE COUNTY
PUBLIC SCHOOLS☐ 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)

3/22/23

Meeting Date

Governmental Oversight and Accountability

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1156

Bill Number or Topic

248624

Amendment Barcode (if applicable)

Name **Jessica Janasiewicz (Jan-ah-see-witz)**

Phone **850-681-6788**

Address **119 South Monroe Street**

Email **jessica@rutledge-ecenia.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:

**Florida Association of School
Administrators (FASA)**

☐ 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

3-22-23

Meeting Date

1156

Bill Number or Topic

Gov't Oversight

Committee

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

Amendment Barcode (if applicable)

Name

FRED HEID (pronounced HIDE)

Phone

843-944-1852

Address

PO BOX 391

Street

Email

Frederick.Heid@polk-fl.net

BARTON

City

FL

State

33831

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)

3/22/23

Meeting Date

Governmental Oversight and Accountability

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1156 as amended

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jessica Janasiewicz (Jan-ah-see-witz)**

Phone **850-681-6788**

Address **119 South Monroe Street**

Email **jessica@rutledge-ecenia.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:

**Florida Association of School
Administrators (FASA)**

☐ 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
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 Governmental Oversight and Accountability

BILL: SB 596

INTRODUCER: Senator Martin

SUBJECT: Board of Governors of the State University System

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Bouck</u>	<u>HE</u>	Favorable
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 596 expands the authority of the Office of Inspector General (OIG) within the Board of Governors (BOG) of the State University System to:

- Issue and serve subpoenas and subpoenas duces tecum, for the BOG or all state universities, to compel the appearance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.
- Require or authorize a person to file a written statement, under oath if required, as to all the facts and circumstances concerning the matter to be audited, examined, or investigated.

The bill specifies that, in the event of noncompliance with a subpoena, the OIG may petition the appropriate circuit court for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena.

The bill is not expected to have any impact on state or local government revenues or expenditures.

The bill takes effect on July 1, 2023.

II. Present Situation:

Board of Governors

The State University System (SUS) is composed of 12 public universities. Each constituent university is administered by a board of trustees, and the Board of Governors (BOG) is responsible to operate, regulate, control, and be fully responsible for the management of the

whole SUS.¹ Fourteen of the 17 members of the BOG are appointed by the Governor and confirmed by the Senate.² While retaining its constitution authority, the BOG also has the rights and privileges of an executive department.³

For each constituent university, the BOG, is responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.⁴

Office of Inspector General

Office of the Chief Inspector General

The Office of Chief Inspector General in the Executive Office of the Governor is responsible for promoting accountability, integrity, and efficiency in the agencies under the jurisdiction of the Governor.⁵ In order to carry out its investigatory powers, the Chief Inspector General may, among other powers:

- Issue and serve subpoenas and subpoenas duces tecum, for agencies under the jurisdiction of the Governor, to compel the attendance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.
- Petition the circuit court of the county, in the event of noncompliance with a subpoena, for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena.⁶

State Inspectors General

An office of inspector general is established in each state agency⁷ to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government.⁸ Agency inspector general duties include:

- Assessing agency performance measures and standards, and evaluating agency actions to improve performance.
- Supervising and coordinating audits, investigations, and reviews relating to the programs and operations of the state agency; and
- Conducting, supervising, or coordinating activities to prevent and detect fraud and abuse in agency programs and operations.⁹

¹ FLA. CONST., art. IX, s. 7.

² *Id.*

³ Section 20.155(1), F.S.

⁴ Section 1001.706(1), F.S.

⁵ Section 14.32(1), F.S.

⁶ Section 14.32(5), F.S.

⁷ "State agency" means the Executive Office of the Governor, Department of State, the Department of Legal Affairs, the Department of Financial Services, the Department of Agriculture and Consumer Services, the Department of the Lottery, the Department of Military Affairs, the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, the Board of Governors of the State University System, the Florida Housing Finance Corporation, the Florida Gaming Control Commission, and the state courts system. Section 20.055(1)(d), F.S.

⁸ Section 20.055(2), F.S.

⁹ Section 20.055(2), F.S.

Board of Governors Office of the Inspector General

The Office of the Inspector General (office) and Director of Compliance for the BOG, established in 2007, provides leadership and coordination of audit, investigative, and compliance activities for the BOG Office and generally promotes activities that ensure accountability, financial integrity, and efficiency as required by law.¹⁰ If the BOG determines that a state university board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office must conduct, coordinate, or request investigations into substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within a state university. The office is required to have access to all information and personnel necessary to perform its duties and retains all the powers, duties, and responsibilities authorized for all state inspectors general.¹¹

Subpoenas and Subpoenas Duces Tecum

A “subpoena” is a writ or order commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.¹² A “subpoena duces tecum” is a process by which the court, at the instance of a party, commands a witness to produce at trial some document or paper over which the witness has possession or control, and that is pertinent to the issues of a pending controversy.¹³ It is available to a defendant in a criminal case as a matter of right, and it operates to bring into the trial court any material evidence shown to be available and capable of being used by the defendant in aid of a defense.¹⁴

A number of state agencies and other state entities have the authority to issue subpoenas and subpoena. Such agencies include the:

- Standing, select committees, or subcommittees of the Legislature (generally through the authority of the President of the Senate or Speaker of the House of Representatives).
- Office of the Chief Inspector General
- Department of Financial Services
- Office of Financial Regulation of the Financial Services Commission
- Department of Legal Affairs
- Department of Agriculture and Consumer Services
- Department of Revenue
- Florida Elections Commission
- Department of Highway Safety and Motor Vehicles
- Florida state courts
- Florida grand juries
- Florida Department of Law Enforcement
- Florida State Attorney's Office

¹⁰ State University System of Florida, *Inspector General*, <https://www.flbog.edu/about-us/inspector-general/> (last visited Mar. 3, 23).

¹¹ Section 20.155(5), F.S.

¹² SUBPOENA, Black's Law Dictionary (11th ed. 2019).

¹³ 24 Fla. Jur 2d Evidence and Witnesses § 535, citing *State v. Smith*, 139 So. 794 (1932).

¹⁴ 24 Fla. Jur 2d Evidence and Witnesses § 535, citing *State ex rel. Brown v. Dewell*, 123 Fla. 785, 167 So. 687 (1936).

- Florida Commission on Ethics
- Florida Commission on Offender Review

Report on Investigation into Unauthorized Use of Funds for Fixed Capital Outlay

In 2018, the Auditor General conducted an operational audit of the University of Central Florida (UCF), which revealed likely findings including the misuse of Education and General (E&G)¹⁵ carryforward¹⁶ funds for construction of a new academic building in violation of s. 216.292(5), F.S., and BOG Regulation 9.007. The BOG subsequently assigned its Inspector General to work with the Auditor General's office on resolution of the matter. The House of Representatives initiated an investigation delegated to the Public Integrity and Ethics Committee.¹⁷

The investigation found that UCF improperly transferred as much as \$85 million of E&G carryforward funds to university construction accounts for unauthorized uses, and failed to properly disclose the unspent E&G transfers. The committee also found that, in the BOG investigation, the BOG Inspector General's office lacked adequate investigative tools and resources to exercise the robust investigative role intended by the inspector general statutes. The final report of the House committee recommended that, if requested by the BOG, consideration should be given to provide the BOG Inspector General with subpoena powers to mirror those of the state Office of the Chief Inspector General.¹⁸

III. Effect of Proposed Changes:

The bill modifies s. 20.155, F.S., to expand the authority of the Office of Inspector General (OIG) within the Board of Governors (BOG) of the State University System.

In order to carry out its powers and duties, the bill authorizes the OIG to:

- Issue and serve subpoenas and subpoenas duces tecum, for the BOG or all state universities, to compel the appearance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.
- Require or authorize a person to file a written statement, under oath if required, as to all the facts and circumstances concerning the matter to be audited, examined, or investigated.

¹⁵ The Education and General (E&G) budget consists of State appropriated General Revenue, Educational Enhancement (Lottery) funding, and Student Tuition and Matriculation payments. E&G funds are used for general instruction, research, public service, plant operations and maintenance, student services, libraries, administrative support, and other enrollment-related and stand-alone operations of the university. State University System of Florida, *Glossary of Budget and Finance Terms*, available at https://www.flbog.edu/wp-content/uploads/0292_1187_9017_8.8.3-BUD-09b-SUS_Glossary_2019-02-07.pdf.

¹⁶ "Carryforward" funds are the accumulated ending Education and General (E&G) fund balance, used for unfunded enrollment growth, potential budget reductions, operations, or prior year encumbrances. Carryforward funds cannot be used for new construction. *Id.*

¹⁷ Florida House of Representatives, Public Integrity & Ethics Committee, *Report on Investigation into Unauthorized Use of Appropriated Funds for Fixed Capital Outlay Projects at the University of Central Florida* (March 14, 2019), available at https://www.flbog.edu/wp-content/uploads/0292_1186_9083_7.6.2-AUD_6b_Public-Integrity-Ethics-Committee-UCF-Investigation.pdf.

¹⁸ *Id.*

The bill specifies that, in the event of noncompliance with a subpoena, the OIG may petition the circuit court of the county in which the person subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

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:

The bill is not expected to impact state or local government revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 20.155 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 Martin

33-01019-23

2023596__

A bill to be entitled

An act relating to the Board of Governors of the State University System; amending s. 20.155, F.S.; granting the Office of the Inspector General of the Board of Governors additional authority to take certain actions in carrying out its duties; providing an effective date.

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

Section 1. Subsection (5) of section 20.155, Florida Statutes, is amended to read:

20.155 Board of Governors of the State University System.—

(5) OFFICE OF INSPECTOR GENERAL.—An Office of Inspector General shall be organized using existing resources and funds to promote accountability, efficiency, and effectiveness and to detect fraud and abuse within state universities.

(a) If the Board of Governors determines that a state university board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office ~~must~~ shall conduct, coordinate, or request investigations into substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within a state university. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

(b) In exercising its authority under this section, the

Page 1 of 2

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

33-01019-23

2023596__

office may do any of the following:

1. Issue and serve subpoenas and subpoenas duces tecum, for the Board of Governors or universities under the jurisdiction of the State University System, to compel the appearance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.

2. Require or authorize a person to file a written statement, under oath if required, as to all the facts and circumstances concerning the matter to be audited, examined, or investigated.

(c) In the event of noncompliance with a subpoena issued under paragraph (b), the office may petition the circuit court of the county in which the person subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena.

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

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Health and Human Services
Community Affairs
Environment and Natural Resources
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR JONATHAN MARTIN

33rd District

March 8, 2023

The Honorable Bryan Avila
Senate Governmental Oversight and Accountability Committee, Chair
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 596 - An act relating to Board of Governors of the State University System

Dear Chair Avila:

Please allow this letter to serve as my respectful request to place SB 596, relating to Board of Governors of the State University System, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

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

Jonathan Martin
Senate District 33

Cc: Joe McVaney, Staff Director
Tamra Redig, Administrative Assistant

REPLY TO:

- 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

3/22/2023

Meeting Date

SB 596

Bill Number or Topic

Gov Oversight & Accountability

Committee

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

Amendment Barcode (if applicable)

Name Renee Fargason

Phone 850-245-0466

Address 200 W. College Ave
Street

Email reneef.fargason@flbog.edu

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:

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

State University System 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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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 Governmental Oversight and Accountability

BILL: CS/SB 598

INTRODUCER: Education Postsecondary Committee and Senator Martin

SUBJECT: Higher Educational Facilities Financing

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Fav/CS
2.	McVaney	McVaney	GO	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 598 revises various provisions related to the Higher Educational Facilities Financing Authority (HEFFA). Specifically, the bill:

- Clarifies that the term for a new appointee to the HEFFA begins on the later of the dates on which the current term expires or the date of appointment by the governor.
- Authorizes the authority to conduct meetings and workshops by means of communications media technology, and:
 - Provides notice requirements and participation specifications for meetings and workshops conducted via communication media technology.
 - Specifies that majority voting is for members participating in the meeting, rather than those present.
- Authorizes the HEFFA to contract for administrative services.
- Modifies the time by which the HEFFA determines the financial responsibility and capability to fulfill a project to at the time the financial agreement is executed.
- Revises the timeframe within which the authority is required to submit a report to the Governor and the Legislature from 2 months to 6 months after the end of the fiscal year.

The bill is not expected to impact state or local government revenues and expenditures.

The bill is effective July 1, 2023.

II. Present Situation:

Higher Educational Facilities Financing Authority

The Higher Educational Facilities Financing Authority (HEFFA or authority) was established in 2001¹ as a public corporation to provide assistance to eligible private postsecondary institutions in financing and refinancing educational facilities construction, and to enable those institutions to coordinate their budgetary needs with the timing of receipt of tuition revenue.²

Purpose and Powers

The HEFFA is constituted as a public instrumentality and the exercise of its conferred powers³ is considered to be the performance of an essential public function.⁴ Among other powers, the HEFFA may:⁵

- Exercise general business authority, which includes contracting with an entity as its agent to assist the HEFFA in screening applications of institutions of higher education for loans.
- Implement financing arrangements. The authority may only finance such projects as dormitories, parking and student service facilities, administration and academic buildings, libraries, and loans made in anticipation of tuition revenues.⁶ However, authority may not enter into a financing agreement with a participating institution unless the institution demonstrates that it is financially responsible and capable of fulfilling its obligations under the agreement.⁷
- Issue bonds and manage loans. Bonds issued by the authority are privately financed, are not secured by the full faith and credit of the state, and do not constitute an obligation of the state.⁸
- Establish rules for the use of a project, and designate a participating institution as its agent to establish rules for the use of the project undertaken by the participating institution.

Membership

The five members of the HEFFA are appointed by the Governor and are subject to confirmation by the Senate.⁹ Each member is appointed to a five-year term, and upon expiration of the term the Governor appoints a new member to a 5-year term. Additionally, the Governor has the authority to appoint someone to complete an unexpired term in case of a vacancy. Members of the authority can be reappointed, but the Governor has the power to remove any member who engages in misconduct or neglects their duties.¹⁰

¹ Ch. 2001-79, Laws of Fla.

² Section 243.51, F.S.

³ Sections 243.50-243.77, F.S.

⁴ Section 243.53(1), F.S.

⁵ Section 243.54, F.S.

⁶ Section 243.52(3), F.S.

⁷ Section 243.58(2), F.S.

⁸ Section 243.64, F.S.

⁹ Section 243.53(2), F.S.

¹⁰ *Id.*

Public Meetings

Chapter 286, F.S., provides, in relevant part, that all meetings of any board or commission of each state agency or authority at which official acts are to be taken are declared to be public meetings open to the public at all times. No resolution, rule, or formal action shall be considered binding except as taken or made at a public meeting.¹¹

Section 243.53(1), F.S., provides that ch. 286, F.S., applies to the HEFFA. Section 243.53(5), F.S., provides that a majority of the members constitute a quorum, and that a majority vote of the members present at the meeting is necessary for any action to be taken by the authority. Section 243.54(2), F.S., authorizes the HEFFA to adopt bylaws for the regulation of its affairs and the conduct of its business. It is unclear whether the HEFFA has adopted a bylaw addressing the “presence” of its board members or the use of “communications media technology” for its meetings.

Section 120.54(5), F.S., allows state agencies to conduct public meetings, hearings, and workshops through “communications media technology.” It is unclear whether HEFFA is a “state agency” for purposes of this provision.

As noted above, a majority of the membership constitutes a quorum, and an affirmative vote of a majority of the members present is necessary for any action. The law does not define “present.” Absent any statutory definition of the term, and consistent with prior Attorney General Opinions,¹² the plain meaning of the term applies. “Present” means “in attendance; not elsewhere.”¹³

Reports and Audits

The HEFFA is required to submit an annual report to the Governor and the legislature, within 2 months after the end of its fiscal year.¹⁴ The complete and detailed report must include the following:¹⁵

- Operations and accomplishments.
- Receipts and expenditures during its fiscal year in accordance with the categories or classifications established by the authority for its operating and capital outlay purposes.
- Assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds.
- A schedule of its bonds outstanding at the end of its fiscal year, together with a statement of the principal amounts of bonds issued and redeemed during the fiscal year.
- Any other information the authority deems appropriate.

In addition to the report, the HEFFA must submit a copy of an annual financial audit of its accounts and records, and an annual compliance audit of its programs conducted by an

¹¹ Section 286.011(1), F.S.

¹² Op. Att’y Gen. Fla. 2020-03, and Op. Att’y Gen. Fla. 2010-34, n. 5-6.

¹³ Black’s Law Dictionary (11th ed. 2019).

¹⁴ Section 243.73(1), F.S.

¹⁵ *Id.*

independent certified public accountant.¹⁶ The Auditor General also has the authority to conduct and audit of the authority or any programs or entities created by the authority.¹⁷

III. Effect of Proposed Changes:

This bill amends provisions related to the Higher Educational Facilities Financing Authority (HEFFA).

Section 1 amends s. 243.51, F.S., to confirm the declarations of the HEFFA as serving in the public interest, as determined by the Legislature.

Section 2 amends s. 243.53, F.S., to revise provisions relating to member appointments and meetings. The section:

- Specifies the term for a new appointee to the HEFFA to begin on the later of the dates on which the current term expires or the date of appointment by the Governor. This change will allow, if the appointment of a new board member is delayed, for the new member to serve a full 5-year term.
- Authorizes the HEFFA to meet via telephone conference, video conference, or other communications technology that allows public access. The bill provides noticing requirements to inform the public of the remote meeting and how persons may access the meeting, and specifies that participation by an officer, member, or other representative via telephone or video conference constitutes the individual's presence at the meeting. Accordingly, the bill changes the voting requirement from a majority of members present in a meeting to the majority of members participating in the meeting.

Section 3 amends s. 243.54, F.S., to expand the authority of the HEFFA to contract for services. Currently the HEFFA may contract for assistance with screening loan applications by institutions of higher education; the bill authorizes the HEFFA to contract for administrative services beyond just the screening.

Section 4 amends s. 243.58, F.S., relating to the timing for the HEFFA to determine the financial responsibility of the applicant. The bill specifies that the HEFFA may not enter into a financing agreement for a project with a participating institution that is not financially responsible and fully capable of fulfilling the obligations at the time the agreement is executed.

Section 5 amends s. 243.73, F.S., revising the timeframe within which the authority is required to submit an annual report to the Governor and the Legislature from 2 months to 6 months after the end of the fiscal year. Because the annual report must include the annual financial audit, this timeframe will better reflect the general timeframe for delivery of audited financial statements.

Section 6 provides the bill is effective July 1, 2023.

¹⁶ Section 243.73(2), F.S.

¹⁷ Section 243.73(3), F.S.

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

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

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 sections 243.51, 243.53, 243.54, 243.58, and 243.73 of the Florida Statutes.

IX. Additional Information:

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

CS by Education Postsecondary on March 7, 2023:

The committee substitute removes from the bill the changes to s. 243.52, F.S., which modified the definition of an “institution of higher education.” Thereby retaining the current definition.

- B. **Amendments:**

None.

By the Committee on Education Postsecondary; and Senator Martin

589-02365-23

2023598c1

A bill to be entitled

An act relating to higher educational facilities financing; amending s. 243.51, F.S.; modifying legislative findings and declarations regarding the Higher Education Facilities Financing Act; amending s. 243.53, F.S.; specifying when the term for a new appointee to the Higher Educational Facilities Financing Authority begins; defining the term "communications media technology"; revising a requirement for when action may be taken by the authority; authorizing the authority to conduct meetings and workshops by means of communications media technology; providing notice requirements for meetings and workshops; amending s. 243.54, F.S.; authorizing the authority to contract with an entity to assist with administrative matters; amending s. 243.58, F.S.; prohibiting the authority from entering into a financing agreement with a participating institution for a project if at the time the agreement is executed certain conditions exist; amending s. 243.73, F.S.; revising the timeframe within which the authority is required to submit a report to the Governor and the Legislature; providing an effective date.

