

Agenda Order

<b>Tab 1</b>	<b>CS/SB 430</b> by <b>GO, Powell</b> ; (Similar to CS/CS/CS/H 00049) Abandoned and Historic Cemeteries					
<b>Tab 2</b>	<b>CS/SB 838</b> by <b>TR, Collins</b> ; (Compare to CS/CS/H 00709) Proceeds Funding Motorcycle Safety Education					
<b>Tab 3</b>	<b>SB 1046</b> by <b>Rouson (CO-INTRODUCERS) Davis</b> ; (Identical to H 00629) Victims of Reform School Abuse					
<b>Tab 4</b>	<b>SB 1048</b> by <b>Rouson (CO-INTRODUCERS) Davis</b> ; (Identical to H 00631) Public Records/Victims of Reform School Abuse					
<b>Tab 5</b>	<b>CS/SB 1070</b> by <b>TR, Hooper</b> ; License Taxes					
<b>Tab 6</b>	<b>CS/SB 1094</b> by <b>GO, Martin</b> ; (Identical to CS/H 00621) Death Benefits for Active Duty Servicemembers					
<b>Tab 7</b>	<b>CS/SB 1480</b> by <b>MS, Calatayud</b> ; (Similar to CS/H 01615) Grants for Nonprofit Organization Safety					
552996	A	S	RCS	ATD, Calatayud	Delete L.32 - 48:	04/18 10:36 AM
138036	A	S	RCS	ATD, Calatayud	Delete L.51 - 54.	04/18 10:36 AM
<b>Tab 8</b>	<b>SB 1482</b> by <b>Simon</b> ; (Compare to CS/H 00413) Rural Development					
102262	D	S	RCS	ATD, Simon	Delete everything after	04/18 10:39 AM
<b>Tab 9</b>	<b>CS/SB 1664</b> by <b>CM, Hooper</b> ; (Compare to CS/CS/H 01209) Economic Development					
810348	A	S	RCS	ATD, Hooper	Delete L.274 - 321.	04/18 10:40 AM

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS COMMITTEE ON TRANSPORTATION,  
 TOURISM, AND ECONOMIC DEVELOPMENT**

**Senator Hooper, Chair  
 Senator Trumbull, Vice Chair**

**MEETING DATE:** Tuesday, April 18, 2023

**TIME:** 8:30—11:30 a.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

**MEMBERS:** Senator Hooper, Chair; Senator Trumbull, Vice Chair; Senators Collins, DiCeglie, Grall, Perry, Polsky, Powell, Stewart, Thompson, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 430</b> Governmental Oversight and Accountability / Powell (Similar CS/CS/CS/H 49)	Abandoned and Historic Cemeteries; Creating the Historic Cemeteries Program within the Division of Historical Resources of the Department of State; designating the State Historic Preservation Officer as the program's director and requiring him or her to hire employees, subject to legislative appropriation; creating the Historic Cemeteries Program Advisory Council within the division; revising the definition of the term "conservation easement" to include a right or interest in real property which is appropriate to retaining the structural integrity or physical appearance of certain cemeteries, etc.  GO 03/15/2023 Fav/CS ATD 04/18/2023 Favorable AP	Favorable Yeas 12 Nays 0
2	<b>CS/SB 838</b> Transportation / Collins (Compare CS/CS/H 709)	Proceeds Funding Motorcycle Safety Education; Requiring that the motorcycle safety education fee be used for a safety and education program administered by a certain not-for-profit corporation; providing requirements of the administrator of such program; requiring the Department of Highway Safety and Motor Vehicles to enter into a certain contract for a specified purpose; specifying the requirements of the safety awareness and education programs; requiring the department to select an administrator and enter into a contract by a specified date, etc.  TR 03/20/2023 Fav/CS ATD 04/18/2023 Favorable AP	Favorable Yeas 12 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Transportation, Tourism, and Economic Development  
Tuesday, April 18, 2023, 8:30—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 1046</b> Rouson (Identical H 629, Compare H 631, Linked S 1048)	Victims of Reform School Abuse; Citing this act as the "Arthur G. Dozier School for Boys and Okeechobee School Abuse Victim Certification Act"; requiring a person seeking certification as a victim of Florida reform school abuse to apply to the Department of State by a specified date; authorizing the estate, personal representative, next of kin, or lineal descendants of a decedent who was a victim of Florida reform school abuse to submit an application on behalf of the decedent; prohibiting the department from denying an application for specified reasons and under certain circumstances, etc.  GO 04/05/2023 Favorable ATD 04/18/2023 Favorable FP	Favorable Yeas 12 Nays 0
4	<b>SB 1048</b> Rouson (Identical H 631, Compare H 629, Linked S 1046)	Public Records/Victims of Reform School Abuse; Providing an exemption from public records requirements for personal identifying information in applications submitted to the Department of State by persons seeking certification as victims of Florida reform school abuse; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.  GO 04/05/2023 Favorable ATD 04/18/2023 Favorable FP	Favorable Yeas 12 Nays 0
5	<b>CS/SB 1070</b> Transportation / Hooper	License Taxes; Imposing specified additional annual license taxes on electric vehicles; imposing specified additional annual license tax on plug-in hybrid electric vehicles; authorizing persons and entities to biennially renew vehicle registrations for electric vehicles and plug-in hybrid electric vehicles; specifying requirements for the use of the proceeds by local governments; providing for future expiration, etc.  TR 03/20/2023 Fav/CS ATD 04/18/2023 Favorable AP	Favorable Yeas 12 Nays 0
6	<b>CS/SB 1094</b> Governmental Oversight and Accountability / Martin (Identical CS/H 621)	Death Benefits for Active Duty Servicemembers; Revising the amount and conditions of payment of death benefits; requiring that payment be made to the beneficiary through the process set out by the Department of Military Affairs; requiring the department to request the Chief Financial Officer to draw a warrant for payment of benefits from the General Revenue Fund, etc.  GO 03/29/2023 Fav/CS ATD 04/18/2023 Favorable AP	Favorable Yeas 12 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Transportation, Tourism, and Economic Development  
Tuesday, April 18, 2023, 8:30—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>CS/SB 1480</b> Military and Veterans Affairs, Space, and Domestic Security / Calatayud (Similar CS/H 1615)	Grants for Nonprofit Organization Safety; Requiring the Division of Emergency Management to establish a specified grant program; providing eligibility requirements; requiring the grants to be used for certain purposes; providing limitations on the amount of grant awards; authorizing the division to use a certain amount of funding for administration of the program, etc.  MS 03/29/2023 Fav/CS ATD 04/18/2023 Fav/CS FP	Fav/CS Yeas 12 Nays 0
8	<b>SB 1482</b> Simon (Compare CS/H 413, CS/CS/H 1209, S 1628, CS/S 1664)	Rural Development; Prohibiting certain agency agreements from requiring the expenditure of funds before reimbursement; specifying that funding provided under the Regional Rural Development Grants Program are not matching grants; revising the conditions under which an applicant to the Rural Community Development Revolving Loan Fund may retain repayments of principal and interest; revising the purpose of the Rural Infrastructure Fund; revising the percentages of total infrastructure project cost that the Department of Economic Opportunity may award through the fund, etc.  CM 03/20/2023 Favorable ATD 04/18/2023 Fav/CS FP	Fav/CS Yeas 12 Nays 0
9	<b>CS/SB 1664</b> Commerce and Tourism / Hooper (Compare CS/CS/H 1209, H 1491, S 1482, S 1666)	Economic Development; Requiring the Secretary of Economic Opportunity to appoint deputy secretaries and directors for specified divisions of the Department of Economic Opportunity; revising the list of local governments affected by Naval Support Activity Orlando; revising requirements relating to the Florida Rural Development Grants Program; specifying that the term "public infrastructure projects" includes projects for workforce housing; deleting the future repeal of provisions governing the Florida Development Finance Corporation, etc.  CM 03/27/2023 Fav/CS ATD 04/18/2023 Fav/CS FP	Fav/CS Yeas 12 Nays 0

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 430

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Powell

SUBJECT: Abandoned and Historic Cemeteries

DATE: April 18, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	<u><b>Fav/CS</b></u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u><b>Favorable</b></u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 430 creates the Historic Cemeteries Program (Program) within the Division of Historical Resources (Division). The bill establishes the responsibilities of the Program and specifies the entities to which the Program can provide grants. The bill provides that the State Historic Preservation Officer (Officer) shall serve as the director of the Program and employ three full-time employees to operate the Program, subject to appropriation of funds.

The bill establishes the Historic Cemeteries Program Advisory Council (Council) within the Division. The bill provides that the Secretary of State will appoint members to the Council to staggered terms, who must be regionally distributed and representative of communities throughout the state. The bill establishes the duties and responsibilities of the Council and provides that the members serve without compensation, but may receive per diem and reimbursement for travel expenses.

The bill amends the definition of “legally authorized person” to include members of representative community organizations. The bill also amends the definition of “conservation easement” to include abandoned and neglected cemeteries that are 50 or more years old.

The Department of State will incur insignificant costs associated with the Historic Cemeteries Program Advisory Council. Otherwise, the bill, without an appropriation by the Legislature, is not expected to impact state and local government expenditures.

The bill takes effect July 1, 2023.

## **II. Present Situation:**

### **Department of State**

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs, and Administration. The head of the DOS is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor, and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.<sup>1</sup> The Secretary also serves as the state protocol officer and, in consultation with the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.<sup>2</sup>

### ***Division of Historical Resources***

The DOS's Division of Historical Resources (Division) is responsible for preserving and promoting Florida's historical, archaeological, and folk culture resources. The Division Director's Office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and coordinates outreach programs. The Division Director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.

The Division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.<sup>3</sup>

### **Advisory Councils**

Advisory councils are an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.<sup>4</sup> The Division receives assistance, guidance, and support from the following advisory councils:

- Florida Historical Commission;
- Florida National Register Review Board;
- State Historical Marker Council; and
- Great Floridian Ad Hoc Selection Committee.<sup>5</sup>

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<sup>1</sup> Section 20.10(1), F.S.

<sup>2</sup> Section 15.01(1), F.S.

<sup>3</sup> Florida Department of State, Florida Division of Historical Resources, *About*, available at <https://dos.myflorida.com/historical/about/> (Last visited Mar. 6, 2023).

<sup>4</sup> Section 20.03(7), F.S.

<sup>5</sup> Florida Department of State, Florida Division of Historical Resources, *Advisors*, available at <https://dos.myflorida.com/historical/about/advisors/> (Last visited Mar. 6, 2023).

## **Reimbursement of Travel Expenses and Per Diem for Public Officers**

The rates, procedures, and limitations placed on the use of taxpayer funds for travel by state and local government employees and officers is standardized by general law.<sup>6</sup> For public officers and employees, all travel must be authorized and approved by the head of the employing agency.<sup>7</sup> The travel request must be accompanied by a signed statement by the traveler's supervisor stating the purpose of the travel and that such travel is for official business. The agency head may only pay for travel expenses necessary to achieve the public purpose and subject to limitations established by state law.<sup>8</sup>

Public officers and employees may also receive reimbursement for transportation expenses.<sup>9</sup> Travel is reimbursed according to a usually traveled route, with any costs associated with deviation from that route being borne by the traveler. The agency head or designee must determine the most economical method of travel considering the nature of the business, the most efficient and economical means of travel (including a consideration of time and impact on productivity of the traveler), and the number of persons making the trip.<sup>10</sup> If the traveler pays for the cost of official travel out of pocket, the traveler must provide documentation for reimbursement.<sup>11</sup> Use of a personal vehicle for official business is reimbursed to the traveler at the rate of 44.5 cents per mile, or at the common carrier fare for such travel.<sup>12</sup> Mileage is calculated based on the current map of the Department of Transportation, plus vicinity mileage traveled for the conduct of official business.<sup>13</sup>

## **Historic and Abandoned Cemeteries Regulation**

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (the Act), generally regulates funeral and cemetery services.<sup>14</sup> 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.<sup>15</sup>

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<sup>6</sup> Section 112.061, F.S.

<sup>7</sup> Section 112.061(3)(a), F.S. (travel must be approved by "head of the agency"). The "head of the agency" is defined as the highest policymaking authority of a public agency. Section 112.061(2)(b), F.S.

<sup>8</sup> Section 112.061(3)(b), F.S.

<sup>9</sup> See s. 112.061(7), F.S.

<sup>10</sup> Section 112.061(7)(a), F.S.

<sup>11</sup> Section 112.061(7)(c), F.S.

<sup>12</sup> Section 112.061(7)(d)1., F.S.

<sup>13</sup> Section 112.061(7)(d)3., F.S.

<sup>14</sup> See Section 497.001, F.S.

<sup>15</sup> Sections 497.101, F.S., and 497.103, F.S.

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 graves to be moved – disinterment and reinterment.<sup>16</sup> Disinterment and reinterment must be made in the physical presence of a licensed funeral director, unless reinternment occurs in the same cemetery.<sup>17</sup> Further, the funeral director must obtain written authorization from a legally authorized person or court of competent jurisdiction prior to any disinterment and reinterment.

Section 497.005(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.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup>

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.<sup>21</sup> These efforts of maintenance and security are statutorily exempt from civil liabilities or penalties for damages to property at the cemetery.<sup>22</sup> Additionally, the county or municipality is permitted to maintain an action against the cemetery owner to recover costs for maintenance or security.<sup>23</sup>

Willfully and knowingly disturbing the contents of a grave or tomb is a second-degree felony.<sup>24</sup> The foregoing offenses do not apply to:

- Any person acting under the direction or authority of the Division within DOS;<sup>25</sup>
- Cemeteries operating under ch. 497, F.S.;

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<sup>16</sup> See Section 497.384, F.S.

<sup>17</sup> Section 487.384(1), F.S.

<sup>18</sup> Section 497.005(43), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 497.384(3), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> Section 497.284(2), F.S.

<sup>23</sup> Section 497.284(3), F.S.

<sup>24</sup> Section 872.02(1), F.S. A third-degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>25</sup> Section 872.02(2), F.S. A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, 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.<sup>26</sup>

## Abandoned Cemeteries

### *Zion Cemetery*

Zion Cemetery was founded in 1901.<sup>27</sup> It is believed to be Tampa's first cemetery for African-Americans with room for approximately 800 graves.<sup>28</sup> Sometime after 1925, Zion Cemetery disappeared from city maps.<sup>29</sup> In 1951, the Tampa Housing Authority (THA) started construction on the Robles Park Apartments on land that includes part of the Zion Cemetery site. The construction crews found several unmarked graves and three caskets.<sup>30</sup>

Upon learning that the Zion Cemetery might still lie beneath at least a portion of its Robles Park Village Apartments, the THA organized a consultation committee and hired archaeologists to survey its property. In August 2019, archeologists used ground-penetrating radar and discovered what they believe to be 126 caskets beneath the THA land.<sup>31</sup> The THA spent between \$70,000 and \$80,000 to relocate about 29 families who occupied five buildings within the housing complex.<sup>32</sup> The goal, according to the THA, is to “demolish the five buildings that sit on top of the cemetery and create a memorial park that honors those resting underground. The rest of Robles Park Village will eventually be demolished and redeveloped as a mixed-income community.”<sup>33</sup>

<sup>26</sup> The powers and duties of the Division 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)-(6), F.S.

<sup>27</sup> Mark Schreiner, *Zion Cemetery: What's Happened So Far And What's Next*, WUSF Public Media (Oct. 16, 2019), available at <https://wusfnews.wusf.usf.edu/university-beat/2019-10-16/zion-cemetery-whats-happened-so-far-and-whats-next> (last visited Mar. 9, 2023).

<sup>28</sup> Paul Guzzo, *A community, not Just Zion Cemetery, Disappeared to Build Homes for Whites*, Tampa Bay Times, (Jan. 8, 2020), available at <https://www.tampabay.com/news/hillsborough/2019/11/04/a-community-not-just-zion-cemetery-disappeared-to-build-homes-for-whites/#talk-wrapper> (last visited Mar. 9, 2023).

<sup>29</sup> Schreiner, *supra* note 35.

<sup>30</sup> Paul Guzzo, *Key Dates in the History of Tampa's Forgotten Zion Cemetery*, Tampa Bay Times, Jun. 19, 2019 (updated Jan. 13, 2020), available at <https://www.tampabay.com/florida/2019/06/23/key-dates-in-the-history-of-tampas-forgotten-zion-cemetery> (last visited Feb. 14, 2023).

<sup>31</sup> Paul Guzzo, *Richard Gonzmart Believes no Coffins will be Found on his Zion Cemetery Land*, Tampa Bay Times (Sep. 24, 2019), available at <https://www.tampabay.com/news/hillsborough/2019/09/24/richard-gonzmart-believes-no-coffins-will-be-found-on-his-zion-cemetery-land/> (last visited Mar. 9, 2023).

<sup>32</sup> Emerald Morrow, *Lost African American Grave Discoveries Highlight the Need for Affordable Housing*, 10News WTSP (Feb. 24, 2020), available at <https://www.wtsp.com/article/news/special-reports/erased/lost-graves-from-zion-highlights-affordable-housingcrunch/67-25fe2f5e-5476-4152-823f-59280cd7fb0f> (last visited Mar. 9, 2023); *see also* Divya Kumar, *Tenant Leaders Seek Quicker Relocation for People Living Near Zion Cemetery*, Tampa Bay Times (Oct. 10, 2019), available at <https://www.tampabay.com/news/tampa/2019/10/10/tenant-leaders-seek-quicker-relocation-for-people-living-near-zion-cemetery> (last visited Mar. 9, 2023).

<sup>33</sup> Morrow, *supra* note 40.

### ***Ridgewood Cemetery***

In October 2019, the Hillsborough County School District (HCSD) learned that the old Ridgewood Cemetery might 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.<sup>34</sup> Ridgewood was designated as a pauper's cemetery and at least 280 people (mostly African Americans) were buried there between 1942 and 1954.<sup>35</sup>

The HCSD hired a geotechnical firm to conduct a survey using a ground penetrating radar to look for any signs of the lost Ridgewood Cemetery on the campus. On November 20, 2019, the HCSD released the results of the survey. The survey of the southern edge of the King High School campus showed evidence of burials of approximately 145 graves; however, there was no evidence of burials or graves on the northeast corner of the campus.<sup>36</sup>

On November 21, 2019, the HCSD notified the county Medical Examiner in Hillsborough County and the Division of the unmarked human burials<sup>37</sup> found on the King High Campus. When an unmarked human burial is discovered (other than during an authorized archaeological excavation)<sup>38</sup> all disturbing activity of the burial must cease, and the district medical examiner must be notified.<sup>39</sup> Activity may not resume until authorized by the district medical examiner or the state archaeologist.<sup>40</sup>

On February 15, 2021, the HCSD unveiled design plans for a monument intended to pay tribute to the deceased buried in the cemetery.<sup>41</sup> If approved by the community, the monument will be erected on a 1-acre site on the campus of King High School.<sup>42</sup>

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<sup>34</sup> Paul Guzzo, Records Show King High Gym may have been Built atop Paupers Cemetery, Tampa Bay Times (Oct. 23, 2019), available at <https://www.tampabay.com/news/education/2019/10/22/map-shows-king-high-gym-may-have-been-built-atop-paupers-cemetery> (last visited Mar. 9, 2023).

<sup>35</sup> Lori Rozsa, *Lost Lives, Fresh Heartache as a Black Cemetery is Found Buried under a High School*, Washington Post (November 24, 2019), available at [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](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) (last visited Mar. 9, 2023). Hillsborough County School District, Press Release, School District Releases Findings from Scans on King High School Property, Nov. 20, 2019, available at <https://www.sdhc.k12.fl.us/newsdesk/article/1578/school-district-releases-findings-from-scans-on-king-highschool-property> (last visited Mar. 9, 2023).

<sup>36</sup> Emerald Morrow, *145 coffins found at King High School, part of an erased African American cemetery in Tampa*, 10 Tampa Bay Times (Dec. 3, 2019) available at <https://www.wtsp.com/article/news/local/hillsboroughcounty/king-high-school-african-american-cemetery-graves-found/67-9620c608-857e-4ba4-820b-2cf53667a099> (last visited Mar. 9, 2023).

<sup>37</sup> 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.

<sup>38</sup> Section 872.05(5), F.S., provides for a similar process if an unmarked human burial is discovered during an authorized archeological excavation.

<sup>39</sup> Section 872.05(4), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> D'Ann Lawrence White, *District Unveils Memorial to Lost Black Cemetery at High School*, Patch.com (Feb. 16, 2021), available at <http://www.thafl.com/docs/uploads/2021-02-16%20District%20Unveils%20Memorial.pdf> (last visited Mar. 9, 2023).

<sup>42</sup> *Id.*

### ***Memorial Park Cemetery***

During segregation, the Tampa area had several burial sites for African American residents. Most were abandoned and built over; however, Memorial Park Cemetery was purchased by John Robinson in 1929 who operated the cemetery until his recent death in 2019. The City of Tampa then began maintaining the 20-acre cemetery with at least 13,000 unmarked graves and 6,000 headstones. The city hoped to take official ownership by placing a lien, foreclosing, and purchasing the property at county auction. However, the city was outbid by a company that specializes in buying and reselling foreclosed property. The company expressed its intent to maintain and ultimately sell the property.<sup>43</sup>

### **Conservation Easements**

A conservation easement is a right or interest in real property which is appropriate to retain land or water areas predominantly in their natural, scenic, open, agricultural or wooded condition. Conservation easements are meant to retain areas as suitable habitat for fish, plants or wildlife or to retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological or cultural significance. The purpose of a conservation easement is accomplished by restricting development allowed on a piece of property, limiting other land uses, and maintaining existing areas of conservation interest on a piece of property in their natural condition. A conservation easement must prohibit or limit any or all of the following:

- Construction or placement of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
- Removal or destruction of trees, shrubs, or other vegetation;
- Excavation, dredging, or removing loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- Activities detrimental to drainage, flood control, water conservation erosion control, soil conservation, or fish and wildlife habitat preservation;
- Acts or uses detrimental to such retention of land or water areas; and
- Acts or uses detrimental to the preservation of the structural integrity or physical appearances of sites or properties of historical, architectural, archaeological, or cultural significance.<sup>44</sup>

Section 704.06(3), F.S., dictates that conservation easements may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving sites or properties of historical, architectural, archaeological, or cultural significance.

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<sup>43</sup> Paul Guzzo, *Tampa loses control of historic Black cemetery. A property flipper now owns it*, Tampa Bay Times (Jan. 31, 2023), available at <https://www.tampabay.com/life-culture/history/2023/01/30/tampa-loses-control-historic-black-cemetery-property-flipper-now-owns-it/> (last visited Mar. 9, 2023).

<sup>44</sup> Section 704.06(1), F.S.

Section 704.06(11), F.S., dictates that no law may prohibit or limit the owner of land or the owner of a conservation easement from voluntarily negotiating the sale or use of such land or easement for the construction and operation of linear facilities, to include; electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances. In any legal proceeding to condemn land for the purpose of construction and operation of a linear facility as described above, the court shall consider the public benefit provided by the conservation easement and linear facilities in determining which lands may be taken and the compensation paid.<sup>45</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 267.21, F.S., to establish the Historic Cemeteries Program within the Division. The bill designates the State Historic Preservation Officer (Officer) as the director of the Program. Subject to legislative appropriation, the section requires the Officer to employ three full-time employees to operate the program.

Section 1 provides that the program will have the following duties and responsibilities:

- Serve as the organizational center for recording and updating in the Florida Master Site File records of cemeteries established at least 50 years ago.
- Develop guidelines for use by state agencies, local governments, and developers in the identification, location, and maintenance of abandoned and historic cemeteries.
- Serve as an interagency governmental liaison to municipalities, planning departments, colleges and universities, and community organizations to facilitate collaboration and the sharing of information relating to abandoned and historic cemeteries.
- Coordinate with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.
- Research, identify, and record abandoned cemeteries, with an emphasis on abandoned African-American cemeteries.
- When abandoned cemeteries are located, provide notification and guidance to relevant persons and assist with efforts to identify relatives and descendants, funeral directors, religious organizations, qualified nonprofit organizations, and property owners.
- Assist constituents, descendant communities, state and federal agencies, local governments, and other stakeholders with inquiries relating to abandoned cemeteries.
- In coordination with the Department of Education, develop a curriculum relating to abandoned and historic cemeteries, with a focus on citizenship, social responsibility, and history.
- Establish a priority for the placement of historical markers for erased, forgotten, lost, or abandoned African-American cemeteries.

Section 1 also provides that the Program shall provide grants, subject to legislative appropriation to the following entities:

- Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.

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<sup>45</sup> Section 704.06(11)(a), F.S.

- Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

Section 1 grants the Division rulemaking authority to implement the Program.

**Section 2** creates s. 267.22, F.S., to establish the Historic Cemeteries Program Advisory Council (Council) within the Division. The Council must be composed of members who are regionally distributed and representative of communities throughout Florida. The members shall be appointed by the Secretary of the State to serve staggered terms. Half of the members will serve 2-year terms, and the other half 4-year terms, but all subsequent appointments will be for 4-year terms. The section requires the Council to meet as soon as practicable after July 1, 2023 to elect a chair from its membership. The section requires that the Council provide guidance and recommendations to the Division regarding the duties and responsibilities of the Historic Cemeteries Program. The members will serve without compensation but may receive per diem and reimbursement for travel expenses.

**Section 3** amends s. 497.005, F.S., to expand the definition of “legally authorized person” to include a member of a representative community organization. Thus allowing a member of a representative community organization to provide written authorization to a funeral director prior to the disinterment and reinternment of a dead human body.

**Section 4** amends s. 704.06, F.S., to expand the definition of “conservation easement” to include abandoned and neglected cemeteries that are at least 50 years old, and prohibits acts or uses that are detrimental to the preservation of the structural integrity or physical appearance of abandoned and neglected cemeteries that are at least 50 years old. The section also authorizes any governmental body or agency or a charitable corporation or trust whose purposes include preserving sites or properties of historical, architectural, archeological, or cultural significance, including abandoned and neglected cemeteries that are at least 50 years old to acquire a conservation easement.

**Section 5** provides the bill takes effect July 1, 2023.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Section 1 creates the Historic Cemeteries Program and authorizes the State Historic Preservation Officer to employ three full-time employees to operate the program, subject to legislative appropriation. The Department of State (DOS) has stated that the total costs of the three positions to be approximately \$247,301.<sup>46</sup>

Section 1 also requires the Historic Cemeteries Program to develop a curriculum relating to abandoned and historic cemeteries, in coordination with the Department of Education (DOE). As such, the DOS and DOE may incur costs associated with developing the curriculum.

Section 1 requires, subject to legislative appropriation, the Historic Cemeteries Program to provide grants for certain entities to conduct research, repair, restore, or maintain abandoned African American cemeteries. It is unknown how many entities could be provided grants and for what amount, but there will likely be an indeterminate significant negative fiscal impact to the extent an appropriation is provided.

Section 2 creates the Historic Cemeteries Program Advisory Council (Council). The members will not be provided compensation but are authorized to receive per diem and reimbursement for travel expenses as provided in law. It is anticipated that these costs will be absorbed within the DOS's current resources.

**VI. Technical Deficiencies:**

The bill does not specify the amount of members to serve on the Council. Consideration should be given to specify how many members will serve on the Council.

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<sup>46</sup> Department of State, *2022 Agency Legislative Bill Analysis* (Mar. 6, 2023) (on file with the Senate Committee on Governmental Oversight and Accountability).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 497.005 and 704.06 of the Florida Statutes.

