

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Simpson, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, October 6, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Brandes, Vice Chair; Senators Abruzzo, Bradley, Dean, Diaz de la Portilla, Hutson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 116 Hukill (Similar H 247)	Tax on Sales, Use, and Other Transactions; Reducing the tax levied on rental or license fees charged for the use of real property, etc. CA 10/06/2015 Favorable FT AP	Favorable Yeas 8 Nays 0
2	SB 194 Hukill	Redevelopment Trust Fund; Adding certain hospital districts to the list of public bodies or taxing authorities that are exempt from appropriating certain revenues to the redevelopment trust fund, etc. CA 10/06/2015 Favorable FT FP	Favorable Yeas 8 Nays 0
3	CS/SB 130 Criminal Justice / Richter (Similar H 41)	Discharging a Firearm; Prohibiting the recreational discharge of a firearm in certain residential areas; providing criminal penalties; providing exceptions, etc. CJ 09/16/2015 Fav/CS CA 10/06/2015 Fav/CS FP	Fav/CS Yeas 8 Nays 0
4	SB 156 Smith (Identical H 133)	After-school Programs; Deleting a legislative intent provision regarding certain not-for-profit organizations and background screening for such organizations; defining the term "not-for-profit organization"; requiring certain employees of not-for-profit organizations to meet certain background screening requirements; creating a study group, etc. CA 10/06/2015 Temporarily Postponed CJ AHS RC	Temporarily Postponed

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, October 6, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SPB 7000	Developments of Regional Impact; Providing that a proposed development that is consistent with certain comprehensive plans is not required to undergo review pursuant to the state coordinated review process, etc.	Submitted as Committee Bill Yeas 7 Nays 0
Consideration of proposed bill:			
6	SPB 7002	OGSR/Audit Report and Certain Records/Local Government; Amending a provision which provides a public records exemption for the audit report of an internal auditor and certain records relating to investigations in the custody of an inspector general of a local government, etc.	Submitted as Committee Bill Yeas 7 Nays 0
Consideration of proposed bill:			
7	SPB 7004	OGSR/Emergency Notification Information; Amending a provision which provides an exemption from public records requirements for information furnished by a person to an agency for the purpose of being provided an emergency notification by the agency, etc.	Submitted as Committee Bill Yeas 8 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 116

INTRODUCER: Senator Hukill

SUBJECT: Tax on Sales, Use, and Other Transactions

DATE: September 11, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Favorable
2.			FT	
3.			AP	

I. Summary:

SB 116 reduces the tax imposed on rental or license fees charged for the use of commercial property from 6 percent to 5 percent.

The bill provides for an effective date of January 1, 2017.

II. Present Situation:

The Florida Sales and Use Tax is a 6 percent levy on retail sales of most tangible personal property, admissions, transient lodgings, commercial rentals, and motor vehicles.¹ Since enactment in 1949, Florida's sales tax rate has been modified several times. In 1968, the Legislature increased rates on most items from 3 percent to 4 percent. In 1982, rates were increased from 4 percent to 5 percent. Legislation passed during the 1987 Regular Session integrated the tax on services with the tax on tangible personal property, and provided several exemptions from the tax on services.² During Special Session D in December 1987, the Legislature increased the general sales tax rate from 5 percent to 6 percent.³

The Legislature has declared that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless specifically exempted.⁴ Section 212.031, F.S., provides for a tax levied in an amount equal to 6 percent on the total rent or license fee charged for the exercise of the taxable privilege of engaging in the business of renting, leasing, letting, or granting a license for the use of any

¹ Fifteen states have higher state sales tax rates than Florida. Federation of Tax Administrators, Tax Rate Data, available at http://taxadmin.org/fta/rate/tax_stru.html (last visited Dec. 17, 2014).

² Chapter 87-6, 101, Laws of Fla.

³ Chapter 87-548, Laws of Fla.

⁴ Section 212.031(1)(a), F.S. Additionally, discretionary sales surtax may apply, and the \$5000 discretionary sales surtax cap does not apply to payments made for the lease or license to use real property. Section 212.054, F.S.

real property unless the type of property is specifically exempted. Exemptions to the sales and use tax exist for the following types of property:

- Agricultural assessed property;⁵
- Dwelling units;⁶
- Parking, docking, or storage spaces;⁷
- Recreational property or common elements of a condominium that meet certain conditions;⁸
- Streets or right-of-ways with improvements used by a utility or provider of communications services;⁹
- Public street or road used for transportation services;¹⁰
- Airport property used exclusively for landing, taxiing, passenger movement or fueling;¹¹
- Port authority property used exclusively for docking, mooring, passenger movement, or fueling;¹²
- Property used as an integral part of the performance of qualified production services;¹³
- Property used by concessionaires at certain venues;¹⁴
- Property declared to be nontaxable pursuant to a Technical Assistance Advisement issued before March 15, 1993;¹⁵ and
- Property used or occupied predominately for space-flight business.¹⁶

In addition to the exemptions specified above, other statutory provisions exempt specific uses of property from sales and use taxes.

- A special provision for air carriers provides for apportionment of the tax on real property rentals used by the carrier for aircraft maintenance.¹⁷
- A limited exemption exists for lease of real property used to provide education services described in s. 212.031 (1)(a)(9), F.S.¹⁸
- Business properties within an enterprise zone are authorized to receive a refund for certain previously paid taxes.¹⁹
- Exemptions exist for religious institutions, Section 501(c)(3) organizations, and fair associations.²⁰
- Exemptions exist for property used by an entertainment industry, qualified production company.²¹

⁵ Section 212.031 (1)(a) 1, F.S.

⁶ Section 212.031 (1)(a) 2, F.S.

⁷ Section 212.031 (1)(a) 3, F.S.

⁸ Section 212.031 (1)(a) 4, F.S.

⁹ Section 212.031 (1)(a) 5, F.S.

¹⁰ Section 212.031 (1)(a) 6, F.S.

¹¹ Section 212.031 (1)(a) 7, F.S.

¹² Section 212.031 (1)(a) 8, F.S.

¹³ Section 212.031 (1)(a) 9, F.S.

¹⁴ Section 212.031 (1)(a) 10, F.S.

¹⁵ Section 212.031 (1)(a) 11, F.S.

¹⁶ Section 212.031 (1)(a) 12, F.S.

¹⁷ Section 212.0598, F.S.

¹⁸ Section 212.0602, F.S.

¹⁹ Section 212.08(5)(h), F.S.

²⁰ Sections 212.08(7)(m), (p), and (gg), F.S.

²¹ Section 288.1258, F.S.

Total Sales and Use Tax collections exceeded \$22 billion for FY 2013-14, with roughly 10 percent of distributions going to local governments.²² Local government distributions include the half-cent, county and municipal revenue sharing, and the shift of nearly \$30 million to counties that used to be funded from pari-mutual tax revenues.²³

III. Effect of Proposed Changes:

Section 1 amends s. 212.031(1)(c), F.S., providing a reduction from 6 percent to 5 percent for the tax imposed on the rental or license fees charged for the use of commercial property. Similarly, the bill amends s. 212.031(1)(d), F.S., to extend the tax reduction for use of commercial property to include transactions paid by way of property, goods, wares, merchandise, services, or other things of value.

Section 2 provides for an effective date of January 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference analyzed the fiscal impact of an identical bill last year,²⁴ finding that sales and use tax revenue decreases arising from a 1 percent decrease to the tax imposed on the rental of commercial real property would have amounted to \$275 million in Fiscal Year 2016-2017. This negative impact would be recurring.

B. Private Sector Impact:

Individuals and entities that offer real property for rent subject to tax under s. 212.031, F.S., will benefit from a 1 percent decrease in their payment of that tax.

²² Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook, Including Fiscal Impact of Potential Changes*, 155 (2015).

²³*Id.*

²⁴ Office of Economic and Demographic Research, Revenue Estimating Conference, *Reduce state tax rate from 6% to 5% for commercial rentals: SB140*, (Jan. 2015).

C. Government Sector Impact:

The Revenue Estimating Conference reviewed identical legislation last year, finding that sales and use tax revenue decreases arising from a 1 percent decrease to the tax imposed on the rental of commercial real property would have amounted to \$275 million, recurring. Of that amount, the estimated annual impact to General Revenue is \$243.5 million, while the impact to local governments is \$31.5 million.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 212.031 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

²⁵ *Id.*

By Senator Hukill

8-00054-16

2016116__

1 A bill to be entitled
2 An act relating to the tax on sales, use, and other
3 transactions; amending s. 212.031, F.S.; reducing the
4 tax levied on rental or license fees charged for the
5 use of real property; making technical changes;
6 providing an effective date.

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

9
10 Section 1. Paragraphs (c) and (d) of subsection (1) of
11 section 212.031, Florida Statutes, are amended to read:

12 212.031 Tax on rental or license fee for use of real
13 property.—

14 (1)

15 (c) For the exercise of such privilege, a tax is levied in
16 an amount equal to 5 ~~6~~ percent of and on the total rent or
17 license fee charged for such real property by the person
18 charging or collecting the rental or license fee. The total rent
19 or license fee charged for such real property must ~~shall~~ include
20 payments for the granting of a privilege to use or occupy real
21 property for any purpose and must ~~shall~~ include base rent,
22 percentage rents, or similar charges. Such charges must ~~shall~~ be
23 included in the total rent or license fee subject to tax under
24 this section whether or not they can be attributed to the
25 ability of the lessor's or licensor's property as used or
26 operated to attract customers. Payments for intrinsically
27 valuable personal property such as franchises, trademarks,
28 service marks, logos, or patents are not subject to tax under
29 this section. If ~~In the case of~~ a contractual arrangement ~~that~~

8-00054-16

2016116__

30 provides for ~~both~~ payments that are taxable as total rent or
31 license fee and payments that are not taxable ~~subject to tax~~,
32 the tax shall be based on a reasonable allocation of such
33 payments and does ~~shall~~ not apply to the ~~that~~ portion ~~which is~~
34 for ~~the~~ nontaxable payments.