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

Section 1. Section 243.51, Florida Statutes, is amended to read:

Page 1 of 5

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

589-02365-23

2023598c1

243.51 Findings and declarations.—It is the purpose of ss. 243.50-243.77 to provide ~~a measure of~~ assistance and an alternative method for enabling private institutions of higher education ~~in~~ of this state to provide the facilities and structures that they need and to enable those institutions to coordinate their budgetary needs with the timing of receipt of tuition revenues. The necessity of the public interest of the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

Section 2. Subsections (2) and (5) of section 243.53, Florida Statutes, are amended to read:

243.53 Creation of Higher Educational Facilities Financing Authority.—

(2) The authority shall consist of five members to be appointed by the Governor, subject to confirmation by the Senate. One member shall be a trustee, director, officer, or employee of an institution of higher education. Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years, and in each case until his or her successor is appointed and has qualified. Thereafter, the Governor shall appoint for terms of 5 years each a member or members to succeed those whose terms expire, beginning on the later of the dates on which the current term expires or the date of appointment by the Governor. The Governor shall fill any vacancy for an unexpired term. A member of the authority is eligible for reappointment. Any member of the authority may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority before entering upon his or her duties shall take and

Page 2 of 5

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

589-02365-23

2023598c1

subscribe to the oath or affirmation required by the State Constitution. A record of each oath must be filed in the office of the Department of State and with the authority.

(5) (a) As used in this subsection, the term "communications media technology" means telephone conference, video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate.

(b) A majority of the members of the authority constitutes a quorum, and the affirmative vote of a majority of the members participating in the ~~present at a~~ meeting of the authority is necessary for any action taken by the authority. A vacancy in the membership of the authority does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under ss. 243.50-243.77 may be authorized by resolution at any regular or special meeting, and each resolution takes ~~shall take~~ effect immediately and does need ~~need~~ not need to be published or posted. The authority may conduct public meetings and workshops by means of communications media technology. The notice for any such public meeting or workshop must state that the meeting or workshop will be conducted through the use of communications media technology, must specify how persons interested in attending may do so, and must provide a location where communications media technology facilities are available. The participation by an officer, a board member, or any other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual's presence at such meeting or workshop.

589-02365-23

2023598c1

Section 3. Subsection (16) of section 243.54, Florida Statutes, is amended to read:

243.54 Powers of the authority.—The purpose of the authority is to assist institutions of higher education in constructing, financing, and refinancing projects throughout the state and, for this purpose, the authority may:

(16) Contract with an entity as its agent to assist the authority with administrative matters and in screening applications of institutions of higher education for loans under ss. 243.50-243.77 and receive any recommendations the entity may make.

Section 4. Subsection (2) of section 243.58, Florida Statutes, is amended to read:

243.58 Criteria and requirements.—In undertaking any project under ss. 243.50-243.77, the authority shall be guided by and shall observe the following criteria and requirements:

(2) A financing agreement for a project may not be entered into with a participating institution that is not, at the time such agreement is executed, financially responsible and fully capable of and willing to fulfill its obligations under the financing agreement, including the obligations to make payments in the amounts and at the times required; to operate, repair, and maintain at its own expense the project owned or leased; and to serve the purposes of ss. 243.50-243.77 and any other responsibilities that may be imposed under the financing agreement. In determining the financial responsibility of the participating institution, consideration will ~~must~~ be given to the party's ratio of current assets to current liabilities; net worth; endowments; pledges; earning trends; coverage of all

589-02365-23

2023598c1

fixed charges; the nature of the project involved; its inherent stability; any guarantee of the obligations by some other financially responsible corporation, firm, or person; means by which the bonds are to be marketed to the public; and other factors determinative of the capability of the participating institution, financially and otherwise, to fulfill its obligations consistently with the purposes of ss. 243.50-243.77.

Section 5. Subsection (1) of section 243.73, Florida Statutes, is amended to read:

243.73 Reports; audits.—

(1) The authority shall submit to the Governor and the presiding officers of each house of the Legislature, within 6 ~~2~~ months after the end of its fiscal year, a complete and detailed report setting forth:

(a) Its operations and accomplishments.

(b) Its receipts and expenditures during its fiscal year in accordance with the categories or classifications established by the authority for its operating and capital outlay purposes.

(c) Its assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds.

(d) A schedule of its bonds outstanding at the end of its fiscal year, together with a statement of the principal amounts of bonds issued and redeemed during the fiscal year.

(e) Any other information the authority deems appropriate.

Section 6. This act shall take effect July 1, 2023.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations
Appropriations Committee on Criminal and Civil
Justice
Appropriations Committee on Health and
Human Services
Community Affairs
Environment and Natural Resources
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR JONATHAN MARTIN

33rd District

March 10, 2023

The Honorable Bryan Avila
Senate Governmental Oversight and Accountability Committee, Chair
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

RE: CS/SB 598 - An act relating to Higher Educational Facilities Financing

Dear Chair Avila:

Please allow this letter to serve as my respectful request to place CS/SB 598, relating to Higher Educational Facilities Financing, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

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

Jonathan Martin
Senate District 33

Cc: Joe McVaney, Staff Director
Tamra Redig, Administrative Assistant

REPLY TO:

- 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

3/22/2023

Meeting Date

Sen. Governmental Oversight

Committee

The Florida Senate
APPEARANCE RECORD

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

CS/SB 598

Bill Number or Topic

Name **Bob Boyd, President & CEO of ICUF**

Phone **(850) 681-3188**

Amendment Barcode (if applicable)

Address **Independent Colleges & Universities of Florida, 542 East Park Ave**

Street

Email **bboyd@icuf.org**

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:

☐ 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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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 Governmental Oversight and Accountability

BILL: SB 892

INTRODUCER: Senator Martin

SUBJECT: State Minimum Wage

DATE: March 21, 2023

REVISED: 03/22/23

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	McKay	CM	Favorable
2.	Harmsen	McVane	GO	Favorable
3.			RC	

I. Summary:

SB 892 amends s. 448.110, F.S., the Florida Minimum Wage Act (FMWA), to incorporate the federal Fair Labor Standards Act (FLSA) “as amended.” This will incorporate two exemptions from the FLSA’s minimum wage requirements that became law after the Florida Legislature adopted the FMWA, and were therefore not incorporated as part of the FMWA. This bill will exempt border patrol agents and salaried baseball players from the Florida Minimum Wage Act.

The bill expresses that it is intended to clarify existing law.

The bill is not expected to impact state and local government revenues and expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Federal Minimum Wage

In 1938, the United States Congress enacted the federal Fair Labor Standards Act (FLSA) which prescribes standards for minimum wages, overtime pay, recordkeeping, and child labor.¹ The minimum wage for all covered, nonexempt employees has remained at \$7.25 per hour since 2009.²

The Wage and Hour Division of the United States Department of Labor enforces the federal Fair Labor Standards Act, including the federal minimum wage. It is a violation of FLSA to fire or in

¹ 29 U.S.C. 201, et seq. See generally U.S. Department of Labor, Wage and Hour Division,, *Compliance Assistance – Fair Labor Standards Act (FLSA)*, <http://www.dol.gov/whd/flsa/index.htm> (last visited March 20, 2023).

² U.S. Department of Labor, *Minimum Wage*, <https://www.dol.gov/general/topic/wages/minimumwage> (last visited March 20, 2023).

any other manner discriminate against an employee for filing a complaint or for participating in a legal proceeding under the FLSA.³

The FLSA includes several exemptions from the federal minimum hourly wage; the following employees are not legally required to be paid at the minimum hourly wage rate:⁴

- Executive, administrative and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and employees in certain computer-related occupations;
- Employees in certain seasonal amusement or recreational establishments, employees in certain small newspapers, seamen employed on foreign vessels, employees engaged in fishing operations, and employees engaged in newspaper delivery;
- Farm workers employed by anyone who used no more than 500 “man-days” of farm labor in any calendar quarter of the preceding calendar year;
- Causal babysitters and persons employed as companions for the elderly or infirm;
- Border patrol agents; and
- Baseball players who are compensated pursuant to a contract that provides for a weekly salary for services performed during the league’s championship season at a rate that is not less than a weekly salary equal to the minimum wage.

The United States Congress intended for all employees in America to be protected by the FLSA unless they are expressly exempted.

Since its initial passage in 1938, the United States Congress has subsequently amended the FLSA over 20 times, including most recently in 2018.⁵

Florida Minimum Wage

Florida Constitution

On November 2, 2004, Floridians voted to amend the Florida Constitution by adding a minimum wage provision that established the state minimum wage.⁶

Under the State Constitution, all working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer funded public services in order to avoid economic hardship.⁷ The amount of the minimum wage and the procedure for calculating increases in the minimum wage are established in the State Constitution.⁸ The State Constitution specifically incorporates the *meanings* of the terms “employer,” “employee,” and “wage” as established by FLSA and its implementing regulations.⁹

³ U.S. Department of Labor, Wage and Hour Division, *Fact Sheet #77A: Prohibiting Retaliation Under the Fair Labor Standards Act (FLSA)*, available at: <http://www.dol.gov/whd/regs/compliance/whdfs77a.pdf> (last visited March 20, 2023).

⁴ 29 U.S.C. § 213.

⁵ U.S. Department of Labor, *History of Changes to the Minimum Wage Law*, available at <https://www.dol.gov/agencies/whd/minimum-wage/history> (last visited March 20, 2023).

⁶ FLA. CONST. art. X, s. 24.

⁷ FLA. CONST. art. X, s. 24(a).

⁸ FLA. CONST. art. X, s. 24(c).

⁹ FLA. CONST. art. X, s. 24(b).

The use of the term “meanings” has been found to have the effect of incorporating not only the FLSA’s definitions of those terms, but also the FLSA’s exemptions as they existed at the time of the amendment’s adoption.¹⁰

The 2004 amendment also states that “[i]t is intended that case law, administrative interpretations, and other guiding standards developed under the federal FLSA shall guide the construction of this amendment and any implementing statutes or regulations.”¹¹

On November 3, 2020, Florida voters approved Amendment 2, which amended the State Constitution to institute a \$10.00 per hour minimum wage that increases by \$1.00 annually, until the state’s minimum wage reaches \$15.00 an hour in 2026.¹² Beginning in 2027, the minimum wage will be adjusted annually for inflation, as it has been since 2005. This constitutional amendment was limited to Article X, s. 24(c) and did not amend any other portion of Article X, s. 24.

Florida Statute

The Florida Minimum Wage Act (Act) was enacted in 2005 to implement the 2004 constitutional provisions.¹³ The Act establishes procedures with respect to civil actions alleging violations of its provisions. The Florida minimum wage provisions may be enforced by the bringing of a civil suit by an aggrieved person¹⁴ or by the Attorney General.¹⁵

Section 448.110(3), F.S., provides that the Act is limited to “[o]nly those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act and its implementing regulations.” In addition, the Act provides that “[t]he provisions of ss. 213 and ss. 214 of the Federal Fair Labor Standards Act...are incorporated herein.”¹⁶

Post 2005 FLSA Exemption Amendments

In 2005, the FLSA included 17 exemptions from its minimum wage requirements.

In 2014, Congress amended the FLSA to exempt border patrol agents.¹⁷

In 2018, Congress again amended the FLSA to exempt a minor league baseball players¹⁸ as long as the players were paid pursuant to a contract that provides for a weekly salary for services

¹⁰ *In re Advisory Opinion to the Atty. Gen. re Fla. Minimum Wage Amend.*, 880 So. 2d 636, 641–42 (Fla. 2004); *Senne v. Kansas City Royals Baseball Corp.*, 591 F.Supp. 3d 453, 497 (2022).

¹¹ FLA. CONST. art. X, s. 24(f).

¹² United States Department of State, *Notice of Increase to State of Florida’s Minimum Wage*, <https://www.state.gov/wp-content/uploads/2021/01/2021-01-29-Notice-FL-Minimum-Wage-Increase.pdf> (last visited March 3, 2023). See also, Department of Economic Opportunity, *Florida’s Minimum Wage*, florida-minimum-wage-september-2021-announcement.pdf (floridajobs.org) (last visited March 20, 2023).

¹³ Chapter 2005-353, L.O.F.

¹⁴ Section 448.110(6), F.S.

¹⁵ Section 448.110(7), F.S.

¹⁶ Section 448.110(3), F.S. Sections 213 and 214 of the FLSA include general exemptions from the FLSA and special circumstances that relate to employment under special certificates.

¹⁷ S.1691 – 113th Congress (2013-2014): Border Patrol Agent Pay Reform Act of 2014, S.1691, 113th Cong. (2014).

¹⁸ H.R. 1625 – 115th Congress (2017-2018): Save America’s Pastime Act, Pub. L. No. 115-141, 132 Stat. 348 (2018).

performed during the league's championship season (but not spring training or the off season) at a rate that is not less than a weekly salary equal to the minimum wage for a workweek of 40 hours, regardless of the total hours the employee devotes to baseball-related activities.¹⁹

Currently in Florida, there are 12 minor league baseball teams that are affiliated with Major League Baseball (MLB). There are approximately 500 players currently rostered, employed, and being paid by the 12 Florida Minor League Baseball teams.²⁰ Additionally, 15 MLB teams conduct major and minor league spring training in Florida at thirteen different spring training facilities.

These two amendments were the only amendments made to ss. 213 of the FLSA since Florida passed its minimum wage law in 2005.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 448.110, F.S., to incorporate subsequent amendments to the FLSA “as amended,” which updates the FMWA to align with the FLSA as it exists on the effective date of this Act. Specifically, the FMWA will incorporate the FLSA’s border patrol agent and minor league baseball players’ exemptions.

Although the bill refers to the “FLSA, as amended” this change cannot incorporate future changes made by Congress to the FLSA. The Legislature may not delegate its constitutional duties to another branch of government²² and cannot, by reference, adopt or incorporate any federal law that has not yet been enacted.²³

Section 448.110, F.S., is the implementing language for Florida’s 2004 minimum wage constitutional amendment language. It is unclear whether this bill, by amending s. 448.110, F.S., affects the 2020 minimum wage constitutional language, ensconced in article X, s. 24(c) of the Florida Constitution, which requires that employers pay employees “no less than the Minimum Wage for all hours worked in Florida.”

Section 2 states that the bill is intended to clarify existing law.

The bill takes effect upon becoming law.

¹⁹ See Levi Weaver, On Minor-League Pay, *MLB’s Stance Doesn’t Line Up with the Facts*, ATHLETIC (Apr. 4, 2018), <https://www.theathletic.com/293189/%202018/04/04/on-minor-league-pay-mlbs-stance-doesnt-line-up-with-the-facts/> (last visited March 1, 2023) (recounting salary scale per level of minor league baseball, while noting that the “federally-recognized poverty line is \$12,140 per year for single-individual households”). A not-insignificant percentage of minor league players are able to subsidize their relatively meager monthly salaries by drawing upon the signing bonuses they received from their MLB clubs when first entering the professional ranks, bonuses that can range anywhere from \$10,000 to several million dollars. See *id.* (reporting that “[t]he top 64 picks [in the MLB draft] last year all received a bonus of over \$1,000,000 before taxes, but roughly 40% of players . . . signed for one-time bonuses of \$10,000 or less”).

²⁰ See Michael Avallone, *Then and now: Florida State League*, MiLB.com, <https://www.milb.com/news/florida-state-league-overview> (last visited March 3, 2023).

²¹ Section 448.110, F.S., expressly references s. 214 of the FLSA (in addition to ss. 213) however, s. 214 has not been amended since 1989.

²² See FLA. CONST. art. II, s. 3.

²³ *State v. Welch*, 279 So.2d 11 (Fla. 1973); *Florida Indus. Comm’n v. State ex rel. Orange State Oil Co.*, 21 So.2d 599 (Fla. 1945); *Abbott Labs v. Mylan Pharm., Inc.*, 15 So.3d 642 (Fla. 1st DCA 2009).

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

Not applicable. This bill does not require counties or municipalities to spend funds, limit their authority to raise revenue, or reduce the percentage of a state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

It is unclear what effect the post-2005 FLSA exemptions have on the application of Florida's constitutional minimum wage provisions (both the 2004 and 2020 constitutional amendments). One court has opined that section 213(a)(19) of the FLSA—the minor league baseball player exemption—is not incorporated into either the constitutional or statutory minimum wage provisions of Florida law.²⁴ Specifically, the Court noted that Florida's voters did not intend to incorporate future exemptions to the FLSA as adopted by Congress when they voted to implement Amendment 5 to the Florida Constitution in 2004.²⁵

However, the constitution “is not designed to provide detailed instructions for the method of its implementation. This must of necessity be left up to the legislature.”²⁶ The resulting question, then, is whether the 2004 constitutional minimum wage amendment granted the Legislature ongoing implementing authority when it stated the “[t]he state legislature may by statute...adopt any measures appropriate for the implementation of this amendment.”

This issue may be moot, because Article X, s. 24(f) of the Florida Constitution limits consideration of the following as guides for the construction of the minimum wage amendment and any implementing statutes or regulations:

- Case law;
- Administrative interpretation; and
- Other guiding standards developed under the federal FLSA.

²⁴ *Senne v. Kansas City Royals Baseball Corp.*, 591 F.Supp. 3d 453, 494-500 (2022).

²⁵ *Id.* at 498.

²⁶ *Johns v. May*, 402 So.2d 1166, 1169 (Fla. 1981).

This specifically excludes laws adopted by Congress. Both exemptions added by the bill were adopted as laws by Congress.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The owners of minor league baseball teams may pay less to their salaried players.

C. Government Sector Impact:

The bill is not expected to impact state and local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill is intended to clarify section 448.110 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 Martin

33-01071A-23

2023892__

A bill to be entitled

An act relating to the state minimum wage; amending s. 448.110, F.S.; specifying that individuals entitled to receive the federal minimum wage under the Federal Fair Labor Standards Act, as amended, are eligible to receive the state minimum wage; deleting obsolete language; providing construction; providing an effective date.

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

Section 1. Subsection (3) of section 448.110, Florida Statutes, is amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(3) ~~Effective May 2, 2005,~~ Employers shall pay employees a minimum wage at an hourly rate of \$6.15 for all hours worked in Florida. Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act, as amended, and its implementing regulations shall be eligible to receive the state minimum wage pursuant to s. 24, Art. X of the State Constitution and this section. The provisions of ss. 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the Secretary of Labor, are incorporated herein.

Section 2. The change to s. 448.110, Florida Statutes, made by this act is intended to clarify existing law.

Section 3. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Health and Human Services
Community Affairs
Environment and Natural Resources
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR JONATHAN MARTIN

33rd District

March 6, 2023

The Honorable Bryan Avila
Senate Governmental Oversight and Accountability Committee, Chair
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 892 - An act relating to State Minimum Wage

Dear Chair Avila:

Please allow this letter to serve as my respectful request to place SB 892, relating to State Minimum Wage, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

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

Jonathan Martin
Senate District 33

Cc: Joe McVaney, Staff Director
Tamra Redig, Administrative Assistant

REPLY TO:

- ☐ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- ☐ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

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
Senate professional staff conducting the meeting

3/22/23
Meeting Date

Gov. Oversight
Committee

SB 852

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850-224-6826

Address 135 S. Monroe
Street

Email

Tallahassee
City

FL
State

32307
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 APC - CLO

☐ 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

3/22/23

Meeting Date

SB 892

Bill Number or Topic

Governmental Oversight

Committee

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

Amendment Barcode (if applicable)

Name

Vanessa Alarcon

Phone

Address

1002 Kentucky Ave

Email

Street

Fort Pierce

FL

34950

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

3/22/23

Meeting Date

SB 892

Bill Number or Topic

GOVERNMENTAL OVERSIGHT

Committee

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

Amendment Barcode (if applicable)

Name Jose ALARCON

Phone 561-319-7789

Address 1002 Kentucky Ave

Street

Email JOSEALARCON99@HOTMAIL

FORT PIERCE FL 34950

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

3/22/2023

Meeting Date

Gov Oversight & Account

Committee

892

Bill Number or Topic

Amendment Barcode (if applicable)

Name Melissa Gleman

Phone 352-514-8886

Address 657 Saint Clair St
Street

Email mamorris83@yahoo.com

Starke
City

FL
State

32091
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

SB 892

03/22/23

Meeting Date

Bill Number or Topic

Gov't Oversight and Accountability

Committee

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

Amendment Barcode (if applicable)

Name Jackson Oberlink

Phone 772-532-1371

Address 10800 Biscayne Blvd. Suite 1050

Street

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)

APPEARANCE RECORDMAR. 23/23

Meeting Date

SB 892

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

JOSEPH PASCARELLA

Phone

813 854 1471

Address

640 SATINLEAF AVE.

Email

PRES2319@VERIZON.NET

Street

OLDSMAR FL. 34677

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)

3/22/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 892

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

ALEX APONTE

Phone

813 455 9328

Address

4717 Foxshire Circle

Email

mandito0503@gmail.com

Street

Tampa

City

FL

State

33624

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)

3/22/2023

Meeting Date

Gov. Oversight & Account.

