

Tab 1	SJR 204 by Brandes ; Abolishing the Constitution Revision Commission						
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Tab 2	SR 150 by Diaz ; (Identical to H 00145) Individual Liberty and Democracy						
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127248	A	S	RCS	GO, Diaz	Delete L.43:	01/27 11:40 AM
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Tab 3	SB 222 by Cruz ; (Similar to H 00037) Abandoned Cemeteries						
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433626	A	S		GO, Cruz	Delete L.123:	01/26 07:53 AM
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592004	SA	S		GO, Cruz	Delete L.123 - 128:	01/26 11:26 AM
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Tab 4	SB 400 by Rodrigues ; Public Records						
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292592	A	S	RCS	GO, Rodrigues	Delete L.16 - 18:	01/27 11:40 AM
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Tab 5	SB 78 by Rodrigues ; Dues and Uniform Assessments						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Rodrigues, Chair
Senator Gruters, Vice Chair

MEETING DATE: Wednesday, January 27, 2021
TIME: 9:00—11:30 a.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Rodrigues, Chair; Senator Gruters, Vice Chair; Senators Mayfield, Stargel, Stewart, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	SJR 204 Brandes	Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to abolish the Constitution Revision Commission, etc. GO 01/27/2021 Favorable RC	Favorable Yeas 6 Nays 0
2	SR 150 Diaz (Identical HR 145)	Individual Liberty and Democracy; Renouncing democratic socialism in favor of the true American values of individual liberty and democracy, etc. GO 01/27/2021 Fav/CS JU RC	Fav/CS Yeas 4 Nays 2
3	SB 222 Cruz (Similar H 37)	Abandoned Cemeteries; Creating the Task Force on Abandoned African-American Cemeteries; requiring the Department of State to partner with specified entities to undertake an investigation of the former Zion Cemetery site; requiring the department to contract with the University of South Florida and Florida Agricultural and Mechanical University for the identification and location of eligible next of kin; directing the Division of Historical Resources of the department to ensure the listing of certain cemeteries in the Florida Master Site File; requiring the division to seek placement of historical markers at certain abandoned cemeteries, subject to certain limitations, etc. GO 01/27/2021 Temporarily Postponed ATD AP	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Wednesday, January 27, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 400 Rodrigues	Public Records; Prohibiting an agency that receives a request to inspect or copy a record from responding to such request by filing an action for declaratory relief against the requester, etc. GO 01/27/2021 Fav/CS JU RC	Fav/CS Yeas 6 Nays 0
5	SB 78 Rodrigues	Dues and Uniform Assessments; Requiring that a public employee who desires to join an employee organization sign a membership authorization form; requiring an employee organization to revoke an employee's membership upon receipt of the employee's request for revocation; providing that certain deductions commence upon the employer's receipt and confirmation of the employee's signed deduction authorization form; specifying the time period that an employee's authorization to deduct dues and uniform assessments remains in effect, etc. GO 01/27/2021 Favorable JU RC	Favorable Yeas 4 Nays 2

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: SJR 204

INTRODUCER: Senator Brandes

SUBJECT: Abolishing the Constitution Revision Commission

DATE: January 26, 2021

REVISED: _____

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

I. Summary:

SJR 204 abolishes the Constitution Revision Commission by repealing provisions establishing it in the State Constitution. Currently, the State Constitution requires that a constitution revision commission be convened once every 20 years to examine the State Constitution and propose any amendments that it deems appropriate.

If this joint resolution is agreed to by three-fifths of the membership of each house of the legislature, the constitutional amendment proposed in the resolution will be placed on the 2022 General Election ballot or at an earlier special election specifically authorized by law for that purpose. If approved by at least 60 percent of the votes cast on the measure, the proposed amendment will take effect January 3, 2023.

II. Present Situation:

Overview

The State Constitution requires that a constitution revision commission (commission) be established every 20 years and that it have the authority to propose to voters a revision of all or any part of the State Constitution. The most recent commission convened in 2017-2018, and proposed seven amendments to the State Constitution which appeared on the 2018 General Election ballot.

Constitution Revision Commission

Origin and History

The State Constitution was revised extensively in 1968 by way of three joint resolutions proposed by the legislature and approved by the voters. The revisions included the establishment of a constitution revision commission as a means of proposing constitutional revisions to the

voters, and the requirement that it convene once every 20 years, beginning in 1977. Accordingly, three Commissions have convened: in 1977-1978, 1997-1998, and most recently in 2017-2018.¹

Members

The State Constitution requires that the commission be comprised of 37 members, and it provides guidelines for the selection of these members. The Attorney General must serve on the commission, and the rest of the members must be chosen by the Governor (15), Speaker of the House (9), President of the Senate (9), and the Chief Justice of the Florida Supreme Court (3). Additionally, the Governor must appoint a chair from among the 37 members.²

Task, Procedures, and Authority

The commission's task is to examine the State Constitution and decide which, if any, amendments to propose to the voters. The amendments must be submitted to the Secretary of State at least 180 days before the next general election.³ In turn, the amendments must be submitted to the voters at the next general election held more than 90 days after submission to the Secretary of State. To become effective, an amendment must be approved by at least 60 percent of the votes cast on the measure.⁴

The constitutional provision giving rise to the commission does little to prescribe how a commission must go about its task. Indeed, it says only that the commission must convene at the call of its chair, adopt rules of procedure, and "hold [an unspecified number of] public hearings."⁵

The State Constitution May Be Amended Only through the Processes it Prescribes

The State Constitution provides that it may be amended if the voters approve an amendment originating from one of five sources: the legislature, a constitution revision commission, a citizen initiative, a constitutional convention, or a taxation and budget reform commission.⁶

The Florida Supreme Court has stated that these processes are the *only* ways by which it may be amended:

The Constitution is the charter of our liberties. It cannot be changed, modified or amended by [governmental] fiat. It provides within itself the only method for its amendment, and . . . When a constitution directs how a thing shall be done, that is in effect a prohibition to its being done in any other way.⁷

¹ Constitution Revision Commission, *History*, <https://crc.law.fsu.edu/about/history.html> (last visited Sept. 11, 2019).

² FLA. CONST. art. XI, s. 2.

³ FLA. CONST. art. XI, s. 2.

⁴ FLA. CONST. art. XI, s. 5.

⁵ FLA. CONST. art. XI, s. 2.

⁶ FLA. CONST. art. XI.

⁷ *Browning v. Florida Hometown Democracy, Inc., PAC*, 29 So. 3d 1053, 1064 (Fla. 2010) (internal citations and quotations omitted); *accord State v. Florida State Imp. Com'n*, 60 So. 2d 747, 754 (Fla. 1952) (Terrell, J., and Adams, C.J., concurring) *abrogated on other grounds by* *Boschen v. City of Clearwater*, 777 So. 2d 958 (Fla. 2001).

Joint Resolution

A joint resolution by the legislature is one of the ways in which an amendment to the State Constitution may originate.⁸ Like a bill, it may begin in either house of the legislature.

To be submitted to the voters, a joint resolution must be agreed to by three-fifths of the membership of each house.⁹ Unless expedited by the legislature, the joint resolution is then submitted to the voters at the next general election. If the amendment proposed in the resolution is approved by at least 60 percent of the votes cast on the measure, it becomes effective in the January following the election unless otherwise specified in the amendment or in a revision of the constitution.¹⁰

III. Effect of Proposed Changes:

SJR 204 proposes to amend the State Constitution to repeal the provisions that establish a constitution revision commission. The joint resolution also amends other constitutional provisions that reference a constitution revision commission. These changes effectively abolish the constitution revision commission and a commission's authority to propose constitutional amendments to be placed on the ballot for approval by the voters.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable.

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.

⁸ FLA. CONST. art. XI. An amendment or revision may originate as a proposal by the legislature, a constitution revision commission, a constitutional convention, a taxation and budget reform commission, or the people directly, by way of an initiative.

⁹ FLA. CONST. art. XI, s. 1.

¹⁰ FLA. CONST. art XI, s. 5.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State, Division of Elections, provided the following information regarding the cost of advertising the proposed amendment contained in the resolution:

The statewide average cost for the Division of Elections to advertise constitutional amendments, in English and Spanish, in newspapers for the 2020 election cycle was **\$86.85** per English word of the originating document. This cost does not reflect the cost of the initial Spanish translation. This cost also does not include the cost of printing and distributing required by [section 101.71](#), Fla. Stat., to provide a sufficient number of copies in poster or booklet form of the constitutional amendments for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site. Again the state law requirement has historically been implemented to print and distribute booklets which include the ballot title, ballot summary, the full text of the constitutional amendment, and if applicable the financial impact statement.

With the 2019 legislative change in section [100.371\(13\)\(e\)4.](#), Fla. Stat., the summary of the initiative financial information statement (distinct from the financial impact statement) was also included as part of the booklets but not the newspaper advertising for 2020 and thereafter. This did increase costs of printing/distributing the booklets and the cost of Spanish translation, as required by law, including the Voting Rights Act.

Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from the newspapers.¹¹

¹¹ Email from W. Pierce Schuessler, Director of Policy and Budget, Florida Department of State (Jan. 20, 2021) (on file with the Senate Committee on Governmental Oversight and Accountability).

VI. Technical Deficiencies:

Considering that a taxation and budget reform commission (TBRC) is substantially similar to a constitution revision commission, the Legislature may wish to consider proposing an amendment to the State Constitution to abolish the TBRC.

The TBRC, created by Article VI, s. 6 of the State Constitution, is comprised of appointees who have the power to propose constitutional amendments directly to the electors. These amendments may include a “revision of this constitution or any part of it dealing with taxation or the state budgetary process.”¹²

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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.

¹² FLA. CONST. art. XI, s. 6(e).

By Senator Brandes

24-00044-21

2021204__

Senate Joint Resolution

A joint resolution proposing amendments to Section 5 of Article II and Section 5 of Article XI and the repeal of Section 2 of Article XI of the State Constitution to abolish the Constitution Revision Commission.

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

That the following amendments to Section 5 of Article II and Section 5 of Article XI and the repeal of Section 2 of Article XI of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of the a ~~constitution revision commission~~, taxation and budget reform commission, a constitutional convention, or a statutory body having only advisory powers.

Page 1 of 4

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

24-00044-21

2021204__

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of ... (title of office)... on which I am now about to enter. So help me God.",

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

ARTICLE XI

AMENDMENTS

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of a ~~revision commission~~, constitutional convention or the taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety

Page 2 of 4

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

24-00044-21 2021204__

59 days after such filing.

60 (b) A proposed amendment or revision of this constitution,
61 or any part of it, by initiative shall be submitted to the
62 electors at the general election provided the initiative
63 petition is filed with the custodian of state records no later
64 than February 1 of the year in which the general election is
65 held.

66 (c) The legislature shall provide by general law, prior to
67 the holding of an election pursuant to this section, for the
68 provision of a statement to the public regarding the probable
69 financial impact of any amendment proposed by initiative
70 pursuant to section 3.

71 (d) Once in the tenth week, and once in the sixth week
72 immediately preceding the week in which the election is held,
73 the proposed amendment or revision, with notice of the date of
74 election at which it will be submitted to the electors, shall be
75 published in one newspaper of general circulation in each county
76 in which a newspaper is published.

77 (e) Unless otherwise specifically provided for elsewhere in
78 this constitution, if the proposed amendment or revision is
79 approved by vote of at least sixty percent of the electors
80 voting on the measure, it shall be effective as an amendment to
81 or revision of the constitution of the state on the first
82 Tuesday after the first Monday in January following the
83 election, or on such other date as may be specified in the
84 amendment or revision.

