

Tab 1 CS/SB 664 by JU, Lee (CO-INTRODUCERS) Gruters, Harrell, Simmons; (Compare to H 01265)						
Verification of Employment Eligibility						
110576	A	S	RCS	CM, Lee	Delete L.39 - 182:	02/18 12:29 PM
910906	AA	S	RCS	CM, Lee	btw L.4 - 5:	02/18 12:29 PM
272804	AA	S	UNFAV	CM, Torres	Delete L.32 - 123:	02/18 12:29 PM
116778	AA	S	UNFAV	CM, Torres	btw L.75 - 76:	02/18 12:29 PM
400132	AA	S	UNFAV	CM, Torres	btw L.75 - 76:	02/18 12:29 PM
864038	AA	S	UNFAV	CM, Torres	btw L.75 - 76:	02/18 12:29 PM
904628	AA	S	UNFAV	CM, Torres	btw L.75 - 76:	02/18 12:29 PM
429510	AA	S	RCS	CM, Lee	Delete L.80 - 82:	02/18 12:29 PM
952034	AA	S	RCS	CM, Lee	Delete L.118 - 128:	02/18 12:29 PM
295842	A	S	WD	CM, Torres	btw L.121 - 122:	02/18 12:29 PM
451260	A	S	WD	CM, Torres	btw L.121 - 122:	02/18 12:29 PM
687662	A	S	WD	CM, Torres	btw L.121 - 122:	02/18 12:29 PM

Tab 2 CS/SB 680 by EN, Hutson (CO-INTRODUCERS) Gruters, Stewart, Berman, Book; (Compare to CS/H 00401) Shark Fins						
679214	A	S	RCS	CM, Hutson	Delete L.30 - 32:	02/18 12:29 PM

Tab 3 CS/SB 776 by IT, Perry; (Similar to H 01399) Florida Real Estate Appraisal Board						
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Tab 4 SB 1582 by Simmons; (Similar to CS/H 00741) Asbestos Trust Claims						
301124	A	S	RCS	CM, Simmons	Delete L.43 - 46.	02/18 12:29 PM

Tab 5 CS/SB 1632 by GO, Rouson; (Identical to CS/H 00757) Cultural Affairs						
322422	A	S	WD	CM, Rouson	btw L.59 - 60:	02/18 12:29 PM

Tab 6 SB 90 by Stewart (CO-INTRODUCERS) Berman, Book, Cruz; (Identical to H 00739) Discrimination in Labor and Employment						
423392	A	S	WD	CM, Torres	btw L.211 - 212:	02/18 12:29 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Gruters, Chair
Senator Torres, Vice Chair

MEETING DATE: Tuesday, February 18, 2020
TIME: 10:00 a.m.—12:00 noon
PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Gruters, Chair; Senator Torres, Vice Chair; Senators Hutson, Stewart, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 664 Judiciary / Lee (Compare H 1265, S 1822)	Verification of Employment Eligibility; Requiring public employers and certain contractors and subcontractors to register with and use an employment verification system by a specified date; requiring employers who meet specified criteria to register with and use an employment verification system to verify the employment eligibility of new employees; authorizing the imposition of fines for violations of the act; creating a rebuttable presumption for certain employers that the employer did not knowingly employ an unauthorized alien, etc. JU 02/11/2020 Fav/CS CM 02/18/2020 Fav/CS RC	Fav/CS Yeas 3 Nays 2
2	CS/SB 680 Environment and Natural Resources / Hutson (Compare CS/H 401)	Shark Fins; Prohibiting the import and export of shark fins, etc. EN 02/03/2020 Fav/CS CM 02/18/2020 Fav/CS RC	Fav/CS Yeas 5 Nays 0
3	CS/SB 776 Innovation, Industry, and Technology / Perry (Similar H 1399)	Florida Real Estate Appraisal Board; Revising the composition of the board; requiring the board membership to reflect the ethnic and gender diversity of this state, etc. IT 02/10/2020 Fav/CS CM 02/18/2020 Favorable RC	Favorable Yeas 4 Nays 0
4	SB 1582 Simmons (Similar CS/H 741)	Asbestos Trust Claims; Requiring a plaintiff who files an asbestos claim to provide certain information to the parties of the action within a specified timeframe; requiring the plaintiff to supplement the information and materials under certain circumstances within a specified timeframe; authorizing the defendant to seek discovery from an asbestos trust; prohibiting the plaintiff from claiming privilege or confidentiality to bar discovery of such materials, etc. JU 02/04/2020 Favorable CM 02/18/2020 Fav/CS RC	Fav/CS Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Tuesday, February 18, 2020, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	CS/SB 1632 Governmental Oversight and Accountability / Rouson (Identical CS/H 757)	Cultural Affairs; Providing that the Secretary of State shall be known as "Florida's Chief Arts and Culture Officer"; renaming the Division of Cultural Affairs of the Department of State as the Division of Arts and Culture, etc. GO 02/10/2020 Fav/CS CM 02/18/2020 Favorable RC	Favorable Yeas 4 Nays 0
6	SB 90 Stewart (Identical H 739)	Discrimination in Labor and Employment; Creating the "Senator Helen Gordon Davis Fair Pay Protection Act"; prohibiting an employer from providing less favorable employment opportunities to employees based on their sex; prohibiting an employer from taking certain employment actions against employees; prohibiting an employer from engaging in certain activities relating to wages and benefits, etc. CM 02/18/2020 Temporarily Postponed JU RC	Temporarily Postponed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB 664

INTRODUCER: Commerce and Tourism Committee; Judiciary Committee; and Senator Lee and others

SUBJECT: Verification of Employment Eligibility

DATE: February 19, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 664 requires specific private employers to register with E-Verify or an alternative employment verification system. The bill also requires certain public employers and their contractors and subcontractors to register with and use an employment verification system to ensure the work authorization status of all new employees and identify whether an employee is an unauthorized alien.

The private-employer requirement, after it is fully phased-in, will generally apply to employers that have 20 or more employees in Florida. If a private employer fails to comply with the registration requirement, it could face a \$500 fine and be required to register within 30 days. If an employer fails to register by this deadline, the DEO must order the appropriate agency to suspend the employer's business licenses.

The bill also provides immunity from civil or criminal liability for an employer's reliance on an approved employment verification system. For instance, an employer who relies on E-Verify's indication that a person is unauthorized may not be sued for refusing to hire the person. Conversely, if E-Verify indicates that an employee is authorized to work in the United States, there is a rebuttable presumption that the employer did not knowingly employ an unauthorized alien.

Certain public employers and certain contractors and subcontractors who enter into a contract with a public employer must register with and use an employment verification system.

Contractors or subcontractors that have less than 10 employees in Florida, and that have contracts valued under \$35,000 are exempt from the employment verification process.

II. Present Situation:

Overview

Both federal and Florida law prohibit a person from employing a person who is not authorized to work in the United States. Additionally, federal law requires certain employers to use E-Verify and requires most employers to verify the eligibility of new hires using employee-provided documents.

E-Verify is an Internet-based system through which an employer can verify that a newly hired employee is authorized to work in the United States.¹ E-Verify is

operated by U.S. Citizenship and Immigration Services, part of the Department of Homeland Security (DHS), in partnership with the Social Security Administration. E-Verify is free and easy to use. E-Verify provides an automated link to government records to help employers confirm the employment eligibility of new hires.²

Florida Law

A person may not knowingly employ, hire, recruit, or refer an alien for private or public employment within the state if the alien is not authorized to work under “the immigration laws” or by the United States Attorney General.³ A first offense of this prohibition is a noncriminal violation punishable by a fine of up to \$500; each subsequent offense is a second degree misdemeanor,⁴ punishable by up to 60 days in jail⁵ and a fine not to exceed \$500.⁶

Moreover, pursuant to Executive Order 11-116, state agencies that are under the direction of the Governor must use E-Verify for all newly hired employees. The order also requires an agency to include in its contracts a provision that requires a contractor to use E-Verify for all new hires for the duration of the contract. These same requirements must be included in a subcontractor’s contract who performs work under the contractor.⁷

¹ U.S. Citizenship and Immigration Services, *How do I use E-Verify?* <https://www.e-verify.gov/sites/default/files/everify/guides/E4en.pdf> (last visited Feb. 18, 2020).

² *Id.*

³ Section 448.09(1), F.S.

⁴ Section 448.09(2), F.S.

⁵ Section 775.082(4)(b), F.S.

⁶ Section 775.083(1)(e), F.S.

⁷ Exec. Order No. 11-116 (May 2011), available at <http://edocs.dlis.state.fl.us/fldocs/governor/orders/2011/11-116-suspend.pdf>.

Federal Law

Under the Immigration Reform and Control Act of 1986 (IRCA),⁸ it is illegal for any U.S. employer to knowingly:

- Hire, recruit, or refer for a fee an alien knowing he or she is unauthorized to work;
- Continue to employ an alien knowing he or she has become unauthorized; or
- Hire, recruit or refer for a fee, any person (citizen or alien) without following the record keeping requirements of the IRCA.⁹

The IRCA established a procedure that employers must use to verify that employees are authorized to work in the United States.¹⁰ The procedure requires employees to present documents that establish his or her identity and eligibility to work,¹¹ and requires employers to complete a Form I-9 for each new employee hired.¹² The IRCA provides sanctions to be imposed on employers who knowingly employ aliens who are not authorized to work.¹³ Federal law contains no criminal sanction for working without authorization, although document fraud is a civil violation.¹⁴ The United States Citizenship and Immigration Services (USCIS) enforces these provisions.¹⁵

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA),¹⁶ which, among other provisions, created various employment eligibility verification programs, including the Basic Pilot program. Originally, the Basic Pilot program (now referred to as E-Verify) was available in five of the seven states that had the highest populations of unauthorized aliens and was initially authorized for only 4 years. However, Congress has consistently extended the program's life. It expanded the program in 2003, making it available in all 50 states. In 2008, the federal government began requiring any entity that maintained or applied for federal contracts to use E-Verify.¹⁷

⁸ Public Law 99-603, 100 Stat. 3359.

⁹ 8 U.S.C. s. 1324a.

¹⁰ *Id.*

¹¹ An employer may rely on a U.S. passport; resident alien card, alien registration card, or other document designated by the Attorney General that contains a photograph and other personal identifying information, authorizes employment in the U.S., and is tamper resistant. Alternative, an employer may review a combination of documents that establish the individual's identity, e.g., a social security number, and a document that establishes the individual's identity, e.g., a driver's license.

¹² *Id.*

¹³ *Id.* s. 1324a(a)(1)-(2).

¹⁴ *Id.* s. 1324c.

¹⁵ *Id.* s. 1324a.

¹⁶ Public Law 104-208.

¹⁷ Department of Homeland Security and USCIS, *History and Milestones [of E-Verify]*, <http://www.uscis.gov/portal/site/uscis/menuitem.eyJd4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=84979589cdb76210VgnVCM100000b92ca60aRCRD&vgnnextchannel=84979589cdb76210VgnVCM100000b92ca60aRCRD> (last visited Feb. 18, 2020).

Using E-Verify

The Process, in Context

E-Verify is the last step in a larger eligibility-verification process. This process begins when an employee accepts an offer of employment.¹⁸ Between this point and the employee's first day on the job, he or she must complete Section 1 of the Form I-9, which requires providing his or her name, address, Social Security Number, and citizenship status under penalty of perjury.¹⁹ By the end of the third day on the job, the *employer* is required to complete Section 2, which states under penalty of perjury that he or she has reviewed certain employee-provided documents that establish the employee's eligibility.²⁰ Most employers are not required to continue the verification of employment eligibility process beyond this step. However, for those who choose to use or are required to use E-Verify, the process continues.

Before using E-Verify for the first time, an employer must enroll via the DHS's website.²¹ At the end of the enrollment process, the employer must sign a Memorandum of Understanding that provides the terms of agreement between the employer and the DHS.²²

Once enrolled, an employer opens a "case" for the employee on the E-Verify system and enters basic information from the employee's Form I-9 (name, address, SSN) into the case.²³ Then, E-Verify compares the submitted information to records that are available to the DHS and the Social Security Administration, and usually within seconds, issues one of several possible results to the employer.²⁴ A result of "Employment Authorized" indicates that the employee may work in the United States. However, in a given case, the system might issue one of several other results:

- **Verification In Process** – This case was referred to the DHS for further verification.
- **Tentative Nonconfirmation (TNC)** – Information did not match records available to the SSA or the DHS. Additional action is required.
- **Case in Continuance** – The employee has visited an SSA field office or contacted the DHS, but more time is needed to determine a final case result.
- **Close Case and Resubmit** – The SSA or the DHS requires that the employer close the case and create a new case for this employee. This result may be issued when the employee's U.S. passport, passport card, or driver's license information is incorrect.²⁵
- **Final Nonconfirmation** – There is no further action to be taken by any party and that E-Verify will not confirm that the employee is authorized to work in the United States.²⁶

¹⁸ United States Citizenship and Immigration Services, *Complete and Correct Form I-9*, <https://www.uscis.gov/i-9-central/complete-and-correct-form-i-9>, (last visited Feb. 18, 2020).

¹⁹ See 8 C.F.R. § 274a.2(b)(1)(i)(A).

²⁰ See 8 C.F.R. § 274a.2(b)(1)(ii).

²¹ Department of Homeland Security and USCIS, *The Enrollment Process*, <https://www.e-verify.gov/employers/enrolling-in-e-verify/the-enrollment-process> (last visited Feb. 18, 2020).

²² *The E-Verify Memorandum for Employers*, available at <https://www.e-verify.gov/sites/default/files/everify/memos/MOUforEVerifyEmployer.pdf> (last visited Feb. 18, 2020).

²³ Department of Homeland Security and USCIS, *ABOUT E-Verify*, <https://www.e-verify.gov/about-e-verify> (last visited Feb. 18, 2020).

²⁴ *Id.*

²⁵ Department of Homeland Security and USCIS, *Verification Process*, <https://www.e-verify.gov/employers/verification-process> (last visited Feb. 18, 2020).

²⁶ *Id.*

If the result is TNC, the employer must notify the employee, who must take further action to verify his or her eligibility.²⁷ If the result is Verification in Process or Case in Continuance, the E-Verify system needs more time to process the case.²⁸

Results in FY 2019

In FY 2019, E-Verify processed 38,930,405 cases, 98.51% of which were automatically confirmed as “work authorized” and another 0.23% were confirmed after an initial “mismatch.”²⁹

In the remaining 1.27% of cases, the employees were not found to be authorized to work in the United States.³⁰ The vast majority of this 1.27% (0.97%) were cases that were not resolved by the end of FY 2019 for various reasons, including because the case was awaiting further action by either the employer or employee at the end of the fiscal year or because the employer closed the case as “self-terminated.”³¹

Accuracy

The most recent independent report of E-Verify’s accuracy appears to have been done 2012 by the firm Westat.³² The report relied on data from 2009 and before.³³

Westat found that E-Verify was 94% accurate in its final disposition of cases—E-Verify confirmed 94% of employees who were in fact authorized to work in the United States; 94% of the Final Nonconfirmations (FNCs) issued were for people who were in fact not authorized to work in the United States. As such, according to Westat, 6% of people who were in fact authorized to work in the United States received a FNC from E-Verify.³⁴

User Satisfaction

According to the Department of Homeland Security’s most recent customer service report, which was published in 2018 regarding users’ experiences in 2017, employers rated their experience of “using E-Verify” at “90,” based on subcategories such as “ease of use” and “speed of response.”³⁵ These same users rated their overall satisfaction with E-Verify at “85.”³⁶

²⁷ *Id.*

²⁸ *Id.*

²⁹ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *E-Verify Performance*, <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-performance> (last visited Feb. 18, 2020).

³⁰ *Id.*

³¹ *Id.*

³² Westat, *Evaluation of the Accuracy of E-Verify Findings*, (July, 2012) available at <https://www.e-verify.gov/sites/default/files/everify/data/FindingsEVerifyAccuracyEval2012.pdf> (last visited Feb. 18, 2020).

³³ *Id.*

³⁴ *Id.*

³⁵ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *Annual Customer Satisfaction Survey 2017*, (Mar. 2018), available at <https://www.e-verify.gov/sites/default/files/everify/data/EVerifyCustomerSatisfactionSurvey2017.pdf> (last visited Feb. 18, 2020).

³⁶ *Id.* This rating is in line with prior years’ ratings, which have fluctuated between 85 and 87 since 2011.

In 2017, 13 percent of employers contacted E-Verify by phone for customer service.³⁷ These employers rated their experience at “89.”³⁸ And 96 percent of those who contacted customer service reported having their issue resolved, usually on the first call (89 percent).³⁹

Operational Disturbances

During the January 2019, partial federal government shut down, the E-Verify system was unavailable. As a result, employers were unable to enroll in E-Verify, contact customer support representatives, create an E-Verify case, or view or take action on a case, among other functions.⁴⁰ The DHS issued guidance that extended the 3-day rule to permit employers additional time to submit new employee information to E-Verify, and gave employees additional time to resolve a TNC.⁴¹

Mandatory Use of E-Verify in Other States

At least 19 other states require the use of E-Verify by public employers, contractors or subcontractors of public employers, or private employers.

The following states require private employers, as well as public employers and their contractors and subcontractors, to use E-Verify:

- North Carolina⁴²
- Mississippi⁴³
- Georgia⁴⁴
- Arizona⁴⁵
- Alabama⁴⁶
- Utah⁴⁷
- South Carolina⁴⁸

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ National Law Review, *When the Government Shuts Down: The Impact on E-Verify, I-9's, and Visas*, (Jan. 25, 2019), <https://www.natlawreview.com/article/when-government-shuts-down-impact-e-verify-i-9-s-and-visas> (last visited Feb. 18, 2020).