35 (d) If ~~When~~ the rental or license fee of any such real
36 property is paid by way of property, goods, wares, merchandise,
37 services, or other thing of value, the tax shall be at the rate
38 of 5 ~~6~~ percent of the value of the property, goods, wares,
39 merchandise, services, or other thing of value.

40 Section 2. This act shall take effect January 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

5-6-15
Meeting Date

116
Bill Number (if applicable)

Topic TAX ON SALES

Amendment Barcode (if applicable)

Name Carlos Cruz

Job Title CONSULTANT

Address 307 W. Park Avenue
Street

Phone 904-214-5724

Tallahassee FL 32301
City State Zip

Email CARLOS@Cruzco.COM

Speaking: For Against Information

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

Representing Walgreens

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/2015

Meeting Date

SB 116

Bill Number (if applicable)

Topic Sales tax on commercial leases

Amendment Barcode (if applicable)

Name DAVIN J. SUGGS

Job Title FISCAL POLICY DIRECTOR

Address 100 South MONROE St

Phone 850-370-2635

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing FLORIDA ASSOCIATION of COURTIERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/2015
Meeting Date

SB 116
Bill Number (if applicable)

Topic Tax on Sales, Use, & Other Transactions

Amendment Barcode (if applicable)

Name Melissa Fause

Job Title Policy Analyst

Address 200 W. College Ave., Ste. 113

Phone 850.408.1218

Street

Tallahassee

FL

32301

City

State

Zip

Email Mfause@afphq.org

Speaking: For Against Information

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

Representing Americans for Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Oct 6, 2015
Meeting Date

SR 116
Bill Number (if applicable)

Topic BUSINESS RENT TAX

Amendment Barcode (if applicable)

Name DAVID DANIEL

Job Title _____

Address 311 EAST PARK AVE
Street

Phone 224-5081

TALLAHASSEE FL 32301
City State Zip

Email ddaniel@smithbrunell.com

Speaking: For Against Information

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

Representing International Council of Shopping Centers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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CS 001 (10/14/14)

Comm Affairs 301 10:00

THE FLORIDA SENATE

APPEARANCE RECORD

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

10-6-15

Meeting Date

SB 116

Bill Number (if applicable)

Topic Tax on Sales, Use and Other Transactions

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior VP

Address 516 N. Adams St

Street

Phone 224-7173

Tallahassee

FL

32301

Email bbevis@aif.com

City

State

Zip

Speaking: For Against Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/15
Meeting Date

SB 116
Bill Number (if applicable)

Topic Sales Tax

Amendment Barcode (if applicable)

Name Nancy Stewart

Job Title _____

Address 1535 Killeam Center Blvd
Street

Phone 850-385-7805

Tallahassee FL 32309
City State Zip

Email _____

Speaking: For Against Information

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

Representing Manufacturers Association of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/15

Meeting/Date

116
Bill Number (if applicable)

Topic Tax on Sales, Use and Other Transactions

Amendment Barcode (if applicable)

Name Corinne Mixon

Job Title Lobbyist

Address 119 E. Park Ave
Street

Phone (850) 766-5795

Tallahassee FL 32301
City State Zip

Email corinne@mixonandassociates.com

Speaking: For Against Information

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

Representing Florida Rental Dealers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/15
Meeting Date

SB 116
Bill Number (if applicable)

Topic Commercial Lease Tax

Amendment Barcode (if applicable)

Name Chris Dawson

Job Title Attorney/Lobbyist

Address 301 E. Pine Street, Suite 1400
Street

Phone 407/843-8880

Orlando FL 32801
City State Zip

Email chris.dawson@gray-robinson.com

Speaking: For Against Information

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

Representing National Association of Industrial and Office Parks (NAIOP)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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APPEARANCE RECORD

October 6, 2015

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

116

Meeting Date

Bill Number (if applicable)

Topic Tax on Sales, Use, and Other Transactions

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Director of Business, Economic Development and Innovatio

Address 136 S. Bronough Street

Phone (850) 521-1200

Street

Tallahassee

Florida

32301

Email cjohnson@flchamber.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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APPEARANCE RECORD

October 6, 2015

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

116

Meeting Date

Bill Number (if applicable)

Topic Tax on Sales, Use, and Other Transactions

Amendment Barcode (if applicable)

Name Melissa Ramba

Job Title Director of Government Affairs

Address 227 South Adams Street

Phone (850) 570-0269

Street
Tallahassee

Florida

32301

Email melissa@frf.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/2015

Meeting Date

116

Bill Number (if applicable)

Topic Tax on Sales, Use, and Other Transactions

Amendment Barcode (if applicable)

Name Danielle Scoggins

Job Title Sr. Public Policy Representative

Address 200 South Monroe Street

Phone _____

Street

Tallahassee

Florida

32301

Email danielles@floridarealtors.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Realtors®

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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APPEARANCE RECORD

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10-6-2015

Meeting Date

Topic _____

Bill Number 116

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St. Petersburg

FL

33705

City

State

Zip

E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/15
Meeting Date

116
Bill Number (if applicable)

Topic Sales Tax on Commercial Leases

Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Senior Legislative Advocate

Address PO Box 1757
Street

Phone 850-701-3621

Tallahassee, FL 32302
City State Zip

Email ahughes@flcities.com

Speaking: For Against Information

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

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
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10/6/2015

Meeting Date

116

Bill Number (if applicable)

Topic Tax on Sales, Use, and Other Transactions

Amendment Barcode (if applicable)

Name Edward J. Redlich

Job Title Vice-President, ComReal Miami, Inc.

Address 2335 NW 107th Avenue, #2M02, Mailbox 126

Phone _____

Street

Doral

Florida

33172

Email eredlich@comreal.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Realtors®

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Oct 6 2015

Meeting Date

SB 116

Bill Number (if applicable)

Topic Tax on Sales, Use and other Transactions

Amendment Barcode (if applicable)

Name H. Lee Moffitt

Job Title Attorney at Law

Address 3327 NW Perimeter Road

Phone 813 760-5712

Street

Palm City

FL

34990

Email

City

State

Zip

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

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

Representing BOMA (Building Owners and Managers Association of Florida)

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

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

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10/6/15
Meeting Date

116
Bill Number (if applicable)

Topic Business Rent Tax

Amendment Barcode (if applicable)

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St.

Phone 850-445-5367

Tallahassee FL 32301
City State Zip

Email tim.nungesser@nfil.org

Speaking: For Against Information

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

Representing National Federation of Independent Business

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Communications, Energy, and Public Utilities,
Vice Chair
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL
8th District

August 24, 2015

The Honorable Wilton Simpson
315 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 116 – Commercial Lease Sales Tax

Dear Chairman Simpson:

Senate Bill 116, relating Commercial Lease Sales Tax has been referred to the Community Affairs Committee. I am requesting your consideration on placing SB 116 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill, District 8

cc: Tom Yeatman, Staff Director of the Community Affairs Committee
Ann Whittaker, Administrative Assistant of the Community Affairs Committee

REPLY TO:

- 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 116
FINAL ACTION: Favorable
MEETING DATE: Tuesday, October 6, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
X		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
8	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 194

INTRODUCER: Senator Hukill

SUBJECT: Redevelopment Trust Fund

DATE: September 24, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Favorable
2.			FT	
3.			FP	

I. Summary:

SB 194 adds hospital districts to the list of taxing authorities in s. 163.387, F.S., that are exempt from making annual appropriations to a redevelopment trust fund in any community redevelopment agency created on or after July 1, 2016.

II. Present Situation:

Community Redevelopment Act

The Community Redevelopment Act of 1969¹ authorizes a county or municipality to create community redevelopment agencies (CRAs) as a means of redeveloping slums and blighted areas. In accordance with a community redevelopment plan,² CRAs can:

- Enter into contracts;
- Disseminate information;
- Acquire property within a slum or blighted area by voluntary methods;
- Demolish and remove buildings and improvements;
- Construct improvements; and
- Dispose of property at fair value.³

Counties and municipalities are prohibited from exercising the authority provided by the Community Redevelopment Act until they adopt an ordinance that declares an area to be a slum or a blighted area.⁴

¹ Chapter 163, part III, F.S.

² Section 163.360, F.S.

³ Section 163.370, F.S.

⁴ Sections 163.355(1) and 163.360(1), F.S.

Section 163.340(8), F.S., defines a “blighted area” as follows:

An area in which there are a substantial number of deteriorated, or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- (d) Unsanitary or unsafe conditions.
- (e) Deterioration of site or other improvements.
- (f) Inadequate and outdated building density patterns.
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.
- (h) Tax or special assessment delinquency exceeding the fair value of the land.
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality.
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.
- (o) A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.

However, the term “blighted area” also means any area in which at least one of the factors identified in paragraphs (a) through (o) is present and all taxing authorities subject to s. 163.387(2)(a), F.S., agree, either by interlocal agreement with the agency or by resolution, that the area is blighted.

The TIF Mechanism for Funding CRAs

CRAs are not permitted to levy or collect taxes; however, the local governing body is permitted to establish a community redevelopment trust fund that is funded through tax increment financing (TIF).⁵ The TIF mechanism, as described in s. 163.387, F.S., requires taxing

⁵ Through tax increment financing, a baseline tax amount is chosen, and then in future years, any taxes generated above that baseline amount are transferred into the trust fund. Section 163.387, F.S.

authorities to annually appropriate an amount to the redevelopment trust fund by January 1 each year. This revenue is used to back bonds issued to finance redevelopment projects in accordance with a redevelopment plan.⁶ The incremental revenue amount is calculated annually as 95 percent of the difference between:

- A frozen base year assessed value, which is the value of real property in the CRA determined as of a fixed starting date; and
- The amount of ad valorem taxes levied by each taxing authority on taxable real property within the CRA.

