

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMERCE AND TOURISM**

**Senator Montford, Chair**

**Senator Gainer, Vice Chair**

**MEETING DATE:** Tuesday, January 16, 2018

**TIME:** 1:30—3:30 p.m.

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

**MEMBERS:** Senator Montford, Chair; Senator Gainer, Vice Chair; Senators Gibson, Hutson, Passidomo, Rodriguez, Stargel, and Young

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SR 210</b> Campbell	India Independence Day/India Heritage Month; Recognizing August 15, 2018, as "India Independence Day" and August 2018 as "India Heritage Month" in Florida, etc.  CM 01/16/2018 Favorable RC	Favorable Yeas 8 Nays 0
2	<b>CS/SB 386</b> Banking and Insurance / Garcia (Similar CS/H 239, Compare H 747, S 640)	Consumer Finance; Revising a provision relating to the maximum delinquency charge that may be charged for consumer finance loans; revising a requirement relating to installment repayments for consumer finance loans, etc.  BI 12/05/2017 Fav/CS CM 01/16/2018 Favorable RC	Favorable Yeas 8 Nays 0
3	<b>SR 398</b> Bracy (Similar HR 8013)	Taiwan; Recognizing the relationship between and shared interests of the people of Taiwan and the United States and supporting these interests, as well as future opportunities for international trade between the two nations, etc.  CM 01/16/2018 Favorable RC	Favorable Yeas 7 Nays 0
4	<b>SB 1228</b> Hukill (Similar H 373)	Annual Business Organization Reports and Fees; Authorizing domestic and registered foreign limited liability companies to submit biennial reports to the Department of State; establishing a biennial report filing fee for limited liability companies; establishing a biennial report filing fee for domestic and foreign corporations, etc.  CM 01/16/2018 Favorable ATD AP	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Tuesday, January 16, 2018, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 990</b> Montford (Similar H 1415)	Rural Communities; Designating the "Florida Rural Community Jobs and Business Resiliency Act"; requiring the Department of Economic Opportunity to accept an application seeking approval as a rural growth fund; prohibiting the department from reducing the investment authority of an application or denying an application for reasons other than the ones listed; providing that a taxpayer who makes an investor contribution is vested with a credit against state premium tax liability; specifying that an out-of-state business relocating employees to this state must satisfy a specific definition within a certain timeframe before a new principal place of business operations is recognized, etc.  CM 01/16/2018 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
6	<b>SB 1052</b> Young (Identical H 851)	Lost or Abandoned Property; Providing for the disposal of lost or abandoned personal property found on the premises of certain theme parks, entertainment complexes, or other specified facilities; authorizing the rightful owner to claim lost or abandoned property at any time before its disposal, etc.  CM 01/16/2018 Fav/CS BI RC	Fav/CS Yeas 8 Nays 0
7	<b>CS/SB 376</b> Banking and Insurance / Book (Similar H 227, Compare H 629, S 126)	Workers' Compensation Benefits for First Responders; Revising the evidentiary standard for demonstrating mental and nervous injuries of first responders; deleting certain limitations relating to workers' compensation benefits for first responders; providing that law enforcement officers, firefighters, emergency medical technicians, and paramedics are entitled to benefits under the Workers' Compensation Law for mental or nervous injuries, regardless of whether such injuries are accompanied by physical injuries requiring medical treatment, under specified circumstances, etc.  BI 12/05/2017 Fav/CS CM 01/16/2018 Favorable AP RC	Favorable 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.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SR 210

INTRODUCER: Senator Campbell

SUBJECT: India Independence Day/India Heritage Month

DATE: January 12, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Denton	McKay	CM	<b>Favorable</b>
2.			RC	

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## I. Summary:

SR 210 recognizes August 15, 2018, as “India Independence Day” and August 2018 as “India Heritage Month” in Florida.

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

## II. Present Situation:

### Background

The Republic of India is located in Asia, south of China and between Pakistan and Burma.<sup>1</sup> Its population is approximately 1.3 billion people, making it the second most populous country in the world.<sup>2</sup> Indians are one of the fastest growing immigrant group in the United States.<sup>3</sup> There are approximately 3.4 million Indians living in the United States, where they represent one percent of the overall population.<sup>4</sup> Florida is home to a significant population of approximately 143,000 Indians, representing 0.7% of the general population.<sup>5</sup> They are the largest Asian group at around 27 percent of the Asian population in Florida.<sup>6</sup>

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<sup>1</sup> United States Central Intelligence Agency, *The World Factbook: India*, <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html> (last visited Jan. 12, 2018)

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

<sup>3</sup> Migration Policy Institute, *Indian Immigrants in the United States*, <https://www.migrationpolicy.org/article/indian-immigrants-united-states> (last visited Jan. 12, 2018)

<sup>4</sup> United States Census Bureau, *American Fact Finder*, 2012-2016 American Community Survey 5-Year Estimates, [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/16\\_5YR/DP05](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/16_5YR/DP05) (last visited Jan. 12, 2018)

<sup>5</sup> United States Census Bureau, *American Fact Finder*, 2012-2016 American Community Survey 5-Year Estimates, [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/16\\_5YR/DP05/0400000US12](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/16_5YR/DP05/0400000US12), (last visited Jan. 12, 2018)

<sup>6</sup> Stefan Rayer, Bureau of Economic and Business Research, *Asians In Florida*, (August 27, 2014) <https://www.bebr.ufl.edu/population/website-article/asians-florida> (last visited Jan. 12, 2018)

## History and Holidays

On August 15, 1947, India declared independence from Great Britain and formed a secular democratic government.<sup>7</sup> In addition to Independence Day, there are many holidays and festivals in the month of August. These holidays display the vast religious diversity of the country, with the Parsi New Year on August 17, 2018, the Muslim holiday Bakr-Eid on August 22, 2018, and the Hindu holiday Raksha Bandhan on August 26, 2018.<sup>8</sup> In addition to these holidays, there are a number of regional festivals celebrated in the southern state of Kerala.<sup>9</sup>

## Recognition of Indian Events

The United States House of Representatives has introduced many resolutions to recognize and honor India's Independence Day on August 15, including, but not limited to, the following:

- House Resolution 395, sponsored by Representative Ami Bera in 2015;<sup>10</sup>
- House Resolution 677, sponsored by Representative Jim McDermott in 2009;<sup>11</sup> and
- House Resolution 607, sponsored by Representative Jim McDermott in 2007.<sup>12</sup>

In 2014, the Florida Senate passed a resolution recognizing the exceptional achievements of the Indian film industry and celebrating the Tampa Bay area's hosting of the 15<sup>th</sup> annual International Indian Film Academy Awards.<sup>13</sup>

## Recognition of Other Commemorative Events in Florida

The Florida Senate has passed resolutions recognizing commemorative dates and months to honor the heritage of immigrant communities. Some recent examples include:

- In 2017, the Senate passed SR 1796, a resolution commemorating June 2017 as "Caribbean Heritage Month" in Florida;<sup>14</sup>

<sup>7</sup> United States Central Intelligence Agency, *The World Factbook: India*, <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html> (last visited Jan. 12, 2018)

<sup>8</sup> Website of the Government of India, *Holiday Calendar*, <https://www.india.gov.in/calendar?date=2018-08> (last visited Jan. 12, 2018)

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

<sup>10</sup> H.R. 395, 114<sup>th</sup> Cong. (2015) (Expressing the sense of the House of Representatives commemorating the Republic of India's Independence Day and recognizing United States-India relations on India's National Day), available at <https://www.congress.gov/bill/114th-congress/house-resolution/395?q=%7B%22search%22%3A%5B%22india%22%5D%7D&r=4> (last visited Jan. 12, 2018)

<sup>11</sup> H.R. 677, 111<sup>th</sup> Cong. (2009-2010) (Extending best wishes to the people of India as they celebrate the 62nd anniversary of India's independence from the British Empire), available at <https://www.congress.gov/bill/111th-congress/house-resolution/677?q=%7B%22search%22%3A%5B%22india%22%5D%7D&r=9> (last visited Jan. 12, 2018)

<sup>12</sup> H.R. 607, 110<sup>th</sup> Cong. (2007) (Extending best wishes to the people of India as they celebrate the 60th anniversary of India's independence from the British Empire), available at <https://www.congress.gov/bill/110th-congress/house-resolution/607?q=%7B%22search%22%3A%5B%22india%22%5D%7D&r=8> (last visited Jan. 12, 2018)

<sup>13</sup> Fla. SR 1680 (2014) (International Indian Film Academy), available at <https://www.flsenate.gov/Session/Bill/2014/1680> (last visited Jan. 12, 2018)

<sup>14</sup> Fla. SR 1796 (2017) (Caribbean Heritage Month), available at <https://www.flsenate.gov/Session/Bill/2017/8031/?Tab=BillText> (last visited Jan. 12, 2018)

- In 2017, the Senate passed SR 1838, a resolution recognizing April 12, 2017 as “Nigerian-American Day” in Florida;<sup>15</sup> and
- In 2006, the Senate passed SR 782, a resolution recognizing the month of June as “Caribbean-American Heritage Month” in Florida.<sup>16</sup>

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

SR 210 recognizes August 15, 2018, as “India Independence Day” and August 2018 as “India Heritage Month” in Florida.

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

### **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.

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<sup>15</sup> Fla. SR 1838 (2017) (Nigerian-American Day), available at <https://www.flsenate.gov/Session/Bill/2017/01838/?Tab=BillText> (last visited Jan. 12, 2018)

<sup>16</sup> Fla. SR 782 (2006) (Relating to Caribbean-American Heritage Month), available at [http://archive.flsenate.gov/session/index.cfm?Mode=Bills&SubMenu=1&BI\\_Mode=ViewBillInfo&BillNum=0782](http://archive.flsenate.gov/session/index.cfm?Mode=Bills&SubMenu=1&BI_Mode=ViewBillInfo&BillNum=0782) (last visited Jan. 12, 2018)

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

By Senator Campbell

38-00314-18

2018210\_\_

Senate Resolution

A resolution recognizing August 15, 2018, as "India Independence Day" and August 2018 as "India Heritage Month" in Florida.

WHEREAS, the people of Florida represent many cultures and have a great tradition of celebrating significant milestones and events of cultural and historical importance, and

WHEREAS, Floridians are proud to join with their fellow residents of Indian heritage throughout the state and beyond as they commemorate the 71st anniversary of India's independence, and

WHEREAS, in 1947, India proclaimed independence and officially became a self-governing country, marking the beginning of its identity as a free and sovereign nation, and

WHEREAS, as a growing democracy, India has proved to be a courageous nation, seeking to establish as its basic, fundamental principles those same values upon which the United States of America was founded: freedom, opportunity, and justice, and

WHEREAS, Florida residents who hail from India, or who have ancestral ties to India, continually demonstrate the greatness of the culture, arts, traditions, and natural beauty of their homeland, and the contributions of these individuals are notable and reflect success in many fields, including education, medicine, science, technology, business, and industry, and

WHEREAS, Florida welcomes the opportunity to promote a greater understanding of the world's cultures, and this occasion, the 71st anniversary of India's independence, provides

Page 1 of 2

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

38-00314-18

2018210\_\_

an excellent means by which Floridians of all backgrounds can recognize the contributions made by the country and people of India and extend best wishes to them on commemorating this historic milestone of independence, NOW, THEREFORE,

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

That August 15, 2018, be designated as "India Independence Day" and August 2018 as "India Heritage Month."

Page 2 of 2

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Finance and Tax  
Appropriations Subcommittee on General Government  
Children, Families, and Elder Affairs  
Communications, Energy, and Public Utilities  
Community Affairs

### JOINT COMMITTEE:

Joint Administrative Procedures Committee

### SENATOR DAPHNE CAMPBELL

38th District

September 27, 2017

Chair Bill Montford  
Committee on Commerce and Tourism  
310 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Montford,

I respectfully request that SB 210 India Independence Day/India Heritage Month be placed on the next available committee agenda. This bill is to recognize August 15, 2018, as "India Independence Day" and August 2018 as "India Heritage Month" in Florida, etc.

Sincerely,

A handwritten signature in cursive script, appearing to read "D Campbell", written in dark ink.

#### REPLY TO:

- ☐ 633 N.E. 167th Street, Suite 1101, North Miami Beach, Florida 33162 (305) 493-6009
- ☐ 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5038

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

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore



# APPEARANCE RECORD

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

1/16/18  
Meeting Date

SB 210  
Bill Number (if applicable)

Topic India Independence day & India heritage month

Amendment Barcode (if applicable)

Name Mathew Poo Van

Job Title Real Estate

Address 4920 NW 102<sup>nd</sup> Dr  
Street

Phone 754-368-0259

Coral Springs  
City

FL  
State

33076  
Zip

Email epooVan@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing World Malayalee 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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# APPEARANCE RECORD

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

1/16/2018

Meeting Date

SB-210

Bill Number (if applicable)

Topic India Independence & India Heritage month

Amendment Barcode (if applicable)

Name SAM PARATHUNNAIL

Job Title KERALA SAMAJAM OF FLORIDA

Address 6700 W. Wedgewood Ave

Phone 954-560-9937

Davre

City

FL

State

33331

Zip

Email Samparathnail@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Kerala Samajam 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)

1/16/2018

Meeting Date

SB-210

Bill Number (if applicable)

Topic India Independence & India Heritage month

Amendment Barcode (if applicable)

Name GEORGE ITTY

Job Title IT PROFESSIONAL

Address 3646 BALTIMORE AVE

Street

Phone 978-808-1596

TALLAHASSEE FL 32311

City

State

Zip

Email georgeitty@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Asian Indian Malayalees in Tallahassee

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/16/18

Meeting Date

SB 210

Bill Number (if applicable)

Topic Indian Independence Heritage Month

Amendment Barcode (if applicable)

Name Georgy Varughese

Job Title Chairman, FORANA

Address 779 Regal Cove Rd.

Phone 954 248 7010

Street

Weston FL 33327

City

State

Zip

Email varughese61@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Federation of Kerala Associations in North America

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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# APPEARANCE RECORD

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

2/16/18

Meeting Date

SB-210

Bill Number (if applicable)

Topic India Independence Day & Indian Heritage Day Amendment Barcode (if applicable)

Name Vivek Victor Cooray

Job Title Self Employed

Address 9626 NW 48th Street

Street

Phone 254-394-5601

Sunrise

FL

33351

City

State

Zip

Email victor9626@comcast.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

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)

11/16/18

Meeting Date

SB 210

Bill Number (if applicable)

Topic Indian Independence day and india  
Name SATI KARIM PANNOR JALLI heritage month

Amendment Barcode (if applicable)

Job Title Business

Address 38409 South ave Phone 813 263 6302  
Street

Zephyrhills FL 33542 Email Satib@live.com  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing President MACE, Regional Manager Flowers TV

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/16/18

Meeting Date

SB - 210

Bill Number (if applicable)

Topic India Independence day Heritaymonth

Name SOBI Poochappurath

Amendment Barcode (if applicable)

Job Title Health Care Profession

Address 4399 NW 85th way

Phone 786 374 6193

Coconut Springs FL

33065

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing President Navakerala Malayali Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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# APPEARANCE RECORD

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

01/16/12

Meeting Date

SR 210

Bill Number (if applicable)

Topic India Independence day Heritage

Amendment Barcode (if applicable)

Name Lyn V Kachappilly

Job Title self employe

Address 8395 SW SI ST  
Street

Phone 954 504 0530

DAVIE  
City

FL  
State

33328  
Zip

Email ThyagaLipu@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Kerala Samajam

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)

Jan 16, 2018

Meeting Date

SB-210

Bill Number (if applicable)

Topic INIDIAN INDEPENDENCE DAY & INDIA HERITAGE MONTH

Amendment Barcode (if applicable)

Name THOMAS K. DANIEL

Job Title PHARMACIST

Address 14645, DEACON CT, SPRING HILL

Street

Phone 927-641-1190

SPRING HILL

FL

34609

City

State

Zip

Email thomasrdaniel@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/16/18

Meeting Date

SB-210

Bill Number (if applicable)

Topic Indian Independence Heritage Month

Amendment Barcode (if applicable)

Name Minimole Joseph

Job Title Registered Nurse (RN)

Address 4391 NW 75<sup>TH</sup> AVE UNIT(S)

Phone 954-825-9733

Street

Coral Springs

City

FL

State

33065

Zip

Email jminimole@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing World Malayalee Federation Charity Co-ordinator

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

1-16-18

Meeting Date

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

SB-210

Bill Number (if applicable)

Topic

Indian Independence day + Indian Heritage month

Amendment Barcode (if applicable)

Name

Sajan Kumar

Job Title

Health Care Professional

Address

5883 NW 48th Ave

Phone

2146723682

Street

Coconut Creek FL

33073

City

State

Zip

Email

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

South Asian Indian Caucus

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 386

INTRODUCER: Banking and Insurance Committee and Senator Garcia and others

SUBJECT: Consumer Finance

DATE: January 12, 2018

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 386 allows consumer finance loans made pursuant to ch. 516, F.S., to be repaid in installments due every 2 weeks, semimonthly, or monthly. Currently, consumer finance loans may only be repaid in monthly installment payments. Additionally, the bill permits a borrower's final payment to be less than his or her prior installments, and sets a maximum delinquency charge, depending on the number of scheduled payments in a month.

**II. Present Situation:**

The Florida Office of Financial Regulation (OFR) regulates Florida-chartered banks, credit unions, finance companies, other financial institutions, and the securities industry.<sup>1</sup> The OFR's Division of Consumer Finance (division) licenses and regulates non-depository financial service industries and individuals and conducts examinations and complaint investigations of licensed entities to determine compliance with Florida law.<sup>2</sup>

The division regulates consumer finance loans under the Florida Consumer Finance Act, ch. 516, F.S. (the Act). A consumer finance loan, as compared to a traditional loan, is any loan valued at

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<sup>1</sup> Section 20.121(3)(a)2., F.S.

<sup>2</sup> Office of Financial Regulation, *Fast Facts*, p. 3 (4th ed. Dec. 2016), available at <http://www.flofr.com/StaticPages/documents/FastFacts.pdf>. See also, Office of Financial Regulation, *Welcome to the Division of Consumer Finance*, <https://www.flofr.com/StaticPages/DivisionOfConsumerFinance.htm> (last visited Jan. 12, 2018).

\$25,000 or less, with an interest rate greater than 18 percent per annum.<sup>3</sup> As of November 2017, 174 consumer finance loan companies are licensed at 361 locations in Florida.<sup>4</sup> The Act does not apply to banks, trust companies, building and loan associations, credit unions, or industrial loan and investment companies.<sup>5</sup> Nor does the Act apply to pawn or title loans.<sup>6</sup> A common example of a consumer loan company is an automobile finance company; however, it is not a payday loan, title loan, or retail installment loan company.<sup>7</sup>

### **Regulatory Restrictions on Consumer Finance Loans**

A consumer finance loan may be secured or unsecured, but the Act prohibits lenders from taking a security interest in certain types of collateral.<sup>8</sup>

Consumer finance loans have a tiered interest rate structure such that the maximum interest rate allowed on each tier decreases as principle amounts increase:

- 30 percent per annum computed on the first \$3,000;
- 24 percent per annum on principal above \$3,000 and up to \$4,000; and
- 18 percent per annum on principal above \$4,000 and up to \$25,000.<sup>9</sup>

This interest rate structure defines “original principal” as the “amount financed” as defined in the federal Truth in Lending Act (TILA)<sup>10</sup> and its implementing rule, “Regulation Z.”<sup>11</sup> Therefore, Florida law bases its maximum interest rates for consumer finance loans on the loan principal, minus any prepaid finance charges and any other required deposit balance.<sup>12</sup> Additionally, the interest rate must be computed based on simple interest.<sup>13</sup> If two or more interest rates are applied to a loan’s principal,<sup>14</sup> a lender may charge interest at a single annual percentage rate (APR) which would produce a total amount of interest that does not exceed the tiered interest

<sup>3</sup> Section 516.01(2), F.S.

<sup>4</sup> Email from OFR staff (Nov. 29, 2017) (on file with the Senate Committee on Banking and Insurance).

<sup>5</sup> Section 516.02(4), F.S.

<sup>6</sup> Office of Financial Regulation, *Welcome to the Division of Consumer Finance*, <https://www.flofr.com/StaticPages/DivisionOfConsumerFinance.htm> (last visited Jan. 12, 2018).

<sup>7</sup> Susan Ladika, *How Finance Companies Differ from Credit Cards, Banks* (May 29, 2015), available at <http://www.nasdaq.com/article/how-finance-companies-differ-from-credit-cards-banks-cm481759> (last visited Jan. 12, 2018).

<sup>8</sup> See s. 516.031(1), F.S. (prohibition on taking a security interest in land for a loan less than \$1,000); s. 516.17, F.S. (prohibition on assignment of, or order for payment of, wages given to secure a loan).

<sup>9</sup> Section 516.031(1), F.S. 30% is the maximum interest rate percentage per annum allowed under the Act.

<sup>10</sup> Codified at 15 U.S.C. § 1601 *et seq.*

<sup>11</sup> Currently, the statute references Truth in Lending Act’s (TILA) implementing regulations as “Regulation Z of the Board of Governors of the Federal Reserve System.” Section 516.031(1), F.S. However, the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, H.R. 4173, 124 Stat. 1376-2223, 111th Cong. (July 21, 2010), commonly referred to as the “Dodd-Frank Act”, transferred rulemaking authority for TILA to the Bureau of Consumer Financial Protection, effective July 21, 2011. See also Truth in Lending (Regulation Z), 76 CFR § 79768 (Dec. 22, 2011).

<sup>12</sup> “Amount financed” is the amount of the loan principal, less prepaid finance charges and any required deposit balance. 12 CFR §1026.18(b).

<sup>13</sup> Section 516.031(1), F.S.

<sup>14</sup> For example, on a principle amount of \$3,500, an interest rate of 30 percent per annum may be applied to \$3,000 of the principle amount, and an interest rate of 24 percent per annum may be applied to the remaining \$500 of the principal amount.

rate structure above.<sup>15</sup> The APR charged by a lender may not exceed the APR that must be computed and disclosed according to TILA and its implementing regulations.<sup>16</sup>

If consideration for a new loan contract includes the unpaid principal balance of a prior loan with the licensee, then the principal amount of the new loan contract may not include more than 60 days' unpaid interest accrued on the prior loan.<sup>17</sup>

The Act prohibits lenders from directly or indirectly charging borrowers additional fees as a condition of a loan's approval, except for the following permissible fees:

- Up to \$25 for investigating a borrower's credit and character;
- A \$25 annual fee on the anniversary date of each line-of-credit account;
- Brokerage fees for certain loans, title insurance, and appraisals of real property offered as security;
- Intangible personal property tax on the loan note or obligation if secured by a lien on real property;
- Documentary excise tax and lawful fees for filing, recording, or releasing an instrument securing the loan;
- The premium for any insurance in lieu of perfecting a security interest otherwise required by the licensee in connection with the loan;
- Actual and reasonable attorney fees and court costs;
- Actual and commercially reasonable expenses for repossession, storing, repairing and placing in condition for sale, and selling of any property pledged as security;
- A delinquency charge of up to \$15 for each payment in default for at least 10 days, if agreed upon in writing before the charge is imposed; and
- A bad check charge of up to \$20.<sup>18</sup>

A licensee may not divide a loan or allow a borrower to take on more than one loan from its business for the purpose of obtaining a greater finance charge than would otherwise be legal.<sup>19</sup>

A licensee may provide optional credit property, credit life, and disability insurance to the borrower, at his or her expense, via a deduction from the principal amount of the loan.<sup>20</sup>

A borrower must repay his or her consumer finance loan in monthly installments that are as nearly equal as mathematically practicable.<sup>21</sup>

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

The bill permits consumer finance loans made pursuant to ch. 516, F.S., to be repaid in installments due every 2 weeks, semimonthly, or monthly, rather than only monthly under current law. The bill requires that such a loan be repaid in periodic installments and allows the

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<sup>15</sup> Section 516.031(1), F.S.

<sup>16</sup> Section 516.031(2), F.S.

<sup>17</sup> Section 516.031(5), F.S.

<sup>18</sup> Section 516.031(3), F.S.

<sup>19</sup> Section 516.031(4), F.S.

<sup>20</sup> Section 516.35(2), F.S.

<sup>21</sup> Section 516.36, F.S. This section does not apply to lines of credit.

final payment may be less than the amount of the prior installments. Lastly, the bill establishes the maximum delinquency charge for each payment in default at least 10 days:

- \$15 per default if one payment is due in a month.
- \$7.50 per default if two payments are due in a month.
- \$5.00 per default if three payments are due in a month.

#### **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:

Although the impact on the private sector is indeterminate, the bill may have a positive effect on the default rate of loans made pursuant to the Act. A member of the industry that operates in multiple states, but not Florida, conducted a study to determine the effect of a monthly repayment schedule compared to a biweekly or semimonthly repayment schedule.<sup>22</sup> In the study, return customers with a low-risk profile and high ability to repay were offered a single monthly payment option instead of a payment schedule every 2 weeks.<sup>23</sup> Customers on a monthly payment schedule had a default rate 25 percent higher than customers on biweekly and semimonthly payment schedules.<sup>24</sup>

If fewer defaults occur among borrowers who are placed on a payment schedule every 2 weeks or semimonthly, then the impact of the bill will be financially positive for both consumers and lenders.