Committee

The Florida Senate
APPEARANCE RECORD

SB 0892

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Mark Avery

Phone 352-817-8757

Address 3 Diamond Ridge Way
Street

Email markis4uf@yahoo.com

Ocala
City

FL
State

34472
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

SB 0892

3/22/23

Meeting Date

Bill Number or Topic

Gov. Oversight & Acct.

Committee

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

Amendment Barcode (if applicable)

Name

Kim Hudson

Phone

352-246-5309

Address

510 E Country Club Dr.

Email

kimberly.hudson222@gmail.com

Street

Williston

FL

32696

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

3-22-23

Meeting Date

0892

Bill Number or Topic

Gov. oversight & accountability

Committee

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

Amendment Barcode (if applicable)

Name

Clay George

Phone

386-220-2425

Address

2146 Pope Ave

Email

Street

South Daytona Fl.

32119

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

3/22/23

Meeting Date

SB 0892

Bill Number or Topic

Governmental Oversight & Accountability
Committee

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

Amendment Barcode (if applicable)

Name Lindsey Grigsby

Phone 941-313-4160

Address 1615 NE 19th Lane
Street

Email Lindseygrigsby@gmail.com

Gainesville FL
City State

32609
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

SB '892

Bill Number or Topic

3-22-23

Meeting Date

State Min. Wage

Committee

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

Amendment Barcode (if applicable)

Name

Mitzi Martinez

Phone

904-669-8752

Address

50 Pottersville Ln

Email

Mitziamartinez@hotmail.com

Street

Palm Coast Fl

32169

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

SB0892

3/22/23

Meeting Date

Bill Number or Topic

State Minimum Wage

Committee

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

Amendment Barcode (if applicable)

Name Stephanie Jessee

Phone 904 302 1988

Address 56207 Hickox lane

Email story31717@gmail.com

Street

Callahan Fl 32011

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

3-21-23

Meeting Date

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

SB 892

Bill Number or Topic

government accountability

Committee

Amendment Barcode (if applicable)

Name JESS Estes

Phone 321-360-2531

Address 3747 Canberry Ct

Street

Email jesses15@yahoo.com

Titusville

City

FLA

State

32780

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

03/22/2023

Meeting Date

Government Acct.

Committee

SB892

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Richard Gilland

Phone

321-298-6551

Address

7140 Milton Ave

Email

gillandc1@gmail.com

Street

Cocoa

City

FL

State

32927

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

3/22/2023

Meeting Date

GOVERNMENT OVERSIGHT

Committee

ACCOUNTABILITY

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

SB 892

Bill Number or Topic

Amendment Barcode (if applicable)

Name EDWARD GRABOWSKI

Phone

Address 559 CARO CT.

Street

Email

NEW SMYRNA BEACH, FL 32168

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

SB897

Bill Number or Topic

3-22-23
Meeting Date
Governmental Oversight
and Accountability
Committee

Amendment Barcode (if applicable)

Name Rachael Shaffer

Phone 321-458-5321

Address 750 Canaveral Groves Blvd
Street

Email bracketrachael0805@gmail

COCA FL
City

32906
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

22 March 23

Meeting Date

892

Bill Number or Topic

Government Oversight + Accountability

Committee

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

Amendment Barcode (if applicable)

Name Reinaldo Gonzalez

Phone 305-301-6976

Address 1004 Sweet Briar Ln

Street

Digira Beach FL

City

State

33410

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)

22 March 23

The Florida Senate

APPEARANCE RECORD

892

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

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

SB 892

Bill Number or Topic

3-22-23

Meeting Date

GOV'T OVERSIGHT & ACCOUNTABILITY

Committee

Amendment Barcode (if applicable)

Name THOMAS A. NEWTON

Phone 321-537-6709

Address 6113 WATERLOO AV

Street

Email tanewton33@gmail.com

COCOA

City

FL

State

32927

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

3-22-23

Meeting Date

SB 892

Bill Number or Topic

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

Gov. oversight accountability
Committee

Amendment Barcode (if applicable)

Name Diane Jones

Phone 321-514-8804

Address 1120 Cheney Hwy Unit H
Street

Email djones004@flsen.com

Titusville Fl. 32780
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

3/22/23

Meeting Date

SB 892

Bill Number or Topic

GOVERNMENT OVERSIGHT on Accountability

Committee

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

Amendment Barcode (if applicable)

Name Harry Huff

Phone 321 474 2737

Address 3210 Norfolk ST

Street

Email h1huff650@gmail.com

Mims

City

FL

State

32754

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

3-22-2023

Meeting Date

SB 892

Bill Number or Topic

Government Accountability

Committee

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

Amendment Barcode (if applicable)

Name John OBrien

Phone 321-302-1213

Address 7011 Evergreen DR

Street

Email johnob63@yahoo.com

Cocoa FL 32927

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

3/22/23

Meeting Date

Govt. Oversight and Acct.

Committee

892

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dylan Owens

Phone

561 386 7393

Address

6783 Duckweed Rd.

Street

Lake Worth, FL

City

State

33449

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

3-22-23

Meeting Date

SB 892

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Crystal Tessmann

Phone

352-870-7471

Address

4626 NW 34th St

Email

northertessmann@
yahoo.com

Street

Gainesville

FL

32605

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

The Florida Senate

APPEARANCE RECORD

SB 892

Meeting Date

~~SB 892~~ Govt Oversight

Deliver both copies of this form to

Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

MIRIAM BAKER

Phone

904-382-2394

Address

605 East 64th St

Email

camarabunny@gmail

Street

Jax

State

32208

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
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 Governmental Oversight and Accountability

BILL: SB 1616

INTRODUCER: Senator Martin

SUBJECT: Public Records/Transportation and Protective Services

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Favorable
2.			RC	

I. Summary:

SB 1616 exempts from public records copying and inspection requirements those records held by a law enforcement agency relating to transportation and protective services provided for the Governor, the Governor's immediate family, visiting governors and the governors' families, and other persons as requested by certain state officials. The exemption applies to records held by a law enforcement agency before, on, or after the bill becoming a law.

The bill makes findings, as required by the State Constitution, that the new exemption from public records disclosure is a public necessity. Two-thirds vote of both the House and the Senate is required for final passage.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

The bill is not expected to impact state or local government revenues or expenditures.

The bill is effective upon becoming law.

II. Present Situation:

Transportation and Protective Services

Subsection 943.68(1), F.S., requires the Florida Department of Law Enforcement (DLE) to provide and maintain the security of the Governor, the Governor's immediate family, and the Governor's office and mansion.

Subsection 943.68(5), F.S., allows the DLE to provide security and transportation to visiting governors and their families upon the request of the Governor.

Subsection 943.68(6), F.S., requires the DLE to provide security or transportation services to other persons when requested by the Governor, Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court. The requesting party must certify that such services are in the best interests of the state. The persons that may be afforded these services are limited to persons (a) who are visiting the state and the primary purpose of the visit is for a significant public purpose or (b) for whom the failure to provide such services could result in a clear and present danger to the personal safety of the persons or others or could result in public embarrassment for the state.

Subsection 943.68(9), F.S., requires the DLE to submit an annual report to the Governor, the Legislature, and the Cabinet detailing all transportation and protective services provided for the preceding fiscal year. The report must include a detailed accounting of the cost of such transportation and protective services, including the names of persons provided such services and the nature of the state business performed.

As the DLE and other law enforcement agencies perform these transportation and protective services, reports are submitted detailing security, operational, and logistical plans; risk, vulnerability, or threat assessments; and travel records of the protectee and the protective detail. Knowledge of such information may increase the risks involved in providing such services.

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

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

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary. An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁹
- The release of sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²⁰ or
- It protects trade or business secrets.²¹

¹¹ See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b)1., F.S.

²⁰ Section 119.15(6)(b)2., F.S.

²¹ Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.²² In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²³ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 943.68, F.S., to exempt from public record copying and inspection requirements records held by a law enforcement agency related to transportation and protective services of the Governor and the Governor's immediate family, of visiting governors and their families as requested by the Governor, and other persons as requested by certain state officers.

The section provides for repeal of the exemption on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides a statement of public necessity as required by the Florida Constitution. The public necessity statement provides that the disclosure of records relating to the transportation and protection services may endanger the protected person, the families, and members of the protective detail.

Section 3 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

²² Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²³ See generally s. 119.15, F.S.

²⁴ Section 119.15(7), F.S.

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for travel and protective services records held by a law enforcement agency, thus, the bill will require a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Scope of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect records relating to the protective and transportation services provided to certain persons and their families and held by a law enforcement agency. The bill only exempts records related to those services. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

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:

The bill is not expected to impact state and local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.68 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 Martin

33-01002B-23

20231616__

A bill to be entitled

An act relating to public records; amending s. 943.68, F.S.; providing an exemption from public records requirements for records relating to transportation and protective services of specified persons provided by law enforcement agencies; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (10) is added to section 943.68, Florida Statutes, and subsections (1), (5), and (6) of that section are republished, to read:

943.68 Transportation and protective services.—

(1) The department shall provide and maintain the security of the Governor, the Governor's immediate family, and the Governor's office and mansion and the grounds thereof.

(5) The department is authorized to provide security or transportation to visiting governors and their families upon request by the Governor.

(6) The department shall provide security or transportation services to other persons when requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court, subject to certification by the requesting party that such services are in the best interest of the state. The requesting party may delegate certification

33-01002B-23

20231616__

authority to the executive director of the department. The requesting party shall limit such services to persons:

(a) Who are visiting the state; for whom such services are requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court; and for whom the primary purpose of the visit is for a significant public purpose; or

(b) For whom the failure to provide security or transportation could result in a clear and present danger to the personal safety of such persons or to the safety of other persons or property within this state or could result in public embarrassment to the state.

(10) (a) Records held by a law enforcement agency related to transportation and protective services provided under subsections (1), (5), and (6) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to records held by a law enforcement agency before, on, or after the effective date of the exemption.

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that records pertaining to transportation and protective services provided by the Department of Law Enforcement and other law enforcement agencies as required pursuant to s. 943.68, Florida Statutes, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the

33-01002B-23

20231616__

State Constitution. Records obtained by a law enforcement agency authorized by law to provide transportation and protective services to individuals, including to the Governor, the Governor's immediate family, visiting governors and their families, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court; or for those whom such services are requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court; the disclosure of which could endanger the protected person and his or her family members, should be protected from public records requirements and not be disclosed to the public. The disclosure of records such as security, operational, or logistical plans; risk, vulnerability, or threat assessments; travel records related to the protected person and assigned agents of the protective detail; and identifying information of sworn and non-sworn personnel engaged in a transportation or protective services operation or detail could reveal the means and methods of providing the required transportation and protective services and could impair the ability of the law enforcement agency to ensure the safety and security of the protected individuals. The disclosure of such records could also endanger the law enforcement agents responsible for providing the protection. The Legislature finds that the safety and security of individuals authorized to have protection pursuant to s. 943.68(1), (5), and (6), Florida Statutes, as well as the safety and security of agents providing the transportation and protective services, outweigh any public

Page 3 of 4

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

33-01002B-23

20231616__

benefit that may be derived from the disclosure of these records. Therefore, it is a public necessity that records held by a law enforcement agency related to transportation and protective services provided under s. 943.68(1), (5), and (6), Florida Statutes, be made exempt from public disclosure.

Section 3. This act shall take effect upon becoming a law.

Page 4 of 4

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

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 Governmental Oversight and Accountability

BILL: CS/SB 224

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Hooper and others

SUBJECT: Special Risk Class Retirement Date

DATE: March 23, 2023 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVaney	GO	Fav/CS
2.			CA	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 224 modifies the normal retirement date for a Special Risk Class member enrolled in the Florida Retirement System (FRS). Currently, a special risk class member who enrolled in the Florida Retirement System before July 1, 2011, reaches his or her normal retirement date, at which the member may receive full retirement benefits from their chosen FRS retirement plan, at either age 55 or after 25 years of service—whichever comes first. However, Special Risk Class members who enrolled on or after July 1, 2011, reach their normal retirement date at either age 60, or after 30 years of service—whichever comes first. This bill lowers the age or service requirement for the normal retirement date for special risk class personnel who enrolled after July 1, 2011. This allows all Special Risk Class members to receive full retirement benefits at either age 55, or after 25 years of service, whether or not they enrolled after July 1, 2011.

With the earlier normal retirement date, some Special Risk Class members will have worked beyond the date upon which those members must enroll in the Deferred Option Retirement Program or be deemed ineligible to participate. The bill allows those members to enroll in DROP within 12 months of the effective date of this bill.

The bill is expected to have a significant fiscal impact on state and local governments that employ members of the Special Risk Class of the FRS; the bill increases employer contributions by \$77.5 million annually system-wide to fund the benefit changes.

The bill takes effect July 1, 2023.

II. Present Situation:

The Florida Retirement System (FRS)

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.¹ The FRS is a contributory system, with active members contributing 3 percent of their salaries.²

The FRS is a multi-employer plan, governed by ch. 121, F.S., the "Florida Retirement System Act." As of June 30, 2022, the FRS had 629,073 active non-retired members, 448,846 annuitants, 14,858 disabled retirees, and 28,827 active participants of the Deferred Retirement Option Program (DROP).³ As of September 2022, the FRS consisted of 990 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and includes the 180 cities and 153 special districts that have elected to join the system.⁴

The membership of the FRS is divided into five membership classes:

- The Regular Class⁵ consists of 537,128 active members and 7,806 in renewed membership;
- The Special Risk Class⁶ includes 72,925 active members and 1,100 in renewed membership;
- The Special Risk Administrative Support Class⁷ has 104 active members and one in renewed membership;
- The Elected Officers' Class⁸ has 2,075 active members and 109 in renewed membership; and

¹ Florida Department of Management Services (DMS), Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, 35, available at https://employer.frs.fl.gov/forms/2020-21_ACFR.pdf (last visited Mar. 20, 2023).

² Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. See, ch. 2011-68, s. 33, Laws of Fla. Members in the Deferred Retirement Option Program do not contribute to the system.

³ DMS, Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, at 260, available at https://employer.frs.fl.gov/forms/2020-21_ACFR.pdf (last visited Mar. 20, 2023).

⁴ DMS, Division of Retirement, *Participating Employers for Fiscal Year 2022-2023* (Sept. 2022), available at <https://employer.frs.fl.gov/forms/part-emp.pdf> (last visited Mar. 20, 2023).

⁵ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

⁶ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S.

⁷ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

⁸ The Elected Officers' Class includes elected state and county officers, and those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

- The Senior Management Service Class⁹ has 7,610 active members and 210 in renewed membership.¹⁰

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:¹¹

- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.

Investment Plan

In 2000, the Public Employee Optional Retirement Program (investment plan) was created as a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.¹²

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.¹³

A member vests immediately in all employee contributions paid to the investment plan.¹⁴ With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.¹⁵ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.¹⁶ The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.¹⁷ An FRS member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.¹⁸

⁹ The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

¹⁰ All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, at 263.

¹¹ Florida State Board of Administration (SBA), *Plan Comparison Chart* (Jul. 2020), available at <https://www.myfrs.com/pdf/forms/plancomparison.pdf> (last visited Mar. 20, 2023).

¹² See, ch. 2000-169, Laws of Fla.

¹³ Section 121.4501(1), F.S.

¹⁴ Section 121.4501(6)(a), F.S.

¹⁵ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

¹⁶ Section 121.591, F.S.

¹⁷ See s. 121.4501(16), F.S.

¹⁸ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate a line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line-of-duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.¹⁹ The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.²⁰

Pension Plan

The pension plan is administered by the Secretary of Management Services (DMS) through the Division of Retirement.²¹ The SBA manages the pension fund's assets.²²

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.²³ For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.²⁴ Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.²⁵

For most current members of the pension plan, normal retirement (when first eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.²⁶ For public safety employees in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.²⁷ Members initially enrolled in the pension plan on or after July 1, 2011, have longer service requirements. For members initially enrolled after that date, the member must complete 33 years of service or attain age 65; members in the Special Risk classes must complete 30 years of service or attain age 60.²⁸

Deferred Retirement Option Program (DROP)

Members who retire from the FRS pension plan are eligible to enroll in the DROP, which allows a member to continue employment with an FRS employer for up to 60 additional months.²⁹ While in the DROP, the member's retirement benefits accumulate in the FRS Trust Fund increased by a cost-of-living adjustment (COLA) each July and earn monthly interest equivalent to an annual rate of 1.30 percent on the preceding month's DROP accumulation until termination of participation in the DROP.³⁰

¹⁹ Section 121.4501(8), F.S.

²⁰ FLA. CONST. art. IV, s. 4.

²¹ Section 121.025, F.S.

²² Florida SBA, *Summary Overview of the State Board of Administration of Florida*, 4, available at https://www.sbafla.com/fsb/Portals/FSB/Content/Topics/SBAOverview_20211025.pdf?ver=2021-10-28-120954-217 (last visited Mar. 21, 2023).

²³ Section 121.021(45)(a), F.S.

²⁴ Section 121.021(45)(b), F.S.

²⁵ Section 121.091, F.S. See also, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, 35-37, *supra* at 1.

²⁶ Section 121.021(29)(a)1., F.S.

²⁷ Section 121.021(29)(b)1., F.S.

²⁸ Sections 121.021(29)(a)2. and (b)2., F.S.

²⁹ Section 121.091(13), F.S.

³⁰ *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, *supra* note 1 at pp. 38-39.

Generally, eligible FRS pension plan members must elect to participate in the DROP within 12 months of their normal retirement date.³¹ However, a member initially enrolled in the FRS before July 1, 2011, who reaches normal retirement date based on years of service before he or she reaches age 62 (or age 55 for special risk class members) may defer his or her entry into DROP until 12 months immediately following their 57th birthday, or 52nd birthday for special risk class members. A member who enrolled in the FRS pension plan on or after July 1, 2011, and who reaches normal retirement date based on service before age 65, (or 60 for special risk class) may defer DROP participation until the 12 months immediately following his or her 60th birthday, or 55th birthday for special risk class.³²

K-12 instructional personnel employed with an FRS employer may extend their DROP participation for up to an additional 36 months, for a total of 8 years of DROP participation. Administrative personnel who are employer with a K-12 FRS employer may extend his or her DROP participation through the end of the current school year.³³

Similarly, law enforcement officers who are in the special risk class,³⁴ who elect to participate in DROP on or after July 1, 2022, may participate in DROP for an additional 36 calendar months beyond the 60-month DROP period, for a total of 8 years enrollment in the DROP. To qualify, the participant must enter DROP on or before June 30, 2028.³⁵

The Special Risk Class of the FRS

The Special Risk Class of the FRS consists of state and local government employees who meet the criteria for special risk membership. The class covers persons employed in law enforcement, firefighting, criminal detention, and emergency and forensic medical care who meet statutory criteria for membership as set forth in s. 121.0515, F.S.