Thus, as the time period of the CRA increases, its property values increase, and the tax increment revenue increases, which is then available to repay public infrastructure and redevelopment costs of the CRA.

TIF Limitations and Exemptions

CRAs created before July 1, 2002, typically appropriate to the trust fund for a period not exceeding 30 years, unless the community redevelopment plan is amended.⁷ For CRAs created after July 1, 2002, taxing authorities make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the plan is approved or adopted. The following taxing authorities are exempt from paying the incremental revenues:⁸

- A special district that levies ad valorem taxes on taxable real property in more than one county.
- A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time the ordinance is adopted.
- A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
- A neighborhood improvement district created under the Safe Neighborhoods Act.
- A metropolitan transportation authority.
- A water management district created under s. 373.069, F.S.
- A special district specifically made exempt by the local governing body that created the CRA, if the exemption is made in accordance with the requirements of s. 163.387(2)(d), F.S., which include a public hearing, public notice, and an interlocal agreement.

Hospital Districts

First created in the 1920s to provide indigent care for county residents, hospital districts now differ greatly in roles, powers, and governance.⁹ There are currently six hospital districts created as dependent districts, and 24 created as independent special districts.¹⁰ Independent districts are generally created by special acts of the Legislature, whereas dependent districts are created by local governments with their governing bodies under the control of a county or municipal board.

⁶ Section 163.387(1)(a), F.S.

⁷ Section 163.387(2)(a), F.S.

⁸ Section 163.387(2)(c), F.S.

⁹ Florida TaxWatch, *Florida's Fragmented Hospital Taxing District System in Need of Reexamination*, Briefings (Feb. 2009).

¹⁰ Florida Dep't of Economic Opportunity, Official List of Special Districts Online, available at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/selectfunctions.cfm> (last visited Sept. 25, 2015).

The North Sumter County Hospital District, created in 2004 by special act of the Legislature, is the most recently created hospital district.

III. Effect of Proposed Changes:

Section 1 amends s. 163.387, F.S., to add hospital districts to the list of taxing authorities exempt from providing funding for the redevelopment trust fund. Hospital districts in community redevelopment areas created before July 1, 2016, will continue to make appropriations to the trust fund. However, those districts will not be required to fund the redevelopment trust fund of community redevelopment agencies created after July 1, 2016.

Section 2 reenacts s. 259.042, F.S., to incorporate provisions related to tax increment financing for conservation lands to the changes made by Section 1 of the bill.

Section 3 of the bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Any new community redevelopment areas created after July 1, 2016, will not be able to rely on hospital districts for appropriations to the redevelopment trust fund.

B. Private Sector Impact:

None.

C. Government Sector Impact:

In 2015, the Department of Revenue and Department of Economic Opportunity analyzed a functionally identical bill and determined that it had no impact on their operations.¹¹

¹¹ Florida Dep't of Revenue, *Agency Legislative Bill Analysis for SB 752* (Feb. 10, 2015); Florida Dep't of Economic Opportunity, *Agency Legislative Bill Analysis for SB 752* (Feb. 12, 2015).

According to that analysis, the bill will have a positive fiscal impact on hospital districts that otherwise would have had to appropriate funds to a community development trust fund associated with a newly created CRA. Newly created CRAs will experience a corresponding negative fiscal impact, because hospital districts will be exempt from having to make annual appropriations to a community redevelopment trust fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 163.387 of the Florida Statutes.

This bill reenacts section 259.042 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Hukill

8-00123B-16

2016194__

1 A bill to be entitled
 2 An act relating to the redevelopment trust fund;
 3 amending s. 163.387, F.S.; adding certain hospital
 4 districts to the list of public bodies or taxing
 5 authorities that are exempt from appropriating certain
 6 revenues to the redevelopment trust fund; reenacting
 7 s. 259.042(9), F.S., relating to tax increment
 8 financing for conservation lands, to incorporate the
 9 amendment made by this act to s. 163.387, F.S.;

10 providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (c) of subsection (2) of section
 15 163.387, Florida Statutes, is amended to read:

16 163.387 Redevelopment trust fund.—
 17 (2)

18 (c) The following public bodies or taxing authorities are
 19 exempt from paragraph (a):

20 1. A special district that levies ad valorem taxes on
 21 taxable real property in more than one county.

22 2. A special district for which the sole available source
 23 of revenue the district has the authority to levy is ad valorem
 24 taxes at the time an ordinance is adopted under this section.
 25 However, revenues or aid that may be dispensed or appropriated
 26 to a district as defined in s. 388.011 at the discretion of an
 27 entity other than such district shall not be deemed available.

28 3. A library district, except a library district in a
 29 jurisdiction where the community redevelopment agency had

8-00123B-16

2016194__

30 validated bonds as of April 30, 1984.

31 4. A neighborhood improvement district created under the
32 Safe Neighborhoods Act.

33 5. A metropolitan transportation authority.

34 6. A water management district created under s. 373.069.

35 7. For a community redevelopment agency created on or after
36 July 1, 2016, a hospital district that is a special district as
37 defined in s. 189.012.

38 Section 2. For the purpose of incorporating the amendment
39 made by this act to section 163.387, Florida Statutes, in a
40 reference thereto, subsection (9) of section 259.042, Florida
41 Statutes, is reenacted to read:

42 259.042 Tax increment financing for conservation lands.—

43 (9) The public bodies and taxing authorities listed in s.
44 163.387(2)(c), school districts, and special districts that levy
45 ad valorem taxes within a tax increment area are exempt from
46 this section.

47 Section 3. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

10-6-2015

Meeting Date

Topic _____

Bill Number 194

Name BRIAN PITTS

(if applicable)

Amendment Barcode _____

(if applicable)

Job Title Trustee

Address 1119 Newton Ave S

Street

Phone 727/897-9291

St Petersburg

City

FL

State

33705

Zip

E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

APPEARANCE RECORD

October 6, 2015

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

194

Meeting Date

Bill Number (if applicable)

Topic Redevelopment Trust Fund

Amendment Barcode (if applicable)

Name Darrick D. McGhee

Job Title Vice President of Government Relations

Address 537 East Park Avenue

Phone (850) 321-6489

Street
Tallahassee

Florida

32301

Email darrick@teamjb.com

City

State

Zip

Speaking: For Against Information

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

Representing Halifax Health

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DOROTHY L. HUKILL
8th District

COMMITTEES:

Finance and Tax, *Chair*
Communications, Energy, and Public Utilities,
Vice Chair
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

September 15, 2015

The Honorable Wilton Simpson
315 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 194 – Redevelopment Trust Fund

Dear Chairman Simpson:

Senate Bill 194, relating to Redevelopment Trust Fund has been referred to the Community Affairs Committee. I am requesting your consideration on placing SB 194 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill, District 8

cc: Tom Yeatman, Staff Director of the Community Affairs Committee
Ann Whittaker, Administrative Assistant of the Community Affairs Committee

REPLY TO:

- 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 194
FINAL ACTION: Favorable
MEETING DATE: Tuesday, October 6, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
X		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
8	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/CS/SB 130

INTRODUCER: Community Affairs Committee; Criminal Justice Committee; and Senator Richter

SUBJECT: Discharging a Firearm

DATE: September 24, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 130 prohibits the recreational discharge of a firearm in areas that are primarily residential. Violation of this prohibition is a first degree misdemeanor punishable by up to a year in jail and a \$1,000 fine.

The bill provides exemptions for the lawful defense of life or property, the accidental discharge of a firearm or the performance of official duties that require the discharge of a firearm. Additionally, the penalties do not apply if, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property.

II. Present Situation:

Legislative Preemption of the Field of Firearm and Ammunition Regulation

The Joe Carlucci Uniform Firearms Act

Section 790.33, F.S., known as The Joe Carlucci Uniform Firearms Act, became law in 1987.¹ The Act provides:

It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by

¹ Ch. 87-23, L.O.F.

any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.²

The Act accomplished its stated purpose by “occupying the whole field of regulation of firearms and ammunition,” as stated in subsection (1) of the Act:

PREEMPTION.—Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or regulations relating thereto. Any such existing ordinances are hereby declared null and void.³

Despite the provisions of the 1987 law and a Florida appellate court opinion upholding it,⁴ local governments enacted, considered enacting, or attempted to enforce existing ordinances that required trigger locks, prohibited concealed carry permit holders from lawfully carrying their firearms on municipal or county property, required special use permits for certain sporting goods stores, and banned recreational shooting.⁵

Recent Legislative Change

The Legislature amended s. 790.33, F.S., in 2011. The amendment created civil penalties of up to \$5,000 for the knowing and willful violation of the preemption law by any elected or appointed public official or agency head. The amendment also created injunctive relief against the enforcement of any ordinance, regulation, or rule by local governmental entities.⁶

² Section 790.33(3)(a), F.S. (1987).

³ Section 790.33(1), F.S. (1987).

⁴ *National Rifle Association v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

⁵ For example see FL AGO 2000-42 (“May a municipality enact an ordinance requiring the use of locking devices on firearms stored within the city?”); FL AGO 2005-40 (“May a county pass an ordinance prohibiting the discharge of a firearm in proximity to persons or property when such discharge endangers the health, welfare, and safety of the citizens of such county?”). Similarly, note that s. 790.333, F.S., sets forth Legislative preemption of “the whole field of regulation of firearms and ammunition use at sport shooting and training ranges, including the environmental effects of projectile deposition at sport shooting and training ranges.” In FL AGO 2008-34, the following query was discussed: “May a county enforce its land development code to prohibit a shooting range in a residential land use district in light of section 790.333(8), Florida Statutes?” The Attorney General opined as follows: To read the preemption provision in section 790.333, Florida Statutes, as a total ban on the application of any zoning or land use regulation upon an existing or proposed sports shooting range would render section 823.16 (7), Florida Statutes...of no use or consequence. ...it is my opinion that a county clearly may impose existing zoning and land use regulations upon the siting of a proposed sports shooting range; however, no newly created or amended zoning or land use regulations may be enforced against existing ranges.