C. Government Sector Impact:

None.

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<sup>22</sup> Email from representative of Oportun, (Nov. 17, 2017) (on file with the Senate Committee on Banking and Insurance).

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

<sup>24</sup> *Id.*

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 516.031 and 516.36 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 Banking and Insurance on December 5, 2017:**

The CS:

- Removed the term “approximately equal” and clarified loans are to be repaid in periodic installments; and
- Established the maximum delinquency charge for each payment in default at least 10 days depending on the number of scheduled payments in a month:
  - \$15 per default if one payment is due in a month;
  - \$7.50 per default if two payments are due in a month;
  - \$5.00 per default if three payments are due in a month.

**B. Amendments:**

None.



By the Committee on Banking and Insurance; and Senators Garcia and Taddeo

597-01804-18

2018386c1

1 A bill to be entitled  
 2 An act relating to consumer finance; amending s.  
 3 516.031, F.S.; revising a provision relating to the  
 4 maximum delinquency charge that may be charged for  
 5 consumer finance loans; amending s. 516.36, F.S.;  
 6 revising a requirement relating to installment  
 7 repayments for consumer finance loans; providing an  
 8 effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Paragraph (a) of subsection (3) of section  
 13 516.031, Florida Statutes, is amended to read:  
 14 516.031 Finance charge; maximum rates.—  
 15 (3) OTHER CHARGES.—  
 16 (a) In addition to the interest, delinquency, and insurance  
 17 charges provided in this section, further or other charges or  
 18 amount for any examination, service, commission, or other thing  
 19 or otherwise may not be directly or indirectly charged,  
 20 contracted for, or received as a condition to the grant of a  
 21 loan, except:  
 22 1. An amount of up to \$25 to reimburse a portion of the  
 23 costs for investigating the character and credit of the person  
 24 applying for the loan;  
 25 2. An annual fee of \$25 on the anniversary date of each  
 26 line-of-credit account;  
 27 3. Charges paid for the brokerage fee on a loan or line of  
 28 credit of more than \$10,000, title insurance, and the appraisal  
 29 of real property offered as security if paid to a third party

Page 1 of 3

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

597-01804-18

2018386c1

30 and supported by an actual expenditure;  
 31 4. Intangible personal property tax on the loan note or  
 32 obligation if secured by a lien on real property;  
 33 5. The documentary excise tax and lawful fees, if any,  
 34 actually and necessarily paid out by the licensee to any public  
 35 officer for filing, recording, or releasing in any public office  
 36 any instrument securing the loan, which may be collected when  
 37 the loan is made or at any time thereafter;  
 38 6. The premium payable for any insurance in lieu of  
 39 perfecting any security interest otherwise required by the  
 40 licensee in connection with the loan if the premium does not  
 41 exceed the fees which would otherwise be payable, which may be  
 42 collected when the loan is made or at any time thereafter;  
 43 7. Actual and reasonable attorney fees and court costs as  
 44 determined by the court in which suit is filed;  
 45 8. Actual and commercially reasonable expenses for  
 46 repossession, storing, repairing and placing in condition for  
 47 sale, and selling of any property pledged as security; or  
 48 9. A delinquency charge ~~of up to \$15~~ for each payment in  
 49 default for at least 10 days if the charge is agreed upon, in  
 50 writing, between the parties before imposing the charge.  
 51 Delinquency charges may be imposed as follows:  
 52 a. For payments due monthly, the delinquency charge for a  
 53 payment in default may not exceed \$15.  
 54 b. For payments due semimonthly, the delinquency charge for  
 55 a payment in default may not exceed \$7.50.  
 56 c. For payments due every 2 weeks, the delinquency charge  
 57 for a payment in default may not exceed \$7.50 if two payments  
 58 are due within the same calendar month, and may not exceed \$5 if

Page 2 of 3

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

597-01804-18

2018386c1

59 three payments are due within the same calendar month.

60  
61 Any charges, including interest, in excess of the combined total  
62 of all charges authorized and permitted by this chapter  
63 constitute a violation of chapter 687 governing interest and  
64 usury, and the penalties of that chapter apply. In the event of  
65 a bona fide error, the licensee shall refund or credit the  
66 borrower with the amount of the overcharge immediately but  
67 within 20 days after the discovery of such error.

68 Section 2. Section 516.36, Florida Statutes, is amended to  
69 read:

70 516.36 ~~Monthly~~ Installment requirement.—Every loan made  
71 pursuant to this chapter must ~~shall~~ be repaid in periodic  
72 ~~monthly~~ installments as nearly equal as mathematically  
73 practicable, except that the final payment may be less than the  
74 amount of the prior installments. Installments may be due every  
75 2 weeks, semimonthly, or monthly. This section does ~~shall~~ not  
76 apply to lines of credit.

77 Section 3. This act shall take effect July 1, 2018.



**The Florida Senate**  
State Senator René García  
36<sup>th</sup> District

Please reply to:

☐ District Office:

1490 West 68 Street  
Suite # 201  
Hialeah, FL. 33014  
Phone# (305) 364-3100

December 7, 2017

The Honorable Bill Montford  
Chair, Commerce and Tourism  
310 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Montford,

Please have this letter serve as my formal request to have **SB 386: Consumer finance** be heard during the next scheduled Commerce and Tourism Committee Meeting. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "René García".

State Senator René García  
District 36

CC: Todd McKay  
Gabriela Denton

**Committees:** Children, Families, and Elder Affairs, Chair, Appropriations Subcommittee on Finance and Tax, Vice Chair, Appropriations Subcommittee on the Environment and Natural Resources, Appropriations Subcommittee on General Government, Banking and Insurance, Judiciary, Joint Administrative Procedures Committee.

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-16-18  
Meeting Date

386  
Bill Number (if applicable)

Topic Consumer Finance

Amendment Barcode (if applicable)

Name Barbara Deane

Job Title MS

Address 625 E. Brevard St

Phone 251-4280

Tall FL 32308  
City State Zip

Email barbadeane1@Yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Alliance for Retired Americans

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

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

1/16/18  
Meeting Date

386  
Bill Number (if applicable)

Topic Consumer Finance

Amendment Barcode (if applicable)

Name Alice Vickers

Job Title Attorney

Address 623 Beard St.

Phone 850 556 3121

Street

Tallahassee FL 32303

City

State

Zip

Email alicevickers@flacp.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Alliance for Consumer Protection

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**APPEARANCE RECORD**

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

1/16/18

Meeting Date

386

Bill Number (if applicable)

Topic Consumer Finance

Amendment Barcode (if applicable)

Name Arthur RosenbergJob Title AttorneyAddress 3000 Biscayne Blvd, #106Phone 407-801-4713

Street

MiamiFL33137

City

State

Zip

Email arthur@floridalegal.orgSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Florida Legal ServicesAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: SR 398

INTRODUCER: Senators Bracy and Campbell

SUBJECT: Taiwan

DATE: January 12, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Swift	McKay	CM	<b>Favorable</b>
2.			RC	

---

**I. Summary:**

SR 398 recognizes the commercial and cultural relationship between the United States and Taiwan. This resolution also marks the 39<sup>th</sup> anniversary of the Taiwan Relations Act on April 10, 2018.

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

**II. Present Situation:**

Taiwan is located roughly 100 miles off of the southeastern China coast. The capital of Taiwan is Taipei, which is located on the northern side of Taiwan Island.<sup>1</sup> The population of Taiwan is roughly 23.5 million. According to the 2010 census, Florida is one of the top ten states with the largest Taiwanese population.<sup>2</sup> The Taiwanese population in Florida grew considerably from 2,403 in 2000 to 4,218 in 2010.<sup>3</sup>

While the United States and Taiwan have a strong economic and cultural relationship, it is an unofficial relationship. Since the 1979 U.S. – PRC Joint Communique, the United States has recognized Beijing as the capital of China and no longer recognized Taipei. It is official U.S. policy that Taiwan is part of China, and not an independent state. The Joint Communique detailed that the United States would continue to have unofficial diplomatic relations with Taiwan.<sup>4</sup>

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<sup>1</sup> Britannica, *Taiwan*, <https://www.britannica.com/place/Taiwan#ref30004> (last visited January 12, 2018).

<sup>2</sup> Central Intelligence Agency, *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/tw.html> (last visited January 12, 2018).

<sup>3</sup> Asia Matters for America, *Taiwan Matters for America*, <http://asiamattersforamerica.org/taiwan/data/population> (last visited January 12, 2018).

<sup>4</sup> U.S. Department of State, *U.S. Relations with Taiwan*, <https://www.state.gov/r/pa/ei/bgn/35855.htm> (last visited January 10, 2018).

The United States is Taiwan's second largest trading partner. The U.S. maintains an economic relationship with Taiwan through the Taipei Economic and Cultural Representative Office (TECRO) and the American Institute in Taiwan (AIT).<sup>5</sup> Taiwan is Florida's seventh largest trading partner. The U.S. supports Taiwan's participation in international organizations that do not require statehood for membership.<sup>6</sup>

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

SR 398 recognizes the commercial and cultural relationship between the United States and Taiwan. This resolution also marks the 39th anniversary of the Taiwan Relations Act on April 10, 2018.

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

### **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.

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<sup>5</sup> U.S. Department of State, *U.S. Relations with Taiwan*, <https://www.state.gov/r/pa/ei/bgn/35855.htm> (last visited January 10, 2018).

<sup>6</sup> U.S. Department of State, *U.S. Relations with Taiwan*, <https://www.state.gov/r/pa/ei/bgn/35855.htm> (last visited January 10, 2018).



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

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

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By Senator Bracy

11-00650-18

2018398\_\_

Senate Resolution

A resolution recognizing the relationship between and shared interests of the people of Taiwan and the United States and supporting these interests, as well as future opportunities for international trade between the two nations.

WHEREAS, the people of Taiwan, officially known as the Republic of China, elected their first female president, Dr. Tsai Ing-wen, on January 16, 2016, by popular vote, and in June 2016 Florida welcomed her as she visited the state, further enhancing the bilateral relationship between the United States and Taiwan and strengthening the common value of democracy it shares with the United States, and

WHEREAS, Taiwan is one of the allies of the United States in East Asia, and the United States continues to provide defensive weaponry, including sales of naval vessels, equipment, and munitions to Taiwan, as well as delivery of 60 Sikorsky UH60M Black Hawk helicopters, and

WHEREAS, most of the post-sale training on these Black Hawk helicopters was conducted in Florida, which created jobs in this state and helped Taiwan maintain its defense capabilities, and

WHEREAS, these transactions are consistent with the security and economic interests of the United States in East and Southeast Asia, and

WHEREAS, Taiwan's meaningful participation in international organizations, including its bid for observer status in the International Criminal Police Organization, known as INTERPOL, is significant, as is its participation in the International

11-00650-18

2018398\_\_

Civil Aviation Organization, the World Health Organization, the Asia-Pacific Economic Cooperation, and the World Trade Organization, and

WHEREAS, as the world's 18th largest trading economy and the 11th freest economy, Taiwan is devoted to bringing its regulations into alignment with United Nations conventions, including the organization's Sustainable Development Goals, and has become a model of democratization for developing countries, and

WHEREAS, while the people of Taiwan have consistently supported meaningful participation and involvement in the United Nations in the pursuit of world peace, they have been treated unjustly for political reasons, and

WHEREAS, given Taiwan's support for the humanitarian principles and goals of the United Nations, the voices of the people of Taiwan deserve to be heard by the organization and the international community, in keeping with Taiwan's affirmation of faith in fundamental human rights, in the dignity and worth of each person, and in the equal rights of men and women in all nations, and

WHEREAS, Taiwan has been a member of the United States' Visa Waiver Program since November 1, 2012, reflecting the cooperation between the United States and Taiwan and making two-way travel for business and tourism more convenient, and

WHEREAS, with respect to Taiwan's contributions in the global marketplace in both traditional and innovative industries, support for continued bilateral dialogue under the Trade and Investment Framework Agreement, including efforts to explore the possibility for a future bilateral investment

11-00650-18 2018398\_\_  
59 agreement and a free trade agreement with the United States,  
60 will globalize Taiwan's economy and eliminate barriers to trade,  
61 thus solidifying Taiwan's status as a robust and trustworthy  
62 partner of the United States for trade and security in East  
63 Asia, and

64 WHEREAS, the State of Florida maintains and values its  
65 sister state relationship with Taiwan, which in 2016 was  
66 Florida's seventh largest export market in Asia, and

67 WHEREAS, in addition to the sister state relationship that  
68 exists between the State of Florida and Taiwan, sister city  
69 relationships are maintained between Miami-Dade County and New  
70 Taipei City, formerly Taipei County; Orlando and Tainan City;  
71 Fort Lauderdale, the City of Miami, and Pensacola, respectively,  
72 and Kaohsiung City; and between PortMiami and Port Kaohsiung,  
73 and

74 WHEREAS, April 10, 2018, marks the 39th anniversary of the  
75 enactment of the Taiwan Relations Act, which codified in law the  
76 basis for continued commercial and cultural relations between  
77 the United States and Taiwan, NOW, THEREFORE,

78  
79 Be It Resolved by the Senate of the State of Florida:

80  
81 That the Florida Senate recognizes the relationship between  
82 and shared interests of the people of Taiwan and the United  
83 States and supports these interests, as well as future  
84 opportunities for international trade between the two nations.

85 BE IT FURTHER RESOLVED that a copy of this resolution, with  
86 the Seal of the Senate affixed, be presented to the Taipei  
87 Economic and Cultural Office in Miami and the Executive Office

11-00650-18 2018398\_\_  
88 of the Governor as a tangible token of the sentiments of the  
89 Florida Senate.

**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 Commerce and Tourism

---

BILL: SB 1228

INTRODUCER: Senator Hukill

SUBJECT: Annual Business Organization Reports and Fees

DATE: January 12, 2018

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McKay	CM	<b>Favorable</b>
2. _____	_____	ATD	_____
3. _____	_____	AP	_____

---

## I. Summary:

SB 1228 permits business entities to file either an annual or a biennial report with the Florida Department of State. Currently, these entities must file an annual report and remit related fees each year. Additionally, the bill permits the Department of State to escrow revenues from biennial report filing fees in order to annualize its earnings from those payments.

## II. Present Situation:

The Florida Department of State (department) consists of six divisions: the Division of Elections; Division of Historical Resources; Division of Library and Information Services; Division of Cultural Affairs; Division of Administration; and Division of Corporations.<sup>1</sup>

The Division of Corporations (division) maintains a registry for recording and retrieving commercial information that business entities file or register with the department.<sup>2</sup> In total, the division maintains more than eight million records, including a variety of business entity filings such as annual reports, articles of incorporation or other forms of business entity organization, trade and service mark registrations, judgment lien filings, and fictitious name registrations.<sup>3</sup> The division determines whether submitted filings and forms meet the pertinent statutory requirements and then records and indexes those filings in its database of records.<sup>4</sup> In calendar year 2016, the division received and processed 2,407,422 business entity filings from

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

<sup>2</sup> See ss. 55.201 and 606.04, F.S. See also [www.sunbiz.org](http://www.sunbiz.org) (last visited Jan. 12, 2018) the division's official website that serves as the state's official business index.

<sup>3</sup> Florida Auditor General, *Operational Audit: Department of State, Division of Corporations, Museum of Florida History, and Selected Administrative Activities*, Report No. 2017-195, p. 2, (Mar. 2017), available at [https://flauditor.gov/pages/pdf\\_files/2017-195.pdf](https://flauditor.gov/pages/pdf_files/2017-195.pdf) (last visited Jan. 12, 2018). See also, Florida Department of State, *Long Range Program Plan FY 2018-19 through FY 2022-23*, pp. 13-14, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=17110&DocType=PDF> (last visited Jan. 12, 2018).

<sup>4</sup> *Id.* See also, e.g. ss., 605.0210(5), 607.0125(4), and 617.0125(4), F.S.

corporations, limited partnerships, limited liability companies, general partnerships, and limited liability partnerships.<sup>5</sup>

All business entities that are authorized to transact business in Florida must file an annual report with the department between January 1 and May 1 of each year.<sup>6</sup> Each entity must pay both an annual report filing fee,<sup>7</sup> and a supplemental corporate fee<sup>8</sup> as outlined below:

Type of Business Entity	Annual Report Filing Fee	Supplemental Corporate Fee
Limited Liability Company	\$50	\$88.75
Corporation	\$61.25	\$88.75
Limited Partnership	\$411.25	\$88.75
Limited Liability Partnership	\$25	n/a

In fiscal year 2016-2017, the department collected \$93 million in annual report fees; \$134 million in corporate supplemental fees; and \$52 million in late fees.<sup>9</sup> As of the 2017 filing deadline for annual reports, 1,731,839 business entities had successfully done so.<sup>10</sup>

Generally, a business entity's annual report must include the following information:<sup>11</sup>

- The entity's name, and the state or country in which it is incorporated;
- When it was incorporated, or admitted to do business in Florida;
- The principal office and mailing addresses of the entity;
- A federal employer identification number (FEIN), or if the entity does not have one, a statement of whether or not an FEIN has been requested;
- The names and addresses of the entity's manager, director, or principal officer;
- If applicable, the name of the entity's registered agent, and the street address of the registered office at which the agent is located; and
- Any additional information the Department may deem necessary.

A business entity's failure to file an annual report by May 1 results in a \$400 late filing fee, in addition to the underlying report and supplemental corporate fees.<sup>12</sup> Alternately, if a business entity fails to file an annual report by the close of business on the third Friday in September, the department may institute proceedings to administratively dissolve the entity, or revoke its authority to transact business in the state.<sup>13</sup> In calendar year 2017, the Department

<sup>5</sup> Florida Department of State, *Long Range Program Plan FY 2018-19 through FY 2022-23*, pp. 13-14, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=17110&DocType=PDF> (last visited Jan. 12, 2018).

<sup>6</sup> See, e.g., ss. 605.0212, 607.1622, 620.1210, F.S.; Florida Department of State, *File Annual Report*, available at: <http://dos.myflorida.com/sunbiz/manage-business/efile/annual-report/> (last visited Jan. 12, 2018).

<sup>7</sup> See, e.g., ss. 605.0213, 607.0122(17), 617.0122, 620.1109, 620.81055, F.S.

<sup>8</sup> See, e.g., ss. 607.0122(23), 607.193, 620.1109, F.S.

<sup>9</sup> Email from Florida Department of State staff to Commerce and Tourism Committee staff (Jan. 11, 2018)(on file with the Senate Committee on Commerce and Tourism).

<sup>10</sup> *Id.*

<sup>11</sup> See, e.g., ss. 605.0212, 607.1622, 617.1622, 620.1210, 620.9003 F.S.

<sup>12</sup> Section 607.193(2)(b), F.S.

<sup>13</sup> Sections 607.1420-.1421; 607.1530-.1531; 607.1622(8) F.S.

administratively dissolved 261,482 business entities out of a total of 2,067,750 active businesses registered with the Department.<sup>14</sup>

### III. Effect of Proposed Changes:

The bill makes changes throughout Title XXXVI of the Florida Statutes, Business Organizations,<sup>15</sup> to allow business entities that currently file annual reports with the department to file biennial reports instead. The bill makes conforming changes, including:

- Updating statutory fee schedules to reflect a biennial report filing fee (that is double the annual fee) for each business entity;
- Adding a biennial supplemental corporate filing fee of \$177.50;
- Clarifying the filing deadlines for biennial reports, specifically requiring all business entities to file their first annual or biennial report within 1 year of the entity's creation, e.g., incorporation; and
- Specifying that any additional report filed during the biennial period is an amended report for purposes of filing by the Department.

Additionally, the bill allows the department to escrow<sup>16</sup> revenues from biennial filing fees and biennial supplemental corporate fees in an escrow account in order to reflect revenues collected on an annual basis.

The bill provides an effective date of July 1, 2018.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

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<sup>14</sup> Email from Florida Department of State staff to Commerce and Tourism Committee staff (Jan. 11, 2018)(on file with the Senate Committee on Commerce and Tourism); Florida Department of State, *Yearly Statistics*, (Oct. 26, 2017) <http://dos.myflorida.com/sunbiz/about-us/yearly-statistics/> (last visited Jan. 12, 2018).

<sup>15</sup> For purposes of this bill, the business organizations eligible for the biennial reporting include those created in: ch. 605, F.S., the Revised Limited Liability Company Act; ch. 607, F.S., the Business Corporation Act; ch. 617, F.S., the Florida Not For Profit Corporation Act; Part I of ch. 620, F.S., the Revised Uniform Limited Partnership Act of 2005; Part II of ch. 620, F.S., the Revised Uniform Partnership Act; and ch. 621, F.S., the Professional Service Corporation and Limited Liability Company Act.

<sup>16</sup> "Escrow" is defined as property delivered by a promisor to a third party to be held by the third party for a given amount of time or until the occurrence of a condition, at which time the third party is to hand over the property to the promisee. BLACK'S LAW DICTIONARY (10<sup>th</sup> ed. 2014).

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

None.

**B. Private Sector Impact:**

Private businesses that use the biennial filing option may miss fewer filing deadlines, and therefore see a reduction in late fees.

**C. Government Sector Impact:**

The department may see a reduction in late filing fee collections, which it approximates total \$52 million per year.<sup>17</sup>

The department may be required to amend certain forms to reflect a business entity's ability to file its report annually or biennially. Overall, however, biennial reporting may result in a reduction of workload for the department's employees.

The Florida Department of Law Enforcement (FDLE) opines that biennial reporting may negatively affect its economic crimes investigations.<sup>18</sup> The FDLE mines data, such as an IP address and banking information, from annual reporting that it uses to link an individual bad actor to the business name under which he or she operates. The FDLE states that it may be less effective in these investigations with a reduction in filing as a result of biennial reporting.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Biennial reporting may potentially result in a greater lag in time between when a business entity ceases to be an active and the department's administrative dissolution of the entity for inactivity or noncompliance.

All moneys received by the state, unless provided otherwise by law, must be deposited into one of three types of funds: the General Revenue Fund; Trust funds; or the Budget Stabilization Fund.<sup>19</sup> It is unclear whether the proposed "escrow" in this bill is consistent with requirements for funds received by the state.

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<sup>17</sup> Email from Florida Department of State staff to Commerce and Tourism Committee staff (Jan. 11, 2018)(on file with the Senate Committee on Commerce and Tourism).

<sup>18</sup> Florida Department of Law Enforcement, *SB 1228 Agency Analysis*, p. 1 (Dec. 13, 2017) (on file with the Committee on Commerce and Tourism).

<sup>19</sup> Section 215.32, F.S.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 605.0212, 605.0213, 607.0122, 607.1622, 607.193, 617.0122, 617.1622, 620.1109, 620.1210, 620.81055, 620.9003, 605.0114, 605.0118, 605.0211, 605.0714, 605.0715, 605.0908, 605.0909, 606.06, 607.0121, 607.0128, 607.01401, 607.0141, 607.0502, 607.0705, 607.1420, 607.1421, 607.1509, 607.15101, 607.1530, 607.1531, 607.15315, 607.1601, 617.0121, 617.0128, 617.0502, 617.1420, 617.1421, 617.1509, 617.1510, 617.1530, 617.1531, 617.1533, 617.1601, 620.1111, 620.1115, 620.1209, 620.1809, 620.1810, 620.1906, 620.1909, 622.05.

**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

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1 A bill to be entitled  
 2 An act relating to annual business organization  
 3 reports and fees; amending s. 605.0212, F.S.;  
 4 authorizing domestic and registered foreign limited  
 5 liability companies to submit biennial reports to the  
 6 Department of State; amending s. 605.0213, F.S.;  
 7 establishing a biennial report filing fee for limited  
 8 liability companies; authorizing the department to  
 9 escrow an amount necessary to annualize revenues  
 10 collected from biennial report filing fees and  
 11 biennial supplemental corporate fees; amending s.  
 12 607.0122, F.S.; establishing a biennial report filing  
 13 fee for domestic and foreign corporations; authorizing  
 14 the department to escrow an amount necessary to  
 15 annualize revenues collected from biennial report  
 16 filing fees and biennial supplemental corporate fees;  
 17 amending s. 607.1622, F.S.; authorizing domestic and  
 18 foreign corporations to submit biennial reports to the  
 19 department; amending s. 607.193, F.S.; establishing a  
 20 biennial supplemental corporate fee for limited  
 21 liability companies, domestic and foreign  
 22 corporations, and domestic and foreign limited  
 23 partnerships; amending s. 617.0122, F.S.; establishing  
 24 a biennial report filing fee for domestic and foreign  
 25 corporations not for profit; authorizing the  
 26 department to escrow an amount necessary to annualize  
 27 revenues collected from biennial report filing fees;  
 28 amending s. 617.1622, F.S.; authorizing domestic and  
 29 foreign corporations not for profit to submit biennial

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

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30 reports to the department; amending s. 620.1109, F.S.;  
 31 establishing a biennial report filing fee for domestic  
 32 and foreign limited partnerships; authorizing the  
 33 department to escrow an amount necessary to annualize  
 34 revenues collected from biennial report filing fees  
 35 and biennial supplemental corporate fees; amending s.  
 36 620.1210, F.S.; authorizing domestic and foreign  
 37 limited partnerships to submit biennial reports to the  
 38 department; amending s. 620.81055, F.S.; establishing  
 39 a biennial report filing fee for domestic and foreign  
 40 limited liability partnerships; authorizing the  
 41 department to escrow an amount necessary to annualize  
 42 revenues collected from biennial report filing fees;  
 43 amending s. 620.9003, F.S.; authorizing domestic and  
 44 foreign limited liability partnerships to submit  
 45 biennial reports to the department; amending ss.  
 46 605.0114, 605.0118, 605.0211, 605.0714, 605.0715,  
 47 605.0908, 605.0909, 606.06, 607.0121, 607.0128,  
 48 607.01401, 607.0141, 607.0502, 607.0705, 607.1420,  
 49 607.1421, 607.1509, 607.15101, 607.1530, 607.1531,  
 50 607.15315, 607.1601, 617.0121, 617.0128, 617.0502,  
 51 617.1420, 617.1421, 617.1509, 617.1510, 617.1530,  
 52 617.1531, 617.1533, 617.1601, 620.1111, 620.1115,  
 53 620.1209, 620.1809, 620.1810, 620.1906, 620.1909, and  
 54 622.05, F.S.; conforming provisions to changes made by  
 55 the act; providing an effective date.