85 BE IT FURTHER RESOLVED that the following statement be
86 placed on the ballot:

87 CONSTITUTIONAL AMENDMENT

Page 3 of 4

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

24-00044-21 2021204__

88 ARTICLE II, SECTION 5

89 ARTICLE XI, SECTIONS 2 AND 5

90 ABOLISHING THE CONSTITUTION REVISION COMMISSION.—Proposing
91 an amendment to the State Constitution to abolish the
92 Constitution Revision Commission, which meets at 20-year
93 intervals and is scheduled to next convene in 2037, as a method
94 of submitting proposed amendments or revisions to the State
95 Constitution to electors of the state for approval. This
96 amendment does not affect the ability to revise or amend the
97 State Constitution through citizen initiative, constitutional
98 convention, the Taxation and Budget Reform Commission, or
99 legislative joint resolution.

Page 4 of 4

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



The Florida Senate

Committee Agenda Request

To: Senator Ray Wesley Rodrigues, Chair
Committee on Government Oversight and Accountability

Subject: Committee Agenda Request

Date: December 18, 2020

I respectfully request that **Senate Bill # 204**, relating to Abolishing the Constitution Revision Commission, be placed on the:

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

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

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-27-21
Meeting Date

204
Bill Number (if applicable)

Topic Abolish CRC

Amendment Barcode (if applicable)

Name Barbara DeBane

Job Title MS

Address 625 E Bernard St
Street

Phone 251-4280

Tallah FL 32308
City State Zip

Email barbaradebane1@gmail.com

Speaking: For Against Information

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

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/27/21
Meeting Date

SB 6204
Bill Number (if applicable)

Topic Abolishing Constitution Revision Commission

Amendment Barcode (if applicable)

Name Brian Thiele

Job Title Director of Grassroots Operations

Address Street

Phone

City

State

Zip

Email

Speaking: For Against Information

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

Representing Americans for Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27

Meeting Date

SB 204

Bill Number (if applicable)

Topic CRC

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title _____

Address 135 S. Monroe

Phone 850-224-6926

Street

Tallahassee

FL

32302

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida AFL-CIO

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SJR 204

Bill Number (if applicable)

Meeting Date

Topic SJR 204 Constitution Revision Commission

Amendment Barcode (if applicable)

Name LAKAY LOVE

Job Title Executive Director

Address 1511 Melvin St
Street

Phone 850-345-0018

Tallahassee
City

FL
State

32301
Zip

Email lakey@lovejustwork.com

Speaking: For Against Information

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

Representing Florida Policy Action Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

Redig, Tamra

From: McVaney, Joe
Sent: Wednesday, January 20, 2021 9:02 AM
To: Redig, Tamra
Subject: FW: SB 204 - Fiscal Analysis

Please include this in archive documents for SJR 204

From: Schuessler, Pierce W. <Pierce.Schuessler@dos.myflorida.com>
Sent: Wednesday, January 20, 2021 8:42 AM
To: McVaney, Joe <McVaney.Joe@flsenate.gov>
Subject: SB 204 - Fiscal Analysis

Joe,

Please consider the paragraph below as the Department's fiscal analysis for SB 204 r/t Abolishing the Constitutional Revision Commission (Brandes). We will be uploading into ABAR later today.

Impact on State Government:

The statewide average cost for the Division of Elections to advertise constitutional amendments, in English and Spanish, in newspapers for the 2020 election cycle was **\$86.85** per English word of the originating document. This cost does not reflect the cost of the initial Spanish translation. This cost also does not include the cost of printing and distributing required by section 101.71, Fla. Stat., to provide a sufficient number of copies in poster or booklet form of the constitutional amendments for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site. Again the state law requirement has historically been implemented to print and distribute booklets which include the ballot title, ballot summary, the full text of the constitutional amendment, and if applicable the financial impact statement. With the 2019 legislative change in section 100.371(13)(e)4., Fla. Stat., the summary of the initiative financial information statement (distinct from the financial impact statement) was also included as part of the booklets but not the newspaper advertising for 2020 and thereafter. This did increase costs of printing/distributing the booklets and the cost of Spanish translation, as required by law, including the Voting Rights Act. Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from the newspapers.

W. Pierce Schuessler
Director of Policy and Budget
850-245-6514 (Office)
850-294-0166 (cell)
Pierce.Schuessler@dos.myflorida.com

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/SR 150

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Diaz

SUBJECT: Individual Liberty and Democracy

DATE: January 27, 2021 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SR 150 denounces democratic socialism in favor of the true American values of individual liberty and democracy.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

II. Present Situation:

A Senate Resolution

A Senate resolution is a one-house document pertaining to issues that are ceremonial in nature in which the House of Representatives has no involvement.¹ Florida Senate Rule 3.6 states that resolutions are required to contain a proper title as required by Article III, Section 6 of the Florida Constitution. Florida Senate Rule 4.14 states that a Senate resolution be read by title only, two times on the same day before the question is put on adoption by voice vote.

¹ The Florida Senate, *Glossary, Bills: Resolution: Senate Resolution*, available at <http://www.flsenate.gov/Reference/Glossary#B> (last visited January 12, 2021).

Democracy

The United States Citizenship and Immigration Services (USCIS) defines democracy as a representative government in which the government is elected by its citizens.² Citizens vote for their government officials, and in return, those officials represent the citizens' ideas and concerns in government. The United States Constitution establishes the United States as a democratic republic by which the government's powers are derived from the people in the form of an election.³

International Monetary Fund

The International Monetary Fund (IMF) lists the United States as the highest valued growth domestic product (GDP) in the world at over \$21 trillion.⁴ The next closest country is the People's Republic of China with a GDP of over \$16 trillion, followed by Japan which ranks third with a GDP of over \$5 trillion. The United States has held the number one position for highest GDP in the world since the 1920's.⁵ The United States is also ranked as the number one overall economy in the world using the seven indicators provided by the IMF. These indicators are:

- Real GDP growth;
- Current GDP value;
- GDP per capita;
- Purchasing power parity;
- GDP based on percentage of world population;
- Population; and
- Unemployment rate.⁶

Definitions of Democratic Socialism

While there are no official definitions of "democratic socialism," there are socialist parties and labor movements that have created several characterizations of the political model. As a result, there are various definitions being used to describe democratic socialism, which all use different terminology.

Democratic Socialists of America

Democratic Socialists of America (DSA) define democratic socialism as a government that is run economically and socially democratically in order to meet the public needs.⁷ The DSA states that

² The United States Citizenship and Immigration Services, *Democracy in the United States*, available at https://www.uscis.gov/sites/default/files/document/lesson-plans/Government_and_You_handouts.pdf, (last visited January 13, 2021).

³ *Id.*

⁴ International Monetary Fund, *World Economic Outlooks - GDP Current Prices*, available at <https://www.imf.org/external/datamapper/NGDPD@WEO/OEMDC/ADVEC/WEOWORLD> (last visited January 13, 2021)

⁵ *Id.*

⁶ *Id.*

⁷ Democratic Socialists of America, *What is Democratic Socialism*, available at <https://www.dsusa.org/about-us/what-is-democratic-socialism/>, (last visited January 14, 2021)

democratic socialists do not want to create an all-powerful government but rather a government that makes decisions based on whom are most affected.⁸

People’s Policy Project Organization

The People’s Policy Project, a self-described left-leaning, progressive organization, defines democratic socialism as a system whose means of production are owned by society. This system respects basic liberal rights and features democratic elections that are free and fair.⁹ Hence, democratic socialism is a political economic form that combines liberal democracy with social ownership of the means of production.

United Kingdom Labour Party

The United Kingdom’s Labour Party identifies its party ideology as democratic socialist. The Labour Party defines democratic socialism as greater state intervention, strengthening workers’ rights, and creating social justice reform.¹⁰

Democratic Socialism: A Global Survey

Donald F. Busky, adjunct Professor of Political Science at Camden County College and author of *Democratic Socialism: A Global Survey*, defines democratic socialism as the wing of the socialist movement that combines a belief in a socially owned economy with that of political democracy.¹¹ According to Busky, democratic socialist ideals stem from revised Marxism, adding elements of Marxism to democracy.¹²

Countries with Constitutional References to Democratic Socialism

Currently, there are no countries whose official political model is democratic socialism. However, there are countries who reference the model in their respective constitutions and have adopted certain aspects of it in their governing style. The following countries reference democratic socialism in their constitutions:

Democratic Socialist Republic of Sri Lanka

The Republic of Sri Lanka’s Constitution preamble states:

“Representatives who were elected by an overwhelming majority, to constitute Sri Lanka into a Democratic Socialist Republic whilst ratifying the immutable republican principles of Representative Democracy and assuring to all peoples Freedom, Equality, Justice, Fundamental Human Rights and the Independence of the Judiciary as the intangible heritage that guarantees the dignity and well-being of succeeding generations of the People of Sri Lanka and of all the people of the

⁸ *Id.*

⁹ People’s Policy Project, *Musings on the Meaning of Democratic Socialism*, available at, <https://www.peoplespolicyproject.org/2018/06/30/musings-on-the-meaning-of-democratic-socialism>, (last visited January 14, 2021)

¹⁰ New World Encyclopedia, *Labour Party (UK)*, available at, [https://www.newworldencyclopedia.org/entry/Labour_Party_\(UK\)](https://www.newworldencyclopedia.org/entry/Labour_Party_(UK)) (last visited January 14, 2021)

¹¹ Donald F. Busky, *Democratic Socialism: A Global Survey*, Chapter One, Page 7. (Jan. 2000)

¹² *Id.*

World, who come to share with those generations the effort of working for the creation and preservation of a Just and Free Society.”¹³

According to the International Monetary Fund (IMF), Sri Lanka is currently valued at a gross domestic product (GDP) of \$86 billion, with a population of over 22 million people.¹⁴

Federal Democratic Republic of Nepal

Section 1, Article 4 of the Nepal Constitution states that: “Nepal is an independent, indivisible, sovereign, secular, inclusive democratic socialism-oriented federal republican state.”¹⁵

According to the IMF, Nepal is currently valued at a GDP of over \$34 billion, with a population totaling over 29 million people.¹⁶

Portuguese Republic

Portugal’s Constitution preamble states:

“The Constituent Assembly affirms the Portuguese people's decision to defend national independence, guarantee citizens' fundamental rights, establish the basic principles of democracy, ensure the primacy of a democratic state based on the rule of law and open up a path towards a democratic socialist society, with respect for the will of the Portuguese people and with a view to the construction of a country that is freer, more just and more fraternal.”¹⁷

According to the IMF, Portugal is valued at a GDP of over \$257 billion, with a total population of over 10 million people.¹⁸

People’s Republic of Bangladesh

Bangladesh’s preamble states:

“Pledging that the high ideals of nationalism, socialism, democracy and secularism, which inspired our heroic people to dedicate themselves to, and our brave martyrs to sacrifice their lives in, the national liberation struggle, shall be the fundamental principles of the Constitution.

¹³ Constitute Project, *Sri Lanka Constitution*, available at https://www.constituteproject.org/constitution/Sri_Lanka_2010?lang=en, (last visited January 13, 2021)

¹⁴ World Bank, *Population Total – Sri Lanka*, available at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LK>, (last visited January 13, 2021).

¹⁵ Constitute Project, *Nepal’s Constitution*, available at https://www.constituteproject.org/constitution/Nepal_2015.pdf (last visited January 13, 2021)

¹⁶ World Bank, *Population Total – Nepal*, available at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=NP>, (last visited January 13, 2021).

¹⁷ Constitution of the Portuguese Republic, *Preamble*, available at <https://dre.pt/constitution-of-the-portuguese-republic>, (last visited January 13, 2021).

¹⁸ World Bank, *Population Total – Portugal*, available at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=PT>, (last visited January 13, 2021).