⁶ Ch. 2011-109, L.O.F., effective October 1, 2011.

Subsequent to the 2011 amendment to s. 790.33, F.S., local governments began to examine, reevaluate, and repeal local ordinances related to firearms or ammunition.⁷

Discharging a Firearm

Prior to 2012, s. 790.15(1), F.S., did not address discharging a firearm on private property except that it was a first degree misdemeanor to knowingly discharge a firearm over any occupied premises.⁸

In 2012, the Legislature amended s. 790.15(1), F.S., to prohibit recklessly or negligently discharging a firearm outdoors on any property used primarily as the site of a dwelling as defined in s. 776.013, F.S., or zoned exclusively for residential use.⁹

Backyard Gun Ranges

In recent months, there have been reports of persons constructing “gun ranges” in their backyards.¹⁰ Many of the persons using backyard gun ranges live in residential neighborhoods, which cause their neighbors to be concerned for their safety. There was one report of a man being struck and killed by a stray bullet fired from a neighbor’s yard in Volusia County in December 2013.¹¹ According to the news reports, some local law enforcement and their legal counsel found the language “recklessly or negligently discharges a firearm,” as it appears in s. 790.15(1), F.S., to be subjective and vague.¹² This interpretation of the language seems to have inhibited law enforcement from taking a proactive approach in the reported circumstances.¹³

III. Effect of Proposed Changes:

Section 1 amends s. 790.15, F.S., to prohibit the recreational discharge of a firearm outdoors, including for target shooting or celebratory shooting, in an area that the person knows or reasonably should know is primarily residential in nature and that has a residential density of one or more dwelling units per acre. A violation of this law is a misdemeanor of the first degree punishable by up to a year in jail and a \$1,000 fine.

The bill provides exemptions for the lawful defense of life or property, the accidental discharge of a firearm or the performance of official duties that require the discharge of a firearm.

⁷ FL AGO 2011-17 (“May [a] county regulate the recreational discharge of firearms in residentially zoned areas in light of section 790.33, Florida Statutes?”); “County repeals hunting, gun laws,” Tallahassee Democrat, pg. 1, June 15, 2011.

⁸ Section 790.15(1), F.S. also punishes as a first degree misdemeanor the knowing discharge of a firearm in any public place or on the right-of-way of any paved public road, highway, or street or over the right-of-way of any paved public road, highway, or street.

⁹ Ch. 2012-108, L.O.F. Note that the term “dwelling” is defined in accordance with s. 776.013, F.S., as a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.

¹⁰ See, e.g., *Backyard gun range concerns St. Pete neighbors*, <http://www.wtsp.com/story/news/local/2015/02/02/man-builds-gun-range-in-his-yard-neighbors-concerned/22777421/> (last visited September 8, 2015), and *Fla. law allows backyard shooting ranges*, <http://www.heraldtribune.com/article/20140201/WIRE/140209997> (last visited September 8, 2015).

¹¹ *Fla. law allows backyard shooting ranges*, <http://www.heraldtribune.com/article/20140201/WIRE/140209997> (last visited September 8, 2015).

¹² *Id.*

¹³ *Id.*

Additionally, the penalties do not apply if, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property.

Section 2 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 790.15 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 Community Affairs on October 6, 2015:

Provided an exemption for the accidental discharge of a firearm.

CS by Criminal Justice on September 16, 2015:

Changed the effective date of the bill from “July 1, 2016” to “upon becoming a law.”

- B. **Amendments:**

None.

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



164562

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
10/06/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment

Delete lines 23 - 25

and insert:

(b) If, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property;

or

(c) To a person who accidentally discharges a firearm.

By the Committee on Criminal Justice; and Senator Richter

591-00512-16

2016130c1

1 A bill to be entitled

2 An act relating to discharging a firearm; amending s.
3 790.15, F.S.; prohibiting the recreational discharge
4 of a firearm in certain residential areas; providing
5 criminal penalties; providing exceptions; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (4) is added to section 790.15,
11 Florida Statutes, to read:

12 790.15 Discharging firearm in public or on residential
13 property.—

14 (4) Any person who recreationally discharges a firearm
15 outdoors, including for target shooting or celebratory shooting,
16 in an area that the person knows or reasonably should know is
17 primarily residential in nature and that has a residential
18 density of one or more dwelling units per acre, commits a
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083. This subsection does not apply:

21 (a) To a person lawfully defending life or property or
22 performing official duties requiring the discharge of a firearm;
23 or

24 (b) If, under the circumstances, the discharge does not
25 pose a reasonably foreseeable risk to life, safety, or property.

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

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10-6-2015
Date

130
Bill Number

Name BRIAN PITTS

Phone 727/897-9291

Address 1119 Newton Ave S.
Street

E-mail justree2jesus@yahoo.com

St. Petersburg FL 33705
City State Zip

Job Title Trustee

Speaking: For Against Information

Appearing at request of Chair

Subject _____

Representing Justice-2-Jesus

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/6/15

Meeting Date

SB 130

Bill Number (if applicable)

Topic Discharging A Firearm

Amendment Barcode (if applicable)

Name Sally Everett

Job Title Dir, Govt. Affairs

Address City Hall

Phone

Street

St. Petersburg

Email

City

State

Zip

Speaking: For Against Information

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

Representing City of St. Petersburg

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Oct 6 2015
Meeting Date

130
Bill Number (if applicable)

Topic DISCHARGING A FIREARM

Amendment Barcode (if applicable)

Name LAURA YOUMANS

Job Title LEGISLATIVE ADVOLATE

Address 100 N. MONROE ST
Street

Phone 294-1838

TALLAHASSEE FL 32301
City State Zip

Email LYOUMANS@FL-COUNTIES.COM

Speaking: For Against Information

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

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/15
Meeting Date

130
Bill Number (if applicable)

Topic SB 130

Amendment Barcode (if applicable)

Name Casey Cook

Job Title Legislative Advocate

Address PO Box 1757
Street

Phone 850 701 3701

Tallahassee FL 32302
City State Zip

Email ccook@flcities.com

Speaking: For Against Information

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

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

October 6, 2015
Meeting Date

130
Bill Number (if applicable)

Topic Discharging a Firearm

Amendment Barcode (if applicable)

Name Frank Fabrizio

Job Title Police Chief, Ponce Inlet Police Department

Address 4301 S. Peninsula Drive

Phone #386-236-2160

Street

Ponce Inlet FL 32127

Email ffabrizio@ponce-inlet.org

City

State

Zip

Speaking: For Against Information

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

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: September 23, 2015

I respectfully request that **Senate Bill #130**, relating to Discharging a Firearm , be placed on the:

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

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

Senator Garrett Richter
Florida Senate, District 23



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Ethics and Elections, *Chair*
Banking and Insurance, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR GARRETT RICHTER

President Pro Tempore

23rd District

October, 5 2015

The Honorable Wilton Simpson, Chair
Committee on Community Affairs
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Simpson:

Senate Bill 130 relating to Discharging a Firearm is scheduled to be heard in the Committee on Community Affairs this upcoming Tuesday, October 6th at 10:00 AM. Due to conflicts in my committee schedule, I will be sending my Legislative Assistant, Michael Nacheff, as a representative to present the bill for your committee's consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Tom Yeatman, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road N. Unit 42 B, Lehigh Acres, FL 33916 (239) 338-2777

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: CS/SB 130
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, October 6, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	10/06/2015 Amendment 164562 ¹					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
X		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
8	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 156

INTRODUCER: Senator Smith

SUBJECT: After-school Programs

DATE: September 22, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Pre-meeting
2.			CJ	
3.			AHS	
4.			RC	

I. Summary:

SB 156 deletes legislative intent language and background screening requirements regarding certain not-for-profit membership associations. The bill defines the term “not-for-profit organization” in relation to after-school programs and exempts such organizations from regulations applied to child care facilities. The bill requires certain employees of such organizations to meet the requirements of Level 2 background screening and the Care Provider Background Screening Clearinghouse. The bill creates the Not-for-Profit After School Program Standards Study Group and directs the Study Group to provide the Governor and Legislature with a report by January 1, 2017.

II. Present Situation:

Legislative Intent Related to Child Care and Child Care Facilities

Florida law provides a regulatory framework designed to promote the growth and stability of the child care industry and to facilitate the safe physical, intellectual, motor, and social development of children.¹

The Florida Legislature has stated its intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care.² To further that intent, laws were enacted to:

- Establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing;³ and to

¹ Section 402.26, F.S.

² Section 402.301, F.S.

³ Sections 402.301 - 402.319, F.S.

- Require that all owners, operators, and child care personnel shall be of good moral character.⁴

Child Care

Child care is defined as the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.⁵

Child care is typically thought of as care and supervision for children under school age. However, the definition of child care does not specify a maximum or minimum age and Florida law and administrative rules related to child care recognize that families may also have a need for care and supervision for children of school age:

- The term “indoor recreational facility” means an indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides child care for a particular child no more than 4 hours on any one day. An indoor recreational facility must be licensed as a child care facility.⁶
- A “school-age child care program” is defined as any licensed child care facility serving school-aged children⁷ or any before and after school programs that are licensed as a child care facility and serve only school-aged children.⁸
- An after school program serving school-age children is not required to be licensed if the program provides after school care exclusively for children in grades six and above and complies with the minimum background screening requirements provided in ss. 402.305 and 402.3055, F.S.⁹

Child Care Facilities

The term “child care facility” is defined to include any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and receives a payment, fee, or grant for the children receiving care, wherever the facility is operated and whether or not it is operated for profit.¹⁰ The definition excludes the following:

- Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- Summer camps having children in full-time residence;
- Summer day camps;
- Bible schools normally conducted during vacation periods; and

⁴ Section 402.301(2), F.S. Good moral character is based upon screening that shall be conducted as provided in ch. 435, F.S., using the Level 2 standards for screening set forth in that chapter. *See* s. 402.305(2)(a), F.S.