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

58

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

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Section 1. Section 605.0212, Florida Statutes, is amended to read:

605.0212 Annual or biennial report for department.—

(1) A limited liability company or a registered foreign limited liability company shall deliver to the department for filing an annual or biennial report that states the following:

(a) The name of the limited liability company or, if a foreign limited liability company, the name under which the foreign limited liability company is registered to transact business in this state.

(b) The street address of its principal office and its mailing address.

(c) The date of its organization and, if a foreign limited liability company, the jurisdiction of its formation and the date on which it became qualified to transact business in this state.

(d) The company's federal employer identification number or, if none, whether one has been applied for.

(e) The name, title or capacity, and address of at least one person who has the authority to manage the company.

(f) Any additional information that is necessary or appropriate to enable the department to carry out this chapter.

(2) Information in the annual or biennial report must be current as of the date the report is delivered to the department for filing.

(3) The first ~~annual~~ report must be delivered to the department between January 1 and May 1 of the year following the calendar year in which the limited liability company's articles of organization became effective or the foreign limited

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liability company obtained a certificate of authority to transact business in this state. Subsequent annual or biennial reports must be delivered to the department between January 1 and May 1 of the subsequent calendar years in which the reports are due ~~each calendar year thereafter~~. If one or more forms of annual report are submitted for a calendar year, or if one or more forms of biennial report are submitted for a biennial period, the department shall file each of them and make the information contained in them part of the official record. The first form of annual report filed in a calendar year shall be considered the annual report for that calendar year, and each report filed after that one in the same calendar year shall be treated as an amended report for that calendar year. The first form of biennial report filed in a biennial period shall be considered the biennial report for that biennial period, and each report filed after that one in the same biennial period shall be treated as an amended report for that biennial period.

(4) If an annual or biennial report does not contain the information required in this section, the department shall promptly notify the reporting limited liability company or registered foreign limited liability company. If the report is corrected to contain the information required in subsection (1) and delivered to the department within 30 days after the effective date of the notice, it is timely delivered.

(5) If an annual or biennial report contains the name or address of a registered agent which differs from the information shown in the records of the department immediately before the annual or biennial report becomes effective, the differing information in the annual or biennial report is considered a

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117 statement of change under s. 605.0114.

118 (6) A limited liability company or foreign limited

119 liability company that fails to file an annual or biennial

120 report that complies with the requirements of this section may

121 not maintain or defend any action in a court of this state until

122 the report is filed and all fees and penalties due under this

123 chapter are paid, and shall be subject to dissolution or

124 cancellation of its certificate of authority to transact

125 business as provided in this chapter.

126 (7) The department shall prescribe the forms, which may be

127 in an electronic format, on which to make the annual or biennial

128 report called for in this section and may substitute the uniform

129 business report pursuant to s. 606.06 as a means of satisfying

130 the requirement of this chapter.

131 (8) As a condition of a merger under s. 605.1021, each

132 party to a merger which exists under the laws of this state, and

133 each party to the merger which exists under the laws of another

134 jurisdiction and has a certificate of authority to transact

135 business or conduct its affairs in this state, must be active

136 and current in filing its annual or biennial reports in the

137 records of the department through December 31 of the calendar

138 year in which the articles of merger are submitted to the

139 department for filing.

140 (9) As a condition of a conversion of an entity to a

141 limited liability company under s. 605.1041, the entity, if it

142 exists under the laws of this state, or if it exists under the

143 laws of another jurisdiction and has a certificate of authority

144 to transact business or conduct its affairs in this state, must

145 be active and current in filing its annual or biennial reports

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146 in the records of the department through December 31 of the

147 calendar year in which the articles of conversion are submitted

148 to the department for filing.

149 (10) As a condition of a conversion of a limited liability

150 company to another type of entity under s. 605.1041, the limited

151 liability company converting to the other type of entity must be

152 active and current in filing its annual or biennial reports in

153 the records of the department through December 31 of the

154 calendar year in which the articles of conversion are submitted

155 to the department for filing.

156 (11) As a condition of an interest exchange between a

157 limited liability company and another entity under s. 605.1031,

158 the limited liability company and each other entity that is a

159 party to the interest exchange which exists under the laws of

160 this state, and each party to the interest exchange which exists

161 under the laws of another jurisdiction and has a certificate of

162 authority to transact business or conduct its affairs in this

163 state, must be active and current in filing its annual or

164 biennial reports in the records of the department through

165 December 31 of the calendar year in which the articles of

166 interest exchange are submitted to the department for filing.

167 Section 2. Section 605.0213, Florida Statutes, is amended

168 to read:

169 605.0213 Fees of the department.—

170 (1) In addition to the annual supplemental corporate fee of

171 \$88.75 or the biennial supplemental corporate fee of \$177.50

172 imposed pursuant to s. 607.193, the fees of the department under

173 this chapter are as follows:

174 (a) (1) For furnishing a certified copy, \$30.

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175 (b)(2) For filing original articles of organization or  
 176 articles of revocation of dissolution, \$100.  
 177 (c)(3) For filing a foreign limited liability company's  
 178 application for a certificate of authority to transact business,  
 179 \$100.  
 180 (d)(4) For filing a certificate of merger of limited  
 181 liability companies or other business entities, \$25 per  
 182 constituent party to the merger, unless a specific fee is  
 183 required for a party under other applicable law.  
 184 (e)(5) For filing an annual report, \$50.  
 185 (f) For filing a biennial report, \$100.  
 186 (g)(6) For filing an application for reinstatement after an  
 187 administrative or judicial dissolution or a revocation of  
 188 authority to transact business, \$100.  
 189 (h)(7) For filing a certificate designating a registered  
 190 agent or changing a registered agent, \$25.  
 191 (i)(8) For filing a registered agent's statement of  
 192 resignation from an active limited liability company, \$85.  
 193 (j)(9) For filing a registered agent's statement of  
 194 resignation from a dissolved limited liability company, \$25.  
 195 (k)(10) For filing a certificate of conversion of a limited  
 196 liability company, \$25.  
 197 (l)(11) For filing any other limited liability company  
 198 document, \$25.  
 199 (m)(12) For furnishing a certificate of status, \$5.  
 200 (2) The department may escrow an amount necessary to  
 201 annualize revenues collected from biennial report filing fees  
 202 and biennial supplemental corporate fees until October 1 of the  
 203 following fiscal year and then account for that amount as

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204 revenue for that fiscal year.  
 205 Section 3. Section 607.0122, Florida Statutes, is amended  
 206 to read:  
 207 607.0122 Fees for filing documents and issuing  
 208 certificates.—  
 209 (1) The Department of State shall collect the following  
 210 fees when the documents described in this section are delivered  
 211 to the department for filing:  
 212 (a)(1) Articles of incorporation: \$35.  
 213 (b)(2) Application for registered name: \$87.50.  
 214 (c)(3) Application for renewal of registered name: \$87.50.  
 215 (d)(4) Corporation's statement of change of registered  
 216 agent or registered office or both if not included on the annual  
 217 or biennial report: \$35.  
 218 (e)(5) Designation of and acceptance by registered agent:  
 219 \$35.  
 220 (f)(6) Agent's statement of resignation from active  
 221 corporation: \$87.50.  
 222 (g)(7) Agent's statement of resignation from an inactive  
 223 corporation: \$35.  
 224 (h)(8) Amendment of articles of incorporation: \$35.  
 225 (i)(9) Restatement of articles of incorporation with  
 226 amendment of articles: \$35.  
 227 (j)(10) Articles of merger or share exchange for each party  
 228 thereto: \$35.  
 229 (k)(11) Articles of dissolution: \$35.  
 230 (l)(12) Articles of revocation of dissolution: \$35.  
 231 (m)(13) Application for reinstatement following  
 232 administrative dissolution: \$600.

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233 (n)~~(14)~~ Application for certificate of authority to  
 234 transact business in this state by a foreign corporation: \$35.  
 235 (o)~~(15)~~ Application for amended certificate of authority:  
 236 \$35.  
 237 (p)~~(16)~~ Application for certificate of withdrawal by a  
 238 foreign corporation: \$35.  
 239 (q)~~(17)~~ Annual report: \$61.25.  
 240 (r) Biennial report: \$122.50.  
 241 (s)~~(18)~~ Articles of correction: \$35.  
 242 (t)~~(19)~~ Application for certificate of status: \$8.75.  
 243 (u)~~(20)~~ Certificate of domestication of a foreign  
 244 corporation: \$50.  
 245 (v)~~(21)~~ Certified copy of document: \$52.50.  
 246 (w)~~(22)~~ Serving as agent for substitute service of process:  
 247 \$87.50.  
 248 (x)~~(23)~~ Annual supplemental corporate fee: \$88.75.  
 249 (y) Biennial supplemental corporate fee: \$177.50.  
 250 (z)~~(24)~~ Any other document required or permitted to be  
 251 filed by this act: \$35.  
 252 (2) The Department of State may escrow an amount necessary  
 253 to annualize revenues collected from biennial report filing fees  
 254 and biennial supplemental corporate fees until October 1 of the  
 255 following fiscal year and then account for that amount as  
 256 revenue for that fiscal year.  
 257 Section 4. Section 607.1622, Florida Statutes, is amended  
 258 to read:  
 259 607.1622 Annual or biennial report for Department of  
 260 State.—  
 261 (1) Each domestic corporation and each foreign corporation

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262 authorized to transact business in this state shall deliver to  
 263 the Department of State for filing a sworn annual or biennial  
 264 report on such forms as the Department of State prescribes that  
 265 sets forth:  
 266 (a) The name of the corporation and the state or country  
 267 under the law of which it is incorporated;  
 268 (b) The date of incorporation or, if a foreign corporation,  
 269 the date on which it was admitted to do business in this state;  
 270 (c) The address of its principal office and the mailing  
 271 address of the corporation;  
 272 (d) The corporation's federal employer identification  
 273 number, if any, or, if none, whether one has been applied for;  
 274 (e) The names and business street addresses of its  
 275 directors and principal officers;  
 276 (f) The street address of its registered office and the  
 277 name of its registered agent at that office in this state;  
 278 (g) Language permitting a voluntary contribution of \$5 per  
 279 taxpayer, which contribution must ~~shall~~ be transferred into the  
 280 Election Campaign Financing Trust Fund. A statement providing an  
 281 explanation of the purpose of the trust fund must ~~shall~~ also be  
 282 included; and  
 283 (h) Such additional information as may be necessary or  
 284 appropriate to enable the Department of State to carry out ~~the~~  
 285 ~~provisions of~~ this act.  
 286 (2) Proof to the satisfaction of the Department of State  
 287 that, on or before May 1 of the year the report was due, such  
 288 report was deposited in the United States mail in a sealed  
 289 envelope, properly addressed with postage prepaid, shall be  
 290 deemed compliance with this requirement.

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291 (3) If an annual or biennial report does not contain the  
 292 information required by this section, the Department of State  
 293 shall promptly notify the reporting domestic or foreign  
 294 corporation in writing and return the report to it for  
 295 correction. If the report is corrected to contain the  
 296 information required by this section and delivered to the  
 297 Department of State within 30 days after the effective date of  
 298 notice, it is deemed to be timely filed.

299 (4) Each report shall be executed by the corporation by an  
 300 officer or director or, if the corporation is in the hands of a  
 301 receiver or trustee, shall be executed on behalf of the  
 302 corporation by such receiver or trustee, and the signing thereof  
 303 shall have the same legal effect as if made under oath, without  
 304 the necessity of appending such oath thereto.

305 (5) The first ~~annual~~ report must be delivered to the  
 306 Department of State between January 1 and May 1 of the year  
 307 following the calendar year in which a domestic corporation was  
 308 incorporated or a foreign corporation was authorized to transact  
 309 business. Subsequent annual or biennial reports must be  
 310 delivered to the Department of State between January 1 and May 1  
 311 of the subsequent calendar years in which the reports are due.

312 (6) Information in the annual or biennial report must be  
 313 current as of the date the ~~annual~~ report is executed on behalf  
 314 of the corporation.

315 (7) If an additional updated report is received, the  
 316 department shall file the document and make the information  
 317 contained therein part of the official record.

318 (8) Any corporation failing to file an annual or biennial  
 319 report that ~~which~~ complies with ~~the requirements of~~ this section

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320 ~~may not shall not be permitted to~~ maintain or defend any action  
 321 in any court of this state until such report is filed and all  
 322 fees and taxes due under this act are paid and shall be subject  
 323 to dissolution or cancellation of its certificate of authority  
 324 to do business as provided in this act.

325 (9) The department shall prescribe the forms on which to  
 326 make the annual or biennial report called for in this section  
 327 and may substitute the uniform business report, pursuant to s.  
 328 606.06, as a means of satisfying the requirement of this part.

329 Section 5. Section 607.193, Florida Statutes, is amended to  
 330 read:

331 607.193 Supplemental corporate fee.—

332 (1) In addition to any other taxes imposed by law, an  
 333 annual supplemental corporate fee of \$88.75 or a biennial  
 334 supplemental corporate fee of \$177.50, as applicable, is imposed  
 335 on each business entity that is authorized to transact business  
 336 in this state and is required to file an annual or biennial  
 337 report with the Department of State under s. 605.0212, s.  
 338 607.1622, or s. 620.1210.

339 (2) (a) The business entity shall remit the supplemental  
 340 corporate fee to the Department of State at the time it files  
 341 the annual or biennial report required by s. 605.0212, s.  
 342 607.1622, or s. 620.1210.

343 (b) In addition to the fees levied under ss. 605.0213,  
 344 607.0122, and 620.1109 and the supplemental corporate fee, a  
 345 late charge of \$400 shall be imposed if the supplemental  
 346 corporate fee is remitted after May 1 of the year the fee is due  
 347 except in circumstances in which a business entity was  
 348 administratively dissolved or its certificate of authority was

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349 revoked due to its failure to file an annual or biennial report  
 350 and the entity subsequently applied for reinstatement and paid  
 351 the applicable reinstatement fee.

352 Section 6. Section 617.0122, Florida Statutes, is amended  
 353 to read:

354 617.0122 Fees for filing documents and issuing  
 355 certificates.—

356 (1) The Department of State shall collect the following  
 357 fees on documents delivered to the department for filing:

358 (a) ~~(1)~~ Articles of incorporation: \$35.  
 359 (b) ~~(2)~~ Application for registered name: \$87.50.  
 360 (c) ~~(3)~~ Application for renewal of registered name: \$87.50.  
 361 (d) ~~(4)~~ Corporation's statement of change of registered  
 362 agent or registered office or both if not included on the annual  
 363 or biennial report: \$35.

364 (e) ~~(5)~~ Designation of and acceptance by registered agent:  
 365 \$35.

366 (f) ~~(6)~~ Agent's statement of resignation from active  
 367 corporation: \$87.50.

368 (g) ~~(7)~~ Agent's statement of resignation from inactive  
 369 corporation: \$35.

370 (h) ~~(8)~~ Amendment of articles of incorporation: \$35.  
 371 (i) ~~(9)~~ Restatement of articles of incorporation with  
 372 amendment of articles: \$35.

373 (j) ~~(10)~~ Articles of merger for each party thereto: \$35.  
 374 (k) ~~(11)~~ Articles of dissolution: \$35.  
 375 (l) ~~(12)~~ Articles of revocation of dissolution: \$35.  
 376 (m) ~~(13)~~ Application for reinstatement following  
 377 administrative dissolution: \$175.

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378 (n) ~~(14)~~ Application for certificate of authority to  
 379 transact business in this state by a foreign corporation: \$35.  
 380 (o) ~~(15)~~ Application for amended certificate of authority:  
 381 \$35.

382 (p) ~~(16)~~ Application for certificate of withdrawal by a  
 383 foreign corporation: \$35.

384 (q) ~~(17)~~ Annual report: \$61.25.  
 385 (r) ~~(18)~~ Biennial report: \$122.50.

386 (s) ~~(19)~~ Articles of correction: \$35.  
 387 (t) ~~(20)~~ Application for certificate of status: \$8.75.  
 388 (u) ~~(21)~~ Certified copy of document: \$52.50.  
 389 (v) ~~(22)~~ Serving as agent for substitute service of process:  
 390 \$87.50.

391 (w) ~~(23)~~ Certificate of conversion of a limited agricultural  
 392 association to a domestic corporation: \$35.

393 (x) ~~(24)~~ Any other document required or permitted to be  
 394 filed by this chapter: \$35.

395

396 Any citizen support organization that is required by rule of the  
 397 Department of Environmental Protection to be formed as a  
 398 nonprofit organization and is under contract with the department  
 399 is exempt from any fees required for incorporation as a  
 400 nonprofit organization, and the Secretary of State may not  
 401 assess any such fees if the citizen support organization is  
 402 certified by the Department of Environmental Protection to the  
 403 Secretary of State as being under contract with the Department  
 404 of Environmental Protection.

405 (2) The Department of State may escrow an amount necessary  
 406 to annualize revenues collected from biennial report filing fees

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until October 1 of the following fiscal year and then account  
for that amount as revenue for that fiscal year.

Section 7. Section 617.1622, Florida Statutes, is amended  
to read:

617.1622 Annual or biennial report for Department of  
State.—

(1) Each domestic and each foreign corporation authorized  
to conduct its affairs in this state shall deliver to the  
Department of State for filing a sworn annual or biennial  
report, on such form as the Department of State prescribes, that  
sets forth:

(a) The name of the corporation and the state or country  
under the law of which it is incorporated;

(b) The date of incorporation or, if a foreign corporation,  
the date on which it was admitted to conduct its affairs in this  
state;

(c) The address of the principal office and the mailing  
address of the corporation;

(d) The corporation's federal employer identification  
number, if any, or, if none, whether one has been applied for;

(e) The names and business street addresses of its  
directors and principal officers;

(f) The street address of its registered office in this  
state and the name of its registered agent at that office; and

(g) Such additional information as may be necessary or  
appropriate to enable the Department of State to carry out the  
provisions of this act.

(2) The deposit of such report, on or before May 1 of the  
year the report is due, in the United States mail in a sealed

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envelope, properly addressed with postage prepaid, constitutes  
compliance with subsection (1).

(3) If an annual or biennial report does not contain the  
information required by subsection (1), the Department of State  
shall promptly notify the reporting domestic or foreign  
corporation in writing and return the report to it for  
correction. If the report is corrected to contain the  
information required by subsection (1) and delivered to the  
Department of State within 30 days after the effective date of  
notice, it is deemed to be timely filed.

(4) Each annual or biennial report must be executed by the  
corporation by an officer or director or, if the corporation is  
in the hands of a receiver or trustee, must be executed on  
behalf of the corporation by such receiver or trustee, and the  
signing of the annual or biennial report shall have the same  
legal effect as if made under oath, without the necessity of  
appending such oath thereto.

(5) The first ~~annual~~ report must be delivered to the  
Department of State between January 1 and May 1 of the year  
following the calendar year in which a domestic corporation was  
incorporated or a foreign corporation was authorized to conduct  
affairs. Subsequent annual or biennial reports must be delivered  
to the Department of State between January 1 and May 1 of the  
subsequent calendar years in which the reports are due.

(6) Information in the annual or biennial report must be  
current as of the date the ~~annual~~ report is executed on behalf  
of the corporation.

(7) If an additional report is received, the department  
shall file the document and make the information contained



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therein part of the official record.

(8) Any corporation that fails to file an annual or biennial report which complies with the requirements of this section may not maintain or defend any action in any court of this state until such report is filed and all fees and taxes due under this act are paid, and such corporation is subject to dissolution or cancellation of its certificate of authority to conduct its affairs as provided in this act.

(9) The department shall prescribe the forms on which to make the annual or biennial report called for in this section and may substitute the uniform business report, pursuant to s. 606.06, as a means of satisfying the requirement of this section.

Section 8. Section 620.1109, Florida Statutes, is amended to read:

620.1109 Department of State; fees.—

(1) In addition to the annual supplemental corporate fee of \$88.75 or the biennial supplemental corporate fee of \$177.50 imposed pursuant to s. 607.193, the fees of the Department of State under this act are as follows:

(a) ~~(1)~~ For furnishing a certified copy, \$52.50 for the first 15 pages plus \$1.00 for each additional page.

(b) ~~(2)~~ For filing an original certificate of limited partnership, \$965.

(c) ~~(3)~~ For filing an original application for registration as a foreign limited partnership, \$965.

(d) ~~(4)~~ For filing certificate of conversion, \$52.50.

(e) ~~(5)~~ For filing certificate of merger, \$52.50 for each party thereto.

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(f) ~~(6)~~ For filing a reinstatement, \$500 for each calendar year or part thereof the limited partnership was administratively dissolved or foreign limited partnership was revoked in the records of the Department of State.

(g) ~~(7)~~ For filing an annual report, \$411.25.

(h) For filing a biennial report, \$822.50.

(i) ~~(8)~~ For filing a certificate:

1. ~~(a)~~ Designating a registered agent, \$35;

2. ~~(b)~~ Changing a registered agent or registered office address, \$35;

3. ~~(c)~~ Resigning as a registered agent, \$87.50; or

4. ~~(d)~~ Of amendment or restatement of the certificate of limited partnership, \$52.50. ~~+~~

(j) ~~(9)~~ For filing a statement of termination, \$52.50.

(k) ~~(10)~~ For filing a notice of cancellation for foreign limited partnership, \$52.50.

(l) ~~(11)~~ For furnishing a certificate of status or authorization, \$8.75.

(m) ~~(12)~~ For filing a certificate of dissolution, \$52.50.

(n) ~~(13)~~ For filing a certificate of revocation of dissolution, \$52.50.

(o) ~~(14)~~ For filing any other domestic or foreign limited partnership document, \$52.50.

(2) The Department of State may escrow an amount necessary to annualize revenues collected from biennial report filing fees and biennial supplemental corporate fees until October 1 of the following fiscal year and then account for that amount as revenue for that fiscal year.

Section 9. Section 620.1210, Florida Statutes, is amended

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523 to read:

524 620.1210 Annual or biennial report for Department of

525 State.-

526 (1) A limited partnership or a foreign limited partnership

527 authorized to transact business in this state shall deliver to

528 the Department of State for filing an annual or biennial report

529 that states:

530 (a) The name of the limited partnership or, if a foreign

531 limited partnership, the name under which the foreign limited

532 partnership is registered to transact business in this state.

533 (b) The street and mailing address of the limited

534 partnership or foreign limited partnership, the name of its

535 registered agent in this state, and the street address of its

536 registered office in this state.

537 (c) The name and business address of each general partner.

538 Each general partner that is not an individual must be organized

539 or otherwise registered with the Department of State as required

540 by law, must maintain an active status, and must not be

541 dissolved, revoked, or withdrawn.

542 (d) Federal Employer Identification number.

543 (e) Any additional information that is necessary or

544 appropriate to enable the Department of State to carry out the

545 provisions of this act.

546 (2) Information in an annual or biennial report must be

547 current as of the date the ~~annual~~ report is delivered to the

548 Department of State for filing.

549 (3) The first ~~annual~~ report must be delivered to the

550 Department of State between January 1 and May 1 of the year

551 following the calendar year in which a limited partnership was

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552 formed or a foreign limited partnership was authorized to

553 transact business. Subsequent ~~An~~ annual or biennial reports

554 ~~report~~ must be delivered to the Department of State between

555 January 1 and May 1 of ~~the each~~ subsequent calendar years in

556 which the reports are due ~~year~~.

557 (4) If an annual or biennial report does not contain the

558 information required in subsection (1), the Department of State

559 shall promptly notify the reporting limited partnership or

560 foreign limited partnership and return the report to it for

561 correction. If the report is corrected to contain the

562 information required in subsection (1) and delivered to the

563 Department of State within 30 days after the effective date of

564 the notice, it is timely delivered.

565 (5) If a filed annual or biennial report contains the

566 address of a designated office, name of a registered agent, or

567 registered office address which differs from the information

568 shown in the records of the Department of State immediately

569 before the filing, the differing information in the ~~annual~~

570 report is considered a statement of change under s. 620.1115.