Further pledging that it shall be a fundamental aim of the State to realize through the democratic process a socialist society, free from exploitation a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizen”¹⁹

According to the IMF, Bangladesh is currently valued at a GDP of over \$338 billion, with a total population of over 164 million people.²⁰

III. Effect of Proposed Changes:

CS/SR 150 provides clauses relating to democratic socialism and American values, signifying that:

- Since its inception, the United States has adhered to the rule of law, embracing constitutional democracy and individual liberty;
- The rule of law ensures that citizens can participate in regulation through the election of their representatives, thereby protecting their real and personal property against unreasonable taxation;
- Individual liberty includes the freedom of a citizen to engage in, and benefit from, the labor of his or her hands;
- In the words of statesman, lawyer, diplomat, philosopher, and Founding Father James Madison, who served as our nation’s fourth president, “As a man is said to have a right to his property, he may be equally said to have a property in his rights”;
- All of the citizens of this great nation benefit from limiting the imposition of regulation on industry and supporting capitalism as a means of increasing the strength of our economy;
- In 2020, the International Monetary Fund reported that the economy of the United States remains the largest in the world at \$20.49 trillion, surpassing such competitors as China at \$13.4 trillion, Japan at \$4.97 trillion, and Germany at \$4 trillion;
- In contrast to the true American values of individual liberty and democracy, democratic socialism is a political and economic theory of social organization which advocates the ownership or regulation of production, distribution, and exchange by the community as a whole; and
- In many nations that have relied upon democratic socialism to improve the lives of their citizens, the result has been economic and social chaos, an extraordinarily low standard of living for the vast majority, and the lack of individual freedoms for all.

CS/SR 150 denounces democratic socialism in favor of the true American values of individual liberty and democracy.

Legislative resolutions have no force of law and are not subject to the veto power of the Governor.

¹⁹ The Constitution of the People’s Republic of Bangladesh, *Preamble*, available at <http://bdlaws.minlaw.gov.bd/act-367.html> (last visited January 14, 2021)

²⁰ World Bank, *Population Total – Bangladesh*, available at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=BD> , (last visited January 13, 2021).

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

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of 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:

None.

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 January 27, 2021:
The CS changes all versions of the word “renounce” to “denounce” to clarify the intention of 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.



127248

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete line 43

and insert:

That democratic socialism is denounced in favor of the true

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

And the title is amended as follows:

Delete line 2

and insert:



127248

11

A resolution denouncing democratic socialism in favor

By Senator Diaz

36-00429-21

2021150__

Senate Resolution

A resolution renouncing democratic socialism in favor of the true American values of individual liberty and democracy.

WHEREAS, since its inception, the United States has adhered to the rule of law, embracing constitutional democracy and individual liberty, and

WHEREAS, the rule of law ensures that citizens can participate in regulation through the election of their representatives, thereby protecting their real and personal property against unreasonable taxation, and

WHEREAS, individual liberty includes the freedom of a citizen to engage in, and benefit from, the labor of his or her own hands, and

WHEREAS, in the words of statesman, lawyer, diplomat, philosopher, and Founding Father James Madison, who served as our nation's fourth president, "As a man is said to have a right to his property, he may be equally said to have a property in his rights," and

WHEREAS, all of the citizens of this great nation benefit from limiting the imposition of regulation on industry and supporting capitalism as a means of increasing the strength of our economy, and

WHEREAS, in 2020, the International Monetary Fund reported that the economy of the United States remains the largest in the world at \$20.49 trillion, surpassing such competitors as China at \$13.4 trillion, Japan at \$4.97 trillion, and Germany at \$4 trillion, and

Page 1 of 2

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

36-00429-21

2021150__

WHEREAS, in contrast to the true American values of individual liberty and democracy, democratic socialism is a political and economic theory of social organization which advocates the ownership or regulation of production, distribution, and exchange by the community as a whole, and

WHEREAS, in many nations that have relied upon democratic socialism to improve the lives of their citizens, the result has been economic and social chaos, an extraordinarily low standard of living for the vast majority, and the lack of individual freedoms for all, NOW, THEREFORE,

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

That democratic socialism is renounced in favor of the true American values of individual liberty and democracy.

Page 2 of 2

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



SENATOR MANNY DIAZ, JR.
36th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy Chair
Appropriations Subcommittee on
Education Vice Chair
Appropriations
Appropriations Subcommittee on Health
and Human Services
Education
Commerce and Tourism
Rules

December 9, 2020

Honorable Senator Rodrigues
Chair
Committee on Government Oversight and Accountability

Honorable Chair Rodrigues,

I respectfully request Senate Bill Number 150 Individual Liberty and Democracy be placed on the next committee agenda.

Sincerely appreciate your support.

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

Senator Manny Diaz, Jr.
Florida Senate, District 36

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

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

Wilton Simpson
President of the Senate

Aaron Bean
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/27/21

Meeting Date

150

Bill Number (if applicable)

Topic American Values

Amendment Barcode (if applicable)

Name Jordan W Scott

Job Title teaching assistant

Address 1919 Dawson St Apt 2

Phone 773-793-8332

Street

Tallahassee

City

FL

State

32303

Zip

Email JSCOTT@CAM10@gmail.com

Speaking: For Against Information

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

Representing individual

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-27-21
Meeting Date

150
Bill Number (if applicable)

Topic Liberty & Democracy

Amendment Barcode (if applicable)

Name Barbara DeRose

Job Title MS

Address 628 E Gerard St
Street

Phone 251-4280

Tall FL 08
City State Zip

Email barbarad@orange7.com

Speaking: For Against Information

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

Representing FCNDW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

29 Jan 21

Meeting Date

SR 150

Bill Number (if applicable)

Topic Democratic Socialism

Amendment Barcode (if applicable)

Name Barbara Byram

Job Title Co-Founder, ~~Citizens for an Engaged Electorate~~

Address 6730 SE 120th Ct

Phone 352 441 4326

Street

Morrison FL 32668

Email citizensengaged2012@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Citizens for an Engaged Electorate

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/2021
Meeting Date

SR 150
Bill Number (if applicable)

Topic HR 145 / SR 150 - Individual Liberty

Amendment Barcode (if applicable)

Name LAIKEY LOVE

Job Title _____

Address 1511 Melvin St
Street

Phone 850-345-0018

Tallahassee FL 32301
City State Zip

Email lakey@lovejustlooks.com

Speaking: For Against Information

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

Representing Florida Policy Action Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 222

INTRODUCER: Senator Cruz

SUBJECT: Abandoned Cemeteries

DATE: January 26, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ponder	McVaney	GO	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 222 creates a ten-member Task Force on Abandoned African-American Cemeteries. The stated purpose of the task force is to study the extent to which unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state and to develop and recommend strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased. The task force is required to review the findings and recommendations made by the Task Force on Abandoned and Neglected Cemeteries and to make recommendations regarding standards for the creation, placement, and maintenance of a memorial at any identified locations of unmarked and abandoned African-American cemeteries or burial grounds throughout the state. The Department of State (DOS) must provide administrative and staff support relating to the functions of the task force. The task force must submit a report by March 1, 2022, that details its findings and recommendations. The task force is terminated on July 1, 2022.

The bill also requires the DOS, upon receiving consent of the property owners at the former Zion Cemetery site in Tampa, to partner with the University of South Florida (USF), the Florida Agricultural and Mechanical University (FAMU), and the Zion Cemetery Archaeological Committee to initiate an investigation to determine how many graves remain at the site. The DOS is directed to contract with the USF and the FAMU for the identification and location of eligible next of kin. The universities are required to provide the DOS, no later than January 1, 2022, with a list of possible descendants of those buried at the site and, to the extent possible, their contact information.

The Division of Historical Resources (Division) of the DOS must ensure that any abandoned African-American Cemetery identified by the task force is listed in the Florida Master Site File and seek placement of an Official Florida Historical Marker at a site with the approval of the land owner.

The bill specifies that, as funded by the Legislature pursuant to Specific Appropriation 3153A of the 2020-2021 General Appropriations Act, the DOS shall create, place, and maintain a memorial at the site of the former Zion Cemetery in Tampa and at the site of the former Ridgewood Cemetery at C. Leon King High School in Tampa.

The bill takes effect July 1, 2021.

II. Present Situation:

Task Force Requirements under Section 20.03, Florida Statutes

Section 20.03(8), F.S., defines “task force” to mean an “advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative related to that problem.” This provision specifies that the existence of the task force terminates upon the completion of its assignment. Further, members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation and are authorized to receive only per diem and reimbursement for travel expenses.¹

Florida Law Related to Historic and Abandoned Cemeteries, and to Unmarked Human Remains

Cemetery Regulation

Chapter 470, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (the Act), generally regulates funeral and cemetery services.² The Act authorizes the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.³

Section 497.005(13), F.S., defines the term “cemetery” to mean:

“a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.”

The Act allows for the moving of graves – disinterment and reinterment.⁴ Disinterment and reinterment must be made in the physical presence of a licensed funeral director, unless reinterment occurs in the same cemetery.⁵ Further, the funeral director is to obtain written authorization from a legally authorized person or court of competent jurisdiction prior to any

¹ Section 20.052(2)(d), F.S.

² See Section 497.001, F.S.

³ Sections 497.101, F.S., and 497.103, F.S.

⁴ See Section 497.384, F.S.

⁵ Section 487.384(1), F.S.

disinterment and reinterment. Section 497.05(43), F.S., defines the term “legally authorized person” by providing a priority listing which begins with the decedent (when written inter vivos authorizations and directions are provided by the decedent) and includes relatives of the decedent.⁶ Additionally, the definition provides for other persons who may qualify— such as a public health officer, medical examiner or county commission – should a family member not exist or be available.⁷ Thus, if a legally authorized person is not available, a court of competent jurisdiction may provide the written authorization prior to the disinterment and reinterment of a dead human body.⁸

There is a large number of abandoned cemeteries in Florida.⁹ Section 497.284, F.S., governs abandoned cemeteries, and authorizes counties and municipalities, upon notice to the Department of Financial Services, to maintain and secure an abandoned cemetery or one that has not been maintained for more than six months. The solicitation of private funds and the expenditure of public funds are authorized for such maintenance and security.¹⁰ These efforts of maintenance and security are statutorily exempt from civil liabilities or penalties for damages to property at the cemetery.¹¹ Additionally, the county or municipality is permitted to maintain an action against the cemetery owner to recover costs for maintenance or security.¹²

Criminal Offenses Concerning Dead Bodies and Graves under Chapter 872, F.S.

In Florida, criminal offenses concerning dead bodies and graves are governed by Chapter 872, F.S.¹³ Section 872.02(1), F.S., provides that it is a third degree felony¹⁴ to willfully and knowingly destroy, mutilate, deface, injure or remove any tomb¹⁵ containing human skeletal remains and disturb memorials including fences associated with a monument containing human skeletal remains¹⁶ It is a second degree felony¹⁷ to willfully and knowingly disturb the contents of a grave or tomb.¹⁸ Section 872.02, F.S., specifies that the offenses described above do not apply to:

- Any person acting under the direction or authority of the Division of the DOS;¹⁹
- Cemeteries operating under chapter 497, F.S.;

⁶ Section 497.05(43), F.S.

⁷ *Id.*

⁸ Section 497.384(3), F.S.

⁹ *See What are the applicable laws and regulations?* <https://dos.myflorida.com/historical/archaeology/human-remains/abandoned-cemeteries/what-are-the-applicable-laws-and-regulations/> (last visited January 5, 2021).

¹⁰ *Id.*

¹¹ Section 497.284(2), F.S.

¹² Section 497.284(3), F.S.

¹³ Chapter 872, F.S., is entitled, “Offenses Concerning Dead Bodies and Graves.”

¹⁴ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082, 775.083, and 775.084, F.S.

¹⁵ This section provides that the term “tomb” includes any mausoleum, columbarium, or below ground crypt.

¹⁶ Section 872.02(1), F.S.

¹⁷ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. ss. 775.082, 775.083, and 775.084, F.S.

¹⁸ Section 872.02(2), F.S.

¹⁹ The powers and duties of the Division of Historical Resources of the Department of State are set forth in s. 267.031, F.S. Subject to some limitations, a State Archaeologist, as employed by the Division, may assume jurisdiction over an unmarked human burial site in order to initiate efforts for the proper protection of the burial and the human skeletal remains and associated burial artifacts. See ss. 872.05(4), (5), and (6), F.S.