⁴¹ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *E-Verify Resumes Operation*, (Jan. 27, 2019), <https://www.e-verify.gov/e-verify-resumes-operation> (last visited Feb. 17, 2020). Due to the lapse in federal funding, the E-Verify system was not in operation from December 22, 2018 to January 26, 2019. E-Verify restarted on Sunday, January 27, 2019. U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *January 2019, E-Verify Incidents*, (Apr. 23, 2019), <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-enhancements/january-2019> (last visited Feb. 18, 2020).

⁴² N.C.G.S. § 160A-169.1 (municipalities); 153A-99.1 (counties); 143-48.5, 143-133.3 (public contractors); 64-26 (private employers that have more than 25 employees); 126-7.1 (state agencies).

⁴³ Miss. Code § 71-11-3.

⁴⁴ Ga. Code § 13-10-91 (public employers and contractors); 36-60-6 (private employers that have more than 10 employees).

⁴⁵ Ariz. Rev. Stat. § 41-4401 (public contractors); 23-214 (private and public employers).

⁴⁶ Ala. Code § 31-13-15.

⁴⁷ Utah Code § 63G-12-301 (private employers having 15 or more employees, unless the employee has a guest worker permit), 63G-12-302 (public employers and contractors). Under both statutes, the employers may use E-Verify or another federal verification program.

⁴⁸ S.C. Code § 41-8-20 (private employers); 8-14-20 (public employers and contractors).

The following states require only public employers and their contractors to use E-Verify:

- Indiana⁴⁹
- Nebraska⁵⁰
- Missouri⁵¹
- Colorado⁵²
- Oklahoma⁵³
- Texas⁵⁴
- Virginia⁵⁵

Some states' approaches do not fall squarely into the above categories. For example, Tennessee requires only private employers that have 50 or more employees to use E-Verify.⁵⁶ Pennsylvania requires public contractors and private *construction* employers to use E-Verify.⁵⁷ In Michigan, only contractors of the Michigan Department of Transportation must use E-Verify.⁵⁸ Finally, West Virginia requires contractors whose employees work on the Capitol grounds to use E-Verify.⁵⁹

III. Effect of Proposed Changes:

The bill requires private employers⁶⁰ to register with E-Verify, or an alternative employment verification system, and use it to verify a new hire's work authorization status. A private employer is not required to verify the employment eligibility of a continuing employee hired before the employer registered to use an employment verification system.

Pursuant to the bill, an employer must use one of the following employment authorization systems to verify a new hire's employment eligibility:

- An Internet-based system that is operated by the U.S. Department of Homeland Security which allows participating employers to electronically verify the employment eligibility of newly hired employees;⁶¹ or
- A system that an employer certifies, under penalty of perjury, on a form provided by the DEO as a substantially equivalent to E-Verify; or

⁴⁹ Ind. Code § 22-5-1.7-11.1.

⁵⁰ Nev. Rev. St. § 4-114.

⁵¹ Miss. Stat. § 285.530.

⁵² Colo. Rev. Stat. § 8-17.5-102.

⁵³ 25 Okl. St. § 1313 (public employers and contractors must use E-Verify or another federal verification program).

⁵⁴ Tex. Nat. Res. Code § 81.072 (public contractors); Tex. Gov. Code § 673.002 (state agencies)

⁵⁵ Va. Code § 40.1-11.2 (state agencies), 2.2-4308.2 (public contractors).

⁵⁶ Tenn. Code § 50-1-703.

⁵⁷ 43 Penn. Stat. § 167.3 (public contractors); 43 Penn. Stat. § 168.3 (private construction employers).

⁵⁸ Act 200, Public Acts of 2012, Sec. 381.

⁵⁹ W. Va. Code, § 15-2D-3.

⁶⁰ The bill specifically provides that a few types of people or entities are not "employers," and are thus exempt from using an employment verification system. These include a homeowner who hires "casual labor" to be performed at the home, and a homeowner who hires a licensed independent contractor to perform "a specified portion of labor or services." The bill also exempts employee leasing companies to the extent they operate under a contract that puts the primary burden for compliance with the bill on the client company.

⁶¹ Currently, the U.S. Department of Homeland Security operates E-Verify to allow employers to electronically verify their new hire's employment eligibility.

- A system that complies with IRCA,⁶² if the employer also maintains complete copies of all the records it used to establish an employee's identity and employment authorization under the IRCA for at least 3 years, or for 1 year after the employee ceases to provide services to the employer, whichever is later.

The requirement that private employers use an employment verification system will generally apply to employers that have 20 or more Florida employees once it has been phased-in on the following schedule:

- On January 1, 2021, for private employers with at least 500 employees;
- On July 1, 2021, for private employers with at least 100 Florida employees; and
- On January 1, 2022, for private employers with at least 20 or more Florida employees.

If an employer fails to register with an employment verification system, it could face a fine of up to \$500 and be required to register within 30 days. The Department of Economic Opportunity (DEO) must order the appropriate agency to suspend all of the employer's applicable licenses if the business fails to register by this deadline.

The bill also provides immunity from civil or criminal liability for decisions made by an employer based on its reliance on an employment-verification system. For instance, an employer who relies on E-Verify's indication that a person is unauthorized may not be sued for refusing to hire the person. If E-Verify indicates that an employee is authorized to work in the United States, there is a rebuttable presumption that the employer did not knowingly employ an unauthorized alien. However, this immunity does not apply to a government employer under the bill.

The bill further requires public employers that enter into contracts in excess of \$35,000 to register with and use an employment verification system to validate the work authorization status of all new employees and identify whether an employee is an unauthorized alien. Additionally, certain contractors and subcontractors who have entered into, or are attempting to enter into, a contract with a public employer must register with and use an employment verification system. Only those contractors or subcontractors that have more than 10 employees in Florida and that have contracts with a public employer that are valued in excess of \$35,000 are required to comply with these requirements. A public employer or contractor or subcontractor is prohibited from entering into a contract unless each party registers with and uses an employment verification system. These requirements take effect on public employers and their contractors and subcontractors on July 1, 2021.

Additionally, specific state contracts in excess of \$35,000 in value must include a provision that requires the contractor or subcontractor that performs work under the contract to register with and use an employment verification system for all new employees it hires in Florida during the contract's term.

Finally, the bill requires the DEO to adopt rules that outline the qualifications of an alternative employment authorization system that is at least as effective as E-Verify in identifying unauthorized aliens and persons authorized to work in the United States.

⁶² 8 U.S.C. 1324a

The bill takes effect July 1, 2020, but phases in use requirements through July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that an employer does not currently use an employment verification system, the bill could increase costs to employers of 20 or more employees in Florida. Though the federal government does not charge a fee for the use of E-Verify, using E-Verify or another employment verification system could increase the labor involved in onboarding an employee, especially if the initial response for that employee is not “Employment Authorized.”

C. Government Sector Impact:

The DEO is required to enforce the suspension of the license of an employer that fails to register with an employment verification system. This enforcement may occur at the local government level and at specific state agencies. This additional enforcement duty will likely result in additional costs to the DEO.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill has a requirement that a public employer and contractor and subcontractor must all register with and use an employment verification system prior to entering into contracts above certain dollar thresholds. The definition of a contractor at lines 116-119 includes those who “entered into, or is attempting to enter into” a contract with a public employer. When read together, this may have the effect of requiring any contractor who has contracted with a public employer to use an employment verification system indefinitely. The bill further includes a provision that may be inconsistent with the above requirement, which requires contractors and subcontractors who perform work pursuant to a contract valued in excess of \$35,000 with the state to submit any new employees they hire in Florida *during the pendency of the contract* to an employment verification system. It is therefore unclear how long a contractor must continue its use of an employment verification system.

Lines 141-144 require public employers, contractors, and subcontractors to “register with and use an employment verification system to verify the work authorization status of all new employees *and identify whether an employee is an unauthorized alien.*” When read in conjunction with lines 95-99, it appears that the intent of the italicized language is related to the verification of new employees. The italicized language could be clarified or deleted, if the intent is not to create a duty to verify the work status of existing employees.

Some provisions in the bill require an employer to “register with and use” an employment verification system, while other provisions require an employer to “use” an employment verification system. It is unclear if it is possible to register with the system contemplated in lines 193-198.

VIII. Statutes Affected:

This bill amends section 287.058 of the Florida Statutes.

This bill creates sections 287.137 and 448.093 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 February 18, 2020:**

- Clarifies that employee thresholds in the bill are based on only those employees in Florida;
- Requires agricultural employers to use an employment verification system;
- Revises the employee threshold and implementation dates as follows:
 - Public employers and their contractors and subcontractors must register with and use a system by July 1, 2021, and
 - Private employers of 100 or more employees must register with a system by July 1, 2021, and
 - Private employers of 20 or more employees must register with a system by January 1, 2022.

- Reduces the contract value threshold which subjects a contractor or subcontractor who works with a public employer to the verification requirements from \$195,000 and \$65,000 per contract, respectively, to \$35,000 per contract;
- Requires all state contracts valued in excess of \$35,000 to include a provision that requires a contractor or subcontractor who performs work pursuant to the contract to register with and use an employment verification system for all of its new employees hired in Florida during the term of the contract; and
- Provides for alternate employment verification systems, including a system that the employer certifies is substantially equivalent to E-Verify or a system that complies with IRCA.

CS by Judiciary on February 11, 2020:

The committee substitute:

- Authorizes the DEO to designate an alternative (non-E-Verify) employment verification system;
- Phases in the required use of an employment verification system by private employers, based on number of employees (largest employers first);
- Exempts agricultural employers from the use of an employment verification system;
- Requires contractors and subcontractors having a contract with a department, agency, political subdivision of the state to use an employee verification system only if they meet certain thresholds, including contract value;
- Alters the penalties for failing to use an employment verification system;
- Removes penalties provided in the bill for knowingly employing an unauthorized alien (these penalties were additional to those already provided in law);
- Removes the bill's requirement that DEO act on complaints that an employer had failed to use E-Verify;
- Removes the bill's provisions expressly authorizing an employer or employee to seek an injunction against the bill's enforcement provisions;
- Removes the bill's provisions making it an unfair trade practice to terminate an authorized employee while employing an unauthorized alien; and
- Removes several of the bill's provisions regarding parties to public contracts, including the:
 - Required termination of a contract by a party who believes another party is not using E-Verify.
 - Prohibition on a contractor's entering into a public contract for one year if the contractor fails to use E-Verify.

B. Amendments:

None.



110576

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Lee) recommended the following:

Senate Amendment

Delete lines 39 - 182

and insert:

287.137 Verification of work authorization status; public employers.-

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

(a) "Contractor" means a person or an entity that has more than 10 employees in this state and has entered into, or is attempting to enter into, a contract with a public employer to



110576

11 provide labor, supplies, or services to such employer.

12 (b) "Employee" has the same meaning as provided in s.
13 448.093.

14 (c) "Employment verification system" has the same meaning
15 as provided in s. 448.093.

16 (d) "Public employer" means a department, an agency, or a
17 political subdivision of this state which enters into, or
18 attempts to enter into, a contract with a contractor for an
19 amount that will, or is expected to, exceed the CATEGORY TWO
20 threshold amount provided in s. 287.017.

21 (e) "Subcontractor" means a person or an entity that has
22 more than 10 employees in this state and provides labor,
23 supplies, or services to or for a contractor or another
24 subcontractor pursuant to a contract that will, or is expected
25 to, exceed the CATEGORY TWO threshold amount provided in s.
26 287.017.

27 (f) "Unauthorized alien" means a person who is not
28 authorized under federal law to be employed in the United
29 States, as described in 8 U.S.C. s. 1324a(h)(3). The term shall
30 be interpreted consistently with that section and any applicable
31 federal rules or regulations.

32 (2) On or after July 1, 2021:

33 (a) Every public employer, contractor, and subcontractor
34 shall register with and use an employment verification system to
35 verify the work authorization status of all new employees and
36 identify whether an employee is an unauthorized alien.

37 (b) A public employer or a contractor or subcontractor in
38 this state may not enter into a contract under this section
39 unless each party to the contract registers with and uses an



110576

40 employment verification system.

41 Section 2. Section 448.093, Florida Statutes, is created to
42 read:

43 448.093 Definitions; use of employment verification system
44 required for private employers; business licensing enforcement.-

45 (1) DEFINITIONS.-As used in this section, the term:

46 (a) "Agency" means an agency, a department, a board, or a
47 commission of this state or a county, or municipality issuing a
48 license to operate a business in this state.

49 (b) "Department" means the Department of Economic
50 Opportunity.

51 (c) "Employee" means an individual whose work is performed
52 under the direction and supervision of the employer and whose
53 employer withholds tax pursuant to the Federal Insurance
54 Contributions Act (FICA) or federal income tax from the
55 individual's compensation, or whose employer issues an Internal
56 Revenue Service W-2 form, but not an Internal Revenue Service
57 Form 1099, to an individual for purposes of documenting
58 compensation. The term does not include a licensed independent
59 contractor as defined in federal laws or regulations.

60 (d) "Employer" means a person or an entity in this state
61 which employs an employee. The term does not include:

62 1. A government employer.

63 2. The occupant or owner of a private residence who hires:

64 a. Casual labor, as defined in s. 443.036, to be performed
65 entirely within the private residence; or

66 b. A licensed independent contractor, as defined in federal
67 laws or regulations, to perform a specified portion of labor or
68 services.



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69
70 3. An employee leasing company licensed pursuant to part XI
71 of chapter 468 which enters into a written agreement or
72 understanding with a client company which places the primary
73 obligation for compliance with this section upon the client
74 company. In the absence of a written agreement or understanding,
75 the term includes an employee leasing company.

76 (e) "Employment verification system" means:

77 1. An Internet-based system operated by the United States
78 Department of Homeland Security which allows participating
79 employers to electronically verify the employment eligibility of
80 newly hired employees; or

81 2. A substantially equivalent electronic employment
82 verification system that is permissible under department rule.

83 (f) "Knowingly employ an unauthorized alien" has the same
84 meaning as in 8 U.S.C. s. 1324a. The term shall be interpreted
85 consistently with 8 U.S.C. s. 1324a and any applicable federal
86 rules or regulations.

87 (g) "License" means a franchise, a permit, a certificate,
88 an approval, a registration, a charter, or any similar form of
89 authorization required by state law and issued by an agency for
90 the purpose of operating a business in this state. The term
91 includes, but is not limited to:

92 1. An article of incorporation.

93 2. A certificate of partnership, a partnership
94 registration, or an article of organization.

95 3. A grant of authority issued pursuant to state or federal
96 law.

97 4. A transaction privilege tax license.



110576

98 (h) "Unauthorized alien" means a person who is not
99 authorized under federal law to be employed in the United
100 States, as described in 8 U.S.C. s. 1324a(h) (3). The term shall
101 be interpreted consistently with that section and any applicable
102 federal rules or regulations.

103 (2) VERIFICATION OF EMPLOYMENT ELIGIBILITY; FINE FOR
104 VIOLATION; SUSPENSION OF BUSINESS LICENSE.-

105 (a) An employer shall, after making an offer of employment
106 which has been accepted by an individual, use an employment
107 verification system to verify such individual's employment
108 eligibility. Verification must occur within the period
109 stipulated by applicable federal rules or regulations. However,
110 an employer is not required to verify the employment eligibility
111 of a continuing employee hired before the date of the employer's
112 registration with an employment verification system.

113 (b) The requirement to use an employment verification
114 system shall be phased in as follows:

115 1. Employers having at least 500 employees in this state
116 must use an employment verification system beginning January 1,
117 2021.

118 2. Employers having at least 250 employees in this state
119 must use an employment verification system beginning July 1,
120 2021.

121 3. Employers having at least 150 employees in this state
122 must use an employment verification system beginning January 1,
123 2022.

124 4. Employers having more than 10 employees in this state
125 must use an employment verification system 90 days after the
126 effective date of any federal law, rule, regulation, or program



110576

127 that authorizes this state to issue a work permit, whether
128 temporary or permanent, to a qualifying undocumented alien.

129 (c) If an employer does not register with an employment
130 verification system, the department may impose a fine of up to
131 \$500 on the employer, who must then register with an employment
132 verification system and provide an affidavit of stating such
133 fact to the department within 30 days. If the employer does not
134 register with and provide the required affidavit within 30 days
135 after the imposition of the fine becomes final, the department
136 must order the appropriate agency to suspend all applicable
137 licenses held by the employer until the employer registers with
138 an employment verification system and provides the department
139 with the required affidavit.



910906

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Lee) recommended the following:

Senate Amendment to Amendment (110576)

Between lines 4 and 5

insert:

Section 1. Subsection (1) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(1) Every procurement of contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except for the providing of health and mental health services or



910906

11 drugs in the examination, diagnosis, or treatment of sick or
12 injured state employees or the providing of other benefits as
13 required by chapter 440, shall be evidenced by a written
14 agreement embodying all provisions and conditions of the
15 procurement of such services, which shall, where applicable,
16 include, but not be limited to, a provision:

17 (a) That bills for fees or other compensation for services
18 or expenses be submitted in detail sufficient for a proper
19 preaudit and postaudit thereof.

20 (b) That bills for any travel expenses be submitted in
21 accordance with s. 112.061. A state agency may establish rates
22 lower than the maximum provided in s. 112.061.