This bill creates sections 267.21 and 267.22 of the Florida Statutes.

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

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

**CS by Governmental Oversight and Accountability on March 15, 2023:**

The committee substitute:

- Clarifies how to stagger the terms for the members of the Historic Cemeteries Program Advisory Council. Half of the initial members will serve 2-year terms, and the other half 4 year terms, but all subsequent appointments will be for 4-year terms.
- Deletes the provision providing the state an easement for ingress and egress.
- Removes the requirement that the Legislature appropriate funds to include abandoned African American cemeteries in the University of South Florida's Black Cemetery Network.

**B. Amendments:**

None.

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

585-02614-23

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A bill to be entitled

An act relating to abandoned and historic cemeteries; creating s. 267.21, F.S.; creating the Historic Cemeteries Program within the Division of Historical Resources of the Department of State; designating the State Historic Preservation Officer as the program's director and requiring him or her to hire employees, subject to legislative appropriation; providing the duties and responsibilities of the program; requiring the program to provide grants, subject to legislative appropriation, to certain entities for certain purposes; authorizing the division to adopt rules; creating s. 267.22, F.S.; creating the Historic Cemeteries Program Advisory Council within the division; providing for membership, terms, and duties of the council; providing that members shall serve without compensation but may be reimbursed for per diem and travel expenses; amending s. 497.005, F.S.; revising the definition of the term "legally authorized person" to include a member of a representative community organization; amending s. 704.06, F.S.; revising the definition of the term "conservation easement" to include a right or interest in real property which is appropriate to retaining the structural integrity or physical appearance of certain cemeteries; authorizing certain entities to acquire conservation easements to preserve certain cemeteries; providing an effective date.

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

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

Section 1. Section 267.21, Florida Statutes, is created to read:

267.21 Historic Cemeteries Program.—

(1) The Historic Cemeteries Program is created within the division. The State Historic Preservation Officer shall serve as the director of the program and shall, subject to legislative appropriation, employ three full-time employees to operate the program. The program shall have the following duties and responsibilities:

(a) Serve as the organizational center for recording and updating in the Florida Master Site File records of cemeteries in this state established at least 50 years ago.

(b) Develop guidelines for use by state agencies, local governments, and developers in the identification, location, and maintenance of abandoned and historic cemeteries.

(c) Serve as an interagency governmental liaison to municipalities, planning departments, colleges and universities, and community organizations to facilitate collaboration and the sharing of information relating to abandoned and historic cemeteries.

(d) Coordinate with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.

(e) Research, identify, and record abandoned cemeteries, with an emphasis on abandoned African-American cemeteries.

(f) When abandoned cemeteries are located, provide notification and guidance to relevant persons and assist with

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

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efforts to identify relatives and descendants, funeral directors, religious organizations, qualified nonprofit organizations, and property owners.

(g) Assist constituents, descendant communities, state and federal agencies, local governments, and other stakeholders with inquiries relating to abandoned cemeteries.

(h) In coordination with the Department of Education, develop a curriculum relating to abandoned and historic cemeteries, with a focus on citizenship, social responsibility, and history.

(i) Establish a priority for the placement of historical markers for erased, forgotten, lost, or abandoned African-American cemeteries.

(2) The Historic Cemeteries Program shall, subject to legislative appropriation, provide grants to the following entities:

(a) Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.

(b) Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

(3) The division may adopt rules to implement this section.

Section 2. Section 267.22, Florida Statutes, is created to read:

267.22 Historic Cemeteries Program Advisory Council.—

(1) The Historic Cemeteries Program Advisory Council, an

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advisory council as defined in s. 20.03(7), is created within the division and shall be composed of members appointed by the Secretary of State after considering the recommendations of the director of the division. The council shall be composed of an inclusive group of members who are regionally distributed and representative of communities throughout this state. Members shall serve 4-year terms; however for the purpose of providing staggered terms, half of the appointees shall initially be appointed to 2-year terms, while the other half shall initially be appointed to 4-year terms. All subsequent appointments shall be for 4-year terms. As soon as practicable after July 1, 2023, the council shall meet to elect a chair from its membership. Except as otherwise provided in this section, the council shall operate in a manner consistent with s. 20.052.

(2) The council shall provide guidance and recommendations to the division regarding the duties and responsibilities of the Historic Cemeteries Program created under s. 267.21.

(3) Members of the council shall serve without compensation but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.

Section 3. Subsection (43) of section 497.005, Florida Statutes, is amended to read:

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

(43) "Legally authorized person" means, in the priority listed:

(a) The decedent, when written inter vivos authorizations and directions are provided by the decedent;

(b) The person designated by the decedent as authorized to direct disposition pursuant to Pub. L. No. 109-163, s. 564, as

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117 listed on the decedent's United States Department of Defense  
 118 Record of Emergency Data, DD Form 93, or its successor form, if  
 119 the decedent died while in military service as described in 10  
 120 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States  
 121 Armed Forces, United States Reserve Forces, or National Guard;  
 122 (c) The surviving spouse, unless the spouse has been  
 123 arrested for committing against the deceased an act of domestic  
 124 violence as defined in s. 741.28 that resulted in or contributed  
 125 to the death of the deceased;  
 126 (d) A son or daughter who is 18 years of age or older;  
 127 (e) A parent;  
 128 (f) A brother or sister who is 18 years of age or older;  
 129 (g) A grandchild who is 18 years of age or older;  
 130 (h) A grandparent; or  
 131 (i) Any person in the next degree of kinship.

132  
 133 In addition, the term may include, if no family member exists or  
 134 is available, the guardian of the dead person at the time of  
 135 death; the personal representative of the deceased; the attorney  
 136 in fact of the dead person at the time of death; the health  
 137 surrogate of the dead person at the time of death; a public  
 138 health officer; the medical examiner, county commission, or  
 139 administrator acting under part II of chapter 406 or other  
 140 public administrator; a representative of a nursing home or  
 141 other health care institution in charge of final disposition; or  
 142 a friend or other person, including a member of a representative  
 143 community organization, not listed in this subsection who is  
 144 willing to assume the responsibility as the legally authorized  
 145 person. Where there is a person in any priority class listed in

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146 this subsection, the funeral establishment shall rely upon the  
 147 authorization of any one legally authorized person of that class  
 148 if that person represents that she or he is not aware of any  
 149 objection to the cremation of the deceased's human remains by  
 150 others in the same class of the person making the representation  
 151 or of any person in a higher priority class.

152 Section 4. Subsections (1) and (3) of section 704.06,  
 153 Florida Statutes, are amended to read:

154 704.06 Conservation easements; creation; acquisition;  
 155 enforcement.—

156 (1) As used in this section, "conservation easement" means  
 157 a right or interest in real property which is appropriate to  
 158 retaining land or water areas predominantly in their natural,  
 159 scenic, open, agricultural, or wooded condition; retaining such  
 160 areas as suitable habitat for fish, plants, or wildlife;  
 161 retaining the structural integrity or physical appearance of  
 162 sites or properties of historical, architectural,  
 163 archaeological, or cultural significance, including abandoned  
 164 and neglected cemeteries that are at least 50 years old; or  
 165 maintaining existing land uses and which prohibits or limits any  
 166 or all of the following:

167 (a) Construction or placing of buildings, roads, signs,  
 168 billboards or other advertising, utilities, or other structures  
 169 on or above the ground.

170 (b) Dumping or placing of soil or other substance or  
 171 material as landfill or dumping or placing of trash, waste, or  
 172 unsightly or offensive materials.

173 (c) Removal or destruction of trees, shrubs, or other  
 174 vegetation.

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(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

(g) Acts or uses detrimental to such retention of land or water areas.

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are at least 50 years old.

(3) Conservation easements may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving sites or properties of historical, architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are at least 50 years old.

Section 5. This act shall take effect July 1, 2023.

4/18/23

Meeting Date

ATD

Committee

Name

Lonnie Mann

Phone

850 878 2804

Address

1120 E. Windwood Way

Email

bscotch@embarqmail.com

Street

Tallahassee

FL

32311

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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

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

S-001 (08/10/2021)

4/18/23

The Florida Senate  
**APPEARANCE RECORD**

SB 430

Meeting Date

Approps on Trans, Tourism

Committee + Eco Dev

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jane West

Phone

904.671-4008

Address

308 N Monroe St

Email

jwest@1000fof.org

Street

Tally FL

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

1000 Friends of Florida

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/18/2023

Meeting Date

SB 430

Bill Number or Topic

Transp., Tourism + Econ Dev Approps

Committee

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

Amendment Barcode (if applicable)

Name

Pamela Burch Fort

Phone

850-425-1344

Address

104 S. Monroe Street

Email

TcgLobby@aol.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

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

NAACP Florida State Conference

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

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

S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

**To:** Senator Ed Hooper, Chair  
Appropriations Committee on Transportation, Tourism, and Economic Development

**Subject:** Committee Agenda Request

**Date:** March 15, 2023

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I respectfully request that **Senate Bill #430**, relating to Abandoned & Historic Cemeteries, be placed on the:

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

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

Senator Bobby Powell  
Florida Senate, District 24

**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.)

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

---

BILL: CS/SB 838

INTRODUCER: Transportation Committee and Senator Collins

SUBJECT: Proceeds Funding Motorcycle Safety Education

DATE: April 18, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	<b>Fav/CS</b>
2.	Wells	Jerrett	ATD	<b>Favorable</b>
3.			AP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 838 reallocates the \$2.50 annual fee provided to the Department of Highway Safety and Motor Vehicles (DHSMV) for motorcycle safety education to a Florida not-for-profit corporation that meets specified criteria. The bill requires the DHSMV to select a qualified program administrator and enter into a five-year contract by October 1, 2023, for motorcycle safety and education programs. The bill authorizes such programs to include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses.

The program administrator must file an annual report with the Senate President and Speaker of the House of Representatives outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, and an estimate of the number of individuals who were exposed to the program administrator's educational efforts.

Based on the current number of registered motorcycles, the bill may reallocate approximately \$1,626,675 annually from the DHSMV to the selected not-for-profit corporation.

The bill takes effect July 1, 2023.

## II. Present Situation:

### Florida Rider Training Program

Upon annual registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes,<sup>1</sup> a motorcycle safety education fee of \$2.50 is required. The proceeds of the additional fee are deposited into the Highway Safety Operating Trust Fund, and can be used by the DHSMV for the Florida Motorcycle Safety Education Program established by s. 322.0255, F.S., or the general operations of the department.<sup>2</sup>

Section 322.0255, F.S., requires the DHSMV to establish a Florida Motorcycle Safety Program, to be funded by the \$2.50 motorcycle safety education fee. This law requires the DHSMV to:

- Establish and administer motorcycle safety courses;
- Prescribe the curricula for such courses, which must include a minimum of 12 hours of instruction in which at least half consists of actual motorcycle operation; and
- Prescribe the qualifications for certification of instructors in the program.

Additionally, the DHSMV may approve organizations to conduct motorcycle safety courses determined to be comparable, fulfilling the DHSMV's training requirements.

Based on these requirements, the DHSMV created the Florida Rider Training Program (FRTTP) to provide motorcycle safety training, course curriculum, and the certification of instructors.<sup>3</sup> The FRTTP consists of nine statewide members that train, audit, and perform quality assurance on the 67 training facilities, which provide educational opportunities for motorcyclists including training required for licensure and continuing education.<sup>4</sup>

According to DHSMV, the DHSMV focuses efforts on motorcycle safety through education, outreach, and enforcement activities and provides motorcycle safety education by:<sup>5</sup>

- Participating on the Florida Motorcycle Safety Coalition<sup>6</sup> as the subject matter experts regarding training and licensure of motorcycle riders in Florida.
- Updating the Driver License Handbook to incorporate motorcycle awareness and including several questions on the Driver License knowledge test regarding public interaction with motorcyclists.
- Conducting outreach in high schools throughout Florida providing information on motorcycle safety awareness.

As of February 5, 2023, there were 650,670 registered motorcycles in Florida.<sup>7</sup> Based on the \$2.50 motorcycle safety education fee, the DHSMV collects approximately \$1,626,675 annually.

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<sup>1</sup> The required license tax is \$10 for a motorcycle and \$5 for a moped. Section 320.08(1)(a) and (b), F.S.

<sup>2</sup> Section 320.08(1)(c), F.S.

<sup>3</sup> Rule 15A-12.001, F.A.C.

<sup>4</sup> DHSMV, *2023 Agency Legislative Bill Analysis* (February 27, 2023).

<sup>5</sup> *Id.*

<sup>6</sup> The coalition is a group of statewide safety partners that meet quarterly to share the common goal of reducing fatalities of motorcycle riders and passengers, using data driven research to develop, implement and evaluate counter measures. See *Id.*

<sup>7</sup> *Id.*

### III. Effect of Proposed Changes:

The bill reallocates the \$2.50 motorcycle safety education fee received by the DHSMV for the Florida Motorcycle Safety Education Program to a Florida not-for-profit corporation for a safety and education program. The bill requires the DHSMV to select and enter into a five-year contract with a qualified program administrator to use the safety education fee to promote motorcycle safety and education for the purpose of reducing motorcycle injuries and deaths in Florida.

To be selected, the program administrator of the Florida not-for-profit corporation must:

- Be a charity registered with the Department of Agriculture and Consumer Services;
- Have a history of actively advocating for motorcycle safety and education in Florida for at least 30 years;
- Be a motorcycle grassroots organization that has actively worked with the Florida motorcycle community for at least 30 years;
- Be focused primarily on promoting motorcycle safety and education throughout Florida; and
- Have at least 3,000 active members from the motorcycle community throughout Florida.

The funds shall be paid quarterly beginning October 1, 2023, and may be used for motorcycle safety and education programs. The programs may include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses.

The organization must file an annual report with the Senate President and Speaker of the House of Representatives outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, and an estimate of the number of individuals who were exposed to the program administrator's educational efforts

This bill eliminates funding for the DHSMV's Florida Rider Training Program. This may lead to decreased quality of the program and safety of the motorcycle riding population in Florida.<sup>8</sup>

The bill takes effect July 1, 2023.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>8</sup> DHSMV, *2023 Agency Legislative Bill Analysis* (February 27, 2023).

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None Identified.

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

None.

**B. Private Sector Impact:**

The bill will have a positive fiscal impact on the selected organization, which will receive the \$2.50 collected when a motorcycle is registered in the state. Based on the number of motorcycles registered in Florida, the organization will receive approximately \$1,626,675 annually.

**C. Government Sector Impact:**

The bill will have a negative fiscal impact on the DHSMV, which will no longer receive funding for the Florida Motorcycle Safety Education Program. Based on the number of motorcycles registered in Florida, the DHSMV will no longer receive approximately \$1,626,675 annually.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill eliminates the funding provided to the DHSMV for the Florida Motorcycle Safety Education Program, but does not remove the DHSMV's requirements to administer such program pursuant to s. 322.0255, F.S.

The DHSMV recommends the following be added to the bill:

- Provide a 15 percent cap on funds the organization may use on administrative expenses and define such administrative activities.
- Prohibit fees, or interest earned from the fees, from being used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the Florida Motorcycle Safety Education Program or an elected member or employee of the Legislature.
- Require the organization to provide an annual attestation, under penalties of perjury, to the DHSMV that proceeds were used in compliance with law.

- Authorize the DHSMV to discontinue and withhold fees when an attestation is not submitted or funds are not used in compliance with law.
- Authorize the DHSMV to examine all records pertaining to the use of motorcycle education fees.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08 and 320.086.

#### **IX. Additional Information:**

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

**CS by Transportation on March 20, 2023:**

The CS reallocates the entire \$2.50 motorcycle safety education fee from DHSMV to an unnamed Florida not-for-profit corporation that meets specified criteria in the bill, instead of \$1 from the fee being reallocated to ABATE of Florida, Inc.<sup>9</sup> The DHSMV is required to select a qualified program administrator and enter into a contract as specified in the bill by October 1, 2023.

- B. **Amendments:**

None.

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

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<sup>9</sup> ABATE of Florida, Inc., is a nonprofit organization that lobbies and educates government and the public to promote safe motorcycling. Its Motorcycle and Safety Awareness Program is given to non-motorcyclists or any organization to educate them how to safely share the road with a motorcyclist, and is taught in local schools Drivers Education Programs, and civic organizations at no charge in hope of reducing motorcycle fatalities and crashes through education not legislation. ABATE of Florida, Inc., *Motorcycle Safety and Awareness (MSAP)*, <https://abatefloridainc.com/motorcycle-safety-program> (last visited March 15, 2023).

By the Committee on Transportation; and Senator Collins

596-02752-23

2023838c1

A bill to be entitled

An act relating to proceeds funding motorcycle safety education; amending s. 320.08, F.S.; requiring that the motorcycle safety education fee be used for a safety and education program administered by a certain not-for-profit corporation; providing requirements of the administrator of such program; requiring the Department of Highway Safety and Motor Vehicles to enter into a certain contract for a specified purpose; specifying the requirements of the safety awareness and education programs; requiring the administrator of the programs to file an annual report with the Legislature; amending s. 320.086, F.S.; conforming cross-references; requiring the department to select an administrator and enter into a contract by a specified date; requiring the department to transmit the safety education fee to the program administrator quarterly; specifying the first payment date; providing an effective date.

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

Section 1. Present paragraph (d) of subsection (1) of section 320.08, Florida Statutes, is redesignated as paragraph (g), a new paragraph (d) and paragraphs (e) and (f) are added to that subsection, and paragraph (c) of that subsection is amended, to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the

Page 1 of 5

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

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2023838c1

operation of motor vehicles, mopeds, tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of \$2.50 shall be paid. The proceeds of the safety education ~~such additional~~ fee shall be deposited in the Highway Safety Operating Trust Fund ~~to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.~~

(d) The entire safety education fee shall be used for a safety and education program administered by a Florida not-for-profit corporation. The program administrator must:

1. Be a charity registered with the Department of Agriculture and Consumer Services;

2. Have a history of actively advocating for motorcycle safety and education in this state for at least 30 years;

3. Be a motorcycle grassroots organization that has actively worked with the Florida motorcycle community for at least 30 years;

4. Be focused primarily on promoting motorcycle safety and education throughout this state; and

5. Have at least 3,000 active members drawn from the motorcycle community throughout this state.

Page 2 of 5

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

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2023838c1

(e) The department shall enter into a 5-year contract with the program administrator to use the safety education fee to pay for motorcycle safety and education programs. The programs must promote motorcycle safety and education for the purpose of reducing motorcycle injuries and deaths in this state. The programs may include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses.

(f) The program administrator shall file an annual report with the President of the Senate and the Speaker of the House of Representatives outlining the types of events the program administrator attended, if any, and the methods selected to distribute safety awareness and education materials or to expose the public to the programs, and estimating the number of people who were exposed to the program administrator's educational efforts.

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 320.086, Florida Statutes, are amended to read:

320.086 Ancient or antique motor vehicles; horseless carriage, antique, or historical license plates; former military vehicles.—

(1) The owner of a motor vehicle for private use manufactured in model year 1945 or earlier and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax for an ancient motor vehicle prescribed by s. 320.08(1)(g), (2)(a), or (3)(e) ~~s. 320.08(1)(d), (2)(a), or (3)(e)~~, be issued a special license

596-02752-23

2023838c1

plate for such motor vehicle. The license plate shall be permanent and valid for use without renewal so long as the vehicle is in existence. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1," and the plates shall be of a distinguishing color.

(2)(a) The owner of a motor vehicle for private use manufactured in a model year after 1945 and of the age of 30 years or more after the model year and operated on the streets and highways of this state may, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(1)(g), (2)(a), or (3)(e) ~~s. 320.08(1)(d), (2)(a), or (3)(e)~~, be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay the fee for the issuance of the special license plate prescribed by the department, commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Antique No. 1," and the plates shall be of a distinguishing color. The owner of the motor vehicle may, upon application and payment of the license tax prescribed by s. 320.08, be issued a regular Florida license plate or specialty license plate in lieu of the special "Antique" license plate.

Section 3. By October 1, 2023, the Department of Highway

596-02752-23

2023838c1

117 Safety and Motor Vehicles shall select a qualified program  
118 administrator and enter into the contract as specified in this  
119 act. The department shall transmit the safety education fee  
120 quarterly to the administrator, with the first payment being  
121 payable October 1, 2023.

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

The Florida Senate

**APPEARANCE RECORD**

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

7.18.23  
Meeting Date

SB 838  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Rich Newsome

Phone

321.217.9864

Address

1405 Spring Lake Dr.

Email

~~newsome~~

Street

Orlando FL

State

32804

Zip

crnewsome@

givent.com

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

838

Bill Number or Topic

Meeting Date

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

Amendment Barcode (if applicable)

Appropriations Trans-Tour  
Committee Econ Dev  
Name John MAKAL

Phone 727-225-3729

Address 1210 bl 90th Ave  
Street

Email JMAK40@msx.com

Seminole  
City

FL  
State

33726  
Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

4/18/23  
Meeting Date

838  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Nancy Farbo

Phone

423-457-1182

Address

14061 90<sup>th</sup> Ave

Email

nancyfarbo@gmail.com

Street

Seminole FL 33776

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking:

☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

4/18/23

Meeting Date

TED

Committee

839

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jennifer Langston

Phone

617-3100

Address

29W Palachee Pkwy

Email

jenniferlangston@flhsmv.com

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

**Waive Speaking:**

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FLHSMV

☐

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

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

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

S-001 (08/10/2021)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR JAY COLLINS**

14th District

### COMMITTEES:

Agriculture, *Chair*  
Appropriations Committee on Education  
Appropriations Committee on Transportation, Tourism,  
and Economic Development  
Education Postsecondary  
Education Pre-K -12  
Fiscal Policy  
Military and Veterans Affairs, Space, and  
Domestic Security

### SELECT COMMITTEE:

Select Committee on Resiliency

### JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining

March 22, 2023

Senator Ed Hooper  
408 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Chairman Hooper,

I respectfully request that SB 838 – Motorcycle Safety Education be added to the calendar for the next available Appropriations Committee on Transportation, Tourism, and Economic Development. This bill is crucial to ensuring that proper motorcycle safety education is provided in our state.

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

Thank you,

A handwritten signature in black ink, appearing to read "Jay Collins", with a horizontal line underneath.

Senator Jay Collins  
Senate District 14

Cc: Charlotte Jerrett, Staff Director  
Brooke Conlan, Committee Administrative Assistant

### REPLY TO:

- ☐ 405 North Reo Street, Suite 170, Tampa, Florida 33609 (813) 281-2538
- ☐ 305 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 387-4014

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: SB 1046

INTRODUCER: Senators Rouson and Davis

SUBJECT: Victims of Reform School Abuse

DATE: April 18, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<b>Favorable</b>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**I. Summary:**

SB 1046 creates the “Arthur G. Dozier School for Boys and Okeechobee School Abuse Victim Certification Act,” to provide a process for former students of these schools who were abused to be certified as victims. The bill defines the term “victim of Florida reform school abuse.”

The bill requires a person seeking to be certified as a victim of Florida reform school abuse to submit an application to the Department of State (DOS) by September 1, 2023. The DOS must notify the applicant of its determination within 5 business days after processing and reviewing the application. If the DOS determines that an application meets the requirements of the act, the DOS must certify the applicant as a victim of Florida reform school abuse. The DOS must also submit a list of all certified victims to the President of the Senate and the Speaker of the House of Representatives by December 31, 2023.

The bill also provides that a victim of Florida reform school abuse or an intervenor connected therewith may file a claim under ch. 960, F.S., which governs victim assistance, including victim compensation. The bill defines “crime,” for purposes of filing a claim and requires that a claim must be brought within one year of the effective date of the bill.

This bill may have an indeterminate fiscal impact on the DOS. Additionally, this bill may have an indeterminate fiscal impact on the Office of the Attorney General (OAG) for claims filed under ch. 960, F.S.

This act is effective upon becoming law.

## II. Present Situation:

### Victims of Florida Reform School Abuse

This bill defines a “victim of Florida reform school abuse” to mean a living person who was confined at the Arthur G. Dozier School for Boys or the Okeechobee School at any time between 1940 and 1975 and who was subjected to mental, physical, or sexual abuse perpetrated by school personnel during the period of confinement.

#### *The Arthur G. Dozier School for Boys*

From 1900 to 2011, the state operated the Florida State Reform School in Marianna. In 1967, the name was changed to the Arthur G. Dozier School for Boys (Dozier School).<sup>1</sup> Children were committed to the Dozier school for criminal offenses such as theft and murder, but later on the law was amended to allow for children with minor offenses such as truancy to be committed too. Additionally, many children who had not been charged with a crime were committed to the school as wards of the state and orphans.<sup>2</sup>

Beginning as early as 1901, there were reports of children being chained to walls in irons, brutal whippings, and peonage.<sup>3</sup> In the first 13 years of operation, six state-led investigations took place. Those investigations found that children as young as five years old were being hired out for labor, unjustly beaten, and were without education or proper food and clothing.<sup>4</sup> In 2005, former students of the Dozier School began to publish accounts of the abuse they experienced at the school.<sup>5</sup> These stories prompted Governor Charlie Crist to direct the Florida Department of Law Enforcement (FDLE) to investigate the Dozier School and the deaths that were alleged and occurred at the school. In 2008, Governor Charlie Crist directed the FDLE to investigate 32 unmarked graves located on the property surrounding the school in response to complaints lodged by former students at the Dozier School.<sup>6</sup> The former students of Dozier alleged that students who died as a result of abuse were buried at the school cemetery.<sup>7</sup>

#### *The Okeechobee School*

Due to overcrowding at the Dozier School, the state opened a new reform school in Okeechobee. The first 50 boys were transferred to the Okeechobee campus from the Marianna campus along with 20 staff members.<sup>8</sup> Interviews with former students in the school found that the former superintendent and deputy superintendent of the Florida School for Boys in Okeechobee

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<sup>1</sup> David Built, *Arthur G. Dozier School for Boys*, Abandoned Florida, Sep. 29, 2015, available at <https://www.abandonedfl.com/arthur-g-dozier-school-for-boys/> (last visited Apr. 4, 2023).

<sup>2</sup> Erin H. Kimmerle, Ph.D. et al., *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, The University of South Florida, pg. 22, January 18, 2016, available at <http://mediad.publicbroadcasting.net/p/wusf/files/201601/usf-final-dozier-summary-2016.pdf> (last visited Apr. 4, 2023).

<sup>3</sup> See *supra* note 2, at 12.

<sup>4</sup> See *supra* note 2, at 27.

<sup>5</sup> Office of Executive Investigations, Florida Department of Law Enforcement, *FDLE Investigative Report* (May 14, 2009), available at <http://thewhitehouseboys.com/fdlereport.html> (last visited Apr. 4, 2023)

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Richard Marion, *OYDC closure brings an end to troubled history*, South Central Florida Life (Jul. 15, 2020), available at <https://www.southcentralfloridalife.com/stories/oydc-closure-brings-an-end-to-troubled-history,9159> (last visited Apr. 4, 2023).