- Any cemeteries removing or relocating the contents of a grave or tomb as a response to a natural disaster; or
- Any person otherwise authorized by law to remove or disturb a tomb, monument, gravestone, burial mound, or similar structure, or its contents as set forth in subsection (1).

The section provides that a “tomb” includes any mausoleum,²⁰ columbarium,²¹ or below ground crypt.”²²

The 1998 Task Force on Abandoned and Neglected Cemeteries

In 1998, prompted by the many neglected and abandoned cemeteries throughout Florida, the Legislature enacted the Cemetery Preservation and Consumer Protection Act (CPCPA).²³ The CPCPA mandated and funded the creation of an 11-member Task Force on Abandoned and Neglected Cemeteries (the “1998 Task Force”) within the Department of Banking and Finance.²⁴ The CPCPA directed the 1998 Task Force to review and report on the status of neglected and abandoned cemeteries and, if necessary, propose legislation to counter this problem.²⁵

The 1998 Task Force submitted its Final Report on January 15, 1999.²⁶ The Task Force determined that the abandonment and neglect of cemeteries was “sufficiently wide spread to warrant government intervention.”²⁷ Specifically, the Task Force found that:

- The data collected on some 3,580 cemeteries suggested 40 percent to 50 percent of the cemeteries in Florida are abandoned or neglected.
- Lack of funding appears to be a significant factor contributing to the neglect by private, unlicensed cemeteries.
- City and County representatives on the 1998 Task Force verified that neglected cemeteries create problems for citizens and local governments and burden governmental resources.
- Older neglected cemeteries may represent a loss of historic or archeological values.
- Legislation is needed to establish guidelines, definitions, methods of establishing care for neglected and abandoned cemeteries, agencies responsible for providing such care, the funding mechanism for such projects, as well as a permanent structure to continue the location, identification, protection, preservation and care of such cemeteries.
- A grants-in-aid type program using matching funds would help ameliorate the problems created by abandoned and neglected cemeteries.
- Funding to address the problems and recommends in the proposed legislation may be derived from: (1) a one-time appropriation by the legislature, (2) a fee on death certificates, (3) enabling legislation to permit Cities and Counties to include in their budgets funds for this

²⁰ Section 497.005(46), F.S., defines a “mausoleum” as “a structure or building that is substantially exposed above the ground and that is intended to be used for the entombment of human remains.”

²¹ Section 497.005(18), F.S., defines a “columbarium” as “a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains.”

²² Section 872.02(4), F.S.

²³ See Chapter 98-268, L.O.F.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Final Report of Task Force on Abandoned and Neglected Cemeteries*, available at <https://www.coj.net/city-council/docs/brccemeteries-1999-statetaskforce-finalreport.aspx> (last visited January 5, 2021).

²⁷ *Id.* at p. 3.

purpose; and (4) the establishment of a non-profit corporation within the Department of Banking and Finance to obtain donations.

- It is imperative to stop the proliferation of neglected and abandoned cemeteries.
- The legislature has already established in Chapter 872 protection for all human burial sites and all human remains regardless of whether or not the site is abandoned.²⁸

The 1998 Task Force recommended that it be allowed to continue by either (i) “continu[ing] in its present form for a finite time” to more thoroughly examine the extent of the problems; or, (ii) the “non-profit corporation” suggested as part of proposed legislation “should continue these functions on a permanent basis.”²⁹ The 1998 Task Force also recommended to:

- Establish that local governments - combined with a statewide approach via the designated agency and non-profit - are the best way to manage issues created by abandoned and neglected cemeteries.
- Establish that owners of unlicensed cemeteries have a duty to care for their cemeteries in such a manner as to avoid neglect.
- Proscribe abandonment and neglect of cemeteries.
- Establish that a copy of all burial transit permits be filed with the Clerk of Court in the county of burial.
- Establish an easement or right of entry to enter and inspect private cemeteries for officially designated persons other than the next of kin.
- Establish that unlicensed cemeteries be required to post a sign providing notice of the existence of a cemetery at the posted location.
- Proscribe the creation of new cemeteries except under the provisions of Part I of Chapter 497, thereby insuring that a care and maintenance fund is established for each new cemetery.³⁰

The specific findings and recommendations of the 1998 Task Force have not been addressed by subsequent legislation.

Zion Cemetery

Zion Cemetery, established in 1901, is believed to be Tampa’s first cemetery for African-Americans with room for some 800 graves.³¹ Zion Cemetery disappeared from public view and city maps by 1929.³² In 1951, the Tampa Housing Authority started construction on the Robles Park Apartments on land that includes part of the Zion Cemetery site, and construction crews found several unmarked graves and three caskets.³³

²⁸ *Id.* at 7-8.

²⁹ *Id.* at 8.

³⁰ *Id.* at 8-9.

³¹ Paul Guzzo, *A community, not just Zion Cemetery, disappeared to build homes for whites*, TAMPA BAY TIMES, Nov. 4, 2019, <https://www.tampabay.com/news/hillsborough/2019/11/04/a-community-not-just-zion-cemetery-disappeared-to-build-homes-for-whites/#talk-wrapper>.

³² *Id.*

³³ Paul Guzzo, *Key dates in the history of Tampa’s forgotten Zion Cemetery*, TAMPA BAY TIMES, Jun. 19, 2019 (Updated Aug. 28, 2019) <https://www.tampabay.com/florida/2019/06/23/key-dates-in-the-history-of-tampas-forgotten-zion-cemetery>.

The Robles Park Village housing (still owned by the Tampa Housing Authority) and two other commercial businesses owned by two private sector individuals now stand on the land that once was the site of the African-American cemetery. Upon learning that the Zion Cemetery might still lie beneath at least a portion of its Robles Park Village Apartments, the Tampa Housing Authority organized a consultation committee and hired archaeologists to survey its property.³⁴ In August 2019, archeologists used a ground-penetrating radar and discovered what they believe to be 126 caskets beneath the Tampa Housing Authority land.³⁵ The Tampa Housing Authority spent between \$70,000 and \$80,000 to relocate about 29 families who occupied five buildings within the housing complex atop where Zion Cemetery is believed to sit underground.³⁶

Other Rediscovered Abandoned Cemeteries in the Tampa Area

Ridgewood Cemetery

In October 2019, the Hillsborough County School District (HCSD) learned the old Ridgewood Cemetery may have been located at the southeast corner of the King High School campus, which is now occupied by a small building and open land used for the agricultural program.³⁷ Ridgewood was designated as a pauper's cemetery and at least 280 people – mostly African Americans – were interred between 1942 and 1954.³⁸

On October 28, 2019, the HCSD created an advisory committee, the Historical Response Committee, to determine how to handle the search for unmarked graves at King High School and what to do if they were found. The HCSD hired a geotechnical firm, Geoview, to conduct a survey on the south end of King High School campus using a ground penetrating radar to look for any signs of the lost Richwood Cemetery on the campus.³⁹ On November 20, 2019, the HCSD released the of the ground penetrating radar survey (November Press Release).⁴⁰ The survey of the southern edge of the King High School campus showed evidence of burials,

³⁴ Paul Guzzo, *Richard Gonzmart believes no coffins will be found on his Zion Cemetery land*, TAMPA BAY TIMES, Sep. 24, 2019, <http://tft-hiweb.newscyclecloud.com/news/hillsborough/2019/09/24/richard-gonzmart-believes-no-coffins-will-be-found-on-his-zion-cemetery-land>.

³⁵ *Id.*

³⁶ Morrow, Emerald, *Lost African American grave discoveries highlight the need for affordable housing*, 10NEWS WTSP, Feb. 24, 2020; see also Divya Kumar, *Tenant leaders seek quicker relocation for people living near Zion Cemetery*, TAMPA BAY TIMES, Oct. 10, 2019, <https://www.tampabay.com/news/tampa/2019/10/10/tenant-leaders-look-for-quicker-relocation-for-people-living-near-zion-cemetery>.

³⁷ Paul Guzzo, *Records show King High gym may have been built atop paupers cemetery*, TAMPA BAY TIMES, Oct. 22, 2019 (updated Oct. 23, 2019), <https://www.tampabay.com/news/education/2019/10/22/map-shows-king-high-gym-may-have-been-built-atop-paupers-cemetery>.

³⁸ Lori Rozsa, *Lost lives, fresh heartache as a black cemetery is found buried under a high school*, WASHINGTON POST, November 24, 2019, https://www.washingtonpost.com/national/lost-lives-fresh-heartache-as-a-black-cemetery-is-found-buried-under-a-high-school/2019/11/24/5e755e4a-0ed4-11ea-bf62-eadd5d11f559_story.html.

³⁹ Jordan, Dave, *Forgotten Cemetery Under King High School? District Awaits Answers*, SPECTRUM NEWS 9, Oct. 28, 2019, <https://www.baynews9.com/fl/tampa/news/2019/10/28/forgotten-cemetery-under-king-high-school--district-awaits-answers>.

⁴⁰ Hillsborough County School District, Press Release, *School District Releases Findings from Scans on King High School Property*, <https://www.sdhc.k12.fl.us/newsdesk/article/1578/school-district-releases-findings-from-scans-on-king-high-school-property> (last visited January 5, 2021).

approximately 145 suspected graves.⁴¹ The scan performed on the northeast corner of the campus showed no evidence of burials or graves.⁴²

Historical records generally indicate that there were between 250 and 268 burials at Ridgewood Cemetery.⁴³ Possible reasons why the radar survey only revealed a total of approximately 145 possible graves include:

- The radar may have more difficulty locating smaller coffins of infants and children.
- Some coffins may have decayed underground preventing detection by scan some 75 years later.
- Some graves may be under the agricultural workshop building.
- Some graves may have been moved to another cemetery.
- Limitations of radar technology.⁴⁴

On November 21, 2019, pursuant to s. 872.05, F.S., the HCSD notified the county Medical Examiner in Hillsborough County and the Florida Division of Historical Resources, which serves as the state archeologist, of the unmarked human burials⁴⁵ found on the King High Campus. When an unmarked human burial is discovered – other than during an authorized archaeological excavation⁴⁶ – all disturbing activity of the burial must cease, and the district medical examiner must be notified.⁴⁷ Activity may not resume until authorized by the district medical examiner or the State Archaeologist.⁴⁸

Almost a year later, the Division informed the HCSD that it does not have jurisdiction, unless the cemetery is located on state lands.⁴⁹ The cemetery is not located on state lands, thus, jurisdiction was returned to the HCSD. On or about November 3, 2020, the Historical Response Committee met to discuss proper ways to honor the individuals buried at the site, care for the space and provide learning opportunities to students at King High School and other schools.⁵⁰ No decision has yet been announced as to how those buried at Ridgewood will be memorialized.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Section 872.05(2)(f), F.S., defines the term “unmarked human burial” as any human skeletal remains or associated burial artifacts or any location, including any burial mound or earthen or shell monument, where human skeletal remains or associated burial artifacts are discovered or believed to exist on the basis of archaeological or historical evidence, excluding any burial marked or previously marked by a tomb, monument, gravestone, or other structure or thing placed or designed as a memorial of the dead.

⁴⁶ Section 872.05(5), F.S., provides for a similar process if an unmarked human burial is discovered during an authorized archeological excavation.

⁴⁷ Section 872.05(4), F.S.

⁴⁸ *Id.*

⁴⁹ Hillsborough County School District, Press Release, *Historical Response Committee Seeks Input for Ridgewood Memorial*, <https://sdhc.k12.fl.us/newsdesk/article/1795/historical-response-committee-seeks-input-for-ridgewood-memorial> (last visited January 5, 2021).

⁵⁰ *Id.*

Fort Brooke Estuary Cemetery

Archeologists, in September 2018, uncovered three grave shafts with human remains during the development of the 50-plus acre Water Street Tampa project.⁵¹ The grave shafts were believed to be of an old military burial ground from the Seminole War era, known as Estuary Cemetery.⁵² The archeologists' July 2019 report announced that the three grave shafts had human remains, but it did not identify the ancestry and indicated that work could resume on the development site. However, not much more is known about the findings or what may have been discovered due to it being a private site.