571 Section 10. Paragraphs (i) through (o) of subsection (1) of

572 section 620.81055, Florida Statutes, are redesignated as

573 paragraphs (j) through (p), respectively, a new paragraph (i) is

574 added to that subsection, and subsection (3) is added to that

575 section, to read:

576 620.81055 Fees for filing documents and issuing

577 certificates; powers of the Department of State.-

578 (1) The Department of State shall collect the following

579 fees when documents authorized by this act are delivered to the

580 Department of State for filing:

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581 (i) Limited liability partnership biennial report: \$50.  
 582 (3) The Department of State may escrow an amount necessary  
 583 to annualize revenues collected from biennial report filing fees  
 584 until October 1 of the following fiscal year and then account  
 585 for that amount as revenue for that fiscal year.  
 586 Section 11. Section 620.9003, Florida Statutes, is amended  
 587 to read:  
 588 620.9003 Annual or biennial report.—  
 589 (1) A limited liability partnership, and a foreign limited  
 590 liability partnership authorized to transact business in this  
 591 state, shall file an annual or biennial report in the office of  
 592 the Secretary of State which contains:  
 593 (a) The name of the limited liability partnership and the  
 594 state or other jurisdiction under whose laws the foreign limited  
 595 liability partnership is formed;  
 596 (b) The current street address of the partnership's chief  
 597 executive office and, if different, the current street address  
 598 of its principal office in this state, if there is one;  
 599 (c) The partnership's Federal Employer Identification  
 600 Number, if any, or, if none, whether one has been applied for;  
 601 and  
 602 (d) The name and street address of the partnership's  
 603 current agent for service of process, who must be an individual  
 604 resident of this state or other person authorized to do business  
 605 in this state.  
 606 (2) An annual or biennial report must be filed between  
 607 January 1 and May 1 of the each year following the calendar year  
 608 in which a partnership files a statement of qualification or a  
 609 foreign partnership becomes authorized to transact business in

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610 this state. Subsequent annual or biennial reports must be filed  
 611 between January 1 and May 1 of the subsequent calendar years in  
 612 which the reports are due.  
 613 (3) The Department of State may administratively revoke the  
 614 statement of qualification of a partnership that fails to file  
 615 its annual or biennial report and pay the required filing fee by  
 616 5 p.m. Eastern Time on the third Friday in September of the year  
 617 the report is due. The Department of State shall serve a 60-day  
 618 notice on the limited liability partnership of its intent to  
 619 revoke the statement of qualification. If the partnership has  
 620 provided the department with an e-mail ~~electronic mail~~ address,  
 621 such notice must ~~shall~~ be by electronic transmission. Revocation  
 622 for failure to file an annual or biennial report shall occur on  
 623 the fourth Friday in September of the each year the report is  
 624 due. The Department of State shall issue a certificate of  
 625 revocation of the statement of qualification to each revoked  
 626 partnership. Issuance of the certificate of revocation of the  
 627 statement of qualification may be by electronic transmission to  
 628 any partnership that has provided the department with an e-mail  
 629 ~~electronic mail~~ address.  
 630 (4) A revocation under subsection (3) affects only a  
 631 partnership's status as a limited liability partnership and is  
 632 not an event of dissolution of the partnership.  
 633 (5) A partnership whose statement of qualification has been  
 634 administratively revoked may apply to the Secretary of State for  
 635 reinstatement within 2 years after the effective date of the  
 636 revocation. The application must state:  
 637 (a) The name of the partnership and the effective date of  
 638 the revocation; and

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639 (b) That the ground for revocation either did not exist or  
640 has been corrected.

641 (6) A reinstatement under subsection (5) relates back to  
642 and takes effect as of the effective date of the revocation, and  
643 the partnership's status as a limited liability partnership  
644 continues as if the revocation had never occurred.

645 Section 12. Subsection (4) of section 605.0114, Florida  
646 Statutes, is amended to read:

647 605.0114 Change of registered agent or registered office.—

648 (4) The changes described in this section may also be made  
649 on the limited liability company's or foreign limited liability  
650 company's annual or biennial report, in an application for  
651 reinstatement filed with the department under s. 605.0715(1), in  
652 an amendment to or restatement of a company's articles of  
653 organization in accordance with s. 605.0202, or in an amendment  
654 to a foreign limited liability company's certificate of  
655 authority in accordance with s. 605.0907.

656 Section 13. Subsection (3) of section 605.0118, Florida  
657 Statutes, is amended to read:

658 605.0118 Delivery of record.—

659 (3) If a check is mailed to the department for payment of  
660 an annual or biennial report fee or the annual or biennial fee  
661 required under s. 607.193, the check shall be deemed to have  
662 been received by the department as of the postmark date  
663 appearing on the envelope or package transmitting the check if  
664 the envelope or package is received by the department.

665 Section 14. Paragraph (d) of subsection (1) and paragraph  
666 (d) of subsection (2) of section 605.0211, Florida Statutes, are  
667 amended to read:

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668 605.0211 Certificate of status.—

669 (1) The department, upon request and payment of the  
670 requisite fee, shall issue a certificate of status for a limited  
671 liability company if the records filed in the department show  
672 that the department has accepted and filed the company's  
673 articles of organization. A certificate of status must state the  
674 following:

675 (d) If the company's most recent annual or biennial report  
676 required under s. 605.0212 has not been filed by the department.

677 (2) The department, upon request and payment of the  
678 requisite fee, shall furnish a certificate of status for a  
679 foreign limited liability company if the records filed show that  
680 the department has filed a certificate of authority. A  
681 certificate of status for a foreign limited liability company  
682 must state the following:

683 (d) If the foreign limited liability company's most recent  
684 annual or biennial report required under s. 605.0212 has not  
685 been filed by the department.

686 Section 15. Subsections (1) and (2) of section 605.0714,  
687 Florida Statutes, are amended to read:

688 605.0714 Administrative dissolution.—

689 (1) The department may dissolve a limited liability company  
690 administratively if the company does not:

691 (a) Deliver its annual or biennial report to the department  
692 by 5:00 p.m. Eastern Time on the third Friday in September of  
693 the each year the report is due;

694 (b) Pay a fee or penalty due to the department under this  
695 chapter;

696 (c) Appoint and maintain a registered agent as required

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697 under s. 605.0113; or

698 (d) Deliver for filing a statement of a change under s.

699 605.0114 within 30 days after a change has occurred in the name

700 or address of the agent unless, within 30 days after the change

701 occurred:

702 1. The agent filed a statement of change under s. 605.0116;

703 or

704 2. The change was made in accordance with s. 605.0114(4).

705 (2) Administrative dissolution of a limited liability

706 company for failure to file an annual or biennial report must

707 occur on the fourth Friday in September of the each year the

708 report is due. The department shall issue a notice in a record

709 of administrative dissolution to the limited liability company

710 dissolved for failure to file an annual or biennial report.

711 Issuance of the notice may be by electronic transmission to a

712 limited liability company that has provided the department with

713 an e-mail address.

714 Section 16. Subsection (2) of section 605.0715, Florida

715 Statutes, is amended to read:

716 605.0715 Reinstatement.—

717 (2) In lieu of the requirement to file an application for

718 reinstatement as described in subsection (1), an

719 administratively dissolved limited liability company may submit

720 all fees and penalties owed by the company at the rates provided

721 by law at the time the company applies for reinstatement,

722 together with a current annual or biennial report, signed by

723 both the registered agent and an authorized representative of

724 the company, which contains the information described in

725 subsection (1).

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726 Section 17. Subsections (1) and (2) of section 605.0908,

727 Florida Statutes, are amended to read:

728 605.0908 Revocation of certificate of authority.—

729 (1) A certificate of authority of a foreign limited

730 liability company to transact business in this state may be

731 revoked by the department if:

732 (a) The foreign limited liability company does not deliver

733 its annual or biennial report to the department by 5 p.m.

734 Eastern Time on the third Friday in September of the each year

735 the report is due;

736 (b) The foreign limited liability company does not pay a

737 fee or penalty due to the department under this chapter;

738 (c) The foreign limited liability company does not appoint

739 and maintain a registered agent as required under s. 605.0113;

740 (d) The foreign limited liability company does not deliver

741 for filing a statement of a change under s. 605.0114 within 30

742 days after a change has occurred in the name or address of the

743 agent, unless, within 30 days after the change occurred, either:

744 1. The registered agent files a statement of change under

745 s. 605.0116; or

746 2. The change was made in accordance with s. 605.0114(4) or

747 s. 605.0907(1)(d);

748 (e) The foreign limited liability company has failed to

749 amend its certificate of authority to reflect a change in its

750 name on the records of the department or its jurisdiction of

751 formation;

752 (f) The department receives a duly authenticated

753 certificate from the official having custody of records in the

754 company's jurisdiction of formation stating that it has been

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755 dissolved or is no longer active on the official's records;  
 756 (g) The foreign limited liability company's period of  
 757 duration has expired;  
 758 (h) A member, manager, or agent of the foreign limited  
 759 liability company signs a document that the member, manager, or  
 760 agent knew was false in a material respect with the intent that  
 761 the document be delivered to the department for filing; or  
 762 (i) The foreign limited liability company has failed to  
 763 answer truthfully and fully, within the time prescribed in s.  
 764 605.1104, interrogatories propounded by the department.  
 765 (2) Revocation of a foreign limited liability company's  
 766 certificate of authority for failure to file an annual or  
 767 biennial report shall occur on the fourth Friday in September of  
 768 the each year the report is due. The department shall issue a  
 769 notice in a record of the revocation to the revoked foreign  
 770 limited liability company. Issuance of the notice may be by  
 771 electronic transmission to a foreign limited liability company  
 772 that has provided the department with an e-mail address.  
 773 Section 18. Subsection (2) of section 605.0909, Florida  
 774 Statutes, is amended to read:  
 775 605.0909 Reinstatement following revocation of certificate  
 776 of authority.—  
 777 (2) In lieu of the requirement to file an application for  
 778 reinstatement as described in subsection (1), a foreign limited  
 779 liability company whose certificate of authority has been  
 780 revoked may submit all fees and penalties owed by the company at  
 781 the rates provided by law at the time the company applies for  
 782 reinstatement, together with a current annual or biennial  
 783 report, signed by both the registered agent and an authorized

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784 representative of the company, which contains the information  
 785 described in subsection (1).  
 786 Section 19. Subsection (2) of section 606.06, Florida  
 787 Statutes, is amended to read:  
 788 606.06 Uniform business report.—The department may use the  
 789 uniform business report:  
 790 (2) As a substitute for any annual or biennial report or  
 791 renewal filing required by chapters 495, 605, 607, 609, 617,  
 792 620, 621, and 865.  
 793 Section 20. Paragraph (d) of subsection (1) of section  
 794 607.0121, Florida Statutes, is amended to read:  
 795 607.0121 Forms.—  
 796 (1) The Department of State may prescribe and furnish on  
 797 request forms for:  
 798 (d) The annual or biennial report, for which the department  
 799 may prescribe the use of the uniform business report, pursuant  
 800 to s. 606.06.  
 801  
 802 If the Department of State so requires, the use of these forms  
 803 shall be mandatory.  
 804 Section 21. Subsection (2) of section 607.0128, Florida  
 805 Statutes, is amended to read:  
 806 607.0128 Certificate of status.—  
 807 (2) A certificate of status or authorization sets forth:  
 808 (a) The domestic corporation's corporate name or the  
 809 foreign corporation's corporate name used in this state;  
 810 (b)1. That the domestic corporation is duly incorporated  
 811 under the law of this state and the date of its incorporation,  
 812 or

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813 2. That the foreign corporation is authorized to transact  
 814 business in this state;  
 815 (c) That all fees and penalties owed to the department have  
 816 been paid, if:  
 817 1. Payment is reflected in the records of the department,  
 818 and  
 819 2. Nonpayment affects the existence or authorization of the  
 820 domestic or foreign corporation;  
 821 (d) That its most recent annual or biennial report required  
 822 by s. 607.1622 has been delivered to the department; and  
 823 (e) That articles of dissolution have not been filed.  
 824 Section 22. Subsection (20) of section 607.01401, Florida  
 825 Statutes, is amended to read:  
 826 607.01401 Definitions.—As used in this act, unless the  
 827 context otherwise requires, the term:  
 828 (20) "Principal office" means the office (in or out of this  
 829 state) where the principal executive offices of a domestic or  
 830 foreign corporation are located as designated in the articles of  
 831 incorporation or other initial filing until an annual or  
 832 biennial report has been filed, and thereafter as designated in  
 833 the annual or biennial report.  
 834 Section 23. Subsection (4) of section 607.0141, Florida  
 835 Statutes, is amended to read:  
 836 607.0141 Notice.—  
 837 (4) Written notice to a domestic or foreign corporation  
 838 authorized to transact business in this state may be addressed:  
 839 (a) To its registered agent at its registered office; or  
 840 (b) To the corporation or its secretary at its principal  
 841 office or e-mail ~~electronic mail~~ address as authorized and shown

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842 in its most recent annual or biennial report or, in the case of  
 843 a corporation that has not yet delivered an annual or biennial  
 844 report, in a domestic corporation's articles of incorporation or  
 845 in a foreign corporation's application for certificate of  
 846 authority.  
 847 Section 24. Subsections (2) and (4) of section 607.0502,  
 848 Florida Statutes, are amended to read:  
 849 607.0502 Change of registered office or registered agent;  
 850 resignation of registered agent.—  
 851 (2) Any registered agent may resign his or her agency  
 852 appointment by signing and delivering for filing with the  
 853 Department of State a statement of resignation and mailing a  
 854 copy of such statement to the corporation at its principal  
 855 office address shown in its most recent annual or biennial  
 856 report or, if none, filed in the articles of incorporation or  
 857 other most recently filed document. The statement of resignation  
 858 shall state that a copy of such statement has been mailed to the  
 859 corporation at the address so stated. The agency is terminated  
 860 as of the 31st day after the date on which the statement was  
 861 filed and unless otherwise provided in the statement,  
 862 termination of the agency acts as a termination of the  
 863 registered office.  
 864 (4) Changes of the registered office or registered agent  
 865 may be made by a change on the corporation's annual or biennial  
 866 report form filed with the Department of State.  
 867 Section 25. Subsection (5) of section 607.0705, Florida  
 868 Statutes, is amended to read:  
 869 607.0705 Notice of meeting.—  
 870 (5) Notwithstanding the foregoing, no notice of a

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871 shareholders' meeting need be given to a shareholder if:

872 (a) An annual or biennial report and proxy statements for

873 two consecutive annual meetings of shareholders or

874 (b) All, and at least two checks in payment of dividends or

875 interest on securities during a 12-month period,

876

877 have been sent by first-class United States mail, addressed to

878 the shareholder at her or his address as it appears on the share

879 transfer books of the corporation, and returned undeliverable.

880 The obligation of the corporation to give notice of a

881 shareholders' meeting to any such shareholder shall be

882 reinstated once the corporation has received a new address for

883 such shareholder for entry on its share transfer books.

884 Section 26. Subsection (1) of section 607.1420, Florida

885 Statutes, is amended to read:

886 607.1420 Grounds for administrative dissolution.—

887 (1) The Department of State may commence a proceeding under

888 s. 607.1421 to administratively dissolve a corporation if:

889 (a) The corporation has failed to file its annual or

890 biennial report and pay the annual or biennial report filing fee

891 by 5 p.m. Eastern Time on the third Friday in September of the

892 year the report is due;

893 (b) The corporation is without a registered agent or

894 registered office in this state for 30 days or more;

895 (c) The corporation does not notify the Department of State

896 within 30 days that its registered agent or registered office

897 has been changed, that its registered agent has resigned, or

898 that its registered office has been discontinued;

899 (d) The corporation has failed to answer truthfully and

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900 fully, within the time prescribed by this act, interrogatories

901 propounded by the Department of State; or

902 (e) The corporation's period of duration stated in its

903 articles of incorporation has expired.

904 Section 27. Subsection (1) of section 607.1421, Florida

905 Statutes, is amended to read:

906 607.1421 Procedure for and effect of administrative

907 dissolution.—

908 (1) If the Department of State determines that one or more

909 grounds exist under s. 607.1420 for dissolving a corporation, it

910 shall serve the corporation with notice of its intention to

911 administratively dissolve the corporation. If the corporation

912 has provided the department with an electronic mail address,

913 such notice shall be by electronic transmission. Administrative

914 dissolution for failure to file an annual or biennial report

915 shall occur on the fourth Friday in September of the each year

916 the report is due. The Department of State shall issue a

917 certificate of dissolution to each dissolved corporation.

918 Issuance of the certificate of dissolution may be by electronic

919 transmission to any corporation that has provided the department

920 with an electronic mail address.

921 Section 28. Subsection (1) of section 607.1509, Florida

922 Statutes, is amended to read:

923 607.1509 Resignation of registered agent of foreign

924 corporation.—

925 (1) The registered agent of a foreign corporation may

926 resign his or her agency appointment by signing and delivering

927 to the Department of State for filing a statement of resignation

928 and mailing a copy of such statement to the corporation at the



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corporation's principal office address shown in its most recent annual or biennial report or, if none, shown in its application for a certificate of authority or other most recently filed document. The statement of resignation must state that a copy of such statement has been mailed to the corporation at the address so stated. The statement of resignation may include a statement that the registered office is also discontinued.

Section 29. Subsection (2) of section 607.15101, Florida Statutes, is amended to read:

607.15101 Service of process, notice, or demand on a foreign corporation.—

(2) A foreign corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its most recent annual or biennial report if the foreign corporation:

(a) Has no registered agent or its registered agent cannot with reasonable diligence be served;

(b) Has withdrawn from transacting business in this state under s. 607.1520; or

(c) Has had its certificate of authority revoked under s. 607.1531.

Section 30. Subsection (1) of section 607.1530, Florida Statutes, is amended to read:

607.1530 Grounds for revocation of authority to transact business.—The Department of State may commence a proceeding under s. 607.1531 to revoke the certificate of authority of a foreign corporation authorized to transact business in this

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state if:

(1) The foreign corporation has failed to file its annual or biennial report with the Department of State by 5 p.m. Eastern Time on the third Friday in September of the year the report is due.

Section 31. Subsection (1) of section 607.1531, Florida Statutes, is amended to read:

607.1531 Procedure for and effect of revocation.—

(1) If the Department of State determines that one or more grounds exist under s. 607.1530 for revocation of a certificate of authority, the Department of State shall serve the foreign corporation with notice of its intent to revoke the foreign corporation's certificate of authority. If the foreign corporation has provided the department with an e-mail ~~electronic-mail~~ address, such notice must ~~shall~~ be by electronic transmission. Revocation for failure to file an annual or biennial report shall occur on the fourth Friday in September of the each year the report is due. The department shall issue a certificate of revocation to each revoked corporation. Issuance of the certificate of revocation may be by electronic transmission to any corporation that has provided the department with an e-mail ~~electronic-mail~~ address.

Section 32. Paragraph (b) of subsection (1) of section 607.15315, Florida Statutes, is amended to read:

607.15315 Revocation; application for reinstatement.—

(1)

(b) As an alternative, the foreign corporation may submit a current annual or biennial report, signed by the registered agent and an officer or director, which substantially complies

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987 with the requirements of paragraph (a).  
 988 Section 33. Subsection (5) of section 607.1601, Florida  
 989 Statutes, is amended to read:  
 990 607.1601 Corporate records.—  
 991 (5) A corporation shall keep a copy of the following  
 992 records:  
 993 (a) Its articles or restated articles of incorporation and  
 994 all amendments to them currently in effect;  
 995 (b) Its bylaws or restated bylaws and all amendments to  
 996 them currently in effect;  
 997 (c) Resolutions adopted by its board of directors creating  
 998 one or more classes or series of shares and fixing their  
 999 relative rights, preferences, and limitations, if shares issued  
 1000 pursuant to those resolutions are outstanding;  
 1001 (d) The minutes of all shareholders' meetings and records  
 1002 of all action taken by shareholders without a meeting for the  
 1003 past 3 years;  
 1004 (e) Written communications to all shareholders generally or  
 1005 all shareholders of a class or series within the past 3 years,  
 1006 including the financial statements furnished for the past 3  
 1007 years under s. 607.1620;  
 1008 (f) A list of the names and business street addresses of  
 1009 its current directors and officers; and  
 1010 (g) Its most recent annual or biennial report delivered to  
 1011 the Department of State under s. 607.1622.  
 1012 Section 34. Subsection (1) of section 617.0121, Florida  
 1013 Statutes, is amended to read:  
 1014 617.0121 Forms.—  
 1015 (1) The Department of State may prescribe and furnish on

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

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1016 request forms for:  
 1017 (a) An application for certificate of status;;  
 1018 (b) A foreign corporation's application for certificate of  
 1019 authority to conduct its affairs in the state;;  
 1020 (c) A foreign corporation's application for certificate of  
 1021 withdrawal;; and  
 1022 (d) The annual or biennial report, for which the department  
 1023 may prescribe the use of the uniform business report, pursuant  
 1024 to s. 606.06.  
 1025  
 1026 If the Department of State so requires, the use of these forms  
 1027 shall be mandatory.  
 1028 Section 35. Subsection (2) of section 617.0128, Florida  
 1029 Statutes, is amended to read:  
 1030 617.0128 Certificate of status.—  
 1031 (2) A certificate of status or authorization sets forth:  
 1032 (a) The domestic corporation's corporate name or the  
 1033 foreign corporation's corporate name used in this state;  
 1034 (b) 1. That the domestic corporation is duly incorporated  
 1035 under the law of this state and the date of its incorporation;;  
 1036 or  
 1037 2. That the foreign corporation is authorized to conduct  
 1038 its affairs in this state;  
 1039 (c) That all fees and penalties owed to the department have  
 1040 been paid, if:  
 1041 1. Payment is reflected in the records of the department;;  
 1042 and  
 1043 2. Nonpayment affects the existence or authorization of the  
 1044 domestic or foreign corporation;

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

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(d) That its most recent annual or biennial report required by s. 617.1622 has been delivered to the department; and

(e) That articles of dissolution have not been filed.

Section 36. Subsections (2) and (4) of section 617.0502, Florida Statutes, are amended to read:

617.0502 Change of registered office or registered agent; resignation of registered agent.—

(2) Any registered agent may resign his or her agency appointment by signing and delivering for filing with the Department of State a statement of resignation and mailing a copy of such statement to the corporation at its principal office address shown in its most recent annual or biennial report or, if none, filed in the articles of incorporation or other most recently filed document. The statement of resignation shall state that a copy of such statement has been mailed to the corporation at the address so stated. The agency is terminated as of the 31st day after the date on which the statement was filed and unless otherwise provided in the statement, termination of the agency acts as a termination of the registered office.

(4) Changes of the registered office or registered agent may be made by a change on the corporation's annual or biennial report form filed with the Department of State.

Section 37. Subsection (1) of section 617.1420, Florida Statutes, is amended to read:

617.1420 Grounds for administrative dissolution.—

(1) The Department of State may commence a proceeding under s. 617.1421 to administratively dissolve a corporation if:

(a) The corporation has failed to file its annual or

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biennial report and pay the ~~annual~~ report filing fee by 5 p.m. Eastern Time on the third Friday in September of the year the report is due;

(b) The corporation is without a registered agent or registered office in this state for 30 days or more;

(c) The corporation does not notify the Department of State within 30 days after its registered agent or registered office has been changed, after its registered agent has resigned, or after its registered office has been discontinued;

(d) The corporation has failed to answer truthfully and fully, within the time prescribed by this act, interrogatories propounded by the Department of State; or

(e) The corporation's period of duration stated in its articles of incorporation has expired.

Section 38. Subsection (1) of section 617.1421, Florida Statutes, is amended to read:

617.1421 Procedure for and effect of administrative dissolution.—

(1) If the Department of State determines that one or more grounds exist under s. 617.1420 for administratively dissolving a corporation, it shall serve the corporation with notice of its intent under s. 617.0504(2) to administratively dissolve the corporation. If the corporation has provided the department with an e-mail ~~electronic-mail~~ address, such notice shall be by electronic transmission. Administrative dissolution for failure to file an annual or biennial report shall occur on the fourth Friday in September of the each year the report is due. The Department of State shall issue a certificate of dissolution to each dissolved corporation. Issuance of the certificate of

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1103 dissolution may be by electronic transmission to any corporation  
 1104 that has provided the department with an e-mail ~~electronic mail~~  
 1105 address.

1106 Section 39. Subsection (1) of section 617.1509, Florida  
 1107 Statutes, is amended to read:

1108 617.1509 Resignation of registered agent of foreign  
 1109 corporation.—

1110 (1) The registered agent of a foreign corporation may  
 1111 resign his or her agency appointment by signing and delivering  
 1112 to the Department of State for filing a statement of resignation  
 1113 and mailing a copy of such statement to the corporation at the  
 1114 corporation's principal office address shown in its most recent  
 1115 annual or biennial report or, if none, shown in its application  
 1116 for a certificate of authority or other most recently filed  
 1117 document. The statement of resignation must state that a copy of  
 1118 such statement has been mailed to the corporation at the address  
 1119 so stated. The statement of resignation may include a statement  
 1120 that the registered office is also discontinued.