⁵ Section 402.302(1), F.S.

⁶ Section 402.302(10), F.S.

⁷ Chapter 65C-22.008, F.A.C. “School-age child” means a child who is at least 5 years of age by September 1 of the beginning of the school year and who attends kindergarten through grade five.

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 402.302, F.S.

- Operators of transient establishments, as defined in ch. 509, F.S.,¹¹ which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel are screened according to the Level 2 screening requirements of ch. 435, F.S.¹²

Every child care facility in the state is required to have a license that is renewed annually.¹³ The Department of Children and Families (department) or the local licensing agencies¹⁴ approved by the department are responsible for the licensure of such child care facilities.¹⁵

Additional Exemptions

The Legislature has exempted child care facilities which are an integral part of church or parochial schools that meet specified criteria from all child care facility regulations but the background screening requirements. Failure by a facility to comply with such screening requirements shall result in the loss of the facility's exemption from licensure.¹⁶

The exemption for membership organizations, such as the YMCA, Boys and Girls Clubs, Big Brothers, Big Sisters, and the Boy Scouts and Girl Scouts, was broader and, until this year, allowed personnel to have contact with children without undergoing background screening.¹⁷ However, SB 7078 (2015) required employees of membership organizations and that work in child care programs to be subject to background screening.

Background Screening

Currently, Florida has one of the largest vulnerable populations in the country with 21 percent of residents under the age of 17 and 18 percent over the age of 65, as well as children and older adults with disabilities.¹⁸ These vulnerable populations require special care as they are at an increased risk of abuse.

In 1995, the Legislature created standard procedures for the criminal history background screening of prospective employees in order to protect vulnerable persons. Over time, implementation and coordination issues arose as technology changed and agencies were reorganized.

¹¹ "Transient public lodging establishment" is defined by s. 509.013, (4)(a)1., F.S., as any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

¹² Section 402.302(2), F.S.

¹³ Section 402.308(1), F.S.

¹⁴ Currently, there are five counties that regulate child care programs: Broward, Hillsborough, Palm Beach, Pinellas and Sarasota. Department of Children and Families, *House Bill 11 Analysis* (Dec. 8, 2014).

¹⁵ Section 402.308, F.S.

¹⁶ Section 402.316, F.S.

¹⁷ Chapters 74-113 and 87-238, Laws of Florida.

¹⁸ University of Florida. Bureau of Economic and Business Research, College of Liberal Arts and Sciences. *Florida Estimates of Population 2014* (April 1, 2014), available at <http://edr.state.fl.us/Content/population-demographics/data/PopulationEstimates2014.pdf>. (last visited Sept. 22, 2015).

In September 2009, the Fort Lauderdale Sun-Sentinel published a series of articles detailing its 6-month investigation into Florida's background screening system for caregivers of children, the elderly and disabled.¹⁹ To address the issues raised by the series, the Legislature enacted legislation in 2010 that substantially rewrote the requirements and procedures for background screening of persons and businesses that deal primarily with vulnerable populations.²⁰

Major changes to the state's background screening laws included:

- Requiring that no person required to be screened may be employed until the screening has been completed and it is determined that the person is qualified.
- Increasing all Level 1 screening to Level 2 screening.²¹
- Requiring all fingerprint submissions to be done electronically no later than August 1, 2012, or earlier. However, for those applying under the Agency for Health Care Administration, electronic prints were required as of August 1, 2010.
- Requiring certain personnel who dealt substantially with vulnerable persons and who were not presently being screened, including persons who volunteered for more than 10 hours a month, to begin Level 2 screening.
- Adding additional serious crimes to the list of disqualifying offenses for Level 1 and Level 2 screening.
- Authorizing agencies to request the retention of fingerprints by Florida Department of Law Enforcement (FDLE).
- Providing that an exemption for a disqualifying felony may not be granted until after at least 3 years from the completion of all sentencing sanctions for that felony.
- Requiring that all exemptions from disqualification be granted only by the agency head.
- Rewriting all screening provisions for clarity and consistency.

Care Provider Background Screening Clearinghouse

Many different agencies, programs, employers, and professionals serve vulnerable populations in Florida. Personnel working with those entities, including paid employees and volunteers are subject to background screening requirements. However, due to restrictions placed on the sharing of criminal history information, persons who work for more than one agency or employer or change jobs, or wish to volunteer for such an entity, often must undergo a new and duplicative background screening and fingerprinting. This is time consuming for those involved and increases the cost to the employer or employee.

Policies imposed by the Federal Bureau of Investigation (FBI) prevent the sharing of criminal history information except within a given "program." Since each regulatory area is covered by a different controlling statute and screenings are done for separate purposes, the screenings have been viewed as separate "program" areas and sharing of results has not been allowed. In

¹⁹ Sun Sentinel. *Criminals and Convicted Felons Working in South Florida Day-care Centers and Nursing Homes*.

²⁰ Chapter 2010-114, Laws of Florida.

²¹ Level 1 screenings are name-based demographic screenings that must include, but are not limited to, employment history checks and statewide criminal correspondence checks through FDLE. Level 1 screenings may also include local criminal records checks through local law enforcement agencies. Anyone undergoing a Level 1 screening must not have been found guilty of any of the specified offenses. Section 435.03, F.S. A Level 2 screening consists of a fingerprint-based search of FDLE and the FBI databases for state and national criminal arrest records. Any person undergoing a Level 2 screening must not have been found guilty of any of the offenses for Level 1 or additional specified offenses. Section 435.04, F.S.

addition, screenings are only as good as the date they are run. Arrests or convictions occurring after the screening are not known until the person is rescreened or self-reports.

As a result, the legislature created the Care Provider Background Screening Clearinghouse (clearinghouse) in 2012.²² The purpose of the clearinghouse is to create a single “program” to screen individuals who have direct contact with vulnerable persons. The clearinghouse is created within the Agency for Health Care Administration (AHCA) and is to be implemented in consultation with FDLE. The clearinghouse is a secure web-based system and was implemented on September 30, 2013, and allows for the results of criminal history checks of persons acting as covered care providers to be shared among the specified agencies.²³

Fingerprints of individuals having contact with vulnerable persons providers are retained by FDLE, meaning the electronically scanned image of the print is stored digitally. The FDLE searches the retained prints against incoming Florida arrests and is required to report the results to AHCA for inclusion in the clearinghouse, thus avoiding the need for future screens and related fees.²⁴

A digital photograph of the person screened will be taken at the time the fingerprints are taken and retained by FDLE in electronic format, as well. This enables accurate identification of the person when they change jobs or are otherwise presented with a situation requiring screening and enables the new employer to access the clearinghouse to verify that the person has been screened, is in the clearinghouse, and is who they say they are. Once a person’s fingerprints are in the clearinghouse, they will not have to be reprinted in order to send their fingerprints to the FBI which reduces fees.²⁵

Attorney General Advisory Legal Opinion

In 2000, the Florida Office of the Attorney General issued an opinion relating to child care, child care facilities and licensure. At issue was whether or not the child care programs operated by the YMCA or other membership organizations were exempt from licensure by the department as child care facilities. The opinion stated that programs operated by YMCAs and other membership organizations that fall within the definition of a “child care program” are not exempt from licensure by the Department of Children and Families.²⁶

III. Effect of Proposed Changes:

Section 1 deletes language stating the Legislature’s intent regarding certain not-for-profit membership associations. It also deletes the requirement that all personnel as defined in

²² Section 435.12, F.S.

²³ “Specified agency” means the Department of Health, the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Department of Elderly Affairs, the Department of Juvenile Justice, the Agency for Persons with Disabilities, and local licensing agencies approved pursuant to s.402.307, F.S., when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled. Section 435.02(5), F.S.

²⁴ Section 435.12, F.S.

²⁵ *Id.*

²⁶ Op. Att’y Gen. Fla. 2000-67 (2000).

s. 402.302, F.S., of such associations shall meet background screening requirements pursuant to ss. 402.305 and 402.3055, F.S.

Section 2 creates s. 1006.05, F.S., related to after-school programs of not-for-profit associations. The bill provides the legislative finding that after-school programs improve learning and the academic success of students that participate in them. As used in this section, the term “not-for-profit organization” means an organization that meets all of the following criteria:

- Conducts school-based or facility-based after-school programs only for children and youth ages 6 to 18.
- Provides assistance through such programs with homework, delinquency prevention, life skills, and the development of good character.
- Operates 5 days a week or more during the school year and operates during school holidays and the summer months.
- Charges only a nominal fee or no fee.
- Meets the standards for quality set by the Not-for-Profit After School Program Standards Study Group if such standards are adopted by the Legislature.

The bill states that ss. 402.305 through 402.319, F.S., related to regulation of child care facilities, do not apply to not-for-profit organizations as defined in this section.

The bill requires an employee of a not-for-profit organization who works directly with children and youth participating in an after-school program to meet the background screening requirements of s. 435.04, F.S., (Level 2 screening) and s. 435.12, F.S., (creating the Care Provider Background Screening Clearinghouse).