(Okeechobee School), would administer corporal punishment.<sup>9</sup> Several students at the Okeechobee School died in the 1960s, some of those under questionable circumstances. Two of them being a 13-year-old boy found floating face down in the school's sewage tank, and a teen shot dead during an alleged escape attempt.<sup>10</sup>

### **The Florida Crimes Compensation Act**

The Florida Crimes Compensation Act<sup>11</sup> authorizes the Florida Attorney General's Division of Victim Services to administer a compensation program to ensure financial assistance for victims of crime. Injured victims of crime may file for compensation for financial assistance such as treatment costs, economic loss, disability, or loss of support.<sup>12</sup>

Section 960.065, F.S., provides that the following persons are eligible for compensation under ch. 960, F.S.:

- A victim.
- An intervenor, defined as any person who goes to the aid of another and suffers bodily injury or death as a result of acting, not recklessly, to prevent the commission of a crime, to apprehend a person suspected of having committed a crime, or to the aid of a crime victim.<sup>13</sup>
- A surviving spouse, parent or guardian, sibling, or child of a deceased victim or intervenor.
- Any other person who is dependent for his or her principal support upon a deceased victim or intervenor.<sup>14</sup>

The Department of Legal Affairs cannot award compensation pursuant ch. 960, F.S., unless it finds that a crime was committed and that it resulted in personal injury, psychiatric or psychological injury, or death to the victim or intervenor. Any award granted, must be granted on an "actual need" basis and may be based on myriad other factors—including, but not limited to, the claimant's risk of serious financial hardship as a result of the injury, and other claimants' rights to compensation based on the same claim.<sup>15</sup> An award is provided only after all benefits provided by primary insurance carriers, including, but not limited to, health and accident insurers, workers' compensation, and automobile accident coverage.<sup>16</sup> Payments under ch. 960, F.S., are considered payments "of last resort," that follow all other payments.<sup>17</sup>

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<sup>9</sup> *Id.*

<sup>10</sup> WPBF News, *Investigation uncovers deaths of boys at Okeechobee Florida School for Boys* (April 10, 2015), available at <https://www.wpbf.com/article/investigation-uncovers-deaths-of-boys-at-okeechobee-florida-school-for-boys/1325188#> (Last visited Mar. 30, 2023).

<sup>11</sup> Sections 960.01-960.28, F.S.

<sup>12</sup> Attorney General, *Victim Compensation Brochure*, available at: [http://myfloridalegal.com/webfiles.nsf/WF/MRAY8CVP5T/\\$file/BVCVictimCompensationBrochure.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MRAY8CVP5T/$file/BVCVictimCompensationBrochure.pdf) (last visited Mar. 30, 2023).

<sup>13</sup> Section 963.03(9), F.S.

<sup>14</sup> Section 960.065(1), F.S.

<sup>15</sup> Section 960.13, F.S.

<sup>16</sup> Section 960.13(2), F.S.

<sup>17</sup> Section 960.13(3), F.S.

Claims will generally be denied if filed for, or on behalf of, a person who:

- Committed or aided in the commission of the crime upon which the claim for compensation was based;
- Was engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based, unless the victim was engaged in prostitution as a result of being a victim of human trafficking;
- Was in custody or confined, regardless of conviction, in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment facility at the time of the crime upon which the compensation is based;
- Has been adjudicated as a habitual felony offender, habitual violent offender, or violent career criminal; or
- Has been adjudicated guilty of a forcible felony offense.<sup>18</sup>

Claims filed by or on behalf of a person who was in custody or confined, who are adjudicated as a habitual felony offender or found guilty of a forcible felony may be eligible upon a finding by the Crime Victim's Service Office of mitigating or special circumstances that would render a disqualification unjust.<sup>19</sup>

### III. Effect of Proposed Changes:

The bill provides that this Act may be cited as the "Arthur G. Dozier School for Boys and Okeechobee School Abuse Victim Certification Act." The bill provides numerous whereas clauses detailing the schools' histories of abuse, the investigations that followed, and the Legislature's formal apology in 2017.

**Section 1** defines the term "victim of Florida reform school abuse" to mean a living person who was confined at the Arthur G. Dozier School for Boys or the Okeechobee School at any time between 1940 and 1975 and who was subjected to mental, physical, or sexual abuse perpetrated by school personnel during the period of confinement.

Section 1 requires a person seeking to be certified as a victim of Florida reform school abuse to submit an application to the Department of State (DOS) by September 1, 2023. The estate, personal representative, next of kin, or lineal descendants may submit an application on behalf of the victim. The application must include:

- An affidavit stating:
  - That the applicant was confined at the Dozier School or the Okeechobee School;
  - The beginning and ending days of the confinement; and
  - That the applicant was subjected to mental, physical, or sexual abuse perpetrated by school personnel during the confinement.
- Documentation from the State Archives of Florida, the Dozier School, or the Okeechobee School, demonstrating that the applicant was confined at the school for any length of time between 1940 and 1975; and
- Proof of identification, including a current form of photo ID.

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<sup>18</sup> Section 960.065(2), F.S.

<sup>19</sup> Section 960.065(3), F.S.

The bill requires the DOS to examine an application within 30 days of receipt and to notify the applicant of any errors or omissions or request any additional information relevant to the review of the application. If the DOS notifies the applicant of any errors or omissions, or requests additional information, the applicant has 15 days after such notification to complete or modify the application.

The bill prohibits the DOS from denying an application due to the applicant's failure to correct an error or submit additional information requested by the DOS if the DOS failed to timely notify the applicant of the error.

The bill requires the DOS to notify the applicant of its determination within 5 business days after completing its processing and review. If the DOS determines that the applicant meets the requirement, the DOS must certify the applicant as a victim of Florida reform school abuse.

The bill requires the DOS to review and process all the applications submitted before September 1, 2023, by December 31, 2023. The bill also requires the DOS to submit a list of all certified victims to the President of the Senate and the Speaker of the House of Representatives.

**Section 2** authorizes a victim of Florida reform school abuse or an intervenor<sup>20</sup> to file a claim for compensation under ch. 960, F.S. The claim must be based on a felony or misdemeanor offense committed by an adult or juvenile which results in a mental or physical injury or death. The mental injury must be verified by a psychologist, a physician who has completed a residency in psychiatry, or by a physician who has obtained certification as an expert witness.

The bill makes a victim of Florida reform school abuse eligible to receive an award despite the victim having been confined in a juvenile detention facility at the time of victimization.

The bill requires a victim of Florida reform school abuse or an intervenor to file a claim under ch. 960, F.S., within 1 year after the effective date of the bill, notwithstanding timeframes otherwise provided in s. 960.07.

**Section 3** provides that the act takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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

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<sup>20</sup> "Intervenor" means any person who goes to the aid of another and suffers bodily injury or death as a direct result of acting, not recklessly, to prevent the commission of a crime, to lawfully apprehend a person reasonably suspected of having committed a crime, or to aid the victim of a crime. Section 960.03(9), 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 identified.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

There will be indeterminate negative fiscal impact to both the DOS and the OAG. The bill provides that the DOS is responsible for processing applications for persons seeking to be certified as a victim of Florida reform school abuse. While it is unknown how many persons will seek this certification, the bill indicates that there are over 500 people who have come forward as victims. As such, there may be a negative fiscal impact on the DOS due to the processing of applications.

Additionally, this bill will have a negative fiscal impact on the OAG for the additional claims filed under ch. 960, F.S. The benefits for claims are payable from the Crimes Compensation Trust Fund. While it is unknown how many applicants will file a claim, lines the bill indicates on line 78 that there are over 500 people who have come forward as victims.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an unnumbered section of law.

**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.

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

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By Senator Rouson

16-00804A-23

20231046\_\_

A bill to be entitled

An act relating to victims of reform school abuse; providing a short title; defining the term "victim of Florida reform school abuse"; requiring a person seeking certification as a victim of Florida reform school abuse to apply to the Department of State by a specified date; authorizing the estate, personal representative, next of kin, or lineal descendants of a decedent who was a victim of Florida reform school abuse to submit an application on behalf of the decedent; requiring that the application include certain information and documentation; requiring the department to review the application, notify the applicant of any errors or omissions, and request any additional information within a certain timeframe; providing that the applicant has 15 calendar days after such notification to complete the application; requiring the department to review and process a completed application within a certain timeframe; prohibiting the department from denying an application for specified reasons and under certain circumstances; requiring the department to notify the applicant of its determination within a certain timeframe; requiring the department to certify an applicant as a victim of Florida reform school abuse if the department determines the application meets the requirements of this act; requiring the department to submit a list of all certified victims of Florida reform school abuse to the Legislature by a specified

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date; providing exceptions from specified requirements for crime victim compensation eligibility for applications by victims of Florida reform school abuse; providing an effective date.

WHEREAS, the Florida State Reform School, also known as the Florida Industrial School for Boys, the Florida School for Boys, the Arthur G. Dozier School for Boys, and most commonly called the Dozier School, was opened by the state in 1900 in Marianna to house children who had committed minor criminal offenses, such as incorrigibility, truancy, and smoking, as well as more serious offenses, such as theft and murder, and

WHEREAS, reports of abuse, suspicious deaths, and threats of closure plagued the school throughout its history, and

WHEREAS, many former students of the Dozier School have sworn under oath that they were beaten at a facility located on school grounds known as the White House, and

WHEREAS, a psychologist employed at the Dozier School testified under oath at a 1958 United States Senate Judiciary Committee hearing that boys at the school were beaten by an administrator, that the blows were severe and dealt with great force with a full arm swing over the head and down, that a leather strap approximately 10 inches long was used, and that the beatings constituted "brutality," and

WHEREAS, a former Dozier School employee stated in interviews with law enforcement that in 1962, several employees of the school were removed from the facility based upon allegations that they made sexual advances toward boys at the facility, and

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WHEREAS, a forensic investigation funded by the Legislature and conducted from 2013 to 2016 by the University of South Florida found incomplete records regarding deaths and 45 burials that occurred at the Dozier School between 1900 and 1960 and found that families were often notified of the death after the child was buried or were denied access to their child's remains at the time of burial, and

WHEREAS, the excavations conducted as part of the forensic investigation revealed more burials than reported in official records, and

WHEREAS, in 1955, the state opened a new reform school in Okeechobee called the Florida School for Boys at Okeechobee, referred to in this act as the Okeechobee School, to address overcrowding at the Dozier School, and staff members of the Dozier School were transferred to the Okeechobee School, where similar disciplinary practices were implemented, and

WHEREAS, many former students of the Okeechobee School have sworn under oath that they were beaten at a facility on school grounds known as the Adjustment Unit, and

WHEREAS, more than 500 former students of the Dozier School and the Okeechobee School have come forward with reports of physical, mental, and sexual abuse by school staff during the 1940s, 1950s, 1960s, and 1970s, resulting in trauma that has endured throughout their lives, and

WHEREAS, this is a unique and shameful chapter in the history of this state, during which children placed into custody of state employees were subjected to physical, mental, and sexual abuse rather than the guidance and compassion that children in state custody should receive, and

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WHEREAS, during the 2017 legislative session, the Legislature unanimously issued a formal apology to the victims of Florida reform school abuse with the passage of CS/SR 1440 and CS/HR 1335, expressing regret for the treatment of boys who were sent to the Dozier School and the Okeechobee School; acknowledging that the treatment was cruel, unjust, and a violation of human decency; and expressing its commitment to ensure that children who have been placed in the state's care will be protected from abuse and violations of human decency, NOW, THEREFORE,

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

Section 1. (1) This act may be known and cited as the "Arthur G. Dozier School for Boys and Okeechobee School Abuse Victim Certification Act."

(2) As used in this act, the term "victim of Florida reform school abuse" means a living person who was confined at the Arthur G. Dozier School for Boys or the Okeechobee School at any time between 1940 and 1975 and who was subjected to mental, physical, or sexual abuse perpetrated by school personnel during the period of confinement.

(3) (a) A person seeking to be certified as a victim of Florida reform school abuse must submit an application to the Department of State no later than September 1, 2023. The estate, personal representative, next of kin, or lineal descendants of the decedent who was a victim of Florida reform school abuse may submit an application on behalf of the decedent.

(b) The application must include:

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1. An affidavit stating that the applicant was confined at the Arthur G. Dozier School for Boys or the Okeechobee School, including the beginning and ending dates of the confinement, and that the applicant was subjected to mental, physical, or sexual abuse perpetrated by school personnel during the period of confinement;

2. Documentation from the Florida State Archives, the Arthur G. Dozier School for Boys, the Okeechobee School, or any other source which shows that the applicant was confined at the school or schools for any length of time between 1940 and 1975; and

3. Positive proof of identification, including a current form of photographic identification. This subparagraph does not apply if the application is submitted by the estate, personal representative, next of kin, or lineal descendant of the decedent.

(c) Within 30 calendar days after receipt of an application, the Department of State shall review the application and notify the applicant of any errors or omissions or request any additional information relevant to the review of the application. The applicant has 15 calendar days after receiving such notification to complete the application by correcting any errors or omissions or submitting any additional information requested by the department. The department shall review and process each completed application within 90 calendar days after receipt of the application.

(d) The Department of State may not deny an application due to the applicant's failure to correct an error or omission or to submit any additional information requested by the department if

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the department failed to timely notify the applicant of such error or omission or timely request additional information as provided in paragraph (c).

(e) The Department of State shall notify the applicant of its determination within 5 business days after reviewing and processing the application. If the department determines that an application meets the requirements of this section, the department must certify the applicant as a victim of Florida reform school abuse.

(f) No later than December 31, 2023, the Department of State must review and process all applications that were submitted by September 1, 2023, and must submit a list of all certified victims of Florida reform school abuse to the President of the Senate and the Speaker of the House of Representatives.

Section 2. (1) Notwithstanding s. 960.03(3), Florida Statutes, for purposes of a claim under chapter 960, Florida Statutes, by a victim of Florida reform school abuse, as defined in section 1 of this act, or an intervenor, as defined in s. 960.03(9), Florida Statutes, the term "crime" means a felony or misdemeanor offense committed by an adult or a juvenile which results in a mental or physical injury or death to another person. A mental injury must be verified by a psychologist licensed under chapter 490, Florida Statutes; by a physician licensed under chapter 458, Florida Statutes, or chapter 459, Florida Statutes, who has completed an accredited residency in psychiatry; or by a physician licensed under chapter 458, Florida Statutes, or chapter 459, Florida Statutes, who has obtained certification as an expert witness pursuant to s.

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175 458.3175, Florida Statutes, or s. 459.0066, Florida Statutes.  
176 (2) Notwithstanding s. 960.065(2)(c) and (3), Florida  
177 Statutes, a victim of Florida reform school abuse or an  
178 intervenor may file a claim under chapter 960, Florida Statutes.  
179 (3) Notwithstanding s. 960.07, Florida Statutes, a victim  
180 of Florida reform school abuse or an intervenor may file a claim  
181 under chapter 960, Florida Statutes, within 1 year after the  
182 effective date of this act.  
183 Section 3. This act shall take effect upon becoming a law.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations, *Vice Chair*  
Ethics and Elections, *Vice Chair*  
Agriculture  
Appropriations Committee on Criminal  
and Civil Justice  
Appropriations Committee on Health and  
Human Services  
Children, Families, and Elder Affairs  
Governmental Oversight and Accountability  
Rules

### JOINT COMMITTEE:

Joint Administrative Procedures Committee

### SENATOR DARRYL ERVIN ROUSON

16th District

April 5, 2023

Senator Ed Hooper

Chair, Appropriations Committee on Transportation, Tourism, and Economic Development

201 The Capitol

404 South Monroe Street

Tallahassee, FL 32399

Dear Chairman Hooper,

I write today respectfully requesting that SB 1046, Victims of Reform School Abuse, and SB 1048, a public records bill linked to SB 1046, be added to the agenda of a forthcoming meeting of the Appropriations Committee on Transportation, Tourism, and Economic Development for consideration. I look forward to the opportunity to present SB 1046 and 1048 to the committee. I am available for any questions you may have about this legislation. Thank you in advance for the committee's time and consideration.

Sincerely –

A handwritten signature in green ink that reads "Darryl E. Rouson".

Senator Darryl E. Rouson

Florida Senate District 16

### REPLY TO:

☐ 535 Central Avenue, Suite 302, St. Petersburg, Florida 33701 (727) 822-6828

☐ 212 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: SB 1048

INTRODUCER: Senators Rouson and Davis

SUBJECT: Public Records/Victims of Reform School Abuse

DATE: April 18, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<b>Favorable</b>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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## **I. Summary:**

SB 1048 exempts from public records copying and inspection requirements personal identifying information in an application of individuals applying to seek certification as a victim of Florida reform school abuse.

The bill provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

This bill is subject to the Open Government Sunset Review Act and stands repealed on December 31, 2024, unless reviewed and saved from the repeal through reenactment by the Legislature.

The bill takes effect the same day SB 1046 or any similar legislation does. As filed, SB 1046 takes effect upon becoming law.

## **II. Present Situation:**

### **Access to Public Records - Generally**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

### **Executive Agency Records – The Public Records Act**

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>5</sup>

Section 119.011(12), F.S., defines “public records” to include:

[a] ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>6</sup>

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>9</sup> The exemption must state

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<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

<sup>4</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4<sup>th</sup> DCA 2018).

<sup>5</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>6</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>7</sup> Section 119.07(1)(a), F.S.

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST. art. I, s. 24(c).

with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup>

General exemptions from the public records requirements are contained in the Public Records Act.<sup>11</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>12</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>13</sup> Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>14</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

### **Open Government Sunset Review Act**

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,<sup>16</sup> with specified exceptions.<sup>17</sup> The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.<sup>18</sup> In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary. An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

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<sup>10</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

<sup>11</sup> *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>12</sup> *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>13</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5<sup>th</sup> DCA 2004).

<sup>14</sup> *Id.*

<sup>15</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5<sup>th</sup> DCA 1991).

<sup>16</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

<sup>17</sup> Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>18</sup> Section 119.15(3), F.S.

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>19</sup>
- The release of sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>20</sup> or
- It protects trade or business secrets.<sup>21</sup>

The Act also requires specified questions to be considered during the review process.<sup>22</sup> In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>23</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>24</sup>

### **Victims of Florida Reform School Abuse**

SB 1046 defines a “victim of Florida reform school abuse” to mean a living person who was confined at the Arthur G. Dozier School for Boys or the Okeechobee School at any time between 1940 and 1975 and who was subjected to mental, physical, or sexual abuse perpetrated by school personnel during the period of confinement.

### ***The Arthur G. Dozier School for Boys***

From 1900, to 2011, the state operated the Florida State Reform School in Marianna. In 1967, the name was changed to the Arthur G. Dozier School for Boys (Dozier School).<sup>25</sup> Children were committed to the Dozier school for criminal offenses such as theft and murder, but later on the law was amended to allow for children with minor offenses such as truancy to be committed too.

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<sup>19</sup> Section 119.15(6)(b)1., F.S.

<sup>20</sup> Section 119.15(6)(b)2., F.S.

<sup>21</sup> Section 119.15(6)(b)3., F.S.

<sup>22</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>23</sup> See generally s. 119.15, F.S.

<sup>24</sup> Section 119.15(7), F.S.

<sup>25</sup> David Built, *Arthur G. Dozier School for Boys*, Abandoned Florida, Sep. 29, 2015, available at <https://www.abandonedfl.com/arthur-g-dozier-school-for-boys/> (Mar. 3, 2023).

Additionally, many children who had not been charged with a crime were committed to the school as wards of the state and orphans.<sup>26</sup>

Beginning as early as 1901, there were reports of children being chained to walls in irons, brutal whippings, and peonage.<sup>27</sup> In the first 13 years of operation, six state-led investigations took place. Those investigations found that children as young as five years old were being hired out for labor, unjustly beaten, and were without education or proper food and clothing.<sup>28</sup> In 2005, former students of the Dozier School began to publish accounts of the abuse they experienced at the school.<sup>29</sup> These stories prompted Governor Charlie Crist to direct the Florida Department of Law Enforcement (FDLE) to investigate the Dozier School and the deaths that were alleged and occurred at the school. In 2008, Governor Charlie Crist directed the FDLE to investigate 32 unmarked graves located on the property surrounding the school in response to complaints lodged by former students at the Dozier School.<sup>30</sup> The former students of Dozier alleged that students who died as a result of abuse were buried at the school cemetery.<sup>31</sup>

### *The Okeechobee School*

Due to overcrowding at the Dozier School, the state opened a new reform school in Okeechobee. The first 50 boys were transferred to the Okeechobee campus from the Marianna campus along with 20 staff members.<sup>32</sup> Interviews with former students in the school found that the former superintendent and deputy superintendent of the Florida School for Boys in Okeechobee (Okeechobee School), would administer corporal punishment himself.<sup>33</sup> Several students at the Okeechobee School died in the 1960s, some of those under questionable circumstances. Two of them being a 13-year-old boy found floating face down in the school's sewage tank, and a teen shot dead during an alleged escape attempt.<sup>34</sup>

## **III. Effect of Proposed Changes:**

**Section 1** creates a public records exemption for any personal identifying information in an application submitted to the Department of State by, or on behalf of, a person seeking certification as a victim of Florida reform school abuse.

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<sup>26</sup> Erin H. Kimmerle, Ph.D. et al., *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, The University of South Florida, pg. 22, January 18, 2016, available at <http://mediad.publicbroadcasting.net/p/wusf/files/201601/usf-final-dozier-summary-2016.pdf> (Mar. 3, 2023).

<sup>27</sup> See *supra* note 26, at 12.

<sup>28</sup> See *supra* note 26, at 27.

<sup>29</sup> Office of Executive Investigations, Florida Department of Law Enforcement, *FDLE Investigative Report* (May 14, 2009), available at <http://thewhitehouseboys.com/fdlereport.html> (last visited Mar. 30, 2023)

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Richard Marion, *OYDC closure brings an end to troubled history*, South Central Florida Life (Jul. 15, 2020), available at <https://www.southcentralfloralife.com/stories/oydc-closure-brings-an-end-to-troubled-history.9159> (Last visited Mar. 13, 2023).

<sup>33</sup> *Id.*

<sup>34</sup> WPBF News, *Investigation uncovers deaths of boys at Okeechobee Florida School for Boys* (April 10, 2015), available at <https://www.wpbfl.com/article/investigation-uncovers-deaths-of-boys-at-okeechobee-florida-school-for-boys/1325188#> (Last visited Mar. 30, 2023).

**Section 2** provides a public necessity statement as required by Article I, s. 24(c) of the State Constitution. The public necessity statement provides that the release of personal identifying information from the application could subject the victims to further trauma. The public necessity statement also provides that victims would be more likely to come forward if their personal identifying information is protected from public disclosure.

**Section 3** provides that the bill takes effect the same day SB 1046 or any similar legislation does, if it is adopted in the same legislative session or an extension thereof. As filed, SB 1046 takes effect upon becoming law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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

##### **B. Public Records/Open Meetings Issues:**

###### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for records pertaining to personal identifying information in an application; therefore, the bill requires a two-thirds vote of each chamber for enactment.

###### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

###### **Breadth of Exemption**

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to the victims of reform school abuse. This bill exempts only personal identifying information in an application to the DOS. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

##### **C. Trust Funds Restrictions:**

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will be subject to the cost, to the extent imposed, associated with making the redactions in response to a public record request.

C. Government Sector Impact:

The bill may have a minimal fiscal impact on the DOS for workload related to the redaction of personal identifying information in responding to public records requests.

**VI. Technical Deficiencies:**

The bill will require an amendment to fill in the blank spot on line 43 with a reference to SB 1046, the underlying substantive bill linked to this public records exemption.

**VII. Related Issues:**

According to s. 119.15(3), F.S., the Open Government Sunset Review Act, a newly enacted or substantially amended exemption is scheduled for review and repeal by the Legislature in the 5<sup>th</sup> year after creation, unless the Legislature acts to reenact the exemption. The bill inserts the newly created exemption into an existing paragraph with other exemptions that are scheduled for review and repeal in 2024, which is the first year after enactment instead of the 5th year. However, the deviation from the schedule set forth in the Open Government Sunset Review Act is supported by the reasoning that a previous legislature cannot bind a future legislature.

**VIII. Statutes Affected:**

This bill creates an unnumbered section of law.

**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.

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

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By Senator Rouson

16-00839-23

20231048\_\_

A bill to be entitled

An act relating to public records; providing an exemption from public records requirements for personal identifying information in applications submitted to the Department of State by persons seeking certification as victims of Florida reform school abuse; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Applications for certification as a victim of Florida reform school abuse; public records exemption.-Any personal identifying information in an application submitted to the Department of State by, or on behalf of, a person seeking certification as a victim of Florida reform school abuse, as defined in the Arthur G. Dozier School for Boys and Okeechobee School Abuse Victim Certification Act, is exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, Florida Statutes, and shall stand repealed on December 31, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal identifying information in applications for certification as a victim of Florida reform school abuse

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

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which are submitted to the Department of State be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of personal identifying information contained in a certification application could subject victims of Florida reform school abuse to further trauma. The Legislature further finds that such victims would be more likely to come forward and seek redress if personal identifying information in the applications were protected from public disclosure. The Legislature finds that the harm that may result from the release of such information outweighs the public benefit that may be derived from the disclosure of the information.

Section 3. This act shall take effect on the same date that SB \_\_\_\_ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 1070

INTRODUCER: Transportation Committee and Senator Hooper

SUBJECT: License Taxes

DATE: April 18, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Fav/CS</b>
2.	Gross/Nortelus	Jerrett	ATD	<b>Favorable</b>
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1070 imposes specified additional registration fees on certain electric vehicles. The bill defines the terms “electric vehicle” and “plug-in hybrid electric vehicle,” imposes fees on such vehicles in addition to registration fees currently assessed against non-electric vehicles, and authorizes biennial registration of such vehicles. The additional taxes imposed apply to an initial or renewal registration that has a renewal period beginning on or after October 1, 2023.

The bill provides for distribution of the proceeds of such fees to the State Transportation Trust Fund and to the county where such a vehicle is registered, and requires the Florida Department of Transportation to transfer funds allocated to a county to the Florida Department of Revenue for distribution, as specified. The bill restricts use of the proceeds to transportation expenditures, as defined in current law; exempts certain electric and plug-in hybrid electric vehicles from the additional tax; and provides that the additional fees expire on December 31, 2031. The bill also makes necessary conforming revisions.

The Revenue Estimating Conference determined on March 10, 2023, that the bill will increase State Transportation Trust Fund receipts by \$16.4 million in Fiscal Year 2023-2024 and by \$37.1 million recurring. Local government revenues are estimated to increase by \$9.2 million in fiscal year 2023-2024 and by \$20.9 million recurring. Those who register electric vehicles or plug-in hybrid electric vehicles as defined in the bill would be subject to the specified additional registration fees.

The bill takes effect July 1, 2023.

## II. Present Situation:

### The Impact of Electric Vehicles on Revenues

Annual fuel tax revenues at both the state and federal levels are directly based on the number of gallons of gasoline and diesel fuel consumed. Because some electric vehicles (EVs) are not powered by gasoline or diesel, and because others use less gasoline or diesel fuel than a conventional vehicle with only an internal combustion engine, an increase in the number of EVs operating on the roadways results in less revenue being raised from fuel taxes for comparable vehicle miles traveled.

Projections for EV sales vary, but a literature review suggests a general consensus that while EV adoption will not significantly impact state revenues in the near-term, EV sales will continue to increase over the long-term. The Florida Department of Transportation's (FDOT's) *EV Infrastructure Master Plan*, completed in July of 2021, concludes that negative impacts to motor-fuel based revenue streams in Florida could range between 5.6 percent and 20 percent by the year 2040, depending on the rate of growth of EV sales.<sup>1</sup>

### The National Perspective

Traditional funding for repairs and improvements to the nation's highways comes primarily from state and federal taxes collected at the pump. A perceived inequity may exist, in that electric vehicles do not require motor fuel to operate, or at least as much in the case of vehicles that operate on a combination of electricity and gasoline or diesel, compared to motor vehicles with internal combustion engines. The assertion is that EV owners may not be fairly contributing to the cost of constructing and maintaining public roads through payment of "traditional" registration fees.