1121 Section 40. Subsection (2) of section 617.1510, Florida  
 1122 Statutes, is amended to read:

1123 617.1510 Service of process, notice, or demand on a foreign  
 1124 corporation.—

1125 (2) A foreign corporation may be served by registered or  
 1126 certified mail, return receipt requested, addressed to the  
 1127 secretary of the foreign corporation at its principal office  
 1128 shown in its application for a certificate of authority or in  
 1129 its most recent annual or biennial report if the foreign  
 1130 corporation:

1131 (a) Has no registered agent or its registered agent cannot

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1132 with reasonable diligence be served;

1133 (b) Has withdrawn from conducting its affairs in this state  
 1134 under s. 617.1520; or

1135 (c) Has had its certificate of authority revoked under s.  
 1136 617.1531.

1137 Section 41. Subsection (1) of section 617.1530, Florida  
 1138 Statutes, is amended to read:

1139 617.1530 Grounds for revocation of authority to conduct  
 1140 affairs.—The Department of State may commence a proceeding under  
 1141 s. 617.1531 to revoke the certificate of authority of a foreign  
 1142 corporation authorized to conduct its affairs in this state if:

1143 (1) The foreign corporation has failed to file its annual  
 1144 or biennial report with the Department of State by 5 p.m.  
 1145 Eastern Time on the third Friday in September of the year the  
 1146 report is due.

1147 Section 42. Subsection (1) of section 617.1531, Florida  
 1148 Statutes, is amended to read:

1149 617.1531 Procedure for and effect of revocation.—

1150 (1) If the Department of State determines that one or more  
 1151 grounds exist under s. 617.1530 for revocation of a certificate  
 1152 of authority, the Department of State shall serve the foreign  
 1153 corporation with notice of its intent to revoke the foreign  
 1154 corporation's certificate of authority. If the foreign  
 1155 corporation has provided the department with an e-mail  
 1156 ~~electronic mail~~ address, such notice must ~~shall~~ be by electronic  
 1157 transmission. Revocation for failure to file an annual or  
 1158 biennial report shall occur on the fourth Friday in September of  
 1159 the each year the report is due. The Department of State shall  
 1160 issue a certificate of revocation to each revoked corporation.

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1161 Issuance of the certificate of revocation may be by electronic  
 1162 transmission to any foreign corporation that has provided the  
 1163 department with an ~~e-mail~~ ~~electronic-mail~~ address.  
 1164 Section 43. Subsection (1) of section 617.1533, Florida  
 1165 Statutes, is amended to read:  
 1166 617.1533 Reinstatement following revocation.—  
 1167 (1) (a) A foreign corporation whose certificate of authority  
 1168 has been revoked under s. 617.1531 may apply to the Department  
 1169 of State for reinstatement at any time after the effective date  
 1170 of revocation of authority. The application must:  
 1171 1. Recite the name of the corporation and the effective  
 1172 date of its revocation of authority;  
 1173 2. State that the ground or grounds for revocation either  
 1174 did not exist or have been eliminated and that no further  
 1175 grounds currently exist for revocation of authority;  
 1176 3. State that the corporation's name satisfies the  
 1177 requirements of s. 617.1506; and  
 1178 4. State that all fees owed by the corporation and computed  
 1179 at the rate provided by law at the time the corporation applies  
 1180 for reinstatement have been paid; or  
 1181 (b) In the alternative, the foreign corporation may submit  
 1182 a current annual or biennial report, signed by the registered  
 1183 agent and an officer or director, which substantially complies  
 1184 with the requirements of paragraph (a).  
 1185 Section 44. Paragraph (f) of subsection (5) of section  
 1186 617.1601, Florida Statutes, is amended to read:  
 1187 617.1601 Corporate records.—  
 1188 (5) A corporation shall keep a copy of the following  
 1189 records:

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1190 (f) Its most recent annual or biennial report delivered to  
 1191 the Department of State under s. 617.1622.  
 1192 Section 45. Subsection (7) of section 620.1111, Florida  
 1193 Statutes, is amended to read:  
 1194 620.1111 Required information.—A limited partnership shall  
 1195 maintain at its designated office the following information:  
 1196 (7) A copy of the three most recent annual reports or the  
 1197 two most recent biennial reports delivered by the limited  
 1198 partnership to the Department of State pursuant to s. 620.1210.  
 1199 Section 46. Subsection (3) of section 620.1115, Florida  
 1200 Statutes, is amended to read:  
 1201 620.1115 Change of registered agent or registered office.—  
 1202 (3) The changes described in this section may also be made  
 1203 on the limited partnership or foreign limited partnership's  
 1204 annual or biennial report filed with the Department of State.  
 1205 Section 47. Paragraph (d) of subsection (1) and paragraph  
 1206 (d) of subsection (2) of section 620.1209, Florida Statutes, are  
 1207 amended to read:  
 1208 620.1209 Certificate of status.—  
 1209 (1) The Department of State, upon request and payment of  
 1210 the requisite fee, shall furnish a certificate of status for a  
 1211 limited partnership if the records filed in the Department of  
 1212 State show that the Department of State has filed a certificate  
 1213 of limited partnership. A certificate of status must state:  
 1214 (d) Whether the limited partnership's most recent annual or  
 1215 biennial report required by s. 620.1210 has been filed by the  
 1216 Department of State.  
 1217 (2) The Department of State, upon request and payment of  
 1218 the requisite fee, shall furnish a certificate of status for a

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foreign limited partnership if the records filed in the Department of State show that the Department of State has filed a certificate of authority. A certificate of status must state:

(d) Whether the foreign limited partnership's most recent annual or biennial report required by s. 620.1210 has been filed by the Department of State.

Section 48. Subsection (1) and subsection (2) of section 620.1809, Florida Statutes, are amended to read:

620.1809 Administrative dissolution.—

(1) The Department of State may dissolve a limited partnership administratively if the limited partnership does not:

(a) Pay any fee or penalty due to the Department of State under this act;

(b) Deliver its annual or biennial report to the Department of State by 5 p.m. Eastern Time on the third Friday in September of the year the report is due;

(c) Appoint and maintain a registered agent as required by s. 620.1114; or

(d) Deliver for filing a statement of a change under s. 620.1115 within 30 days after a change has occurred in the name of the registered agent or the registered office address.

(2) If the Department of State determines that a ground exists for administratively dissolving a limited partnership, the Department of State shall serve notice on the limited partnership of its intent to administratively dissolve the limited partnership. If the limited partnership has provided the department with an e-mail ~~electronic mail~~ address, such notice shall be by electronic transmission. Administrative dissolution

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for failure to file an annual or biennial report shall occur on the fourth Friday in September of ~~the each~~ year the report is due. The Department of State shall issue a certificate of dissolution to each dissolved limited partnership. Issuance of the certificate of dissolution may be by electronic transmission to any limited partnership that has provided the department with an e-mail ~~electronic mail~~ address.

Section 49. Subsections (2) and (3) of section 620.1810, Florida Statutes, are amended to read:

620.1810 Reinstatement following administrative dissolution.—

(2) As an alternative to submitting the form of reinstatement referred to in subsection (1), the limited partnership may submit a current annual or biennial report, signed by its registered agent and a general partner, which contains the same information described in subsection (1).

(3) If the Department of State determines that the application for reinstatement, or current annual or biennial report described in subsection (2), contains the information required by subsection (1) and that the information is correct, the Department of State shall reinstate the limited partnership.

Section 50. Subsections (1) and (2) of section 620.1906, Florida Statutes, are amended to read:

620.1906 Revocation of certificate of authority.—

(1) A certificate of authority of a foreign limited partnership to transact business in this state may be revoked by the Department of State in the manner provided in subsections (2) and (3) if the foreign limited partnership does not:

(a) Pay, within 60 days after the due date, any fee or

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1277 penalty due to the Department of State under this act;

1278 (b) Deliver its annual or biennial report to the Department

1279 of State by 5 p.m. Eastern Time on the third Friday in September

1280 of the year the report is due;

1281 (c) Appoint and maintain an agent for service of process as

1282 required by s. 620.1114(2); or

1283 (d) Deliver for filing a statement of a change under s.

1284 620.1115 within 30 days after a change has occurred in the name

1285 or address of the agent.

1286 (2) If the Department of State determines that one or more

1287 grounds exist under this section for revocation of a foreign

1288 limited partnership, it shall notify the foreign limited

1289 partnership of its intent to revoke the foreign limited

1290 partnership's certificate of authority. If the foreign limited

1291 partnership has provided the department with an e-mail

1292 ~~electronic mail~~ address, such notice must ~~shall~~ be by electronic

1293 transmission. Revocation for failure to file an annual or

1294 biennial report shall occur on the fourth Friday in September of

1295 the each year the report is due. The Department of State shall

1296 issue a certificate of revocation to each revoked foreign

1297 limited partnership. Issuance of the certificate of revocation

1298 may be by electronic transmission to any foreign limited

1299 partnership that has provided the department with an e-mail

1300 ~~electronic mail~~ address.

1301 Section 51. Subsections (2) and (3) of section 620.1909,

1302 Florida Statutes, are amended to read:

1303 620.1909 Reinstatement following administrative

1304 revocation.—

1305 (2) As an alternative to submitting the form of

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1306 reinstatement referred to in subsection (1), the foreign limited

1307 partnership may submit a current annual or biennial report,

1308 signed by its registered agent and a general partner, which

1309 contains the same information described in subsection (1).

1310 (3) If the Department of State determines that the

1311 application for reinstatement or the current annual or biennial

1312 report described in subsection (2) contains the information

1313 required by subsection (1) and that the information is correct,

1314 it shall reinstate the foreign limited partnership's certificate

1315 of authority.

1316 Section 52. Section 622.05, Florida Statutes, is amended to

1317 read:

1318 622.05 Annual and biennial reports.—Every association shall

1319 comply with all requirements of law, including but not limited

1320 to the paying of all fees, taxes, and other charges, now or

1321 hereafter prescribed for the filing of annual or biennial

1322 reports by foreign corporations for profit qualified to transact

1323 business in this state, except railroad, pullman, telephone,

1324 telegraph, and insurance companies, and all laws heretofore or

1325 hereafter enacted with respect to such reports shall apply to

1326 and govern and control all associations.

1327 Section 53. This act shall take effect July 1, 2018.

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Education, *Chair*  
Appropriations Subcommittee on the  
Environment and Natural Resources, *Vice Chair*  
Regulated Industries, *Vice Chair*  
Agriculture  
Environmental Preservation and Conservation  
Health Policy  
Transportation

## JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

## SENATOR DOROTHY L. HUKILL

14th District

December 18, 2017

The Honorable Bill Montford  
410 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Re: Senate Bill 1228 - Annual Business Organization Reports and Fees

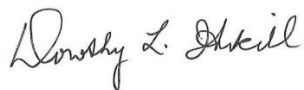
Dear Chairman Montford:

Senate Bill 1228, relating to Annual Business Organization Reports and Fees, has been referred to the Senate Committee on Commerce and Tourism. I respectfully request that SB 1228 be placed on the committee agenda at your earliest possible convenience.

Should you need any additional information, please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,



Dorothy L. Hukill  
State Senator, District 14

Cc: Todd McKay, Staff Director, Senate Committee on Commerce and Tourism  
Gabriela Denton, Administrative Assistant, Senate Committee on Commerce and Tourism

## REPLY TO:

- ☐ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- ☐ 434 Delannoy Avenue, Suite 204, Cocoa, Florida 32922 (321) 634-3549
- ☐ 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

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

JOE NEGRON  
President of the Senate

ANITERE FLORES  
President Pro Tempore



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1228

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Business Reports

Amendment Barcode (if applicable) \_\_\_\_\_

Name Andrew Hasek

Job Title Analyst

Address 200 W College Ave.

Phone \_\_\_\_\_

Street

Tallahassee FL

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 990

INTRODUCER: Committee on Commerce and Tourism and Senator Montford

SUBJECT: Rural Communities

DATE: January 17, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Swift	McKay	CM	<b>Fav/CS</b>
2.			ATD	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 990 creates s. 288.062, F.S., the Florida Rural Community Jobs and Business Resiliency Act, which requires the state to allot \$100 million worth of tax credits to approved rural growth funds. Rural growth funds are financial entities approved by the Department of Economic Opportunity (DEO) that must invest in rural areas in Florida in an amount equal to the value of the tax credits received. The bill requires the DEO to accept applications for rural growth funds, defines relevant terms, and delineates the application requirements for qualification.

This bill also allows for the reinvestment of rural growth investments, outlines the necessary steps for a rural growth fund to withdraw from the program, and describes the parameters that would warrant revoking a rural growth fund's tax credit certificate.

The bill specifies the requirements of the report that a rural growth fund must submit to the DEO, gives the DEO authority to adopt rules, and requires the DEO to inform the Department of Revenue of any insurance company that has been allocated tax credits.

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

**II. Present Situation:**

**Florida New Markets Development Program (NMDP)**

The Florida New Markets Development Program (NMDP) became effective July 1, 2009, and, somewhat similarly to the program created by this bill, is based on the use of tax credits, rather than appropriations. It allows Florida taxpayers to earn tax credits by investing in Qualified Community Development Entities (CDEs) that make Qualified Low-Income Community Investments in Qualified Active Low-Income Community Businesses. CDEs are domestic corporations or partnerships with a primary role in administering the tax credit programs, acting as intermediaries between the investors, financiers, and low-income community businesses. The NMDP works in conjunction with a federal program that is the model from which NMDP was developed.<sup>1</sup>

The total allocated investment cap for the NMDP is \$216.34 million.<sup>2</sup>

### **Rural Economic Development**

In Florida, 8.8% of the population live in rural areas; 22 of Florida's counties are mostly rural, and three counties are completely rural. Population density and decline are challenges to economic development in rural areas. The five counties with an average annual wage greater than the statewide average are all urban counties.<sup>3</sup>

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

### **Florida Rural Community Jobs and Business Resiliency Act**

This bill creates s. 288.062, F.S., the Florida Rural Community Jobs and Business Resiliency Act, which requires the Department of Economic Opportunity (DEO) to accept applications for rural growth funds. It also defines rural growth funds, creates definitions, and delineates the application requirements for qualification.

The bill provides that the DEO will approve applications and certify rural growth funds. The rural growth funds will manage the rural growth investments, which must be approved by the DEO, and administer the financial benefits on these investments to rural businesses in rural communities. Companies that make rural investments to rural growth funds will receive tax credits against their state premium tax liability as incurred under ss. 624.509, F.S. or 624.5091, F.S.

The bill defines a rural business as a company that:

- Has fewer than 200 employees;
- Has its principal place of business operations in one or more rural communities; and
- Participates in one of the following industries: agribusiness, manufacturing, plant sciences, services, or technology. (Other industries can be approved if the DEO

---

<sup>1</sup> *Economic Evaluation for Select State Economic Development Incentive Programs*, a report by the Florida Legislature Office of Economic and Demographic Research, available at: <http://edr.state.fl.us/Content/returnoninvestment/ROISELECTPROGRAMS2017final.pdf> (last visited January 12, 2018).

<sup>2</sup> Section 288.9914(3)(c), F.S.

<sup>3</sup> Presentation by the Florida Legislature Office of Economic and Demographic Research to Commerce and Tourism Committee (November 13, 2017), available at [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/CM/MeetingRecords/MeetingPacket\\_4036.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/CM/MeetingRecords/MeetingPacket_4036.pdf) (last visited January 12, 2018).

determines that the investment in the company would be to the benefit of rural communities in Florida.)

The bill defines a “principal place of business operations” as the place at which business operations are located, and where at least 60% of its employees work, or 60% of its payroll is paid.

A rural community is defined as a county with a population of 75,000 or fewer.

### ***Application Process***

The DEO can begin accepting applications for rural growth funds on September 1, 2018. The application must include the following:

- A business plan including the total investment authority sought;
- A copy of the license as a rural business investment company, under 7 U.S.C. s. 2009cc, or as a small business investment company, under 15 U.S.C. s. 681;
- Proof that the applicant or affiliates has invested a minimum \$100 million in non-metropolitan counties, as defined by the federal Office of Management and Budget;
- An estimate of the number of jobs that will be created or retained as a result of the investments made by the applicant;
- A business plan prepared by a nationally recognized third party economic forecasting firm that includes revenue impact assessment projecting state and local tax revenue and uses a dynamic economic forecasting model;
- A signed affidavit from each investor stating the amount of investor contributions each taxpayer commits to make; and
- An application fee of \$5,000.

### ***Application Approval***

The DEO has 30 days after receiving a completed application to grant or deny the application. The DEO must deny an application if it is not complete, the application fee is not paid in full, the revenue impact state in the business plan does not show a positive economic impact for the state over a ten year period, investor contributions do not total at least 60% of the total investment authority sought, or the maximum amount of investment authority and investor contributions has already been reached. The applicant has 15 days after being notified that their application was denied in order to rectify any errors and resubmit. The DEO must review all supplemental information provided within 30 days of the initial submission.

If the application is granted, the DEO will provide a tax credit certificate to each taxpayer who made an investor contribution, for the amount of the investor contribution. Twenty percent of the tax credit may be used in each taxable year from the second year through the seventh year. The tax credit may not be sold or transferred. The amount of tax credit claimed each year may not exceed the state premium tax liability of the taxpayer allocated that credit. Unused tax credits may be carried forward ten years, but no more. In order for a taxpayer to utilize their tax credit, they must submit a copy of their tax credit certificate with their tax return.

***Limitations and Parameters***

The DEO is limited in that it may not approve more than \$100 million in investment authority. The DEO may not approve investor contributions equaling more \$60 million. The DEO must proportionally reduce the investment authority and investor contributions for each application in order to avoid exceeding the \$100 million or \$60 million limitations.

The DEO must revoke a tax credit certificate if 100% of the authorized investment has not been invested 100% in a rural growth investment within two years. If a rural growth fund fails to maintain 100% investment in rural growth through its seventh year, the DEO must revoke their tax credit certificate.

This bill also allows for the reinvestment of rural growth investments, the necessary steps for a rural growth fund to withdraw from the program, and the parameters that would warrant revoking a rural growth fund's tax credit certificate.

This bill specifies the requirements of the report that the rural growth fund must submit to the DEO.

The bill gives the DEO authority to adopt rules for the implementation of this act, and requires the DEO to inform the DOR of any insurance company that has been allocated tax credits.

**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:**

Businesses in rural areas may get access to funds to which they may not otherwise have received access.

C. **Government Sector Impact:**

This bill specifies the maximum amount of tax credits available as \$100 million. The bill had not yet been reviewed by the Revenue Estimating Conference.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

It is unclear if s. 288.062(5)(a)3., F.S., which requires 100% investment, supersedes s. 288.062(5)(a)2., F.S., which allows for less than 100% invested in rural development.

It is unclear from s. 288.062(5)(a)2., F.S., whether a rural growth fund is required to be 100% invested in rural development during the entire time between years three and seven.

In regards to revoking tax credit certificates, it appears that the burden of proof lies with the DEO, and not the entity holding the tax credit certificate.

The bill does not specify the transaction structure of the investments.

“Taxpayer” is used throughout the bill without definition; it appears to be synonymous with “investor.” If the terms are synonymous, the bill might be clearer by using only one of the terms.

VIII. **Statutes Affected:**

This bill creates section 288.062 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.)

**CS by Commerce and Tourism Committee on January 16, 2018:**

The committee substitute lowered the state contribution limit from \$200 million to \$100 million and the investment authority is limited to \$60 million.

B. **Amendments:**

None.



437474

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
	.	
	.	
	.	

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The Committee on Commerce and Tourism (Montford) recommended the following:

**Senate Amendment**

Delete lines 164 - 168  
and insert:  
simultaneously. The department may not approve more than \$100 million in investment authority and may not approve more than \$60 million in investor contributions under this section. If requests

By Senator Montford

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1 A bill to be entitled  
 2 An act relating to rural communities; creating s.  
 3 288.062, F.S.; providing a short title; defining  
 4 terms; requiring the Department of Economic  
 5 Opportunity to accept an application seeking approval  
 6 as a rural growth fund; requiring that the application  
 7 include certain materials, including an application  
 8 fee; requiring the department to grant or deny the  
 9 application within a specified time; prohibiting the  
 10 department from approving more than a certain amount  
 11 of investment authority or investor contributions;  
 12 requiring the department to deny an application if the  
 13 application does not meet certain requirements;  
 14 authorizing an applicant whose application was denied  
 15 to provide additional information to the department  
 16 within a certain timeframe; requiring the department  
 17 to review and reconsider an application that has  
 18 additional information submitted within a certain  
 19 timeframe; prohibiting the department from reducing  
 20 the investment authority of an application or denying  
 21 an application for reasons other than the ones listed;  
 22 requiring the department to certify an applicant that  
 23 has his or her application approved; requiring the  
 24 rural growth fund to collect contributions and  
 25 investments within a certain timeframe; requiring the  
 26 rural growth fund to send documentation of the  
 27 contributions and investments to the department;  
 28 requiring the department to provide a tax credit  
 29 certificate; providing that a rural growth fund's

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

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30 certification will lapse for failure to comply;  
 31 requiring the department to redistribute lapsed  
 32 investment authority; providing that a taxpayer who  
 33 makes an investor contribution is vested with a credit  
 34 against state premium tax liability; providing  
 35 restrictions on the credit; requiring that a taxpayer  
 36 claiming a credit submit a copy of the tax credit  
 37 certificate with his or her tax return; requiring the  
 38 department to revoke the tax credit certificate if the  
 39 rural growth fund exits the program or fails to meet  
 40 certain requirements; providing a formula for  
 41 calculating the maximum amount of investments the  
 42 rural growth fund can count toward satisfying tax  
 43 credit certificate requirements; requiring the  
 44 department to give reasons for a pending revocation of  
 45 a tax credit certificate; specifying that the rural  
 46 growth fund has 90 days from the dispatch of the  
 47 notice to correct violations; requiring the department  
 48 to distribute reverted investment authority among  
 49 certain rural growth funds; authorizing the rural  
 50 growth fund to submit an exit application after a  
 51 specified time; requiring the department to respond to  
 52 an exit application within a certain timeframe;  
 53 prohibiting the department from unreasonably denying  
 54 an exit application; prohibiting the department from  
 55 revoking the rural growth fund's tax credit  
 56 certificate after the rural growth fund has exited the  
 57 program; authorizing the rural growth fund to request  
 58 a written opinion from the department about potential

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



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investments; specifying that an out-of-state business relocating employees to this state must satisfy a specific definition within a certain timeframe before a new principal place of business operations is recognized; requiring the rural growth fund to submit a report to the department at a specified time; requiring that the report provide certain documentation; requiring the rural growth fund to submit an annual report to the department; requiring that the annual report include certain information; providing for rulemaking; requiring the department to notify the Department of Revenue of any insurance company that is allocated tax credits; providing applicability; providing an effective date.

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

Section 1. Section 288.062, Florida Statutes, is created to read:

288.062 Florida Rural Community Jobs and Business Resiliency Act.—

(1) This section may be cited as the "Florida Rural Community Jobs and Business Resiliency Act."

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

(a) "Affiliate" means an entity that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another entity. For purposes of this paragraph, an entity is controlled by another entity if the controlling entity holds, directly or

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indirectly, the majority voting or ownership interest in the controlled entity or has control over the day-to-day operations of the controlled entity by contract or law.

(b) "Closing date" means the date that a rural growth fund has collected all amounts specified by paragraph (3)(f).

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

(d) "Investment authority" means the amount stated on the certification notice issued pursuant to paragraph (3)(e).

(e) "Investor contribution" means an investment of cash, by a person with a state premium tax liability and equal to the amount specified on a tax certificate issued by the department, in a rural growth fund for an equity interest in the rural growth fund or a debt instrument, at par value or premium, which has a maturity date at least 5 years after the closing date.

(f) "Principal place of business operations" means the place or places at which business operations are located, and where at least 60 percent of the business's employees work or where employees that are paid at least 60 percent of the business's payroll work.

(g) "Rural business" means a business that at the time of the initial rural growth investment in the company by a rural growth fund:

1. Has fewer than 200 employees;
2. Has its principal place of business operations in one or more rural communities in the state; and
3. Is engaged in industries related to agribusiness, manufacturing, plant sciences, services, or technology, or if not engaged in such industries, upon a determination by the

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department that the investment will be beneficial to the rural community and the economic growth of the state.

(h) "Rural community" means a county with a population of 75,000 or fewer.

(i) "Rural growth fund" means an entity certified by the department pursuant to paragraph (3)(e).

(j) "Rural growth investment" means any capital or equity investment by a rural growth fund in a rural business or any loan granted to a rural business by a rural growth fund with a stated maturity at least 1 year after the date of issuance.

(k) "State premium tax liability" means any liability incurred by any entity under s. 624.509 or s. 624.5091.

(3)(a) Beginning September 1, 2018, the department shall accept applications for certification as a rural growth fund on a form prescribed by the department. The application must include:

1. The total investment authority sought by the applicant under the applicant's business plan submitted pursuant to subparagraph 5.;

2. A copy of the applicant's, or an affiliate of the applicant's, license as a rural business investment company under 7 U.S.C. s. 2009cc or as a small business investment company under 15 U.S.C. s. 681;

3. Evidence that, as of the date the application is submitted, the applicant or affiliates of the applicant have invested at least \$100 million in private companies located in non-metropolitan counties as defined by the federal Office of Management and Budget on the basis of county or county-equivalent units;

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4. An estimate of the number of jobs that will be created or retained in this state because of the applicant's rural growth investments;

5. A business plan that includes a revenue impact assessment projecting state and local tax revenue to be generated by the applicant's proposed rural growth investments. The business plan must be prepared by a nationally recognized independent third-party economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan for a period of 10 years following the date the application is submitted to the department;

6. A signed affidavit from each investor stating the amount of investor contributions each taxpayer commits to make; and

7. An application fee of \$5,000.

(b) Within 30 days after receipt of a completed application containing the information set forth in paragraph (a), the department shall grant or deny the application. The department shall deem applications received on the same day as received simultaneously. The department may not approve more than \$200 million in investment authority and may not approve investor contributions equaling more than 3.75 percent of the total investment authority in the taxable years that include the third through seventh anniversaries of the closing date. If requests for investment authority exceed this limitation, the department shall proportionally reduce the investment authority and the investor contributions for each approved application as necessary to avoid exceeding the limit.