23 (c) Allowing unilateral cancellation by the agency for
24 refusal by the contractor to allow public access to all
25 documents, papers, letters, or other material made or received
26 by the contractor in conjunction with the contract, unless the
27 records are exempt from s. 24(a) of Art. I of the State
28 Constitution and s. 119.07(1).

29 (d) Specifying a scope of work that clearly establishes all
30 tasks the contractor is required to perform.

31 (e) Dividing the contract into quantifiable, measurable,
32 and verifiable units of deliverables that must be received and
33 accepted in writing by the contract manager before payment. Each
34 deliverable must be directly related to the scope of work and
35 specify a performance measure. As used in this paragraph, the
36 term "performance measure" means the required minimum acceptable
37 level of service to be performed and criteria for evaluating the
38 successful completion of each deliverable.

39 (f) Specifying the criteria and the final date by which



910906

40 such criteria must be met for completion of the contract.

41 (g) Specifying that the contract may be renewed for a
42 period that may not exceed 3 years or the term of the original
43 contract, whichever is longer, specifying the renewal price for
44 the contractual service as set forth in the bid, proposal, or
45 reply, specifying that costs for the renewal may not be charged,
46 and specifying that renewals are contingent upon satisfactory
47 performance evaluations by the agency and subject to the
48 availability of funds. Exceptional purchase contracts pursuant
49 to s. 287.057(3) (a) and (c) may not be renewed.

50 (h) Specifying the financial consequences that the agency
51 must apply if the contractor fails to perform in accordance with
52 the contract.

53 (i) Addressing the property rights of any intellectual
54 property related to the contract and the specific rights of the
55 state regarding the intellectual property if the contractor
56 fails to provide the services or is no longer providing
57 services.

58 (j) Requiring a contractor or any subcontractor performing
59 a portion of the contract to register with and use an employment
60 verification system to the extent required by s. 287.137 for all
61 new employees hired in this state during the term of the
62 contract.

63
64 In lieu of a written agreement, the agency may authorize the use
65 of a purchase order for classes of contractual services if the
66 provisions of paragraphs (a)-(i) are included in the purchase
67 order or solicitation. The purchase order must include, but need
68 not be limited to, an adequate description of the services, the



910906

69 contract period, and the method of payment. In lieu of printing
70 the provisions of paragraphs (a)-(c) and (g) in the contract
71 document or purchase order, agencies may incorporate the
72 requirements of paragraphs (a)-(c) and (g) by reference.

73 Section 2. Section 287.137, Florida Statutes, is created to
74 read:



272804

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Torres) recommended the following:

Senate Amendment to Amendment (110576)

Delete lines 32 - 123

and insert:

(2) On or after July 1, 2022:

(a) Every public employer, contractor, and subcontractor shall register with and use an employment verification system to verify the work authorization status of all new employees and identify whether an employee is an unauthorized alien.

(b) A public employer or a contractor or subcontractor in



272804

11 this state may not enter into a contract under this section
12 unless each party to the contract registers with and uses an
13 employment verification system.

14 Section 2. Section 448.093, Florida Statutes, is created to
15 read:

16 448.093 Definitions; use of employment verification system
17 required for private employers; business licensing enforcement.-

18 (1) DEFINITIONS.-As used in this section, the term:

19 (a) "Agency" means an agency, a department, a board, or a
20 commission of this state or a county, or municipality issuing a
21 license to operate a business in this state.

22 (b) "Department" means the Department of Economic
23 Opportunity.

24 (c) "Employee" means an individual whose work is performed
25 under the direction and supervision of the employer and whose
26 employer withholds tax pursuant to the Federal Insurance
27 Contributions Act (FICA) or federal income tax from the
28 individual's compensation, or whose employer issues an Internal
29 Revenue Service W-2 form, but not an Internal Revenue Service
30 Form 1099, to an individual for purposes of documenting
31 compensation. The term does not include a licensed independent
32 contractor as defined in federal laws or regulations.

33 (d) "Employer" means a person or an entity in this state
34 which employs an employee. The term does not include:

35 1. A government employer.

36 2. The occupant or owner of a private residence who hires:

37 a. Casual labor, as defined in s. 443.036, to be performed
38 entirely within the private residence; or

39 b. A licensed independent contractor, as defined in federal



272804

40 laws or regulations, to perform a specified portion of labor or
41 services.

42 3. An employee leasing company licensed pursuant to part XI
43 of chapter 468 which enters into a written agreement or
44 understanding with a client company which places the primary
45 obligation for compliance with this section upon the client
46 company. In the absence of a written agreement or understanding,
47 the term includes an employee leasing company.

48 (e) "Employment verification system" means:

49 1. An Internet-based system operated by the United States
50 Department of Homeland Security which allows participating
51 employers to electronically verify the employment eligibility of
52 newly hired employees; or

53 2. A substantially equivalent electronic employment
54 verification system that is permissible under department rule.

55 (f) "Knowingly employ an unauthorized alien" has the same
56 meaning as in 8 U.S.C. s. 1324a. The term shall be interpreted
57 consistently with 8 U.S.C. s. 1324a and any applicable federal
58 rules or regulations.

59 (g) "License" means a franchise, a permit, a certificate,
60 an approval, a registration, a charter, or any similar form of
61 authorization required by state law and issued by an agency for
62 the purpose of operating a business in this state. The term
63 includes, but is not limited to:

64 1. An article of incorporation.

65 2. A certificate of partnership, a partnership
66 registration, or an article of organization.

67 3. A grant of authority issued pursuant to state or federal
68 law.



272804

69 4. A transaction privilege tax license.
70 (h) "Unauthorized alien" means a person who is not
71 authorized under federal law to be employed in the United
72 States, as described in 8 U.S.C. s. 1324a(h)(3). The term shall
73 be interpreted consistently with that section and any applicable
74 federal rules or regulations.
75 (2) VERIFICATION OF EMPLOYMENT ELIGIBILITY; FINE FOR
76 VIOLATION; SUSPENSION OF BUSINESS LICENSE.—
77 (a) An employer shall, after making an offer of employment
78 which has been accepted by an individual, use an employment
79 verification system to verify such individual's employment
80 eligibility. Verification must occur within the period
81 stipulated by applicable federal rules or regulations. However,
82 an employer is not required to verify the employment eligibility
83 of a continuing employee hired before the date of the employer's
84 registration with an employment verification system.
85 (b) The requirement to use an employment verification
86 system shall be phased in as follows:
87 1. Employers having at least 500 employees in this state
88 must use an employment verification system beginning January 1,
89 2022.
90 2. Employers having at least 250 employees in this state
91 must use an employment verification system beginning July 1,
92 2022.
93 3. Employers having at least 150 employees in this state
94 must use an employment verification system beginning January 1,
95 2023.



116778

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Torres) recommended the following:

Senate Amendment to Amendment (110576)

Between lines 75 and 76

insert:

4. An agricultural employer, which includes any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed, or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker. This subparagraph is repealed 90 days after



116778

11 the effective date of any federal law, rule, regulation, or
12 program that authorizes this state or a federal agency to grant
13 temporary legal status to an unauthorized alien who can
14 demonstrate that he or she has performed agricultural work in
15 the United States for not fewer than 575 hours or 100 work days
16 during a 2-year period and has maintained a continuous presence
17 in the United States, except for brief absences, during that
18 period.



400132

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Torres) recommended the following:

Senate Amendment to Amendment (110576)

Between lines 75 and 76

insert:

4. An employer engaged in the construction industry as defined in s. 440.02.



864038

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Torres) recommended the following:

Senate Amendment to Amendment (110576)

Between lines 75 and 76

insert:

4. A public lodging establishment or a public food service establishment licensed under part I of chapter 509.



904628

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Torres) recommended the following:

Senate Amendment to Amendment (110576)

Between lines 75 and 76

insert:

4. An employer who is a health care provider as defined in s. 766.101(1)(b).



429510

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Lee) recommended the following:

Senate Amendment to Amendment (110576)

Delete lines 80 - 82

and insert:

newly hired employees;

2. A system to verify whether an employee is an unauthorized alien that an employer certifies, under penalty of perjury, on a form provided by the department as a substantially equivalent electronic employment verification system to that specified in subparagraph (e)1.; or



429510

11 3. A system that complies with 8 U.S.C. 1324a and the
12 employer maintains complete copies of all records used to
13 establish an employee's identity and employment authorization
14 for at least 3 years after the employer receives the records or
15 1 year after the employee ceases to provide services to the
16 employer, whichever is later.



952034

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Lee) recommended the following:

Senate Amendment to Amendment (110576)

Delete lines 118 - 128

and insert:

2. Employers having at least 100 employees in this state must use an employment verification system beginning July 1, 2021.

3. Employers having at least 20 employees in this state must use an employment verification system beginning January 1, 2022.



295842

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Torres) recommended the following:

Senate Amendment

Between lines 121 and 122

insert:

5. An employer engaged in the construction industry as defined in s. 440.02.



451260

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
	.	
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	.	

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

Senate Amendment

Between lines 121 and 122

insert:

5. A public lodging establishment or a public food service establishment licensed under part I of chapter 509.



687662

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
	.	
	.	
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The Committee on Commerce and Tourism (Torres) recommended the following:

Senate Amendment

Between lines 121 and 122
insert:

5. An employer who is a health care provider as defined in
s. 766.101(1)(b).

By the Committee on Judiciary; and Senators Lee, Gruters, and Harrell

590-03510A-20

2020664c1

1 A bill to be entitled
 2 An act relating to the verification of employment
 3 eligibility; creating s. 287.137, F.S.; defining
 4 terms; requiring public employers and certain
 5 contractors and subcontractors to register with and
 6 use an employment verification system by a specified
 7 date; prohibiting public employers, contractors, and
 8 subcontractors from entering into a contract unless
 9 each party to the contract registers with and uses an
 10 employment verification system; creating s. 448.093,
 11 F.S.; defining terms; requiring employers who meet
 12 specified criteria to register with and use an
 13 employment verification system to verify the
 14 employment eligibility of new employees; prescribing
 15 an implementation schedule for the employment
 16 verification requirement; authorizing the imposition
 17 of fines for violations of the act; requiring a
 18 violating employer to submit certain affidavits to the
 19 Department of Economic Opportunity; requiring the
 20 department to order the appropriate licensing agency
 21 to suspend an employer's license under certain
 22 circumstances; providing civil immunity for an
 23 employer registered with and using an employment
 24 verification system; providing specified immunity and
 25 nonliability for an employer who complies in good
 26 faith with the requirements of the act; creating a
 27 rebuttable presumption for certain employers that the
 28 employer did not knowingly employ an unauthorized
 29 alien; requiring the department to define by rule

Page 1 of 8

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

590-03510A-20

2020664c1

30 employment verification systems substantially
 31 equivalent to the E-Verify system; providing
 32 requirements for such rules; providing an effective
 33 date.

34
 35 Be It Enacted by the Legislature of the State of Florida:

36
 37 Section 1. Section 287.137, Florida Statutes, is created to
 38 read:

39 287.137 Verification of work authorization status; public
 40 employers.-

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

42 (a) "Contractor" means a person or an entity that has more
 43 than 10 employees and has entered into, or is attempting to
 44 enter into, a contract with a public employer to provide labor,
 45 supplies, or services to such employer.

46 (b) "Employee" has the same meaning as provided in s.
 47 448.093.

48 (c) "Employment verification system" has the same meaning
 49 as provided in s. 448.093.

50 (d) "Public employer" means a department, an agency, or a
 51 political subdivision of this state which enters into, or
 52 attempts to enter into, a contract with a contractor for an
 53 amount that will, or is expected to, exceed the CATEGORY FOUR
 54 threshold amount provided in s. 287.017.

55 (e) "Subcontractor" means a person or an entity that has
 56 more than 10 employees and provides labor, supplies, or services
 57 to or for a contractor or another subcontractor pursuant to a
 58 contract that will, or is expected to, exceed the CATEGORY THREE

Page 2 of 8

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

590-03510A-20

2020664c1

59 threshold amount provided in s. 287.017.

60 (f) "Unauthorized alien" means a person who is not
 61 authorized under federal law to be employed in the United
 62 States, as described in 8 U.S.C. s. 1324a(h) (3). The term shall
 63 be interpreted consistently with that section and any applicable
 64 federal rules or regulations.

65 (2) On or after July 1, 2022:

66 (a) Every public employer, contractor, and subcontractor
 67 shall register with and use an employment verification system to
 68 verify the work authorization status of all new employees and
 69 identify whether an employee is an unauthorized alien.

70 (b) A public employer or a contractor or subcontractor in
 71 this state may not enter into a contract under this section
 72 unless each party to the contract registers with and uses an
 73 employment verification system.

74 Section 2. Section 448.093, Florida Statutes, is created to
 75 read:

76 448.093 Definitions; use of employment verification system
 77 required for private employers; business licensing enforcement.-

78 (1) DEFINITIONS.-As used in this section, the term:

79 (a) "Agency" means an agency, a department, a board, or a
 80 commission of this state or a county, municipality, or town
 81 issuing a license to operate a business in this state.

82 (b) "Department" means the Department of Economic
 83 Opportunity.

84 (c) "Employee" means an individual whose work is performed
 85 under the direction and supervision of the employer and whose
 86 employer withholds tax pursuant to the Federal Insurance
 87 Contributions Act (FICA) or federal income tax from the

590-03510A-20

2020664c1

88 individual's compensation, or whose employer issues an Internal
 89 Revenue Service W-2 form, but not an Internal Revenue Service
 90 Form 1099, to an individual for purposes of documenting
 91 compensation. The term does not include a licensed independent
 92 contractor as defined in federal laws or regulations.

93 (d) "Employer" means a person or an entity in this state
 94 which employs an employee. The term does not include:

95 1. A government employer.

96 2. The occupant or owner of a private residence who hires:

97 a. Casual labor, as defined in s. 443.036, to be performed
 98 entirely within the private residence; or

99 b. A licensed independent contractor, as defined in federal
 100 laws or regulations, to perform a specified portion of labor or
 101 services.

102 3. An agricultural employer, which includes any person who
 103 owns or operates a farm, ranch, processing establishment,
 104 cannery, gin, packing shed, or nursery, or who produces or
 105 conditions seed, and who either recruits, solicits, hires,
 106 employs, furnishes, or transports any migrant or seasonal
 107 agricultural worker. This subparagraph is repealed 90 days after
 108 the effective date of any federal law, rule, regulation, or
 109 program that authorizes this state or a federal agency to grant
 110 temporary legal status to an unauthorized alien who can
 111 demonstrate that he or she has performed agricultural work in
 112 the United States for not fewer than 575 hours or 100 work days
 113 during a 2-year period and has maintained a continuous presence
 114 in the United States, except for brief absences, during that
 115 period.

116 4. An employee leasing company licensed pursuant to part XI

590-03510A-20

2020664c1

117 of chapter 468 which enters into a written agreement or
 118 understanding with a client company which places the primary
 119 obligation for compliance with this section upon the client
 120 company. In the absence of a written agreement or understanding,
 121 the term includes an employee leasing company.

122 (e) "Employment verification system" means:

123 1. An Internet-based system operated by the United States
 124 Department of Homeland Security which allows participating
 125 employers to electronically verify the employment eligibility of
 126 newly hired employees; or

127 2. A substantially equivalent electronic employment
 128 verification system that is permissible under department rule.

129 (f) "Knowingly employ an unauthorized alien" has the same
 130 meaning as in 8 U.S.C. s. 1324a. The term shall be interpreted
 131 consistently with 8 U.S.C. s. 1324a and any applicable federal
 132 rules or regulations.

133 (g) "License" means a franchise, a permit, a certificate,
 134 an approval, a registration, a charter, or any similar form of
 135 authorization required by state law and issued by an agency for
 136 the purpose of operating a business in this state. The term
 137 includes, but is not limited to:

138 1. An article of incorporation.

139 2. A certificate of partnership, a partnership
 140 registration, or an article of organization.

141 3. A grant of authority issued pursuant to state or federal
 142 law.

143 4. A transaction privilege tax license.

144 (h) "Unauthorized alien" means a person who is not
 145 authorized under federal law to be employed in the United

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146 States, as described in 8 U.S.C. s. 1324a(h)(3). The term shall
 147 be interpreted consistently with that section and any applicable
 148 federal rules or regulations.

149 (2) VERIFICATION OF EMPLOYMENT ELIGIBILITY; FINE FOR
 150 VIOLATION; SUSPENSION OF BUSINESS LICENSE.—

151 (a) An employer shall, after making an offer of employment
 152 which has been accepted by a person, use an employment
 153 verification system to verify such person's employment
 154 eligibility. Verification must occur within the period
 155 stipulated by applicable federal rules or regulations. However,
 156 an employer is not required to verify the employment eligibility
 157 of a continuing employee hired before the date of the employer's
 158 registration with an employment verification system.

159 (b) The requirement to use an employment verification
 160 system shall be phased in as follows:

161 1. Employers having at least 500 employees must use an
 162 employment verification system beginning January 1, 2021.

163 2. Employers having at least 250 employees must use an
 164 employment verification system beginning July 1, 2021.

165 3. Employers having at least 150 employees must use an
 166 employment verification system beginning January 1, 2022.

167 4. Employers having more than 10 employees must use an
 168 employment verification system 90 days after the effective date
 169 of any federal law, rule, regulation, or program that authorizes
 170 this state to issue a work permit, whether temporary or
 171 permanent, to a qualifying undocumented alien.