III. Effect of Proposed Changes:

Section 1 creates the Task Force on Abandoned African-American Cemeteries to study the extent to which unmarked or abandoned African-American cemeteries and burial grounds exist throughout the state and developing and recommending strategies for identifying and recording cemeteries and burial grounds while preserving local history and ensuring dignity and respect for the deceased.

The task force is to be chaired by the Secretary of State, or his or her designee, and is composed of:

- A representative of the Bureau of Archaeological Research of the Division of Historical Resources, appointed by the Secretary of State;
- One person nominated by the President of the Florida State Conference of the National Association for the Advancement of Colored People and appointed by the Secretary of State;
- One representative of the Florida Council of Churches, nominated by the executive director of the council and appointed by the Secretary of State;
- One representative of the Florida African American Heritage Preservation Network, nominated by the executive director of the network and appointed by the Secretary of State;
- One representative of the Florida Public Archaeology Network, appointed by the Secretary of State;
- One representative of the cemetery industry, appointed by the Secretary of State;
- One member of the Senate, appointed by the President of the Senate;
- One member of the House of Representatives, appointed by the Speaker of the House of Representatives;
- One elected official from a local government, appointed by the Secretary of State.

The task force is required to hold its first meeting by August 1, 2021, and shall meet as many times as it deems necessary to complete its duties. The task force is required to:

- Review the findings and recommendations made by the 1998 Task Force and any legislative or administrative action that was taken in response to the task force's findings and recommendations;
- Examine the adequacy of current practices regarding the preservation of unmarked and abandoned African-American cemeteries and burial grounds and identify any challenges unique to African-American cemeteries and burial grounds;

⁵¹ Paul Guzzo, *More lost cemeteries will be found, historians say*, TAMPA BAY TIMES, Oct. 28, 2019, <https://www.tampabay.com/news/tampa/2019/10/28/more-lost-cemeteries-will-be-found-historians-say>.

⁵² *Id.*

- Identify locations of unmarked and abandoned African-American cemeteries and burial grounds throughout the state and propose strategies, including any proposed legislation, for the preservation and evaluation of such sites; and
- Make recommendations regarding standards for the creation, placement, and maintenance of a memorial at any identified locations of unmarked and abandoned African-American cemeteries or burial grounds throughout the state.

The task force is required to submit a report by March 1, 2022, detailing its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

This section expires on July 1, 2022.

Section 2 requires the DOS, upon receiving consent of the property owners at the former Zion Cemetery site in Tampa, to partner with the USF, the FAMU, and the Zion Cemetery Archaeological Committee formed under the auspices of the Tampa Housing Authority to continue an investigation to determine how many graves remain at the site. Any historical resource, record, archive, artifact, public research, or medical record recovered through the course of the investigation by USF or FAMU shall remain in the custody of either university for archiving and preservation until the DOS requests custody of such resource, record, archive, artifact, public research, or medical record.

This section requires the DOS to contract with USF and FAMU for the identification and location of eligible next of kin of those buried at the site.

By January 1, 2022, the universities must provide the DOS with a list of possible descendants of those buried at the site and, to the extent possible, their contact information. For any identification of next of kin occurring on or after January 1, 2022, the universities must provide contact information of the next of kin to the DOS.

Section 3 requires the Division of the DOS to ensure that any abandoned African-American cemetery identified by the task force is listed on the Florida Master Site File. Upon such a cemetery's listing in the Florida Master Site, the Division is required to – in lieu of the normal application process – seek placement of an Official Florida Historical Marker at a site with approval of the property owner. The bill permits a person or organization affiliated with an abandoned cemetery to assist the Division in researching the history of such a site in the preparation of a historical marker's creation and placement. The costs for the creation and placement of a historical marker are to be borne by the Division.

Section 4 provides that, as funded by the Legislature, pursuant to Specific Appropriation 3153A of the 2020-2021 General Appropriations Act, the Department of State shall create, place and maintain a memorial at the site of the former Zion Cemetery in Tampa and at the site of the former Ridgewood Cemetery at C. Leon King High School in Tampa.

Section 5 provides that the act takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of 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:

Task Force

Because the bill is silent as to compensation and travel expense, s. 20.052(4)(d), F.S., governs, and the task force members will not be entitled to additional compensation but are authorized to receive per diem and reimbursement for travel expenses as provided in s. 112.061, F.S. These costs will be borne by the DOS as the administering agency of the task force.

The DOS will incur an indeterminate amount of administrative expenses as the agency providing administrative and technical support for the task force.

Memorials and Placement of Florida Historical Markers

The DOS will incur costs each time it is required to place an Official Florida Historical Marker at a site of a cemetery identified by the task force. Currently, the cost of a Florida

Historical Marker is determined by the amount of text. For a single-sided marker with the same text on both sides of the marker, the cost is \$2,110. For a double-sided marker with different text appearing on both sides of the marker, the cost is \$2,420.⁵³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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.

⁵³ See Historical Markers FAQ, <https://dos.myflorida.com/historical/about/division-faqs/marker/> (last visited January 5, 2021).



433626

LEGISLATIVE ACTION

Senate

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. .

House

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

Senate Amendment

Delete line 123

and insert:

(5) By January 1, 2022, the task force shall submit a
report



592004

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

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

Senate Substitute for Amendment (433626)

Delete lines 123 - 128

and insert:

(5) By January 1, 2022, the task force shall submit a report detailing its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(6) This section expires March 11, 2022.

By Senator Cruz

18-00321-21

2021222__

1 A bill to be entitled
 2 An act relating to abandoned cemeteries; creating the
 3 Task Force on Abandoned African-American Cemeteries;
 4 specifying the purpose of the task force; requiring
 5 the Department of State to provide administrative and
 6 staff support; specifying the composition of the task
 7 force; providing meeting requirements; prescribing
 8 duties of the task force; requiring the task force to
 9 submit a report to the Governor and the Legislature by
 10 a specified date; providing for expiration of the task
 11 force; requiring the department to partner with
 12 specified entities to undertake an investigation of
 13 the former Zion Cemetery site; specifying custody of
 14 certain historical resources, records, archives,
 15 artifacts, research, and medical records; requiring
 16 the department to contract with the University of
 17 South Florida and Florida Agricultural and Mechanical
 18 University for the identification and location of
 19 eligible next of kin; requiring the universities to
 20 provide certain information regarding descendants to
 21 the department by a specified date; directing the
 22 Division of Historical Resources of the department to
 23 ensure the listing of certain cemeteries in the
 24 Florida Master Site File; requiring the division to
 25 seek placement of historical markers at certain
 26 abandoned cemeteries, subject to certain limitations;
 27 authorizing certain persons and organizations to
 28 assist the division in researching the history of such
 29 cemeteries; specifying that costs associated with the

Page 1 of 7

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

18-00321-21

2021222__

30 creation and placement of such historical markers be
 31 borne by the division; requiring the department to
 32 create, place, and maintain memorials at certain
 33 sites; providing an effective date.
 34

35 WHEREAS, until the conclusion of the Civil War, millions of
 36 African Americans in the United States, including Florida, were
 37 enslaved, and

38 WHEREAS, following the end of slavery, African Americans
 39 continued to be subject to various discriminatory practices,
 40 including restrictions on burying the dead, which resulted in
 41 segregated cemeteries and burial grounds, and

42 WHEREAS, unlike predominantly white cemeteries and burial
 43 grounds, African-American cemeteries and burial grounds were not
 44 subject to regulations and recordkeeping necessary to protect
 45 the dignity of the deceased, and

46 WHEREAS, as a result, many abandoned African-American
 47 cemeteries and burial grounds have been inadvertently discovered
 48 following years of disrepair and neglect when land is being
 49 redeveloped or has been sold, and

50 WHEREAS, to this day, abandoned African-American cemeteries
 51 and burial grounds throughout this state continue to be
 52 uncovered, as evidenced by recent reports regarding the former
 53 Zion Cemetery site in the Tampa Heights neighborhood and the
 54 former Ridgewood Cemetery on the grounds of C. Leon King High
 55 School, both in the City of Tampa, and

56 WHEREAS, the State of Florida recognizes its obligation to
 57 identify and properly record abandoned African-American
 58 cemeteries and burial grounds in order to preserve history,

Page 2 of 7

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

18-00321-21 2021222__

59 better inform development decisions, and ensure dignity and
60 respect for the deceased, NOW, THEREFORE,

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. (1) The Task Force on Abandoned African-American
65 Cemeteries, a task force as defined in s. 20.03(8), Florida
66 Statutes, is created adjunct to the Department of State for the
67 express purpose of studying the extent to which unmarked or
68 abandoned African-American cemeteries and burial grounds exist
69 throughout the state and developing and recommending strategies
70 for identifying and recording cemeteries and burial grounds
71 while also preserving local history and ensuring dignity and
72 respect for the deceased. Except as otherwise provided in this
73 section, the task force shall operate in a manner consistent
74 with s. 20.052, Florida Statutes. The department shall provide
75 administrative and staff support relating to the functions of
76 the task force.

77 (2) The task force is composed of the following members:

78 (a) The Secretary of State, or his or her designee, who
79 shall serve as chair.

80 (b) A representative of the Bureau of Archaeological
81 Research of the Division of Historical Resources, appointed by
82 the Secretary of State.

83 (c) One person nominated by the President of the Florida
84 State Conference of the National Association for the Advancement
85 of Colored People and appointed by the Secretary of State.

86 (d) One representative of the Florida Council of Churches,
87 nominated by the executive director of the council and appointed

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88 by the Secretary of State.

89 (e) One representative of the Florida African American
90 Heritage Preservation Network, nominated by the executive
91 director of the network and appointed by the Secretary of State.

92 (f) One representative of the Florida Public Archaeology
93 Network, appointed by the Secretary of State.

94 (g) One representative of the cemetery industry, appointed
95 by the Secretary of State.

96 (h) One member of the Senate, appointed by the President of
97 the Senate.

98 (i) One member of the House of Representatives, appointed
99 by the Speaker of the House of Representatives.

100 (j) One elected official from a local government, appointed
101 by the Secretary of State.

102 (3) The task force shall hold its first meeting by August
103 1, 2021. The task force may meet as many times as it deems
104 necessary to complete the duties prescribed in this section.

105 (4) The task force shall:

106 (a) Review the findings and recommendations made by the
107 Task Force on Abandoned and Neglected Cemeteries created
108 pursuant to chapter 98-268, Laws of Florida, and any legislative
109 or administrative action that was taken in response to the task
110 force's findings and recommendations.

111 (b) Examine the adequacy of current practices regarding the
112 preservation of unmarked and abandoned African-American
113 cemeteries and burial grounds and identify any challenges unique
114 to African-American cemeteries and burial grounds.

115 (c) Identify locations of unmarked and abandoned African-
116 American cemeteries and burial grounds throughout the state and

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117 propose strategies, including any proposed legislation, for the
 118 preservation and evaluation of such sites.

119 (d) Make recommendations regarding standards for the
 120 creation, placement, and maintenance of a memorial at any
 121 identified locations of unmarked and abandoned African-American
 122 cemeteries or burial grounds throughout the state.

123 (5) By March 1, 2022, the task force shall submit a report
 124 detailing its findings and recommendations to the Governor, the
 125 President of the Senate, the Speaker of the House of
 126 Representatives, the Minority Leader of the Senate, and the
 127 Minority Leader of the House of Representatives.

128 (6) This section expires July 1, 2022.

129 Section 2. (1)(a) Upon receiving consent of the property
 130 owners at the former Zion Cemetery site in Tampa, the Department
 131 of State shall partner with the University of South Florida,
 132 Florida Agricultural and Mechanical University, and the Zion
 133 Cemetery Archaeological Committee formed under the auspices of
 134 the Tampa Housing Authority to continue an investigation to
 135 determine how many graves remain at the site.