Section 3 provides an unnumbered section of law to create the Not-for-Profit After School Program Standards Study Group. The Study Group is created to recommend reasonable and affordable minimum health, sanitation, and safety standards for after-school programs provided by not-for-profit organizations as defined in s. 1006.05, F.S. The Study Group is to consist of seven members and must include:

- A member of the Senate appointed by the President of the Senate.
- A member of the House of Representatives appointed by the Speaker of the House of Representatives.
- The Commissioner of Education or his or her designee.
- Three members appointed by the Governor representing the Florida AfterSchool Network, the Florida Alliance of the Boys and Girls Clubs, and a provider of a not-for-profit after-school program, respectively.
- One member appointed by the Governor as a consumer representative whose child is attending or has attended an after-school program provided by a not-for-profit organization.

The Study Group shall submit its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2017.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 2 of the bill creates s. 1006.05, F.S., to define after-school programs of not-for-profit organizations. This section places governance of such programs under the Department of Education. The bill also states that certain employees of these after-school programs must meet the background screening requirements of s. 435.12, F.S., which creates the Care Provider Background Screening Clearinghouse. Section 435.12, F.S., provides that “specified agencies” participate in the clearinghouse. Section 435.02, F.S., provides the definition of “specified agency.” That definition does not include the Department of Education (although it does include the Division of Vocational Rehabilitation within the Department of Education). Therefore, it is unclear whether employees of after-school programs may undergo background screening via the Care Provider Background Screening Clearinghouse, as the bill currently provides.

VIII. Statutes Affected:

This bill substantially amends section 402.301 of the Florida Statutes.

This bill creates section 1006.05 of the Florida Statutes and 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.

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



605990

LEGISLATIVE ACTION

Senate	.	House
Comm: PEND	.	
10/06/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 62 - 63

and insert:

(4) An employee of a not-for-profit organization or a contractor with direct contact with children and youth participating in an after-

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

And the title is amended as follows:



605990

11 Delete lines 8 - 9
12 and insert:
13 requiring employees of not-for-profit organizations
14 and contractors to meet certain background screening

By Senator Smith

31-00077A-16

2016156__

1 A bill to be entitled
2 An act relating to after-school programs; amending s.
3 402.301, F.S.; deleting a legislative intent provision
4 regarding certain not-for-profit organizations and
5 background screening for such organizations; creating
6 s. 1006.05, F.S.; providing legislative findings;
7 defining the term "not-for-profit organization";
8 requiring certain employees of not-for-profit
9 organizations to meet certain background screening
10 requirements; creating a study group; providing for
11 membership of the study group; requiring that the
12 study group make recommendations and submit a report
13 to the Governor and the Legislature by a specified
14 date; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (6) of section 402.301, Florida
19 Statutes, is amended to read:

20 402.301 Child care facilities; legislative intent and
21 declaration of purpose and policy.—It is the legislative intent
22 to protect the health, safety, and well-being of the children of
23 the state and to promote their emotional and intellectual
24 development and care. Toward that end:

25 ~~(6) It is further the intent that membership organizations~~
26 ~~affiliated with national organizations which do not provide~~
27 ~~child care, whose primary purpose is providing activities that~~
28 ~~contribute to the development of good character or good~~
29 ~~sportsmanship or to the education or cultural development of~~

31-00077A-16

2016156__

~~minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures shall not be considered child care facilities. However, all personnel as defined in s. 402.302 of such membership organizations shall meet background screening requirements through the department pursuant to ss. 402.305 and 402.3055.~~

Section 2. Section 1006.05, Florida Statutes, is created to read:

1006.05 After-school programs of not-for-profit organizations.—

(1) The Legislature finds that not-for-profit organizations that conduct after-school programs contribute to improved learning and the academic success of the children and youth who attend the organization's programs.

(2) As used in this section, the term "not-for-profit organization" means a not-for-profit organization that meets all of the following criteria:

(a) Conducts school-based or facility-based after-school programs only for children and youth ages 6 to 18.

(b) Provides assistance through such programs with homework, delinquency prevention, life skills, and the development of good character.

(c) Operates 5 days a week or more during the school year and operates during school holidays and the summer months.

(d) Charges only a nominal fee or no fee.

(e) Meets the standards for quality set by the Not-for-Profit After School Program Standards Study Group if such

31-00077A-16

2016156__

59 standards are adopted by the Legislature.

60 (3) Sections 402.305-402.319 do not apply to not-for-profit
61 organizations as defined in this section.

62 (4) An employee of a not-for-profit organization who works
63 directly with children and youth participating in an after-
64 school program must meet the background screening requirements
65 of ss. 435.04 and 435.12.

66 Section 3. Not-for-Profit After School Program Standards
67 Study Group.—

68 (1) The Not-for-Profit After School Program Standards Study
69 Group is created to recommend reasonable and affordable minimum
70 health, sanitation, and safety standards for after-school
71 programs provided by not-for-profit organizations as defined in
72 s. 1006.05, Florida Statutes.

73 (2) The study group consists of seven members and must
74 include:

75 (a) A member of the Senate appointed by the President of
76 the Senate.

77 (b) A member of the House of Representatives appointed by
78 the Speaker of the House of Representatives.

79 (c) The Commissioner of Education or his or her designee.

80 (d) Three members appointed by the Governor representing
81 the Florida AfterSchool Network, the Florida Alliance of the
82 Boys and Girls Clubs, and a provider of a not-for-profit after-
83 school program, respectively.

84 (e) One member appointed by the Governor as a consumer
85 representative whose child is attending or has attended an
86 after-school program provided by a not-for-profit organization.

87 (3) The study group shall submit a report to the Governor,

31-00077A-16

2016156__

88 the President of the Senate, and the Speaker of the House of
89 Representatives by January 1, 2017.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/6/15

Meeting Date

156

Bill Number (if applicable)

Topic Level 2 Background

Amendment Barcode (if applicable)

Name Ellyn Bogdanoff

Job Title

Address 908 S. Andrews Ave

Phone 954 767 9850

Street

City Ft Lauderdale

State

Zip 33316

Zip

Email ellyn.bogdanoff@gmail.com

Speaking: [] For [] Against [x] Information

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

Representing FACCM

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 156
Bill Number (if applicable)

Meeting Date _____

Topic APT Schol Program

Amendment Barcode (if applicable) _____

Name Scott Monnett

Job Title Ex Director

Address 2700 NW 51st St Gainesville

Phone 352-372-5348

Street Gainesville
City Fla State 32602 Zip

Email _____

Speaking: For Against Information

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

Representing Alachua Boys & Girls Clubs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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10/6/15
Meeting Date

SB 156
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JEFF KOTTkamp

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email LGJDK1@cs.com

Speaking: For Against Information

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

Representing FLA. Alliance of Boys & Girls Clubs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Oct 6 2015
Meeting Date

156
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JANET MABRY

Job Title _____

Address 2866 Bay Heather Circle
Street

Phone 501-2502

Gulf Breeze FL 32563
City State Zip

Email _____

Speaking: For Against Information

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

Representing Childrens Advocate (Self)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



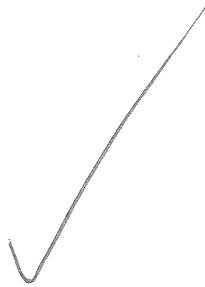
The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: September 14, 2015



I respectfully request that **Senate Bill #156**, relating to After School Programs, be placed on the:

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

A large, stylized handwritten signature in black ink, appearing to read "Chris Smith".

Senator Christopher L. Smith
Florida Senate, District 31

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SPB 7000

INTRODUCER: For consideration by Community Affairs Committee

SUBJECT: Developments of Regional Impact

DATE: September 11, 2015 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
Stearns	Yeatman		CA Submitted as Committee Bill

I. Summary:

SPB 7000 clarifies that certain proposed developments which are currently consistent with the local government comprehensive plan are not required to be reviewed pursuant to the State Coordinated Review Process for comprehensive plan amendments.

II. Present Situation:

Development of Regional Impact Background

A development of regional impact (DRI) is defined in s. 380.06, F.S., as “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. The DRI program provided a lengthy and complicated review process for proposed projects that was largely duplicated by the successor comprehensive planning review process.

Comprehensive planning was first required by law in 1975. However, the Growth Management Act of 1985 is considered the watershed moment that brought truly modern planning requirements into force. In recognition of this fact, the Environmental Land Management Study Committee in 1992 recommended that the DRI program be eliminated and relegated to an enhanced version of the Intergovernmental Coordination Element (ICE) that is required to be included in local comprehensive plans.¹ After much controversy, this recommendation was not implemented, and the DRI program continued in its previous form.

However, over the ensuing years, the program was chipped away via the serial enactment of a number of exemptions. The following list of exemptions is not exhaustive, but it is illustrative of the number and variety of carve outs from the DRI program that have been enacted:

¹ See Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.

- Certain projects that created at least 100 jobs that met certain qualifications – 1997.
- Certain expansions to port harbors, certain port transportation facilities and certain intermodal transportation facilities – 1999.
- The thresholds used to identify projects subject to the program were increased by 150 percent for development in areas designated as rural areas of critical economic concern (now known as Rural Areas of Opportunity) – 2001.
- Certain proposed facilities for the storage of any petroleum product or certain expansions of existing petroleum product storage facilities – 2002.
- Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use – 2002.
- Certain waterport or marina developments – 2002.
- The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, F.S. – 2005.

In 2009, the Legislature enacted the most significant exemption from the DRI program: the exemption for Dense Urban Land Areas (DULAs). By 2015, when the Legislature eliminated the requirement that new DRIs undergo the DRI review process, eight counties and 243 cities qualified as DULAs. This meant that all projects within those counties and cities were exempted from the DRI program. The areas qualifying as DULAs accounted for more than half of Florida's population.