172 (c) If an employer does not register with an employment
 173 verification system, the department may impose a fine of up to
 174 \$500 on the employer, who must then register with an employment

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175 verification system and provide an affidavit of stating such
 176 fact to the department within 30 days. If the employer does not
 177 register with and provide the required affidavit within 30 days
 178 after the imposition of the fine becomes final, the department
 179 must order the appropriate agency to suspend all applicable
 180 licenses held by the employer until the employer registers with
 181 an employment verification system and provides the department
 182 with the required affidavit.

183 (3) EMPLOYMENT OF UNAUTHORIZED ALIENS; IMMUNITY.-
 184 (a)1. An employer registered with and using an employment
 185 verification system may not be held civilly liable in a cause of
 186 action for the employer's:

187 a. Hiring of an unauthorized alien if the information
 188 obtained from the employment verification system indicated that
 189 the person's work authorization status was not that of an
 190 unauthorized alien; or

191 b. Refusal to hire a person if the information obtained
 192 from the employment verification system indicated that the
 193 person's work authorization status was that of an unauthorized
 194 alien.

195 2. An employer who in good faith registers with and uses an
 196 employment verification system is considered to have complied
 197 with the requirements of 8 U.S.C. s. 1324a(b) and may not be
 198 held liable for any damages and is immune from any legal cause
 199 of action brought by any person or entity, including former
 200 employees, for the use of and reliance upon any incorrect
 201 information obtained from the employment verification system,
 202 including any incorrect information obtained as a result of an
 203 isolated, sporadic, or accidental technical or procedural

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204 failure, when determining final action on a person's work
 205 authorization status.

206 (b) For purposes of this subsection, compliance with
 207 subsection (2) creates a rebuttable presumption that an employer
 208 did not knowingly employ an unauthorized alien in violation of
 209 s. 448.09.

210 (4) RULEMAKING.-The department shall adopt rules to define
 211 an employment verification system, if any, that is substantially
 212 equivalent to or more effective than the E-Verify system with
 213 respect to identifying unauthorized aliens and those persons
 214 eligible to work in the United States. The rules must identify
 215 the types of databases, methodologies, and evidence of identity
 216 and employment eligibility that qualify an employment
 217 verification system as substantially equivalent to or more
 218 effective than the E-Verify system.

219 Section 3. This act shall take effect July 1, 2020.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/20 Meeting Date

6664 Bill Number (if applicable)

Topic Employment Eligibility Verification

Name Ingrid Delgado

Job Title Associate Director for Social Concerns & Respect Life

Address 201 W Park Av Street

Phone

City State Zip

Email

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

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

Representing Florida Conference of Catholic Bishops

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

Lobbyist registered with Legislature: Yes [x] 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)

2/18/2020
Meeting Date

SB 664
Bill Number (if applicable)

Topic E-Verify

Name Rick Harper

Amendment Barcode (if applicable)

Job Title Economist

Address 516 E. Zaragoza St
Street

Phone 850 341 8908

Pensacola FL 32502
City State Zip

Email RickHarperPhD@gmail.com

Speaking: For Against Information

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

Representing My opinions are my own. I will discuss results of a study
commissioned by FWD.us.

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)

2/18/20

Meeting Date

SB-664

Bill Number (if applicable)

Topic E-Verify

Name J. B. CLARK

Job Title LOBBYIST

Address 2071 CYNTHIA DRIVE

Street

Phone

City

TALLAHASSEE, FL 32303

State

Zip

Email

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

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

Representing FL. ELECTRICAL WORKERS ASSN.

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

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

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

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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)

2/18/2020

Meeting Date

SB664
Bill Number (if applicable)

Topic E-Verify

Name David Caulkett

Amendment Barcode (if applicable)

Job Title VP

Address 2314 S Cypress Bend Dr

Street

Phone 954-461-9391

Pompano Bch, FL 33069

City

State

Zip

Email David@FLIMEN.org

Speaking: For Against Information

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

Representing Floridians For Immigration Enforcement

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)

2-18-20

Meeting Date

1064
Bill Number (if applicable)

Topic E-verify

Name Gina Moore

Job Title Retired Teacher

Address 424 Primrose Circle

Street

Destin

City

FL

State

32541

Zip

Phone 850-368-5724

Email gina.moore1960@gmail.com

Speaking: For Against Information

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

Representing Floridians for E-verify NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

02/18/2020

Meeting Date

CS-SB 664

Bill Number (if applicable)

Topic Committee Substitute for Senate Bill 664

Amendment Barcode (if applicable)

Name David Barkey

Job Title Sr. & Southeastern Counsel, ADL (Anti-Defamation League)

Address 5295 Town Center Road, Ste. 300

Phone 561-988-2912

Street

Boca Raton

FL

33486

Email dbarkey@adl.org

City

State

Zip

Speaking: For Against Information

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

Representing ADL (Anti-Defamation League)

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)

2-18-20

Meeting Date

664

Bill Number (if applicable)

Topic E-verify

Name Robert Windham

Amendment Barcode (if applicable)

Job Title retired

Address 7 Bougainvillea Court

Street

Phone 850-598-4204

Miramar Beach FL

City

State

32550

Zip

Email wardeagle

Speaking: For Against Information

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

Representing Floridians For E-verify NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/18/20
Meeting Date

664
Bill Number (if applicable)

Topic E-VERIFY

Amendment Barcode (if applicable)

Name REV DR RUSSELL MEYER

Job Title EXEC DIR

Address 3838 W CYPRESS ST
Street

Phone 813 435 5335

Tampa FL 33607
City State Zip

Email Rmeyer@floridachurches.org

Speaking: For Against Information

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

Representing FL COUNCIL OF CHURCHES

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

02/18/2020
Meeting Date

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

664
SB ~~664~~
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Nataly Chalco Lopez

Job Title Student

Address 509 B W JEFFERSON ST.
Street

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

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)

2.18.20

Meeting Date

664

Bill Number (if applicable)

Topic Verification of Employment Eligibility
Name Albert Balido

Amendment Barcode (if applicable)

Job Title _____

Address 201 W Park Ave
Street
Tall. FL 32301
City State Zip

Phone 8502513440

Email _____

Speaking: For Against Information

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

Representing Unidos US

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)

2/18/2020

Meeting Date

604

Bill Number (if applicable)

Topic Employment Verification

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Exec. Director

Address 579 E. Call
Street

Phone 850-321-9386

Tallahassee FL 32301
City State Zip

Email fcfep@yahoo.com

Speaking: For Against Information

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

Representing FL Center for Fiscal & Economic Policy

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)

2/18/2020
Meeting Date

664
Bill Number (if applicable)

Topic EMPLOYMENT VERIFICATION

Amendment Barcode (if applicable)

Name Scott McCoy

Job Title Policy Director

Address P.O. Box 10788
Street

Phone 334-224-4309

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 Southern Poverty Law Action Fund

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)

2/18/20

Meeting Date

SB 664

Bill Number (if applicable)

Topic Mandatory E-Verify

Amendment Barcode (if applicable)

Name Kara Gross

Job Title Legislative Director

Address 4343 West Flagler St.

Phone 786-363-4436

Street

Miami

FL

33134

Email kgross@aclufl.org

City

State

Zip

Speaking: For Against Information

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

Representing American Civil Liberties Union 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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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)

2/18/20

Meeting Date

SB 664

Bill Number (if applicable)

Topic Verification of employment ELIGIBILITY

Amendment Barcode (if applicable)

Name Russell Harper

Job Title RETIRED ELECTRICIAN

Address 1785 Lilly Road East
Street

Phone 904-588-4855

Jacksonville FL 32207
City State Zip

Email electric@bellsouth.net

Speaking: For Against Information

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

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2-18-20
Meeting Date

SB0664
Bill Number (if applicable)

Topic VERIFICATION OF EMPLOYMENT ELIGIBILITY Amendment Barcode (if applicable)

Name DAVID GATES

Job Title RETIRED ELECTRICIAN

Address 1444 MENLO AVE.
Street

Phone 904-322-3995

JAX. FL. 32218
City State Zip

Email davidgates177@ncc.com

Speaking: For Against Information

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

Representing MYSELF

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)

18 Feb 2020
Meeting Date

CS/SB 664
Bill Number (if applicable)

Topic Verification of Employment

Amendment Barcode (if applicable)

Name Melina Rayna Skanild Farley Barratt

Job Title Legislative Director

Address 8689 SE 69 Ter
Street

Phone 352-226-7777

Trenton FL 32693
City State Zip

Email _____

Speaking: For Against Information

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

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/18/2020

Meeting Date

SB 664

Bill Number (if applicable)

Topic Tourism & Commerce Committee Re SB 664

Amendment Barcode (if applicable)

Name Alexis Davis

Job Title Policy Analyst

Address 1001 N. Orange Avenue

Phone 407.440.1421 ext. 706

Street

Orlando

FL

32801

Email davis@floridapolicy.org

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida Policy Institute

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

Lobbyist registered with Legislature: [] Yes [x] 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)

2/18/2020

Meeting Date

664

Bill Number (if applicable)

Topic E-Verify

Amendment Barcode (if applicable)

Name Alex Nowrasteh

Job Title Director of Immigration Studies

Address 1000 Massachusetts Ave NW

Phone (202) 842-0200

Street

Washington, DC 20001

Email

City

State

Zip

Speaking: For Against Information

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

Representing Cato Institute

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)

2/18/2020

Meeting Date

664

Bill Number (if applicable)

Topic E Verify

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Public Policy

Address 126 N. Mills Ave

Phone 407 376 4001

Street

Orlando

FL

32801

City

State

Zip

Email

Speaking: For Against Information

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

Representing Florida Immigrant Coalition

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)

2/18/2020

Meeting Date

664

Bill Number (if applicable)

Topic E-Verify

Amendment Barcode (if applicable)

Name CHARO VALERO

Job Title PUBLIC POLICY

Address _____

Phone _____

Street

MIAMI

FLORIDA

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing FLORIDA LATINA ADVOCACY NETWORK

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/18/2020

Meeting Date

SB 664

Bill Number (if applicable)

Topic Tourism & Commerce Committee Re SB 664

Amendment Barcode (if applicable)

Name Alexis Davis

Job Title Policy Analyst

Address 1001 N. Orange Avenue

Phone 407.440.1421 ext. 706

Street

Orlando

FL

32801

Email davis@floridapolicy.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Policy Institute

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)

2/18/20

Meeting Date

664

Bill Number (if applicable)

Topic Employment Verification

Amendment Barcode (if applicable)

Name Kathryn Bird Carvajal

Job Title Executive Director

Address 21 Alhambra Plaza, Suite 1100

Phone 786 210 9030

Street

City

Coral Gables FL

State

Zip

Email ~~Kebird23@gmail.com~~
kathryn@impactfund.org

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.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB 680

INTRODUCER: Commerce and Tourism Committee and Senator Hutson and others

SUBJECT: Shark Fins

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dyson</u>	<u>Rogers</u>	<u>EN</u>	Fav/CS
2.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 680 prohibits the sale of shark fins in Florida, and the import and export of shark fins to and from Florida. However, the prohibition on sale and export does not apply to commercial fishermen who hold a valid federal shark fishing permit on January 1, 2020, or to seafood dealers who harvest and possess sharks, shark fins, and associated shark products that are legally landed, handled, processed, and transported. This exception expires on January 1, 2025.

The bill takes effect on October 1, 2020.

II. Present Situation:

Pursuant to Article IV, s. 9 of the Florida Constitution, the Florida Fish and Wildlife Conservation Commission exercises the regulatory and executive powers with respect to marine life, including sharks.¹ Florida's shark population is diverse and includes species that range in size from only a few feet to more than 40 feet in total length.² Most species of sharks have slow

¹ FLA. CONST. ART. IV, S. 9.

² University of Florida's Institute of Food and Agricultural Sciences (IFAS), *Common Sharks in Florida*, SGEF-203, available at <http://edis.ifas.ufl.edu/pdf/SG/SG06200.pdf> (last visited Feb. 18, 2020).

rates of growth and late age-at-maturity, which limits their ability to withstand fishing pressure and means they have a longer recovery time in response to overfishing.³

Global shark catches have tripled since 1950 and reached an all-time high of 888,000 tons in 2000.⁴ Because overfishing in some areas of the world's oceans has led to concerns for the populations of some shark species, adequate conservation and management of shark populations has become increasingly important on a global scale.⁵ In response to concerns about growing shark harvests internationally, many countries have banned shark fishing in their waters in favor of promoting tourism opportunities relating to sharks.⁶

Harvesting Sharks off Florida's Coast

Fishermen harvest sharks primarily for their meat, fins, skin, cartilage, and liver.⁷ Meat from some species of shark is an important dietary component in many developing countries, and shark fins, the most valuable of shark products, are used to make traditional shark fin soup, which is a delicacy in the Chinese culture.⁸ However, despite the high value of some shark products, sharks historically have been considered a low-value fish and mostly seen as a by-product of other more profitable fisheries, such as tuna.⁹

Within Florida's seaward boundary, the use of hook and line gear is the only lawful means to harvest sharks in or from the waters of the state.¹⁰ A person may not harvest in or from the waters of the state more than one shark per day.¹¹ The possession of more than two sharks harvested from the state waters aboard any vessel with two or more persons is prohibited.¹² While certain species of shark, including any part of these species, are prohibited under state law from being harvested, possessed, landed, purchased, sold, or exchanged in the state, the prohibition does not apply to sharks harvested lawfully in federal waters when the shark is transported directly through state waters.¹³

To commercially harvest sharks, an individual must possess both a valid saltwater products license and any applicable federal permit for sharks.¹⁴ The commercial harvest season

³ United Nations Food and Agriculture Organization of the United Nations (FAO), *International Plan of Action for Conservation and Management of Sharks*, available at <http://www.fao.org/ipoa-sharks/background/sharks/en/> (last visited Feb. 18, 2020).

⁴ *Id.*

⁵ *Id.*

⁶ National Oceanic and Atmospheric Administration (NOAA), 2017 *Shark Finning Report to Congress*, 3 (2017), available at <https://www.fisheries.noaa.gov/resource/document/2017-shark-finning-report-congress> (last visited Feb. 18, 2020).

⁷ NOAA, 2015 *Shark Finning Report to Congress*, 2, 6, 78, 93 (2015) available at <https://repository.library.noaa.gov/view/noaa/15645> (last visited Feb. 18, 2020).

⁸ Smithsonian National Museum of Natural History, *Sharking Finning: Sharks Turned Prey*, available at <https://ocean.si.edu/ocean-news/shark-finning-sharks-turned-prey> (last visited Feb. 18, 2020).

⁹ Frans Teutscher, FAO, *Sharks (Chondrichthyes)*, available at <http://www.fao.org/docrep/006/Y5261E/y5261e08.htm> (last visited Feb. 18, 2020).

¹⁰ Fla. Admin. Code R. 68B-44.006(1); Florida's seaward boundary extends 9 nautical miles in the Gulf of Mexico and 3 nautical miles in the Atlantic.

¹¹ Fla. Admin. Code R. 68B-44.004(1).

¹² *Id.*

¹³ Fla. Admin. Code R. 68B-44.003(4).

¹⁴ Fla. Admin. Code R. 68B-44.009.

technically spans the entire year, but can be closed if any adjacent federal waters are closed. Additionally, if the Atlantic Marine fisheries commission deems the need for closure, all waters between the Florida–Georgia border and Miami-Dade county will also be closed to commercial harvesting.¹⁵

Shark Finning

Shark finning is the practice of removing and retaining shark fins at sea while discarding the remainder of the shark’s body, often while the shark is still alive, into the waters. In Florida, the practice of shark finning was prohibited in 1992 by requiring sharks harvested to be landed in a whole condition.¹⁶ Additionally, the prohibition on shark finning was codified into Florida Statutes in 2017.¹⁷ The statute prohibits the possession of a shark fin separated from the shark in Florida waters unless such possession is authorized by FWC or the fin was legally obtained on land, was prepared by taxidermy, and is possessed for the purposes of display.¹⁸

An individual who violates the prohibition is subject to the following penalties:

Violations	Type of Criminal Infraction	Civil Penalty and Jail Time	License Restrictions	Administrative Fines
1 st offense ¹⁹	2 nd Degree Misdemeanor	Max: \$500 ²⁰ Max: 60 days ²¹	Suspension of license for 180 days	\$4,500
2 nd offense ²²	2 nd Degree Misdemeanor	Max \$500 ²³ Max: 60 days ²⁴	Suspension of license for 365 days	\$9,500
3 rd offense and subsequent offenses ²⁵	1 st Degree Misdemeanor	Max: \$1,000 ²⁶ Max: 1 year ²⁷	Permanent revocation of all license privileges	\$9,500

In the United States, shark finning was prohibited in 2000.²⁸ In 2010, the Shark Conservation Act strengthened the prohibition by improving the ability to enforce the shark finning prohibition by making it unlawful to:

- Remove any fins of a shark, including the tail, at sea;
- Have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

¹⁵ Fla. Admin. Code R. 68B-44.005.

¹⁶ Fla. Admin. Code R. 68B-44.004.

¹⁷ Section 379.2426(2), F.S.

¹⁸ *Id.*

¹⁹ Section 379.2426(3)(a), F.S.

²⁰ Section 775.083(1)(e), F.S.

²¹ Section 775.082(4)(b), F.S.

²² Section 379.2426(3)(b), F.S.

²³ *Id.*

²⁴ Section 775.082(4)(b), F.S.