According to the National Conference of State Legislatures (NCSL), a national "growing policy trend" has developed of imposing a separate registration fee for certain EVs to address the issues of declining revenues and fair contribution.<sup>2</sup> The following may serve to highlight the trend:

- Thirty-one states impose some form of a special registration fee for electric vehicles which is in addition to the registration fee for motor vehicles with internal combustion engines.
- Of those, 18 states also assess a fee on vehicles that operate on a combination of electricity and gasoline. The fees range from \$48.75 in Iowa to \$100 in Alabama, Arkansas, Ohio and West Virginia.
- Ten states<sup>3</sup> enacted laws in 2019 amending or adding new fees for plug-in electric and some plug-in hybrid vehicles, with fees ranging from \$50 per year in Colorado, South Dakota, and Hawaii, to \$225 for a plug-in electric vehicle in Washington.
- The enacted legislation in Alabama, Arkansas, Ohio, and Wyoming set or increased fees for EVs to \$200 annually. In 2021, South Dakota law was revised to impose a fee of \$50 for all

<sup>1</sup> See the FDOT's *EV Infrastructure Master Plan*, p. 30 of 52, available at [fdotvmp.pdf \(windows.net\)](https://fdotvmp.pdf.windows.net) (last visited February 22, 2023).

<sup>2</sup> See [ncsl.org, Special Fees on Plug-In Hybrid and Electric Vehicles \(ncsl.org\)](https://ncsl.org/Special-Fees-on-Plug-In-Hybrid-and-Electric-Vehicles) (last visited February 22, 2023).

<sup>3</sup> Alabama, Arkansas, Hawaii, Illinois, Iowa, Kansas, North Dakota, Ohio, Washington and Wyoming.

plug-in electric vehicles, and Oklahoma tiered its EV fees based on vehicle weight. Louisiana enacted legislation in 2022 imposing a \$110 fee for EVs and a \$60 fee for plug-in hybrids.<sup>4</sup>

- At least five states tie the additional registration fees to the consumer price index or another inflation-related metric and periodically increase the fees (California, Indiana, Michigan, Mississippi, and Utah).<sup>5</sup>

### Use of Revenues from Additional Electric Vehicle Registration Fees

Revenue from these additional registration fees is, according to the NCSL, most often directed to a state transportation trust fund as a fair contribution to the cost of constructing and maintaining the public roads, with a few states also allocating some of the revenue to support EV charging infrastructure, for construction and maintenance of highways and bridges, and small amounts to other uses.<sup>6</sup>

### Types of Electric Vehicles

The U.S. Department of Energy's Alternative Fuels Data Center uses the term, "electric-drive vehicles," to collectively refer to all-electric vehicles (AEVs), hybrid electric vehicles (HEVs), and plug-in hybrid electric vehicles (PHEVs):

- AEVs use a battery to store the electric energy that powers the motor. AEVs do not have an internal combustion engine and are solely powered by electricity. AEV batteries are usually charged by plugging the vehicle into an electric power source.
- PHEVs are powered by an internal combustion engine that can run on conventional or alternative fuel and an electric motor that uses energy stored in a battery, and are plugged into an electric power source to charge the battery. PHEVs can travel various distances on electricity alone but can also operate solely on motor fuel.
- HEVs are primarily powered by an internal combustion engine that runs on conventional or alternative fuel and an electric motor that uses energy stored in a battery. An HEV battery is charged through regenerative braking and by the internal combustion engine and is not plugged in to charge.<sup>7</sup>

State definitions are not always consistent with the above definitions and contain some variation. Careful crafting of a state's definition is necessary to impose any fees as intended.

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<sup>4</sup> *Supra* note 2. Scroll down to the "State Action" heading. The definitions, fees, and fee distributions for each state are reflected under the heading *States With Fees on Plug-In and/or Electric Vehicles*.

<sup>5</sup> Two states have enacted road user charges (Oregon and Utah), also known as vehicle miles traveled fees or mileage based user fees and, according to the Transportation Investment Advocacy Center (TIAC), as of May, 2022, three states (Pennsylvania, Iowa, and Oklahoma) had enacted excise taxes on the electricity that powers electric vehicles. *See* the TIAC's *Electric Vehicle Excise Tax Model Language*, Appendix B, available at [2022 Electric Vehicle Excise Tax Model Language-2.pdf \(transportationinvestment.org\)](https://www.transportationinvestment.org/2022-Electric-Vehicle-Excise-Tax-Model-Language-2.pdf) (last visited February 22, 2023). However, legislation enacted in Oklahoma in 2021 imposes additional fees for electric vehicles and plug-in hybrids dependent upon the weight of the vehicle, ranging from \$110 to \$2,250 for all-electric vehicles and from \$82 to \$1,687 for plug-in hybrid electric vehicles. *Supra* note 4.

<sup>6</sup> *Supra* note 4.

<sup>7</sup> *See* U.S. Department of Energy, [Alternative Fuels Data Center: Electric Vehicles \(energy.gov\)](https://afdc.energy.gov/) (last visited March 10, 2023).

## Florida's Registration Structure and Electric Vehicles

Florida's definition of the term "motor vehicle" for registration purposes is quite broad,<sup>8</sup> and all vehicles meeting the definition, with some exceptions, are required to be registered in this state.<sup>9</sup> Current law imposes an initial registration fee (a license tax) of \$225 on automobiles and tri-vehicles for private use, certain trucks, and motor homes and truck campers.<sup>10</sup> Thereafter, registration is generally based on the class and weight of the vehicle. The fees range generally from \$5 for a moped to \$1,322 for heavy trucks or truck tractors and wreckers.<sup>11</sup>

After monthly distributions for education purposes, for completion of the interstate highway system, and for the Florida Seaport Transportation and Economic Development (FSTED) Program, the remaining proceeds from registration fees are deposited in the State Transportation Trust Fund.<sup>12</sup>

Current law defines the term "electric vehicle" for registration purposes as a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.<sup>13</sup> The license tax for an EV is the same as that prescribed in law for a vehicle that is not electrically powered.<sup>14</sup>

Thus, Florida law currently makes no distinction between the types of EVs in its definition, as all-electric *and* hybrid electric vehicles, plug-in or regenerative, are in fact powered, in whole or in part, by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current. The definition does not require that an electric vehicle be *solely* powered as described. Additionally, Florida law does not charge a fee in addition to the registration fee for a "traditional" vehicle as some 31 other states do, for registration of electric vehicles.

## Biennial Registration

Currently, any person who owns a specified vehicle<sup>15</sup> that is required to be registered<sup>16</sup> may renew the registration biennially during the applicable renewal period upon payment of the two-year cumulative total; *i.e.*, double the amount of the applicable annual license tax (as well as the service charge and surcharge).<sup>17</sup>

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<sup>8</sup> Section 320.01(1), F.S.

<sup>9</sup> Section 320.02, F.S.

<sup>10</sup> Section 320.072, F.S.

<sup>11</sup> Section 320.08, F.S.

<sup>12</sup> Section 320.20, F.S.

<sup>13</sup> Section 320.01(36), F.S.

<sup>14</sup> Section 320.08001, F.S.

<sup>15</sup> Generally, motorcycles and mopeds; automobiles or tri-vehicles for private use; light-duty trucks and heavy duty trucks and truck tractors of a certain weight; motor vehicles for hire; trailers for private use; trailers for hire; recreational vehicle-type units; park trailers, travel trailers, and fifth-wheel trailers of a certain length; and mobile homes. *Infra* note 18.

<sup>16</sup> Sections 320.08(1)-(3), (4)(a) or (b), and (6) – (11), F.S.

<sup>17</sup> *See* s. 320.03, F.S.

### Local Option Fuel Taxes

County governments are authorized to levy up to 12 cents of local option fuel taxes in three separate levies on fuel sold within the county.<sup>18</sup> Relevant for purposes of the bill is a tax of one to six cents on every net gallon of motor and diesel fuel sold within a county.<sup>19</sup> Generally, this tax is levied by ordinance adopted by a majority vote of the governing body or upon approval by referendum.<sup>20</sup> Revenues from the tax are remitted to the Florida Department of Revenue (FDOR) by the licensed terminal supplier who owned the fuel immediately prior to removal from storage<sup>21</sup> and transferred to the Local Option Fuel Tax Trust Fund.<sup>22</sup>

The FDOR distributes the tax proceeds monthly<sup>23</sup> according to distribution factors determined at the local level by interlocal agreement between the county and municipalities within the county's boundaries. If no such agreement is established, a local government's distribution is generally based on the transportation expenditures of that local government for the immediately preceding five fiscal years as a proportion of the sum total of such expenditures for the respective county and all municipalities within the county.<sup>24</sup> County and municipal governments may use the proceeds only for "transportation expenditures."<sup>25</sup>

### III. Effect of Proposed Changes:

#### Additional License Taxes, Biennial Registration, Distribution, Exemption, and Applicability (Section 1)

The bill amends s. 320.08001, F.S., defining terms as follows:

- "Electric vehicle" means a motor vehicle that is solely powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.
- "Plug-in hybrid electric vehicle" means a motor vehicle equipped to be propelled by an internal combustion engine and an electric motor that draws current from rechargeable

<sup>18</sup> See floridarevenue.com, [Florida Dept. of Revenue - Local Option Taxes \(floridarevenue.com\)](http://floridarevenue.com) (last visited February 24, 2023).

<sup>19</sup> Section 336.025(1)(a), F.S. Local option tax rates on diesel fuel are "equalized" statewide, meaning that the full six cents, and another 1 cent per s. 336.021(1)(a), F.S., is levied on every net gallon of diesel fuel sold in every county. Seven cents' worth of local option tax revenue on diesel fuel is distributed to local governments, regardless of whether the county is levying these two taxes. *Id.*

<sup>20</sup> See s. 335.025(3)(a)1.-3. and (3)(b), F.S.

<sup>21</sup> Section 206.41(2), F.S.

<sup>22</sup> Section 336.025(2)(a), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Section 336.025(4)(a), F.S.

<sup>25</sup> Section 336.025(7), F.S. The term includes public transportation operations and maintenance; roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment; roadway and right-of-way drainage; street lighting installation, operation, maintenance, and repair; traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair; bridge maintenance and operation; and debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks. Note that current law authorizes the governing body of a county with a population of 50,000 or less on April 1, 1992, or the governing body of a municipality within such county to use the proceeds in any fiscal year to fund "infrastructure projects" under the conditions and as specified in s. 336.025(8), F.S.

storage batteries, fuel cells, or other sources of electrical current that are recharged by an energy source external to the motor vehicle.

An all-electric (or “battery electric”) vehicle would meet the definition of “electric vehicle,” as it is solely powered as described, but not meet the definition of “plug-in hybrid electric vehicle,” as it is not also equipped to be propelled by an internal combustion engine. The definition of “plug-in hybrid electric vehicle” excludes all-electric vehicles, as they are not equipped to be propelled by an internal combustion engine, and excludes hybrid electric vehicles, as they are not recharged by an energy source external to the motor vehicle. Under the bill, Florida law would impose fees in addition to registration fees for non-electric vehicles only on electric vehicles and plug-in hybrid electric vehicles, as defined. Hybrid electric vehicles that use regenerative braking would not be subject to an additional fee.<sup>26</sup>

The bill removes “an electric vehicle” from current law providing that the license tax for such is the same as that prescribed in s. 320.08, F.S., for a vehicle that is not electrically powered, leaving that provision applicable only to a low-speed vehicle. Instead, the bill imposes the following annual license taxes:

- For electric vehicles, in addition to the license tax prescribed in s. 320.08, F.S.,<sup>27</sup> an annual license tax of \$200, increasing to \$250 beginning January 1, 2028.
- For plug-in hybrid electric vehicles, in addition to the license tax prescribed in s. 320.08, F.S., an annual license tax of \$50, increasing to \$100 on January 1, 2028.

The additional license taxes expressly apply to an initial registration or renewal registration that has a renewal period beginning on or after October 1, 2023. Any person or entity that registers an electric or plug-in hybrid electric vehicle is authorized to renew the vehicle registration biennially.

Sixty-four percent of the proceeds from the additional license taxes imposed must be deposited into the State Transportation Trust Fund, and 36 percent must be allocated to the county where the vehicle is registered. The Department of Highway Safety and Motor Vehicles must transfer the funds allocated to a county to the FDOT for distribution to the board of county commissioners and municipalities within the county in proportion to the previous quarter’s distribution of the local option fuel taxes. Local governments must use the funds for defined transportation expenditures.<sup>28</sup>

The bill exempts from the additional annual license tax imposed under the amended section of law an electric or plug-in hybrid electric vehicle that uses a battery storage system of up to five kilowatt hours.

### **Biennial Registration (Section 2)**

The bill amends s. 320.07(2)(b), F.S., relating to biennial registration, to insert a reference to s. 320.08001, F.S., thereby authorizing biennial registration of low-speed vehicles and of the

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<sup>26</sup> Research identified only eight states that impose an additional fee on hybrid electric vehicles that use regenerative braking.

<sup>27</sup> Still the same for the same class and/or weight of a non-electric vehicle.

<sup>28</sup> *Supra* note 26.

specified vehicles that meet the definition of “electric vehicle” or “plug-in hybrid electric vehicle.”

### **Expiration of the Additional License Taxes (Section 3)**

The bill creates an undesignated section of law providing that the amendments made by the act to s. 320.08001, F.S., expire on December 31, 2031, and the text of that section reverts to that in existence on June 30, 2023, except that any amendments to such text enacted other than by the act are preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text that expire.

### **Effective Date (Section 4)**

The bill takes effect July 1, 2023.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

Article VII, s. 19, of the Florida Constitution requires that a new state tax or fee must be approved by two-thirds of the membership of each house of the Legislature and must be contained in a separate bill that contains no other subject. Article VII, s. 19(d)(1), of the Florida Constitution defines “fee” to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.” The bill imposes license taxes in addition to the “base” registration fee for electric and plug-in hybrid electric vehicles, authorizes payment of the additional license taxes biennially, provides for distribution of the proceeds from the additional taxes, and provides an exemption from the additional fees. The bill requires a two-thirds vote of the membership of each house of the Legislature.

### **E. Other Constitutional Issues:**

None.

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

The bill imposes the specified additional license taxes, in addition to the existing “base” registration fees, for electric and plug-in hybrid electric vehicles, as defined.

**B. Private Sector Impact:**

Those who register electric vehicles or plug-in hybrid electric vehicles as defined in the bill would be subject to the specified additional registration fees.

**C. Government Sector Impact:**

On March 10, 2023, the Revenue Estimating Conference<sup>29</sup> determined that the bill will increase State Transportation Trust Fund receipts by \$16.4 million in Fiscal Year 2023-2024 and by \$37.1 million recurring.

Local government revenues are estimated to increase by \$9.2 million in fiscal year 2023-2024 and by \$20.9 million recurring.<sup>30</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08001 and 320.07.

This bill creates an undesignated section of law.

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

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

**CS by Transportation on March 20, 2023:**

The committee substitute changes a reference from “paragraph” to “subsection” for technical accuracy and clarifies that electric and plug-in hybrid electric vehicles with battery storage systems of up to five kilowatt hours are exempt from the additional annual license tax, not the base license tax.

<sup>29</sup> See the Revenue Estimating Conference’s adopted consensus estimate available at [Microsoft Word - 2 - SB 1070 - Revised \(state.fl.us\)](https://www.state.fl.us/microsofword-2-sb-1070-revised) (last visited March 10, 2023).

<sup>30</sup> *Id.*

B. Amendments:

None.

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

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By the Committee on Transportation; and Senator Hooper

596-02761-23

20231070c1

A bill to be entitled

An act relating to license taxes; amending s. 320.08001, F.S.; defining the terms "electric vehicle" and "plug-in hybrid vehicle"; conforming a provision to changes made by the act; imposing specified additional annual license taxes on electric vehicles; increasing such tax at a certain time; imposing specified additional annual license tax on plug-in hybrid electric vehicles; increasing such tax at a certain time; authorizing persons and entities to biennially renew vehicle registrations for electric vehicles and plug-in hybrid electric vehicles; providing for the distribution of proceeds from the additional license taxes; specifying requirements for the use of the proceeds by local governments; providing that certain vehicles are exempt from specified license taxes; providing applicability; amending s. 320.07, F.S.; conforming provisions to changes made by the act; providing for future expiration; providing an effective date.

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

Section 1. Section 320.08001, Florida Statutes, is amended to read:

320.08001 Low-speed, electric, and plug-in hybrid electric vehicles; license tax.—

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

(a) "Electric vehicle" means a motor vehicle that is solely

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596-02761-23

20231070c1

powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.

(b) "Plug-in hybrid electric vehicle" means a motor vehicle equipped to be propelled by an internal combustion engine and an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current that are recharged by an energy source external to the motor vehicle.

(2) The license tax for a ~~an electric vehicle~~ or low-speed vehicle is the same as that prescribed in s. 320.08 for a vehicle that is not electrically powered.

(3) In addition to the license tax prescribed in s. 320.08, there is imposed an annual license tax of \$200 on electric vehicles. Beginning January 1, 2028, the additional annual license tax shall be \$250.

(4) In addition to the license tax prescribed in s. 320.08, there is imposed an annual additional license tax of \$50 on plug-in hybrid electric vehicles. Beginning January 1, 2028, the additional annual license tax shall be \$100.

(5) Any person or entity that registers a vehicle identified in subsection (3) or subsection (4) may renew the vehicle registration biennially in accordance with s. 320.07(2)(b).

(6) Of the proceeds from the additional annual license taxes imposed under subsections (3) and (4), 64 percent must be deposited into the State Transportation Trust Fund and 36 percent must be allocated to the county where the vehicle is registered. Each quarter, the department shall transfer the

Page 2 of 4

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596-02761-23

20231070c1

59 funds allocated to a county to the Department of Revenue for  
 60 distribution to the board of county commissioners and  
 61 municipalities within the county in proportion to the previous  
 62 quarter's distribution of the local option fuel taxes authorized  
 63 under s. 336.025(1)(a). Local governments shall use moneys  
 64 received pursuant to this subsection for transportation  
 65 expenditures as defined in s. 336.025(7).

66 (7) An electric or a plug-in hybrid electric vehicle that  
 67 uses a battery storage system of up to 5 kilowatt hours is  
 68 exempt from the additional annual license tax imposed under this  
 69 section.

70 (8) The additional license taxes imposed by this section  
 71 apply to an initial registration or renewal registration that  
 72 has a renewal period beginning on or after October 1, 2023.

73 Section 2. Paragraph (b) of subsection (2) of section  
 74 320.07, Florida Statutes, is amended to read:

75 320.07 Expiration of registration; renewal required;  
 76 penalties.—

77 (2) Registration shall be renewed semiannually, annually,  
 78 or biennially, as provided in this subsection, during the  
 79 applicable renewal period, upon payment of the applicable  
 80 license tax amounts required by s. 320.08, service charges  
 81 required by s. 320.04, and any additional fees required by law.

82 (b) Any person who owns a motor vehicle or mobile home  
 83 registered under s. 320.08(1), (2), (3), (4)(a) or (b), (6),  
 84 (7), (8), (9), (10), or (11) may renew the vehicle registration  
 85 biennially during the applicable renewal period upon payment of  
 86 the 2-year cumulative total of all applicable license tax  
 87 amounts required by ss. 320.08 and 320.08001, as applicable, s-

596-02761-23

20231070c1

88 ~~320.08~~ and service charges or surcharges required by ss. 320.03,  
 89 320.04, 320.0801, 320.08015, 320.0802, 320.0804, 320.0805,  
 90 320.08046, and 320.08056 and payment of the 2-year cumulative  
 91 total of any additional fees required by law for an annual  
 92 registration.

93 Section 3. The amendments made by this act to s. 320.08001,  
 94 Florida Statutes, expire on December 31, 2031, and the text of  
 95 that section shall revert to that in existence on June 30, 2023,  
 96 except that any amendments to such text enacted other than by  
 97 this act shall be preserved and continue to operate to the  
 98 extent that such amendments are not dependent upon the portions  
 99 of text which expire pursuant to this section.

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

The Florida Senate

# APPEARANCE RECORD

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

04/18/2023

Meeting Date

SENATE LED APPEAR

Committee

1070

Bill Number or Topic

→

Amendment Barcode (if applicable)

Name

ANANTH PRASAD

Phone

(850) 942-1405

Address

1007 E DESOTO PARK DR

Email

APRASAD@FTBA.ORG

Street

TRUTHASSHES E

32301

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing: FTBA

☐

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

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

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

S-001 (08/10/2021)

18 April 2023

Meeting Date

Sen Transportation/Tourism/Eco

Committee

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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1070

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ali DySard Phone 772.519.7255

Address 136 4th Street N, Suite 317 Email adysard@edf.org

Street

St Petersburg

FL

33701

City

State

Zip

Reset Form

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

*Environmental Defense Fund*

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

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

S-001 (08/10/2021)

April 18/2023

Meeting Date

TED

Committee

Name

Alexandra Dysard

Phone

Address

ENVIRONMENTAL DEFENSE  
FUNDS

Email

adysard@edf.org

Street

City

State

Zip

The Florida Senate

## APPEARANCE RECORD

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

1070  
License TAX

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against



Information

OR

Waive Speaking:

☐

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

Subject matter info

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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4/18/23

Meeting Date

SB 1070

Bill Number or Topic

TED APPPS

Committee

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 132 S Bronough St  
Street

Email cjohnson@flchamber.com

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FL Chamber of  
Commerce

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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4/17/2023

Meeting Date

Approps - TED

Committee

1070

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Bob McKee

Phone

(850) 922-4300

Address

100 S Monroe

Email

b.mckee@fl-senate.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

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compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
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sponsored by:

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

---

BILL: CS/SB 1094

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Martin

SUBJECT: Death Benefits for Active Duty Servicemembers

DATE: April 18, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Favorable</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1094 increases the death benefit paid by the state for a member of the U.S. Armed Forces *who is killed while not engaged in official duties*. The death benefit is increased from \$25,000 to \$75,000 (identical to the members on active duty and killed while engaged in official duties). The bill maintains the current law exclusion that a servicemember *is not eligible* for the benefit in event of suicide or otherwise intentionally self-inflicted injury.

The bill provides that a servicemember may designate a beneficiary in a process set out by the Department of Military Affairs (DMA). The bill requires that proof of residency or duty post of the deceased servicemember at the time of the member's death must be provided to DMA, in a manner prescribed by the department, in order to qualify for benefits.

The bill clarifies the payment process for the benefit by requiring DMA to request that the Chief Financial Officer (CFO)<sup>1</sup> draw warrants from the General Revenue Fund for the payment of benefits. The bill grants DMA and the Department of Financial Services rulemaking authority to adopt rules and procedures appropriate and necessary to implement the regulation and distribution of death benefits of active duty servicemembers.

The bill is expected to increase state expenditures by an indeterminate amount.

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<sup>1</sup> Art. IV, s. 4(c) of the Florida Constitution provides that a CFO shall serve, within the cabinet, as the chief fiscal officer of the state. The CFO settles and approves accounts against the state and keeps all state funds and securities.

The bill takes effect July 1, 2023.

## II. Present Situation:

### **Constitutional Requirements for Death Benefits for Active Duty Servicemembers**

Article X, sec. 31(b) of the Florida Constitution requires a death benefit to be paid to the survivors of active duty servicemembers of the United State Armed Forces. The payments are made from the General Revenue Fund. The state is also required to waive certain education expenses for a child or spouse of the deceased servicemember.

To be eligible for the benefits under the Florida Constitution, a member of the military must have been a resident of the state or his or her duty post must have been within the state, at the time of death.

The constitutional provision took effect July 1, 2019.

### **Statutory Requirements for Death Benefits for Active Duty Servicemembers**

Current law provides that a servicemember of the United States Armed Forces who is killed or receives a bodily injury that results in the loss of member's life while on active duty:

- *And engaged in performance of his or her official duties* is eligible for a death benefit of \$75,000 paid by the state.<sup>2</sup>
- *But not in performance of his or her official duties* is eligible for a death benefit of \$25,000 paid by the state.<sup>3</sup>

A servicemember is not eligible for these benefits if the killing or bodily injury is the result of suicide or was otherwise intentionally self-inflicted.

The death benefit is paid to the beneficiary designated by the servicemember in writing and delivered to the DMA during the servicemember's lifetime.<sup>4</sup> If no designation is made, then the payments are made to the servicemember's surviving child or children and to the servicemember's surviving spouse in equal portions.<sup>5</sup> If the servicemember does not have a surviving child or spouse, the payment is made to the servicemember's parent or parents. If no designation is made and the servicemember has no surviving child, spouse, or parent, then the sum must be paid to the servicemember's estate.

The spouse or child of an active duty servicemember is also eligible for the waiver of certain educational expenses incurred while obtaining a career certificate, an undergraduate education, or a postgraduate education.<sup>6</sup> The waiver amount is equal to the cost of 120 credit hours of tuition and registration fees. The benefit must be used by a child before turning 25 years of age,

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<sup>2</sup> Section 295.061(2), F.S.

<sup>3</sup> Section 295.061(3), F.S.

<sup>4</sup> Section 295.061(4), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 295.061(8), F.S.

while the spousal benefit must be commenced within five years of the death and completed within ten years of the death. These benefits may only be received by students in good standing.

### III. Effect of Proposed Changes:

**Section 1** amends s. 295.061, F.S., to increase death benefits paid by the state for a member of the U.S. Armed Forces *who is not killed while engaged in official duties*. The death benefit is increased from \$25,000 to \$75,000 (identical to the members on active duty and killed while engaged in official duties). The bill maintains the current law exclusion that a servicemember *is not eligible* for the benefit in event of suicide or otherwise intentionally self-inflicted injury.

The bill provides that a servicemember may designate a beneficiary in a process set out by DMA. The bill requires that proof of residency or duty post of the deceased servicemember at the time of the member's death must be provided to DMA, in a manner prescribed by the department, in order to qualify for benefits.

The bill clarifies the payment process for the benefit by requiring DMA to request that the Chief Financial Officer (CFO)<sup>7</sup> draw warrants from the General Revenue Fund for the payment of benefits. The bill grants DMA and the Department of Financial Services rulemaking authority to adopt rules and procedures appropriate and necessary to implement the regulation and distribution of death benefits of active duty servicemembers.

### 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.

#### 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.

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<sup>7</sup> Art. IV, s. 4(c) of the Florida Constitution provides that a CFO shall serve, within the cabinet, as the chief fiscal officer of the state. The CFO settles and approves accounts against the state and keeps all state funds and securities.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The state will incur additional costs for the increased monetary death benefits granted to the surviving family members of a member of the U.S. Armed Forces killed while on active duty. These benefits are paid from the General Revenue Fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Law enforcement officers, correctional officers, firefighters, emergency medical technicians, and paramedics (first responders) are granted death benefits under the Florida Constitution similar to servicemembers. However, the benefits are payable only if a first responder is killed “while engaged in the performance of his or her official duties.” The current law relating to death benefits for a servicemember makes a similar distinction, with a \$75,000 benefit if the servicemember is on active duty and is killed while in the performance of official duties and a \$25,000 benefit if the servicemember is on active duty and is killed otherwise (not related to official duties, i.e., vacation, off-duty).