136 (b) Any historical resource, record, archive, artifact,
 137 public research, or medical record that is recovered through the
 138 course of the investigation by the University of South Florida
 139 or the Florida Agricultural and Mechanical University shall
 140 remain in the custody of either university for archiving and
 141 preservation until the Department of State requests custody of
 142 such resource, record, archive, artifact, public research, or
 143 medical record.

144 (2)(a) The Department of State shall contract with the
 145 University of South Florida and Florida Agricultural and

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146 Mechanical University for the identification and location of
 147 eligible next of kin of those buried at the site.

148 (b) No later than January 1, 2022, the universities shall
 149 provide the Department of State with a list of possible
 150 descendants of those buried at the site and, to the extent
 151 possible, their contact information.

152 (c) For any identification of next of kin occurring on or
 153 after January 1, 2022, the universities must provide contact
 154 information of the next of kin to the Department of State.

155 Section 3. The Division of Historical Resources of the
 156 Department of State shall ensure that any abandoned African-
 157 American cemetery identified by the Task Force on Abandoned
 158 African-American Cemeteries is listed in the Florida Master Site
 159 File. Upon such a cemetery's listing in the Florida Master Site
 160 File and in lieu of the normal application process for
 161 historical markers, the division must seek placement of an
 162 Official Florida Historical Marker at a site so long as the
 163 approval of the owner of the property where the marker will be
 164 placed has been obtained. A person or an organization affiliated
 165 with an abandoned cemetery may assist the division in
 166 researching the history of such a site in the preparation of a
 167 historical marker's creation and placement. The costs for the
 168 creation and placement of a historical marker authorized
 169 pursuant to this section shall be borne by the division.

170 Section 4. As funded by the Legislature, pursuant to
 171 Specific Appropriation 3153A of the 2020-2021 General
 172 Appropriations Act, the Department of State shall create, place,
 173 and maintain a memorial at the site of the former Zion Cemetery
 174 in Tampa and at the site of the former Ridgewood Cemetery at C.

18-00321-21

2021222__

175 Leon King High School in Tampa.

176 Section 5. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/27/21
Meeting Date

222
Bill Number (if applicable)

Topic Abandoned cemeteries

Amendment Barcode (if applicable)

Name Jordan W Scott

Job Title teaching assistant

Address 1419 Dawson St Apt 2

Phone 773-793-8332

Street

Tallahassee

FL

32303

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing individual

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-27-21
Meeting Date

222
Bill Number (if applicable)

Topic Abandoned Cemeteries

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title MS

Address 625 E Chesnut St
Street

Phone 251-4280

City State Zip

Email barbadevane3@gmail.com

Speaking: For Against Information

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

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 400

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Rodrigues

SUBJECT: Public Records

DATE: January 27, 2021 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 400 amends s. 119.07, F.S., to prohibit an agency that receives a public record request from responding to such request by filing an action for declaratory relief against the requester to determine the status of that record – whether that record meets the definition of a public record or is confidential or exempt.

The fiscal impact of the bill on state and local governments and their contractors is indeterminate. However, to the extent an agency is no longer permitted to use the declaratory judgment action as a vehicle to determine the rights and obligations of the parties under Chapter 119, F.S., an agency may incur greater litigation costs associated with cases challenging an agency’s denial of access to records.

The bill takes effect July 1, 2021.

II. Present Situation:

Public Records Law

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 This applies to the official business

¹ FLA. CONST., art. I, s. 24(a).

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

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁵ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁶

Section 119.011(2), F.S., broadly defines agency to mean 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.

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government 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

Making a Public Records Request

Section 119.07, F.S., sets out an orderly process for a citizen to request a public record:

1. The requestor contacts the agency in writing or orally to request to inspect or copy certain records.
2. The custodian or designee must acknowledge the request and respond to it in good faith.

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ Section 119.011(12), F.S., defines “public record” to mean “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 connection with the transaction of official business by any agency.” 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.

3. The agency may then provide the records subject to exemptions and confidentiality, or deny the request and state the basis for their denial.

In cases where the agency is uncertain whether the requested documents constitute a “public record” or are subject to a public records exemption, the agency may:

- File an opinion request to the Attorney General; or
- File an action for declaratory relief in their local court seeking a declaratory judgment on the complained of uncertainty.

When a request is denied, the requestor has the option to work with the agency in an effort to refine or alter its request so that the agency might disclose the information if the request is clarified, presented differently, or modified. The requestor may also:

- File a civil action to enforce the Public Records Act;
- File a complaint with their local state attorney; or
- If it is a qualifying dispute, seek voluntary mediation using the Attorney General’s public records mediation program pursuant to s. 16.60, F.S.

Civil and Criminal Penalties

If a person willfully and knowingly violates public records laws either by failing to release unprotected information or by releasing exempt or confidential information, that employee may be subject to criminal prosecution for a first degree misdemeanor, which carries a sentence of imprisonment up to one year and a fine of up to \$1000.⁹ Additionally, knowing and willful failure to protect the public records of victims of crimes or accidents under s. 119.105, F.S., constitutes a third degree felony, punishable by a sentence of imprisonment up to five years and a fine of up to \$5,000.¹⁰

Reasonable attorney’s fees will be assessed against an agency found to have violated public records law.¹¹

Florida Attorney General Advisory Legal Opinions

The Attorney General must respond to requests for opinions from the Governor, members of the Cabinet, the head of an executive branch department, or certain members of the Florida Legislature. They are authorized, but not required, to respond to requests for opinions from members of the Legislature, other state officers, and officers of a county, municipality, other unit of local government, or political subdivision.¹² Private companies contracting with governments may be subject to public records laws but may not request Attorney General Opinions (AGO).

In order to request an AGO, attorneys for the public entity requesting an opinion must produce a legal memorandum to supply with their request. In 2020, the Attorney General issued nine

⁹ Section 119.10(2)(a), F.S.

¹⁰ Section 119.10(2)(b), F.S.

¹¹ Section 286.011(4), F.S.

¹² Section 16.01(3), F.S.

formal opinions – none of which related to the resolution of a public records dispute or a request under the Public Records Act, generally.¹³

In 2019, the Attorney General issued two opinions directed to requests regarding the Public Records Act:

- AGO 2019-14, addressing whether the Education Practices Commission is a state agency under ch. 119, 120, and 286, F.S.; and
- AGO 2019-08, addressing whether ch. 119, F.S., precludes an agency from engaging a “vendor to conduct penetration testing of the agency’s electronic data storage systems for the purpose of detecting and remedying vulnerabilities” where such testing would potentially allow the vendor to access information that is exempt under s. 119.071(4)(d)2.a & d., F.S., and confidential under s. 119.071(4)(a)l., F.S., (pertaining to social security numbers).

Public Records Mediation Program within the Office of Attorney General

Section 16.60(2), F.S., establishes a public records mediation program (Mediation Program) within the Office of the Attorney General (OAG). This unfunded and voluntary program is designed to assist the public in avoiding litigation regarding disputes over public records access. The term “mediation” is defined to mean a process whereby a neutral third person, the mediator, acts to encourage and facilitate the resolution of a dispute between two or more parties.¹⁴ Section 16.60(1), F.S., is silent as to when mediation is appropriate or required. Section 16.60(3), F.S., requires the OAG to employ one or more mediators to mediate disputes involving access to public records. Currently, the mediation program employs one mediator.

The kinds of disputes that qualify for resolution under the s. 16.60, F.S., Mediation Program are extremely limited. An OAG mediator lacks authority to make a determination as to whether an agency has or has not violated the public records law. Additionally, an OAG mediator may not resolve a dispute involving whether an agency’s statement that it has no responsive records is or is not true. Thus, the Mediation Program’s process is foreclosed to parties that dispute a record’s status as a public record or as exempt/confidential. If these parties wish to avoid litigation - and time is not of the essence - they may seek an AGO. Otherwise, a civil action must be filed to resolve the dispute.

The OAG does not maintain a record of the number of mediations. However, the OAG estimates that the Mediation Program handles approximately 25 mediations a year which it considers to be informal dispute resolutions. The OAG considers a mediation to include only those instances in which there are communications from both sides with an OAG mediator and the mediator acts as a problem solver with both sides. Qualifying mediations generally fall into two categories:

- Where an OAG mediator works with a requestor to explain how to clarify their request such that the communication constitutes a request for records and does not merely pose a question; and

¹³ <http://www.myfloridalegal.com/ago.nsf/OP?open&RestricttoCategory=2020&Start=1&Count=30> (last visited January 12, 2021). The Attorney General’s Office filed 14 formal opinions in 2019, 6 formal opinions in 2018, 8 in 2017, 18 in 2016, 14 in 2015, and 13 in 2014.

¹⁴ Section 16.60(1), F.S.

- Where a disputes exist concerning the fees charged (as authorized by Chapter 119) by an agency to a requestor in disclosing the requested records.

Excluded from a s. 16.60, F.S., mediation are those instances where an OAG mediator reaches out on behalf of the requestor and the matter is subsequently resolved without further action by the mediator. For example, the Mediation Program is frequently contacted by a requestor who has not received any response from an agency to their public records request. In these circumstances, the OAG mediator contacts counsel for the agency. Such contact, in the vast majority of cases, results in the agency notifying the mediator of its intent to contact the requestor and the mediator hears nothing further from either party.

Declaratory Judgments

The Declaratory Judgment Act (the Act), Chapter 86, F.S., provides parties with a mechanism to adjudicate their rights without having to wait for a violation of those rights to occur, or the need to engage in conduct that might violate the rights of others.¹⁵ The Act exists “to settle and afford relief from insecurity and uncertainty with respect to rights, status, and other equitable or legal relations and is to be liberally administered and construed.”¹⁶ “A party is entitled to a declaration of rights where the ripening seeds of controversy make litigation in the immediate future appear unavoidable.”¹⁷

When an agency is uncertain whether a document is a record that must be disclosed to the public or is otherwise protected from disclosure, the agency may seek guidance from a court by filing a complaint against the requestor for declaratory judgment.¹⁸ For example, the South Florida Water Management District (District), approximately 13 days after receiving a public records request, filed for a declaratory judgement that the requested transcripts were exempt from disclosure.¹⁹ The trial court rendered final judgment for the District. The Fourth District Court of Appeal upheld the trial court’s ruling to permanently withhold portions or all of certain transcripts, and remanded for an in-cameral review of the claimed “mediation communication” redactions.²⁰

In *Butler*, Michael Butler made a public records request to the City of Hallandale Beach (City), on or about February 20, 2009, for the “distribution list” of a personal e-mail sent by the City’s mayor.²¹ On March 25, 2009, the City informed Butler the requested information did not constitute a “public record” because the email was not sent in connection with the discharge of any municipal duty.²² Butler responded on April 1, 2009, asserting his right to access the requested information.²³ The City, to determine the rights and obligations of the parties under

¹⁵ See *Murphy v. Bay Colony Property Owners Ass'n*, 12 So.3d 924 (Fla. 2d DCA 2009).

¹⁶ Section 86.101, F.S.

¹⁷ *S. Riverwalk Investments, LLC v. City of Ft. Lauderdale*, 934 So. 2d 620, 623 (Fla. 4th DCA 2006).

¹⁸ *Butler v. City of Hallandale Beach*, 68 So. 3d 278, 279 (Fla. 4th DCA 2011).

¹⁹ *South Florida Water Management District v. Everglades Law Center, Inc.*, 2017-1098-CA (19th Jud. Dist. Cir. Ct.).

²⁰ *Everglades Law Ctr., Inc. v. S. Florida Water Mgmt. Dist.*, 290 So. 3d 123 (Fla. 4th DCA 2019), *review denied sub nom. Melzer v. S. Florida Water Mgmt. Dist.*, SC19-1993, 2020 WL 1894672 (Fla. Apr. 16, 2020), and *review denied*, SC19-2135, 2020 WL 1894689 (Fla. Apr. 16, 2020).

²¹ *Butler*, 68 So. 3d at 279.