²⁵ Section 379.2426(3)(c), F.S.

²⁶ Section 775.083(1)(d), F.S.

²⁷ Section 775.082(4)(a), F.S.

²⁸ 16 U.S.C. s. 1857 (2000).

- Transfer any such fin from one vessel to another vessel at sea; or
- Land any such fin that is not naturally attached to the corresponding carcass or land any shark carcass without such fins naturally attached.²⁹

A person who violates these federal laws may be subject to a civil penalty of up to \$100,000 for each violation, as determined by the U.S. Secretary of Commerce.³⁰

While the practice of shark finning is prohibited in the United States, the trade of shark fins is legal. In 2011, the last year that full global data is available, the total declared value of world exports was \$438.6 million for 17,154 tons imported.³¹ The United States is both an importer and exporter of shark fins.³² In 2011, the U.S. exported 38 tons of shark fins and imported 58 tons.³³ A number of the countries that the U.S. imports shark fins from do not have a ban in place, such as China, Indonesia, and Japan. In response, some U.S. states have passed laws to ban the trade of shark fins, such states include Hawaii, California, Oregon, Washington, Illinois, Maryland, Delaware, Nevada, New York, Massachusetts, Rhode Island, and Texas.³⁴

Many other countries have also banned shark fishing in their waters. Nations that have adopted finning bans include the Bahamas, Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, the Maldives, Nicaragua, Palau, Panama, and Taiwan.³⁵ Additionally, Canada, the largest importer of shark fins outside of Asia, banned the importation and exportation of shark fins in June of 2019.³⁶

California's ban on the trade of shark fins was challenged in federal court. On appeal, the plaintiffs alleged that the ban violated the Supremacy Clause under Art. VI of the U.S. Constitution and the Commerce Clause under Art. I, s. 8 of the U.S. Constitution.³⁷ The 9th Circuit Court of Appeals held that states are authorized to regulate "on-land activities," as the Magnuson-Stevens Fishery Conservation and Management Act was enacted as a federal-state partnership and expressly preserved the jurisdiction of the states over fishery management within their boundaries.³⁸ Additionally, the court held that the ban did not violate the Commerce Clause as it does not "interfere with activity that is inherently national or that requires a uniform system of regulation," and its purpose is to "conserve state resources, prevent animal cruelty, and protect wildlife and public health," purposes which are matters of local concern.³⁹

²⁹ *Id.*

³⁰ 16 U.S.C. s. 1858 (2014).

³¹ FAO, *State of the global market for shark products*, 1 (2015), available at <http://www.fao.org/3/a-i4795e.pdf> (last visited Feb. 18, 2020).

³² *Id.* at 85.

³³ *Id.* at 19, 21.

³⁴ See HAW. REV. STAT. § 188-40.7; CAL. FISH & GAME § 2021; OR. REV. STAT. § 509.160; WASH. REV. CODE § 77.15.770; 515 ILL. COMP. STAT. 5/5-30; MD CODE ANN., NAT. RES. § 4-747; DEL. CODE TIT. 7, § 928A; NEV. REV. STAT. § 597.905; N.Y. ENVTL. CONSERV. LAW § 13-0338; MASS. GEN. LAWS ch. 130, § 106; R.I. GEN LAWS §20-1-29; and TEX. PARKS & WILD. CODE § 66.2161.

³⁵ NOAA, *2017 Shark Finning Report to Congress*, available at <https://repository.library.noaa.gov/view/noaa/19769> (last visited Feb. 17, 2020).

³⁶ Fisheries Act, S.C. ch. 18.1 §32(1).

³⁷ *Chinatown Neighborhood Ass'n. v. Harris*, 794 F.3d 1136 (9th Cir. 2015), *cert. denied*, 136 S.Ct. 2448 (2016).

³⁸ *Id.*

³⁹ *Id.*

III. Effect of Proposed Changes:

The bill prohibits the sale of shark fins in Florida, and the import and export of shark fins to and from Florida. However, the prohibition on sale and export does not apply to commercial fishermen who hold a valid federal shark fishing permit on January 1, 2020, or to seafood dealers who harvest and possess sharks, shark fins, and associated shark products that are legally landed, handled, processed, and transported. This exception expires on January 1, 2025.

The bill takes effect on October 1, 2020.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The Commerce Clause of the United States Constitution states that the United States Congress has the power to regulate commerce with foreign nations, and among the several states, and with the Indian Tribes.⁴⁰ If an exercise of local power serves a legitimate local interest but simultaneously burdens commerce, the courts will undertake a balancing test.⁴¹ California's shark ban was challenged in the 9th Circuit Court of Appeals, and the court held that the shark ban does not violate the Commerce Clause.

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

None.

B. Private Sector Impact:

None.

⁴⁰ U.S. CONST. art. I, s. 8.

⁴¹ *Great Atlantic & Pac. Tea Co., Inc. v. Cottrell*, 424 U.S. 366 (1976).

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 379.2426 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 Environment and Natural Resources Committee on February 3, 2020:

- Changes the bill to prohibit importing and exporting shark fins to and from Florida.
- Changes the statute’s title to read “Regulation of shark fins; penalties.”

CS by Commerce and Tourism Committee on February 18, 2020:

- Provides an exception to the sale and export prohibition by establishing that the prohibition does not apply to commercial fishermen who hold a valid federal shark fishing permit on January 1, 2020, or to seafood dealers who harvest and possess sharks, shark fins, and associated shark products that are legally landed, handled, processed, and transported. This exception expires on January 1, 2025.

B. Amendments:

None.



679214

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 30 - 32

and insert:

(3) The import of shark fins to this state is prohibited.

(4) (a) Except as provided under paragraph (b), the sale of shark fins in this state and the export of shark fins from this state are prohibited.

(b) This subsection does not apply to any commercial fisherman who holds a valid federal shark fishing permit on



679214

11 January 1, 2020, or to seafood dealers who harvest and possess
12 sharks, shark fins, and associated shark products that are
13 legally landed, handled, processed, and transported. This
14 paragraph expires on January 1, 2025.

15 (5)~~(3)~~ A person who violates this section is subject to the

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

18 And the title is amended as follows:

19 Delete line 3

20 and insert:

21 F.S.; prohibiting the import of shark fins to this
22 state; prohibiting the sale of shark fins within or
23 the export of shark fins from this state; providing
24 applicability;

By the Committee on Environment and Natural Resources; and
Senators Hutson, Gruters, Stewart, Berman, and Book

592-03056-20

2020680c1

1 A bill to be entitled
2 An act relating to shark fins; amending s. 379.2426,
3 F.S.; prohibiting the import and export of shark fins;
4 providing an effective date.
5
6 Be It Enacted by the Legislature of the State of Florida:
7
8 Section 1. Section 379.2426, Florida Statutes, is amended
9 to read:
10 379.2426 Regulation ~~Possession~~ of ~~separated~~ shark fins ~~on~~
11 ~~the water prohibited; penalties.-~~
12 (1) As used in this section, the term:
13 (a) "Land" means the physical act of bringing a harvested
14 organism, or any part thereof, ashore.
15 (b) "Shark" means any species of the orders
16 *Carcharhiniformes*, *Lamniformes*, *Hexanchiformes*,
17 *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*,
18 *Squatiniformes*, or any part thereof.
19 (c) "Shark fin" means the detached fin of a shark,
20 including the caudal or tail fin, or any portion thereof.
21 (d) "Separated," with respect to a shark fin, means not
22 naturally attached to the corresponding shark body through some
23 portion of uncut skin.
24 (2) A person may not possess in or on the waters of this
25 state a shark fin that has been separated from a shark or land a
26 separated shark fin in this state, unless:
27 (a) Such possession is authorized by commission rule; or
28 (b) Such fin has been lawfully obtained on land, prepared
29 by taxidermy, and is possessed for the purposes of display.

Page 1 of 3

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

592-03056-20

2020680c1

30 (3) The import to and export from this state of shark fins
31 is prohibited.
32 ~~(4)-(3)~~ A person who violates this section is subject to the
33 following penalties:
34 (a) For a first violation, a misdemeanor of the second
35 degree, punishable as provided in s. 775.082 or s. 775.083. In
36 addition, the commission shall assess an administrative fine of
37 \$4,500 and suspend all of the person's license privileges under
38 this chapter for 180 days.
39 (b) For a second violation, a misdemeanor of the second
40 degree, punishable as provided in s. 775.082 or s. 775.083. In
41 addition, the commission shall assess an administrative fine of
42 \$9,500 and suspend all of the person's license privileges under
43 this chapter for 365 days.
44 (c) For a third and any subsequent violation, a misdemeanor
45 of the first degree, punishable as provided in s. 775.082 or s.
46 775.083. In addition, the commission shall assess an
47 administrative fine of \$9,500 and permanently revoke all of the
48 person's license privileges under this chapter.
49
50 While his or her license privileges are under suspension or
51 revocation pursuant to this subsection, a person may not
52 participate in the taking or harvesting, or attempt the taking
53 or harvesting, of saltwater products from any vessel within the
54 waters of the state; be aboard any vessel on which a commercial
55 quantity of saltwater products is possessed through an activity
56 requiring a license pursuant to this chapter; or engage in any
57 other activity requiring a license, permit, or certificate
58 issued pursuant to this chapter.

Page 2 of 3

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

592-03056-20

2020680c1

59

Section 2. This act shall take effect October 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-18-20
Meeting Date

680
Bill Number (if applicable)

Topic Shark Fins

Amendment Barcode (if applicable)

Name BOB HARRIS

Job Title _____

Address 2618 Centennial Place
Street
Tallahassee FL 32308
City State Zip

Phone 222-0720

Email bharris@lawfla.com

Speaking: For Against Information

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

Representing Diving Equipment & Marketing Association (DEMA)

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)

2/18/20
Meeting Date

SB 670
Bill Number (if applicable)

Topic SCUBA DIVER TRADE

Amendment Barcode (if applicable)

Name Romane Reynolds

Job Title WD Photographer & Dive Master

Address 3681 FIVE ST
Street

Phone (850) 240-9642

Destin FL 32541
City State Zip

Email ROMANER@BBSB.COM

Speaking: For Against Information

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

Representing NUF DIVE CENTERS

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

Feb 18, 2020

Meeting Date

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

SB 680

Bill Number (if applicable)

Topic SHARK FIN

Name Anna Schmitz

Amendment Barcode (if applicable)

Job Title DIVE SHOP OWNER

Address 503 B HARBOR BLVD

Street

Phone 850.259.9006

Destin FL 32580

City

State

Zip

Email ecsDestin@aol.com

Speaking: For Against Information

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

Representing NWF Dive Centers

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

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8/15/19
Meeting Date

CS/SB 680
Bill Number (if applicable)

Topic SHARK FINS

Amendment Barcode (if applicable)

Name JERRY SANSON

Job Title EXECUTIVE DIRECTOR

Address PO Box 700
Street

Phone 321-773-0217

Cocoa FL. 32923
City State Zip

Email FISHAWK@ABL.COM

Speaking: For Against Information

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

Representing ORGANIZED FISHERMEN OF FLA.

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)

2/18/2000
Meeting Date

680
Bill Number (if applicable)

Topic Shark Fins

Name Sherylanne McCoy

Job Title _____

Address 715 N. Tropical Trail
Street

Phone 321-960-1663

Merritt Island FL 32953
City State Zip

Email shering@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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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/2020

Meeting Date

CS-SB-680

Bill Number (if applicable)

~~CS-SB-680~~

Amendment Barcode (if applicable)

Topic Shark Fin Sales Ban

Name Laurilee Thompson

Job Title ownermanager Dixie Crossroads Seafood

Address 1475 Garden St

Street

Phone 321-794-6866

Titusville

City

FL

State

32754

Zip

Email laurileethompson@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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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/20

Meeting Date

680

Bill Number (if applicable)

Topic Shank Pins

Name DAVID CAMPO

Amendment Barcode (if applicable)

Job Title Fisherman

Address 11486 64th Ave
Street

Phone 727 836 0050

Seminole
City

FL
State

33772
Zip

Email _____

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)

2/18/20

Meeting Date

680

Bill Number (if applicable)

Topic

Shanks

Name

Kate MacFall

Amendment Barcode (if applicable)

Job Title

State director

Address

1624 Montpelier Cir.

Street

Tallahassee FL

City

State

Zip

Phone

850 8508-1001

Email

Kmacfall@hsus.org

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

Homare Society of the United States

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)

Meeting Date _____

SB 680
Bill Number (if applicable)

Topic Shark Fin Trade

Amendment Barcode (if applicable) _____

Name Steve Roden

Job Title CEO Guy Harvey

Address 5500 Pinnacle Dr
Street

Phone 6782968227

Tallahassee FL 32309
City State Zip

Email stoden@guyharvey.com

Speaking: For Against Information

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

Representing Guy Harvey Enterprise

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)

2/18/20
Meeting Date

680
Bill Number (if applicable)

Topic Shark Fins

Amendment Barcode (if applicable)

Name Travis Moore

Job Title _____

Address P.O. Box 2020
Street

Phone 727.421.6902

St. Petersburg FL 33731
City State Zip

Email travis@moore-relations.com

Speaking: For Against Information

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

Representing Animal Legal Defense Fund + Oceana

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)

2/18/2020
Meeting Date

SB680
Bill Number (if applicable)

Topic SHARK FINNS

Amendment Barcode (if applicable)

Name STEFANIE BRENDL

Job Title Exec. Dir.

Address 6 COCO PL
Street

Phone (808) 778-6740

Pacific Palisades CA 90272
City State Zip

Email stefanie.brendl@gmail.com

Speaking: For Against Information

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

Representing SHARK ALLIES

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)

2-18-2020

Meeting Date

SB 680

Bill Number (if applicable)

Topic Shark Fin Trade

Name Shara Teter

Job Title Marine Scientist

Address 1801 NE 28 Ter

Street

Pompano Beach FL 33062

City

State

Zip

Phone 717 926 8704

Email shara.teter@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

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)

02-18-20

Meeting Date

SB680

Bill Number (if applicable)

Topic SHARK FIN TRADE

Name BRADY HALE

Job Title FOUNDER

Address 10139 SINTON DR.

Street

Phone 469-387-4940

PENSACOLA

City

FL

State

32507

Zip

Email BRADY@BEYOND130.COM

Speaking: For Against Information

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

Representing GULF COAST LIONFISH TOURNAMENTS

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)

SB 680

Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date

Topic Shark Finning

Name Eve Faison

Job Title Student

Address 2540 San Miguel Avenue

Phone (813) 395-4542

Tallahassee FL 32304

Email ejf100@my.fsu.edu

Speaking: For Against Information

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

Representing Shark Allies

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)

Meeting Date _____

SB620
Bill Number (if applicable)

Topic shark finning

Amendment Barcode (if applicable) _____

Name yaneisy padino

Job Title student

Address 104 Westwood Dr.
Street

Phone 813 520 0669

Tallahassee FL 32304
City State Zip

Email yaneisypadino@yahoo.com

Speaking: For Against Information

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

Representing shark allies

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/20

Meeting Date

680

Bill Number (if applicable)

Topic Shark Fin

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Government Relations Director

Address 1700 N Monroe 11-286

Phone _____

Street

Tally

City

FL

State

32303

Zip

Email lindsay@fevoters.org

Speaking: For Against Information

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

Representing Florida Conservation voters

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)

2/18/20
Meeting Date

680
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 104-2 Crest SW
Street
Tallahassee FL 32301
City State Zip

Phone 904-323-2404

Email _____

Speaking: For Against Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/18/20

Meeting Date

SB680

Bill Number (if applicable)

Topic Shark Fin Trade

Amendment Barcode (if applicable)

Name Cassandra Scott

Job Title Engineer/Diver

Address 11662 Lake Shore Place

Phone 561-543-2829

Street

N. Palm Beach

FL

33408

City

State

Zip

Email covascott@gmail.com

Speaking: For Against Information

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

Representing SHARK ALLIES

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)

2/10/20
Meeting Date

680
Bill Number (if applicable)

Topic SHARK FINNS

Amendment Barcode (if applicable)

Name GENE MCGEE

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

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

Representing SEAWORLD 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

2-18-20

Meeting Date

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

680

Bill Number (if applicable)

679214

Amendment Barcode (if applicable)

Topic Shark Fins

Name BOB HARRIS

Job Title

Address

Street

1 Talladega Fl

City

State

32308

Zip

Phone 222-0720

Email bharris@lawfla.com

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

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

Representing DEMA - Diving Equipment & Marketing Assn.

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

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

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

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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)

Meeting Date _____

SB/680

Bill Number (if applicable)

679214

Amendment Barcode (if applicable)

Topic SHARK FINS

Name LARRY SANSON

Job Title EXECUTIVE DIRECTOR

Address PO BOX 200

Street

Phone 321 773-0212

COCOA

City

FL.

State

32923

Zip

Email FISHAWK @ AOL.COM

Speaking: For Against Information

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

Representing ORGANIZED FISHERMEN of FL.