When originally establishing the Special Risk Class of membership in the FRS, the Legislature recognized that persons employed in certain categories of positions:

[A]re required to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties, may find that they are not able, without risk to the health and safety of themselves, the public, or their coworkers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other membership classes and that, if they find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom.³⁶

³¹ Section 121.091(13)(a), F.S.

³² Section 121.091(13)(a)2., F.S.

³³ Section 121.091(13)(b)1., F.S.

³⁴ See, s. 121.0515(3)(a), F.S. This is a narrow permission that excludes sheriffs and elected police chiefs and does not encompass the special risk class as a whole.

³⁵ Section 121.091(13)(c), F.S.

³⁶ Section 121.0515(1), F.S.

Compared to Regular Class members, a person who is a member in the Special Risk Class of the FRS pension plan earns a higher annual service accrual rate, may retire at an earlier age and is eligible to receive higher disability and death benefits. As a result, the contribution rate to fund the normal cost of the Special Risk benefits is higher than the contribution rates to fund the normal cost of the Regular Class benefits. Similarly, the contribution rate to fund the unfunded liabilities of the Special Risk Class is higher than the same type contribution rate for the Regular Class. Special Risk Class members of the FRS investment plan receive total contributions into the individual investment accounts equal to 17 percent of salary. A Regular Class member receives total contributions equal to 9.3 percent of salary.³⁷

The table below shows the contribution rates for the Regular Class and the Special Risk Class as enacted for FY 2022-2023³⁸ and as recommended by the state actuary³⁹ beginning FY 2023-2024.

	2022-23		2023-24	
Rates to fund	Regular Class	Special Risk Class	Regular Class	Special Risk Class
Normal Cost	5.96%	16.44%	6.14%	17.05%
Unfunded Actuarial Liability	4.23%	9.67%	4.72%	10.83%
Total Contribution	10.19%	26.11%	10.86%	27.88%

For all membership classes, except the DROP and certain members with renewed membership, employees contribute three percent of their compensation towards retirement.⁴⁰

Actuarial Study

The DMS requested an actuarial study to determine the required increase in employer contributions to fund the change in normal retirement date for Special Risk Class members who enrolled on or after July 1, 2011. According to the actuarial study, total combined employer contributions to the FRS Trust Fund will need to be increased by approximately \$77.5 million annually beginning in Fiscal Year 2023-2024.⁴¹

III. Effect of Proposed Changes:

Section 1 reduces the normal retirement date requirements for members of the Special Risk Class of the FRS who enrolled on or after July 1, 2011, from age 60 with 8 years of service or at any age with 30 years of service to age 55 with 8 years of service or at any age with 25 years of service. This standardizes the normal retirement date for all members of the FRS Special Risk Class, whether enrolled before or after July 1, 2011. Therefore, Special Risk Class members will

³⁷ Section 121.72(6), F.S.

³⁸ Section 121.71(4) and (5), F.S.

³⁹ Letter to Andrea Simpson, Florida DMS Division of Retirement Director, from Milliman Actuarial Services, entitled “Blended Proposed Statutory Rates for the 2023-2024 Plan Year Reflecting a Uniform UAL Rate for All Membership Classes and DROP: Table 1” Dec. 2, 2022 (on file with the Senate Committee on Governmental Oversight and Accountability).

⁴⁰ Section 121.71(3), F.S.

⁴¹ Letter to Andrea Simpson, Florida DMS Division of Retirement Director, from Milliman Actuarial Services, entitled “Restore Normal Retirement and DROP Entry Eligibility Criteria to Pre-2011 Requirements for Tier II Special Risk Class Members” Feb. 20, 2023 (on file with the Senate Committee on Governmental Oversight and Accountability).

reach their normal retirement date, or eligibility for unreduced benefits, at the earlier of 25 years of creditable service instead of 30 years, or age 55 instead of age 60.

In order to collect retirement benefits on or after their normal retirement date, members of the Special Risk Class must also complete the total year(s) of creditable service in the Special Risk Class equal to or greater than the years of service required by their retirement plan to vest. A member of the Special Risk Class who enrolled in the pension plan on or after July 1, 2011, will still be required to complete 8 years of creditable service in the Special Risk Class, while members who enrolled before July 1, 2011, will be required to complete 6 years of service in the Special Risk Class. A member of the Special Risk Class who enrolled in the investment plan will be required to complete 1 year of creditable service in the Special Risk Class.

Sections 2 and 3 amends ss. 121.091 and 121.4501, F.S., respectively, to adopt the amended normal retirement date for Special Risk Class members who enrolled in an FRS retirement plan on or after July 1, 2011.

Section 4 creates an unnumbered section of law that authorizes Special Risk Class members who are not yet eligible to participate in DROP under current law, but who will be past their 12-month DROP election period as a result of this act to elect to participate in DROP within 1 year of the effective date of the bill.

Section 5 increases the employer-paid contribution rates to fund the benefit changes provided for in this bill.

Section 6 finds that the act fulfills an important state interest based on the legitimate and proper state purpose of extending basic protections afforded by governmental retirement systems in a manner that is managed, administered, and funded in an actuarially sound manner.

Section 7 provides that the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides that: “No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state interest and unless:”

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated, including state and local governments.

The bill requires a county or municipality that employs special risk class personnel to increase their contributions to an FRS retirement plan. This bill includes legislative findings that the bill fulfills important state interests, and the bill applies to all persons similarly situated (those employers participating in the Florida Retirement System and

employing members of the Special Risk Class), including state agencies, school boards, state universities, community colleges, counties, municipalities, and special districts.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Actuarial requirements: Article X, s. 14 of the State Constitution requires that benefit improvements under public pension plans in the State of Florida be concurrently funded on a sound actuarial basis, as set forth below:

SECTION 14. State retirement systems benefit changes.--A governmental unit responsible for any retirement or pension system supported in whole or in part by public funds shall not after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

Article X, s. 14 of the State Constitution is implemented by statute under part VII of ch. 112, F.S., the “Florida Protection of Public Employee Retirement Benefits Act” (Act). The Act establishes minimum standards for the operation and funding of public employee retirement systems and plans in the State of Florida. It prohibits the use of any procedure, methodology, or assumptions the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably have been expected to be paid by the current taxpayers.

The bill includes employer-paid contributions that are expected to meet the funding needs on a sound actuarial basis.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill increases employer contribution rates to generate \$77.5 million annually, system-wide. The table below shows the annual contribution increases by employer group.

Employer Contribution Group	Estimated Increase in Contributions
State Agencies	\$13.8 m
School Boards	\$2.9 m
State Universities	\$0.6 m
Colleges	\$0.2 m
Counties	\$55.1 m
Other	\$4.8 m
Total	\$77.5 m

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 121.021, 121.091, and 121.4501.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on March 22, 2023:

The committee substitute:

- Allows a Special Risk Class member who has not yet reached DROP eligibility under current law, but who, upon enactment of this bill, would be past his or her 1-year DROP election period, to elect to participate in DROP within 1 year of the effective date of this bill.
- Provides the contribution rates paid by FRS employers necessary to adequately fund the benefits granted in the bill.

B. Amendments:

None.

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



367100

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2023	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hooper) recommended the following:

Senate Amendment (with title amendment)

Between lines 362 and 363
insert:

Section 4. Members of the Special Risk Class of the Florida Retirement System who have not reached eligibility for participation in the Deferred Retirement Option Program (DROP) and who would be past their 12-month DROP election limitation period upon enactment of this act may apply for participation in DROP within the 12 months immediately following the effective



367100

date of this act.

Section 5. (1) In order to fund the benefit changes provided in this act, the required employer contribution rates for the members of the Florida Retirement System established in s. 121.71(4), Florida Statutes, are increased as follows:

(a) By 0.87 percentage point for the Special Risk Class.

(b) By 0.20 percentage point for the Deferred Retirement Option Program.

(2) In order to fund the benefit changes provided in this act, the required employer contribution rates for the unfunded actuarial liability of the Florida Retirement System established in s. 121.71(5), Florida Statutes, are increased by 0.40 percentage point for the Special Risk Class.

(3) The adjustments provided in subsections (1) and (2) are in addition to any other changes to such contribution rates which may be enacted into law to take effect on July 1, 2023. The Division of Law Revision is directed to adjust accordingly the contribution rates provided in s. 121.71, Florida Statutes.

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

And the title is amended as follows:

Delete line 8

and insert:

by this act; authorizing certain members of the Special Risk Class to apply to participate in the Deferred Retirement Option Program within a specified time period; revising required employer retirement contribution rates to fund the benefit changes made by the act; providing a directive to the Division of Law



367100

40

Revision; providing a declaration of important

By Senator Hooper

21-00298A-23

2023224__

A bill to be entitled

An act relating to Special Risk Class retirement date; amending s. 121.021, F.S.; revising the definition of "normal retirement date"; decreasing the age and years of service needed to reach the normal retirement date for certain members; amending ss. 121.091 and 121.4501, F.S.; conforming provisions to changes made by this act; providing a declaration of important state interest; providing an effective date.

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

Section 1. Paragraph (b) of subsection (29) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(29) "Normal retirement date" means the date a member attains normal retirement age and is vested, which is determined as follows:

(b) ~~For If a~~ Special Risk Class members ~~member initially enrolled:~~

~~1. Before July 1, 2011:~~

~~1.a.~~ The first day of the month the member attains age 55 and completes the years of creditable service in the Special Risk Class equal to or greater than the years of service required for vesting;

~~2.b.~~ The first day of the month following the date the member completes 25 years of creditable service in the Special

Page 1 of 13

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

21-00298A-23

2023224__

Risk Class, regardless of age; or

~~3.e.~~ The first day of the month following the date the member completes 25 years of creditable service and attains age 52, which service may include a maximum of 4 years of military service credit if such credit is not claimed under any other system and the remaining years are in the Special Risk Class.

~~2. On or after July 1, 2011:~~

~~a. The first day of the month the member attains age 60 and completes the years of creditable service in the Special Risk Class equal to or greater than the years of service required for vesting;~~

~~b. The first day of the month following the date the member completes 30 years of creditable service in the Special Risk Class, regardless of age; or~~

~~c. The first day of the month following the date the member completes 30 years of creditable service and attains age 57, which service may include a maximum of 4 years of military service credit if such credit is not claimed under any other system and the remaining years are in the Special Risk Class.~~

For pension plan members, normal retirement age is attained on the normal retirement date. For investment plan members, normal retirement age is the date a member attains his or her normal retirement date as provided in this section, or the date a member is vested under the investment plan as provided in s. 121.4501(6), whichever is later.

Section 2. Subsection (3) and paragraph (a) of subsection (13) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not

Page 2 of 13

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

21-00298A-23

2023224

be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(3) EARLY RETIREMENT BENEFIT.—Upon retirement on his or her early retirement date, the member shall receive an immediate monthly benefit that shall begin to accrue on the first day of the month of the retirement date and be payable on the last day of that month and each month thereafter during his or her lifetime. Such benefit shall be calculated as follows:

(a) 1. For all Special Risk Class members or a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class initially enrolled

~~±~~ before July 1, 2011, the amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but shall be based on the member's average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes the normal retirement date of age 62 for a member of the Regular

21-00298A-23

2023224

Class, Senior Management Service Class, or the Elected Officers' Class, and age 55 for a member of the Special Risk Class, or age 52 if a Special Risk member has completed 25 years of creditable service in accordance with s. 121.021(29)(b)3. ~~s. 121.021(29)(b)1.e.~~

2. For a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class initially enrolled on or after July 1, 2011, the amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but shall be based on the member's average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes the normal retirement date of age 65 for a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class, ~~and age 60 for a member of the Special Risk Class, or age 57 if a special risk member has completed 30 years of creditable service in accordance with s. 121.021(29)(b)2.e.~~

(b) If the employment of a member is terminated by reason of death within 10 years before normal retirement as described in s. 121.021(29)(a)1.b. or s. 121.021(29)(a)2.b., the monthly benefit payable to the member's beneficiary shall be calculated in accordance with subsection (1), but must be based on average monthly compensation and creditable service as of the date of death. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which death precedes the normal retirement date specified above or the date on which the member would have attained the normal retirement date had he or

21-00298A-23

2023224

she survived and continued his or her employment, whichever provides a higher benefit.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to this section, the Deferred Retirement Option Program, hereinafter referred to as DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the Florida Retirement System on behalf of the member, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the member shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.

(a) *Eligibility of member to participate in DROP.*—All active Florida Retirement System members in a regularly established position, and all active members of the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122, which are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in DROP if:

1. The member is not a renewed member under s. 121.122 or a member of the State Community College System Optional Retirement

21-00298A-23

2023224

Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., for all Special Risk Class members and Regular Class, Senior Management Service Class, or Elected Officers' Class members initially enrolled before July 1, 2011, election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains age 57, or age 52 for Special Risk Class members. Except as provided in subparagraph 6., for Regular Class, Senior Management Service Class, or Elected Officers' Class members initially enrolled on or after July 1, 2011, election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 65, ~~or age 60 for Special Risk Class members~~, election to participate may be deferred to the 12 months immediately following the date the member attains age 60, ~~or age 55 for Special Risk Class members~~. A member who delays DROP participation during the 12-month period immediately following his or her maximum DROP deferral date, except as provided in subparagraph 6., loses a month of DROP participation for each month delayed. A member who fails to make an election within the 12-month limitation period forfeits all rights to participate in

21-00298A-23

2023224

DROP. The member shall advise his or her employer and the division in writing of the date DROP begins. The beginning date may be subsequent to the 12-month election period but must be within the original 60-month participation period provided in subparagraph (b)1. When establishing eligibility to participate in DROP, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member who has dual normal retirement dates is eligible to elect to participate in DROP after attaining normal retirement date in either class.

3. The employer of a member electing to participate in DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in DROP begins and the date the member's employment and DROP participation terminates.

4. Simultaneous employment of a member by additional Florida Retirement System employers subsequent to the commencement of a member's participation in DROP is permissible if such employers acknowledge in writing a DROP termination date no later than the member's existing termination date or the maximum participation period provided in subparagraph (b)1.

5. A member may change employers while participating in DROP, subject to the following:

a. A change of employment takes place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation ceases unless the employer verifies a continuation of the employment relationship for such member pursuant to s. 121.021(39)(b).

21-00298A-23

2023224

b. The member and new employer notify the division of the identity of the new employer on forms required by the division.

c. The new employer acknowledges, in writing, the member's DROP termination date, which may be extended but not beyond the maximum participation period provided in subparagraph (b)1., acknowledges liability for any additional retirement contributions and interest required if the member fails to timely terminate employment, and is subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in DROP may be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which DROP begins. When establishing eligibility of the member to participate in DROP for the 60-month participation period provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member who has dual normal retirement dates is eligible to elect to participate in either class.

Section 3. Paragraph (b) of subsection (3) of section 121.4501, Florida Statutes, is amended to read:

121.4501 Florida Retirement System Investment Plan.—

(3) RETIREMENT SERVICE CREDIT; TRANSFER OF BENEFITS.—

(b) Notwithstanding paragraph (a), an eligible employee who elects to participate in, or who defaults into, the investment plan and establishes one or more individual member accounts may elect to transfer to the investment plan a sum representing the

21-00298A-23

2023224

present value of the employee's accumulated benefit obligation under the pension plan, except as provided in paragraph (4)(b). Upon transfer, all service credit earned under the pension plan is nullified for purposes of entitlement to a future benefit under the pension plan. A member may not transfer the accumulated benefit obligation balance from the pension plan after the time period for enrolling in the investment plan has expired.

1. For purposes of this subsection, the present value of the member's accumulated benefit obligation is based upon the member's estimated creditable service and estimated average final compensation under the pension plan, subject to recomputation under subparagraph 2. For state employees, initial estimates shall be based upon creditable service and average final compensation as of midnight on June 30, 2002; for district school board employees, initial estimates shall be based upon creditable service and average final compensation as of midnight on September 30, 2002; and for local government employees, initial estimates shall be based upon creditable service and average final compensation as of midnight on December 31, 2002. The dates specified are the "estimate date" for these employees. The actuarial present value of the employee's accumulated benefit obligation shall be based on the following:

a. The discount rate and other relevant actuarial assumptions used to value the Florida Retirement System Trust Fund at the time the amount to be transferred is determined, consistent with the factors provided in sub-subparagraphs b. and c.

b. A benefit commencement age, based on the member's

21-00298A-23

2023224

estimated creditable service as of the estimate date.

c. Except as provided under sub-subparagraph d., for a member initially enrolled:

(I) Before July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 62; or

(B) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

(II) On or after July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 65; or

(B) The age the member would attain if the member completed 33 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

d. For members of the Special Risk Class and for members of the Special Risk Administrative Support Class entitled to retain the special risk normal retirement date:

~~(I) Initially enrolled before July 1, 2011,~~ the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(I) ~~(A)~~ Age 55; or

(II) ~~(B)~~ The age the member would attain if the member

21-00298A-23

2023224

completed 25 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

~~(II) Initially enrolled on or after July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:~~

~~(A) Age 60; or~~

~~(B) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.~~

e. The calculation must disregard vesting requirements and early retirement reduction factors that would otherwise apply under the pension plan.

2. For each member who elects to transfer moneys from the pension plan to his or her account in the investment plan, the division shall recompute the amount transferred under subparagraph 1. within 60 days after the actual transfer of funds based upon the member's actual creditable service and actual final average compensation as of the initial date of participation in the investment plan. If the recomputed amount differs from the amount transferred by \$10 or more, the division shall:

a. Transfer, or cause to be transferred, from the Florida Retirement System Trust Fund to the member's account the excess, if any, of the recomputed amount over the previously transferred

21-00298A-23

2023224

amount together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon the effective annual interest equal to the assumed return on the actuarial investment which was used in the most recent actuarial valuation of the system, compounded annually.

b. Transfer, or cause to be transferred, from the member's account to the Florida Retirement System Trust Fund the excess, if any, of the previously transferred amount over the recomputed amount, together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon 6 percent effective annual interest, compounded annually, pro rata based on the member's allocation plan.

3. If contribution adjustments are made as a result of employer errors or corrections, including plan corrections, following recomputation of the amount transferred under subparagraph 1., the member is entitled to the additional contributions or is responsible for returning any excess contributions resulting from the correction. However, a return of such erroneous excess pretax contribution by the plan must be made within the period allowed by the Internal Revenue Service. The present value of the member's accumulated benefit obligation may not be recalculated.

4. As directed by the member, the state board shall transfer or cause to be transferred the appropriate amounts to the designated accounts within 30 days after the effective date of the member's participation in the investment plan unless the major financial markets for securities available for a transfer are seriously disrupted by an unforeseen event that causes the suspension of trading on a national securities exchange in the

21-00298A-23

2023224

country where the securities were issued. In that event, the 30-day period may be extended by a resolution of the state board. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash, as determined by the state board. Such securities are valued as of the date of receipt in the member's account.

5. If the state board or the division receives notification from the United States Internal Revenue Service that this paragraph or any portion of this paragraph will cause the retirement system, or a portion thereof, to be disqualified for tax purposes under the Internal Revenue Code, the portion that will cause the disqualification does not apply. Upon such notice, the state board and the division shall notify the presiding officers of the Legislature.

Section 4. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 5. This act shall take effect July 1, 2023.



1455 SW Broadway, Suite 1600
Portland, OR 97201
Tel 503 227 0634

1301 Fifth Ave, Suite 3800
Seattle, WA 98101
Tel 206 504 5695

milliman.com

February 20, 2023

Ms. Andrea Simpson
State Retirement Director
Florida Department of Management Services, Division of Retirement

Re: Restore Normal Retirement and DROP Entry Eligibility Criteria to Pre-2011 Requirements for Tier II Special Risk Class Members

Director Simpson:

In response to a House request dated January 24, 2023, and as outlined in our project scope letter dated February 1, 2023, this letter provides actuarial analysis of a concept that would modify the FRS Pension Plan normal retirement and DROP entry eligibility criteria for Special Risk Class members initially enrolled on or after July 1, 2011 (Tier II members) to be consistent with the normal retirement and DROP entry eligibility criteria for Special Risk Class members initially enrolled before July 1, 2011 (Tier I members).