²² Complaint for Declaratory Relief at 3, *City of Hallandale Beach v. Michael Butler*, 2009 WL 10461181 (Fla. Cir. Ct.).

²³ *Id.*

Chapter 119, filed a complaint for declaratory relief against Butler, on or about April 27, 2009. The City sought a declaration that the requested information was not a “public record” and need not be disclosed.²⁴ The trial court agreed with the City and the Fourth District Court of Appeal affirmed.²⁵

Section 86.081, F.S., provides that the court may award costs as are equitable. Generally, each party bears its own costs and attorney fees. However, if such a civil action against an agency is required to enforce the public records law, and the requestor gave 5 days’ notice before filing the civil action, the court is required to award the costs of enforcement, including reasonable attorney’s fees, against the agency, if the court finds that the agency “unlawfully refused” to release the records.²⁶ If a court determines that the requestor made their request or filed suit for an improper purpose (e.g., harassment), the court awards attorney fees to the agency.²⁷

Because attorney fees are granted to a prevailing requestor, it is sometimes prudent for an agency or local government to bring suit immediately for clarification of the public records dispute in order to reduce fees at stake. Additionally, an agency facing harassing or otherwise improper requests has the option to bring suit to seek a determination that it does not need to respond to such requests.

III. Effect of Proposed Changes:

Section 1 amends s. 119.07, F.S., to prohibit an agency from responding to a request to inspect or copy a record by filing an action for declaratory relief against the requester to determine whether the record is a public record as defined by s. 119.0011, F.S., or the status of the record as confidential or exempt from the provisions of s. 119.07(1), F.S. Thus, if an agency is uncertain as to whether the requested information is a public record, or is confidential or exempt, the agency must now (1) release the records in question and risk being subject to the penalty provisions of s. 119.10, F.S.; (2) wait for the requestor to enforce the public records act by filing a civil action, and risk being subject to an award of attorney fees; or (3) initiate the process of requesting an AGO.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

²⁴ *Butler*, 68 So. 3d at 279.

²⁵ *Id.* at 281.

²⁶ Section 119.12, F.S.

²⁷ Section 119.12(3), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on the private sector because individuals and entities that request public records will not be required to pay legal costs and fees associated with a declaratory action by an agency. However, to the extent a dispute an agency and a requestor as to an agency's violation of ch. 119, F.S., arises and continues, the private sector will be required to pay legal costs and fees associated with bringing a civil action to enforce the public records laws.

C. Government Sector Impact:

It is possible that removing an agency's ability to request a declaratory judgment and avoid sanctions or further lawsuits may result in increased litigation and associated costs being incurred by the governmental entities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the section 119.07 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 January 27, 2021:

The CS clarifies that after receiving a request to inspect or copy a record, an agency may not bring a declaratory judgment action against the requestor to determine whether that record meets the definition of a public record.

- B. **Amendments:**

None.



292592

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2021	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 16 - 18
and insert:
for declaratory relief against the requester to determine
whether the record is a public record as defined by s. 119.011,
or the status of the record as confidential or exempt from the
provisions of s. 119.07(1).

By Senator Rodrigues

27-00312A-21

2021400__

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A bill to be entitled

An act relating to public records; amending s. 119.07, F.S.; prohibiting an agency that receives a request to inspect or copy a record from responding to such request by filing an action for declaratory relief against the requester; providing an effective date.

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

Section 1. Subsection (9) is added to section 119.07, Florida Statutes, to read:

119.07 Inspection and copying of records; photographing public records; fees; exemptions.—

(9) After receiving a request to inspect or copy a record, an agency may not respond to that request by filing an action for declaratory relief against the requester to determine the status of those records as exempt or confidential from this chapter.

Section 2. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/27/21
Meeting Date

SB 0400
Bill Number (if applicable)

Topic Public Records

Amendment Barcode (if applicable)

Name Brian Thiele

Job Title Director of Grassroots Operations

Address _____ Phone _____
Street

City _____ State _____ Zip _____ Email _____

Speaking: For Against Information

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

Representing Americans for Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 78

INTRODUCER: Senator Rodrigues

SUBJECT: Dues and Uniform Assessments

DATE: January 26, 2021

REVISED: _____

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

I. Summary:

SB 78 requires an employee wanting to join a union to submit a signed membership authorization form. The union must revoke the membership if the employee submits a signed request for revocation. The union may not require a reason for the employee’s decision to revoke membership in the union.

The bill also requires an employee to submit a signed dues deduction form before an employer may deduct union dues from an employee’s pay. The employer must confirm with the employee that the employee authorized the deduction. Such authorization will end automatically when the members of the employee organization ratify a new collective bargaining agreement or after three years, whichever occurs earlier. The employee maintains the right to revoke the dues deduction upon 30 days’ written notice to the employer and employee organization.

Public employers may experience an indeterminate, but likely insignificant, increase in workload and costs associated with the administration of the authorization and revocation of dues deductions.

The bill takes effect upon becoming a law.

II. Present Situation:

Collective Bargaining

Article 1, Section 6 of the State Constitution guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.” To implement this constitutional provision, the Legislature enacted ch. 447, F.S., which provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted

operations and functions of government.¹ Through collective bargaining, public employees² collectively negotiate with their public employer³ in the determination of the terms and conditions of their employment.⁴ The Public Employees Relations Commission is responsible for assisting in resolving disputes between public employees and public employers.⁵

An “employee organization” is any “labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.”⁶ When an employee organization is approved by the employees, recognized by the employer, and authorized to conduct collective bargaining, it is referred to as a certified bargaining agent, and becomes the exclusive representative of all employees in that unit.⁷

After an employee organization has been certified as the bargaining agent for a group of public employees, the bargaining agent and the chief executive officer of the appropriate public employer must bargain collectively in the determination of wages, hours, and terms and conditions of employment of the employees.⁸ Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining agent.⁹ Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.¹⁰ Current law prohibits a collective bargaining agreement from providing for a term of existence of more than three years and requires the agreement to contain all of the terms and conditions of employment of the employees during such term.¹¹

¹ Section 447.201, F.S.

² Section 447.203(3), F.S., defines the term “public employee” to mean any person employed by a public employer except:

- (a) Persons appointed by the Governor or elected by the people, agency heads, and members of boards and commissions.
- (b) Persons holding positions by appointment or employment in the organized militia.
- (c) Individuals acting as negotiating representatives for employer authorities.
- (d) Persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein.
- (e) Persons holding positions of employment with the Florida Legislature.
- (f) Persons who have been convicted of a crime and are inmates confined to institutions within the state.
- (g) Persons appointed to inspection positions in federal/state fruit and vegetable inspection service whose conditions of appointment are affected by the following:
 - 1. Federal license requirement.
 - 2. Federal autonomy regarding investigation and disciplining of appointees.
 - 3. Frequent transfers due to harvesting conditions.
- (h) Persons employed by the Public Employees Relations Commission.
- (i) Persons enrolled as undergraduate students in a state university who perform part-time work for the state university.

³ The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

⁴ Section 447.301(2), F.S.

⁵ Section 447.201(3), F.S.

⁶ Section 447.203(11), F.S.

⁷ Sections 447.203(12), 447.307(1), F.S.

⁸ Section 447.309(1), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 447.309(5), F.S.

Right-to-Work

The State Constitution forbids an employer from denying citizens the right to work based on membership or non-membership in any employee organization.¹² As such, public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.¹³

Union Dues and Deductions in Florida

Section 447.303, F.S., authorizes a certified bargaining agent, a union, to have its dues and uniform assessments collected by a public employer by deducting such payments from the salaries of those employees who choose to authorize the practice. The employee's authorization is revocable with 30 days written notice to their employer and union, but otherwise continues for the length of the union's duration as certified bargaining agent. The deductions commence upon the bargaining agent's written request to the employer. While employers may make salary deductions for dues and uniform assessments, employers are expressly prohibited from any involvement in collecting fines, penalties, or special assessments.

Section 110.114, F.S., governs all employee wage deductions for state employment. The state, its departments, bureaus, commissions, and officers are permitted to make deductions from employees' salaries when authorized and requested by the employee.¹⁴ All records of employee requests and employer authorizations for deductions from an employee's wage or salary, or the legal authority for the deduction, shall be maintained by each employing entity.¹⁵

According to the Department of Management Services, 72,356 state employees (excluding state university system employees) were represented by unions during Fiscal Year 2018-19. Of these employees, 8,998 paid union dues and assessments.¹⁶

III. Effect of Proposed Changes:

Section 1 amends s. 447.301, F.S., to require an employee wanting to join a union to sign a membership authorization form. The form must include the following acknowledgement:

I acknowledge and understand that Florida is a right-to-work state and that union membership is not required as a condition of employment. I understand that union membership and payment of union dues and assessments is voluntary and that I may not be discriminated against in any manner if I refuse to join or financially support a union.

¹² FLA. CONST. art. 1, s. 6.

¹³ Section 447.301(1) and (2), F.S.

¹⁴ *Id.*

¹⁵ Section 110.114(4), F.S.

¹⁶ State Personnel System, *Annual Workforce Report for Fiscal Year 2018-2019*, page 26,

[https://www.dms.myflorida.com/content/download/149462/996706/FY_2018-19_Annual_Workforce_Report_\(FINAL\).pdf](https://www.dms.myflorida.com/content/download/149462/996706/FY_2018-19_Annual_Workforce_Report_(FINAL).pdf)
(last visited January 20, 2021).

Furthermore, the section requires an employee organization to revoke an employee's membership upon receipt of written request. Any form required to fulfill this request may not require the employee to disclose a reason for membership revocation.

Section 2 amends s. 447.303, F.S., to require that before an employer begins deducting union dues from an employee's pay, the employer must receive a signed authorization form from the bargaining agent and confirm such authorization with the employee. The section further provides that such authorization will end automatically when the employee organization ratifies a new collective bargaining agreement or after three years, whichever occurs first.

Section 3 reenacts s. 110.114(3), F.S., in order to incorporate the changes made in section 1 of the bill.

Section 4 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill does not impose, authorize, or raise a state tax or fee.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent to which the new requirements depress union membership or salary deductions for union dues or increase costs associated with the creation and use of membership authorization and dues deduction forms, public sector unions may experience a negative fiscal impact.

C. Government Sector Impact:

Public agencies may experience additional workload relating to administering the authorization and revocation of dues deductions for public employees.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends sections 447.301 and 447.303 of the Florida Statutes.

This bill reenacts section 110.114 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 Rodrigues

27-00830A-21

202178__

1 A bill to be entitled
 2 An act relating to dues and uniform assessments;
 3 amending s. 447.301, F.S.; requiring that a public
 4 employee who desires to join an employee organization
 5 sign a membership authorization form; requiring that
 6 the form include a specified acknowledgement;
 7 requiring an employee organization to revoke an
 8 employee's membership upon receipt of the employee's
 9 request for revocation; requiring certain employees to
 10 provide specified notice to his or her employer to
 11 revoke certain deductions; providing that a revocation
 12 form may not require an employee to state a reason for
 13 the revocation; amending s. 447.303, F.S.; providing
 14 that certain deductions commence upon the employer's
 15 receipt and confirmation of the employee's signed
 16 deduction authorization form; specifying the time
 17 period that an employee's authorization to deduct dues
 18 and uniform assessments remains in effect; reenacting
 19 s. 110.114(3), F.S., relating to employee wage
 20 deductions, to incorporate the amendment made to s.
 21 447.303, F.S., in a reference thereto; providing an
 22 effective date.

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

25
 26 Section 1. Subsection (1) of section 447.301, Florida
 27 Statutes, is amended to read:

28 447.301 Public employees' rights; organization and
 29 representation.-

Page 1 of 4

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

27-00830A-21

202178__

30 (1) (a) Public employees shall have the right to form, join,
 31 and participate in, or to refrain from forming, joining, or
 32 participating in, any employee organization of their own
 33 choosing.