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)

2/18/2020
Meeting Date

Bill Number (if applicable)

679214
Amendment Barcode (if applicable)

Topic Shark Fins

Name Sherylanne McCoy

Job Title _____

Address 715 N. Tropical Trail
Street

Phone 321-960-1663

Merritt Island FL 32953
City State Zip

Email sherring@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

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)

2/18/2020

Meeting Date

CS-SB-680

Bill Number (if applicable)

679214

Amendment Barcode (if applicable)

Topic SHARK FIN Sales Ban

Name Laurilee Thompson

Job Title owner/manager Dixie Crossroads Seafood Restaurant

Address 1475 Garden St

Street

Phone 321-794-6866

Titusville

City

FL

State

32754

Zip

Email laurileethompson@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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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/20
Meeting Date

Bill Number (if applicable)

679214

Amendment Barcode (if applicable)

Topic Shank Pin

Name David Campo

Job Title Shank Fisherman

Address 11486 64th Ave
Street

Phone 727 836 0050

Seminole FL 33772
City State Zip

Email _____

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 680

Bill Number (if applicable)

679214

Amendment Barcode (if applicable)

Meeting Date _____

Topic Shark Fin Trade

Name Steve Roden

Job Title CEO Guy Harvey

Address 5500 Pan Lico Dr

Street

Phone 678 296 8222

Tallahassee FL 32309

City

State

Zip

Email S.Roden@GuyHarvey.com

Speaking: For Against Information

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

Representing Guy Harvey Enterprise

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)

2/18/20
Meeting Date

680
Bill Number (if applicable)
679214
Amendment Barcode (if applicable)

Topic Shark Fins

Name Travis Moore

Job Title _____

Address P.O. Box 2020
Street

Phone 727.421.6902

St. Petersburg FL 33731
City State Zip

Email travis@moore-relations.com

Speaking: For Against Information

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

Representing Animal Legal Defense Fund + Oceana

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)

2/18/2020
Meeting Date

53680
Bill Number (if applicable)

679214
Amendment Barcode (if applicable)

Topic SHARK FINS

Name STEFANIE BRENDL

Job Title Executive Director

Address 6 COLE PI

Phone (808) 728-6740

Pac. Palisades CA 90272
City State Zip

Email Stefanie.brendl@gmail.com

Speaking: For Against Information

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

Representing SHARK ALIENS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 776

INTRODUCER: Innovation, Industry, and Technology Committee and Senator Perry

SUBJECT: Florida Real Estate Appraisal Board

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird/Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<u>Fav/CS</u>
2.	<u>Reeve</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 776 reduces the number of members of the Florida Real Estate Appraisal Board (board) from nine to seven members. The bill removes from the board one of the two members that represent the appraisal management industry and one of the two members that represent the general public and are not connected in any way with the practice of real estate appraisal. The members of the board must reflect the ethnic and gender diversity of Florida.

The bill takes effect November 1, 2020.

II. Present Situation:

The Florida Real Estate Appraisal Board (board) within the Department of Business and Professional Regulation (DBPR) regulates the 6,655 active and 308 inactive real estate appraisers in this state¹ under part II of ch. 475, F.S., The board, through its rules, is authorized to:²

- Regulate the issuance of licenses, certifications, registrations, and permits;
- Discipline appraisers;
- Establish qualifications for licenses, certifications, registrations, and permits;

¹ Florida Department of Business and Professional Regulation, *Divisions of Professions, Certified Public Accounting, Real Estate, and Regulation Annual Report*, 19 (2019), available at http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY1819.pdf (last visited Feb. 18, 2020).

² Section 475.613(2), F.S.

- Regulate approved courses;
- Establish standards for real estate appraisals; and
- Establish standards for and regulate supervisory appraisers.

The board consists of nine members that are appointed by the Governor and subject to confirmation by the Senate. The Governor may remove any member for cause. The board must consist of:³

- Four real estate appraisers who have been engaged in the general practice of appraising real property in this state for at least 5 years immediately preceding appointment;
- Two representatives of the appraisal management industry;
- One representative of organizations that use appraisals for the purpose of eminent domain proceedings, financial transactions, or mortgage insurance; and
- Two representatives of the general public who are not connected in any way with the practice of real estate appraisal.

Members of the board are appointed for 4-year terms and may not be appointed for more than two consecutive terms. The board must meet at least once each calendar quarter to conduct its business. The members must elect a chairperson at the first meeting each year. Each member of the board is entitled to per diem and travel expenses as set by legislative appropriation for each day the member engages in the business of the board.⁴

Chapter 2010-84, s. 2, Laws of Fla., increased the board's membership from seven to nine members with the addition of two representatives of the appraisal management industry.

III. Effect of Proposed Changes:

The bill amends s. 475.613, F.S., to reduce the number of board members from nine to seven members. The bill removes from the board one of the two members that represent the appraisal management industry and one of the two members that represent the general public and are not connected in any way with the practice of real estate appraisal. The members of the board must reflect the ethnic and gender diversity of Florida.

The bill takes effect November 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³ Section 475.613(1), F.S.

⁴ *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DBPR has estimated that the bill will reduce travel expenses for the board by \$5,200 per year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 475.613 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 Innovation, Industry, and Technology on February 10, 2020:

The CS requires that the members of the Florida Real Estate Appraisal Board reflect the ethnic and gender diversity of Florida.

B. Amendments:

None.

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

By the Committee on Innovation, Industry, and Technology; and
Senator Perry

580-03373-20

2020776c1

1 A bill to be entitled
2 An act relating to the Florida Real Estate Appraisal
3 Board; amending s. 475.613, F.S.; revising the
4 composition of the board; requiring the board
5 membership to reflect the ethnic and gender diversity
6 of this state; providing an effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Subsection (1) of section 475.613, Florida
11 Statutes, is amended to read:
12 475.613 Florida Real Estate Appraisal Board.—
13 (1) There is created the Florida Real Estate Appraisal
14 Board, which shall consist of seven ~~nine~~ members appointed by
15 the Governor, subject to confirmation by the Senate. Four
16 members of the board must be real estate appraisers who have
17 been engaged in the general practice of appraising real property
18 in this state for at least 5 years immediately preceding
19 appointment. In appointing real estate appraisers to the board,
20 while not excluding other appraisers, the Governor shall give
21 preference to real estate appraisers who are not primarily
22 engaged in real estate brokerage or mortgage lending activities.
23 One member ~~Two members~~ of the board must represent the appraisal
24 management industry. One member of the board must represent
25 organizations that use appraisals for the purpose of eminent
26 domain proceedings, financial transactions, or mortgage
27 insurance. One member ~~Two members~~ of the board must be a
28 representative ~~shall be representatives~~ of the general public
29 and shall not be connected in any way with the practice of real

Page 1 of 2

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

580-03373-20

2020776c1

30 estate appraisal. The appraiser members shall be as
31 representative of the entire industry as possible, and
32 membership in a nationally recognized or state-recognized
33 appraisal organization shall not be a prerequisite to membership
34 on the board. Members of the board shall reflect the ethnic and
35 gender diversity of this state. To the extent possible, no more
36 than two members of the board shall be primarily affiliated with
37 any one particular national or state appraisal association. Two
38 of the members must be licensed or certified residential real
39 estate appraisers and two of the members must be certified
40 general real estate appraisers at the time of their appointment.
41 (a) Members of the board shall be appointed for 4-year
42 terms. Any vacancy occurring in the membership of the board
43 shall be filled by appointment by the Governor for the unexpired
44 term. Upon expiration of her or his term, a member of the board
45 shall continue to hold office until the appointment and
46 qualification of the member's successor. A member may not be
47 appointed for more than two consecutive terms. The Governor may
48 remove any member for cause.
49 (b) The headquarters for the board shall be in Orlando.
50 (c) The board shall meet at least once each calendar
51 quarter to conduct its business.
52 (d) The members of the board shall elect a chairperson at
53 the first meeting each year.
54 (e) Each member of the board is entitled to per diem and
55 travel expenses as set by legislative appropriation for each day
56 that the member engages in the business of the board.
57 Section 2. This act shall take effect November 1, 2020.

Page 2 of 2

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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)

2/18/19

Meeting Date

776

Bill Number (if applicable)

Topic Florida Real Estate Appraisal Board

Name Andy Gonzalez

Job Title Public Policy Representative

Address 2005 Monroe St

Street

Phone 850-224-1400

Tallahassee FL 32301

City

State

Zip

Email and

Speaking: For Against Information

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

Representing Florida Realtors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1582

INTRODUCER: Commerce and Tourism Committee and Senator Simmons

SUBJECT: Asbestos Trust Claims

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Elsesser</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>McKay</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1582 requires a claimant filing an asbestos injury lawsuit to notify all parties to the action of any claims made against and funds received from an asbestos trust. The bill provides that a defendant in an asbestos claim may obtain through discovery certain materials the claimant has filed with an asbestos trust. The bill bars asbestos claimants from claiming that the materials filed with the trust are privileged.

II. Present Situation:

In 2005, the Legislature passed the Asbestos and Silica Compensation Fairness Act (the Act), with the purpose of giving “priority to true victims of asbestos and silica, claimants who can demonstrate actual physical impairment caused by exposure to asbestos or silica;” fully preserving “the rights of claimants who were exposed to asbestos or silica to pursue compensation if they become impaired in the future as a result of the exposure;” enhancing “the ability of the judicial system to supervise and control asbestos and silica litigation;” and conserving “the scarce resources of the defendants to allow compensation to cancer victims and others who are physically impaired by exposure to asbestos or silica while securing the right to similar compensation for those who may suffer physical impairment in the future.”¹ “These statements demonstrate that the Act is intended to reverse years of common law precedent ... holding that a diagnosis of asbestos-related disease and injury, without regard to any particular

¹ Section 774.202(1-4), F.S.

threshold level of impairment suffered, constitutes an accrued cause of action that provides citizens vested rights to file actions based on the injuries.”²

At least 56 trusts have been established on behalf of asbestos defendant companies that have declared bankruptcy, and the largest 26 trusts have paid at least \$10.9 billion on 2.4 million claims.³

Section 774.207(2), F.S., requires asbestos claimants to disclose the amounts of payments received from any collateral sources, which include payments from an asbestos trust. That section permits a court to setoff a jury award by the amount received from a collateral source.

Section 774.209(2)(b), F.S., states that the act does not affect the rights of any claimant who is entitled to file a claim against an asbestos trust.

Section 774.204, F.S., details the proof an injured claimant must present upon filing in order to establish a prima facie asbestos claim. That section requires evidence that a qualifying physician has taken an exposure history of the claimant, and the section details the physical medical findings the claimant must present to link his or her exposure to different ailments. This evidence differs for cancers of the lung, larynx, pharynx, or esophagus; cancers of the colon, rectum, or stomach; and for mesothelioma. “This requirement clearly serves the purpose of providing priority to plaintiffs who can demonstrate physical impairment caused by exposure to asbestos.”⁴ “Prior to the Act, the common law did not require any particular symptoms to constitute ‘manifestation’ in connection with asbestos injuries.”⁵ “[T]he main purpose of the Act is to alter the common law elements for an action arising from asbestos-related disease.”⁶

The Act bars punitive damage awards for asbestos claims.

III. Effect of Proposed Changes:

The bill governs the actions of plaintiffs who have filed an asbestos lawsuit and have filed or are preparing to file a separate claim against an asbestos trust. The bill states that, within 30 days after filing an asbestos claim⁷, a plaintiff must provide all parties with a sworn statement identifying all claims the plaintiff has made to an “asbestos trust.” The bill also requires a plaintiff to make such a disclosure within 30 days if he or she files an additional trust claim, supplements an existing claim, or receives additional information related to the trust claim.

The bill permits the asbestos defendant to seek discovery materials from an asbestos trust if a plaintiff has made a claim to that trust. These materials include proof that a plaintiff filed a claim with the trust and supplemental materials such as an affidavit, a deposition or trial testimony,

² *American Optical Corp. v. Spiewak*, 73 So. 3d 120, 130 (Fla. 2011).

³ Rand Institute for Civil Justice, *Bankruptcy Trusts, Asbestos Compensation, and the Courts* at 1, available at: https://www.rand.org/pubs/research_briefs/RB9603/index1.html (last visited February 17, 2020).

⁴ *In re Asbestos Litigation*, 933 So. 2d 613, 617 (Fla. 3d DCA 2006).

⁵ *Spiewak*, 73 So. 3d at 127.

⁶ *Id.*

⁷ The bill provides that “asbestos claim” has the same meaning as in s. 774.203, F.S. That section defines as asbestos claim as “a claim for damages or other civil or equitable relief presented in a civil action, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any other derivative claim made by or on behalf of an exposed person or a representative, spouse, parent, child, or other relative of an exposed person.”

work history, an exposure allegation, medical records, documents showing the status of a claim against the trust, and any document related to the settlement of a trust claim. The bill bars an asbestos plaintiff from claiming that these materials are privileged and requires the plaintiff to provide consent to the trust to release the discovery materials. The bill states that the admissibility at trial of these materials is still subject to the Florida Evidence Code.

The bill allows a trial court to adjust an asbestos claim judgment to reflect payment received by the plaintiff from an asbestos trust, if the plaintiff filed the trust claim after he or she obtained a judgment but before that judgment was satisfied.

The bill contains a severability clause, providing that if any portion of the act is held invalid, the invalidity does not affect other provisions of the bill.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 774.301 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 February 18, 2020:

The CS removes the definition for “trust governance document,” a phrase that is not used in any substantive provision of the bill.

- B. Amendments:

None.



301124

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 43 - 46.

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

And the title is amended as follows:

Delete line 13

and insert:

materials are

By Senator Simmons

9-01163A-20

20201582__

1 A bill to be entitled
 2 An act relating to asbestos trust claims; creating s.
 3 774.301, F.S.; defining terms; requiring a plaintiff
 4 who files an asbestos claim to provide certain
 5 information to the parties of the action within a
 6 specified timeframe; requiring the plaintiff to
 7 supplement the information and materials under certain
 8 circumstances within a specified timeframe;
 9 authorizing the defendant to seek discovery from an
 10 asbestos trust; prohibiting the plaintiff from
 11 claiming privilege or confidentiality to bar discovery
 12 of such materials; providing that asbestos trust claim
 13 materials and trust governance documents are
 14 admissible in evidence under certain circumstances;
 15 providing for the adjustment of a judgment under
 16 certain circumstances; providing for severability;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 774.301, Florida Statutes, is created to
 22 read:

23 774.301 Asbestos trust claim disclosures.—

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

25 (a) "Asbestos claim" has the same meaning as in s. 774.203.

26 (b) "Asbestos trust" means a government-approved or court-
 27 approved trust, qualified settlement fund, compensation fund, or
 28 claims facility that is created as a result of an administrative
 29 or legal action or a court-approved bankruptcy, or under 11

Page 1 of 3

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9-01163A-20

20201582__

30 U.S.C. s. 524(g), 11 U.S.C. s. 1121(a), or other applicable law,
 31 and that is intended to provide compensation to claimants
 32 arising out of, based on, or related to the health effects of
 33 exposure to asbestos.

34 (c) "Trust claim materials" means a final, executed proof
 35 of claim and any other document or information submitted to or
 36 received from an asbestos trust, including a claim form or
 37 supplementary material, an affidavit, a deposition or trial
 38 testimony, a work history, an exposure allegation, a medical or
 39 health record, or a document reflecting the status of a claim
 40 against an asbestos trust and, if the trust claim has been
 41 settled, any document relating to the settlement of the trust
 42 claim.

43 (d) "Trust governance document" means a document that
 44 relates to eligibility and payment levels, including a claims
 45 payment matrix, a trust distribution procedure, or a plan for
 46 the reorganization of an asbestos trust.

47 (2) Within 30 days after filing an asbestos claim, a
 48 plaintiff shall provide all parties with a sworn statement
 49 identifying all asbestos trust claims made by the plaintiff and
 50 all material submitted to or received from an asbestos trust.

51 (3) A plaintiff must supplement the information required
 52 under subsection (2) within 30 days after the plaintiff files an
 53 additional asbestos trust claim, supplements an existing
 54 asbestos trust claim, or receives additional information related
 55 to an asbestos trust claim.

56 (4) A defendant in an asbestos claim may seek discovery
 57 from an asbestos trust. The plaintiff may not claim privilege or
 58 confidentiality to bar discovery and shall provide consent or

Page 2 of 3

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59 other expression of permission that may be required by the
60 asbestos trust to release the information sought by the
61 defendant.

62 (5) Asbestos trust claim materials are admissible in
63 evidence only to the extent permissible under the Florida
64 Evidence Code.

65 (6) If a plaintiff files an asbestos trust claim after the
66 plaintiff obtains a judgment in an asbestos claim and before
67 satisfaction of the judgment, and the asbestos trust was in
68 existence at the time of the judgment, the trial court, upon
69 motion by a defendant, may only adjust the judgment by the
70 amount of any payments obtained by the plaintiff as a result of
71 such after-filed claim to the extent permissible under Florida
72 law.

73 Section 2. If any provision of this act or its application
74 to any person or circumstance is held invalid, the invalidity
75 does not affect other provisions or applications of the act
76 which can be given effect without the invalid provision or
77 application, and to this end the provisions of this act are
78 severable.