(c) The department shall deny an application if:

1. The application is incomplete or the application fee is

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not paid in full;

2. The revenue impact assessment submitted pursuant to subparagraph (a)5. does not demonstrate that the applicant's business plan will result in a positive economic impact on this state over a 10-year period which exceeds the cumulative amount of tax credits that would be issued to the applicant's investors;

3. The investor contributions described in affidavits submitted pursuant to subparagraph (a)6. do not total at least 60 percent of the total amount of investment authority sought under the applicant's business plan; or

4. The department has already approved the maximum amount of investment authority and investor contributions allowed under paragraph (b).

(d) Within 15 days after notice that the department has denied an application, the applicant may provide additional information to the department to complete, clarify, or cure any defects in the application identified by the department. The department shall review and reconsider any application supplemented by additional information within 30 days after the original submission date of the application.

(e) The department may not reduce the requested investment authority of a rural growth fund or deny a rural growth fund application for reasons other than those described in paragraph (b). Upon approval of an application, the department shall send a notice to the applicant certifying the applicant as a rural growth fund and specifying the amount of the applicant's investment authority and the investor contributions required from each taxpayer that submitted an affidavit with the rural

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growth fund's application.

(f)1. Within 60 days after receiving an approval issued pursuant to paragraph (e), a rural growth fund shall collect all investor contributions and collect additional investments of cash that are, when added to the investor contributions, at least equal to the rural growth fund's investment authority. Within 65 days after receiving an approval issued pursuant to paragraph (e), a rural growth fund shall send the department documentation that sufficiently proves that the amounts described in this subparagraph were collected.

2. Upon receipt of the documentation required by subparagraph 1., the department shall provide a tax credit certificate in the amount of the investor contribution to each taxpayer who made such investor contribution.

(g) A rural growth fund's certification lapses if the rural growth fund fails to fully comply with paragraph (f). When a certification lapses, the corresponding investment authority and investor contributions do not count toward the limits on program funding prescribed by paragraph (b). The department shall allocate any lapsed investment authority pro rata to each rural growth fund that was not awarded the full investment authority it applied for. A rural growth fund may allocate, at its discretion, the associated investor contribution authority to any taxpayer with state premium tax liability. The department may award any remaining investment authority to new applicants.

(4)(a) A taxpayer that makes an investor contribution is vested with an earned credit against state premium tax liability which is equal to the taxpayer's investor contribution. Twenty percent of the credit may be used in each taxable year,

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beginning with the calendar year following the second anniversary of the closing date and concluding in the calendar year following the sixth anniversary of the closing date, exclusive of amounts carried forward pursuant to paragraph (c).

(b) The credit is nonrefundable and may not be sold, transferred, or allocated to any entity other than an affiliate with state premium tax liability at the time of the submission of the investor's affidavit included in the rural growth fund's application.

(c) The amount of the credit claimed by a taxpayer may not exceed the amount of the taxpayer's state premium tax liability for the tax year in which the credit is claimed. Any amount of tax credit that the entity does not claim in a taxable year may be carried forward for use in future taxable years for a period not to exceed 10 years.

(d) A taxpayer claiming a credit under this section must submit a copy of the tax credit certificate with his or her tax return for each taxable year that the credit is claimed.

(5) (a) The department must revoke a tax credit certificate issued under subparagraph (3) (f) 2. if, with respect to a rural growth fund before it exits the program in accordance with paragraph (e), any of the following occurs:

1. Within 2 years after the closing date, the rural growth fund does not invest 100 percent of its investment authority in rural growth investments in this state;

2. The rural growth fund, after investing 100 percent of its investment authority in rural growth investments in this state within 2 years after the closing date, fails to maintain rural growth investments equal to 100 percent of its investment

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authority until the seventh anniversary after the closing date. For the purposes of this subparagraph, an investment is "maintained" even if it is sold or repaid so long as the rural growth fund reinvests an amount equal to the capital returned or recovered from the original investment, exclusive of any profits realized, in other rural growth investments in this state within 12 months after the receipt of such capital. Amounts received periodically by a rural growth fund are treated as continuously invested in rural growth investments if the amounts are reinvested in one or more rural growth investments by the end of the following calendar year. A rural growth fund is not required to reinvest capital returned from rural growth investments after the sixth anniversary of the closing date, and such rural growth investments are considered held continuously by the rural growth fund through the seventh anniversary of the closing date;

3. Before exiting the program in accordance with paragraph (e), the rural growth fund makes a distribution or payment that results in the rural growth fund having less than 100 percent of its investment authority invested in rural growth investments in this state or available for investment in rural growth investments and held in cash and other marketable securities; or

4. The rural growth fund makes a rural growth investment in a rural business that directly, or indirectly through an affiliate, owns, has the right to acquire an ownership interest in, makes a loan to, or makes an investment in the rural growth fund, an affiliate of the rural growth fund, or an investor in the rural growth fund. This subparagraph does not apply to investments in publicly traded securities by a rural business or an owner or an affiliate of such rural business. For purposes of

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291 this subparagraph, a rural growth fund is not considered an  
 292 affiliate of a rural business solely because of its rural growth  
 293 investment in that business.

294 (b) The maximum amount of rural growth investments in a  
 295 rural business, including amounts invested in affiliates of the  
 296 rural business, which a rural growth fund may count toward its  
 297 satisfaction of the requirements of subparagraphs (a)1. and 2.  
 298 is the greater of \$5 million or 20 percent of its investment  
 299 authority.

300 (c) Before revoking tax credit certificates under this  
 301 subsection, the department must notify the rural growth fund of  
 302 the reasons for the pending revocation. The rural growth fund  
 303 has 90 days after the date the notice was dispatched to correct  
 304 any violation outlined in the notice to the satisfaction of the  
 305 department in order to avoid revocation of the tax credit  
 306 certificate.

307 (d) If a tax credit certificate is revoked under this  
 308 subsection, the associated investment authority and investor  
 309 contributions may not count toward the limit on total investment  
 310 authority and investor contributions described by paragraph

311 (3) (b). The department shall award reverted investment authority  
 312 pro rata to each rural growth fund awarded less than the  
 313 requested investment authority for which it applied. Such a  
 314 rural growth fund may allocate, in its discretion, the  
 315 associated investor contribution authority to any taxpayer with  
 316 state premium tax liability. The department may award any  
 317 remaining investment authority to new applicants.

318 (e) On or after the seventh anniversary of the closing  
 319 date, a rural growth fund may apply to the department to exit

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320 the program and no longer be subject to regulation. The  
 321 department must respond to the application within 30 days after  
 322 receiving the application. The department must approve the  
 323 application if none of the rural growth fund's tax credit  
 324 certificates have been revoked and the rural growth fund has not  
 325 received notice of a revocation that is currently pending. The  
 326 department may not unreasonably deny an exit application  
 327 submitted pursuant to this paragraph. If the application is  
 328 denied, the notice must include the reasons for the denial.

329 (f) The department may not revoke a tax credit certificate  
 330 after a rural growth fund exits the program.

331 (6) Before making a rural growth investment, a rural growth  
 332 fund may request that the department issue a written opinion as  
 333 to whether the business in which it proposes to invest satisfies  
 334 the definition of a rural business. The department, no later  
 335 than 15 business days after the receipt of the request, shall  
 336 notify the rural growth fund of its determination. If the  
 337 department fails to notify the rural growth fund of its  
 338 determination by the 15th business day, the business is  
 339 considered a rural business.

340 (7) An out-of-state business that agrees to relocate  
 341 employees using the proceeds of a rural growth investment to  
 342 establish its principal place of business operations in a rural  
 343 community in the state is deemed to have its principal place of  
 344 business operations in this new location provided it meets the  
 345 definition of paragraph (2)(f) within 180 days after receiving  
 346 the rural growth investment, unless the department agrees to a  
 347 later date.

348 (8) (a) Each rural growth fund shall submit a report to the

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349 department on or before the fifth business day after the second  
 350 anniversary of the closing date. The report must provide  
 351 documentation as to each rural growth investment and include:

352 1. A bank statement evidencing each rural growth  
 353 investment;

354 2. The name, location, and industry of each rural business  
 355 receiving a rural growth investment, including either evidence  
 356 that the business qualified as a rural business at the time the  
 357 investment was made or a determination letter pursuant to  
 358 subsection (6);

359 3. As of December 31 of the preceding calendar year, the  
 360 number of employment positions created or retained because of  
 361 the rural growth fund's rural growth investments; and

362 4. Any other information required by the department.

363 (b) Thereafter, the rural growth fund shall submit an  
 364 annual report to the department by February 15 for the duration  
 365 of the compliance period. The report must include:

366 1. As of December 31 of the preceding calendar year, the  
 367 number of employment positions created or retained because of  
 368 the rural growth fund's rural growth investments;

369 2. The average annual salary of the positions described in  
 370 subparagraph 1.; and

371 3. Any other information required by the department.

372 (c) The rural growth fund must provide the department with  
 373 an annual report for a redeemed or repaid rural growth  
 374 investment if the annual report for such investment is  
 375 available.

376 (9) The department may adopt rules to implement this act.

377 (10) The department shall notify the Department of Revenue

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378 of the name of any insurance company allocated tax credits  
 379 pursuant to this act and the amount of such credits.

380 (11) This section only applies to tax returns or reports  
 381 originally due on or after January 1, 2019.

382 Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18

Meeting Date

SB 990

Bill Number (if applicable)

Topic Rural Communities

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 W Adams St

Phone 224-7173

Street

TLH

FL

3770

City

State

Zip

Email bbevis@airf.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1-16-18

Meeting Date

SR 980

Bill Number (if applicable)

Topic RURAL JOBS

437474

Amendment Barcode (if applicable)

Name ANTHONY TOUPS

Job Title PRESIDENT

Address 909 Poydras

Street

NO LA 70112

City

State

Zip

Phone 504 495 6412

Email atoups@ADVANTAGE

CAR  
CON

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FLORIDA COALITION FOR CAPITAL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

1-16-18

Meeting Date

SB 990

Bill Number (if applicable)

Topic RURAL JOBS

Amendment Barcode (if applicable)

Name ANTHONY TOUPS

Job Title PRESIDENT

Address 909 POYDRAS

Phone 5044956412

Street

N.O. LA 70112

City

State

Zip

Email ttoups@ADVANTAGE  
CAP.CO

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FLORIDA COALITION FOR CAPITAL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 1052

INTRODUCER: Commerce and Tourism Committee and Senators Young and Hutson

SUBJECT: Lost or Abandoned Property

DATE: January 16, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>BI</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1052 allows theme parks and entertainment complexes, public food service establishments, and public lodging establishments to dispose of or donate personal property recovered on its premises.

Current law requires these facilities to report lost or abandoned property to a law enforcement officer. Under the bill, these facilities may opt to require any lost or abandoned property found on its premises to be delivered to the owner or operator of the facility, who must take charge of the property and maintain a record of the date the property is received. After the property remains unclaimed for a period of at least 30 days, the bill directs the owner or operator to dispose of or donate the property to a charitable institution.

The bill also provides that the rightful owner of the property is entitled to reclaim the property at any time before its disposition, sale, or donation.

The bill takes effect on July 1, 2018.

## II. Present Situation:

### Procedures for Handling Lost or Abandoned Property

Chapter 705, F.S., requires individuals who find lost or abandoned property to report the description and location of the property to a law enforcement officer.<sup>1</sup> The officer must allow the finder of the property an opportunity to make a claim to recover the property if the rightful owner is not identified or located.<sup>2</sup> If a claim is made, current law directs the title of the unclaimed property to vest in the finder of the property after a 90-day custodial time period. If a claim is not made, the title of the unclaimed property may vest in the law enforcement officer or agency, so long as specified notice requirements are met.<sup>3</sup>

### Exceptions

Personal property that is lost or abandoned on certain school campuses and airports within the state are exempt from having to report the property to law enforcement officers.<sup>4</sup> Instead, the handling of lost or abandoned property occurs internally, with a designated individual taking charge of the property, making a record of the date the property is found, and waiting 30 days before retaining, trading, donating, selling, or disposing of the property.<sup>5</sup>

## III. Effect of Proposed Changes:

The bill allows the following facilities to opt out of the provisions under ss. 705.101-106, F.S., requiring lost or abandoned property to be reported to a law enforcement officer:

- A theme park or entertainment complex as defined in s. 503.013(9), F.S.,<sup>6</sup> or operated as a zoo, a museum, or an aquarium; and
- A public food service establishment<sup>7</sup> or a public lodging establishment<sup>8</sup> licensed under part I of ch. 509, F.S.

Under the bill, facilities that opt out of reporting lost or abandoned property to a law enforcement officer must instead:

- Ensure that lost or abandoned personal property found on any premises within the facility is delivered to the owner or operator of the premises;
- Require the owner or operator to take charge of the lost or abandoned property and maintain a record of the date the property was found; and
- Require the owner or operator to dispose of or donate the property if the property remains unclaimed for a period of 30 days or longer.

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<sup>1</sup> Section 705.102, F.S.

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

<sup>3</sup> See s. 705.103, F.S., providing specific procedural requirements for abandoned property and lost property before its disposition, donation, or sale.

<sup>4</sup> See ss. 705.17-705.184, F.S.

<sup>5</sup> Sections 705.18 and 705.182, F.S.

<sup>6</sup> Section 509.013(9), F.S., defines a “theme park or entertainment complex” as “a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.”

<sup>7</sup> See s. 509.013(5), F.S.

<sup>8</sup> See s. 509.013(4) and s. 509.242, F.S.

The bill specifies the owner or operator of the premises may donate the property to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code for its sale or disposal.

The bill also provides that the rightful owner of the property is entitled to reclaim the property at any time before its disposition, sale, or donation.

The bill takes effect on July 1, 2018.

**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:**

The bill substantially amends section 705.17 of the Florida Statutes.  
The bill creates section 705.185 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 Commerce and Tourism on January 16, 2018:**

The bill is amended to allow public food service establishments and public lodging establishments to opt out of the provisions under ss. 705.101-106, F.S.

- B. **Amendments:**

None.

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

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259398

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
	.	
	.	
	.	

---

The Committee on Commerce and Tourism (Young) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 705.17, Florida Statutes, is amended to  
read:

705.17 Exceptions. ~~Sections~~ The provisions of ss. 705.101-  
705.106 do not apply ~~of this chapter shall not be applied~~ to any  
personal property lost or abandoned on the campus of any  
institution in the State University System; ~~or~~ on premises owned



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or controlled by the operator of a public-use airport having regularly scheduled international passenger service; or, if the owner or operator of the premises elects to comply with s. 705.185, on any premises located within a theme park or entertainment complex, as the term is defined in s. 509.013(9), or operated as a zoo, a museum, or an aquarium or on any premises of a public food service establishment or public lodging establishment licensed under part I of chapter 509.

Section 2. Section 705.185, Florida Statutes, is created to read:

705.185 Disposal of personal property lost or abandoned on the premises of certain facilities.—Whenever any lost or abandoned personal property is found on any premises located within a theme park or entertainment complex, as the term is defined in s. 509.013(9), or operated as a zoo, a museum, or an aquarium; or on any premises of a public food service establishment or public lodging establishment licensed under part I of chapter 509, if the owner or operator of the premises elects to comply with this section, any lost or abandoned property must be delivered to the owner or operator of the premises, who shall take charge of the property and make a record of the date such property was found. If the property is not claimed by the owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the owner or operator of the premises, the owner or operator of the premises must dispose of the property or donate it to a charitable institution that is exempt from federal income tax



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under s. 501(c)(3) of the Internal Revenue Code for sale or disposal as that charitable institution deems appropriate. The rightful owner of the property may reclaim the property at any time before the disposition, sale, or donation of the property in accordance with this section and the established policies and procedures of the owner or operator of the premises.

Section 3. This act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to lost or abandoned property;  
amending s. 705.17, F.S.; providing that certain  
provisions of ch. 705, F.S., do not apply to lost or  
abandoned personal property on the premises of  
specified facilities if certain conditions are met;  
creating s. 705.185, F.S.; providing for the disposal  
of lost or abandoned personal property found on the  
premises of specified facilities; specifying  
procedures for the disposal of such property;  
authorizing the rightful owner to claim lost or  
abandoned property at any time before its disposal;  
providing an effective date.



By Senator Young

18-01353-18

20181052\_\_

A bill to be entitled

An act relating to lost or abandoned property; amending s. 705.17, F.S.; providing that certain provisions of ch. 705, F.S., do not apply to lost or abandoned personal property on the premises of theme parks, entertainment complexes, or other specified facilities if certain conditions are met; creating s. 705.185, F.S.; providing for the disposal of lost or abandoned personal property found on the premises of certain theme parks, entertainment complexes, or other specified facilities; specifying procedures as to the property's disposal; authorizing the rightful owner to claim lost or abandoned property at any time before its disposal; providing an effective date.

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

Section 1. Section 705.17, Florida Statutes, is amended to read:

705.17 Exceptions.—~~Sections The provisions of ss. 705.101-705.106 do not apply of this chapter shall not be applied to any~~ personal property lost or abandoned on the campus of any institution in the State University System; ~~or~~ on premises owned or controlled by the operator of a public-use airport having regularly scheduled international passenger service; or on any premises located within a theme park or entertainment complex, as the term is defined in s. 509.013(9), or operated as a zoo, a museum, or an aquarium, if the operator of such facility elects to comply with s. 705.185.

Page 1 of 2

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

18-01353-18

20181052\_\_

Section 2. Section 705.185, Florida Statutes, is created to read:

705.185 Disposal of personal property lost or abandoned on the premises of certain facilities.—Whenever any lost or abandoned personal property is found on any premises located within a theme park or entertainment complex, as the term is defined in s. 509.013(9), or operated as a zoo, a museum, or an aquarium, if the operator of such facility elects to comply with this section, persons controlling any premises located within the facility shall deliver the lost or abandoned property to the facility operator, who shall take charge of the property and make a record of the date such property was found. If the property is not claimed by the owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the facility operator, the facility operator shall dispose of the property or donate it to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code for sale or disposal as that charitable institution deems appropriate. The rightful owner of the property may reclaim the property at any time before the disposition, sale, or donation of the property in accordance with this section and the established policies and procedures of the facility operator.

Section 3. This act shall take effect July 1, 2018.

Page 2 of 2

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

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**

Health Policy, *Chair*  
Appropriations Subcommittee on Pre-K - 12  
Education, *Vice Chair*  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Regulated Industries

**JOINT COMMITTEE:**

Joint Committee on Public Counsel Oversight

**SENATOR DANA YOUNG**

18th District

December 14, 2017

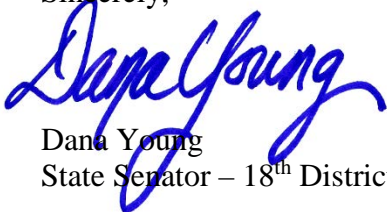
Senator Bill Montford, Chair  
Senate Commerce and Tourism Committee  
310 Knott Building  
404 S. Monroe Street  
Tallahassee, Florida 32399-1100

Dear Chair Montford,

My Senate Bill 1052 regarding Lost or Abandoned Property has been referred to your committee. I respectfully request that this bill be placed on your next available agenda.

If you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dana Young  
State Senator – 18<sup>th</sup> District

cc: Todd McKay, Staff Director – Senate Commerce and Tourism Committee

**REPLY TO:**

- ☐ 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- ☐ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

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

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1/16/18

*Meeting Date*

1052

*Bill Number (if applicable)*

Topic Lost or Abandoned Property

*Amendment Barcode (if applicable)*

Name Leticia M Adams

Job Title Manager, Government Relations

Address 1375 East Buena Vista Drive

Phone 850-528-6133

*Street*

Lake Buena Vista

FL

32830

Email leticia.m.adams@disney.com

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Walt Disney Parks & Resorts U.S.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

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

1/16/2018

Meeting Date

1052

Bill Number (if applicable)

Topic Lost Property

Amendment Barcode (if applicable)

Name Warren Husband

Job Title \_\_\_\_\_

Address PO Box 10909

Phone (850) 205-9600

Street

Tallahassee

FL

32302

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fla. Restaurant and Lodging Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/16/18  
Meeting Date

1052  
Bill Number (if applicable)

Topic Unclaimed Property

Amendment Barcode (if applicable)

Name Jim Magill

Job Title Lobbyist

Address 101 N. Monroe St Suite 1090

Phone 850 681-0411

Street

City

JLY

State

FL

Zip

32201

Email JMAGILL@BPC.COM

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Universal Orlando

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

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

1/16/2018

Meeting Date

1052

Bill Number (if applicable)

Topic Lost and Abandoned Property

Amendment Barcode (if applicable)

Name Melanie Bostick

Job Title Vice President

Address 113 E. College Ave.

Phone (850) 600-3103

Tallahassee

City

FL

State

32301

Zip

Email melanie@libertypartnersfl.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Attractions Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

SB 1052

1-16-18

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

~~SB 1052~~

Meeting Date

Bill Number (if applicable)

Topic Lost or Abandoned Personal Property

Amendment Barcode (if applicable)

Name Jake Farmer

Job Title Legislative Coordinator

Address 227 S Monroe Street

Phone 352 359 6835

Street

Tallahassee FL 32301

City

State

Zip

Email Jake@frf.org

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.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18

Meeting Date

SB 1052

Bill Number (if applicable)

Topic LOST OR ABANDONED PROPERTY

Amendment Barcode (if applicable)

Name GENE MCGEE

Job Title

Address 215 S. MONROE ST. STE 304

Phone (850) 641-7110

Street

TLH

City

FL

State

32201

Zip

Email GENE@GMAILLOBBY.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SEA WORLD PARKS & ENTERTAINMENT

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



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

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

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 376

INTRODUCER: Banking and Insurance Committee and Senator Book and others

SUBJECT: Workers' Compensation Benefits for First Responders

DATE: January 17, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	<b>Fav/CS</b>
2.	Little	McKay	CM	<b>Favorable</b>
3.			AP	
4.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 376 revises workers' compensation standards for determining benefits for employment-related mental or nervous injuries of law enforcement officers, firefighters, emergency medical technicians, paramedics, and first responders. Generally, the bill will increase the likelihood of compensability for workers' compensation indemnity benefits for mental or nervous injuries of first responders delineated in s. 112.1815, F.S., or post-traumatic stress disorder (PTSD) of law enforcement officers, firefighters, emergency medical technicians, or paramedics described in s. 440.093, F.S.

PTSD is a psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war, combat, rape, or other violent personal assault. A diagnosis of PTSD requires direct or indirect exposure to an upsetting traumatic event.

Currently, for non-first responders, a mental or nervous injury must be accompanied by a physical injury requiring medical treatment to be compensable under the workers' compensation law in ch. 440, F.S. Therefore, the physical injury must be severe enough to warrant such treatment in order for any psychiatric injury to be compensable. Section 112.1815, F.S., currently provides that the physical injury requirement for compensability of mental or nervous injuries does not apply to first responders for the payment of medical benefits, but a compensable physical injury is required for a first responder to recover indemnity benefits.

The bill revises eligibility and benefits for mental and nervous injuries involving first responders and occurring as a manifestation of a compensable injury, as provided in s. 112.1815, F.S., by providing for the payment of indemnity as well as the current medical benefits for mental or nervous injuries unaccompanied by a physical injury. Such a mental or nervous disorder must be demonstrated by a preponderance of evidence. Currently, the evidentiary standard is clear and convincing evidence.

Further, the bill authorizes the payment of medical and indemnity benefits pursuant to ch. 440, F.S., to a law enforcement officer, firefighter, emergency medical technician, or paramedic who experiences PTSD unaccompanied by a physical injury if all of the following conditions are met:

- The mental or nervous injury resulted while the law enforcement officer, firefighter, emergency medical technician, or paramedic was acting within the scope of employment and the person witnessed a murder, suicide, fatal injury, child death, or arrived on a scene of a mass casualty incident; and
- The mental or nervous injury is demonstrated by a preponderance of evidence by a licensed psychiatrist to meet the criteria for PTSD as described in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

The bill may have an indeterminate negative fiscal impact on state and local governments.