Executive Summary

The estimated impact of the concept on the 2023-2024 blended proposed statutory employer contribution rates is shown in the table below. The concept would increase the projected present value of future benefits for Tier II Special Risk Class members. As such, under the individual entry age normal actuarial cost allocation method as most recently adopted by the 2022 FRS Actuarial Assumption Conference, the concept, if adopted, would increase the Normal Cost, the Actuarial Liability and the Unfunded Actuarial Liability (UAL). The concept would also affect the DROP Normal Cost Rate, which is set equal to the composite FRS Pension Plan average employer-paid Normal Cost Rate, increasing it from 8.18% to 8.38% of applicable payroll.

<u>Increase to 2023-2024 Blended Proposed Statutory Employer Contribution Rates Due to Concept (as a % of Payroll):</u>			
	Special Risk Class	DROP	Composite System including DROP
Employer Normal Cost Contribution Rate	0.87%	0.20%	0.15%
Employer UAL Contribution Rate	<u>0.40%</u>	<u>0.00%</u>	<u>0.05%</u>
Total Employer Contribution Rate	1.27%	0.20%	0.20%

The table above shows the increase in 2023-2024 blended proposed statutory employer contribution rates in the first year after concept enactment, which would be assessed on both

This work product was prepared solely for the Florida Department of Management Services for the purposes stated herein and may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this work. Milliman recommends that third parties be aided by their own actuary or other qualified professional when reviewing the Milliman work product.

FRS Pension Plan and FRS Investment Plan payroll. Absent enactment of the concept and assuming no changes to actuarial valuation assumptions, the Special Risk Class blended proposed statutory employer normal cost contribution rate is projected to gradually decrease from its current 2023-2024 level of approximately 17.1% of payroll to approximately 14.9% of payroll. That gradual decrease would occur over a period of 20 to 30 years as current Tier I Pension Plan active members retire or enter DROP. Enactment of the concept would increase the value of Tier II Pension Plan benefits and thus would also increase the Tier II-specific normal cost rate. Because of this, instead of decreasing gradually to 14.9% of payroll, the Special Risk Class blended proposed statutory employer normal cost contribution rate would decrease gradually over 20 to 30 years to 16.7% of payroll under the concept. In other words, **20 to 30 years after the enactment of the change the concept would be projected to increase the Special Risk Class blended proposed statutory employer normal cost rate by 1.8% of payroll** (16.7% rate instead of 14.9% rate). Both long-term blended rate figures above assume 80% of future Special Risk enrollees select the FRS Pension Plan.

Proposed Concept

The concept would modify the normal retirement and DROP entry eligibility criteria for FRS Pension Plan Special Risk Class members initially enrolled on or after July 1, 2011. The change would apply only to active members who have not yet entered DROP on the effective date of the concept. We have modeled the concept as though it had been effective on the July 1, 2022 valuation date. The proposed bill language modifies the definition of “normal retirement date,” but does not modify vesting provisions or final average compensation criteria. As such, under the proposed concept, for Tier II Special Risk Class members vesting in the FRS Pension Plan would still require eight years of credible service and the final compensation averaging period would remain at eight years.

Normal Retirement and DROP Entry Criteria

Under current statute, FRS Pension Plan members initially enrolled on or after July 1, 2011 (Tier II members) have different and later normal retirement eligibility criteria than those initially enrolled before July 1, 2011 (Tier I members). Current law and the proposed bill language both define normal retirement as “the date a member attains normal retirement age and is vested.” The concept would, for Special Risk Class members, make the Tier II normal retirement age the same as that of similarly situated Tier I Special Risk Class members. The following table summarizes the normal retirement eligibility criteria under current statute and the proposal:

Milliman

Normal Retirement Eligibility Criteria for Special Risk Class Members		
Tier I	Tier II – Current Law	Tier II – Proposed Concept
25 Years of Special Risk service at any age, or	30 Years of Special Risk service at any age, or	25 Years of Special Risk service at any age, or
Age 55 and vested* based on years of Special Risk service, or	Age 60 and 8+ years of Special Risk service, or	Age 55 and vested* based on years of Special Risk service, or
Age 52 and 25 years of creditable service, including Special Risk service and up to a maximum of four years of active duty wartime military service credit, or	Age 57 and 30 years of creditable service, including Special Risk service and up to a maximum of four years of active duty wartime military service credit, or	Age 52 and 25 years of creditable service, including Special Risk service and up to a maximum of four years of active duty wartime military service credit, or
30 years of any creditable service, at any age, or age 62 and vested* based on total years of creditable service when the member has service in any other membership class in addition to Special Risk Class.	33 years of any creditable service, at any age, or age 65 and 8+ years of creditable service when the member has service in any other membership class in addition to Special Risk Class.	30 years of any creditable service, at any age, or age 62 and vested* based on total years of creditable service when the member has service in any other membership class in addition to Special Risk Class.

*Tier I vesting criteria is 6 years of service; Tier II vesting criteria is 8 years of service and would be unchanged under the proposed concept.

Members who have reached eligibility for immediate unreduced retirement benefits and who satisfy certain other criteria (as discussed later in this letter) can elect to enter the DROP. Members have a limited eligibility window during which they can elect to enter the DROP. Eligibility windows differ by tier and membership class and are initially reached via satisfying either service-only criteria or age-plus-service criteria, as summarized below.

For most members reaching DROP entry eligibility via service-only criteria, the window to enter DROP lasts more than 12 months, with the window's length varying by individual. (The window must be at least 12 months in length.) The DROP entry eligibility window for Special Risk members satisfying service-only eligibility criteria is shown in the table below.

DROP Entry Eligibility Window for Special Risk Members Satisfying Service-Only Criteria			
Tier	Window Initially Opens	Window Remains Open	Window Closes
Tier I	25 Years of Service	Age 52	Age 53*
Tier II - Current	30 Years of Service	Age 55	Age 56*
Tier II - Proposal	25 Years of Service	Age 52	Age 53*

* Or 12 months after window opens, if opening is after the “remains open” age listed above

Members who have not yet reached unreduced retirement eligibility through service-only criteria become eligible to enter DROP upon satisfaction of age-plus-service criteria. For those members, the eligibility window to enter DROP lasts 12 months. The DROP entry eligibility window for members satisfying age-plus-service eligibility criteria is shown in the table below.

DROP Entry Eligibility Window for Special Risk Members Satisfying Age-Plus-Service Criteria		
Tier	Window Opens	Window Closes
Tier I	Age 55 and 6 Years of Service	After 12 months
Tier II – Current	Age 60 and 8 Years of Service	After 12 months
Tier II – Proposal	Age 55 and 8 Years of Service	After 12 months

For purposes of this analysis, we have modeled the concept in the following way: Tier II members who had not yet reached DROP eligibility under current law, but who would be past their DROP eligibility windows upon enactment of the proposed concept would be eligible to apply for DROP within the first year after the proposed concept takes effect. An example is a Tier II member who is age 58 with 8 years of service when the law takes effect. Under current Tier II normal retirement age provisions, the member is not yet eligible for unreduced immediate retirement, so the DROP eligibility window has not yet started. Under Tier I normal retirement age provisions, the member’s DROP eligibility window would have already closed. Under our interpretation of the proposed concept, such a member would have 12 months following the concept’s effective date to apply for DROP entry.

Modeling of Concept

We have estimated the cost impact of this concept by applying the modified normal retirement eligibility and DROP entry criteria to FRS Pension Plan Tier II active members of the Special Risk Class. We have similarly applied Tier I retirement and DROP entry actuarial valuation assumptions to the affected Tier II Special Risk members.

Milliman

As noted above, some Special Risk members would fall between DROP eligibility windows, having not yet reached Tier II normal retirement eligibility under current law, but who would be past their Tier I DROP eligibility windows upon enactment of the proposed concept. We identified 120 such Tier II Special Risk FRS Pension Plan actives in the July 1, 2022 valuation data out of a population of over 63,000 Special Risk FRS Pension Plan active members. We valued these members as having a 12-month DROP entry window following concept enactment. We assumed a 27.5% likelihood of DROP entry for members age 60 or younger, and 5% likelihood of DROP entry for members age 61 or older

Implications of Concept Enactment

The FRS Investment Plan rates would be unchanged by enactment of this concept. However, the concept could enhance the attractiveness of participation in the FRS Pension Plan for some current or future Tier II Special Risk members. We anticipate that enactment of the concept could incentivize some Tier II Special Risk Investment Plan members to use their second elections to transfer into the FRS Pension Plan. Further, we anticipate that enactment of the concept could encourage an increased incidence of future enrollment for Special Risk Class in the FRS Pension Plan. The study has not quantified these potential changes to plan election behavior. Any impact due to modified plan enrollment behavior would materialize gradually over time.

Based on the data as of July 1, 2022 provided to us for the 2023-2024 Blended Rate Study, FRS Investment Plan payroll in the Special Risk Class comprises less than 14% of total FRS payroll in the Special Risk Class. The Pension Plan is the current default enrollment option for Special Risk Class and remains the enrollment choice for most new Special Risk enrollees.

Currently the blended proposed statutory employer normal cost rate for the Special Risk Class is approximately 17.1% of payroll for the 2023-2024 plan year. That blended rate reflects underlying component normal cost rates of

- 19.7% of payroll for Tier I Pension Plan members
- 14.4% of payroll for Tier II Pension Plan members (under current provisions), and
- 17.1% of payroll for Investment Plan members

Absent changes to current plan provisions and/or actuarial valuation assumptions, and assuming 80% of future Special Risk enrollees select the Pension Plan, the blended rate is expected to decrease from 17.1% of payroll to 14.9% of pay gradually over several decades as Tier I Pension Plan members are replaced by newly enrolled members in the Investment Plan or Tier II of the Pension Plan. That 14.9% of pay long-term blended rate is a weighted blend of the Tier II Pension Plan (14.4% of pay) and Investment Plan (17.1% of pay) rates shown above. Enactment of this concept would change the underlying component normal cost rate for Tier II Pension Plan members from 14.4% of payroll to 16.7% of payroll. As a result, if this concept is enacted and all valuation assumptions and other statutory provisions remain unchanged, the blended proposed statutory employer normal cost rate would be expected to decrease gradually over a 20 to 30-year period from its current 17.1% of payroll to 16.7% of payroll. In other words,

Milliman

20 to 30 years after the enactment of the change the concept would be projected to increase the Special Risk Class blended proposed statutory employer normal cost rate by 1.8% of payroll (16.7% of pay blended rate instead of a 14.9% of pay blended rate).

Summary of Results

The projected impact of the concept was assessed on a member-by-member basis for each current active Tier II Special Risk Pension Plan member not already in DROP projected to be eligible under the concept. The magnitude the concept's projected effect varies from member to member and depends on several factors, including the member's current age and years of service. Our analysis quantifies the estimated impact of the concept when compared to the current benefit structure for the Special Risk Class FRS Pension Plan participants.

Applying the adopted actuarial cost allocation method used for determining 2023-2024 fiscal year actuarially determined contribution rates, the FRS Pension Plan Normal Cost, Actuarial Liability and Unfunded Actuarial Liability would be increased by this concept.

Under the concept, both FRS Pension Plan Actuarial Liability and Unfunded Actuarial Liability (UAL) for the Special Risk Membership Class would increase by approximately \$314 million. The impact on the 2023-2024 blended proposed statutory employer contribution rates is as shown on the table on page one of this analysis, and in Table 2 of the attached exhibits.

Table 1 of the attached exhibits shows the impact of the change on the FRS Pension Plan's July 1, 2022 actuarial valuation results for Special Risk Class members prior to blending with FRS Investment Plan cost levels to create 2023-2024 blended proposed statutory employer contribution rates. The concept would also affect the DROP Normal Cost Rate, which is set equal to the composite FRS Pension Plan average employer-paid Normal Cost Rate. Section A of the table shows the estimated increase to the actuarially determined Employer Normal Cost Rate and UAL Cost Rate. Section B of the table shows the estimated increase to the FRS Pension Plan's Unfunded Actuarial Liability and Present Value of Projected Benefits calculated based on the methodology used to calculate Actuarial Liability for FRS Pension Plan funding calculations as approved by the 2022 FRS Actuarial Assumption Conference.

Table 2 shows the estimated impact of the concept on the blended proposed statutory employer contribution rates for the 2023-2024 plan year. Section A of the table develops the 2023-2024 blended proposed statutory employer Normal Cost Rate reflecting the expected impact of the concept, based on the concept's increase to the FRS Pension Plan employer Normal Cost Rate for the Special Risk Class and the DROP. The FRS Pension Plan rates shown are based on the results of this study's analysis. The FRS Investment Plan rates would be unchanged by enactment of this concept. The rates include the IP allocation to the Special Risk Class for the contribution cost of enhancements made to death and disability benefits effective July 1, 2022 due to enactment of House Bill 689 and Senate Bill 838, as developed in Milliman's January 9, 2023 special study analysis of that legislation.

Milliman

Section B of Table 2 develops the 2023-2024 blended proposed statutory employer UAL contribution rate as the total employer UAL cost derived from the FRS Pension Plan divided by the total projected payroll of the FRS Pension Plan, the FRS Investment Plan, and other payroll subject to statutory UAL contributions. Section C compares the 2023-2024 blended proposed statutory employer contribution rates reflecting the impact of the concept to those developed in Milliman's Special Actuarial Study of the Combined Effect of HB 689 and SB 838, dated January 9, 2023. Section D translates the estimated change in 2023-2024 blended proposed statutory employer contribution rates to an estimated dollar increase in employer contributions during the 2023-2024 plan year.

The payroll for some employee groups is subject to only the blended Employer UAL Contribution Rate component of the overall employer contribution rate (e.g., participants in the SUSORP, SMSOAP, and SCCORP, and reemployed members not eligible for renewed membership). The payroll for those employee groups is included in the calculation of the blended proposed statutory Employer UAL Contribution Rate but is excluded from the calculation of the blended proposed statutory Employer Normal Cost Contribution Rate.

The contribution rates shown in Table 2 exclude the 0.06% contribution rate for FRS Investment Plan administration and education (applied to all membership classes except DROP) and the 1.66% contribution rate for the Florida Retiree Health Insurance Subsidy (HIS) program, which is charged on all FRS Pension Plan and FRS Investment Plan payroll.

Other Assumptions and Methods

The calculations are based on census and payroll data as of July 1, 2022 provided to us by the Division of Retirement for development of the FRS Actuarial Valuation as of July 1, 2022 and the FRS 2023-2024 Blended Rate Study. We have not audited or verified this data and other information. If the underlying data or information is inaccurate or incomplete, the results of our analysis may likewise be inaccurate or incomplete. The impact of the concept was modeled by applying the concept's provisions prospectively to all FRS Pension Plan members included in the July 1, 2022 Actuarial Valuation.

We performed a limited review of the data used directly in our analysis for reasonableness and consistency and have not found material defects in the data. If there are material defects in the data, it is possible that they would be uncovered by a detailed, systematic review and comparison of the data to search for data values that are questionable or for relationships that are materially inconsistent. Such a review was beyond the scope of our assignment.

Except where otherwise noted in this letter, this analysis is based on the methods and assumptions as stated in the FRS Actuarial Valuation as of July 1, 2022 report. The data was based on the July 1, 2022 FRS actuarial valuation database. The results of our study depend on future experience conforming to those actuarial assumptions discussed earlier in this letter. Future actuarial measurements may differ significantly from the current measurements presented in this analysis due to many factors, including plan experience differing from that

Milliman

anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period) and changes in plan provisions or applicable law. Due to the limited scope of our assignment, we did not perform an analysis of the potential range of future measurements. In addition, the cost of the proposed change will depend on the actual legislation.

The FRS Pension Plan, like any retirement plan, is subject to a variety of risks that could materially impact the Plan and in some instances Plan participants. These include the potential that actual investment returns are materially lower than assumed, actual legislatively mandated contributions are below actuarially determined levels, or actual future demographic experience is materially different than assumed. As noted above, while this analysis uses a single set of modeling assumptions no set of assumptions is uniquely correct and actual plan experience will differ at least to some extent from the modeling assumptions. For additional identification, discussion and quantification of plan risks please refer to Appendix F of our most recent actuarial valuation report for system funding purposes dated December 1, 2022.

The study results were developed using models intended for valuations that use standard actuarial techniques.

Milliman's work product was prepared exclusively for the internal business use of Florida Department of Management Services, Division of Retirement. It is a complex technical analysis that assumes a high level of knowledge concerning the Florida Retirement System's operations, and uses Division data, which Milliman has not audited. To the extent that Milliman's work is not subject to disclosure under applicable public record laws, Milliman's work may not be provided to third parties without Milliman's prior written consent. Milliman does not intend to benefit or create a legal duty to any third-party recipient of its work product. Milliman's consent to release its work product to any third party may be conditioned on the third party signing a Release, subject to the following exceptions:

- a. The Division of Retirement may provide a copy of Milliman's work, in its entirety, to the System's professional service advisors who are subject to a duty of confidentiality and who agree to not use Milliman's work for any purpose other than to benefit the System.
- b. The Division of Retirement may provide a copy of Milliman's work, in its entirety, to other governmental entities, as required by law.

No third-party recipient of Milliman's work product should rely upon Milliman's work product. Such recipients should engage qualified professionals for advice appropriate to their own specific needs.

The consultants who worked on this assignment are retirement actuaries. Milliman's advice is not intended to be a substitute for qualified legal or accounting counsel.

Milliman

This work product was prepared solely for the Florida Department of Management Services for the purposes stated herein and may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this work. Milliman recommends that third parties be aided by their own actuary or other qualified professional when reviewing the Milliman work product.

Ms. Andrea Simpson
February 20, 2023
Page 9

Milliman consultants are independent of the plan sponsor. We are not aware of any relationship that would impair the objectivity of our work.

On the basis of the foregoing, I hereby certify that, to the best of my knowledge and belief, this report is complete and accurate and has been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the principles prescribed by the Actuarial Standards Board and the *Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States* published by the American Academy of Actuaries.

I am a consulting actuary for Milliman, Inc. I am a member of the American Academy of Actuaries and meet their Qualification Standards to render the actuarial opinion contained herein. Please call if you would like to further discuss this project.

Respectfully Submitted,



Matt Larrabee, FSA, EA, MAAA
Principal & Consulting Actuary

cc: Garry Green (Division of Retirement), Nicolle Bournival (Division of Retirement),
Daniel Wade (Milliman), Kathryn Hunter (Milliman)

Enclosures

Milliman

This work product was prepared solely for the Florida Department of Management Services for the purposes stated herein and may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this work. Milliman recommends that third parties be aided by their own actuary or other qualified professional when reviewing the Milliman work product.

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

***Effect on July 1, 2022 Defined Benefit FRS Pension Plan Actuarial Valuation Results
of Proposal for Restoration of "Normal Retirement" Eligibility Criteria to pre-2011 Requirements for Special Risk Class Members Effective July 1, 2022***
Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used
(Dollars in Thousands)

This work product was prepared solely for the Florida Department of Management Services for the purposes stated herein, and may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this work. Milliman recommends that third parties be aided by their own actuary or other qualified professional when reviewing the Milliman work product.