79 Section 3. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/20

Meeting Date

1582

Bill Number (if applicable)

Topic Asbestos

Amendment Barcode (if applicable)

Name George Feijoo ("Fay-Jew")

Job Title Consultant - Floridian Partners

Address 108 S. Monroe St.
Street

Phone (305) 720-7099

Tallahassee FL 32301
City State Zip

Email grfeijoo@flapartners.com

Speaking: For Against Information

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

Representing Florida Insurance Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/2020

Meeting Date

1582

Bill Number (if applicable)

Topic Asbestos Trust Transparency

Name Mark Behrens

Amendment Barcode (if applicable)

Job Title

Address 1800 K Street NW Suite 1000

Street

Phone (202) 639-5621

City

State

Zip

Email mbehrens@shb.com

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

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

Representing U.S. Chamber Institute for legal Reform

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

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

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

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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)

2 17 20

Meeting Date

1582

Bill Number (if applicable)

Topic ASBESTOS CLAIMS

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title vol pres, TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Address PO Box 1201

Street

Phone 850 570-1967

Tallahassee,

Fl

32302

City

State

Zip

Email danbhendrickson@comcast.net

Speaking: For Against Information

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

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

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)

2/18/2020
Meeting Date

1582
Bill Number (if applicable)

Topic As best for

Amendment Barcode (if applicable)

Name Mike Ford

Job Title Purple Heart Veteran

Address 3053 Killbuck Pt Ct
Street

Phone 850-~~543~~ 321-1346

Tallahassee Ford
City State Zip

Email MWF1946@gmail.com

Speaking: For Against Information

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

Representing Chapter 758 Military Order of Purple Heart

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)

Meeting Date 2/18/20

Bill Number (if applicable) 1562

Topic Asbestos

Amendment Barcode (if applicable)

Name CHARLES LECROY

Job Title AF RET - FAMILY EVF

Address 459 BARNEAU RD

Phone 950-595-9237

City THE 32304

State FL Zip 32304

Email

Speaking: For Against Information

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

Representing AMERICAN Legion

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/20

Meeting Date

1582

Bill Number (if applicable)

Topic Asbestos Trust Claims

Name Carolyn Johnson

Amendment Barcode (if applicable)

Job Title Policy Director

Address 136 S Bronough St

Street

Phone 850-521-1200

Tallahassee

FL

32301

City

State

Zip

Email cjohnson@flchamber.com

Speaking: For Against Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE APPEARANCE RECORD

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

02.18.20

Meeting Date

1582

Bill Number (if applicable)

Topic Asbestos Trust Claims

Amendment Barcode (if applicable)

Name ~~William Fargo~~ Evelyn Davis

Job Title President

Address 210 South Monroe Street

Phone 850-222-0170

Street

Tallahassee

FL

32301

Email William@fljustice.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Justice Reform Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/20

Meeting Date

1582

Bill Number (if applicable)

Topic Asbestos Trust Claims

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Phone 224-7173

Street

Tallahassee

FL

32301

Email bbevis@aif.com

City

State

Zip

Speaking: For Against Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1632

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Rouson

SUBJECT: Cultural Affairs

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ponder</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Reeve</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1632 designates the Secretary of State as “Florida’s Chief Arts and Cultural Officer” rather than the chief cultural officer. The bill also renames the Division of Cultural Affairs within the Department of State as the Division of Arts and Culture and makes conforming changes.

The bill takes effect July 1, 2020.

II. Present Situation:

Department of State

The Department of State (department), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs, and Administration. The head of the department is the Secretary of State (Secretary). The Secretary is appointed by the Governor, subject to confirmation by the Senate, and serves at the pleasure of the Governor. The Secretary performs functions conferred by the State Constitution upon the custodian of records.¹

¹ Section 20.10, F.S.

Secretary of State – Florida’s Chief Cultural Officer

The Divisions of Cultural Affairs, Historical Resources, and Library and Information Services within the department promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity.² The Secretary, as the head of these divisions, is designated as “Florida's Chief Cultural Officer” and is encouraged to initiate and develop relationships between the state and foreign governmental officials in order to promote Florida as the center of American creativity. As Florida’s Chief Cultural Officer, the Secretary shall coordinate international activities with Enterprise Florida, Inc., and any other organization the Secretary deems to be appropriate. To accomplish these purposes, the Secretary has the power and authority to do the following:³

- Disseminate any information pertaining to the state which promotes the state's cultural assets;
- Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries;
- Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and exchange groups;
- Encourage and cooperate with other public and private organizations or groups in their efforts to promote the cultural advantages of Florida;
- Serve as the liaison with all foreign consular and ambassadorial corps, as well as international organizations, that are consistent with the purposes of expanding international and cultural relations; and
- Provide, arrange, and make expenditures for the achievement of any or all of the purposes specified in this section.

Division of Cultural Affairs

The Division of Cultural Affairs (division) is Florida’s designated state arts agency. The division promotes arts and culture as essential to the quality of life for all Floridians. To promote excellence and encourage access to cultural opportunities, the division provides funding, programs and resources, including grants for: arts in education, local arts agencies, state service organizations, museums, theater, dance, folk arts, literature, media arts, multidisciplinary, music, sponsor/presenter, and visual arts programs and projects.⁴

The Florida Arts and Cultural Act (Act) is set forth in ss. 265.281-265.709, F.S., to provide state support for, and to gain national and international recognition of, the efforts, works, and performances of Florida artists, art agencies, museums and nonprofit organizations.⁵ The division is charged with directly administering and overseeing all programs authorized by the Act and may adopt rules pursuant to ss. 120.536(1) and 120.54, F.S, to do so.

Section 265.2865, F.S., establishes the Florida Artists Hall of Fame to recognize persons, living or deceased, who have made significant contributions to the arts in Florida either as performing or practicing artists in individual disciplines. The Florida Artists Hall of Fame Wall is located on

² Section 15.18, F.S.

³ *Id.*

⁴ Florida Department of State, Division of Cultural Affairs, *Mission*, available at <https://dos.myflorida.com/cultural/about-us/mission/> (last visited Feb. 18, 2020).

⁵ Section 285.282, F.S.

the Plaza level in the rotunda of the Capitol building.⁶ The Florida Council on Arts and Culture accepts nominations annually for persons to be recommended as members of the Florida Artists Hall of Fame and then makes recommendations to the Secretary of those person who were born in Florida or adopted Florida as their home state and base of operation and made a significant contribution to the enhancement of the arts in this state.⁷ The Secretary must name no more than four members to the Florida Artists Hall of Fame in any one year.⁸

The division is permitted to accept and administer moneys appropriated to it for providing grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of cultural facilities.⁹ A county, municipality or qualified corporation may apply for a grant of state funds for the acquisition, renovation, or construction of a cultural facility.¹⁰ The Florida Council on Arts and Culture must review each application for a grant and must annually submit to the Secretary for approval lists of all applications recommended by the council for award of grants, arranged in order of priority.¹¹

Any contract administered under s. 265.701, F.S., must require the recordation of a restrictive covenant by the grantee and property owner or purchase of a bond as prescribed by rule to ensure that the facility continues to be used as a cultural facility for a period of 10 years following the grant award.¹²

Division of Historical Resources

The Division of Historical Resources (DHR) is responsible for preserving and promoting Florida's historical, archaeological, and folk culture resources. The DHR Director's Office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and to coordinate outreach programs that identify and promote the state's traditional culture.

The Division of Historical Resources is comprised of the Bureau of Historic Preservation (BHP) and the Bureau of Archaeological Research (BAR). The BHP manages the Florida Main Street Program and, under federal and state laws, oversees the National Register of Historic Places program for Florida, maintains an inventory of the state's historical resources in the Florida Master Site File, assists applicants in federal tax benefit and local government ad valorem tax relief programs for historic buildings, and reviews the impact that development projects may have on significant historic resources. The BAR is responsible for the state's archaeological programs, including surveys and excavations throughout the state, maintenance of records on historical resources that have been recorded, and assistance to consultants and planners in protecting sites.¹³

⁶ Florida Department of State, *Florida Artists Hall of Fame*, available at <https://dos.myflorida.com/cultural/programs/florida-artists-hall-of-fame/> (last visited Feb. 18, 2020).

⁷ Section 265.2865(3), F.S.

⁸ Section 265.2865(4), F.S.

⁹ Section 265.701(1), F.S.

¹⁰ Section 265.701(2), F.S.

¹¹ Section 265.701(3), F.S.

¹² Section 265.701(4), F.S.

¹³ *Id.*

Division of Library and Information Services

The Division of Library and Information Services (DLIS) manages the State Library and Archives, supports public libraries, directs record management services, and is the designated information resource provider for the state of Florida.¹⁴

The DLIS may receive gifts of money, books, or other property and may purchase books, periodicals, furniture, and equipment it deems necessary to carry out its mission. The DLIS may also give aid and assistance to all school, state, academic, free, and public libraries, and to all communities in the state which may establish libraries. The DLIS is required to maintain a library for state officials and employees and provide research and informational services for all state agencies. The DLIS must also provide library services to blind and physically handicapped persons within the state.¹⁵

III. Effect of Proposed Changes:

Sections 1 and 4 amend ss. 15.18 and 265.284, F.S., respectively, to provide that the Secretary will be known as “Florida’s Chief Arts and Cultural Officer” instead of the chief cultural officer.

Section 2 amends s. 20.10, F.S., to rename the Division of Cultural Affairs as the Division of Arts and Culture.

Section 3 amends s. 265.283, F.S., to provide that, as used in ss. 265.281-265.709, F.S., “director” means the Director of the Division of Arts and Culture and “division” means the Division of Arts and Culture.

Sections 5, 7, 9, and 10 amend ss. 265.2865, 265.701, 265.704, and 468.401, F.S., to update references to the Division of Arts and Culture.

Section 6 and 8 amend ss. 265.603 and 265.7025, F.S., to provide that, as used in ss. 265.601-265.606 and 265.7025-265.709, F.S., respectively, “division” means the Division of Arts and Culture.

Section 11 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁴ Florida Department of State, Division of Library and Information Services, available at <https://dos.myflorida.com/library-archives/> (last visited Feb. 18, 2020).

¹⁵ Section 257.04(5), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The department will likely experience an indeterminate negative fiscal impact associated with the rebranding and re-naming of its Division of Cultural Affairs as the Division of Arts and Culture.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 468.401, 15.18, 20.10, 265.283, 265.284, 265.2865, 265.603, 265.701, 265.7025, and 265.704.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Governmental Oversight and Accountability on February 10, 2020:

The committee substitute removes the repeal of ss. 265.601, 265.602, 265.603 and 265.605, F.S., and updates the definition of the term “division” in s. 265.603, F.S.

B. Amendments:

None.

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



322422

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Between lines 59 and 60
insert:

Section 3. Subsection (4) is added to section 265.111,
Florida Statutes, to read:

265.111 Capitol Complex; monuments.—

(4) The Department of Management Services shall limit participation in any competitions between sculptors or artists for the design of a monument on the Capitol Complex, or at any



322422

11 other state buildings where a similar competition is being
12 conducted, to sculptors and artists who are 18 years of age or
13 older and are domiciled in this state.

14

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

16 And the title is amended as follows:

17 Delete line 8

18 and insert:

19 State as the Division of Arts and Culture; amending s.
20 265.111, F.S.; requiring the Department of Management
21 Services to limit participation in design competitions
22 for monuments on the Capitol Complex or at other
23 state-owned buildings to certain artists and
24 sculptors; amending

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

585-03391-20

20201632c1

1 A bill to be entitled
2 An act relating to cultural affairs; amending s.
3 15.18, F.S.; providing that the Secretary of State
4 shall be known as "Florida's Chief Arts and Culture
5 Officer"; conforming a provision to changes made by
6 the act; amending s. 20.10, F.S.; renaming the
7 Division of Cultural Affairs of the Department of
8 State as the Division of Arts and Culture; amending
9 ss. 265.283, 265.284, 265.2865, 265.603, 265.701,
10 265.7025, 265.704, and 468.401, F.S.; conforming
11 provisions to changes made by the act; providing an
12 effective date.
13
14 Be It Enacted by the Legislature of the State of Florida:
15
16 Section 1. Section 15.18, Florida Statutes, is amended to
17 read:
18 15.18 International and cultural relations.—The Divisions
19 of Arts and Culture ~~Cultural Affairs~~, Historical Resources, and
20 Library and Information Services of the Department of State
21 promote programs having substantial cultural, artistic, and
22 indirect economic significance that emphasize American
23 creativity. The Secretary of State, as the head administrator of
24 these divisions, shall hereafter be known as "Florida's Chief
25 Arts and Culture ~~Cultural~~ Officer." As this officer, the
26 Secretary of State is encouraged to initiate and develop
27 relationships between the state and foreign cultural officers,
28 their representatives, and other foreign governmental officials
29 in order to promote Florida as the center of American

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30 creativity. The Secretary of State shall coordinate
31 international activities pursuant to this section with
32 Enterprise Florida, Inc., and any other organization the
33 secretary deems appropriate. For the accomplishment of this
34 purpose, the Secretary of State shall have the power and
35 authority to:
36 (1) Disseminate any information pertaining to the State of
37 Florida which promotes the state's cultural assets.
38 (2) Plan and carry out activities designed to cause
39 improved cultural and governmental programs and exchanges with
40 foreign countries.
41 (3) Plan and implement cultural and social activities for
42 visiting foreign heads of state, diplomats, dignitaries, and
43 exchange groups.
44 (4) Encourage and cooperate with other public and private
45 organizations or groups in their efforts to promote the cultural
46 advantages of Florida.
47 (5) Serve as the liaison with all foreign consular and
48 ambassadorial corps, as well as international organizations,
49 that are consistent with the purposes of this section.
50 (6) Provide, arrange, and make expenditures for the
51 achievement of any or all of the purposes specified in this
52 section.
53 Section 2. Paragraph (e) of subsection (2) of section
54 20.10, Florida Statutes, is amended to read:
55 20.10 Department of State.—There is created a Department of
56 State.
57 (2) The following divisions of the Department of State are
58 established:

Page 2 of 8

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59 (e) Division of Arts and Culture ~~Cultural Affairs~~.

60 Section 3. Subsections (3) and (4) of section 265.283,
61 Florida Statutes, are amended to read:

62 265.283 Definitions.—The following definitions shall apply
63 to ss. 265.281-265.709:

64 (3) "Director" means the Director of the Division of Arts
65 and Culture ~~Cultural Affairs~~ of the Department of State.

66 (4) "Division" means the Division of Arts and Culture
67 ~~Cultural Affairs~~ of the Department of State.

68 Section 4. Section 265.284, Florida Statutes, is amended to
69 read:

70 265.284 Chief arts and culture ~~cultural~~ officer; director
71 of division; powers and duties.—

72 (1) The Secretary of State is the chief arts and culture
73 ~~cultural~~ officer of the state.

74 (2) The division is the state arts administrative agency
75 and shall be headed by a director who shall serve at the
76 pleasure of the secretary.

77 (3) The division shall directly administer and oversee all
78 of the programs authorized by this act. In furtherance thereof,
79 the division shall:

80 (a) Accept and administer state and federal funds
81 appropriated by the Legislature or funds received from other
82 public or private sources.

83 (b) Advance funds for grants on a quarterly basis.

84 (c) Enter into agreements for awarding grants or other
85 contracts with any person, firm, performing arts company,
86 educational institution, arts organization, corporation, or
87 governmental agency as may be necessary or advisable to carry

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88 out its functions under this act.

89 (d) Upon request, or at its own initiative, consult with
90 and advise other individuals, groups, organizations, or state
91 agencies and officials, particularly the Governor and the
92 Cabinet, concerning the acquisition by gift or purchase of fine
93 art works, the appropriate use and display of state-owned art
94 treasures for maximum public benefit, and the suitability of any
95 structures or fixtures, including framing, primarily intended
96 for ornamental or decorative purposes in the interior of public
97 buildings.

98 (e) Accept on behalf of the state donations of money,
99 property, art objects, and antiquities. Such donations of money
100 and any cash income may be received from the disposal of any
101 donations of property, art objects, or antiquities, which shall
102 be deposited into the Grants and Donations Trust Fund and are
103 hereby appropriated for use by the division for the purposes
104 authorized in this act.

105 (f) Sponsor performances and exhibits; promote and
106 encourage the study and appreciation of arts and culture; and
107 collect, publish, and print pamphlets, papers, newsletters, and
108 other materials related to arts and cultural programs available
109 throughout the state.

110 (g) Conduct and support cultural programs and cultural
111 exchanges by coordinating with the appropriate state agencies
112 and other organizations.

113 (h) Accept funding and other forms of support for the
114 purposes in this act.

115 (i) Notwithstanding s. 287.022 or s. 287.025(1)(e), enter
116 into contracts to insure museum collections, artifacts, relics,

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117 and fine arts to which it holds title or which are on loan to
118 the division.

119 (j) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
120 implement this subsection.

121 Section 5. Subsection (6) of section 265.2865, Florida
122 Statutes, is amended to read:

123 265.2865 Florida Artists Hall of Fame.—

124 (6) The Division of Arts and Culture ~~Cultural Affairs~~ of
125 the Department of State shall adopt rules necessary to carry out
126 the purposes of this section, including, but not limited to,
127 procedures for accepting nominations to, making recommendations
128 for, selecting members of the Florida Artists Hall of Fame, and
129 providing travel expenses for such recipients. Notwithstanding
130 the provisions of s. 112.061, the Secretary of State may approve
131 first-class travel accommodations for recipients of the Florida
132 Artists Hall of Fame award and their representatives for health
133 or security purposes.

134 Section 6. Subsection (2) of section 265.603, Florida
135 Statutes, is amended to read:

136 265.603 Definitions relating to Cultural Endowment
137 Program.—The following terms and phrases when used in ss.
138 265.601-265.606 shall have the meaning ascribed to them in this
139 section, except where the context clearly indicates a different
140 meaning:

141 (2) "Division" means the Division of Arts and Culture
142 ~~Cultural Affairs~~ of the Department of State.