34 (b)1. An employee who desires to join an employee
 35 organization must sign a membership authorization form with the
 36 bargaining agent. The membership authorization form must contain
 37 the following acknowledgment in bold letters and in at least a
 38 14-point type:

39
 40 I acknowledge and understand that Florida is a right-
 41 to-work state and that union membership is not
 42 required as a condition of employment. I understand
 43 that union membership and payment of union dues and
 44 assessments is voluntary and that I may not be
 45 discriminated against in any manner if I refuse to
 46 join or financially support a union.

47
 48 2. An employee organization must revoke an employee's
 49 membership upon receipt of his or her written request for
 50 revocation. However, an employee who has authorized the
 51 deduction of dues and uniform assessments by his or her employer
 52 must also submit notice to his or her employer as provided in s.
 53 447.303 for the revocation of such deductions. If an employee
 54 must complete a form to request revocation from the employee
 55 organization, the form may not require a reason for the
 56 employee's decision to revoke his or her membership.

57 Section 2. Section 447.303, Florida Statutes, is amended to
 58 read:

Page 2 of 4

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

27-00830A-21

202178__

59 447.303 Dues; deduction and collection.—

60 (1) An Any employee organization ~~that which~~ has been
61 certified as a bargaining agent ~~has shall have~~ the right to have
62 its dues and uniform assessments deducted and collected by the
63 employer from the salaries of those employees who authorize the
64 deduction of said dues and uniform assessments.

65 (2) (a) Deductions shall commence when the employer receives
66 a signed deduction authorization form from the bargaining agent
67 and confirms with the employee, electronically or by other
68 means, that he or she authorized the deduction of dues and
69 uniform assessments.

70 (b) An employee's authorization to deduct dues and uniform
71 assessments remains in effect until the members of the
72 bargaining unit approve a new collective bargaining agreement
73 with the public employer or for 3 years after the date on which
74 the deduction begins, whichever is earlier.

75 (c) Notwithstanding paragraph (b), However, such
76 authorization is revocable at the employee's request upon 30
77 days' written notice to the employer and employee organization.
78 ~~Said deductions shall commence upon the bargaining agent's~~
79 ~~written request to the employer.~~

80 (3) Reasonable costs to the employer of said deductions is
81 ~~shall be~~ a proper subject of collective bargaining.

82 (4) Such right to deduction, unless revoked under pursuant
83 ~~to s. 447.507, is shall be~~ in force for so long as the employee
84 organization remains the certified bargaining agent for the
85 employees in the unit.

86 (5) The public employer is expressly prohibited from any
87 involvement in the collection of fines, penalties, or special

27-00830A-21

202178__

88 assessments.

89 Section 3. For the purpose of incorporating the amendment
90 made by this act to section 447.303, Florida Statutes, in a
91 reference thereto, subsection (3) of section 110.114, Florida
92 Statutes, is reenacted to read:

93 110.114 Employee wage deductions.—

94 (3) Notwithstanding the provisions of subsections (1) and
95 (2), the deduction of an employee's membership dues deductions
96 as defined in s. 447.203(15) for an employee organization as
97 defined in s. 447.203(11) shall be authorized or permitted only
98 for an organization that has been certified as the exclusive
99 bargaining agent pursuant to chapter 447 for a unit of state
100 employees in which the employee is included. Such deductions
101 shall be subject to the provisions of s. 447.303.

102 Section 4. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

78
Bill Number (if applicable)

Meeting Date _____

Amendment Barcode (if applicable) _____

Topic _____

Name MATTHEW LATA

Job Title PROFESSOR

Address 3556 GARDENVIEW

Phone 850 322 1361

Street
TALLY
City State Zip

Email matthew.lata@univ.guam.edu

Speaking: For Against Information

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

Representing United Faculty of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

1/27/21

Meeting Date

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

78

Bill Number (if applicable)

Topic Dues + Uniform Assessments

Amendment Barcode (if applicable)

Name B.D. Jogerst

Job Title Legislative Affairs Assistant

Address 516 N Adams

Phone (850) 91-8552

Street

Tallahassee

City

FL

State

32301

Zip

Email bjogerst@aif.com

Speaking: For Against Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-27-20

Meeting Date

SB 78

Bill Number (if applicable)

Topic Unions

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title Legislative Specialist

Address 213 S. Adams St

Phone 850-320-4208

Street

Tallahassee

City

FL

State

32301

Zip

Email Stephanie.Kunkel@

floridaea.org

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing Florida Education Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/27/21

Meeting Date

SB0078

Bill Number (if applicable)

Topic Dues and Uniform Assessments

Amendment Barcode (if applicable)

Name Brian Thiele

Job Title Director of Grassroots Operations

Address Street

Phone

City

State

Zip

Email

Speaking: For Against Information

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

Representing Americans for Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/27/21

Meeting Date

SB 78

Bill Number (if applicable)

Topic Dues assessment

Amendment Barcode (if applicable)

Name Martin Balinsky

Job Title Professor

Address 444 Appleyard Dr.

Phone (850) 980-1949

Street

Tallahassee FL 32312

City

State

Zip

Email balinsky1@gmail.com

Speaking: For Against Information

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

Representing United Faculty of Fla. - Tallahassee Comm. College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27
Meeting Date

SB 78
Bill Number (if applicable)

Topic Dues

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title _____

Address 135 S. Monroe

Phone 224-6928

Street

Tallahassee

FL

32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida AFL-CIO

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/2021

Meeting Date

78

Bill Number (if applicable)

Topic Dues and Uniform Assessments

Amendment Barcode (if applicable)

Name Christopher Emmanuel

Job Title Policy Director

Address 136 S. Bronough St

Phone _____

Street

Tallahassee

FL

32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/27/21

Meeting Date

78

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Krystal Williams

Job Title Graduate Assistant

Address _____

Phone 850.345.9866

Street

Email krystaljwilliams
@hotmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing FAMU - Graduate Assistants United

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

01/27/2021

Meeting Date

78

Bill Number (if applicable)

Topic Employee right to organize

Amendment Barcode (if applicable)

Name Jordan W Scott

Job Title teaching assistant

Address 1919 Dawsey St Apt 2

Phone 773-743-8332

Street

Tallahassee

City

FL

State

32303

Zip

Email JSCOTT@AMLD@gmail.com

Speaking: For Against Information

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

Representing FSU Graduate assistants United

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

Reset Form

1/27/21

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

0078

Meeting Date

Bill Number (if applicable)

Topic Dues and Uniform Assessments

Amendment Barcode (if applicable)

Name Wayne "Bernie" Bernoska

Job Title President

Address 343 Madison St.

Phone 321-231-9116

Street

Tallahassee

Florida

32301

Email bernie@fpfp.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Professional Firefighters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/2021

Meeting Date

78

Bill Number (if applicable)

Topic Dues and Assessments

Amendment Barcode (if applicable)

Name Matt Puckett

Job Title Lobbyist

Address 300 East Brevard Street

Phone _____

Street

Tallahassee

Florida

32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida Police Benevolent Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

January 27, 2021

SB78

Meeting Date

Bill Number (if applicable)

Topic Dues and Uniform Assessments

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 S Monroe Street

Phone 850-908-0551

Street

Tallahassee

FL

32301

Email jorge@flapartners.com

City

State

Zip

Speaking: For Against Information

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

Representing Center for Worker Progress Action Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-27-21

Meeting Date

SB 78

Bill Number (if applicable)

Topic SB 78

Amendment Barcode (if applicable)

Name Vincenta Barzdo

Job Title Graduate Assistant

Address 803 Timberview Drive

Phone 407-766-9049

Tallahassee FL 32308

City

State

Zip

Email vbarzdo21@gmail.com

Speaking: For Against Information

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

Representing Graduate Assistants United

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Governmental Oversight & Accountability Committee

Judge:

Started: 1/27/2021 9:00:56 AM

Ends: 1/27/2021 9:57:28 AM

Length: 00:56:33

9:00:54 AM Meeting called to order by Chair Rodrigues
9:01:12 AM Roll call by the Committee Administrative Assistant (CAA)
9:01:23 AM Comments by Chair Rodrigues
9:02:11 AM Introductions of committee members
9:04:05 AM Chair Rodrigues announces that SB 222 will be Temporarily Postponed
9:04:20 AM Tab 2 - SR 150 by Senator Diaz, Individual Liberty and Democracy
9:06:30 AM Amendment 127248 by Sen. Diaz
9:07:25 AM Amendment adopted
9:07:45 AM Jordan Scott speaking on bill
9:08:14 AM Barbara DeVane, FL NOW, waiving in opposition
9:08:59 AM Senator Torres
9:10:29 AM Senator Stewart
9:11:09 AM Comments by Chair Rodrigues
9:11:22 AM Senator Diaz closes on bill
9:12:04 AM Roll call on CS/SR 150
9:12:18 AM CS/SR 150 is reported favorably
9:12:45 AM Tab 1 - SJR 204 by Senator Brandes, Abolishing the Constitution Revision Commission
9:13:46 AM Speaker Barbara Devane, FL NOW
9:15:21 AM Speaker Brian Thiele, Americans for Prosperity, waives in support of bill
9:15:36 AM Speaker Dr. Rich Templin, Florida AFL-CIO
9:18:04 AM Lakey Love, FL Policy Action Network, waives in support
9:18:34 AM Senator Torres on bill
9:19:33 AM Senator Brandes closes on SJR 204
9:20:39 AM Roll call on SJR 204, reported favorably
9:21:02 AM Vice Chair Gruters takes Chair
9:21:33 AM Tab 4 - SB 400 by Senator Rodrigues, Public Records
9:26:54 AM Amendment 292592 by Senator Rodrigues
9:27:14 AM Senator Rodrigues explains the amendment
9:27:27 AM Amendment 292592 is adopted; back on the bill as amended
9:27:47 AM Brian Thiele, Americans for Prosperity, waives in support
9:27:56 AM Senator Rodrigues closes on SB 400
9:28:09 AM Roll call on CS/SB 400; reported favorably
9:28:26 AM Tab 5 - SB 78 by Senator Rodrigues, Dues and Uniform Assessments
9:30:38 AM Senator Torres asks question of sponsor
9:31:57 AM Follow-up question by Senator Torres
9:32:14 AM Senator Rodrigues responds to question
9:33:09 AM Speaker Matthew Lata, Professor at United Faculty of Florida
9:34:13 AM Matthew Lata, Professor and speaking as member of United Faculty of FL
9:36:08 AM B.D. Jogerst, Associated Industries of Florida, waives in support of bill
9:36:27 AM Speaker Stephanie Kunkel, Florida Education Association, speaking against bill
9:39:50 AM Brian Thiele, Americans for Prosperity, waives in support
9:40:09 AM Martin Balinsky, Professor, United Faculty of Florida - Tallahassee Community College
9:42:27 AM Speaker Dr. Rich Templin, FL AFL-CIO, in opposition to the bill
9:45:54 AM Chris Emmanuel, FLorida Chamber of Commerce, waives in support
9:46:14 AM Krystal Williams, FAMU - Graduate Assistants United, speaking against the bill
9:47:21 AM Jordan Scott, FSU Graduate Assistants United, speaking against the bill
9:48:59 AM Wayne Bernoska, Florida Professional Firefighters, waiving in opposition to the bill
9:49:21 AM Matt Puckett, Florida Police Benevolent Assoc., waives in opposition to the bill
9:49:29 AM Jorge Chamizo, Attorney, Center for Worker Progress Action Inc.
9:49:43 AM Speaker Vincenza Bazarzo, Graduate Assistants United, in opposition to the bill
9:51:48 AM Senator Torres comments on bill
9:53:44 AM Senator Stewart comments

9:54:32 AM Senator Stargel comments on bill
9:55:23 AM Senator Rodrigues closes on SB 78
9:56:19 AM Roll call on SB 78; reported favorably
9:56:40 AM Chair is turned back over to Senator Rodrigues to make comments
9:57:12 AM Senator Mayfield moves to adjourn the meeting. Without objection, the meeting is adjourned.