	Regular	Special Risk	Special Risk Administrative	-----Elected Officers' Class----- Judicial	Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Actuarially Calculated Pension Plan Employer Contribution Rates (prior to blending to create proposed blended statutory contribution rates)										
1. Actuarially Calculated Pension Plan Employer Contribution Rates Developed in July 1, 2022 Valuation ¹										
a. Employer Normal Cost	5.96%	17.13%	11.57%	14.77%	9.54%	11.63%	7.86%	8.18%	8.18%	8.18%
b. UAL Cost	<u>6.27%</u>	<u>12.62%</u>	<u>33.81%</u>	<u>33.52%</u>	<u>76.48%</u>	<u>64.87%</u>	<u>33.53%</u>	<u>8.09%</u>	<u>10.01%</u>	<u>8.23%</u>
c. Total Employer Cost	12.23%	29.75%	45.38%	48.29%	86.02%	76.50%	41.39%	16.27%	18.19%	16.41%
2. Actuarially Calculated Pension Plan Employer Contribution Rates Reflecting Proposed Change										
a. Employer Normal Cost	5.96%	18.15%	11.57%	14.77%	9.54%	11.63%	7.86%	8.38%	8.38%	8.38%
b. UAL Cost	<u>6.27%</u>	<u>13.09%</u>	<u>33.81%</u>	<u>33.52%</u>	<u>76.48%</u>	<u>64.87%</u>	<u>33.53%</u>	<u>8.17%</u>	<u>10.01%</u>	<u>8.31%</u>
c. Total Employer Cost	12.23%	31.24%	45.38%	48.29%	86.02%	76.50%	41.39%	16.55%	18.39%	16.69%
3. Change in Actuarially Calculated Pension Plan Employer Contribution Rates due to Proposed Change										
a. Normal Cost	0.00%	1.02%	0.00%	0.00%	0.00%	0.00%	0.00%	0.20%	0.20%	0.20%
b. UAL Cost	<u>0.00%</u>	<u>0.47%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.08%</u>	<u>0.00%</u>	<u>0.08%</u>
c. Total Cost	0.00%	1.49%	0.00%	0.00%	0.00%	0.00%	0.00%	0.28%	0.20%	0.28%
B. FRS Pension Plan Unfunded Actuarial Liability (UAL) and Present Value of Projected Benefits (Dollars in Thousands)										
1. July 1, 2022 Actuarial Valuation UAL ²	\$22,340,160	\$9,009,912	\$16,166	\$527,271	\$74,980	\$434,940	\$2,648,382	\$35,051,811	\$3,203,735	\$38,255,546
2. July 1, 2022 UAL Reflecting Proposed Change	<u>22,340,160</u>	<u>9,324,297</u>	<u>16,166</u>	<u>527,271</u>	<u>74,980</u>	<u>434,940</u>	<u>2,648,382</u>	<u>35,366,196</u>	<u>3,203,735</u>	<u>38,569,931</u>
3. Increase / (Decrease) in UAL due to Proposed Change	\$0	\$314,385	\$0	\$0	\$0	\$0	\$0	\$314,385	\$0	\$314,385
4. Increase / (Decrease) in Present Value of Future Normal Costs	\$0	<u>\$108,156</u>	\$0	\$0	\$0	\$0	\$0	<u>\$108,156</u>	\$0	<u>\$108,156</u>
5. Increase / (Decrease) in Present Value of Projected Benefits (3. + 4.)	\$0	\$422,541	\$0	\$0	\$0	\$0	\$0	\$422,541	\$0	\$422,541

¹ As reported in the July 1, 2022 valuation - Table 4-11

² As reported in the July 1, 2022 valuation - Table 3-2

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

***Effect on Proposed Blended Statutory Employer Contribution Rates for 2023-2024 Plan Year
of Proposal for Restoration of "Normal Retirement" Eligibility Criteria to pre-2011 Requirements for Special Risk Class Members Effective July 1, 2022
Assumes 3.25% Annual Growth in Total Payroll***

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

This work product was prepared solely for the Florida Department of Management Services for the purposes stated herein, and may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this work. Milliman recommends that third parties be aided by their own actuary or other qualified professional when reviewing the Milliman work product.

	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
A. Proposed Blended Statutory Normal Cost Contribution Rates Reflecting the Concept (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan Normal Cost										
a. Employer Pension Plan Normal Cost Rate	5.96%	18.15%	11.57%	14.77%	9.54%	11.63%	7.86%	8.38%	8.38%	8.38%
b. Projected Pension Plan Normal Cost Payroll	\$19,960,194	\$4,874,192	\$3,943	\$114,631	\$6,231	\$44,770	\$573,342	\$25,577,303	\$2,396,438	\$27,973,741
c. Total Employer Pension Plan Normal Cost [(1a) x (1b)]	\$1,189,628	\$884,666	\$456	\$16,931	\$594	\$5,207	\$45,065	\$2,142,547	\$200,822	\$2,343,369
2. Investment Plan Employer Cost										
a. Employer Rates effective July 1, 2022 (Sec 121.72-73; 121.735) ¹	6.60%	17.11%	8.43%	14.05%	9.94%	11.95%	7.98%	7.63%	0.00%	7.63%
b. Projected Investment Plan Payroll	\$7,841,985	\$812,015	\$1,385	\$24,667	\$3,884	\$23,983	\$247,878	\$8,955,797	\$0	\$8,955,797
c. Total Employer Investment Plan Cost [(2a) x (2b)]	\$517,571	\$138,936	\$117	\$3,466	\$386	\$2,866	\$19,781	\$683,123	\$0	\$683,123
3. Proposed Blended Statutory Employer Normal Cost Rate (Pension Plan + Investment Plan)										
a. Total Employer Normal Cost Contribution [(1c) + (2c)]	\$1,707,199	\$1,023,602	\$573	\$20,397	\$980	\$8,073	\$64,846	\$2,825,670	\$200,822	\$3,026,492
b. Total System Projected Payroll [(1b) + (2b)]	\$27,802,179	\$5,686,207	\$5,328	\$139,298	\$10,115	\$68,753	\$821,220	\$34,533,100	\$2,396,438	\$36,929,538
c. Proposed Blended Statutory Employer Normal Cost Contribution Rate ² As a Percentage of Total Payroll [(3a) / (3b)]	6.14%	18.00%	10.75%	14.64%	9.69%	11.74%	7.90%	8.18%	8.38%	8.20%
B. Proposed Blended Statutory Unfunded Actuarial Liability (UAL) Cost Contribution Rates Reflecting the Concept (Dollars in Thousands)										
1. Actuarially Calculated Defined Benefit Pension Plan UAL Cost										
a. Pension Plan UAL Cost Rate	6.27%	13.09%	33.81%	33.52%	76.48%	64.87%	33.53%	8.17%	10.01%	8.31%
b. Projected Pension Plan UAL Cost Payroll	\$23,957,991	\$4,904,404	\$3,943	\$115,638	\$7,270	\$50,695	\$590,145	\$29,630,086	\$2,396,438	\$32,026,524
c. Total Employer UAL Cost [(1a) x (1b)]	\$1,502,166	\$641,986	\$1,333	\$38,762	\$5,560	\$32,886	\$197,876	\$2,420,569	\$239,883	\$2,660,452
2. Investment Plan Projected Payroll	\$7,841,985	\$812,015	\$1,385	\$24,667	\$3,884	\$23,983	\$247,878	\$8,955,797	\$0	\$8,955,797
3. Proposed Blended Statutory Employer UAL Contribution Rate (Pension Plan + Investment Plan)										
a. Total Employer UAL Cost [(1c)]	\$1,502,166	\$641,986	\$1,333	\$38,762	\$5,560	\$32,886	\$197,876	\$2,420,569	\$239,883	\$2,660,452
b. Total System Projected Payroll [(1b) + (2)]	\$31,799,976	\$5,716,419	\$5,328	\$140,305	\$11,154	\$74,678	\$838,023	\$38,585,883	\$2,396,438	\$40,982,321
c. Proposed Blended Statutory Employer UAL Contribution Rate ² As a Percentage of Total Payroll [(3a) / (3b)]	4.72%	11.23%	25.02%	27.63%	49.85%	44.04%	23.61%	6.27%	10.01%	6.49%

¹ Section 121.73 and 121.735 allocations reflect HB 689 and SB 838, as developed in the January 9, 2023 special study of that legislation.

² Rates shown do not include the HIS contribution rate or IP administrative fees.

FLORIDA RETIREMENT SYSTEM
FISCAL IMPACT ANALYSIS

*Effect on Proposed Blended Statutory Employer Contribution Rates for 2023-2024 Plan Year
of Proposal for Restoration of "Normal Retirement" Eligibility Criteria to pre-2011 Requirements for Special Risk Class Members Effective July 1, 2022
Assumes 3.25% Annual Growth in Total Payroll*

Please see the attached letter for details regarding data, assumptions, methodology, and plan provisions used

This work product was prepared solely for the Florida Department of Management Services for the purposes stated herein, and may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this work. Milliman recommends that third parties be aided by their own actuary or other qualified professional when reviewing the Milliman work product.

	Regular	Special Risk	Special Risk Administrative	Judicial	-----Elected Officers' Class----- Leg-Atty-Cab	Local	Senior Management	Composite (excluding DROP)	DROP	Composite (including DROP)
C. Proposed Blended Statutory Employer Contribution Rates										
1. Proposed Blended Statutory Employer Contribution Rates Based on July 1, 2022 Valuation ^{1 & 2}										
a. Employer Normal Cost Contribution Rate	6.14%	17.13%	10.75%	14.64%	9.69%	11.74%	7.90%	8.04%	8.18%	8.05%
b. Employer UAL Contribution Rate	<u>4.72%</u>	<u>10.83%</u>	<u>25.02%</u>	<u>27.63%</u>	<u>49.85%</u>	<u>44.04%</u>	<u>23.61%</u>	<u>6.21%</u>	<u>10.01%</u>	<u>6.44%</u>
c. Total Employer Contribution Rate [(C1a) + (C1b)]	10.86%	27.96%	35.77%	42.27%	59.54%	55.78%	31.51%	14.25%	18.19%	14.49%
2. Proposed Blended Statutory Employer Contribution Rates Reflecting Proposed Change ¹										
a. Employer Normal Cost Contribution Rate [(A3c)]	6.14%	18.00%	10.75%	14.64%	9.69%	11.74%	7.90%	8.18%	8.38%	8.20%
b. Employer UAL Contribution Rate [(B3c)] ³	<u>4.72%</u>	<u>11.23%</u>	<u>25.02%</u>	<u>27.63%</u>	<u>49.85%</u>	<u>44.04%</u>	<u>23.61%</u>	<u>6.27%</u>	<u>10.01%</u>	<u>6.49%</u>
c. Total Employer Contribution Rate [(C3a) + (C3b)]	10.86%	29.23%	35.77%	42.27%	59.54%	55.78%	31.51%	14.45%	18.39%	14.69%
3. Change in Proposed Blended Statutory Employer Contribution Rates due to Proposed Change										
a. Employer Normal Cost Contribution Rate [(C2a) - (C1a)]	0.00%	0.87%	0.00%	0.00%	0.00%	0.00%	0.00%	0.14%	0.20%	0.15%
b. Employer UAL Contribution Rate [(C2b) - (C1b)]	<u>0.00%</u>	<u>0.40%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.06%</u>	<u>0.00%</u>	<u>0.05%</u>
c. Total Employer Contribution Rate [(C3a) + (C3b)]	0.00%	1.27%	0.00%	0.00%	0.00%	0.00%	0.00%	0.20%	0.20%	0.20%
D. Additional/ (Reduced) Proposed Statutory Employer Contributions for the 2023-2024 Plan Year Due to Proposed Change (Dollars in Thousands)										
1. State	\$0	\$13,221	\$0	\$0	\$0	\$0	\$0	\$13,221	\$673	\$13,894
2. School Boards	\$0	\$903	\$0	\$0	\$0	\$0	\$0	\$903	\$2,011	\$2,914
3. State Universities	\$0	\$438	\$0	\$0	\$0	\$0	\$0	\$438	\$146	\$584
4. Community Colleges	\$0	\$37	\$0	\$0	\$0	\$0	\$0	\$37	\$125	\$162
5. Counties	\$0	\$53,580	\$0	\$0	\$0	\$0	\$0	\$53,580	\$1,588	\$55,168
6. Other	<u>\$0</u>	<u>\$4,588</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$4,588</u>	<u>\$250</u>	<u>\$4,838</u>
7. Total	\$0	\$72,767	\$0	\$0	\$0	\$0	\$0	\$72,767	\$4,793	\$77,560

¹ Rates shown do not include the HIS contribution rate or IP administrative fees.

² As reported in the Special Actuarial Study of Combined Effect of HB 689 and SB 838 dated January 9, 2023.

³ Employers of employee groups subject to only the UAL contribution rate would pay the rates shown in line (C.2.b.) and line (C.3.b.).



The Florida Senate

Committee Agenda Request

To: Senator Bryan Avila, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: February 8, 2023

I respectfully request that **Senate Bill # 224**, relating to Special Risk Class Retirement Date, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", is written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 21

The Florida Senate

APPEARANCE RECORD

3-22-23

Meeting Date

Gov Oversight

Committee

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

224

Bill Number or Topic

367 100

Amendment Barcode (if applicable)

Name Wayne "Bernie" BERNOSKA

Phone 301-231-9116

Address 343 W. MADISON ST.
Street

Email BERNIE@FPFP.ORG

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 PROFESSIONAL
FIREFIGHTERS

☐ 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

3/22/2023

Meeting Date

224

Bill Number or Topic

Governmental Oversight & Accountability
Committee

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

Amendment Barcode (if applicable)

Name Matthew Cowart

Phone 954-303-4265

Address 900 South State Road 7
Street

Email matt@6020.iupa.org

Plantation FL 33317
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: International
Union of Police Associations

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

3/22/23

Meeting Date

Gov't Oversight

Committee

224

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Stephen Busse

Phone

786-437-2561

Address

8000 N.W. 21st Street

Email

Stephen.Busse@local1403.org

Street

Doral

City

FL

State

33122

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:

Metro Dade Fire Fighters Local 1403

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/2020-2022JointRules.pdf)

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

3/22/23

Meeting Date

224

Bill Number or Topic

Gov't Oversight

Committee

Amendment Barcode (if applicable)

Name John Lancaster

Phone 786-437-2561

Address 8000 N.W. 21st Street

Email John.lancaster@lca11403.org

Doral

FL

33122

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:

Metro Dade Firefighters Local 1403

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. [2020-2022JointRules.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

3/22/23

Meeting Date

SB 224

Bill Number or Topic

Committee

Name

David Randall

Phone

(386) 334-1440

Address

99 Chrysanthemum

Email

Davidrandall851@gmail.com

Street

Ormond Beach

FL

32174

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:

Ormond Beach Professional Firefighters, 3499

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

03/22/2023

APPEARANCE RECORD

0224

Meeting Date

Govt Oversight & Accountability

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Chief Ed Hudak, Coral Gables PD & FPCA Phone 850-219-3631

Address 2636 Mitcham Drive Email jpriitt@fpca.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:

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

FL Police Chiefs Association

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

3-22-23

Meeting Date

224

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

South Walton Professional Firefighters

Phone

850-294-5173

Address

Po Box 1633

Email

secretary.local751@gmail.com

Street

Santa Rosa Beach FL

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

3-22-23

Meeting Date

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

224

Bill Number or Topic

Gov Oversight

Committee

Amendment Barcode (if applicable)

Name Wayne "Bernie" BERNOSKA

Phone 321-231-9114

Address 343 W. MADISON St.

Email BERNIE@FPFP.org

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 PROFESSIONAL
FIRE FIGHTERS

☐ 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

3/22/23

Meeting Date

SB224

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

NATHAN NICHOLS

Phone

863 381 9014

Address

100 NICHOLS WAY

Email

VICEPRO7@1APF1560.ORG

Street

SOBRING

City

FL

State

33575

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:

LOCAL 1560 BOCA RATON PROFESSIONAL FIRE FIGHTERS

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

3/22/2023

Meeting Date

224

Bill Number or Topic

Governmental Oversight & Accountability
Committee

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

Amendment Barcode (if applicable)

Name Don Prichard

Phone 954-868-4928

Address 900 South State Road 7
Street

Email don@6020.inpa.org

Plantation
City

FL
State

33317
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: International

Union of Police Associations
Local 6020

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)

3/22/23
Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 224
Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name TOM BUCKMAN

Phone (954) 816-0619

Address 720 SW RIVER BEND CIR
Street

Email

STUART FL 34997
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.

The Florida Senate
APPEARANCE RECORD

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

3/22/2023

Meeting Date

Gov Oversight

Committee

224

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jon Shirey

Phone 321-848-7907

Address 14742 Tullamore Loop

Street

Email 2117president@gmail.com

Water Garden

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:

Reedy Creek Professional Firefighters

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 224

3/22/23

Meeting Date

Bill Number or Topic

Gov Oversight

Committee

Amendment Barcode (if applicable)

Name

ADAM SETTEL

Phone

407 909 3394

Address

917 JASMINE STREET

Email

3rd DVC FPFP.ORG

Street

CELEBRATION

FL

34747

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:

3rd DISTRICT

FLORIDA PROFF FIREFIGHTERS

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

03/22/23

Meeting Date

224

Bill Number or Topic

Gov Oversight

Committee

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

Amendment Barcode (if applicable)

Name Michael MountPhone 863-289-6442Address 9700 Elan Circle Apt 401
StreetEmail mmount88@yahoo.comOrlando
CityFL
State32836
ZipSpeaking: ☐ 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:IAFF Local 3531 Polk County Professional Firefighters

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-Joint-Rules.pdf)

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

S-001 (08/10/2021)

APPEARANCE RECORD

3/22/23

Meeting Date

224

Bill Number or Topic

Gov Oversight

Committee

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

Amendment Barcode (if applicable)

Name

Jason Haas

Phone

352-279-3052

Address

9076 Pemberton St.

Street

Email

Jhaas21@gmail.com

Spring Hill

City

FL

State

34608

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:

Hernando County Firefighters, IAFF Local 3760

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 22, 2023
Meeting Date

SB 224
Bill Number or Topic

Governmental Oversight
Committee

Amendment Barcode (if applicable)

Name Ray Colburn
FLORIDA Fire Chiefs' ASSOC.

Phone 407-468-6622

Address 221 Pinewood Dr.

Email ray@ffca.org

Tallahassee FL 32303
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 RECORD

3-22-23

Meeting Date

224

Bill Number or Topic

Gov Oversight

Committee

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

Amendment Barcode (if applicable)

Name

Shannon Turbeville

Phone

863-370-9364

Address

1325 N Galloway Rd

Street

Email

Local4173@aol.com

Lakeland

City

FL

State

33810

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:

Lakeland Professional Firefighters

Local
4173

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)

3-22-23

APPEARANCE RECORD

224

Meeting Date

Gov Oversight

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Michael Stone

Phone

727-776-3199

Address

13220 Belcher RD South

Email

pres4966@gmail.com

Street

Largo

FL

33773

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:

Pinellas County Firefighters

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)

3-22-23

APPEARANCE RECORD

224

Meeting Date

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

Bill Number or Topic

Gov Oversight
Committee

Amendment Barcode (if applicable)

Name

Jason Franklin

Phone

407-683-4981

Address

4605 N Orange blossom trail
Street

Email

Jasonfranklin1519@gmail.com

Orlando
City

FL
State

32804
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:

Orlando 1365

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

3/22/23

Meeting Date

224

Bill Number or Topic

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

Gov Oversight

Committee

Amendment Barcode (if applicable)

Name

TIM PEARSON

Phone

813 842 8467

Address

5425 N. 59th St

Email

PRES@HCFLOCAL2294.ORG

Street

TAMPA

City

FL

State

33610

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:

(IAFF LOCAL 2294) HILLSBOROUGH COUNTY FIREFIGHTERS

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 \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

March 22, 2023

224

Meeting Date

Gov. Oversight & Accountability

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

Bill Number or Topic

Committee

Palm Beach County Professional

Amendment Barcode (if applicable)

Firefighters Local 2928

Name

Angelo D'Ariano

Phone

Address

2328 S. Congress Ave

Email

treasurer@iaff2928.com

Street

West Palm Beach FL 33406

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)

March 22, 2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

224

Bill Number or Topic

Gov. oversight of Accountability

Committee

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

West Palm Beach Local 727

Amendment Barcode (if applicable)

Name

Darin Pierce Professional Firefighters

Phone

Address

2801 Tuxedo Ave.

Email

lvp@wpb727.com

Street

West Palm Beach FL

33405

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

3/22/23

Meeting Date

224

Bill Number or Topic

GOV OVERSIGHT + ACCT

Committee

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

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST
Street

Email WSMITH@FLPBA.ORG

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 PBA

☐ 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)

3/22/23

Meeting Date

APPEARANCE RECORD

224

Bill Number or Topic

Gov. OVERSIGHT

Committee

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

Amendment Barcode (if applicable)

Name

MARK MUERTH

Phone

(239) 823-4096

Address

407 SW 2ND ST

Street

Email

pof2424@ccpff.com

CAPE CORAL

City

FL.