**VIII. Statutes Affected:**

This bill substantially amends section 295.061 of the Florida Statutes.

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

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

**CS by Governmental Oversight and Accountability on March 29, 2023:**

The committee substitute reinstates the current law provision creating a continuing appropriation from the General Revenue Fund to pay the benefits to survivors of deceased servicemembers.

**B. Amendments:**

None.

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

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

585-03272A-23

20231094c1

A bill to be entitled

An act relating to death benefits for active duty servicemembers; amending s. 295.061, F.S.; revising the amount and conditions of payment of death benefits; requiring that payment be made to the beneficiary through the process set out by the Department of Military Affairs; removing provisions relating to payment when a beneficiary is not designated; requiring that proof of residency or duty post be provided to the department; requiring the department to request the Chief Financial Officer to draw a warrant for payment of benefits from the General Revenue Fund; requiring the Department of Military Affairs and the Department of Financial Services to adopt certain rules and procedures; providing an effective date.

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

Section 1. Section 295.061, Florida Statutes, is amended to read:

295.061 Active duty servicemembers; death benefits.—

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

(a) "Active duty" has the same meaning as provided in s. 250.01.

(b) "United States Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

(2) The sum of \$75,000 must be paid by the state if a

Page 1 of 4

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

585-03272A-23

20231094c1

member of the United States Armed Forces, while on active duty ~~and engaged in the performance of his or her official duties~~, is killed or sustains ~~receives~~ a bodily injury that results in the loss of the member's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.

~~(3) The sum of \$25,000 must be paid by the state if a member of the United States Armed Forces, while on active duty, is killed other than as specified in subsection (2), provided that the killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.~~

(3)(4) Payment of benefits ~~made~~ under subsection (2) ~~or subsection (3)~~ must be made paid to the beneficiary designated by such member through the process set out by in writing and delivered to the Department of Military Affairs during the member's lifetime. If no such designation is made, then the payments must be paid to the member's surviving child or children and to his or her surviving spouse in equal portions, or if there is no surviving child or spouse, must be made to the member's parent or parents. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member's estate.

(4)(5) To qualify for the benefits provided in this section, the deceased military member must have been a resident of this state, or his or her duty post must have been within this state, at the time of death. Proof of residency or duty post must be provided to the Department of Military Affairs in the manner prescribed by the department.

(5)(6) Any benefits provided pursuant to this section are

Page 2 of 4

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585-03272A-23

20231094c1

in addition to any other benefits provided under the Servicemembers' Group Life Insurance program or any other federal program. Benefits granted pursuant to this section are exempt from the claims and demands of creditors of such member.

~~(6)(7)~~ Benefits provided under subsection (2) ~~or subsection (3)~~ shall be paid from the General Revenue Fund. The department shall request the Chief Financial Officer to draw a warrant from the General Revenue Fund for the payment of the benefit in the amount specified in this section. Beginning in the 2019-2020 fiscal year and continuing each fiscal year thereafter, a sum sufficient to pay such benefits is appropriated from the General Revenue Fund to the Department of Financial Services for the purposes of paying such benefits.

(7) The Department of Military Affairs and the Department of Financial Services shall adopt rules and procedures as appropriate and necessary to implement subsections (1)-(6).

(8) (a) If an active duty member is killed as specified in subsection (2) ~~or subsection (3)~~, the state must waive certain educational expenses that the child or the spouse of the deceased member incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state must be in an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or the spouse may attend a state career center, a Florida College System institution, or a state university on either a full-time or part-time basis. The benefits provided to a child under this subsection must continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after

585-03272A-23

20231094c1

the death occurs and may continue until the 10th anniversary of that death.

(b) Upon failure of any child or spouse who receives a waiver in accordance with this subsection to comply with the ordinary and minimum requirements regarding discipline and scholarship of the institution attended, such benefits to the child or the spouse must be withdrawn and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.

(c) Only a student in good standing in his or her respective institution may receive the benefits provided in this subsection.

(d) A child or spouse who is receiving benefits under this subsection shall be enrolled according to the customary rules and requirements of the institution attended.

(e) A child or spouse of a member may receive benefits under either this subsection or s. 295.01.

(f) The State Board of Education shall adopt rules and procedures, and the Board of Governors shall adopt regulations and procedures, as are appropriate and necessary to implement this subsection.

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

The Florida Senate

**APPEARANCE RECORD**

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4/18/2023

Meeting Date

TED Appropriations

Committee

CS/SB 1094

Bill Number or Topic

Amendment Barcode (if applicable)

Name

MARK OGLESBY => DEPT of Military Affairs

Phone

850-414-9049

Address

400 South Monroe STREET

Street

Email

Mark.t.oglesby.NG@army.mil

TALLAHASSEE

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking:



In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

FL DEPT OF Military Affairs

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S-001 (08/10/2021)



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

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

## SELECT COMMITTEE:

Select Committee on Resiliency

## SENATOR JONATHAN MARTIN

33rd District

March 31, 2023

The Honorable Ed Hooper  
Senate Appropriations Committee on Transportation, Tourism, and Economic Development,  
Chair  
201 The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399

### RE: CS/SB 1094 - An act relating to Death Benefits for Active Duty Servicemembers

Dear Chair Hooper:

Please allow this letter to serve as my respectful request to place CS/SB 1094, relating to Death Benefits for Active Duty Servicemembers, on the next committee agenda.

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

Sincerely,

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

Jonathan Martin  
Senate District 33

Cc: Charlotte Jerrett, Staff Director  
Brooke Conlan, Administrative Assistant

## REPLY TO:

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

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

KATHLEEN PASSIDOMO  
President of the Senate

DENNIS BAXLEY  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/CS/SB 1480

INTRODUCER: Appropriations Committee on Transportation, Tourism and Economic Development; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Calatayud

SUBJECT: Grants for Nonprofit Organization Safety

DATE: April 19, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Nortelus</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1480 creates the Nonprofit Security Grant Program (Program) in the Division of Emergency Management (division). The Program's purpose is to award grants to nonprofit entities that are at high risk for violence and hate crimes who were deemed eligible for but did not receive funding from the United State Department of Homeland Security's Nonprofit Security Grant Program within the federal fiscal year. The minimum grant award is \$10,000 and the maximum grant award is \$150,000. The grant funds may be used for the hiring and training of security personnel and staff, and to increase safety and security, including, but not limited to, the purchase and installation of:

- Security infrastructure;
- Perimeter lighting and fencing;
- Door hardening;
- Security camera systems;
- Barriers and bollards;
- Blast-resistant film; and
- Shatter-resistant glass for windows.

The Program is repealed on January 1, 2028, unless saved from repeal by the Legislature.

The bill is effective July 1, 2023.

## II. Present Situation:

### Federal Emergency Management Agency

For more than 40 years, the mission of the Federal Emergency Management Agency (FEMA) has been focused on helping citizens recover from disasters before, during, and after the event. The FEMA has made a formal commitment to build resilience and develop a culture of preparedness across the country and to unify all levels of community and government in an integrated approach to emergency management.<sup>1</sup> To achieve those goals, the FEMA coordinates several grant programs and cooperative agreements with funds available for pre- and post-emergency or disaster related projects. The FEMA grants support recovery initiatives, research, and many other programs, and are the principal mechanism used by the FEMA to award federal funding to state, local, tribal, territorial, certain private nonprofits, individuals, and institutions of higher learning.<sup>2</sup>

One major category for FEMA grant funding are the Preparedness Grants, such as the FEMA Nonprofit Security Grant Program (NSGP) which is one of three grant programs supporting the comprehensive measures authorized by Congress enabling the Department of Homeland Security (DHS) and the FEMA to help strengthen the nation's communities against extremist attacks.<sup>3</sup>

These grants support first responders to ensure their coordination to protect against, respond to, and recover from issues of terrorism and other emergencies.<sup>4</sup> The NSGP also provides funding support for target hardening and physical security enhancements to nonprofit organizations that are at high risk of terrorist attack.<sup>5</sup> The intent of NSGPs is to promote preparedness activities among state and local governments and agencies, emphasizing coordination with public and private community representatives.<sup>6</sup>

Funding allocated under the NSGP is further broken down by two categories: Urban Area (UA) and State (NSGP-S). Funds allocated to UA are awarded to nonprofit organizations located within one of the Urban Area Security Initiative designated high-risk urban areas. The NSGP-S funding is for nonprofit organizations located outside of the high-risk urban areas.<sup>7</sup>

The designated State Administrative Agency (SAA) is the only entity eligible to apply for the NSGP funds. The SAA applies to the FEMA for available funding on behalf of the eligible nonprofit organizations.<sup>8</sup> For federal FY 2023, the DHS is providing \$305 million for facility hardening and other physical security enhancements for eligible nonprofit organizations.<sup>9</sup>

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<sup>1</sup> FEMA, *Fiscal Year 2023 Preparedness Grant Manual*, pg. 7, available at [https://www.fema.gov/sites/default/files/documents/fema\\_gpd-fy-23-preparedness-grants-manual.pdf](https://www.fema.gov/sites/default/files/documents/fema_gpd-fy-23-preparedness-grants-manual.pdf) (last visited March 26, 2023)

<sup>2</sup> *Id.*

<sup>3</sup> FEMA, *FY 2023 Nonprofit Security Grant Program Fact Sheet*, available at <https://www.fema.gov/grants/preparedness/nonprofit-security> (last visited March 27, 2023).

<sup>4</sup> FEMA, *Preparedness Grants*, available at <https://www.fema.gov/grants/preparedness> (last visited March 24, 2023).

<sup>5</sup> FEMA, *FEMA Grants*, available at [www.fema.gov/grants](http://www.fema.gov/grants) (last visited March 24, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Supra* note 3 at 2.

<sup>9</sup> *Supra* note 3 at 1.

## Florida Department of Emergency Management

In the State Emergency Management Act (Act), the Legislature created the division within the Executive Office of the Governor.<sup>10</sup> The division is responsible for “maintaining a comprehensive statewide program of emergency management.”<sup>11</sup> Among its duties, the division is responsible for:

- Preparing a state comprehensive emergency management plan that is integrated with the emergency plans and programs of the Federal Government;
- Having a shelter component that promotes coordination of activities between public, private, and nonprofit entities and which meet certain minimum standards;
- Developing a postdisaster response and recovery program that includes regional and interregional planning provisions and promotes intergovernmental coordination of activities;
- Addressing the need for a coordinated and expeditious deployment of state resources, including the predeployment of the Florida National Guard;
- Establishing a communication and warning system to ensure that both the public and emergency management agencies are warned of developing emergency situations;
- Scheduling a guidelines and timelines for annual exercises to test agencies’ responses to different disaster levels; and
- Assigning responsibilities to state agencies and personnel for emergency support functions and other activities.<sup>12</sup>

In the case of an emergency, the Governor, or in the Governor’s absence, her or his successor as provided by law, may assume direct operational control over any or all parts of the emergency management functions within the state.<sup>13</sup> The Governor may issue executive orders, proclamations, and rules and such items have the full force and effect of law.<sup>14</sup> An executive order, proclamation, or rule issued under an emergency is valid for no more than 60 days and may be renewed, if necessary. If renewed, the executive order, proclamation, or rule is required to state with specificity which provisions are being renewed. Other specific renewals may have other requirements to approval of further extensions.<sup>15</sup>

The division is also required to cooperate with various partners in emergency management and must:

- Cooperate with the President of the United States, the heads of the Armed Forces, the various federal emergency management agencies, and the officers and agencies of other states in matter relating to emergency management in the state and nation;<sup>16</sup>
- Coordinate federal, state, and local emergency management activities and take all other steps to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;<sup>17</sup>

<sup>10</sup> See ss. 252.32 and 252.34(3), F.S.

<sup>11</sup> Section 252.35(1), F.S.

<sup>12</sup> Section 252.35, F.S.

<sup>13</sup> Section 252.36(1)(a), F.S.

<sup>14</sup> Section 252.36(1)(b), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 252.35(2)(e), F.S.

<sup>17</sup> Section 252.35(2)(1), F.S.

- Cooperate with the Federal Government and any public and private entity in achieving any purpose of the Act and in implementing programs for mitigation, preparation, response, and recovery.<sup>18</sup>

In its role as SAA for the NSGP, DEM regularly publishes an application guide for organizations to use for a variety of federal emergency grants, including the NSGP on its website.<sup>19</sup> The application guide provides important program information, including identification of key differences from the prior year's application, deadlines, funding restrictions, and permitted grant activities.<sup>20</sup>

For the FY 2023 application, the DHS has identified the protection of soft targets or crowded places as a national priority with three second-tier priorities of:

- Effective planning;
- Training and awareness campaigns; and
- Exercises.<sup>21</sup>

More specific needs and goals are detailed within each of the priorities. Eligible nonprofit organizations, as defined by the NSGP, apply through an application released by the division.<sup>22</sup>

### III. Effect of Proposed Changes:

This bill creates the Florida Nonprofit Security Grant Program under a new section of law, s. 252.3712, F.S., in the Division of Emergency Management which is modeled after the federal program. The Program provides grant awards to eligible nonprofit organizations, including houses of worship and community centers, which are at high risk for violent attacks or hate crimes who were deemed eligible for but did not receive funding from the United States Department of Homeland Security's Nonprofit Security Grant Program within the federal fiscal year.

The grants may be used to increase safety and security, including, but not limited to, the purchase and installation of:

- Security infrastructure;
- Perimeter lighting;
- Door hardening;
- Security camera systems;

---

<sup>18</sup> Section 252.35(2)(u), F.S.

<sup>19</sup> See Florida Division of Emergency Mgm't, available at: <https://www.floridadisaster.org/dem/preparedness/grants-unit/> (last visited March 26, 2023). The FDEM website includes information about the FY 2023 application process, identification of key changes in the process, a list of frequently asked questions, an application guide, and self-assessment guide.

<sup>20</sup> Florida Division of Emergency Mgm't, Preparedness Bureau, *Nonprofit Security Grant Program – FY 2023 Application Guide* (March 2023), pg. 5, available at <https://portal.floridadisaster.org/preparedness/External/Grants-Unit/Nonprofit%20Security%20Grant%20Program/FY23/2023%20Florida%20NSGP%20Application%20Guide%2003.03.23%20-%20FINAL.pdf> (last visited March 26, 2023).

<sup>21</sup> *Id.*

<sup>22</sup> *Supra* note 20 at 6-7. Eligible entities are those entities who are described under section 502(c)(3) of the Internal Revenue Code and exempt from tax under section 501(a) of that same code; can demonstrate through the application that the organization is at high risk of a terrorist or other extremist attack; and is located within one of the Urban Area Security Initiative designated areas. For FY 2023, those areas are Jacksonville, Tampa, Orlando, and Miami/Fort Lauderdale.

- Perimeter fencing;
- Barriers and bollards;<sup>23</sup>
- Blast-resistant film; and
- Shatter-resistant glass for windows.

Grant funds may also be used towards hiring security personnel and training security personnel and staff on threat awareness, emergency procedures, and first aid.

The minimum grant award established in the bill is \$10,000 and the maximum grant award is \$150,000; however, the total amount available in any given year is contingent upon the funding appropriated to the Program. The division is directed to adopt rules to administer the Program which include criteria for awarding grant funds to:

- An owner of a facility for hardening security measures;
- An owner or renter of a facility for nonhardening security measures; and
- An owner or renter of a facility that have been operational for a period of at least 6 months or that has received a number of threats based on need.

The division may use up to 3 percent of any appropriation for the administration of the Program.

The bill provides the Program will be automatically repealed on January 1, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

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<sup>23</sup> A bollard is a short sturdy post that is often used to protect the perimeter of a store and ensure the safety of the patrons. See Julia Donigian, *What are bollards and why do we need them?*, available at <https://www.mccue.com/blog/what-is-a-safety-bollard> (last visited March 24, 2023).

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

None.

**B. Private Sector Impact:**

Nonprofit organizations that are at high risk for violent attacks or hate crimes which meet the application criteria may be eligible to receive a grant for the purchase and installation of security infrastructure or the addition of security and other staff. Additionally, the installation of security infrastructure or the addition of security and other staff may also lead to safer communities and lower crimes rates.

**C. Government Sector Impact:**

The division may use up to 3 percent of any appropriation for the administration of the Program.

The division is also directed to adopt rules which include specific selection criteria for grant funds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 252.3712 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 Appropriations Committee on Transportation, Tourism and Economic Development on April 18, 2023:**

The committee substitute clarifies who is eligible to receive funds from the grant and removes \$15,000,000 nonrecurring General Revenue appropriation for the grant program.

**CS by Military and Veterans Affairs, Space, and Domestic Security on March 29, 2023:**

The committee substitute requires the division to adopt rules with criteria for the selection of grant awards by type of activity, minimum length of operations of at least 6 months by the facility, and determination of need by number of threats received.

B. Amendments:

None.

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

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552996

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2023	.	
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	.	
	.	

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The Appropriations Committee on Transportation, Tourism, and Economic Development (Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 32 - 48  
and insert:

(2) The division shall award grants to applicants who were deemed eligible for but did not receive funding from the United States Department of Homeland Security's Nonprofit Security Grant Program within the federal fiscal year.

(3) The minimum amount of any grant award is \$10,000, and



552996

the maximum grant award amount is \$150,000. The total amount of funds available for the program is limited to the amount appropriated by the Legislature.

(4) The division may use up to 3 percent of the total amount appropriated to administer the grant program.

(5) The division shall adopt rules to administer this section, including rules providing criteria for all of the following:

(a) Awarding of grant funds to an owner of a facility for hardening security measures.

(b) Awarding of grant funds to an owner or a renter of a facility for nonhardening security measures.

(c) Establishing the need for grant funds to be awarded to an owner or a renter of a facility that has been operational for a period of at least 6 months or that has received a sufficient number of threats.

(6) This section is repealed January 1, 2028, unless

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

And the title is amended as follows:

Delete line 7

and insert:

certain purposes; providing for eligibility; providing limitations on the amount



138036

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2023	.	
	.	
	.	
	.	

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The Appropriations Committee on Transportation, Tourism, and Economic Development (Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 51 - 54.

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

And the title is amended as follows:

Delete lines 11 - 12

and insert:

providing for future repeal; providing an effective  
date.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Calatayud

583-03304-23

20231480c1

A bill to be entitled

An act relating to grants for nonprofit organization safety; creating s. 252.3712, F.S.; requiring the Division of Emergency Management to establish a specified grant program; providing eligibility requirements; requiring the grants to be used for certain purposes; providing limitations on the amount of grant awards; authorizing the division to use a certain amount of funding for administration of the program; requiring the division to adopt rules; providing for future repeal; providing an appropriation; providing an effective date.

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

Section 1. Section 252.3712, Florida Statutes, is created to read:

252.3712 Nonprofit Security Grant Program.—

(1) The division shall establish a Nonprofit Security Grant Program that shall consist of funds appropriated by the Legislature to nonprofit organizations, including houses of worship and community centers, that are at high risk for violent attacks or hate crimes. The grants may be used to increase security and safety, including, but not limited to:

(a) The purchase and installation of security infrastructure, perimeter lighting, door hardening, security camera systems, perimeter fencing, barriers and bollards, and blast-resistant film and shatter-resistant glass for windows.

(b) Hiring security personnel.

583-03304-23

20231480c1

(c) Training for security personnel and staff on threat awareness, emergency procedures, and first aid.

(2) The minimum amount of any grant award is \$10,000, and the maximum grant award amount is \$150,000. The total amount of funds available for the program is limited to the amount appropriated by the Legislature.

(3) The division may use up to 3 percent of the total amount appropriated to administer the grant program.

(4) The division shall adopt rules to administer this section, including rules providing for all of the following:

(a) Criteria for the awarding of grant funds to an owner of a facility for hardening security measures.

(b) Criteria for the awarding of grant funds to an owner or a renter of a facility for nonhardening security measures.

(c) Criteria for establishing the need for grant funds to be awarded to an owner or a renter of a facility that has been operational for a period of at least 6 months or that has received a sufficient number of threats.

(5) This section is repealed January 1, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. For the 2023-2024 fiscal year, the sum of \$15 million in nonrecurring funds is appropriated from the General Revenue Fund to the Division of Emergency Management for the purpose of implementing this act.

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

The Florida Senate  
**APPEARANCE RECORD**

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

4/18/23

Meeting Date

TED Apprais

Committee

SB 1482

Bill Number or Topic

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1280

Address 130 S Bronough St  
Street

Email cjohnson@flchamber.com

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FL Chamber of  
Commerce

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

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

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

FLS-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/18  
APPROPRIATIONS COMMITTEE  
ON TRANSPORTATION TOURISM, ET  
Committee

1482

Bill Number or Topic

Amendment Barcode (if applicable)

Name MIKE GRISSOM

Phone 850-681-4238

Address 215 N. MONROE  
Street

Email

TALLAHASSEE FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

FLORIDA RURAL ECONOMIC DEVELOPMENT ASSOCIATION

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

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

4/18/2023  
Meeting Date

Approps TED  
Committee

1482  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeff Scala

Phone 850 922-4300

Address 100 S Monroe  
Street

Email Jscala@fl-counties.com

Tallahassee FL 32302  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

1482

Bill Number or Topic

Amendment Barcode (if applicable)

4-18-23

Meeting Date

ATTACHED

Committee

Name

Chris Doolin

Phone

850-508-5492

Address

1018 Thomasville Rd.

Email

cdoolin@doolinand  
assoc.  
com

Street

TALL.

FL

32303

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.


☒

I am a registered lobbyist,  
representing:

SMALL COUNTY COALITION

☐

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

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

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

S-001 (08/10/2021)



**SENATOR Alexis M. Calatayud**  
38th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

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

March 29<sup>rd</sup>, 2023

Honorable Senator ED Hooper  
Chair  
Committee on Appropriations on Transportation, Tourism, and Economic Development

Honorable Chair Hooper,

I respectfully request SB request SB 1480 Grants for Non-Profit Organization Safety be placed on the next committee agenda.

The bill requires the Division of Emergency Management to establish a specified grant program; providing eligibility requirements; requiring the grants to be used for certain purposes; providing limitations on the amount of grant awards; authorizing the division to use a certain amount of funding for administration of the program.

Sincerely,

*Alexis M. Calatayud*

---

Senator Alexis M. Calatayud  
Florida Senate, District 38

CC: Charlotte Jarrett, Staff Director  
Brooke Conlan, Committee Administrative Assistant

### REPLY TO:

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

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**Kathleen Passidomo**  
President of the Senate

**Dennis Baxley**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

---

BILL: CS/SB 1482

INTRODUCER: Appropriations Committee on Transportation, Tourism and Economic Development; and Senator Simon

SUBJECT: Rural Development

DATE: April 19, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	<b>Favorable</b>
2.	Nortelus	Jerrett	ATD	<b>Fav/CS</b>
3.			FP	

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**I. Summary:**

CS/SB 1482 modifies economic initiatives relating to rural development including certain agreements funded with federal or state assistance, the Regional Rural Development Grants Program, and the Rural Infrastructure Fund.

The bill prohibits an agency agreement that provides state or federal financial assistance to local government entities within a rural area of opportunity (RAO) from requiring the local government entity to expend funds in order to be reimbursed.

The bill amends the Regional Rural Development Grants Program to:

- Eliminate the rural matching requirement;
- Eliminate the requirement that grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contributions; and
- Clarify that applicants must provide information about any financial or in-kind commitment to the regional organization by a unit of local government or the private sector.

The bill amends the Rural Infrastructure Fund to:

- Increase the maximum grant award from 50 percent to 75 percent of the total infrastructure cost, or up to 100 percent of the total infrastructure project cost for a project that is located in a rural community or a RAO and that is also located in a fiscally constrained county;
- Remove the requirement that projects must be linked to specific job-creation or job-retention opportunities;
- Increase the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all

projects and removes the limitation that the grant not exceed 30 percent of the total project cost; and

- Remove the 50 percent local matching fund requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review, and removes the requirement that a grant for an employment project create or retain a minimum number of jobs.

The bill takes effect July 1, 2023.

## **II. Present Situation:**

### **Agreements Funded with Federal or State Assistance**

Current law requires an agency agreement that provides state financial assistance to a recipient or subrecipient,<sup>1</sup> or that provides federal financial assistance to a subrecipient,<sup>2</sup> to include the following:

- A provision specifying scope of work that clearly establishes the tasks the recipient or subrecipient is required to perform;
- A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the agency before payment. Each deliverable must be directly related to the scope of work and must specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable;
- A provision specifying the financial consequences that apply if the recipient or subrecipient fails to perform the minimum level of service required in the agreement. The provision can be excluded in specified situations;
- A provision specifying that a recipient or subrecipient of federal or state financial assistance may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period;
- A provision specifying that any balance of unobligated funds which has been advanced or paid must be refunded to the state agency;
- A provision specifying that any funds paid in excess of the amount to which the recipient or subrecipient is entitled must be refunded to the state agency; and
- Any additional information required pursuant to the Florida Single Audit Act.<sup>3</sup>

### **Rural Area of Opportunity**

A rural area of opportunity (RAO) is a rural community,<sup>4</sup> or region comprised of rural communities, designated by the Governor, that has been adversely affected by an extraordinary

---

<sup>1</sup> Section 215.97, F.S., defines a “subrecipient” as a nonstate entity that receives state financial assistance through another nonstate entity.

<sup>2</sup> As defined by applicable United States Office of Management and Budget circulars.

<sup>3</sup> Section 215.971(1)(a)-(g), F.S.

<sup>4</sup> Section 288.0656(2)(e), F.S., defines a “rural community” as is any county with a population of 75,000 or fewer, any county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer, a municipality in a county that meets either of the aforementioned criteria, or an unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors.

economic event, severe or chronic distress, or a natural disaster.<sup>5</sup> An area may also be designated as an RAO if it presents a unique economic development opportunity of regional impact. The designation of an RAO must be agreed upon by the Department of Economic Opportunity (DEO), as well as the county and municipal governments to be included in the RAO.<sup>6</sup>

Based on recommendations of the Rural Economic Development Initiative (REDI),<sup>7</sup> the Governor may designate up to three RAOs by executive order.<sup>8</sup> This designation establishes these areas as priority assignments for REDI and allows the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development initiative.

Currently, there are three designated RAO areas:

- Northwest RAO: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and portions of Walton County (the City of Freeport and lands north of the Choctawhatchee Bay and intercoastal waterway).
- South Central RAO: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay in Palm Beach County and the city of Immokalee in Collier County.
- North Central RAO: Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.<sup>9</sup>

### **Regional Rural Development Grants Program**

The Regional Rural Development Grants Program was established to provide funding, through matching grants, to build the professional capacity of regionally based economic development organizations located in rural communities. The concept of building the “professional capacity” of an economic development organization includes hiring professional staff to develop, deliver, and provide economic development professional services. Professional services includes technical assistance, education and leadership development, marketing, and project recruitment.<sup>10</sup>

Applications submitted to the DEO for funding through this program must provide proof:<sup>11</sup>

- Of official commitments of support from each of the units of local government represented by the regional organization;
- That each local government has made a financial or in-kind commitments to the regional organization;

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<sup>5</sup> Section 288.0656(2)(d), F.S.

<sup>6</sup> Section 288.0656(7)(b), F.S.

<sup>7</sup> Section 288.0656(1)(a), F.S. REDI was established by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.

<sup>8</sup> Section 288.0656(7)(a), F.S.