Comprehensive Plans and the Comprehensive Plan Amendment Process

The landmark Growth Management Act of 1985 required every city and county to create and implement a comprehensive plan to guide future development. A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.² The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies,³ including the Department of Economic Opportunity (DEO), the relevant Regional Planning Council (RPC), and adjacent local governments that request to participate in the review process.⁴

The state and regional agencies review the proposed amendment for impacts related to their statutory purview. The RPC reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities.⁵ Upon receipt of the reports from the various agencies the local government holds a second public hearing at which

² Section 163.3174(4)(a), F.S.

³ Section 163.3184, F.S.

⁴ *Id.*

⁵ Section 163.3184(3)(b)3.a., F.S.

the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the DEO for final review.⁶ The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.⁷

The Expedited State Review Process vs. the State Coordinated Review Process

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments. Most plan amendments were placed into the Expedited State Review Process, while plan amendments related to large-scale developments were placed into the State Coordinated Review Process. The two processes operate in much the same way, however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the DEO, rather than communicated directly to the permitting local government by each individual reviewing agency.

2015 Changes to the DRI Law

In 2015, the Florida Legislature, in a bid to reduce duplicative and burdensome regulation, eliminated the requirement that new developments be reviewed pursuant to the DRI process. Instead, the Legislature directed that proposed developments only need to comply with the requirements of the State Coordinated Review Process.⁸

However, there has been some confusion regarding whether the new statutory language requires new DRI-sized projects that comply with the existing comprehensive plan to nevertheless be reviewed pursuant to the State Coordinated Review Process and to obtain a plan amendment.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3184, F.S., to clarify statutory language.

Section 2 amends s. 380.06, F.S., to clarify that a proposed development that is consistent with the existing comprehensive plan is not required to undergo review pursuant to the state coordinated review process for comprehensive plan amendments.

Section 3 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ Section 163.3184, F.S.

⁷ *Id.*

⁸ Section 380.06(30), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3184 and 380.06.

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.

FOR CONSIDERATION By the Committee on Community Affairs

578-00258-16

20167000pb

1 A bill to be entitled
2 An act relating to developments of regional impact;
3 amending s. 163.3184, F.S.; clarifying statutory
4 language; amending s. 380.06, F.S.; providing that a
5 proposed development that is consistent with certain
6 comprehensive plans is not required to undergo review
7 pursuant to the state coordinated review process;
8 providing an effective date.

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

11
12 Section 1. Paragraph (c) of subsection (2) of section
13 163.3184, Florida Statutes, is amended to read:

14 163.3184 Process for adoption of comprehensive plan or plan
15 amendment.—

16 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

17 (c) Plan amendments that are in an area of critical state
18 concern designated pursuant to s. 380.05; propose a rural land
19 stewardship area pursuant to s. 163.3248; propose a sector plan
20 pursuant to s. 163.3245 or an amendment to an adopted sector
21 plan; update a comprehensive plan based on an evaluation and
22 appraisal pursuant to s. 163.3191; propose a development that is
23 subject to the state coordinated review process ~~qualifies as a~~
24 ~~development of regional impact~~ pursuant to s. 380.06(30) ~~s.~~
25 ~~380.06~~; or are new plans for newly incorporated municipalities
26 adopted pursuant to s. 163.3167 shall follow the state
27 coordinated review process in subsection (4).

28 Section 2. Subsection (30) of section 380.06, Florida
29 Statutes, is amended to read:

578-00258-16

20167000pb

30 380.06 Developments of regional impact.—

31 (30) ~~NEW~~ PROPOSED DEVELOPMENTS.—A ~~new~~ proposed development
32 otherwise subject to the review requirements of this section
33 shall be approved by a local government pursuant to s.
34 163.3184(4) in lieu of proceeding in accordance with this
35 section. However, if the proposed development is consistent with
36 the comprehensive plan as provided in s. 163.3194(3)(b), the
37 development is not required to undergo review pursuant to s.
38 163.3184(4) or this section.

39 Section 3. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

10-6-2015

Meeting Date

Topic _____

Bill Number 7000
(if applicable)

Name BRIAN PITH

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-16/15
Meeting Date

7000
Bill Number (if applicable)

Topic DR12 (Growth MA)

Amendment Barcode (if applicable)

Name ERIC POOLE

Job Title ASST. LEG DIR.

Address 100 MANSOE
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

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

Representing FLORIDA ASSOC. COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/15

Meeting Date

7000

Bill Number (if applicable)

Topic DR1

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIV. PKWY #286

Street

Phone 941-323-2404

SARASOTA FL 34243

City

State

Zip

Email cullenasea@aol.com

Speaking: For Against Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/15

Meeting Date

SPB 7000

Bill Number (if applicable)

Topic DRIs

Amendment Barcode (if applicable)

Name CHARLES PATTISON

Job Title POLICY DIRECTOR

Address 3081 N. MONROE

Phone _____

Street

TALLAHASSEE

32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing 1000 FRIENDS OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

10/6/15

Meeting Date

SB 7000

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St. Suite 300

Phone 850-222-7500

Street

Tallahassee

FL

32301

City

State

Zip

Email garyh@hgslaw.com

Speaking: For Against Information

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

Representing Association of Fla. Community Developers / Florida Chamber

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SPB 7000
FINAL ACTION: Submitted as Committee Bill
MEETING DATE: Tuesday, October 6, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	10/06/2015 Motion to submit as Committee Bill Brandes					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
X		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS	FAV	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SPB 7002

INTRODUCER: For consideration by Community Affairs Committee

SUBJECT: OGSR/Audit Report and Certain Records/Local Government

DATE: September 11, 2015

REVISED: _____

ANALYST

Stearns

STAFF DIRECTOR

Yeatman

REFERENCE

ACTION

CA Submitted as Committee Bill

I. Summary:

SPB 7002 reenacts a public records exemption for work papers related to local government audits by an internal auditor and investigations by an inspector general. As a result, the covered records will remain exempt from disclosure until the audit or investigation is complete or no longer active.

II. Present Situation:

Public Records Law

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

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ An exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean 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.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

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

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found 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. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

The Open Government Sunset Review Act (OGSR) prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals 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.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. Specific questions are enumerated for consideration under the review.¹⁷ 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?

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁹

Local Government Internal Audit Reports and Inspectors General Reports

Section 119.0713(2), F.S., provides a public records exemption for workpapers related to local government audits by an internal auditor and investigations by an inspector general conducted for or on behalf of a unit of local government. According to survey responses from local governments obtained by the Community Affairs Committee, such information may include notes and draft documents of the auditor, workpapers, background reports, investigatory plans, interview transcripts, and statements from witnesses and interested parties, among other documents. The exemption provides that such documents become public records once the audit or investigation is complete and the audit report becomes final or when the investigation is no longer active. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one Legislature cannot bind a future Legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(a), F.S.

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15(7), F.S.

One hundred percent of those survey responses opining on the future status of the exemption recommended it be reenacted.

This exemption will expire on October 2, 2016, pursuant to the OGSR, unless saved by the Legislature through reenactment.

III. Effect of Proposed Changes:

Section 1 amends s. 119.0713, F.S., by deleting the scheduled repeal of the public records exemption. As a result, the covered records will remain exempt from disclosure until the audit or investigation is complete or no longer active.

Section 2 provides an effective date of October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

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 newly created or expanded public records exemption. The bill does not create or expand a public records exemption, therefore it does not require a two-thirds vote for final passage.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0713 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

FOR CONSIDERATION By the Committee on Community Affairs

578-00260-16

20167002pb

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.0713, F.S., which
4 provides a public records exemption for the audit
5 report of an internal auditor and certain records
6 relating to investigations in the custody of an
7 inspector general of a local government; removing the
8 scheduled repeal of the exemption; making editorial
9 changes; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (2) of section 119.0713, Florida
14 Statutes, is amended to read:

15 119.0713 Local government agency exemptions from inspection
16 or copying of public records.—

17 (2) (a) As used in this subsection, the term "unit of local
18 government" means a county, municipality, special district,
19 local agency, authority, consolidated city-county government, or
20 any other local governmental body or public body corporate or
21 politic authorized or created by general or special law.

22 (b) The audit report of an internal auditor and the
23 investigative report of the inspector general prepared for or on
24 behalf of a unit of local government becomes a public record
25 when the audit or investigation becomes final. As used in this
26 subsection, the term "unit of local government" means a county,
27 municipality, special district, local agency, authority,
28 consolidated city-county government, or any other local
29 governmental body or public body corporate or politic authorized

578-00260-16

20167002pb

30 ~~or created by general or special law.~~ An audit or investigation
31 becomes final when the audit report or investigative report is
32 presented to the unit of local government. Audit workpapers and
33 notes related to such audit and information received, produced,
34 or derived from an investigation are confidential and exempt
35 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
36 until the audit or investigation is complete and the audit
37 report becomes final or when the investigation is no longer
38 active. An investigation is active if it is continuing with a
39 reasonable, good faith anticipation of resolution and with
40 reasonable dispatch.

41 ~~(b) Paragraph (a) is subject to the Open Government Sunset~~
42 ~~Review Act in accordance with s. 119.15, and shall stand~~
43 ~~repealed on October 2, 2016, unless reviewed and saved from~~
44 ~~repeal through reenactment by the Legislature.~~

45 Section 2. This act shall take effect October 1, 2016.

**The Florida Senate
COMMITTEE VOTE RECORD**

COMMITTEE: Community Affairs
ITEM: SPB 7002
FINAL ACTION: Submitted as Committee Bill
MEETING DATE: Tuesday, October 6, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	10/06/2015 Motion to submit as Committee Bill					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
X		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS	FAV	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SPB 7004

INTRODUCER: For consideration by Community Affairs Committee

SUBJECT: OGSR/Emergency Notification Information

DATE: September 22, 2015 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
Present	Yeatman	_____	CA Submitted as Committee Bill

I. Summary:

SPB 7004 reenacts a public records exemption for any information furnished by a person to an agency for the purpose of being provided with emergency notification by the agency, including the person's name, address, telephone number, e-mail address, or other electronic communication address.