State

33991

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:

CAPE CORAL FIRE FIGHTERS LOCAL 2424

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

224

Bill Number or Topic

3/22/23

Meeting Date

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

Gov. Oversight

Committee

Amendment Barcode (if applicable)

Name

John P. Duncan

Phone

(239) 633-5884

Address

1720 West Court Place

Email

J.P. @ local1826.com

Street

AIVA

City

FLA

State

33920

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:Southwest Florida Professional Fire Fighters, IAFF
2-1826

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

APPEARANCE RECORD

3/22/23
Meeting Date

Gov Oversight
Committee

224
Bill Number or Topic

Amendment Barcode (if applicable)

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

Name Jonathan DiVita Phone 321-689-7110

Address P.O. Box 952648 Email local3254president@msn.com
Street

Lake Mary FL 32795-2648
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:

IAFF Local
Seminole County Firefighters 3254

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

224

Bill Number or Topic

3/22/23

Meeting Date

Gov Oversight

Committee

Amendment Barcode (if applicable)

Name Ryan Margagliotti

Phone 321-619-4780

Address 3070 Burrowing Owl Dr.

Street

Email ryan.margagliotti@gmail.com

Mims

City

FL

State

32754

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:

IAFF Local
Sanford Professional Firefighters 3996

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

3/22/23

Meeting Date

224

Bill Number or Topic

GOV - Oversight

Committee

Amendment Barcode (if applicable)

Name

Jeff Stinson

Phone

(407) 913-7284

Address

5505 S. Hansel Ave

Email

jeff.stinson@flor93.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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Meeting Date

Gov Dier

Committee

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

SB 224
Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lisa Henning

Phone

850-766-8808

Address

242 Office Plaza Dr

Email

lisa.henning@pol.state.fl.us

Street

Tallahassee

State

FL

32301

City

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:

Fraternal Order of Police

☐

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

3-22-2023
Meeting Date
Gov Oversight
Committee

224
Bill Number or Topic

Amendment Barcode (if applicable)

Name Steve Zora Phone 904-398-7010

Address 5530 Beach Blvd Email Szora@Fol530.com
Street

Jax FL 32207
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 RECORD

3-22-23

224

Meeting Date

Bill Number or Topic

Gov OVERSIGHT

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

Committee

Amendment Barcode (if applicable)

Name

ROBERT FUERST

Phone

727-243-4702

Address

20420 PINWOOD DAIRY RD

Email

rfuerst@IAFF4420.org

Street

BROOKSVILLE, FL

34601

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:PASCO COUNTY PROFESSIONAL FIRE FIGHTERS
LOCAL 4420

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

3/22/23

Meeting Date

SB 224

Bill Number or Topic

Governmental Oversight & Accountability

Committee

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

Amendment Barcode (if applicable)

Name Libby Guzzo

Phone 850-245-0155

Address 401 S Monroe St PL-01

Email Elizabeth.Guzzo@myfloridalegal.com

Tallahassee

FL

32399

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:

Office of the Attorney General

☐ 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

3/22/23
Meeting Date

Gov Oversight
Committee

224
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jason Graham Phone 407-761-5013

Address 734 N Third St Email president@iafflocal3990.com
Street

Leesburg FL 34748
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: Local 3990

Professional Firefighters of Lake County

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)

3/22/2023

Meeting Date

Governmental Oversight and Accountability

Committee

The Florida Senate
APPEARANCE RECORD

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

224

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Matt Dunagan**

Phone **850-877-2165**

Address **2617 Mahan Drive**

Email **mdunagan@flsheriffs.org**

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:

Florida Sheriffs Association

☐ 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

3/22/23

Meeting Date

224

Bill Number or Topic

Government Oversight

Committee

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

Amendment Barcode (if applicable)

Name

Jason Hendricks

Phone

352-377-2157

Address

1220 NE 8 Ave

Email

iaff2157@gmail.com

Street

Gainesville FL

32601

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:

Gainesville Professional Firefighters Local 2157

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

3/22
Meeting Date
Gov Oversight
Committee

224
Bill Number or Topic
Amendment Barcode (if applicable)

Name AUSTIN STOWERS Phone 850.413.5939

Address 200 E Gaines Email austin.stowers@myfloridacfo.com
Street
Tallahassee FL 32399
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:

CFO 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

3/22/23

Meeting Date

224

Bill Number or Topic

Gov. Oversight

Committee

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

Amendment Barcode (if applicable)

Name

Andre Perez

Phone

407-389-2057

Address

6969 Venture Cir.

Email

AndrePerez@ocffpa.com

Street

Orlando

FL

32807

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:

Orange County Fire Fighters Local 2057

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)

3/22/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 224

Bill Number or Topic

Committee

Name

David Stevens

Phone

904-540-6138

Address

209 S Ponce de Leon Blvd

Email

President@sjcfirefighters.com

Street

St Augustine

City

FL

State

32084

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:

ST Johns County Professional Fire fighters

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

3-22-23

Meeting Date

224

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Carzon, Jorge

Phone

Address

8000 N University Dr

Email

Street

Tamarae

FL

73321

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:

Local 3280

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

224

Bill Number or Topic

Amendment Barcode (if applicable)

3/22/23
Meeting Date
Gov Oversight
Committee

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

Name

Christen Brewer

Phone

772-633-8374

Address

743 Ellingsen Ave

Email

cbrewer2201@gmail

Street

Sebastian FL

32958

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:

Indian River County Firefighters

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 \(flsenate.gov\)](#)

LOCAL

2201

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

S-001 (08/10/2021)

3 / 22 / 2023

APPEARANCE RECORD

224

Meeting Date

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

Bill Number or Topic

Gov. Oversight

Committee

Amendment Barcode (if applicable)

Name Eric Soles

Phone 904-226-3485

Address 2011 GLEN CANYON PLACE
Street

Email solescapes@gmail.com

MIDDLEBURG, FLORIDA 32068
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:

CLAY COUNTY FIRE/RESCUE LOCAL 3362

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

224

Bill Number or Topic

Amendment Barcode (if applicable)

3/22/23

Meeting Date

Gov. Oversight

Committee

Name

Ruben Rodriguez

Phone

850-445-2599

Address

2319 Laurel St Dr

Email

rubenmed1c@gmail.com

Street

Tallahassee

FL

32309

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:

Tallahassee Professional FFs' 2339

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

03/22/2023

APPEARANCE RECORD

0224

Meeting Date

Govt Oversight & Accountability

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt FPCA Exec Director

Phone 850-219-3631

Address 2636 Mitcham Drive

Email jpritt@fpca.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 Police Chiefs Association

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

FL Police Chiefs Association

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

Govt Oversight

Committee

Deliver both copies of this form to

Senate professional staff conducting the meeting

224
Bill Number or Topic

Amendment Barcode (if applicable)

Name

J. Scott Bayne

Phone

Address

309 SW 26 St.

Street

Email

President@IAFFLocal765.org

Fort Lauderdale

City

FL

State

33315

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:

Fort Lauderdale Professional Fire Fighters IAFF 765

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)

3/22/23

Meeting Date

The Florida Senate APPEARANCE RECORD

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

SB224

Bill Number or Topic

Gov. Oversight & Acct

Committee

Amendment Barcode (if applicable)

Name MIKE BELLAMY / FL Professional Firefighters

Phone 850-264-7420

Address 343 W. MADISON ST

Street

Email MIKE Bellamy 24@gmail.com

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:

☐ 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

3/22/23

Meeting Date

224

Bill Number or Topic

900 900

Amendment Barcode (if applicable)

Committee

Name

Michael ~~Bramson~~ BRAMSON

Phone

321-350-0557

Address

823 Glen Arden

Email

ibff2969

Street

Altamonte

City

FL

State

32701

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:

Brevard County Professional Firefighter

L2969

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

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:

Local 3852

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)

3/22/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

224

Bill Number or Topic

Committee

Name

Nick Gradia

Phone

850-816-5188

Address

5934 Augustine Dr.

Street

Email

nick.gradia@gmail.com

Pace

City

FL

State

32571

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:

Escambia County Professional Firefighters

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

3-22-23

Meeting Date

Gov. Oversight & Acct.

Committee

SB 224

Bill Number or Topic

Name

Diane Jones

Phone

321-514-8804

Address

1120 Cheney Hwy Unit H

Email

djones004@cflln.com

Street

Titusville

State

Fl.

32780

Zip

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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

3-22-23
Meeting Date

government oversight
Committee

SB 224
Bill Number or Topic

Name JEFF ESTES

Amendment Barcode (if applicable)
Phone 321-360-2531

Address 3747 Canbora Ct.
Street
Intusville FLA. 32770
City State Zip

Email jestes15@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:

☐ 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.

The Florida Senate

APPEARANCE RECORD

3-22-2023

Meeting Date

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

SB 224

Bill Number or Topic

Gov. Oversight & Acct.

Committee

Amendment Barcode (if applicable)

Name

John OBrien

Phone

321-302-1213

Address

7011 Evergreen Dr

Email

johnob63@yahoo.com

Street

Cocoa

City

FL

State

32927

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

3/22/2023

Meeting Date

GOVERNMENT OVERSIGHT &

Committee

ACCOUNTABILITY

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

SB224

Bill Number or Topic

Amendment Barcode (if applicable)

Name EDWARD GRABOWSKI

Phone

Address 559 CALO CT.

Email

Street

NEW SMYRNA BEACH, FL 32168

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

22 March 23

Meeting Date

224

Bill Number or Topic

Government Oversight + Accountability

Committee

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

Amendment Barcode (if applicable)

Name Reinaldo Gonzalez

Phone 305-301-6926

Address 1004 Sweet briar LN

Street

Email

Riviera Beach

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

03/24/2023

Meeting Date

Gouverment Oversight

Committee

Name

Richard Gilliland

Phone

321-298-6351

Address

7140 Milton Ave

Street

Email

gillilandr@gmail.com

City

Cocoa

State

FL

Zip

32927

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

03-22-2023
Meeting Date
Governmental Oversight
and Accountability
Committee

SB224
Bill Number or Topic

Amendment Barcode (if applicable)

Name Rachael Shaffer

Phone 321-458-5321

Address 750 Cammeral Graves Blvd
Street

Email bracketrachael0805@gmail.com

COCOA FL 32926
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

3/22/23

Meeting Date

SB 224

Bill Number or Topic

GOVERNMENT OVERSIGHT & ACCOUNTABILITY

Committee

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

Amendment Barcode (if applicable)

Name HARRY HUFF

Phone 3214742737

Address 32110 NORFOLK ST

Street

Email nhuff65@gmail.com

Mims

City

FL

State

32754

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

3/02/23

Meeting Date

SB 224

Bill Number or Topic

Gov ops

Committee

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

Amendment Barcode (if applicable)

Name

Thomas Nedert

Phone

321 604 2888

Address

1870 Zamander Ct NW

Email

tnedert47@yahoo.com

Street

Palm Bx

FL

32907

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:

Brevard County Professional Firefighter L 2969

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

3/22/23

Meeting Date

Gov OPS

Committee

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

224

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jeremy Karaginis

Phone

407-963-4919

Address

528 Webster St.

Street

Email

JKaraginis1@gmail

Lake Mary

City

FL

State

32746

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:

Volusia County Professional Firefighters 3574

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 224

Bill Number or Topic

3/22/23

Meeting Date

Gov Ops

Committee

Amendment Barcode (if applicable)

Name John Vaccaro

Phone

Address 1805 Masoud Ct

Email Wickpapa10@aol

Street

Port Orange FL 32128

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:

Presden L2913

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

3/27/23
Meeting Date

Govt Oversight
Committee

224
Bill Number or Topic

Name MIRIAM BAKER Phone 904-382-2394

Address 605 E. 64th ST Email iamawburny@gmail.com

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 \(flsenate.gov\)](#)

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 224

Bill Number or Topic

3/22/23

Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Molly Hudson for Volusia Sheriff's Office

Phone

(386) 736-5961

Address

123 W. Indiana Ave

Email

mHUDSON@volusia-sheriff.gov

Street

Deland, FL 32720

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

2-22-23

Meeting Date

SB 224

Bill Number or Topic

GOVT OVERSIGHT & ACCT.

Committee

Amendment Barcode (if applicable)

Name THOMAS A. NEWTON

Phone 321-537-6709

Address 6113 WATERLOC AV

Email tanewton33@gmail.com

Street

COCOA

City

FL

State

32927

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

SB224

3/22/23

Meeting Date

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

Bill Number or Topic

Gov ops

Committee

Amendment Barcode (if applicable)

Name

Brian Gent

Phone

321-568-8527

Address

5605 Lwe Oak

Email

holapaw70@yahoo.com

Street

melb.

FL

32904

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:

Palm Bay Professional Firefighters Local 12446

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
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 Governmental Oversight and Accountability

BILL: CS/SB 1188

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Boyd

SUBJECT: Contract Liability

DATE: March 23, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Fav/CS
2.			CA	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1188 requires each contract for more than \$35,000 of commodities or contractual services to include a provision limiting a vendor's liability to a defined monetary threshold. The bill requires all contracts for services in excess of \$35,000 to include a provision limiting vendor liability for direct damages to the greater of \$100,000, the dollar amount of the contract or purchase order, or two times the charges rendered by the contractor under the purchase order.

This requirement also applies to purchases by the early learning coalitions.

The bill is expected to have an indeterminate impact on state expenditures.

The bill takes effect July 1, 2023.

II. Present Situation:

Competitive Solicitation for Commodities or Contractual Services

Chapter 287, F.S., regulates state agency procurement of personal property and services. The Department of Management Services (DMS) oversees state purchasing, including professional and contractual services, as well as commodities needed to support agency activities.¹

¹ See ss. 287.032 and 287.042, F.S., which establish the powers and duties of DMS.

Current law establishes the following purchasing categories:

- Category One: \$20,000.
- Category Two: \$35,000.
- Category Three: \$65,000.
- Category Four: \$195,000.
- Category Five: \$325,000.²

Florida law requires state agencies procuring for commodities or contractual services in excess of \$35,000³ to use a competitive solicitation process.⁴ A competitive solicitation is the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of procurement method.⁵ Depending on the type of contract and scope of work or goods sought, an agency may use one of three procurement methods: invitation to bid,⁶ request for proposals,⁷ or invitation to negotiate.⁸

Invitation to Bid

When an agency is capable of defining the scope of work or specific commodity sought, then an agency must use an invitation to bid (ITB). An ITB must include a detailed description of the commodity or contractual service sought and whether the agency contemplates renewal of the contract. If the agency contemplates renewal of the contract, then each bid submitted in response to an ITB must include the price for each year for which the contract may be renewed. Bid evaluations must include consideration of the total cost for each year of the contract, including renewal years, and the contract must be awarded to the responsible⁹ and responsive vendor¹⁰ who submits the lowest responsive bid.¹¹

Request for Proposals

An agency must use a request for proposals (RFP) when the purposes and uses for the contractual service or commodity sought can be specifically defined and the agency is capable of identifying necessary deliverables. A vendor may respond with various versions of services or commodities to meet the specification of the solicitation document. Before issuing an RFP, the agency must specify in writing the reasons an ITB is not practicable. An RFP must include a statement describing the commodities or contractual services sought, the relative importance of price and other evaluation criteria, and whether the agency contemplates renewal of the contract.

² Section 287.017, F.S.

³ See s. 287.017, F.S., for a list of purchasing categories and their corresponding threshold amounts.

⁴ Section 287.057(1), F.S.

⁵ Section 287.012(6), F.S.

⁶ Section 287.057(1)(a), F.S.

⁷ Section 287.057(1)(b), F.S.

⁸ Section 287.057(1)(c), F.S.

⁹ A “responsible vendor” is a vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. Section 287.012(25), F.S.

¹⁰ A “responsive vendor” is a vendor that has submitted a bid, proposal, or reply that conforms in all material aspects to the solicitation. Section 287.012(27), F.S.

¹¹ Section 287.057(1)(a), F.S.

The contract is awarded by written notice to the responsible and responsive vendor whose proposal is most advantageous to the state.¹²

Invitation to Negotiate

An invitation to negotiate (ITN) is a solicitation used by an agency that is intended to determine the best method for achieving a specific goal or solving a particular problem. It identifies one or more responsive vendors with which the agency may negotiate in order to receive the best value. Before issuing an ITN, the agency head must specify in writing the reasons an ITB or an RFP are not practicable. An ITN must include questions being explored, the facts being sought, and the specific goals of the solicitation. The agency may select one or more vendors to begin negotiations and then award the contract to the responsible and responsive vendor that the agency determines will provide the best value to the state.¹³

Contracts

A competitive solicitation for contractual services in excess of \$35,000¹⁴ must be evidenced in writing by a written agreement embodying all provisions and conditions of the procurement of such services.¹⁵ The written agreement must include, but not be limited to, a provision:

- That bills for fees or other compensation for services or expenses be submitted in detail sufficient for a proper preaudit and postaudit thereof.
- That bills for any travel expenses be submitted in accordance with the law on per diem and travel expenses of public officers, employees, or authorized persons.¹⁶
- Allowing unilateral cancellation by the agency for refusal by the contractor to allow public access to all documents, papers, letters, or other material made or received by the contractor in conjunction with the contract, unless the records are exempt.
- Specifying a scope of work that clearly establishes all tasks the contractor is required to perform.
- Dividing the contract into quantifiable, measurable, and verifiable units of deliverables that must be received and accepted in writing by the contract manager before payment.
- Specifying the criteria and the final date by which such criteria must be met for completion of the contract.
- Specifying that the contract may be renewed for a period that may not exceed three years or the term of the original contract, whichever is longer.
- Specifying the renewal price for the contractual service as set forth in the bid, proposal, or reply.
- Specifying that costs for the renewal may not be charged.
- Specifying that renewals are contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds.

¹² Section 287.057(1)(b), F.S.

¹³ Section 287.057(1)(c), F.S.

¹⁴ There is an exception for the written agreement for contractual services that provide health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured state employees or provide other benefits as required by ch. 440, F.S.

¹⁵ Section 287.058(1), F.S.

¹⁶ See s. 112.061, F.S.

- Specifying the financial consequences that the agency must apply if the contractor fails to perform in accordance with the contract.
- Addressing the property rights of any intellectual property related to the contract and the specific rights of the state regarding the intellectual property if the contractor fails to provide the services or is no longer providing services.¹⁷

The written agreement must be signed by the agency head or designee and the contractor before the rendering of any contractual service in excess of \$35,000.^{18, 19} Unless otherwise provided in the General Appropriations Act (GAA) or the substantive bill implementing the GAA, the Chief Financial Officer (CFO) may waive these requirements for certain services that are exempt from competitive solicitation requirements.^{20,21} A contract may not prohibit a contractor from lobbying the executive or legislative branch concerning the scope of services, performance, term, or compensation regarding any contract to which the contractor and a state agency are parties, after contract execution and during the contract term.²²

Each public agency contract for services must authorize the public agency to inspect the:

- Financial records, papers, and documents of the contractor that are directly related to the performance of the contract or the expenditure of state funds.
- Programmatic records, papers, and documents of the contractor that the public agency determines are necessary to monitor the performance of the contract or to ensure that the terms of the contract are being met.²³

The contract must require the contractor to provide the records, papers, and documents requested by the public agency within 10 business days after the request is made.²⁴

State Purchasing Rules

The DMS has adopted Form PUR 1000 General Contracting Conditions which must be included in any contract competitively procured by an agency, unless superseded through negotiation with the vendor. There are 47 distinct provisions that must be included. The twentieth, “Limitation of Liability”, in pertinent part, provides:

Limitation of Liability. For all claims against the Contractor under any contract or purchase order, and regardless of the basis on which the claim is made, the Contractor’s liability under a contract or purchase order for *direct damages shall be limited to the greater of \$100,000, the dollar amount of the contract or purchase order, or two times the charges rendered by the Contractor under the purchase order.* This limitation shall not apply to claims arising under the Indemnity paragraph contain in this agreement.