## **II. Present Situation:**

### **Florida Workers' Compensation System**

Employers are required to pay compensation or furnish benefits that are required under ch. 440, F.S., if an employee suffers an accidental compensable injury or death arising out of work performed in the course and the scope of the employment.<sup>1</sup> Generally, employers may secure coverage from an authorized carrier, qualify as a self-insurer,<sup>2</sup> or purchase coverage from the Workers' Compensation Joint Underwriting Association, the insurer of last resort.<sup>3</sup>

Workers' compensation is the injured employee's remedy for "compensable" workplace injuries.<sup>4</sup> An accidental compensable injury must be the major contributing cause of any resulting injury, meaning that the cause must be more than 50 percent responsible for the injury as compared to all other causes combined, as demonstrated by medical evidence only.<sup>5</sup> An injury or disease caused by a toxic substance is not an injury by accident arising out of employment unless there is clear and convincing evidence establishing that exposure to the specific substance caused the injury or diseases sustained by the employee.<sup>6</sup>

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<sup>1</sup> Section 440.09(1), F.S.

<sup>2</sup> Section 440.38, F.S.

<sup>3</sup> Section 627.311(5)(a), F.S.

<sup>4</sup> "Compensable" means a determination by a carrier or judge of compensation claims that a condition suffered by an employee results from an injury arising out of and in the course of employment. Section 440.13(1)(d), F.S.

<sup>5</sup> Section 440.09(1), F.S.

<sup>6</sup> Section 440.02(1), F.S.

***General Compensability for Mental or Nervous Injuries***

Section 440.093, F.S., sets forth the conditions under which a mental or nervous injury is compensable. A mental or nervous injury due to only stress, fright, or excitement is not an injury by accident arising out of the employment. Mental or nervous injuries without an accompanying physical injury requiring medical treatment are not compensable. In addition, a physical injury resulting from a mental or nervous injury unaccompanied by a physical trauma requiring medical treatment is not compensable.

Further, s. 440.093, F.S., provides that mental or nervous injuries occurring as a manifestation of an injury compensable under ch. 440, F.S., must be demonstrated by clear and convincing medical evidence. The compensable physical injury must be the major contributing cause of the mental or nervous injury. The law also limits the duration of temporary benefits for a compensable mental or nervous injury to no more than 6 months after the employee reaches maximum medical improvement.

Injured workers are entitled to receive all medically necessary remedial treatment, care, and attendance, including medications, medical supplies, durable medical equipment, and prosthetics, for as long as the nature of the injury and process of recovery requires.<sup>7</sup>

Indemnity benefits only become payable to employees who are disabled for at least 8 days due to a compensable workplace injury.<sup>8</sup> These benefits are generally payable at 66 2/3 percent of the employee's average weekly wage (AWW),<sup>9</sup> up to the maximum weekly benefit established by law.<sup>10</sup> Indemnity benefits fall into one of four categories: temporary partial disability, temporary total disability, permanent partial disability, and permanent total disability.

- Temporary partial disability and temporary total disability benefits are payable for up to a combined total of 260 weeks.<sup>11</sup>
- Permanent partial disability benefits are payable as impairment income benefits that are provided for a variable number of weeks depending upon the value of the injured worker's permanent impairment rating pursuant to a statutory formula.<sup>12</sup>
- Permanent total disability benefits are payable until the age of 75, unless the work-related accident occurs after the worker's 70<sup>th</sup> birthday, then the benefit is paid for 5 years.<sup>13</sup>

Section 440.15(3), F.S., provides that permanent impairment benefits are limited for a permanent psychiatric impairment to one percent permanent impairment.

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<sup>7</sup> Section 440.13(2)(a), F.S.

<sup>8</sup> Section 440.12(1), F.S.

<sup>9</sup> An injured workers' average weekly wage is an amount equal to one-thirteenth of the total amount of wages earned during the 13 weeks immediately preceding the compensable accident pursuant to s. 440.14(1), F.S.

<sup>10</sup> Section 440.15(1)-(4), F.S.

<sup>11</sup> Section 440.15(2) and (4), F.S. Section 440.15(2)(a), F.S., specify that temporary total disability benefits are payable for 104 weeks; however, the Florida Supreme Court has found this provision unconstitutional and revived the standard of 260 weeks of payable temporary total disability benefits. *Westphal v. City of St. Petersburg*, 194 So.3d 311 (Fla. Jun. 9, 2016). Section 440.15(4)(e), F.S., provides that temporary partial disability benefits; however, the 1st DCA applied the holding in *Westphal* to these benefits finding the limitation unconstitutional and reverted the limitation to the 260 weeks previously allowed. *Jones v. Food Lion, Inc.*, No. 1D15-3488, 2016 Fla. App. LEXIS 16710 (Fla. 1st DCA Nov. 9, 2016).

<sup>12</sup> Section 440.15(3), F.S.

<sup>13</sup> Section 440.15(1), F.S.

***First Responders' Compensability for Mental or Nervous Injuries***

In 2007, the Legislature enacted significant changes in workers' compensation benefits for first responders that provide benefits and standards for determining benefits for employment-related accidents and injuries of first responders. A "first responder" is a law enforcement officer, as defined in s. 943.10, F.S.,<sup>14</sup> a firefighter as defined in s. 633.102, F.S.,<sup>15</sup> or an emergency medical technician or paramedic as defined in s. 401.23, F.S.,<sup>16</sup> employed by state or local government.<sup>17</sup> Further, a volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is considered a first responder of the state or local government.<sup>18</sup>

In regards to compensability for a mental or nervous injury involving a first responder, s. 112.1815, F.S.:

- Requires that a mental or nervous injury occurring as a manifestation of a compensable injury must be demonstrated by clear and convincing evidence;
- Authorizes the payment of only medical benefits in employment-related cases involving a mental or nervous injury without an accompanying physical injury requiring medical treatment;
- Prohibits the payment of indemnity benefits unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury; and
- Provides that benefits for first responders are not subject to any limitation on temporary benefits under s. 440.93, F.S., or the one percent limitation on permanent psychiatric impairments benefits under s. 440.15, F.S.

**State Survey of Compensability Laws for Workers' Compensation Mental Injuries**

Often stress-related injuries do not result from a physical injury. These types of injuries are referred to as "mental-mental" injuries because they are caused by a purely mental stimulus that leads to a mental impairment, such as depression or post-traumatic stress disorder. This stimulus could be witnessing, but not being physically injured by, a particularly horrific accident, workplace incident, or crime scene.

---

<sup>14</sup> "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>15</sup> "Firefighter" means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal within the Department of Financial Services pursuant to s. 633.408, F.S.

<sup>16</sup> "Emergency medical technician" means a person who is certified by the Department of Health to perform basic life support pursuant to pt. III of ch. 401, F.S. "Paramedic" means a person who is certified by the Department of Health to perform basic and advanced life support pursuant to pt. III of ch. 401, F.S.

<sup>17</sup> Chapter 2007-1, Laws of Fla.

<sup>18</sup> Section 112.1815, F.S.

In 2017, the National Council on Compensation Insurance (NCCI) issued a report summarizing compensability for injuries<sup>19</sup> in the United States.<sup>20</sup> Highlights of the study include:

- **Compensability for Mental-Mental Injuries:** 27 jurisdictions, including Florida, have statutory language expressly allowing compensation for nonphysical mental (mental-mental) injuries or stress in limited circumstances.<sup>21</sup>
- **Mental-Mental and Mental-Physical Exclusions:** Montana is the only state that specially denies compensability for both mental-physical and mental-mental injuries.
- **Personnel Actions:** 21 states specify that stress arising out of a personnel action is not compensable.

Another report noted that some states provide compensability for mental-mental injuries, but only if the stimulus is “unusual.”<sup>22</sup> In those states, the term “unusual” generally means unusual for a typical person holding the particular job. Other states were noted that provide compensability for mental-mental injuries, but only if the mental stimulus is sudden.

### Post-Traumatic Stress Disorder

The American Psychiatric Association provides diagnostic criteria for mental disorders, which includes post-traumatic stress disorder (PTSD) in its *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5)*.<sup>23</sup> PTSD is a psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war, combat, rape, or other violent personal assault.<sup>24</sup> A diagnosis of PTSD requires exposure to an upsetting traumatic event. However, exposure could be indirect rather than first hand.<sup>25</sup> Symptoms generally begin within the first 3 months after the trauma, although there may be a delay of months or even years, before the criteria for the diagnosis are met.<sup>26</sup>

The exact prevalence rate for PTSD is difficult to ascertain. According to the National Center for PTSD, about 7 or 8 percent of the population will have PTSD at some point in their lives.<sup>27</sup> About 8 million adults will have PTSD during a given year. About 10 percent of females develop PTSD during their lives compared with about 4 percent of males. The number of veterans with PTSD varies by service era. For example, about 15 percent of Vietnam veterans are diagnosed

<sup>19</sup> Reference to mental injuries also includes mental impairments or disorders that are occupational diseases. The District of Columbia and Kansas laws do not expressly provide for compensation of mental injuries, but they do reference mental conditions and/or mental providers.

<sup>20</sup> NCCI, *Compensability for Workers' Compensation Mental Injuries* (2017) (on file with Senate Banking and Insurance Committee).

<sup>21</sup> Typically, compensable mental-mental injuries must be considered extraordinary and the predominate or substantial contributing cause.

<sup>22</sup> Donald DeCarlo and Roger Thompson, *Workers' Compensation Benefits for Post-Traumatic Stress Disorder*, Insurance Advocate (Jul. 24, 2017) (on file with Senate Banking and Insurance Committee).

<sup>23</sup> American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, (5<sup>th</sup>, 2013). Commonly referred to as DSM-5.

<sup>24</sup> See American Psychiatric Association, *What is Posttraumatic Stress Disorder?* (Jan. 2017) (on file with Senate Banking and Insurance Committee).

<sup>25</sup> *Id.*

<sup>26</sup> DSM-5, *supra*, note 25 at 276.

<sup>27</sup> National Center for PTSD, *How Common is PTSD?* Available at: <https://www.ptsd.va.gov/public/PTSD-overview/basics/how-common-is-ptsd.asp> (last visited Jan. 12, 2018).

with PTSD at the time of the most recent study conducted in the late 1980s. It is estimated that 30 percent of Vietnam veterans have had PTSD in their lifetime. In contrast, about 12 percent of Gulf War veterans have PTSD in a given year.

The DSM-5 estimates approximately 8.7 percent of the U.S. population will develop PTSD in their lifetime.<sup>28</sup> Twelve-month prevalence among U.S adults is approximately 3.5 percent. The PTSD rates are higher among veterans and others whose employment increases the risk of traumatic exposure, such as police, firefighters, and emergency medical personnel. The highest rates (ranging from one third to more than one half of those exposed) are found among survivors of rape, military combat and captivity, and ethnically or politically motivated internment and genocide.

Although estimates vary across occupations and the general population, some studies indicate that first responders and other professionals who are exposed to potentially traumatic events in their workplace are four to five times more likely to develop PTSD compared to the general population.<sup>29</sup> A 2016 report estimated 20 percent of firefighters and paramedics had PTSD.<sup>30</sup> Preexisting mental health conditions may be exacerbated and new mental health conditions may occur due to extremely emotionally and physically demanding working conditions.<sup>31</sup> A 2015 survey of 4,000 first responders found that 6.6 percent had attempted suicide, which is more than 10 times the rate in the general population.<sup>32</sup> Concern has been expressed that first responders may underreport mental health conditions as a result of stigma associated with seeking treatment for those conditions.

### **2016 Pulse Shooting in Orlando, Florida**

On June 12, 2016, 49 people were killed and at least 68 others were injured at a shooting at the Pulse nightclub in Orlando, Florida. The shooting has been characterized as one of the deadliest mass shootings in modern U.S. history.<sup>33</sup> One recently profiled police officer was diagnosed with post-traumatic stress disorder and has been out of work since shortly after the shooting.<sup>34</sup> The article noted that, while the City of Orlando Police Department was paying his full salary, Florida law did not require the employer to pay because workers' compensation compensability for PTSD must be accompanied by a physical injury, which the officer did not have.

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<sup>28</sup> DSM-5, *supra*, note 25, at 276.

<sup>29</sup> *Psychological Trauma: Theory, Practice, and Policy* 2015, Vol. 7, No. 5, 500-506.

<sup>30</sup> EMS1.com News, *New study estimates 20 percent of firefighters and paramedics have PTSD* (Aug. 17, 2017) (on file with Senate Banking and Insurance Committee).

<sup>31</sup> Johns Hopkins Public Health Preparedness Programs, *First Responders, Mental Health Services, and the Law* (Apr. 25, 2013) (on file with Senate Committee on Banking and Insurance Committee).

<sup>32</sup> FireRescue News, *Increasing suicide rates among first responders spark concerns* (Mar. 19, 2017) (on file with Senate Committee on Banking and Insurance Committee).

<sup>33</sup> CBS News, *Report reveals dramatic new details from Orlando nightclub massacre*, (Apr. 14, 2017) available at <http://www.cbsnews.com/news/orlando-nightclub-shooting-report-reveals-new-details-inside-pulse/> (last visited Jan. 12, 2018).

<sup>34</sup> Orlando Sentinel, *Proposed bills would cover first responders who have PTSD* (Feb. 27, 2017) (on file with Senate Committee on Banking and Insurance).

## **Florida Retirement System**

The Florida Retirement System (FRS)<sup>35</sup> offers members a choice between the Pension Plan (a defined benefit plan) and the Investment Plan (a defined contribution plan). Generally, FRS membership is compulsory for employees filling a regularly established position in a state agency, county agency, state university, state college, or district school board with some limited exceptions. Participation by cities, municipalities, special districts, charter schools, and metropolitan planning organizations, although optional, is generally irrevocable after the election to participate is made. The five classes of membership are Regular Class, Senior Management Service Class, Special Risk Class, Special Risk Administrative Support Class, and Elected Officers' Class.

### ***Special Risk Class of the FRS***

The Special Risk Class is composed of state and local government employees who are employed in certain categories of law – enforcement officers, firefighting, criminal detention, and emergency medical care – and meet the criteria to qualify for this class.<sup>36</sup> A person who is a member in the Special Risk Class may retire at an earlier age and is eligible to receive higher disability and death benefits than Regular Class members. In creating the Special Risk Class of membership within the FRS, the Legislature recognized that certain employees, as an essential function of their positions, must perform work that is physically demanding or that requires extraordinary agility and mental acuity.<sup>37</sup> The Legislature further found that, as persons in such positions age, they may not be able to continue performing their duties without posing a risk to the health and safety of themselves, the public and their coworkers.

### ***Disability Benefits for Members of the FRS***

The FRS provides disability benefits for its active members who are permanently, totally disabled from useful employment. The level of disability benefits to which an eligible disabled member is minimally entitled depends upon membership class, and whether the disabling injury or illness was job related. For Special Risk Class members retiring on or after July 1, 2000, the minimum in-line-of-duty disability benefit is 65 percent of average final compensation (AFC) as of the member's disability retirement date.

Section 121.091(4), F.S., provides that any FRS<sup>38</sup> member who is totally and permanently disabled due to a condition or impairment of health caused by an injury or illness (including tuberculosis, heart disease, or hypertension) is entitled to disability benefits. The disabling injury or illness must have occurred before the member terminated employment. If the injury or illness arises out of and in the actual performance of duty required by his or her job, the member is entitled to in-line-of-duty disability benefits.

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<sup>35</sup> Florida Retirement System Pension Plan and Other State Administered Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2016, available at [http://www.myflorida.com/audgen/pages/pdf\\_files/2017-073.pdf](http://www.myflorida.com/audgen/pages/pdf_files/2017-073.pdf) (last visited Jan. 12, 2018).

<sup>36</sup> Section 121.0515(1), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> Members of both the FRS Pension Plan and the FRS Investment Plan are eligible for disability coverage.

There are several important differences in the laws applicable to disability benefits, depending on whether the disability is found to be due to an injury or illness “suffered in the line of duty”:

- *Eligibility* — A FRS member is eligible for in-line-of-duty disability benefits from his/her first day on the job. In contrast, the member must have 8 years of creditable service<sup>39</sup> before becoming disabled in order to receive disability retirement benefits for any disability occurring other than in the line of duty.
- *Burden of Proof* — Proof of disability is required, including certification by two Florida-licensed physicians that the member’s disability is total and permanent (i.e., that the member is prevented by reason of a medically determinable physical or mental impairment from engaging in gainful employment of any type). It is the responsibility of the applicant to provide such proof. Unless a legal presumption applies such as the one provided under s. 112.18, F.S., to qualify to receive the higher in-line-of-duty disability benefits, the member must also show by competent evidence that the disability occurred in the line of duty.
- *Chapter 175, F.S., plans* — Pension plans for firefighters established pursuant to ch. 175, F.S., must provide a minimum line of duty benefit equal to the firefighter’s accrued retirement benefit, but no less than 42 percent of his or her average monthly salary at the time of disability. Disability occurs when an injured plan member is wholly prevented from rendering useful and efficient service as a firefighter and is likely to remain so in the opinion of the board of trustees, after the member has been examined by a duly qualified doctor selected by the board. Local law plans may have enacted disability benefits that exceed the minimum requirements.

### ***Existing In-Line-of-Duty Disability Presumptions***

Section 112.18, F.S., establishes a presumption for state and local firefighters, law enforcement, correctional, and correctional probation officers regarding determinations of job-related disability. This statute provides that certain diseases (tuberculosis, heart disease, and hypertension) acquired by these officers are presumed to have been suffered in the line of duty. This presumption in law has the effect of shifting from the employee to the employer the burden of proving by competent evidence that the disabling disease was not related to the person's employment.

Section 175.231, F.S., provides a similar presumption for firefighters in any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under ch. 175, F.S., whose death or disability is the result of tuberculosis, heart disease, or hypertension. Section 185.34, F.S., provides a similar presumption for municipal police officers’ pension plans.

Section 112.181, F.S., provides a presumption applicable to any emergency rescue or public safety worker, including a firefighter, that such employee qualifies for in the line of duty disability or death benefits if such disability or death is due to hepatitis, meningococcal meningitis, or tuberculosis.

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<sup>39</sup> Until July 1, 2001, any member who joined the FRS on or after July 1, 1980, was required to complete 10 years of creditable service to qualify for disability benefits for a disability that was not job-related. Under current law, the 10-year service requirement has been reduced to 8 years.



Absent one of the existing presumptions, the FRS member has the burden of proof when claiming in the line of duty disability or death benefits. The employee must show by competent evidence that the death or disability occurred in the line of duty in order to receive the higher benefits.<sup>40</sup> If the employee or the employee's survivors cannot meet the burden of proof, the employee or the employee's survivors are entitled only to the lesser benefits available under regular death or disability benefits.

### ***Death Benefits Available for FRS Members***

The FRS currently provides death benefits for surviving spouses and/or eligible dependents of active members. Under s. 121.091(7), F.S., death benefits may be paid for an active member of the FRS Pension Plan who dies before retirement due to an injury or illness (including tuberculosis, heart disease, or hypertension). If the injury or illness arises out of and in the actual performance of duty required by the job, the member's surviving spouse and/or eligible dependent(s) are entitled to in-line-of-duty death benefits. There are important differences in the laws applicable to death benefits, depending on whether the death is found to be due to an injury or illness "suffered in the line of duty."

From the first day on the job, an FRS Pension Plan member is eligible for in-line-of-duty death benefits that will pay a minimum monthly benefit to a survivor equal to half the member's last monthly salary. If the deceased member would have been entitled to a higher retirement benefit based on service credit, the higher benefit would be payable to his/her spouse or eligible dependent(s). The survivor benefit for Special Risk Class members killed in the line of duty is 100 percent of the member's base pay at the time of death if the member's death occurs on or after July 1, 2013. Unless a legal presumption applies such as those provided under s. 112.18, F.S., the eligible beneficiary must show by competent evidence that the death occurred in the line of duty to qualify to receive the higher in-line-of-duty death benefits.

### **Local Government Pension Plans**

Chapters 175 and 185, F.S., provide funding mechanisms for pension plans of municipal firefighters and police officers, respectively. Both chapters provide a uniform retirement system for firefighters and police officers and set standards for operating and funding of pension systems through a trust fund supported by a tax on insurance premiums. Most Florida firefighters and local law enforcement officers participate in these plans. To be considered totally and permanently disabled, charter plan employees must only be found disabled from rendering useful and efficient service as a firefighter or police officer.<sup>41</sup> Under local law plans, the standards may vary for determining eligibility for disability retirement, death benefits, and the benefits paid, although all plans must abide by minimum standards established under ss. 175.351 and 185.35, F.S., respectively.

### **Mass Casualty Incident**

The definition of "mass casualty incident" generally refers to an incident that overwhelms the local healthcare system, with a number of casualties that vastly exceeds the local resources and

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<sup>40</sup> Sections 121.091(4)(c) and (7)(d), F.S.

<sup>41</sup> Sections 175.191 and 185.18, F.S.

capabilities in a short period.<sup>42</sup> Another source describes a mass casualty incident as an incident that produces multiple casualties such that emergency services, medical personnel, and referral systems within the catchment area cannot provide adequate and timely response and care without unacceptable mortality or morbidity.<sup>43</sup>

The purpose of the *Florida Field Operations Guide* (FOG)<sup>44</sup> is to define the organizational plan to efficiently triage, treat, and transport victims of multiple/mass casualty incidents (MCIs). In addition, the FOG contains additional health and medical resources to manage a variety of incidents. This procedure is intended for incidents involving a number of injured that exceeds the capabilities of the first arriving unit. An MCI is categorized at different levels depending on the number of victims. The number of victims are based on the initial size-up, prior to triage. MCI Level 1 (5-10 victims), MCI Level 2 (11-20 victims), MCI Level 3 (21-100 victims), MCI Level 4 (101-1000 victims), MCI Level 5 (over 1,000 victims, or when regional resources are overwhelmed or exhausted).

### III. Effect of Proposed Changes:

**Section 1** amends s. 112.1815, F.S., to revise compensability standards of first responders for a mental or nervous injury occurring as a manifestation of a compensable injury. The section eliminates the prohibition on the payment of indemnity benefits unless a physical injury accompanies the mental or nervous injury. The bill lowers the evidentiary standard for compensability from clear and convincing evidence to a preponderance of the evidence. A preponderance of evidence is evidence that is of greater weight or more convincing than the evidence offered in opposition to it.<sup>45</sup> Current law provides that only medical benefits are payable for a mental or nervous injury of a first responder that is unaccompanied by a physical injury. Indemnity benefits are available only if the mental or nervous injury is accompanied by a physical injury.

**Section 2** amends s. 440.093, F.S., to authorize the payment of medical and indemnity benefits to a law enforcement officer, firefighter, emergency medical technician, or paramedic who experiences PTSD that is not accompanied by a physical injury if certain conditions are met. Currently, for non-first responders, a mental or nervous injury is compensable if it is accompanied by a physical injury requiring medical treatment. Further, only medical benefits are payable to a first responder under s. 112.1815, F.S., for a mental or nervous injury that is unaccompanied by a physical injury.

The bill provides that a law enforcement officer, firefighter, emergency medical technician, or paramedic would be entitled to receive workers' compensation benefits for PTSD, or a mental or nervous injury, if all of the following conditions are met:

- The mental or nervous injury resulted while the employee was acting within the scope of employment as described in s. 440.091, F.S., and the employee witnessed or arrived on the scene of a murder, suicide, fatal injury, child death, or mass casualty incident; and

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<sup>42</sup> See Ben-Ishay *et al.* World Journal of Emergency Surgery (2016) 11:8.

<sup>43</sup> Dr. Lee Faulter, *Multiple Traumas: Where do I start?* (on file with the Senate Committee on Banking and Insurance).

<sup>44</sup> See Florida Division of Emergency Management, Florida Field Operations Guide (Oct. 2012), Rule 10B-197, F.A.C. available at <https://floridadisaster.org/FOG/chapter10B-MassCasualty.pdf> (last visited Jan. 12, 2018).

<sup>45</sup> Black's Law Dictionary Fifth Edition, *Preponderance of Evidence*, pg. 1064 (1979).

- The mental or nervous injury is demonstrated by a preponderance of evidence by a licensed psychiatrist to meet the criteria for PTSD as described in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

**Section 3** provides the bill takes effect October 1, 2018.

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

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

Article VII, s. 18(a) of the Florida Constitution provides, in pertinent part, that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and unless:

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated, including state and local governments.

Although the bill does not contain an express finding that the law fulfills an important state interest, the bill does appear to apply to all first responders delineated under s. 112.1815, F.S., and specified law enforcement officers, firefighter, emergency medical technicians, and paramedics described in s. 440.093, F.S., similarly situated, including state agencies, school boards, community colleges, counties, municipalities, special districts, and private entities.

##### **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:**

Lowering the compensability standards relating to mental nervous disorders for first responders as described in s. 112.1815, F.S., and for law enforcement officers, firefighters, emergency medical technicians, and paramedics for PTSD as provided in s. 440.093, F.S., is expected to increase the number of compensable claims for these first

responders, law enforcement, firefighters, paramedics, and emergency medical technicians. As a result, the first responders who have incurred a mental or nervous injury without an accompanying physical injury could receive access to indemnity benefits as well as the current medical benefits. Law enforcement officers, firefighters, emergency medical technicians, and paramedics covered under section 2 of the bill who have incurred such a PTSD without an accompanying physical injury and met other conditions could receive access to indemnity benefits as well as medical benefits.

The fiscal impact on private employers is indeterminate.

### **NCCI Analysis of SB 376**

According to NCCI, the implementation of the initial filed version of the bill may have resulted in an indeterminate increase in system costs for law enforcement officer, firefighter, emergency medical technician, and paramedic classifications in Florida.<sup>46</sup> However, the overall impact on workers' compensation costs was expected to be minimal, since the data reported to NCCI show that first responders represent approximately 2.2 percent of statewide losses in Florida. The 2.2 percent may be an underestimate for the total population of Florida workers, as many entities that employ law enforcement officers, firefighters, and emergency medical technicians are self-insured and do not report data to NCCI.