II. Present Situation:

Public Records Law

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

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ An exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean 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.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

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

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found 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. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

The Open Government Sunset Review Act (OGSR) prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals 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.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. Specific questions are enumerated for consideration under the review.¹⁷ 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?

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁹

Emergency Notification Systems

State agencies are required by law to have emergency plans in place in case of a natural disaster.²⁰ These emergency plans are not required to have any sort of associated notification system. The Department of Health has taken steps to keep the public health community informed of public health emergencies using the Florida Health Alert Network (HAN).²¹

Sheriff's offices, universities, public utilities and other entities throughout Florida have in place emergency notification systems. For example, the Sumter County Sheriff's Office uses the CodeRED Emergency Notification System. It is a high-speed telephone communication service for emergency notifications that works off of a database compiled from the phone database maintained for the Sheriff's office by the purveyors of the CodeRED system. "This system

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one Legislature cannot bind a future Legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(a), F.S.

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15(7), F.S.

²⁰ *See, e.g.*, s. 252.35, F.S.

²¹ Florida Dep't of Health, Health Alert Network Policy, available at <http://www.servfl.com/HomepageUploads/126HAN%20Policy%202015.pdf> (last visited September 22, 2015).

allows [the Sumter County Sheriff's Office] to telephone all or targeted areas of Sumter County in case of an emergency situation that requires immediate action (such as a boil-water notice, missing child or evacuation notices)."²² Brevard County has in place a similar emergency alert notification system for natural disasters.²³ Florida State University has a comprehensive alert system that includes text messages, voice-mail messages, email messages, Facebook messages, indoor and outdoor sirens, a hotline and more.²⁴

A limited public records exemption already exists for persons requesting emergency assistance through E911. The exemption applies only to the name, address, telephone number or personal information about, or information which may identify any person requesting emergency services or reporting an emergency while such information is in the custody of the public agency or public safety agency providing emergency services.²⁵

III. Effect of Proposed Changes:

Section 1 amends s. 119.071, F.S., by deleting the scheduled repeal of the public records exemption. As a result, the covered records will remain exempt from disclosure.

Section 2 provides an effective date of October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption. If an exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. The bill does not create or expand a public records exemption, therefore it does not require a two-thirds vote for final passage.

C. Trust Funds Restrictions:

None.

²² Sumter County Sheriff's Office, <http://www.sumtercountysheriff.org/publicsvc/codered.php> (last visited September 22, 2015).

²³ Brevard County Emergency Management Office, <http://embrevard.com/> (last visited September 22, 2015).

²⁴ Florida State University ALERT, Emergency Notification System, <http://emergency.fsu.edu/services/FSUAlert> (last visited September 22, 2015) see generally, Florida Department of Law Enforcement, State Working Group On Domestic Preparedness Ad Hoc Committee on University and College Emergency Notification Systems, <http://www.fdle.state.fl.us/Content/getdoc/c2c4f5df-1fa5-4b26-adad-4d3e23665c43/SWGUniversityCollegeEmergencyNotificationSystems.aspx>.

²⁵ Section 365.171(12), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Community Affairs

578-00266-16

20167004pb

1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.071, F.S., which
4 provides an exemption from public records requirements
5 for information furnished by a person to an agency for
6 the purpose of being provided an emergency
7 notification by the agency; removing the scheduled
8 repeal of the exemption; providing an effective date.

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

11
12 Section 1. Paragraph (j) of subsection (5) of section
13 119.071, Florida Statutes, is amended to read:

14 119.071 General exemptions from inspection or copying of
15 public records.—

16 (5) OTHER PERSONAL INFORMATION.—

17 (j)~~1~~. Any information furnished by a person to an agency
18 for the purpose of being provided with emergency notification by
19 the agency, including the person's name, address, telephone
20 number, e-mail address, or other electronic communication
21 address, is exempt from s. 119.07(1) and s. 24(a), Art. I of the
22 State Constitution. This exemption applies to information held
23 by an agency before, on, or after the effective date of this
24 exemption.

25 ~~2. This paragraph is subject to the Open Government Sunset~~
26 ~~Review Act in accordance with s. 119.15, and shall stand~~
27 ~~repealed on October 2, 2016, unless reviewed and saved from~~
28 ~~repeal through reenactment by the Legislature.~~

29 Section 2. This act shall take effect October 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

10-6-2015

Meeting Date

Topic _____

Bill Number 7004
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg 33705
City State Zip

E-mail justree2jesus@yahoo.com

Speaking: For Against Information

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SPB 7004
FINAL ACTION: Submitted as Committee Bill
MEETING DATE: Tuesday, October 6, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	10/06/2015 ¹ Motion to submit as Committee Bill					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
X		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
8	0	TOTALS	FAV	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

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CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Committee on Community Affairs

Judge:

Started: 10/6/2015 10:01:54 AM

Ends: 10/6/2015 11:36:58 AM

Length: 01:35:05

10:02:34 AM Roll Call
10:02:52 AM Quorum present
10:03:29 AM Senator Richter's legislative assistant, Michael Nachev, SB 130, Discharging a Firearm
10:04:28 AM Questions
10:04:44 AM Amendment 164562 by Senator Brandes
10:05:10 AM Amendment adopted
10:06:37 AM Frank Fabrizio Florida Police Chief
10:12:54 AM Brian Pitts
10:13:02 AM Casey Cook, FL League of Cities
10:13:29 AM SB 130 approved
10:14:04 AM SBP 7004 OGSR Emergency Notification Information
10:14:21 AM Bryan Present to represent the bill
10:14:47 AM SB 7004 approved
10:15:18 AM SB 156 After-school Programs
10:15:23 AM Senator Smith to represent the bill
10:15:53 AM Questions
10:16:26 AM Senator Hutson for a question
10:17:05 AM Senator Dean for a question
10:18:03 AM Senator Smith with a response
10:20:09 AM Senator Thompson for a question
10:21:16 AM Bill 156 Temporarily Postponed
10:21:41 AM SB 116 Tax on Sales, Use, and Other Transactions
10:22:41 AM Senator Hukill to represent the bill
10:22:57 AM Questions
10:23:30 AM Tim Nungesser to speak on SB 116
10:24:21 AM Tim Nungesser from National Federation of Independent Business
10:24:52 AM H. Lee Moffitt, Building Owners and Managers Association of FL (BOMA)
10:25:17 AM Edward Redlich, Florida Realtors
10:28:57 AM Questions
10:29:37 AM Senator Brandes for a question
10:30:33 AM Edward Redlich with a response
10:31:17 AM Senator Brandes with a comment
10:31:52 AM Amber Hughes, FL League of Cities
10:33:44 AM Questions
10:33:52 AM Senator Dean for a question
10:34:13 AM Amber Hughes with a response
10:35:05 AM Senator Dean with a comment
10:36:02 AM Amber Hughes with a response
10:36:20 AM Brian Pitts, Justice-2-Jesus
10:41:14 AM Questions
10:41:54 AM Senator Hukill for a comment
10:42:26 AM SB 116 approved
10:43:01 AM SB 194 Redevelopment Trust Fund
10:43:01 AM Senator Hukill to represent the bill
10:43:34 AM Questions
10:43:45 AM Senator Dean for a question
10:44:22 AM Senator Hukill with a response
10:45:16 AM Senator Dean with a comment
10:45:38 AM Senator Hukill with a response
10:47:38 AM Senator Diaz de la Portilla for a question
10:49:13 AM Senator Hukill with a response
10:50:22 AM Senator Diaz de la Portilla with a comment

10:50:52 AM Senator Hukill with a response
10:51:57 AM Senator Diaz de la Portilla with a question
10:52:18 AM Senator Hukill with a response
10:52:48 AM Senator Dean for a comment
10:52:58 AM Appearances
10:53:29 AM Brian Pitts, Justice-2-Jesus
10:57:41 AM Senator Hukill for a response
10:58:07 AM SB 194 approved
10:59:22 AM SB 156 back
10:59:51 AM Questions
11:00:07 AM Senator Diaz de la Portilla for a question
11:01:01 AM Senator Smith with a response
11:02:03 AM Senator Diaz de la Portilla with a comment
11:03:12 AM Senator Smith with a response
11:05:14 AM Senator Diaz de la Portilla with a comment
11:06:01 AM Senator Bradley for a comment
11:10:50 AM Senator Abruzzo for a comment
11:12:00 AM Senator Hudson for a question
11:13:37 AM Senator Smith with a response
11:13:55 AM SB 156 Tpd
11:14:15 AM SPB 7000 Developments of Regional Impact
11:14:57 AM Ben Stearns to represent SB 7000
11:15:21 AM Questions
11:15:59 AM Charles Pattison, Friends of FL
11:17:03 AM Senator Dean for a question
11:17:23 AM Charles Pattison with a response
11:18:44 AM David Cullen, Sierra Club of FL
11:19:35 AM Eric Poole, FL Association of Counties
11:20:11 AM Senator Dean for a question
11:22:20 AM Senator Simpson with a comment
11:23:37 AM Senator Diaz de la Portilla with a comment
11:26:59 AM Senator Thompson with a question
11:27:56 AM Senator Diaz de la Portia responds
11:29:35 AM Senator Thompson with a question
11:34:34 AM Senator Hudson for a comment
11:34:58 AM Senator Bradley for a comment
11:35:28 AM SPB 7000 approved
11:36:08 AM SPB 7002 OGSR/Audit Report and Certain Records/Local Government
11:36:13 AM Questions
11:36:13 AM Ben Stearns to represent SPB 7002
11:36:32 AM SPB 7002 approved
11:36:48 AM Meeting Adjourned