¹⁷ Section 287.058(1)(a)-(i), F.S.

¹⁸ There is an exception in the case of a valid emergency as certified by the agency head.

¹⁹ Section 287.058(2), F.S.

²⁰ Section 287.058(5), F.S.

²¹ Section 287.057(3)(e), F.S., exempts certain services from the competitive solicitation requirements of chapter 287, F.S.

²² Section 287.058(6), F.S.

²³ Section 216.1366(1), F.S.

²⁴ Section 216.1366(2), F.S.

The DMS has also adopted Special Contract Conditions to be used in state term contracts and alternative source contracts. These conditions supersede the PUR 1000 conditions and serve as a baseline for all agency purchases off a state term contract or alternative contract source. These conditions do not include a cap on vendor liability.

III. Effect of Proposed Changes:

Section 1 amends s. 287.058, F.S., to require contracts for services in excess of \$35,000, except contracts providing of health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured state employees or the providing of other benefits required in the worker compensation program, to specify a finite maximum limit of liability for the contractor by a defined monetary threshold or monetary formula.

Section 1 also requires all contracts for services in excess of \$35,000, without exceptions for any services, to include a specific contractual provision that limits the vendor's liability for direct damages to the greater of \$100,000, the dollar amount of the contract or purchase order, or two times the charges rendered by the contractor under the purchase order.

Section 2 reenacts s. 287.0571, F.S., to incorporate by reference the changes made in section 1 to be included in the business case to outsource services.

Section 3 reenacts s. 1002.84, F.S., to incorporate by reference the changes made in section 1 to require each early learning coalition to comply with the new requirement.

Section 4 provides that the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

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:

The bill may significantly limit a vendor's liability under a contract with a state agency.

C. Government Sector Impact:

State agencies will have more limited remedies to offset costs associated with a vendor's breach of contract, including damages related to data breaches, lost revenues, and institutional savings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 287.058, 287.0571, and 1002.84 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Governmental Oversight and Accountability on March 22, 2023:

The committee substitute requires all contracts for services in excess of \$35,000 to include a provision limiting vendor liability for direct damages to the greater of \$100,000, the dollar amount of the contract or purchase order, or two times the charges rendered by the contractor under the purchase order.

B. Amendments:

None.



313992

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2023	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Boyd) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 52 and 53
insert:

(8) Every procurement of contractual services in excess of
the threshold amount provided in s. 287.017 for CATEGORY TWO
must be evidenced by a written agreement that includes the
following provision:

For all claims against the contractor under any



313992

contract or purchase order, regardless of the basis on
which the claim is made, the contractor's liability
for direct damages under a contract or purchase order
must be limited to the greater of \$100,000, the dollar
amount of the contract or purchase order, or two times
the charges rendered by the contractor under the
purchase order. This limitation does not apply to
claims arising under the indemnity section of the
agreement. Unless otherwise specifically enumerated in
the contract or in the purchase order, a party may not
be liable to another for special, indirect, punitive,
or consequential damages, including lost data or
records, unless the contract or purchase order
requires the contractor to back up such data or
records, even if the party has been advised that such
damages are possible. A party may not be liable for
lost profits, lost revenue, or lost institutional
operating savings. The state and agency may, in
addition to other remedies available to them at law or
equity and upon notice to the contractor, retain such
monies from amounts due to the contractor as may be
necessary to satisfy any claim for damages, penalties,
costs, and the like asserted by or against them. The
state may offset any liability or other obligation of
the contractor or its affiliates to the state against
any payments due to the contractor under any contract
with the state.

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



313992

40 And the directory clause is amended as follows:

41 Delete line 20

42 and insert:

43 (j), a new paragraph (i) is added to that subsection, and
44 subsection (8) is added to that section, to

45

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

47 And the title is amended as follows:

48 Delete line 8

49 and insert:

50 or formula; providing applicability; requiring that
51 certain procurement agreements or purchase orders
52 include a specified provision; reenacting ss.

By Senator Boyd

20-01811A-23

20231188__

A bill to be entitled

An act relating to contract liability; amending s. 287.058, F.S.; requiring that certain procurement contracts contain a provision specifying a finite maximum limit of liability for a contractor; requiring maximum liability terms for such contract or purchase order to be specified as a defined monetary threshold or formula; providing applicability; reenacting ss. 287.0571(5) and 1002.84(13), F.S., relating to contract requirements for proposed outsourcing and procurement contract requirements for early learning coalitions, respectively, to incorporate the amendment made to s. 287.058, F.S., in references thereto; providing an effective date.

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

Section 1. Present paragraph (i) of subsection (1) of section 287.058, Florida Statutes, is redesignated as paragraph (j), and a new paragraph (i) is added to that subsection, to read:

287.058 Contract document.—

(1) Every procurement of contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except for the providing of health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured state employees or the providing of other benefits as required by chapter 440, shall be evidenced by a written agreement embodying all provisions and conditions of the

Page 1 of 6

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

20-01811A-23

20231188__

procurement of such services, which shall, where applicable, include, but not be limited to, a provision:

(i) Specifying a finite maximum limit of liability for the contractor by a defined monetary threshold or monetary formula.

1. Liability terms as enumerated under any contract or purchase order of a governmental entity must specify a defined monetary threshold or monetary formula that establishes the maximum liability of the contractor for the contract or purchase order.

2. The monetary threshold or monetary formula may not apply to claims arising under separate contractual provisions specific to indemnification.

In lieu of a written agreement, the agency may authorize the use of a purchase order for classes of contractual services if the provisions of paragraphs (a)-(j) ~~(a)-(i)~~ are included in the purchase order or solicitation. The purchase order must include, but need not be limited to, an adequate description of the services, the contract period, and the method of payment. In lieu of printing the provisions of paragraphs (a)-(c) and (g) in the contract document or purchase order, agencies may incorporate the requirements of paragraphs (a)-(c) and (g) by reference.

Section 2. For the purpose of incorporating the amendment made by this act to section 287.058, Florida Statutes, in a reference thereto, subsection (5) of section 287.0571, Florida Statutes, is reenacted to read:

287.0571 Business case to outsource; applicability.—

(5) In addition to the contract requirements provided in s.

Page 2 of 6

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

20-01811A-23 20231188__

287.058, each contract for a proposed outsourcing, pursuant to this section, must include, but need not be limited to, the following contractual provisions:

(a) A scope-of-work provision that clearly specifies each service or deliverable to be provided, including a description of each deliverable or activity that is quantifiable, measurable, and verifiable. This provision must include a clause that states if a particular service or deliverable is inadvertently omitted or not clearly specified but determined to be operationally necessary and verified to have been performed by the agency within the 12 months before the execution of the contract, such service or deliverable will be provided by the contractor through the identified contract-amendment process.

(b) A service-level-agreement provision describing all services to be provided under the terms of the agreement, the state agency's service requirements and performance objectives, specific responsibilities of the state agency and the contractor, and the process for amending any portion of the service-level agreement. Each service-level agreement must contain an exclusivity clause that allows the state agency to retain the right to perform the service or activity, directly or with another contractor, if service levels are not being achieved.

(c) A provision that identifies all associated costs, specific payment terms, and payment schedules, including provisions governing incentives and financial disincentives and criteria governing payment.

(d) A provision that identifies a clear and specific transition plan that will be implemented in order to complete

20-01811A-23 20231188__

all required activities needed to transfer the service or activity from the state agency to the contractor and operate the service or activity successfully.

(e) A performance-standards provision that identifies all required performance standards, which must include, at a minimum:

1. Detailed and measurable acceptance criteria for each deliverable and service to be provided to the state agency under the terms of the contract which document the required performance level.

2. A method for monitoring and reporting progress in achieving specified performance standards and levels.

3. The sanctions or disincentives that shall be imposed for nonperformance by the contractor or state agency.

(f) A provision that requires the contractor and its subcontractors to maintain adequate accounting records that comply with all applicable federal and state laws and generally accepted accounting principles.

(g) A provision that authorizes the state agency to have access to and to audit all records related to the contract and subcontracts, or any responsibilities or functions under the contract and subcontracts, for purposes of legislative oversight, and a requirement for audits by a service organization in accordance with professional auditing standards, if appropriate.

(h) A provision that requires the contractor to interview and consider for employment with the contractor each displaced state employee who is interested in such employment.

(i) A contingency-plan provision that describes the

20-01811A-23

20231188__

mechanism for continuing the operation of the service or activity, including transferring the service or activity back to the state agency or successor contractor if the contractor fails to perform and comply with the performance standards and levels of the contract and the contract is terminated.

(j) A provision that requires the contractor and its subcontractors to comply with public records laws, specifically to:

1. Keep and maintain the public records that ordinarily and necessarily would be required by the state agency in order to perform the service or activity.

2. Provide the public with access to such public records on the same terms and conditions that the state agency would provide the records and at a cost that does not exceed that provided in chapter 119 or as otherwise provided by law.

3. Ensure that records that are exempt or records that are confidential and exempt are not disclosed except as authorized by law.

4. Meet all requirements for retaining records and transfer to the state agency, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the state agency in a format that is compatible with the information technology systems of the state agency.

(k)1. A provision that provides that any copyrightable or patentable intellectual property produced as a result of work or services performed under the contract, or in any way connected with the contract, shall be the property of the state, with only

20-01811A-23

20231188__

such exceptions as are clearly expressed and reasonably valued in the contract.

2. A provision that provides that, if the primary purpose of the contract is the creation of intellectual property, the state shall retain an unencumbered right to use such property.

(l) If applicable, a provision that allows the agency to purchase from the contractor, at its depreciated value, assets used by the contractor in the performance of the contract. If assets have not depreciated, the agency shall retain the right to negotiate to purchase at an agreed-upon cost.

Section 3. For the purpose of incorporating the amendment made by this act to section 287.058, Florida Statutes, in a reference thereto, subsection (13) of section 1002.84, Florida Statutes, is reenacted to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(13) Comply with federal procurement requirements and the procurement requirements of ss. 215.971, 287.057, and 287.058, except that an early learning coalition is not required to competitively procure direct services for school readiness program and Voluntary Prekindergarten Education Program providers.

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

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Governmental Oversight and Accountability Committee

Judge:

Started: 3/22/2023 11:08:33 AM

Ends: 3/22/2023 12:45:06 PM

Length: 01:36:34

11:08:34 AM Meeting called to order, roll call
11:08:55 AM Quorum is present
11:08:59 AM Chair Avila makes opening remarks
11:09:21 AM Tab 6, SB 596- Board of Governors of the State University System by Senator Martin
11:09:31 AM Chair Avila recognizes Senator Martin
11:09:32 AM Senator Martin explains the bill
11:09:53 AM Chair Avila reads appearance cards waiving
11:10:58 AM Senator Martin waives close
11:11:01 AM Roll call on SB 596
11:11:14 AM Chair Avila reports the bill
11:11:25 AM Tab 7, CS/SB 598- Higher Educational Facilities Financing by Senator Martin
11:11:26 AM Chair Avila recognizes Senator Martin
11:11:30 AM Senator Martin explains the bill
11:12:57 AM Chair Avila reads appearance cards waiving
11:13:10 AM Senator Martin waives close
11:13:18 AM Roll call on CS/SB 598
11:13:23 AM Chair Avila reports the bill
11:13:31 AM Tab 9, SB 1616- Public Records/ Transportation and Protective Services by Senator Martin
11:13:41 AM Chair Avila recognizes Senator Martin
11:13:42 AM Senator Martin explains the bill
11:16:09 AM Questions:
11:16:11 AM Senator Rouson
11:16:32 AM Senator Martin
11:16:58 AM Senator Davis
11:17:22 AM Senator Martin
11:17:41 AM Debate:
11:17:43 AM Senator Wright
11:17:57 AM Senator Martin waives close
11:18:03 AM Roll call on SB 1616
11:18:14 AM Chair Avila reports the bill
11:18:22 AM Tab 8, SB 892- State Minimum Wage by Senator Martin
11:18:29 AM Chair Avila recognizes Senator Martin
11:18:31 AM Senator Martin explains the bill
11:19:30 AM Questions:
11:19:32 AM Senator Polsky
11:19:55 AM Senator Martin
11:22:23 AM Senator Polsky
11:22:49 AM Senator Martin
11:24:09 AM Senator Polsky
11:24:24 AM Senator Martin
11:24:39 AM Senator Polsky
11:24:52 AM Senator Martin
11:25:40 AM Senator Polsky
11:25:54 AM Senator Martin
11:26:34 AM Senator Davis
11:27:45 AM Senator Martin
11:29:18 AM Senator Davis
11:30:01 AM Senator Martin
11:30:07 AM Senator Davis
11:30:21 AM Senator Martin
11:30:31 AM Senator Davis
11:31:36 AM Senator Martin

11:32:47 AM Senator Davis
 11:33:51 AM Senator Martin
 11:35:48 AM Senator Davis
 11:36:22 AM Senator Martin
 11:38:04 AM Chair Avila recognizes appearance cards
 11:38:25 AM Dr. Rich Templin, Florida AFC-CIO
 11:42:27 AM Chair Avila reads appearance cards waiving
 11:45:03 AM Debate:
 11:45:05 AM Senator Davis
 11:46:34 AM Senator Hooper
 11:48:02 AM Senator Martin closes on the bill
 11:51:42 AM Roll call on SB 892
 11:51:50 AM Chair Avila reports the bill
 11:51:59 AM Tab 2, CS/SB 664- Contracts Entered into by the Department of Children and Families by Senator Burgess
 11:52:08 AM Chair Avila recognizes Senator Burgess
 11:52:10 AM Senator Burgess explains the bill
 11:53:13 AM Questions:
 11:53:14 AM Senator Wright
 11:53:21 AM Senator Burgess
 11:54:11 AM Debate:
 11:54:20 AM Senator Wright
 11:54:45 AM Senator Burgess waives close
 11:54:51 AM Roll call on CS/SB 664
 11:55:02 AM Chair Avila reports the bill
 11:55:12 AM Tab 4, SB 1310- Expanding Public Sector Career Opportunities by Senator DiCeglie
 11:55:18 AM Chair Avila recognizes Senator Hooper
 11:55:24 AM Senator Hooper explains the bill
 11:56:49 AM Questions:
 11:56:50 AM Senator Rouson
 11:57:03 AM Senator Hooper
 11:57:45 AM Senator Rouson
 11:58:00 AM Senator Hooper
 11:58:40 AM Chair Avila recognizes appearance forms
 11:58:51 AM Chris Stranburg, Americans for Prosperity
 11:59:37 AM Senator Hooper waives close
 11:59:45 AM Roll call on SB 1320
 11:59:49 AM Chair Avila reports the bill
 11:59:59 AM Tab 1, SB 414- Criminal Conflict and Civil Regional Counsel Membership in the Senior Management Service Class by Senator Bradley
 12:00:05 PM Chair Avila recognizes Senator Bradley
 12:00:07 PM Senator Bradley explains the bill
 12:01:24 PM Chair Avila reads appearance cards waiving
 12:01:38 PM Debate:
 12:01:42 PM Senator Wright
 12:02:02 PM Senator Bradley closes on the bill
 12:02:20 PM Roll call on SB 414
 12:02:33 PM Chair Avila reports the bill
 12:02:51 PM Tab 5, SB 1156- Florida Retirement System by Senator Burton
 12:03:07 PM Chair Avila recognizes Senator Burton
 12:03:08 PM Senator Burton explains the bill
 12:03:48 PM Amendment 248624
 12:03:56 PM Senator Burton explains the amendment
 12:04:49 PM Chair Avila reads appearance cards waiving
 12:05:31 PM Senator Burton waives close
 12:05:36 PM Chair Avila reports the amendment
 12:05:54 PM Chair Avila reads appearance cards
 12:06:22 PM Senator Burton waives close
 12:06:29 PM Roll call on CS/SB 1156
 12:06:41 PM Chair Avila reports the bill
 12:06:50 PM Tab 3, SB 1124- Employment of Ex-offenders by Senator Calatayud
 12:06:54 PM Chair Avila recognizes Senator Calatayud

12:07:03 PM Senator Calatayud explains the bill
12:09:41 PM Delete-all Amendment 373002
12:09:45 PM Senator Calatayud explains the amendment
12:10:19 PM Chair Avila reads appearance cards waiving
12:10:49 PM Senator Calatayud waives close
12:10:57 PM Chair Avila reports the amendment
12:11:11 PM Questions:
12:11:13 PM Senator Davis
12:11:46 PM Senator Calatayud
12:12:39 PM Chair Avila reads appearance cards waiving
12:13:44 PM Senator Calatayud closes on the bill
12:14:14 PM Roll call on CS/SB 1124
12:14:26 PM Chair Avila reports the bill
12:14:36 PM Tab 11, SB 1188- Contract Liability by Senator Boyd
12:14:40 PM Chair Avila recognizes Senator Boyd
12:14:44 PM Senator Boyd explains the bill
12:15:20 PM Questions:
12:15:24 PM Senator Polsky
12:15:41 PM Senator Boyd
12:16:11 PM Senator Polsky
12:16:22 PM Senator Boyd
12:16:26 PM Senator Polsky
12:17:09 PM Senator Boyd
12:17:17 PM Senator Polsky
12:17:37 PM Senator Boyd
12:18:28 PM Amendment 313992
12:18:34 PM Senator Boyd explains the amendment
12:18:57 PM Senator Boyd waives close
12:19:02 PM Chair Avila reports the amendment
12:19:20 PM Chair Avila reads appearance cards waiving on the amendment
12:19:35 PM Senator Boyd closes on the bill
12:20:00 PM Roll call on CS/SB 1188
12:20:15 PM Chair Avila reports the bill
12:20:22 PM Tab 10- SB 224, Special Risk Class Retirement Date by Senator Hooper
12:20:41 PM Chair Avila recognizes Senator Hooper
12:20:44 PM Senator Hooper explains the bill
12:22:29 PM Amendment 367100
12:22:44 PM Senator Hooper explains the amendment
12:23:33 PM Questions:
12:23:36 PM Senator Davis
12:23:48 PM Senator Hooper
12:24:23 PM Chair Avila reads appearance cards waiving on the amendment
12:24:46 PM Senator Hooper waives close
12:24:50 PM Chair Avila reports the amendment
12:25:13 PM Chair Avila recognizes appearance cards:
12:25:26 PM Wayne Bernoska, Florida Professional Firefighters
12:26:47 PM Matthew Cowart, International Union of Police Associations
12:27:59 PM Stephen Busse, Metro Dade Firefighters 1403
12:29:47 PM John Lancaster, Metro Dade Firefighters 1403
12:30:36 PM Chair Avila reads appearance cards waiving
12:33:04 PM Chief Ed Hudak, Florida Police Chiefs Association
12:36:43 PM Chair Avila reads appearance cards waiving
12:38:27 PM Debate:
12:38:29 PM Senator Davis
12:40:11 PM Senator Albritton
12:41:59 PM Senator Hooper closes on the bill
12:43:26 PM Roll call on CS/SB 224
12:43:39 PM Chair Avila reports the bill
12:44:09 PM Senator Rodriguez moves to record missed votes
12:44:40 PM Meeting adjourned