<sup>9</sup> Department of Economic Opportunity, *Rural Areas of Opportunity*, available at <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited March 17, 2023). The economic development organizations for these RAOs are named Opportunity Florida, Florida’s Heartland Regional Economic Development Initiative, and the North Florida Economic Development Partnership, respectively.

<sup>10</sup> Section 288.018(1)(b), F.S.

<sup>11</sup> Section 288.018(2), F.S.

- That the private sector has made financial or in-kind commitment to the regional organization;
- That the regional organization is in existence and actively involved in economic development activities serving the region; and
- Of the manner in which the organization coordinates its efforts with those other local and state organizations.

An organization may receive up to \$50,000 a year or \$250,000 if located in an RAO.<sup>12</sup> Grants must be matched by an amount of non-state resources equal to 25 percent of the state contribution. The DEO is authorized to spend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund to carry out this program.<sup>13</sup>

### **Rural Infrastructure Fund**

The Rural Infrastructure Fund is a grant program created to facilitate the planning, preparing, and financing of infrastructure projects in rural communities.<sup>14</sup> The program provides access to federal and state infrastructure funding programs, including, but not limited to, those offered by the United States Departments of Agriculture and Commerce.<sup>15</sup> The program funds total infrastructure project grants, infrastructure feasibility grants, and preclearance review grants.

The DEO may award grants for up to 50 percent of the total infrastructure project cost.<sup>16</sup> Projects must be related to specific job-creation or job-retention opportunities. Additionally, projects may include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities, and improving the access availability of broadband Internet service.

Eligible uses of funds include improvements to public infrastructure for industrial or commercial sites, upgrades to or development of public tourism infrastructure, and improvements to broadband Internet service and access in unserved or underserved rural communities.<sup>17</sup> Infrastructure can include public or public-private partnership facilities, like storm water systems, telecommunication, broadband, roads, and nature-based tourism.<sup>18</sup>

The infrastructure feasibility grant provides awards of up to 30 percent of the total project costs for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities.<sup>19</sup> Maximum awards are dependent on the number of jobs that a business commits to create and may be up to \$300,000 if the project is located in a RAO. The

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<sup>12</sup> Section 288.018(1)(c), F.S.

<sup>13</sup> Section 288.018(4), F.S.

<sup>14</sup> See s. 288.0655, F.S.

<sup>15</sup> Section 288.0655(2)(b), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Broadband Internet service must be provided in partnership with one or more dealers of communications services. Section 288.0655(2)(b), F.S.

<sup>19</sup> Section 288.0655(2)(c), F.S.

total project participation grant may be used in conjunction with the infrastructure feasibility grant.

The preclearance review grant provides awards to help a local government participate in expedited permitting processes through technical assistance in preparing permit applications and local comprehensive plan amendments.<sup>20</sup> Grants may be used for surveys, feasibility studies, and other activities related to the identification and preclearance review of land use modifications. Grants are limited to \$75,000 and must be matched 50 percent with local funds. However, projects in a RAO may receive up to \$300,000 and must be matched 33 percent with local funds.<sup>21</sup>

Grant applications are reviewed and certified by the DEO in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission.<sup>22</sup> Reviews include an evaluation of the economic benefit of the projects and their long-term viability.

A total of \$30 million in funding was made through the Rural Infrastructure Fund for Fiscal Year 2022-2023. Twenty-five million was available for eligible rural communities statewide and an additional \$5 million was available specifically for Florida Panhandle counties.<sup>23</sup>

### **III. Effect of Proposed Changes:**

#### **Agreements Funded with Federal or State Assistance**

**Section 1** amends s. 215.971, F.S., to prohibit an agency agreement that provides state or federal financial assistance to local government entities within an RAO from requiring the local government entity to expend funds in order to be reimbursed. For these local government entities, an agency is authorized to advance funding based on an analysis of estimated costs, to pay service providers and vendors directly, or to undertake other options to meet the requirements of the agreement.

#### **Regional Rural Development Grants Program**

**Section 2** amends s. 288.018, F.S., to specify that funding provided under the program are not matching grants. The bill eliminates the requirement that grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contributions. The bill also clarifies that an applicant must provide information about any financial or in-kind commitment to the regional organization by a unit of local government or the private sector.

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<sup>20</sup> Section 288.0655(2)(e), F.S. Expedited permitting is pursuant to s. 403.9739(18), F.S.

<sup>21</sup> Section 288.0655(2)(e), F.S.

<sup>22</sup> Section 288.0655(3), F.S.

<sup>23</sup> Department of Economic Opportunity, *Rural Infrastructure Fund*, available at <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-infrastructure-fund> (last visited March 17, 2023).

**Rural Infrastructure Fund**

**Section 3** amends s. 288.0655, F.S., to increase the maximum grant award from 50 percent to 75 percent of the total infrastructure cost, or up to 100 percent of the total infrastructure project cost for a project that is located in a rural community or a RAO and that is also located in a fiscally constrained county.<sup>24</sup> The bill removes the requirement that projects must be linked to specific job-creation or job-retention opportunities.

The bill increases the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects. It removes the limitation that the grant not exceed 30 percent of the total project cost.

The bill removes the 50 percent local matching fund requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. It also removes the requirement that a grant for an employment project create or retain a minimum number of jobs.

**Section 4** The bill takes effect July 1, 2023.

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

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

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<sup>24</sup> A fiscally constrained country is any county that is entirely within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656, F.S., or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S., from the previous July 1. Section 218.67(1), F.S.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill does not affect state revenues or expenditures. However, the removal of match requirements and the increase in allowable grant awards under the Rural Infrastructure Fund may limit the total number of grants awarded if funding of these programs remains unchanged.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 215.971, 288.018, and 288.0655.

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

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

**CS by Appropriations Committee on Transportation, Tourism and Economic Development on April 18, 2023:**

The committee substitute:

- Requires agency agreements that provide state or federal financial assistance to a county or municipality that is a RAO to include a provision allowing for the payment of certain invoices for verified performance;
- Clarifies that applications for the Regional Rural Development Grants must provide information about any financial or in-kind commitment to the regional organization by a unit of local government or the private sector; and
- Removes the provision relating to the Rural Community Development Revolving Loan Fund.

Relating to the Rural Infrastructure Fund, the committee substitute:

- Clarifies that the percentage of the maximum grant award of the total infrastructure cost is for a project located in a rural community which is also located in a fiscally constrained county or an RAO; and
- Removes the 50 percent local matching fund requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review for a project in a RAO.

**B. Amendments:**

None.



102262

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2023	.	
	.	
	.	
	.	

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The Appropriations Committee on Transportation, Tourism, and Economic Development (Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (h) is added to subsection (1) of  
section 215.971, Florida Statutes, to read:

215.971 Agreements funded with federal or state  
assistance.—

(1) An agency agreement that provides state financial  
assistance to a recipient or subrecipient, as those terms are



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defined in s. 215.97, or that provides federal financial assistance to a subrecipient, as defined by applicable United States Office of Management and Budget circulars, must include all of the following:

(h) If the agency agreement provides federal or state financial assistance to a county or municipality that is a rural community or rural area of opportunity, as those terms are defined in s. 288.0656(2), such agreement must include a provision that allows the agency to provide for the payment of invoices to the county or municipality for verified and eligible performance that has been completed in accordance with the terms and conditions set forth in the agreement. This provision is included to alleviate the financial hardships that certain rural counties and municipalities encounter when administering agreements and shall be utilized by the agency based on demonstrated financial hardship to the extent that federal or state law, rule, or other regulation permits such payments. This paragraph may not be construed to alter or limit any other provisions of federal or state law, rule, or other regulation.

Section 2. Subsections (1) and (2) of section 288.018, Florida Statutes, are amended to read:

288.018 Regional Rural Development Grants Program.—

(1)(a) For the purposes of this section, the term “regional economic development organization” means an economic development organization located in or contracted to serve a rural area of opportunity, as defined in s. 288.0656(2)(d).

(b) The department shall establish a ~~matching~~ grant program to provide funding to regional economic development organizations for the purpose of building the professional



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capacity of those organizations. Building the professional capacity of a regional economic development organization includes hiring professional staff to develop, deliver, and provide needed economic development professional services, including technical assistance, education and leadership development, marketing, and project recruitment. ~~Matching~~ Grants may also be used by a regional economic development organization to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses.

(c) A regional economic development organization may apply annually to the department for a ~~matching~~ grant. The department is authorized to approve, on an annual basis, grants to such regional economic development organizations. The maximum amount an organization may receive in any year will be \$50,000, or \$250,000 for any three regional economic development organizations that serve an entire region of a rural area of opportunity designated pursuant to s. 288.0656(7) if they are recognized by the department as serving such a region.

~~(d) Grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contribution.~~

(2) In approving the participants, the department shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Information about any financial or in-kind commitment



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to the regional organization by a ~~Demonstration that each unit~~  
of local government or ~~has made a financial or in-kind~~  
~~commitment to the regional organization.~~

~~(e) Demonstration that the private sector has made~~  
~~financial or in-kind commitments to the regional organization.~~

(c) ~~(d)~~ Demonstration that the organization is in existence  
and actively involved in economic development activities serving  
the region.

(d) ~~(e)~~ Demonstration of the manner in which the  
organization is or will coordinate its efforts with those of  
other local and state organizations.

Section 4. Subsection (1), paragraphs (b), (c), and (e) of  
subsection (2), and subsection (3) of section 288.0655, Florida  
Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(1) There is created within the department the Rural  
Infrastructure Fund to facilitate the planning, preparing, and  
financing of infrastructure ~~projects~~ in rural communities which  
will encourage job creation, capital investment, and the  
strengthening and diversification of rural economies by  
promoting tourism, trade, and economic development.

(2)

(b) To facilitate access of rural communities and rural  
areas of opportunity as defined by the Rural Economic  
Development Initiative to infrastructure funding programs of the  
Federal Government, such as those offered by the United States  
Department of Agriculture and the United States Department of  
Commerce, and state programs, including those offered by Rural  
Economic Development Initiative agencies, and to facilitate



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98 local government or private infrastructure funding efforts, the  
99 department may award grants for up to 75 ~~50~~ percent of the total  
100 infrastructure project cost, or up to 100 percent of the total  
101 infrastructure project cost for a project located in a rural  
102 community as defined in s. 288.0656(2) which is also located in  
103 a fiscally constrained county as defined in s. 218.67(1) or a  
104 rural area of opportunity as defined in s. 288.0656(2). ~~Eligible~~  
105 ~~projects must be related to specific job-creation or job-~~  
106 ~~retention opportunities.~~ Eligible uses of funds ~~projects~~ may  
107 also include improving any inadequate infrastructure that has  
108 resulted in regulatory action that prohibits economic or  
109 community growth, reducing the costs to community users of  
110 proposed infrastructure improvements that exceed such costs in  
111 comparable communities, and improving access to and the  
112 availability of broadband Internet service. Eligible uses of  
113 funds shall include improvements to public infrastructure for  
114 industrial or commercial sites, upgrades to or development of  
115 public tourism infrastructure, and improvements to broadband  
116 Internet service and access in unserved or underserved rural  
117 communities. Improvements to broadband Internet service and  
118 access must be conducted through a partnership or partnerships  
119 with one or more dealers, as defined in s. 202.11(2), and the  
120 partnership or partnerships must be established through a  
121 competitive selection process that is publicly noticed.  
122 Authorized infrastructure may include the following public or  
123 public-private partnership facilities: storm water systems;  
124 telecommunications facilities; broadband facilities; roads or  
125 other remedies to transportation impediments; nature-based  
126 tourism facilities; or other physical requirements necessary to



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facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

~~(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, The department may award grants of up to \$300,000 for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs; up to \$150,000 for an employment project with a business committed to create at least 300 jobs; and up to \$300,000 for a project in a rural area of opportunity. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent~~



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~~of the total project cost.~~ In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the department may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph may not exceed \$75,000 each, except in the case of a project in a rural area of opportunity, in which case the grant may not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of opportunity does not require a match of ~~must be matched at a level of 33 percent with~~ local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561. In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The department, in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit ~~of the projects~~ and ~~their~~ long-term viability.



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The department shall have final approval for any grant under this section.

Section 5. This act shall take effect July 1, 2023.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to rural development; amending s. 215.971, F.S.; requiring certain agency agreements to include a provision authorizing the agency to provide for the payment of specified invoices; providing intent; providing construction; amending s. 288.018, F.S.; specifying that funding provided under the Regional Rural Development Grants Program are not matching grants; revising the required criteria the Department of Economic Opportunity must consider to approve a participant in the program; amending s. 288.0655, F.S.; revising the purpose of the Rural Infrastructure Fund; revising the percentages of total infrastructure project cost that the Department of Economic Opportunity may award through the fund; providing authorized uses of eligible funds; deleting a provision requiring eligible projects to be related to specified opportunities; authorizing the department to award grants up to a specified amount for specified planning and preparation activities; deleting a restriction on dual grant awards being used which



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214 would exceed a specified percentage threshold;  
215 revising a provision that requires awarded funds for  
216 specified surveys or other activities be matched with  
217 a specified amount of local funds; revising the  
218 evaluation process of applications; providing an  
219 effective date.

By Senator Simon

3-01320A-23

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1 A bill to be entitled  
 2 An act relating to rural development; amending s.  
 3 215.971, F.S.; prohibiting certain agency agreements  
 4 from requiring the expenditure of funds before  
 5 reimbursement; authorizing agencies to undertake  
 6 certain actions; providing construction; amending s.  
 7 288.018, F.S.; specifying that funding provided under  
 8 the Regional Rural Development Grants Program are not  
 9 matching grants; revising the required criteria the  
 10 Department of Economic Opportunity must consider to  
 11 approve a participant in the program; amending s.  
 12 288.065, F.S.; revising the conditions under which an  
 13 applicant to the Rural Community Development Revolving  
 14 Loan Fund may retain repayments of principal and  
 15 interest; amending s. 288.0655, F.S.; revising the  
 16 purpose of the Rural Infrastructure Fund; revising the  
 17 percentages of total infrastructure project cost that  
 18 the Department of Economic Opportunity may award  
 19 through the fund; deleting a provision requiring  
 20 eligible projects to be related to specified  
 21 opportunities; providing authorized uses of eligible  
 22 funds; authorizing the department to award grants up  
 23 to a specified amount for specified planning and  
 24 preparation activities; deleting a provision requiring  
 25 authorized grants to be up to a specified amount for  
 26 certain projects, under specified conditions; deleting  
 27 a restriction on dual grant awards being used which  
 28 would exceed a specified percentage threshold;  
 29 deleting a provision that requires awarded funds be

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

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30 matched with a specified amount of local funds;  
 31 revising the evaluation process of applications;  
 32 providing an effective date.  
 33  
 34 Be It Enacted by the Legislature of the State of Florida:  
 35  
 36 Section 1. Present subsections (2) and (3) of section  
 37 215.971, Florida Statutes, are redesignated as subsections (3)  
 38 and (4), respectively, and a new subsection (2) is added to that  
 39 section, to read:  
 40 215.971 Agreements funded with federal or state  
 41 assistance.—  
 42 (2) (a) Notwithstanding any other law to the contrary, an  
 43 agency agreement that provides state or federal financial  
 44 assistance to a county or municipal entity within a rural area  
 45 of opportunity, as defined in s. 288.0656(2), may not require  
 46 the county or municipal entity to expend funds in order to be  
 47 reimbursed. For such counties or municipal entities, an agency  
 48 may advance funding based on an analysis of estimated costs, pay  
 49 service providers and vendors directly, or undertake other  
 50 options to meet the requirements of this section.  
 51 (b) This subsection may not be construed to alter or limit  
 52 any other provision of this section.  
 53 Section 2. Subsections (1) and (2) of section 288.018,  
 54 Florida Statutes, are amended to read:  
 55 288.018 Regional Rural Development Grants Program.—  
 56 (1) (a) For the purposes of this section, the term "regional  
 57 economic development organization" means an economic development  
 58 organization located in or contracted to serve a rural area of

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opportunity, as defined in s. 288.0656(2)(d).

(b) The department shall establish a ~~matching~~ grant program to provide funding to regional economic development organizations for the purpose of building the professional capacity of those organizations. Building the professional capacity of a regional economic development organization includes hiring professional staff to develop, deliver, and provide needed economic development professional services, including technical assistance, education and leadership development, marketing, and project recruitment. ~~Matching~~ Grants may also be used by a regional economic development organization to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses.

(c) A regional economic development organization may apply annually to the department for a ~~matching~~ grant. The department is authorized to approve, on an annual basis, grants to such regional economic development organizations. The maximum amount an organization may receive in any year will be \$50,000, or \$250,000 for any three regional economic development organizations that serve an entire region of a rural area of opportunity designated pursuant to s. 288.0656(7) if they are recognized by the department as serving such a region.

~~(d) Grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contribution.~~

(2) In approving the participants, the department shall consider the demonstrated need of the applicant for assistance and require the following:

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(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

~~(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.~~

~~(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.~~

~~(d)~~ Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(c) ~~(e)~~ Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

Section 3. Paragraph (c) of subsection (2) of section 288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(2)

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of opportunity designated by the Governor, and upon approval by the department, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and ~~matched~~ to fund regionally based economic development organizations representing the rural area of opportunity.

Section 4. Subsection (1), paragraphs (b), (c), and (e) of subsection (2), and subsection (3) of section 288.0655, Florida Statutes, are amended to read:

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

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117 288.0655 Rural Infrastructure Fund.—  
 118 (1) There is created within the department the Rural  
 119 Infrastructure Fund to facilitate the planning, preparing, and  
 120 financing of infrastructure ~~projects~~ in rural communities which  
 121 will encourage job creation, capital investment, and the  
 122 strengthening and diversification of rural economies by  
 123 promoting tourism, trade, and economic development.  
 124 (2)  
 125 (b) To facilitate access of rural communities and rural  
 126 areas of opportunity as defined by the Rural Economic  
 127 Development Initiative to infrastructure funding programs of the  
 128 Federal Government, such as those offered by the United States  
 129 Department of Agriculture and the United States Department of  
 130 Commerce, and state programs, including those offered by Rural  
 131 Economic Development Initiative agencies, and to facilitate  
 132 local government or private infrastructure funding efforts, the  
 133 department may award grants for up to 75 ~~50~~ percent of the total  
 134 infrastructure project cost, or up to 100 percent of the total  
 135 infrastructure project cost for a project located in a rural  
 136 community as defined in s. 288.0656(2) (e) or a rural area of  
 137 opportunity as defined in s. 288.0656(2) (d), either of which is  
 138 also located in a fiscally constrained county as defined in s.  
 139 218.67(1). ~~Eligible projects must be related to specific job-~~  
 140 ~~creation or job-retention opportunities.~~ Eligible uses of funds  
 141 ~~projects~~ may also include improving any inadequate  
 142 infrastructure that has resulted in regulatory action that  
 143 prohibits economic or community growth, reducing the costs to  
 144 community users of proposed infrastructure improvements that  
 145 exceed such costs in comparable communities, and improving

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146 access to and the availability of broadband Internet service.  
 147 Eligible uses of funds shall include improvements to public  
 148 infrastructure for industrial or commercial sites, upgrades to  
 149 or development of public tourism infrastructure, and  
 150 improvements to broadband Internet service and access in  
 151 unserved or underserved rural communities. Improvements to  
 152 broadband Internet service and access must be conducted through  
 153 a partnership or partnerships with one or more dealers, as  
 154 defined in s. 202.11(2), and the partnership or partnerships  
 155 must be established through a competitive selection process that  
 156 is publicly noticed. Authorized infrastructure may include the  
 157 following public or public-private partnership facilities: storm  
 158 water systems; telecommunications facilities; broadband  
 159 facilities; roads or other remedies to transportation  
 160 impediments; nature-based tourism facilities; or other physical  
 161 requirements necessary to facilitate tourism, trade, and  
 162 economic development activities in the community. Authorized  
 163 infrastructure may also include publicly or privately owned  
 164 self-powered nature-based tourism facilities, publicly owned  
 165 telecommunications facilities, and broadband facilities, and  
 166 additions to the distribution facilities of the existing natural  
 167 gas utility as defined in s. 366.04(3) (c), the existing electric  
 168 utility as defined in s. 366.02, or the existing water or  
 169 wastewater utility as defined in s. 367.021(12), or any other  
 170 existing water or wastewater facility, which owns a gas or  
 171 electric distribution system or a water or wastewater system in  
 172 this state where:  
 173 1. A contribution-in-aid of construction is required to  
 174 serve public or public-private partnership facilities under the

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tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(c) ~~To facilitate timely response and induce the location or expansion of specific job creating opportunities,~~ The department may award grants of up to \$300,000 for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. ~~Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs; up to \$150,000 for an employment project with a business committed to create at least 300 jobs; and up to \$300,000 for a project in a rural area of opportunity.~~ Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), ~~provided that the total amount of both grants does not exceed 30 percent of the total project cost.~~ In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the department may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph do not require a local match and may not exceed \$75,000 each, except in the case of a project in a rural area of opportunity, in which case the grant may not exceed \$300,000. ~~Any funds awarded under this paragraph must be matched~~

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~~at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of opportunity must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561.~~ In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The department, in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit ~~of the projects~~ and ~~their~~ long-term viability. The department shall have final approval for any grant under this section.

Section 5. This act shall take effect July 1, 2023.

The Florida Senate  
**APPEARANCE RECORD**

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

3/18/22  
Meeting Date

Apps on Transp.  
Committee

1480  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ellyn Bogdanoff

Phone 954

Address 1 E Brd Blvd  
Street

Email

FTL 33301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Jewish Federations of FL

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

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

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

5-001 (08/10/2021)

## APPEARANCE RECORD

SB 1480

Bill Number or Topic

Amendment Barcode (if applicable)

4/18/23  
Meeting DateTransportation, Tourism, & Economic Dev. Approps  
CommitteeDeliver both copies of this form to  
Senate professional staff conducting the meeting

Name Michael Barrett

Phone (850) 205-6823

Address 201 W. Park Ave  
Street

Email mbarrett@fla.senate.gov

Tallahassee  
CityFL  
State32301  
ZipSpeaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.☒ I am a registered lobbyist,  
representing:Florida Conference of  
Catholic Bishops☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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

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

S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

**To:** Senator Ed Hooper, Chair  
Appropriations Committee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** March 20, 2023

---

I respectfully request that **Senate Bill # 1482**, relating to Rural Development, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

*Corey Simon*

---

Senator Corey Simon  
Florida Senate, District 3

**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 Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/CS/SB 1664

INTRODUCER: Appropriations Committee on Transportation, Tourism and Economic Development; Commerce and Tourism Committee; and Senator Hooper

SUBJECT: Economic Development

DATE: April 19, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<b>Fav/CS</b>
2.	<u>Nortelus</u>	<u>Jerrett</u>	<u>ATD</u>	<b>Fav/CS</b>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1664 modifies provisions related to economic development and the Department of Economic Opportunity (DEO), including:

- Requiring the Secretary of the DEO to appoint deputy secretaries for the Division of Strategic Business Development, the Division of Community Development, and the Division of Workforce Services; and to appoint directors for the Division of Finance and Administration and the Division of Information Technology;
- Revising the list of local governments affected by Naval Support Activity Orlando to include Lake, Marion, and Sumter Counties and Groveland, Howey-in-the-Hills, Leesburg, and Wildwood to encourage compatible land use;
- Exempting any loan made with funds administered by the DEO from the documentary stamp tax;
- Specifying that funding provided under the Regional Rural Development Grant Program are not matching grants and removing the requirement that an applicant must show proof that each local government and the private sector made a financial or in-kind commitment to the regional organization in order to receive funding;
- Removing the requirement that repaid funds from the Rural Community Development Revolving Loan Fund be matched in order to be retained to fund future loans;
- Revising the uses of the Rural Infrastructure Fund to remove the requirement that grants be linked to financing specific projects; specifies that funds may not be used to serve any retail end user that already has access to broadband Internet service; increases the proportion of an

infrastructure project that may be covered by the grant from 50 percent to 75 percent and increase the maximum grant for infrastructure feasibility studies and certain other activities to \$300,000 for all projects; removes the local match requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review; and removes the requirement that a grant for an employment project create a minimum number of jobs;

- Clarifying a public records exemption;
- Deleting the July 1, 2023 repeal of the Florida Development Finance Corporation;
- Renaming the Florida Defense Support Task Force the Florida Defense Support Council; and
- Requiring, rather than authorizing, the DEO to adopt rules related to the Everglades Restoration Agricultural Community Employment Training Program, and providing that the DEO must use program funds to provide grants to stimulate and support employer-based training programs and institution-based training programs that seek to match persons to nonagricultural employment opportunities in the Everglades Agricultural Area and certain rural areas of opportunity.

The bill exempts loans made with funds administered by the DEO from the documentary stamp tax, which could result in a positive fiscal impact for loan recipients. The bill does not affect state revenues or expenditures relating to the Rural Development Grants Program, Rural Community Development Revolving Loan Fund, and the Rural Infrastructure Fund. However, the removal of match requirements and the increase in allowable grant awards under the Rural Infrastructure Fund may limit the total number of grants awarded if funding of these programs remains unchanged. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2023.

## **II. Present Situation:**

The present situation for each issue is described below in Section III, Effect of Proposed Changes.

## **III. Effect of Proposed Changes:**

### **Department of Economic Opportunity (DEO) (Section 1)**

#### ***Present Situation***

The Department of Economic Opportunity (DEO) is tasked with assisting the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians.<sup>1</sup> The DEO must also ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.<sup>2</sup>

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<sup>1</sup> Section 20.60(4), F.S.

<sup>2</sup> OPPAGA, *Program Summary: Department of Economic Opportunity*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=6101> (last visited March 24, 2023).

To achieve these goals, the Legislature established seven divisions and offices within the DEO:

- Strategic Business Development
- Community Development
- Workforce Services
- Finance and Administration
- Division of Information Technology
- Office of the Secretary
- Office of Economic Accountability and Transparency<sup>3</sup>

The seven divisions and offices help fulfill the DEO's statutorily mandated responsibilities, which include:

- Facilitating the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain businesses in Florida, to recruit business from around the world, and to facilitate other job-creating efforts.
- Recruiting new businesses to this state and promote the expansion of existing businesses by expediting permitting and location decisions, worker placement and training, and incentive awards.
- Promoting viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.
- Ensuring that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.
- Managing the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; rural community development; and the development and promotion of professional and amateur sporting events.
- Coordinating with state agencies on the processing of state development approvals or permits to minimize the duplication of information provided by the applicant and the time before approval or disapproval.<sup>4</sup>

The Secretary may create offices within the Office of the Secretary and within the divisions to promote efficient and effective operation of the DEO.<sup>5</sup>

### *Effect of Proposed Changes*

**Section 1** amends s. 20.60(3)(b), F.S., to require the Secretary of the DEO to appoint deputy secretaries for the Division of Strategic Business Development, the Division of Community Development, and the Division of Workforce Services. The Secretary is also required to appoint

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<sup>3</sup> Section 20.60(3), F.S.

<sup>4</sup> Section 20.60(4), F.S.

<sup>5</sup> Section 20.60(3)(b), F.S.

directors for the Division of Finance and Administration and the Division of Information Technology.

## **Compatibility of Development with Military Installations (Section 2)**

### ***Present Situation***

Section 163.3175(2), F.S., identifies the major military installations that, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others, and identifies the local governments proximate to these installations that are required to address compatibility of land development with military installations in their comprehensive plans.