The ultimate system cost impact would be realized through future loss experience and reflected in subsequent NCCI rate filings in Florida. A minimal impact in this context is defined as an impact on overall system costs of less than 0.2 percent or approximately \$7 million.<sup>47</sup> The bill lowers the evidentiary standard for recovering benefits in a PTSD-related claim, which may increase the cost impact of the bill.

NCCI is unable to quantify the expected increase in the number of PTSD-related claims that would be entitled to indemnity benefits under SB 376. However, due to the high prevalence of PTSD among first responders, NCCI estimates that the increase in compensable PTSD-related claims could be significant for these occupational classifications.<sup>48</sup> If enacted, the bill could potentially result in increased litigation related to the confirmation of a PTSD diagnosis and the determination of whether the PTSD arose out of an activity performed within the course of employment. Any costs associated with increased litigation would be expected to exert upward pressure on overall workers' compensation system costs.

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<sup>46</sup> NCCI, *Analysis of SB 376* (Oct. 19, 2017) (on file with Senate Banking and Insurance Committee).

<sup>47</sup> NCCI correspondence (Dec. 4, 2017) (on file with Senate Committee on Banking and Insurance).

<sup>48</sup> According to NCCI, although events leading to PTSD cannot be predicted with certainty, the incidence of PTSD is estimated to be significantly higher for first responders compared to the general population. According to the U.S. Department of Veterans Affairs, about 55 percent of the population will experience at least one trauma in their lives and, as a result, about 7-8 percent of the population will have PTSD at some point in their lives. In comparison, the National Center for Biotechnical Information (NCBI) concluded that the prevalence of PTSD among Emergency Medical Technicians (EMTs) is greater than 20 percent, and various sources have reported the prevalence of PTSD among firefighters to be in the 7 percent to 37 percent range.

### C. Government Sector Impact:

The fiscal impact on state and local governments is indeterminate. State and local governments may incur higher claim costs for workers' compensation benefits of first responders, law enforcement officers, firefighters, emergency medical technicians, or paramedics contingent upon the frequency and severity of the claims.<sup>49</sup>

The number of affected state and local government positions is indeterminate. According to the Department of Management Services (DMS), as of December 1, 2017, the total number of State Personnel System (SPS) employees in firefighter positions is 613 (out of 650 total positions) and the total number of SPS employees in Law Enforcement Officer positions is 4,342 (out of a total of 4,652 positions). This information does not include volunteers. According to the DMS, the SPS does not utilize Paramedic or Emergency Medical Technician classes, nor does it have volunteers perform firefighter or law enforcement duties.<sup>50</sup>

**Department of Agriculture and Consumer Services (DACS).**<sup>51</sup> Since s. 112.1815, F.S., was enacted, the Florida Forest Service (FFS) and Office of Agricultural Law Enforcement (OALE) have not received any workers' compensation claims for mental or nervous injuries. An increase in annual claims from first responders is highly probable; however, the limited level of exposure by the employees of DACS to the scenarios and the requirements are likely to lessen the frequency of claims. A negative fiscal impact of unknown severity is likely. There are currently 211 special-risk positions in OALE and 589 in FFS that are first responder positions. The FFS has a volunteer program; however, only a small portion of the FFS volunteers are classified as firefighters.

**Division of Risk Management/Department of Financial Services (DFS).**<sup>52</sup> Since the enactment of s. 112.1815, F.S., available records indicate that only one state employee has received medical benefits relating to a work-related mental condition without a physical injury. Assuming the frequency does not significantly increase, and using an average Florida indemnity cost of \$15,378 for all claims as calculated by NCCI, DFS indicates there is a potential for small increases in claims costs. A state employee that is unable to return to work due to the extent of his or her mental injuries could result in a much higher cost depending on his or her age and salary. According to DFS, there are 4,174 state employees classified as first responders.<sup>53</sup> This number does not include volunteers or local government employees or volunteers.

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<sup>49</sup> See NCCI *Analysis of SB 376* in Private Sector Impact.

<sup>50</sup> Department of Management Services correspondence (Dec. 1, 2017) (on file with the Senate Committee on Banking and Insurance).

<sup>51</sup> Department of Agriculture and Consumer Services, *Legislative Analysis of SB 376* (Dec. 1, 2017) (on file with the Senate Committee on Banking and Insurance).

<sup>52</sup> Department of Financial Services, *Legislative Analysis of SB 376* (Oct. 11, 2017) (on file with the Senate Committee on Banking and Insurance).

<sup>53</sup> Department of Financial Services correspondence (Dec. 4, 2017) (on file with the Senate Committee on Banking and Insurance).

**Department of Highway Safety and Motor Vehicles (DHSMV).**<sup>54</sup> The DHSMV has averaged \$73,500 in annual costs for injury-related workers' compensation benefits. There have not been any claims for mental or nervous injuries in recent years. If this bill is enacted, there could be an indeterminate, but possibly significant, increase in expenditures. The DHSMV has 1,974 FHP trooper positions, approximately 228 auxiliary volunteers and 50 reserve officers (volunteers). A reserve officer is a certified law enforcement officer appointed to serve without compensation and vested with the authority to bear arms and make arrests.

## **VI. Technical Deficiencies:**

Florida Statutes do not define the term "mass casualty incident." A definition of this term in ch. 440, F.S., may reduce ambiguity and possible litigation as to what types of situations this term would cover.

It is unclear what positions or employment classifications are covered and what mental nervous disorders are compensable under the bill, which could lead to additional litigation and delays in receiving benefits. It is uncertain whether all volunteer, as well as employed, law enforcement, firefighters, emergency medical technicians, and paramedics acting within the course of employment as described in s. 440.091, F.S., who experience a mental or nervous disorder and are diagnosed with PTSD are covered under Section 2 of the bill. The term, "first responders" is not defined or used in ch. 440, F.S. Section 112.1815, F.S., applies to first responders who are employees or volunteers who meet certain statutory definitions and conditions.

Section 1 provides that a mental nervous disorder involving a first responder and occurring as a manifestation of a compensable injury would be a compensable mental or nervous injury (medical as well as indemnity benefits) if the injury was demonstrated by a preponderance of evidence. Section 2 provides that PTSD is a compensable injury (medical and indemnity benefits) for law enforcement officers, firefighters, emergency medical technicians or paramedics if certain conditions are met. It is unclear whether the intent of the bill is to provide benefits for all mental or nervous disorders or only PTSD for first responders, law enforcement officers, firefighters, emergency medical technicians and paramedics.

## **VII. Related Issues:**

None.

## **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 112.1815 and 440.093.

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<sup>54</sup> Department of Highway Safety and Motor Vehicles, *Legislative Analysis of SB 376* (Dec. 1, 2017) (on file with the Senate Committee on Banking and Insurance).

**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 Banking and Insurance on December 5, 2017:**

The CS:

- Lowers the evidentiary standard for compensability of mental nervous injuries of first responders, defined in s. 112.1815, F.S., from clear and convincing evidence to preponderance of evidence.
- Revises compensability requirements of law enforcement officer, firefighter, emergency medical technician, and paramedics for PTSD under ch. 440, F.S., in the following manner:
  - Requires that such an employee must have been acting within the course of employment and the person witnessed, or arrived at the scene of, a murder, suicide, fatal injury, child death, or mass casualty incident.
  - Eliminates the requirement that such an employee must initiate mental health treatment within 15 days after the incident.
  - Requires that the mental nervous injury of such an employee must be demonstrated by a preponderance of evidence, rather than a clear and convincing evidence, by a licensed psychiatrist to meet the criteria for PTSD as described in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*, published by the American Psychiatric Association.
- Changes the effective date of the bill from July 1 to October 1, 2018.

**B. Amendments:**

None.

By the Committee on Banking and Insurance; and Senators Book,  
Latvala, Taddeo, and Montford

597-01803-18

2018376c1

A bill to be entitled

An act relating to workers' compensation benefits for first responders; amending s. 112.1815, F.S.; revising the evidentiary standard for demonstrating mental and nervous injuries of first responders; deleting certain limitations relating to workers' compensation benefits for first responders; amending s. 440.093, F.S.; providing that law enforcement officers, firefighters, emergency medical technicians, and paramedics are entitled to benefits under the Workers' Compensation Law for mental or nervous injuries, regardless of whether such injuries are accompanied by physical injuries requiring medical treatment, under specified circumstances; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 112.1815, Florida Statutes, is amended to read:

112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—

(2) (a) For the purpose of determining benefits under this section relating to employment-related accidents and injuries of first responders, the following shall apply:

1. An injury or disease caused by the exposure to a toxic substance is not an injury by accident arising out of employment unless there is a preponderance of the evidence establishing

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that exposure to the specific substance involved, at the levels to which the first responder was exposed, can cause the injury or disease sustained by the employee.

2. Any adverse result or complication caused by a smallpox vaccination of a first responder is deemed to be an injury by accident arising out of work performed in the course and scope of employment.

3. A mental or nervous injury involving a first responder and occurring as a manifestation of a compensable injury must be demonstrated by a preponderance of the clear and convincing evidence. ~~For a mental or nervous injury arising out of the employment unaccompanied by a physical injury involving a first responder, only medical benefits under s. 440.13 shall be payable for the mental or nervous injury. However, payment of indemnity as provided in s. 440.15 may not be made unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury.~~ Benefits for a first responder are not subject to any limitation on temporary benefits under s. 440.093 or the 1-percent limitation on permanent psychiatric impairment benefits under s. 440.15(3)(c).

Section 2. Section 440.093, Florida Statutes, is amended to read:

440.093 Mental and nervous injuries.—

(1) Except as provided in subsection (4):

(a) A mental or nervous injury due to stress, fright, or excitement only is not an injury by accident arising out of the employment.

(b) ~~Nothing in~~ This section may not ~~shall~~ be construed to allow for the payment of benefits under this chapter for mental

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or nervous injuries without an accompanying physical injury requiring medical treatment.

(c) A physical injury resulting from mental or nervous injuries unaccompanied by physical trauma requiring medical treatment ~~is shall~~ not be compensable under this chapter.

(2) Except as provided in subsection (4), mental or nervous injuries occurring as a manifestation of an injury compensable under this chapter ~~must shall~~ be demonstrated by clear and convincing medical evidence by a licensed psychiatrist meeting criteria established in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Except as provided in subsection (4), the compensable physical injury must be and remain the major contributing cause of the mental or nervous condition and the compensable physical injury as determined by reasonable medical certainty must be at least 50 percent responsible for the mental or nervous condition as compared to all other contributing causes combined. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work or losing employment opportunities, resulting from a preexisting mental, psychological, or emotional condition or due to pain or other subjective complaints that cannot be substantiated by objective, relevant medical findings.

(3) Subject to the payment of permanent benefits under s. 440.15, in no event shall temporary benefits for a compensable mental or nervous injury be paid for more than 6 months after the date of maximum medical improvement for the injured employee's physical injury or injuries, which shall be included

597-01803-18

2018376c1

in the period of 104 weeks as provided in s. 440.15(2) and (4). Mental or nervous injuries are compensable only in accordance with the terms of this section.

(4) A law enforcement officer, a firefighter, an emergency medical technician, or a paramedic is entitled to receive benefits under this chapter for a mental or nervous injury, whether or not such injury is accompanied by a physical injury requiring medical treatment, if:

(a) The mental or nervous injury resulted while the law enforcement officer, firefighter, emergency medical technician, or paramedic was acting within the course of his or her employment as described in s. 440.091 and the law enforcement officer, firefighter, emergency medical technician, or paramedic witnessed, or arrived at the scene of, a murder, suicide, fatal injury, child death, or mass casualty incident; and

(b) The mental or nervous injury is demonstrated by a preponderance of the evidence by a licensed psychiatrist to meet the criteria for posttraumatic stress disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association.

Section 3. This act shall take effect October 1, 2018.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Appropriations Subcommittee on the  
Environment and Natural Resources, *Chair*  
Appropriations  
Appropriations Subcommittee on Health and  
Human Services  
Education  
Environmental Preservation and  
Conservation  
Health Policy  
Rules

## SENATOR LAUREN BOOK

*Democratic Leader Pro Tempore*  
32nd District

December 6, 2017

Chairman Bill Montford  
Committee on Commerce and Tourism  
310 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chairman Montford,

I respectfully request that you place CS/SB 376, relating to Workers' Compensation Benefits for First Responders, on the agenda of the Committee on Commerce and Tourism at your earliest convenience.

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

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book  
Senate District 32

cc: Todd McKay, Staff Director  
Gabriela Denton, Administrative Assistant

## REPLY TO:

- ☐ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- ☐ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

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

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

# APPEARANCE RECORD

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

376

Meeting Date

Bill Number (if applicable)

Topic PTSD

Amendment Barcode (if applicable)

Name Jimmy Holdertfield

Job Title Chairman FOP Legislative

Address 205 South Adams St  
Street

Phone 850-656-9881

City

State

Zip

Email jplegislative@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

04/16/18

Meeting Date

376

Bill Number (if applicable)

Topic PTSD / workmans comp

Amendment Barcode (if applicable)

Name Michael J. Saxe

Job Title Retired Detective

Address 6279 SE 8th Lane Ocala FL

Phone 516-732-5867

Street

Ocala Florida 34472

Email Fop145President@gmail.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/14/18  
Meeting Date

376  
Bill Number (if applicable)

Topic First Responders PTSD

Amendment Barcode (if applicable)

Name Steve LaDue

Job Title

Address 18919 Crescent Rd  
Street  
Odeessa, FL 33556  
City State Zip

Phone 507-358-9728

Email shetink@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18

Meeting Date

376

Bill Number (if applicable)

Topic First Responders PTSD

Amendment Barcode (if applicable)

Name Megan Vila

Job Title OB sonographer

Address 19908 Jodi Dr

Phone 813-731-7472

Street

Lutz

City

FL

State

33558

Zip

Email Vila, megan@hotmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/16/2018

Meeting Date

SB 376

Bill Number (if applicable)

Topic WORKERS' Compensation Benefits for First Responders

Amendment Barcode (if applicable)

Name ~~Ed~~ Ed Benoway

Job Title

Address 1233 Fox Chapel DR

Street

Phone 813-909-2139

Lutz

City

FL

State

33549

Zip

Email Benoway@AOL.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/16/18  
Meeting Date

SB 376  
Bill Number (if applicable)

Topic First Responders PTSD

Amendment Barcode (if applicable)

Name Deborah Louise Ortiz

Job Title first responder wife / co-founder Code 9 project

Address 5044 Deltona Blvd

Phone 917 680 1953

Spring Hill, FL 34606  
City State Zip

Email Deborahlouise11@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

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

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

1/16/18  
Meeting Date

376  
Bill Number (if applicable)

Topic Workers (compensation) PTSD

Amendment Barcode (if applicable)

Name David Cruz

Job Title Legislative Counsel

Address P.O. Box 1757

Phone 701-3676

Tallahassee FL 32302  
City State Zip

Email

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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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

SB 376  
Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Topic WORKERS' COMP - FIRST RESPONDER

Amendment Barcode (if applicable) \_\_\_\_\_

Name RICHARD CHAIT

Job Title ATTORNEY

Address 2030 S. DOUGLAS RD, STE 217  
Street

Phone 305 442 2318

COMAL FABLES  
City

FL  
State

33134  
Zip

Email RICHARD.CHAIT@  
FORNEWORKERS.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA JUSTICE ASSOCIATION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

# APPEARANCE RECORD

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

1/16/18

Meeting Date

376

Bill Number (if applicable)

Topic Worker's Comp - 1st responders

Amendment Barcode (if applicable)

Name Alisa LaPort

Job Title Exec Director

Address PO Box 961

Phone 671-4445

Street

TCH

Email alisa@nami-florida.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing National Alliance on Mental Illness - Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

## APPEARANCE RECORD

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

1/16/17

Meeting Date

376

Bill Number (if applicable)

Topic Workers' Comp-PTSD

Amendment Barcode (if applicable)

Name BG MurphyJob Title Legislative Affairs DirectorAddress 200 E Gaines St.Phone 850-413-2890

Street

Tallahassee

City

FL

State

32399

Zip

Email BGM04fsu@gmail.comSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing CFO PatronisAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1.16.18

Meeting Date

376

Bill Number (if applicable)

Topic Workmen's Comp. / First Responders

Amendment Barcode (if applicable)

Name Leslie Dangerfield

Job Title Widow of Battalion Chief David Dangerfield

Address 16091 Sims Rd. #102

Phone 772.519.8860

Street

Delray Beach, FL

State

33484

Zip

Email ldprinc@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1-16-18  
Meeting Date

376  
Bill Number (if applicable)

Topic Workman's Comp / First Responders

Amendment Barcode (if applicable)

Name Diana Sandell

Job Title Widow of Captain Rich Sandell

Address 24 NE 15<sup>th</sup> AVE

Phone 954-815-4894

Street

Panama Bch, FL

City

State

33060

Zip

Email dianav99@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No      Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18

Meeting Date

SB 376

Bill Number (if applicable)

Topic WORKERS' COMP COVERAGE FOR FIRST RESPONDERS Amendment Barcode (if applicable)

Name JESSICA REALIN

Job Title WIFE

Address 705 FRANCIS AVE. NEW SMYRNA BEACH Phone 407-222-5215

Street

NEW SMYRNA BEACH FL 32168

City

State

Zip

Email JESSICAREALIN@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing MY HUSBAND, RET. ORLANDO POLICE OFFICER  
CRYSTAL REALIN

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

## APPEARANCE RECORD

1/16/2018

Meeting Date

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

SB 376

Bill Number (if applicable)

Topic Workers' Compensation Benefits for 1st Responders

Amendment Barcode (if applicable)

Name Matt PuckettJob Title LobbyistAddress 300 East Brevard Street

Phone \_\_\_\_\_

Street

TallahasseeFL32301

Email \_\_\_\_\_

City

State

Zip

Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Florida Police Benevolent AssociationAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



# APPEARANCE RECORD

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

1/16/18

Meeting Date

376

Bill Number (if applicable)

Topic First Responder - Work Comp

Amendment Barcode (if applicable)

Name Rocco Salvatori

Job Title Firefighter

Address 343 W. Madison St

Phone 850-224-7333

Street

Tallahassee

City

FL

State

32301

Zip

Email roccofish@verizon.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Professional Firefighters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

15 Jan 2017

Meeting Date

376

Bill Number (if applicable)

Topic Criminal Justice / PTSD

Amendment Barcode (if applicable)

Name CHRISTIAN COCHON

Job Title Deputy Sheriff

Address 4024 North Monroe St

Phone 850-579-7267

Street

Tallahassee

City

FL

State

32303

Zip

Email CHRISTIAN.COCHON@FLSOS.GOV

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

# CourtSmart Tag Report

**Room:** EL 110

**Caption:** Senate Commerce and Tourism

**Case No.:**

**Judge:**

**Type:**

**Started:** 1/16/2018 1:35:33 PM

**Ends:** 1/16/2018 3:16:26 PM

**Length:** 01:40:54

1:35:36 PM	Call to Order
1:35:40 PM	Roll call
1:35:58 PM	Pledge of Alligence
1:36:29 PM	Chair opening comments
1:36:47 PM	Tab 1- SR 210 - Indian Independence Day
1:36:56 PM	Senator Campbell you are recognized to explain the bill
1:37:59 PM	Questions?
1:38:08 PM	Public Testimony
1:38:24 PM	Sajan Kunan
1:39:05 PM	Waiving in support of SR 210
1:39:55 PM	Thomas Daniel
1:39:58 PM	Jobi Punnumparuyidar
1:40:11 PM	Waives in support
1:41:49 PM	Vivek Victor Swoooloop
1:42:35 PM	Georgy Varughese
1:42:39 PM	Minimole Joseph
1:44:12 PM	George Itty
1:44:28 PM	Sam Parathunail
1:45:13 PM	Matthew Poovan
1:45:28 PM	Saji Karimannoor John
1:45:28 PM	Lija Ukachappilly
1:45:43 PM	Senator Campbell closes
1:45:53 PM	Roll Call
1:46:03 PM	SR 210 is reported favorably
1:46:45 PM	Tab 3 --SR 398 Tawaiian Resolution
1:47:00 PM	Senator Campbell is recognized to explain the bill
1:47:50 PM	Questions?
1:47:55 PM	No Appearance Forms
1:47:58 PM	Debate?
1:48:02 PM	Waive Close
1:48:06 PM	Roll Call
1:48:19 PM	SR 398 is reported favorably
1:48:53 PM	Tab 4 -- by Senator Hukill
1:49:10 PM	Senator Hukill for explanation of the bill
1:50:11 PM	Questions?
1:50:16 PM	Appearance Cards
1:50:26 PM	Andrew Hosek waives in support
1:50:32 PM	Debate?
1:50:39 PM	Senator Hukill waives close
1:50:42 PM	Roll Call
1:50:52 PM	SB 1228 is reported favorably
1:51:07 PM	Take up Tab 7 -CS/SB 376--by Senator Book
1:51:21 PM	Senator Book is recognized to explain the bill
1:53:59 PM	Questions?
1:54:09 PM	Senator Passidomo for a question
1:54:41 PM	Senator Book for a response
1:55:40 PM	Senator Rodriquez for a question
1:56:36 PM	Appearance Forms
1:56:44 PM	Michael Saxe
2:09:44 PM	Megan Vila called out of the room- speaking on PTSD for Firefighters
2:10:19 PM	Steve La Due
2:16:18 PM	Megan Vila

2:18:59 PM	Ed Benoway
2:22:09 PM	Deborah Louise Ortiz
2:25:51 PM	David Cruz
2:28:11 PM	Senator Gibson for a question
2:29:58 PM	Senator Gibson for a series of questions
2:34:06 PM	Richard Chait, waives
2:34:17 PM	Alisa LaPolt
2:36:22 PM	BG Murphy - LAD, CFO Patronis
2:36:56 PM	Leslie Dangerfield, Widow of Battalion Chief David Dangerfield
2:44:27 PM	Diana Sandell, Widow of Captain Rich Sandell
2:48:21 PM	Jessica Realin, speaking for husband disabled due to PTSD
2:53:00 PM	Matt Puckett, waive in support
2:53:10 PM	Rocco Salvatori, waive in support
2:53:35 PM	Jimmy Holderfield
2:55:04 PM	Christian Cochran, Deputy Sheriff, supports the bill
2:55:08 PM	Chair comments
2:55:13 PM	Any debate?
2:55:32 PM	Senator Young in debate
2:56:21 PM	Senator Gainer in debate
2:57:02 PM	Senator Gibson in debate
2:59:22 PM	Senator Passidomo in debate
3:00:37 PM	Chair comments
3:01:05 PM	Roll Call
3:01:21 PM	CS/SB 376 is reported favorably
3:01:45 PM	Take up Tab 2--Senator Garcia
3:02:20 PM	Senator Garcia to explains CS/SB 386
3:03:16 PM	Questions?
3:03:25 PM	Baraba Devane, waives
3:03:30 PM	Alice Vickers, waives
3:03:39 PM	Arthur Rosenberg
3:03:47 PM	Debate?
3:03:54 PM	Senator Garcia waives close
3:03:57 PM	Roll Call
3:04:09 PM	CS/SB 386 is reported favorably
3:04:35 PM	Take up Tab 6--Senator Young to explain SB 1052
3:05:49 PM	Questions?
3:06:12 PM	One amendment barcode: 259398
3:06:22 PM	Senator Young for explanation
3:06:44 PM	Senator Gainer for a question
3:07:10 PM	Gene McGee waives
3:07:14 PM	Jake Farmer, waives
3:07:19 PM	Melanie Bostick, waives
3:07:28 PM	Jim McGill waives in support
3:07:34 PM	Warren Husband waives in support
3:07:42 PM	Latisha Adams waives in support
3:08:09 PM	Amendment adopted
3:08:21 PM	Senator Gibson for a question
3:09:36 PM	Senator Young for response
3:10:55 PM	Debate?
3:11:00 PM	Senator Young waives close
3:11:03 PM	Roll call
3:11:18 PM	CS/SB 1052 is reported favorably
3:11:39 PM	Chair Gainer has the chair
3:11:54 PM	Take up Tab 5--Rural Communities
3:12:04 PM	Senator Montford for an explanation
3:13:33 PM	Take up amendment: 437474 by Senator Montford
3:13:49 PM	Questions:
3:13:58 PM	Debate?
3:14:09 PM	Appearance Cards
3:14:24 PM	Anthony Toups
3:14:39 PM	Amendment adopted
3:14:46 PM	Questions?

<b>3:14:51 PM</b>	Appearance cards?
<b>3:15:02 PM</b>	Anthony Toups
<b>3:15:13 PM</b>	Brewster Bevis, waives in support
<b>3:15:19 PM</b>	Debate?
<b>3:15:24 PM</b>	Senator Montford waives close
<b>3:15:31 PM</b>	Roll call
<b>3:15:43 PM</b>	CS/SB 990 is reported favorably
<b>3:16:07 PM</b>	Senator Passidomo vote after roll call
<b>3:16:19 PM</b>	Senator Hutson moves we adjourn without objection