Currently, there are 16 military installations that cooperate with local governments to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in Florida.<sup>6</sup> Included on the list is Naval Support Activity Orlando, including Bugg Spring and Naval Ordnance Test unit associated with Orange County and the city of Orlando.

### ***Effect of Proposed Changes***

**Section 2** amends s. 163.3175(2), F.S., to revise the list of local governments affected by Naval Support Activity Orlando to include Lake, Marion, and Sumter Counties and Groveland, Howey-in-the-Hills, Leesburg, and Wildwood.

The bill also amends s. 163.3175(3), F.S., to rename the Florida Defense Support Task Force the Florida Defense Support Council to conform to the changes made in section 12 of the bill.

## **Tax Exemptions for Certain Loans (Section 3)**

### ***Present Situation***

Florida levies a documentary stamp tax on certain documents executed, delivered, or recorded in Florida. The most common examples are documents that transfer an interest in Florida real property, such as deeds; and mortgages and written obligations to pay money, such as promissory notes.<sup>7</sup>

The tax on deeds and other documents related to real property is 70 cents per \$100,<sup>8</sup> and the tax on bonds, debentures, certificates of indebtedness, promissory notes, nonnegotiable notes, and other written obligations to pay money is 35 cents per \$100.<sup>9</sup> Documentary stamp taxes levied on promissory notes, nonnegotiable notes, and written obligations may not exceed \$2,450.<sup>10</sup>

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<sup>6</sup> See s. 163.3175(2)(a)-(p), F.S., which lists each affected military installation and its related communities.

<sup>7</sup> Florida Department of Revenue, *Florida Documentary Stamp Tax*, available at [https://floridarevenue.com/taxes/taxesfees/pages/doc\\_stamp.aspx](https://floridarevenue.com/taxes/taxesfees/pages/doc_stamp.aspx) (last visited March 24, 2023).

<sup>8</sup> Section 201.02(1)(a), F.S.

<sup>9</sup> Sections 201.07 and 201.08(1)(b), F.S.

<sup>10</sup> Section 201.08(1)(a), F.S.

Chapter 201, F.S., provides that certain transactions are exempt from the documentary stamp tax. Notably, s. 201.25, F.S., exempts loans made by the Small Business Emergency Bridge Loan Program in response to a disaster for which the Governor declares a state of emergency, any loan made by the Agricultural Economic Development Program<sup>11</sup> used to aid agricultural producers who experienced losses from a natural disaster or a socioeconomic condition or event, and any federal loan that is related to a state of emergency declared by executive order or proclamation of the Governor pursuant to s. 252.36, F.S.

### *Effect of Proposed Changes*

**Section 3** amends s. 201.25, F.S., to exempt any loan made with funds administered by the DEO from the documentary stamp tax.

## **Regional Rural Development Grants Program (Section 4)**

### *Present Situation*

The Regional Rural Development Grants Program was established to provide funding, through matching grants, to build the professional capacity of regionally based economic development organizations located in rural communities. The concept of building the “professional capacity” of an economic development organization includes hiring professional staff to develop, deliver, and provide economic development professional services. Professional services includes technical assistance, education and leadership development, marketing, and project recruitment.<sup>12</sup>

Applications submitted to the DEO for funding through this program must provide proof:<sup>13</sup>

- Of official commitments of support from each of the units of local government represented by the regional organization;
- That each local government has made a financial or in-kind commitments to the regional organization;
- That the private sector has made financial or in-kind commitments to the regional organization;
- That the regional organization is in existence and actively involved in economic development activities serving the region; and
- Of the manner in which the organization coordinates its efforts with those other local and state organizations.

An organization may receive up to \$50,000 a year or \$250,000 if located in a rural area of opportunity (RAO).<sup>14</sup> Grants must be matched by an amount of non-state resources equal to 25 percent of the state contribution. The DEO is authorized to spend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund to carry out this program.<sup>15</sup>

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<sup>11</sup> See Section 570.82, F.S.

<sup>12</sup> Section 288.018(1)(b), F.S.

<sup>13</sup> Section 288.018(2), F.S.

<sup>14</sup> Section 288.018(1)(c), F.S.

<sup>15</sup> Section 288.018(4), F.S.

*Effect of Proposed Changes*

**Section 4** amends s. 288.018, F.S., to specify that funding provided under the program is not required to be matched. The bill eliminates the requirement that grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contributions. The bill also removes the requirement that an applicant must show proof that each local government and the private sector made a financial or in-kind commitment to the regional organization in order to receive funding.

**Rural Community Development Revolving Loan Fund (Section 5)***Present Situation*

The Rural Community Development Revolving Loan Fund Program was created to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities.<sup>16</sup>

The program provides term loans to local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer or a contiguous county of 125,000 or fewer.<sup>17</sup>

Loan repayments are generally returned to the loan fund to be made available to other applicants, but repayments made by an applicant in an RAO may be retained by the applicant if the repayments are dedicated and matched to fund regionally based economic development organizations representing the RAO and if retention of funds is approved by the DEO.<sup>18</sup>

*Effect of Proposed Changes*

**Section 5** amends s. 288.065, F.S., to remove the requirement that funds be matched by the local government, or an economic development organization substantially underwritten by a local government, as long as the funds are retained for the purpose of funding regionally based economic development organizations representing the RAO.

**Rural Infrastructure Fund (Section 6)***Present Situation*

The Rural Infrastructure Fund is a grant program created to facilitate the planning, preparing, and financing of infrastructure projects in rural communities.<sup>19</sup> The program provides access to federal and state infrastructure funding programs, including, but not limited to, those offered by the United States Departments of Agriculture and Commerce.<sup>20</sup> The program funds total infrastructure project grants, infrastructure feasibility grants, and preclearance review grants.

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<sup>16</sup> Section 288.065(1), F.S.

<sup>17</sup> Section 288.065(2)(a), F.S.

<sup>18</sup> Section 288.065(2)(c), F.S.

<sup>19</sup> See s. 288.0655, F.S.

<sup>20</sup> Section 288.0655(2)(b), F.S.

The DEO may award grants for up to 50 percent of the total infrastructure project cost.<sup>21</sup> Projects must be related to specific job-creation or job-retention opportunities. Additionally, projects may include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities, and improving the access availability of broadband Internet service.

Eligible uses of funds include improvements to public infrastructure for industrial or commercial sites, upgrades to or development of public tourism infrastructure, and improvements to broadband Internet service and access in unserved or underserved rural communities.<sup>22</sup> Infrastructure can include public or public-private partnership facilities, like storm water systems, telecommunication, broadband, roads, and nature-based tourism.<sup>23</sup>

The infrastructure feasibility grant provides awards of up to 30 percent of the total project costs for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities.<sup>24</sup> Maximum awards are dependent on the number of jobs that a business commits to create and may be up to \$300,000 if the project is located in a RAO. The total project participation grant may be used in conjunction with the infrastructure feasibility grant.

The preclearance review grant provides awards to help a local government participate in expedited permitting processes through technical assistance in preparing permit applications and local comprehensive plan amendments.<sup>25</sup> Grants may be used for surveys, feasibility studies, and other activities related to the identification and preclearance review of land use modifications. Grants are limited to \$75,000 and must be matched 50 percent with local funds. However, projects in a RAO may receive up to \$300,000 and must be matched 33 percent with local funds.<sup>26</sup>

Grant applications are reviewed and certified by the DEO in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission.<sup>27</sup> Reviews include an evaluation of the economic benefit of the projects and their long-term viability.

A total of \$30 million in funding was made through the Rural Infrastructure Fund for Fiscal Year 2022-2023. Twenty-five million was available for eligible rural communities statewide and an additional \$5 million was available specifically for Florida Panhandle counties.<sup>28</sup>

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Broadband Internet service must be provided in partnership with one or more dealers of communications services. Section 288.0655(2)(b), F.S.

<sup>24</sup> Section 288.0655(2)(c), F.S.

<sup>25</sup> Section 288.0655(2)(e), F.S. *See* s. 403.9739(18), F.S., for the expedited permitting process.

<sup>26</sup> Section 288.0655(2)(e), F.S.

<sup>27</sup> Section 288.0655(3), F.S.

<sup>28</sup> Department of Economic Opportunity, *Rural Infrastructure Fund*, available at <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-infrastructure-fund> (last visited March 24, 2023).

*Effect of Proposed Changes*

**Section 6** amends s. 288.0655, F.S., to increase the maximum grant award from 50 percent to 75 percent of the total infrastructure cost, or up to 100 percent of the total infrastructure project cost for a project that is located in a rural community<sup>29</sup> or a RAO and that is also located in a fiscally constrained county.<sup>30</sup> The bill removes the requirement that projects must be linked to financing specific projects.

The bill increases the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects. It removes the limitation that the grant not exceed 30 percent of the total project cost.

The bill removes the local match requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. It also removes the requirement that a grant for an employment project create or retain a minimum number of jobs.

The bill also specifies that funds may not be used to serve any retail end user that already has access to broadband Internet service.

**Confidentiality of Records (Section 7)***Present Situation*

Section 288.075, F.S., provides for a number of temporary public records exemptions for information held by an economic development agency, including:

- Information concerning a corporation's plans to relocate or expand any of its business activities in the state for 12 months after the date an economic development agency receives a request for confidentiality or until the information is otherwise disclosed;
- Proprietary confidential business information, until the information becomes publicly available or is no longer treated by the proprietor as confidential;
- Specific sales, employee wage, and tax information the administration of an economic incentive program for qualified businesses for the duration of the incentive agreement or upon termination of the agreement; and
- Certain information held by an economic development agency pursuant to its administration of a state or federal funded small business loan program.

Section 288.075(1)(a), F.S., defines an "economic development agency" as:

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<sup>29</sup> "Rural community" means (1) A county with a population of 75,000 or fewer; (2) A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer; (3) A municipality within a county described in subparagraph 1. or subparagraph 2; or (4) An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (c) and verified by the department. Section 288.0656(2)(e), F.S.

<sup>30</sup> A fiscally constrained country is any county that is entirely within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1. Section 218.67(1), F.S.

- The Department of Economic Opportunity;
- Any industrial development authority created in accordance with part III of chapter 159, F.S., or by special law;
- Space Florida;
- The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;
- Any research and development authority created in accordance of part V of chapter 159, F.S.; or
- Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

### *Effect of Proposed Changes*

**Section 7** amends s. 288.075(1)(a), F.S. to provide that the public economic development agency of a county or municipality or the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality are considered an economic development agency for purposes of the public records exemption.

## **Florida Development Finance Corporation (Section 8)**

### *Present Situation*

#### Operation

The Florida Development Finance Corporation (FDFC) is a statewide development financing authority created by the Legislature in 1993.<sup>31</sup> The original purpose of the FDFC was to foster the growth of manufacturing and other strong job-creating businesses in Florida by brokering private-activity bond financing through inter-local agreements with counties, municipalities, and other local political subdivisions.<sup>32</sup>

In the 2010 legislative session, the FDFC's responsibilities were broadened to allow it to participate in a federal Department of Energy guaranteed loan program for the development of renewable energy infrastructure projects, and related energy projects that may be eligible under federal law.<sup>33</sup> The FDFC has the power to function within the corporate limits of any public agency including local governments with which it enters into an inter-local agreement.<sup>34</sup>

Pursuant to s. 288.9605, F.S., the FDFC operates as a conduit bond issuer that issues bonds on behalf of borrowers. While the FDFC functions as a mechanism to help borrowers access capital markets, it does not take on responsibility of debt repayment, even when a borrower fails to

<sup>31</sup> Chapter 288, Part X, F.S. The corporation was created as a "public body corporate and politic" meaning that it is a legal entity or corporation with a public function. Ch. 93-187, ss. 24-45, Laws of Fla.

<sup>32</sup> Section 288.9602, F.S., generally expresses the legislative intent of the FDFC.

<sup>33</sup> Sections 2-10, ch. 2010-139, Laws of Fla.

<sup>34</sup> Section 288.9605(2)(e), F.S.

repay. Conversely, the FDFC does not guarantee the bonds it issues but certain borrowers may opt in to the guaranty fund established by the FDFC pursuant to s. 288.9607, F.S., which guarantees that the bonds issued will be repaid. This guaranty fund consists of premiums paid by businesses that wish to participate in the fund and by a property interest in the infrastructure built with the insured bond's proceeds.<sup>35</sup>

A majority of the FDFC's financial assistance results from the issuance of municipal bonds, of which it may issue either a taxable revenue bond or a tax-exempt bond.<sup>36</sup> The bonds issued can provide financing for projects that further public purposes and are issued on behalf of a range of organizations.

Tax exempt bonds, known also as private activity bonds, require additional borrower qualification processes, including approval pursuant to the Tax Equity and Fiscal Responsibility Act of 1986 (TEFRA) and allocation from the Florida State Board of Administration's Division of Bond Finance. These bonds are more lucrative financing options because they tend to have a lower interest rate than bank loans or taxable fixed-income securities, and investors benefit by not paying income taxes on interest payments.<sup>37</sup> The FDFC helps its borrowers pursue private activity bonds by assisting them with the additional qualification processes.<sup>38</sup>

During fiscal year 2021-2022, the FDFC facilitated the authorization and issuance of 24 private activity bonds totaling \$2,107,659,000. The borrowers served by these bonds include 11 charter schools, four senior living facilities, four healthcare facilities, two transportation facilities, two not-for-profits, and one private school.<sup>39</sup>

The FDFC also administers the Property Assessed Clean Energy (PACE) program, for which it may issue bonds and other financial assistance that supports energy conservation.<sup>40</sup> PACE allows for the repayment of debt to be paid through a property tax bill and typical measures funded by the program include HVAC, elevators, lighting, solar, and water fixtures.<sup>41</sup> The PACE program issued \$37,535,012 in financing for seven projects in fiscal year 2021-2022.<sup>42</sup>

### Governance and Administration

The FDFC is governed by a seven-member board of directors. The Secretary of the DEO must serve as chair of the board of directors, and the director of the Division of Bond Finance of the State Board of Administration must serve as a director on the board of directors. The remaining

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<sup>35</sup> The guaranty may not exceed 5 percent of the aggregate principal amount of bonds or other indebtedness relating to any capital project. Section 288.9607, F.S.

<sup>36</sup> Florida Development Finance Corporation, *About Us*, available at <https://www.fdfcbonds.com/about> (last visited March 24, 2023).

<sup>37</sup> Grant A. Driessen, Congressional Research Service, *Private Activity Bonds: An Introduction* (January 31, 2022), available at <https://crsreports.congress.gov/product/pdf/RL/RL31457>, (last visited March 24, 2023).

<sup>38</sup> Florida Development Finance Corporation, *Private Activity Bonds*, available at <https://www.fdfcbonds.com/pab> (last visited March 24, 2023).

<sup>39</sup> Florida Development Finance Corporation, *2021-2022 Annual Report*. (On file with the Senate Commerce and Tourism Committee).

<sup>40</sup> Florida Development Finance Corporation, *Property Assessed Clean Energy "PACE" – Commercial PACE*, available at <https://www.fdfcbonds.com/cpace> (last visited March 24, 2023).

<sup>41</sup> *Id.*

<sup>42</sup> *Supra* note 45.

five directors must be appointed by the Governor and confirmed by the Senate for four-year terms.<sup>43</sup> At least three of the appointed directors must have experience in finance, and one of the directors must have experience in economic development.<sup>44</sup>

The FDFC stands repealed on July 1, 2023.<sup>45</sup>

### ***Effect of Proposed Changes***

**Section 8** amends s. 288.9604, F.S., to delete the July 1, 2023, repeal of the FDFC.

### **Florida Defense Support Task Force (Section 11)**

#### ***Present Situation***

In 2011,<sup>46</sup> the Legislature created the Florida Defense Support Task Force (task force) with the mission to make recommendations to preserve and protect military installations to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for servicemembers, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.<sup>47</sup>

The task force is comprised of the Governor, or his or her designee, and 12 members representing defense-related industries or communities that host military bases and installations.<sup>48</sup>

The DEO is required to contract with the task force for the expenditure of appropriated funds, which may be used by the task force for:

- Economic and product research and development;
- Joint planning with host communities to accommodate military missions and prevent base encroachment;
- Advocacy on the state's behalf with federal civilian and military officials;
- Assistance to school districts in providing a smooth transition for large numbers of additional military-related students;
- Job training and placement for military spouses in communities with high proportions of active duty military personnel; and
- Promotion of the state to military and related contractors and employers.<sup>49</sup>

A "task force" is defined as an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years, and appointed to study a specific problem and recommend a solution or policy

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<sup>43</sup> Section 288.9604(2), F.S.

<sup>44</sup> *Id.*

<sup>45</sup> Chapter 2020-30, Laws of Fla.

<sup>46</sup> Chapter 2011-76, s. 38, Laws of Fla.

<sup>47</sup> Section 288.987(2), F.S.

<sup>48</sup> Section 288.987(3), F.S.

<sup>49</sup> Section 299.987(7), F.S.

alternative with respect to the problem. Its existence terminates upon the completion of its assignment.<sup>50</sup>

A “council” or “advisory council” is defined as an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.<sup>51</sup>

The Florida Defense Support Task Force was statutorily enacted in 2011 and has exceeded the three-year timeframe pursuant to the “task force” definition.

### ***Effect of Proposed Changes***

**Section 11** amends s. 288.987, F.S., to rename the Florida Defense Support Task Force the Florida Defense Support Council.

### **Everglades Restoration Agricultural Community Employment Training Program (Section 12)**

#### ***Present Situation***

The Everglades Restoration Agricultural Community Employment Training Program (program) requires the DEO, in cooperation with CareerSource Florida, Inc., to use funds to provide grants to stimulate and support training and employment programs that seek to match persons who complete such training programs to nonagricultural employment opportunities in areas of high agricultural unemployment. The program also provides other training, educational, and information services necessary to stimulate the creation of jobs in the areas of high agricultural unemployment.<sup>52</sup>

Funds may be used for grants for tuition for public or private technical or vocational programs and matching grants to employers to conduct employer-based training programs, or for the purchase of equipment to be used for training purposes, the hiring of instructors, or any other purpose directly associated with the program.<sup>53</sup>

The DEO is prohibited from awarding a grant to any given training program which exceeds 50 percent of the total cost of the program, unless the training program is located within a RAO, in which case the grant may exceed 50 percent of the total cost of the program and up to 100 percent.<sup>54</sup> Matching contributions may include in-kind services, including, but not limited to, the provision of training instructors, equipment, and training facilities.

The DEO may grant up to 100 percent of the tuition for a participant who resides, and has resided for at least three of the last five immediately preceding years, within the Everglades

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<sup>50</sup> Section 20.03(8), F.S.

<sup>51</sup> Section 20.03(7), F.S.

<sup>52</sup> Section 446.71(1), F.S.

<sup>53</sup> Section 446.71(3), F.S.

<sup>54</sup> Section 446.71(4), F.S.

Agricultural Area (EAA)<sup>55</sup> and in counties that provide for water storage and dispersed water storage that are located in RAOs.<sup>56</sup>

Programs established in the EAA must include opportunities to obtain the qualifications and skills necessary for jobs related to federal and state restoration projects, the Airglades Airport in Hendry County, or an inland port in Palm Beach County, or other industries with verifiable, demonstrated interest in operating within the EAA, as well as in counties that provide for water storage and dispersed water storage that are located in RAOs.<sup>57</sup>

The DEO is required to adopt rules to implement the program.

In 2022, the Legislature awarded more than \$700,000 to the program.<sup>58</sup>

### *Effect of Proposed Changes*

**Section 12** amends s. 446.71, F.S., to specify that the DEO, in cooperation with CareerSource Florida, Inc., must use program funds to provide grants to stimulate and support employer-based training programs and institution-based training programs to match persons to nonagricultural employment opportunities in the EAA and any RAOs which include DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Pahokee, Belle Glade, and South Bay, and Immokalee. Grants must be prioritized for the employer-based training programs. Program funds may also be used to provide other training, educational, and information services necessary to stimulate the creation of jobs within the same areas. The DEO must consider the location of the training program in proximity to the program's intended participants.

Program funds may be used to provide tuition for institution-based training programs, rather than public or private technical or vocational programs as provided in current law, or any other purpose directly associated with the employer-based training program or institution-based training program. The DEO must set aside up to 50 percent of the funds for employer-based training programs for the first six months of each fiscal year. Any unused funds may be used for the institution-based training programs.

The DEO must prioritize grants to employer-based training programs. However, grants may not be awarded to an employer-based training program if the grant exceeds 50 percent of the total cost of the program except that if the employer-based training program is in a RAO, then the DEO may grant an award up to 100 percent of the program costs.

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<sup>55</sup> The Everglades Agricultural Area is an approximately 1,160 square-mile area south of Lake Okeechobee of productive agricultural land. See s. 373.4592(15), F.S., for the property description. See also Lake Okeechobee Business Alliance, *The Everglades Agricultural Area*, available at <http://www.lakeoalliance.org/everglades-agricultural-area#:~:text=The%20Everglades%20Agricultural%20Area,vibrant%20and%20sustianable%20local%20economies>. (last visited March 24, 2023).

<sup>56</sup> Section 446.71(6), F.S.

<sup>57</sup> Section 446.71(7), F.S.

<sup>58</sup> Department of Economic Opportunity, DEO Press Releases, *Governor DeSantis Awards More Than \$700,000 for Workforce Training in Everglades Agricultural Communities*, available at [https://www.floridajobs.org/news-center/DEO-Press/2022/04/18/governor-desantis-awards-more-than-\\$700-000-for-workforce-training-in-everglades-agricultural-communities](https://www.floridajobs.org/news-center/DEO-Press/2022/04/18/governor-desantis-awards-more-than-$700-000-for-workforce-training-in-everglades-agricultural-communities) (last visited March 24, 2023).

A grant of up to 100 percent may be awarded for an institution-based training program participant who has lived within the EAA or in any RAO in the designated counties and cities listed above for the past 12 months.

The bill clarifies that employer based training programs established in the EAA or in any RAO in the designated counties and cities listed above must include opportunities to obtain the qualifications and skills necessary for jobs related to federal and state restoration projects, the Airglades Airport in Hendry County, or an inland port in Palm Beach County, or other industries with verifiable, demonstrated interest in operating within the EAA or in any RAO in the designated counties and cities listed above.

The bill authorizes, rather than requires, the DEO to adopt rules to administer the program.

The bill defines an “employer-based training program” as a program established by, or to be established by, a business in the state that provides training for in-demand nonagricultural occupations for its employees.

The bill defines an “institution-based training program” as a certificate program or other program of study provided by a public or private university, college, or technical or vocational training institution which provides training for in-demand nonagricultural occupations.

### **Miscellaneous Provisions**

**Section 9** amends s. 288.980, F.S., to update a cross reference.

**Section 10** amends s. 288.985, F.S., to update a cross reference.

**Section 13** amends s. 695.03, F.S., to require the Secretary of the DEO, rather than the Governor, to appoint commissioners of deeds who authenticate acknowledgements in certain real estate transactions.

**Section 14** reenacts s. 288.106(2), F.S., to incorporate the amendment made in section 7, relating to the term “economic development agency.”

**Section 15** provides the bill takes effect July 1, 2023.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill exempts any loans made with funds administered by the DEO from documentary stamp taxes, which may result in a positive fiscal impact for loan recipients.

**C. Government Sector Impact:**

The bill does not affect state revenues or expenditures relating to the Rural Development Grants Program, Rural Community Development Revolving Loan Fund, and the Rural Infrastructure Fund. However, the removal of match requirements and the increase in allowable grant awards under the Rural Infrastructure Fund may limit the total number of grants awarded if funding of these programs remains unchanged.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill amends 288.075, F.S., to provide that the public economic development agency of a county or municipality *or* the county municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality are considered an economic development agency for purposes of the public records exemption. If the intent of the bill is to exempt both entities then the word “or” on line 263 is unclear.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.60, 163.3175, 201.25, 288.018, 288.065, 288.0655, 288.075, , 288.9604, 288.980, 288.985, 288.987, 446.71, 695.03, and 288.106.

**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 Appropriations Committee on Transportation, Tourism and Economic Development on April 18, 2023:**

The committee substitute removes the provision relating to Triumph Gulf Coast, Inc.

**CS by Commerce and Tourism on March 27, 2023:**

The amendment makes the following changes:

- Specifies that Rural Infrastructure Funds may not be used to serve any retail end user that already has access to broadband Internet service;
- Specifies that the term “public infrastructure projects” includes projects for workforce housing in terms of awards that may be provided through Triumph Gulf Coast, Inc.; and
- Deletes a section relating to the makeup of the Space Florida board of directors.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2023	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (Hooper) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 274 - 321.

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

And the title is amended as follows:

Delete lines 21 - 25

and insert:

the term "economic development agency"; amending s.  
288.9604, F.S.; deleting

By the Committee on Commerce and Tourism; and Senator Hooper

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1 A bill to be entitled  
 2 An act relating to economic development; amending s.  
 3 20.60, F.S.; requiring the Secretary of Economic  
 4 Opportunity to appoint deputy secretaries and  
 5 directors for specified divisions of the Department of  
 6 Economic Opportunity; amending s. 163.3175, F.S.;  
 7 revising the list of local governments affected by  
 8 Naval Support Activity Orlando; conforming a provision  
 9 to changes made by the act; amending s. 201.25, F.S.;  
 10 exempting loans made with funds administered by the  
 11 Department of Economic Opportunity from certain taxes;  
 12 amending s. 288.018, F.S.; revising requirements  
 13 relating to the Florida Rural Development Grants  
 14 Program; amending s. 288.065, F.S.; removing a  
 15 requirement that certain repayments under the Rural  
 16 Community Development Revolving Loan Fund be matched;  
 17 amending s. 288.0655, F.S.; revising grant  
 18 requirements and authorizations relating to the Rural  
 19 Infrastructure Fund; revising limits on grant awards;  
 20 amending s. 288.075, F.S.; revising the definition of  
 21 the term "economic development agency"; amending s.  
 22 288.8017, F.S.; specifying that the term "public  
 23 infrastructure projects" includes projects for  
 24 workforce housing; conforming provisions to changes  
 25 made by the act; amending s. 288.9604, F.S.; deleting  
 26 the future repeal of provisions governing the Florida  
 27 Development Finance Corporation; amending ss. 288.980  
 28 and 288.985, F.S.; conforming provisions to changes  
 29 made by the act; amending s. 288.987, F.S.; renaming

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

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30 the Florida Defense Support Task Force as the Florida  
 31 Defense Support Council; amending s. 446.71, F.S.;  
 32 revising requirements relating to the Everglades  
 33 Restoration Agricultural Community Employment Training  
 34 Program; defining terms; authorizing, rather than  
 35 requiring, the department to adopt rules; amending s.  
 36 695.03, F.S.; requiring the Secretary of the  
 37 Department of Economic Opportunity, rather than the  
 38 Governor, to appoint certain commissioners of deeds;  
 39 reenacting s. 288.106(2)(b), F.S., relating to the tax  
 40 refund program for qualified target industry  
 41 businesses, to incorporate the amendment made to s.  
 42 288.075, F.S., in a reference thereto; providing an  
 43 effective date.

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

46  
 47 Section 1. Paragraph (b) of subsection (3) of section  
 48 20.60, Florida Statutes, is amended to read:  
 49 20.60 Department of Economic Opportunity; creation; powers  
 50 and duties.—  
 51 (3)  
 52 (b) The secretary:  
 53 1. May create offices within the Office of the Secretary  
 54 and within the divisions established in paragraph (a) to promote  
 55 efficient and effective operation of the department.  
 56 2. Shall appoint deputy secretaries for the Division of  
 57 Strategic Business Development, the Division of Community  
 58 Development, and the Division of Workforce Services and

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

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directors for the Division of Finance and Administration and the Division of Information Technology ~~a director for each division~~, who shall directly administer his or her division and be responsible to the secretary.

Section 2. Paragraph (i) of subsection (2) and subsection (3) of section 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(2) Certain major military installations, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others. Consequently, this section and the provisions in s.

163.3177(6)(a), relating to compatibility of land development with military installations, apply to specific affected local governments in proximity to and in association with specific military installations, as follows:

(i) Naval Support Activity Orlando, including Bugg Spring and Naval Ordnance Test Unit, associated with Lake, Marion, Orange, and Sumter Counties and Groveland, Howey-in-the-Hills, Leesburg, County and Orlando, and Wildwood.

(3) The Florida Defense Support Council ~~Task Force~~ may recommend to the Legislature changes to the military installations and local governments specified in subsection (2) based on a military base's potential for impacts from encroachment, and incompatible land uses and development.

Section 3. Subsection (4) is added to section 201.25, Florida Statutes, to read:

201.25 Tax exemptions for certain loans.—There shall be

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exempt from all taxes imposed by this chapter:

(4) Any loan made with funds administered by the Department of Economic Opportunity.

Section 4. Paragraphs (b), (c), and (d) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 288.018, Florida Statutes, are amended to read:

288.018 Regional Rural Development Grants Program.—

(1)

(b) The department shall establish a ~~matching~~ grant program to provide funding to regional economic development organizations for the purpose of building the professional capacity of those organizations. Building the professional capacity of a regional economic development organization includes hiring professional staff to develop, deliver, and provide needed economic development professional services, including technical assistance, education and leadership development, marketing, and project recruitment. ~~Matching~~ Grants may also be used by a regional economic development organization to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses.

(c) A regional economic development organization may apply annually to the department for a ~~matching~~ grant. The department is authorized to approve, on an annual basis, grants to such regional economic development organizations. The maximum amount an organization may receive in any year will be \$50,000, or \$250,000 for any three regional economic development organizations that serve an entire region of a rural area of opportunity designated pursuant to s. 288.0656(7) if they are

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recognized by the department as serving such a region.

~~(d) Grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contribution.~~

(2) In approving the participants, the department shall consider the demonstrated need of the applicant for assistance and require the following:

~~(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.~~

~~(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.~~

Section 5. Paragraph (c) of subsection (2) of section

288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(2)

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of opportunity designated by the Governor, and upon approval by the department, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of opportunity.

Section 6. Subsection (1), paragraphs (b), (c), and (e) of subsection (2), and subsection (3) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(1) There is created within the department the Rural

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Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure ~~projects~~ in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development.

(2)

(b) To facilitate access of rural communities and rural areas of opportunity as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the department may award grants for up to 75 ~~50~~ percent of the total infrastructure ~~project~~ cost or up to 100 percent of the total infrastructure project cost for a project located in a rural community or a rural area of opportunity as those terms are defined in s. 288.0656(2) which is also located in a fiscally constrained county as described in s. 218.67(1). Eligible projects must be related to specific job creation or job-retention opportunities. Eligible uses of funds ~~projects may~~ ~~also~~ include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth, reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds include, and improving access to and the availability of broadband Internet service; however, the funds may not be used to serve any retail

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175 end user that already has access to broadband Internet service.  
 176 Eligible uses of funds ~~also shall~~ include improvements to public  
 177 infrastructure for industrial or commercial sites, upgrades to  
 178 or development of public tourism infrastructure, and  
 179 improvements to broadband Internet service and access in  
 180 unserved or underserved rural communities; however, the funds  
 181 may not be used to serve any retail end user that already has  
 182 access to broadband Internet service. Improvements to broadband  
 183 Internet service and access must be conducted through a  
 184 partnership or partnerships with one or more dealers, as defined  
 185 in s. 202.11(2), and the partnership or partnerships must be  
 186 established through a competitive selection process that is  
 187 publicly noticed. Authorized infrastructure may include the  
 188 following public or public-private partnership facilities: storm  
 189 water systems; telecommunications facilities; broadband  
 190 facilities; roads or other remedies to transportation  
 191 impediments; nature-based tourism facilities; or other physical  
 192 requirements necessary to facilitate tourism, trade, and  
 193 economic development activities in the community. Authorized  
 194 infrastructure may also include publicly or privately owned  
 195 self-powered nature-based tourism facilities, publicly owned  
 196 telecommunications facilities, and broadband facilities, and  
 197 additions to the distribution facilities of the existing natural  
 198 gas utility as defined in s. 366.04(3)(c), the existing electric  
 199 utility as defined in s. 366.02, or the existing water or  
 200 wastewater utility as defined in s. 367.021(12), or any other  
 201 existing water or wastewater facility, which owns a gas or  
 202 electric distribution system or a water or wastewater system in  
 203 this state where:

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204 1. A contribution-in-aid of construction is required to  
 205 serve public or public-private partnership facilities under the  
 206 tariffs of any natural gas, electric, water, or wastewater  
 207 utility as defined herein; and  
 208 2. Such utilities as defined herein are willing and able to  
 209 provide such service.  
 210 (c) ~~To facilitate timely response and induce the location~~  
 211 ~~or expansion of specific job-creating opportunities,~~ The  
 212 department may award grants of up to \$300,000 for infrastructure  
 213 feasibility studies, design and engineering activities, or other  
 214 infrastructure planning and preparation activities. ~~Authorized~~  
 215 ~~grants shall be up to \$50,000 for an employment project with a~~  
 216 ~~business committed to create at least 100 jobs; up to \$150,000~~  
 217 ~~for an employment project with a business committed to create at~~  
 218 ~~least 300 jobs; and up to \$300,000 for a project in a rural area~~  
 219 ~~of opportunity.~~ Grants awarded under this paragraph may be used  
 220 in conjunction with grants awarded under paragraph (b), ~~provided~~  
 221 ~~that the total amount of both grants does not exceed 30 percent~~  
 222 ~~of the total project cost.~~ In evaluating applications under this  
 223 paragraph, the department shall consider the extent to which the  
 224 application seeks to minimize administrative and consultant  
 225 expenses.  
 226 (e) To enable local governments to access the resources  
 227 available pursuant to s. 403.973(18), the department may award  
 228 grants for surveys, feasibility studies, and other activities  
 229 related to the identification and preclearance review of land  
 230 which is suitable for preclearance review. Authorized grants  
 231 under this paragraph do not require a local match and may not  
 232 ~~exceed \$75,000 each, except in the case of a project in a rural~~

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~~area of opportunity, in which case the grant may not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of opportunity must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561.~~ In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The department, in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit ~~of the projects~~ and ~~their~~ long-term viability. The department shall have final approval for any grant under this section.

Section 7. Paragraph (a) of subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

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

(a) "Economic development agency" means:

1. The Department of Economic Opportunity;

2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;

3. Space Florida created in part II of chapter 331;

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4. The public economic development agency of a county or municipality or, ~~if the county or municipality does not have a public economic development agency,~~ the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;

5. Any research and development authority created in accordance with part V of chapter 159; or

6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 8. Subsection (1) of section 288.8017, Florida Statutes, is amended to read:

288.8017 Awards.—

(1) Triumph Gulf Coast, Inc., shall make awards from available funds to projects or programs that meet the priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties. Awards may be provided for any of the following:

(a) Ad valorem tax rate reduction within disproportionately affected counties. ~~†~~

(b) Local match requirements ~~of s. 288.0655~~ for projects in the disproportionately affected counties. ~~†~~

(c) Public infrastructure projects for construction, expansion, or maintenance which are shown to enhance economic recovery, diversification, and enhancement of the disproportionately affected counties. For the purposes of this paragraph, the term "public infrastructure projects" includes

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291 projects for workforce housing.

292 (d) Grants to local governments in the disproportionately  
293 affected counties to establish and maintain equipment and  
294 trained personnel for local action plans of response to respond  
295 to disasters, such as plans created for the Coastal Impacts  
296 Assistance Program.

297 (e) Grants to support programs that prepare students for  
298 future occupations and careers at K-20 institutions that have  
299 campuses in the disproportionately affected counties. Eligible  
300 programs include those that increase students' technology skills  
301 and knowledge; encourage industry certifications; provide  
302 rigorous, alternative pathways for students to meet high school  
303 graduation requirements; strengthen career readiness  
304 initiatives; fund high-demand programs of emphasis at the  
305 bachelor's and master's level designated by the Board of  
306 Governors; and, similar to or the same as talent retention  
307 programs created by the Chancellor of the State University  
308 System and the Commission of Education, encourage students with  
309 interest or aptitude for science, technology, engineering,  
310 mathematics, and medical disciplines to pursue postsecondary  
311 education at a state university or a Florida College System  
312 institution within the disproportionately affected counties.

313 (f) Grants to support programs that provide participants in  
314 the disproportionately affected counties with transferable,  
315 sustainable workforce skills that are not confined to a single  
316 employer.

317 (g) Grants to the tourism entity created under s. 288.1226  
318 for the purpose of advertising and promoting tourism and Fresh  
319 From Florida, and grants to promote workforce and

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320 infrastructure, on behalf of all of the disproportionately  
321 affected counties.

322 Section 9. Subsection (5) of section 288.9604, Florida  
323 Statutes, is amended to read:

324 288.9604 Creation of the corporation.—

325 ~~(5) This section is repealed July 1, 2023, and July 1 of~~  
326 ~~every fourth year thereafter, unless reviewed and saved from~~  
327 ~~repeal by the Legislature.~~

328 Section 10. Paragraph (b) of subsection (2) of section  
329 288.980, Florida Statutes, is amended to read:

330 288.980 Military base retention; legislative intent; grants  
331 program.—

332 (2)

333 (b)1. The department shall annually request military  
334 installations in the state to provide the department with a list  
335 of base buffering encroachment lands for fee simple or less-  
336 than-fee simple acquisitions before October 1.

337 2. The department shall submit the list of base buffering  
338 encroachment lands to the Florida Defense Support Council Task  
339 ~~Force~~ created in s. 288.987.

340 3. The Florida Defense Support Council Task Force shall,  
341 annually by December 1, review the list of base buffering  
342 encroachment lands submitted by the military installations and  
343 provide its recommendations for ranking the lands for  
344 acquisition to the department.

345 4. The department shall annually submit the list of base  
346 buffering encroachment lands provided by the Florida Defense  
347 Support Council Task Force to the Board of Trustees of the  
348 Internal Improvement Trust Fund, which may acquire the lands

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pursuant to s. 253.025. At a minimum, the annual list must contain for each recommended land acquisition:

a. A legal description of the land and its property identification number;

b. A detailed map of the land; and

c. A management and monitoring agreement to ensure the land serves a base buffering purpose.

Section 11. Subsection (1) and paragraph (a) of subsection (2) of section 288.985, Florida Statutes, are amended to read:

288.985 Exemptions from public records and public meetings requirements.—

(1) The following records held by the Florida Defense Support Council ~~Task Force~~ are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) That portion of a record which relates to strengths and weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure process.

(b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense base realignment and closure process, and any agreements or proposals to relocate or realign military units and missions from other states or territories.

(c) That portion of a record which relates to the state's

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strategy to retain its military bases during any United States Department of Defense base realignment and closure process and any agreements or proposals to relocate or realign military units and missions.

(2) (a) Meetings or portions of meetings of the Florida Defense Support Council ~~Task Force~~, or a workgroup of the council ~~task force~~, at which records are presented or discussed that are exempt under subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 12. Section 288.987, Florida Statutes, is amended to read:

288.987 Florida Defense Support Council ~~Task Force~~.—

(1) The Florida Defense Support Council ~~Task Force~~ is created.

(2) The mission of the council ~~task force~~ is to make recommendations to preserve and protect military installations to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for servicemembers, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.

(3) The council ~~task force~~ shall be comprised of the Governor or his or her designee, and 12 members appointed as follows:

(a) Four members appointed by the Governor.

(b) Four members appointed by the President of the Senate.

(c) Four members appointed by the Speaker of the House of Representatives.

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(d) Appointed members must represent defense-related industries or communities that host military bases and installations. All appointments must be made by August 1, 2011. Members shall serve for a term of 4 years, with the first term ending July 1, 2015. However, if members of the Legislature are appointed to the council ~~task force~~, those members shall serve until the expiration of their legislative term and may be reappointed once. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the initial appointment. All members of the council are eligible for reappointment. A member who serves in the Legislature may participate in all council ~~task force~~ activities but may only vote on matters that are advisory.

(4) The President of the Senate and the Speaker of the House of Representatives shall each designate one of their appointees to serve as chair of the council ~~task force~~. The chair shall rotate each July 1. The appointee designated by the President of the Senate shall serve as initial chair. If the Governor, instead of his or her designee, participates in the activities of the council ~~task force~~, then the Governor shall serve as chair.

(5) The Secretary of Economic Opportunity, or his or her designee, shall serve as the ex officio, nonvoting executive director of the council ~~task force~~.

(6) The council ~~task force~~ shall submit an annual progress report and work plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives each February 1.

(7) The department shall contract with the council ~~task~~

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~~force~~ for expenditure of appropriated funds, which may be used by the council ~~task force~~ for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The council ~~task force~~ may annually spend up to \$250,000 of funds appropriated to the department for the council ~~task force~~ for staffing and administrative expenses of the council ~~task force~~, including travel and per diem costs incurred by council ~~task force~~ members who are not otherwise eligible for state reimbursement.

Section 13. Section 446.71, Florida Statutes, is amended to read:

446.71 Everglades Restoration Agricultural Community Employment Training Program.—

(1) ~~The Department of Economic Opportunity, in cooperation with the state board as defined in s. 445.002, shall establish the Everglades Restoration Agricultural Community Employment Training Program within the Department of Economic Opportunity. The Department of Economic Opportunity shall use funds appropriated to the program by the Legislature to provide grants to stimulate and support training and employment programs that seek to match persons who complete such training programs to nonagricultural employment opportunities in areas of high~~

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~~agricultural unemployment, and to provide other training, educational, and information services necessary to stimulate the creation of jobs in the areas of high agricultural unemployment. In determining whether to provide funds to a particular program, the Department of Economic Opportunity shall consider the location of the program in proximity to the program's intended participants.~~

~~(2)~~ The Legislature supports projects that improve the economy in the Everglades Agricultural Area. In recognition of the employment opportunities and economic development generated by new and expanding industries in the area, such as the Airglades Airport in Hendry County and the development of an inland port in Palm Beach County, the Legislature finds that training the citizens of the state to fill the needs of these industries significantly enhances the economic viability of the region.

(2) As used in this section, the term:

(a) "Department" means the Department of Economic Opportunity.

(b) "Employer-based training program" means a program established by, or to be established by, a business in this state that provides training for in-demand nonagricultural occupations for its employees.

(c) "Everglades Agricultural Area" has the same meaning as in s. 373.4592(15).

(d) "Institution-based training program" means a certificate program or other program of study provided by a public or private university, college, or technical or vocational training institution which provides training for in-

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demand nonagricultural occupations.

(e) "Program" means the Everglades Restoration Agricultural Community Employment Training Program.

(3) The department, in cooperation with the state board as defined in s. 445.002, shall establish the Everglades Restoration Agricultural Community Employment Training Program. The department shall use funds appropriated to the program by the Legislature to provide grants to stimulate and support employer-based training programs and institution-based training programs that seek to match persons who complete such training programs to nonagricultural employment opportunities in the Everglades Agricultural Area and any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay. The department shall use program funds to provide training, educational, and information services necessary to stimulate the creation of jobs in the Everglades Agricultural Area and in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay. In determining whether to provide funds to a particular employer-based training program or institution-based training program, the department must consider the location of such training program in proximity to the program's intended participants.

(4) Program funds may be used to provide for grants for tuition for institution-based training public or private technical or vocational programs. Program funds may also be used

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for ~~and~~ matching grants to employers to conduct employer-based training programs. Funds may be used, ~~or~~ for the purchase of equipment ~~necessary to be used~~ for training purposes, the hiring of instructors, or any other purpose directly associated with the employer-based training programs or institution-based training programs. For the first 6 months of each fiscal year, the department shall set aside up to 50 percent of the funds appropriated to the program by the Legislature to fund employer-based training programs. At the end of the 6-month period, any unused funds from the set-aside funds may be used to provide funding for institution-based training programs ~~program~~.

(5)(4) The department of Economic Opportunity may not award a grant to any employer-based ~~given~~ training program if the grant which exceeds 50 percent of the total cost of the program. If, unless the employer-based training program is located within a rural area of opportunity, the department may award a grant of in which case the grant may exceed 50 percent of the total cost of the program and up to 100 percent of program costs. Employer matching contributions may include in-kind services, including, but not limited to, the provision of training instructors, equipment, and training facilities. The department must prioritize grants to employer-based training programs that are located in the Everglades Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay.

(6)(5) Before awarding a grant pursuant to ~~granting a request for funds made in accordance with~~ this section, the

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department of Economic Opportunity shall enter into a grant agreement with the ~~employer or requester of funds and the~~ institution receiving funding through the program. Such agreement must include all of the following information:

(a) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(b) An identification of the estimated length of the instructional program.

(c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs.

(d) An identification of special program requirements that are not otherwise addressed in the agreement.

(7)(6) The department of Economic Opportunity may grant up to 100 percent of the tuition for an institution-based a training program participant who currently resides, and has resided for the preceding 12 months at least 3 of the 5 immediately preceding years, within the Everglades Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay, as described in s. 373.4592 and in counties that provides provide for water storage and dispersed water storage that are located in rural areas of opportunity as described in s. 288.0656.

(8)(7) Employer-based training programs established in the Everglades Agricultural Area or in any rural area of opportunity

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as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay, must include opportunities to obtain the qualifications and skills necessary for jobs related to federal and state restoration projects, the Airglades Airport in Hendry County, an inland port in Palm Beach County, or other industries with a verifiable, demonstrated interest in operating within the Everglades Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay, and in counties that provides provide for water storage and dispersed water storage ~~that are located in rural areas of opportunity as described in s. 288.0656.~~

(9)~~(8)~~ The department may of Economic Opportunity shall adopt rules to implement this section.

Section 14. Subsections (2) and (3) of section 695.03, Florida Statutes, are amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials.—To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated in one of the following forms:

(2) OUTSIDE THIS STATE BUT WITHIN THE UNITED STATES.—An acknowledgment or a proof taken, administered, or made outside of this state but within the United States may be taken, administered, or made by or before a civil-law notary of this

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state or a commissioner of deeds appointed by the Secretary of the Department of Economic Opportunity ~~Governor of this state~~; a judge or clerk of any court of the United States or of any state, territory, or district; by or before a United States commissioner or magistrate; or by or before any notary public, justice of the peace, master in chancery, or registrar or recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. If the acknowledgment or proof is taken, administered, or made by or before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, "I am a Notary Public of the State of ... (state) ..., and my commission expires on ... (date) ...."

(3) OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN COUNTRIES.—An acknowledgment, an affidavit, an oath, a legalization, an authentication, or a proof taken, administered, or made outside the United States or in a foreign country may be taken, administered, or made by or before a commissioner of deeds appointed by the Secretary of the Department of Economic Opportunity ~~Governor of this state~~ to act in such country; before a notary public of such foreign country or a civil-law notary of this state or of such foreign country who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by 10 U.S.C. s. 1044a to perform the

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639 duties of notary public, and the certificate of acknowledgment,  
640 legalization, authentication, or proof must be under the seal of  
641 the officer. A certificate legalizing or authenticating the  
642 signature of a person executing an instrument concerning real  
643 property and to which a civil-law notary or notary public of  
644 that country has affixed her or his official seal is sufficient  
645 as an acknowledgment. For the purposes of this section, the term  
646 "civil-law notary" means a civil-law notary as defined in  
647 chapter 118 or an official of a foreign country who has an  
648 official seal and who is authorized to make legal or lawful the  
649 execution of any document in that jurisdiction, in which  
650 jurisdiction the affixing of her or his official seal is deemed  
651 proof of the execution of the document or deed in full  
652 compliance with the laws of that jurisdiction.

653 Section 15. For the purpose of incorporating the amendment  
654 made by this act to section 288.075, Florida Statutes, in a  
655 reference thereto, paragraph (b) of subsection (2) of section  
656 288.106, Florida Statutes, is reenacted to read:

657 288.106 Tax refund program for qualified target industry  
658 businesses.—

659 (2) DEFINITIONS.—As used in this section:

660 (b) "Authorized local economic development agency" means a  
661 public or private entity, including an entity defined in s.  
662 288.075, authorized by a county or municipality to promote the  
663 general business or industrial interests of that county or  
664 municipality.

665 Section 16. This act shall take effect July 1, 2023.

The Florida Senate

# APPEARANCE RECORD

4/18  
 APPROPRIATIONS COMMITTEE  
 ON TRANSPORTATION, TOURISM, & ECON DEV  
 Committee

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

1464

Bill Number or Topic

Amendment Barcode (if applicable)

Name MIKE GRISSOM

Phone 850-681-4238

Address 215 N. MONROE ST

Email \_\_\_\_\_

Street

TALLAHASSEE

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
 compensation or sponsorship.

☒ I am a registered lobbyist,  
 representing:

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

FLORIDA RURAL ECONOMIC DEVELOPMENT ASSOCIATION

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

4/18/23

Meeting Date

TED APROP

Committee

SB 1142

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Carolyn Johnson

Phone

521-1200

Address

136 S Bronough St

Street

Email

cjohnson@flchamber.com

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking:

☒ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FL Chamber of  
Commerce

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

4-18-23

Meeting Date

ATT & ED

Committee

1664

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Doolin

Phone

850-508-5492

Address

1018 THOMASVILLE Rd #02 B

Street

TALLAHASSEE

City

FL

State

32303

Zip

Email

cdoolin@doolinandassoc.com

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

☐

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

SMALL COUNTY COALITION

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

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

4/18/23  
Meeting Date

TED Amors  
Committee

SB 1664  
Bill Number or Topic

Amendment Barcode (if applicable)

Name JEFF SCALA Phone 850 487-0697

Address 100 S Monroe Street Tallahassee FL 32301  
City State Zip

Email jscal@fl-counties.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

Florida Association of Counties

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

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

S-001 (08/10/2021)

# CourtSmart Tag Report

**Room:** SB 110

**Case No.:**

**Type:**

**Caption:** Senate Appropriations Committee on Transportation, Tourism, and Economic Development

**Judge:**

**Started:** 4/18/2023 8:30:24 AM

**Ends:** 4/18/2023 9:37:55 AM

**Length:** 01:07:32

8:30:25 AM	Sen. Hooper (Chair)
8:31:26 AM	S 1094
8:31:37 AM	Sen. Martin
8:32:57 AM	Mark Oglesby, FL Dept. of Military Affairs (waives in support)
8:33:38 AM	S 1480
8:33:46 AM	Sen. Calatayud
8:34:31 AM	Am. 552996
8:35:20 AM	Am. 138036
8:36:04 AM	S 1480 (cont.)
8:36:13 AM	Ellyn Bogdanoff, Jewish Federations of FL (waives in support)
8:36:59 AM	S 430
8:37:09 AM	Sen. Powell
8:37:41 AM	Lonnie Mann
8:38:51 AM	Jane West, Policy and Planning Director, 1000 Friends of Florida
8:39:34 AM	Pamela Burch Fort, NAACP FL State Conference (waives in support)
8:39:54 AM	Sen. Powell
8:40:59 AM	S 1482
8:41:08 AM	Sen. Simon
8:42:49 AM	Am. 102262
8:44:45 AM	S 1482 (cont.)
8:44:53 AM	Carolyn Johnson, FL Chamber of Commerce (waives in support)
8:44:59 AM	Mike Grissom, FL Rural Economic Development Association (waives in support)
8:45:06 AM	Jeff Scala, (waives in support)
8:45:11 AM	Chris Doolin, Small County Coalition (waives in support)
8:45:24 AM	Sen. Hooper
8:46:15 AM	S 838
8:46:27 AM	Sen. Collins
8:47:49 AM	Sen. Polsky
8:48:00 AM	Sen. Collins
8:48:21 AM	Sen. Polsky
8:48:26 AM	Sen. Collins
8:48:42 AM	Sen. Hooper
8:48:56 AM	Sen. Collins
8:48:58 AM	Sen. Hooper
8:49:01 AM	Sen. Collins
8:49:22 AM	Rich Newsome, President of Central FL Chapter, American Bikers Aiming Toward Education
8:51:47 AM	Sen. Powell
8:51:53 AM	R. Newsome
8:52:01 AM	Sen. Powell
8:52:08 AM	R. Newsome
8:52:36 AM	Sen. Powell
8:52:50 AM	R. Newsome
8:53:26 AM	Sen. Powell
8:53:51 AM	R. Newsome
8:54:57 AM	John Makal, Legislative Director, Suncoast Brotherhood
9:00:03 AM	Sen. Powell
9:00:33 AM	J. Makal
9:00:55 AM	Sen. Powell
9:01:29 AM	J. Makal
9:02:25 AM	Sen. Thompson
9:02:40 AM	J. Makal
9:03:45 AM	Sen. Thompson

9:03:55 AM	J. Makal
9:06:12 AM	Sen. Thompson
9:06:18 AM	J. Makal
9:07:24 AM	Nancy Farbo (waives in support)
9:07:31 AM	Jennifer Langston, FL Dept. of Highway Safety and Motor Vehicles (waives against)
9:07:50 AM	Sen. Polsky
9:09:42 AM	Sen. Hooper
9:10:52 AM	Sen. Collins
9:12:17 AM	S 1046
9:12:28 AM	Sen. Rouson
9:14:09 AM	Sen. Powell
9:15:38 AM	S 1048
9:15:47 AM	Sen. Rouson
9:17:00 AM	Sen. Wright (Chair)
9:17:04 AM	S 1070
9:17:11 AM	Sen. Hooper
9:18:38 AM	Ananth Prasad, FL Transportation Builders' Association
9:22:23 AM	Sen. Polsky
9:22:35 AM	A. Prasad
9:22:47 AM	Sen. Polsky
9:23:01 AM	Ali Dysard, Senior Program Specialist, Environmental Defense Fund
9:25:20 AM	Sen. Polsky
9:25:26 AM	A. Dysard
9:26:09 AM	Sen. Polsky
9:26:25 AM	A. Dysard
9:26:40 AM	Sen. Polsky
9:26:49 AM	A. Dysard
9:27:05 AM	C. Johnson (waives in support)
9:27:13 AM	Bob McKee (waives in support)
9:27:23 AM	Sen. DiCeglie
9:28:16 AM	Sen. Wright
9:28:31 AM	Sen. Hooper
9:31:20 AM	S 1664
9:31:30 AM	Sen. Hooper
9:33:48 AM	Am. 810348
9:34:47 AM	S 1664 (cont.)
9:34:54 AM	M. Grissom (waives in support)
9:35:00 AM	C. Johnson (waives in support)
9:35:05 AM	C. Doolin (waives in support)
9:35:10 AM	J. Scala (waives in support)
9:35:57 AM	Sen. Hooper (Chair)
9:36:06 AM	Sen. Trumbull (Vice Chair)
9:36:30 AM	Sen. Yarborough
9:36:41 AM	Sen. Hooper