143 Section 7. Subsections (1) and (5) of section 265.701,
144 Florida Statutes, are amended to read:

145 265.701 Cultural facilities; grants for acquisition,

585-03391-20 20201632c1

146 renovation, or construction; funding; approval; allocation.—

147 (1) The Division of Arts and Culture ~~Cultural Affairs~~ may
148 accept and administer moneys appropriated to it for providing
149 grants to counties, municipalities, and qualifying nonprofit
150 corporations for the acquisition, renovation, or construction of
151 cultural facilities.

152 (5) The Division of Arts and Culture ~~Cultural Affairs~~ shall
153 adopt rules prescribing the criteria to be applied by the
154 Florida Council on Arts and Culture in recommending applications
155 for the award of grants and rules providing for the
156 administration of the other provisions of this section.

157 Section 8. Subsection (2) of section 265.7025, Florida
158 Statutes, is amended to read:

159 265.7025 Definitions relating to historic programs.—For the
160 purposes of ss. 265.7025-265.709, the term:

161 (2) "Division" means the Division of Arts and Culture
162 ~~Cultural Affairs~~ of the Department of State.

163 Section 9. Section 265.704, Florida Statutes, is amended to
164 read:

165 265.704 Historical museums; powers and duties of the
166 Division of Arts and Culture ~~Cultural Affairs~~.—

167 (1) The division shall adopt rules pursuant to ss.
168 120.536(1) and 120.54 to administer the provisions of ss.
169 265.7025-265.709.

170 (2) The division may make and enter into all contracts and
171 agreements with other agencies, organizations, associations,
172 corporations, and individuals or with federal agencies as it may
173 determine are necessary, expedient, or incidental to the
174 performance of its duties or the execution of its powers under

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175 ss. 265.7025-265.709.

176 (3) The division may accept gifts, grants, bequests, loans,
177 and endowments for purposes not inconsistent with its
178 responsibilities under this chapter. The division may also
179 establish an endowment that is consistent with the
180 responsibilities under ss. 265.7025-265.709.

181 (4) It is the duty of the division to:

182 (a) Promote and encourage throughout the state knowledge
183 and appreciation of Florida history by encouraging the people of
184 the state to engage in the preservation and care of artifacts,
185 museum items, treasure troves, and other historical properties;
186 the collection, research, fabrication, exhibition, preservation,
187 and interpretation of historical materials; the publicizing of
188 the state's history through public information media; and other
189 activities in historical and allied fields.

190 (b) Encourage, promote, maintain, and operate historical
191 museums, including, but not limited to, mobile museums, junior
192 museums, and the Museum of Florida History in the state capital.

193 (c) Plan and develop, in cooperation with other state
194 agencies and with municipalities, programs to promote and
195 encourage the teaching of Florida's history and heritage in
196 Florida schools and other educational institutions and other
197 such educational programs as may be appropriate.

198 (d) Establish professional standards for the preservation,
199 exclusive of acquisition, of historical resources in state
200 ownership or control.

201 (e) Take such other actions as are necessary or appropriate
202 to locate, acquire, protect, preserve, operate, interpret, and
203 promote the location, acquisition, protection, preservation,

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204 operation, and interpretation of historical resources to foster
205 an appreciation of Florida history and culture.

206 Section 10. Subsection (4) of section 468.401, Florida
207 Statutes, is amended to read:

208 468.401 Regulation of talent agencies; definitions.—As used
209 in this part or any rule adopted pursuant hereto:

210 (4) "Engagement" means any employment or placement of an
211 artist, where the artist performs in his or her artistic
212 capacity. However, the term "engagement" shall not apply to
213 procuring opera, music, theater, or dance engagements for any
214 organization defined in s. 501(c)(3) of the Internal Revenue
215 Code or any nonprofit Florida arts organization that has
216 received a grant from the Division of Arts and Culture ~~Cultural~~
217 ~~Affairs~~ of the Department of State or has participated in the
218 state touring program of the Division of Arts and Culture
219 ~~Cultural Affairs~~.

220 Section 11. This act shall take effect July 1, 2020.

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 90

INTRODUCER: Senator Stewart and others

SUBJECT: Discrimination in Labor and Employment

DATE: February 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 90 creates the “Senator Helen Gordon Davis Fair Pay Protection Act,” which prohibits an employer from providing a less favorable employment opportunity to an employee based on the employee’s sex, and prohibits an employer from paying an employee at a rate less than the employer pays an employee of the opposite sex for substantially similar work on a job that requires equal skill, effort, and responsibility. The bill narrows the exceptions to the prohibition to differential wages based on factors other than sex, including education, training, or experience.

An employee may file a civil action against an employer who violates the act to recover the difference between the amount the employee was paid and the amount he or she should have been paid, as well as liquidated damages. The bill also establishes that an employer who violates the act is subject to a civil penalty.

The bill provides that employers are prohibited from taking any retaliatory or discriminatory personnel action against an employee who voluntarily discusses their own or another employee’s wages, requests that the employer provide a reason for the amount of the employee’s own wages, or participates in certain investigations.

The bill provides that an employer may not:

- Rely on salary or wage history in determining an employee’s salary or wages;
- Request or require wage or salary history as a condition of being interviewed, considered for an offer of employment, or as a condition of employment or promotion;
- Request or require wage or salary history;
- Retaliate against or refuse to interview, hire, promote, or otherwise employ an employee based upon prior wage or salary history, because the employee did not provide wage or salary history, or because the employee filed a complaint alleging a violation of s. 448.111, F.S.; or

- Require an employee to sign a waiver that prohibits the employee from discussing or disclosing the employee's own wages, or another employee's wages, if such wages have been voluntarily disclosed.

The bill takes effect on July 1, 2020.

II. Present Situation:

Title VII of the Civil Rights Act of 1964¹

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits discrimination based on race, color, religion, national origin, or sex. Title VII applies to employers having 15 or more employees and outlines a number of unlawful employment practices. For instance, it is unlawful for employers to refuse to hire, discharge, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, based on race, color, religion, national origin, or sex.² The status of pregnancy is subsumed as a protected class in the category of sex discrimination.³ Currently, it is unclear if Title VII grants sexual orientation or gender identity protected status. Although the Equal Employment Opportunity Commission (EEOC) has produced guidelines stating that Title VII covers sexual orientation, many federal courts decline to interpret sexual orientation as protected under Title VII.⁴

Florida Civil Rights Act

In 1992, the Florida Legislature enacted the Florida Civil Rights Act (FCRA) to protect persons from discrimination in education, employment, housing, and public accommodations. In addition to the classes of race, color, religion, sex, and national origin protected in Title VII, the FCRA includes age, handicap, and marital status as protected classes.⁵ The Florida Legislature added pregnancy as a protected status under the FCRA in 2015.⁶

Similar to Title VII, the FCRA specifically provides a number of actions that, if undertaken by an employer, are considered unlawful employment practices.⁷ Courts interpreting the FCRA typically follow federal precedent because the FCRA is generally patterned after Title VII. Still, differences between the state and federal law persist. As noted above, the FCRA includes age, handicap, and marital status as protected categories. Although Title VII does not include these statuses, other federal laws address age and disability.⁸

¹ 42 U.S.C. 2000e et. seq.

² 42 U.S.C. 2000e-2.

³ 42 U.S.C. 2000e(k).

⁴ Katherine McAnallen, NCSL Legisbrief, *Sexual Orientation in Employment Discrimination Laws*, Vol. 23, No. 34 (Sept. 2015).

⁵ Section 760.10(1)(a), F.S.

⁶ Ch. 2015-68, Laws of Fla.

⁷ Section 760.10(2) through (8), F.S.

⁸ Kendra D. Presswood, *Interpreting the Florida Civil Rights Act of 1992*, 87 FLA. B.J. 36, 36 (Dec. 2013).

Procedure for Filing Claims of Discrimination

A person who believes that he or she has been the target of unlawful discrimination may file a complaint with the Florida Commission on Human Relations (FCHR) within 365 days of the alleged violation.⁹ After a person files a claim of discrimination with the FCHR, the FCHR investigates the complaint.¹⁰ The FCHR then must make a reasonable cause determination within 180 days after the filing of the complaint.¹¹ If the FCHR finds reasonable cause, the plaintiff may bring a civil action or make a request for an administrative hearing.¹² A plaintiff is required to file a state claim in civil court under the FCRA within 1 year of the determination of reasonable cause by the FCHR.¹³

If the FCHR returns a finding of no reasonable cause, the complainant may request an administrative hearing with the Division of Administrative Hearings (DOAH) within 35 days of the finding.¹⁴ The DOAH will issue a recommended order, which the FCHR may reject, adopt, or modify by issuing a final order.¹⁵

Remedies

Administrative Remedies If the Commission Pursues Administrative Action

Affirmative relief includes prohibition of the wrongful practice and back pay. The FCHR may also award reasonable attorney's fees to the prevailing party.¹⁶

Civil Remedies If the Person Pursues a Legal Action

State law authorizes awards of back pay, compensatory damages, and punitive damages.¹⁷ Compensatory damages include damages for mental anguish, loss of dignity, and any other intangible injuries.¹⁸ Punitive damages are capped at \$100,000 regardless of the size of the employer.¹⁹ The state and its agencies and subdivisions of the state are not liable for punitive damages²⁰ or recovery amounts in excess of the limited waiver of sovereign immunity.²¹

Equal Pay Act (EPA)

The EPA requires that men and women in the same workplace be given equal pay for completing the same work.²² The factors taken into consideration when determining if jobs are equal are

⁹ Section 760.11(1), F.S.

¹⁰ Section 760.11(3), F.S.

¹¹ *Id.*

¹² Section 760.11(4), F.S.

¹³ Section 760.11(5), F.S.

¹⁴ Section 760.11(7), F.S.

¹⁵ *Id.*

¹⁶ Section 760.11(6), F.S.

¹⁷ Section 760.11(5), F.S.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* Section 768.28(5), F.S., provides that damages against a state, its agencies, or subdivisions are capped at \$200,000 per claim or \$300,000 per incident. A plaintiff may pursue a claim bill to recover in excess of these caps, but claim bills are subject to the prerogative of the Legislature.

²² EEOC, *Facts About Equal Pay and Compensation Discrimination*, available at <https://www.eeoc.gov/eeoc/publications/fs-epa.cfm> (last visited Feb. 17, 2020).

skill, effort, responsibility, working conditions, and establishment.²³ Pay differences are only permitted when they are based on seniority, merit, quantity of production, or a factor other than sex, and an employer bears the burden of proving that one of those affirmative defenses apply.²⁴ Under the EPA, a prevailing employee can potentially receive back pay, attorney's fees, litigation costs, and liquidated damages.²⁵

Worker Protections in Florida

In Florida, Complaints of discrimination or harassment in the workplace are typically handled by the FCHR and the EEOC.²⁶

Florida law provides that an employer cannot discriminate between employees on the basis of sex by paying wages to employees at a rate less than the rate the employer pays to employees of the opposite sex for equal work on jobs that require equal skill, effort, responsibility, and similar working conditions.²⁷ However, exceptions exist when payments are made based upon a seniority system, a merit system, a system which measures earnings by quantity or quality of product, or if there is a differential based on a reasonable factor other than sex when exercised in good faith.²⁸ Additionally, Section 448.07, F.S. provides the potential remedy of a civil action for unpaid wages.²⁹

Florida Whistleblower's Act

Florida's Whistleblower's Act (FWA) protects employees from certain retaliatory personnel actions taken by an employer. Sections 448.101- 448.105, F.S., prohibit employers from taking any retaliatory personnel action against an employee who has refused to participate in any activity, policy, or practice of the employer which is in violation of a law, rule, or regulation. Employers are also prohibited from taking any retaliatory personnel action against an employee who has disclosed, threatened to disclose, provided information to, or testified before, any appropriate governmental agency or investigative entity, regarding an activity, policy, or practice of the employer that is in violation of a law, rule, or regulation.³⁰ The FWA applies to private employers with 10 or more employees³¹ and provides employees with a civil cause of action as a remedy for relief.³²

Other Worker Protections

The federal Fair Labor Standards Act (FLSA) requires covered employees to comply with minimum wage, overtime pay, recordkeeping, and child labor standards. Employers that do not comply with the FLSA or take prohibited adverse action against an employee who reports

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ The roles of Florida's agencies are specified under ch. 20, F.S.

²⁷ Section 448.07(2), F.S.

²⁸ *Id.*

²⁹ Section 448.07(3), F.S.

³⁰ Section 448.102, F.S.

³¹ Similarly, provisions under s. 112.3187, F.S., protect public employees from adverse personnel action if the employee discloses information pertaining to an employer's alleged violation of law.

³² Section 448.103, F.S.

information pertaining to a violation of the FLSA may be subject to a suit for relief. Remedies for an employee under the FLSA include reinstatement, payment of lost wages, and damages.³³

The Occupational Safety and Health Administration (OSHA) is an agency under the USDOL, and is responsible for establishing health and safety standards in the workplace.³⁴ Employers that fail to meet these standards may be subject to inspection and penalties. Employees who report unsafe workplace issues to the OSHA are protected from retaliatory action taken by employers under whistleblower provisions.³⁵

III. Effect of Proposed Changes:

Section 1 creates the “Senator Helen Gordon Davis Fair Pay Protection Act.”

Section 2 amends s. 448.07(1), F.S. to add the following definitions;

- “Business necessity” means an overriding legitimate business purpose that relies on a bona fide factor to effectively fulfill such business purpose; and
- “Less favorable employment opportunity” means:
 - Assigning or directing an employee to a position or career track in which the work performed requires substantially less skill, effort, and responsibility than the work performed by the majority of individuals in the employee’s same occupation and labor market area;
 - Failing to provide an employee with information about promotions or advancement in the full range of career tracks offered by the employer;
 - Assigning the employee work less likely to lead to a promotion or career advancement opportunity; or
 - Limiting or depriving an employee of a promotion or career advancement opportunity that would otherwise be available to the employee but for the employee’s sex.

The bill revises the standards and applicability of s. 448.07(2), F.S., to prohibit an employer from providing less favorable employment opportunities to an employee based on their sex or pay the employee at a rate less than the rate the employer pays to an employee of the opposite sex for substantially similar work on a job that requires equal skill, effort, and responsibility, and which is performed under similar working conditions.

The bill amends a current exception to the above prohibition by requiring a “bona fide factor” other than sex. The bill also establishes that such exception will only apply if the employer demonstrates that the factor is not based on a sex-based wage differential, is job-related, and is consistent with a business necessity. However, if the employee demonstrates that an alternative business practice exists that would serve the same business purpose without producing a wage differential, then the exception does not apply.

³³ USDOL Wage and Hour Division, *Handy Reference Guide to the FLSA*, available at <https://www.dol.gov/whd/regs/compliance/hrg.htm> (last visited Feb. 17, 2020).

³⁴ USDOL Occupational Safety and Health Administration, *About OSHA*, available at <https://www.osha.gov/about.html> (last visited Feb. 17, 2020).

³⁵ USDOL Occupational Safety and Health Administration, *All About OSHA*, available at https://www.osha.gov/Publications/all_about_OSHA.pdf (last visited Feb. 17, 2020).

The bill amends s. 448.07(3), F.S., to provide that any employer who violates s. 448.07, F.S., is liable to the employee for the difference between the amount the employee was paid and the amount he or she should have been paid, as well as, liquidated damages.

The bill changes the time limit that an aggrieved employee has to file a civil action from 6 months after termination of employment to 3 years after the date of the alleged violation.³⁶

The bill creates s. 448.07(4), F.S., to provide the following civil penalties for employer's who violate s. 448.07, F.S.:

- Not to exceed \$2,500 for a first violation;
- Not to exceed \$3,000 for a second violation; and
- Not to exceed \$5,000 for a third or subsequent violation.

Section 3 amends s. 448.102, F.S., to add that an employer may not take any retaliatory or discriminatory personnel action against an employee based upon s. 448.102(1)-(4), F.S.

The bill creates s. 448.102(4), F.S., which adds that an employer may not take any retaliatory or discriminatory personnel action against an employee who discussed or disclosed the employee's own wages, inquired about another employee's wages, discussed another employee's wages, if such wages have been voluntarily disclosed, requested that the employer provide a reason for the amount of the employee's own wages, or testified or will testify, assisted, or participated in an investigation or proceeding under s. 448.102, F.S.

Section 4 creates s. 448.111, F.S., to provide that an employer may not:

- Rely on salary or wage history in determining an employee's salary or wages;
- Orally or in writing seek, request, or require wage or salary history as a condition of being interviewed, as a condition of continuing to be considered for an offer of employment, or as a condition of employment or promotion;
- Orally or in writing seek, request, or require wage or salary history;
- Retaliate against or refuse to interview, hire, promote, or otherwise employ an employee based upon prior wage or salary history, because the employee did not provide wage or salary history, or because the employee filed a complaint alleging a violation of s. 448.111, F.S.; or
- Require an employee to sign a waiver or any other document that prohibits the employee from discussing or disclosing the employee's own wages, inquiring about another employee's wages, or discussing another employee's wages, if such wages have been voluntarily disclosed.

The bill clarifies that s. 448.111, F.S., does not prevent an employee from voluntarily disclosing salary or wage history, and establishes that an employer may confirm salary or wage history only if, at the time an offer of employment with compensation is made, the prospective employee

³⁶ The bill provides that a "violation" occurs when a discriminatory compensation decision or other practice is adopted, when an employee becomes subject to a discriminatory compensation decision or other practice, or when an employee is affected by the application of a discriminatory compensation decision or other practice, including each time wages are paid, resulting in whole or in part from such a decision or other practice.

responds to the offer by providing prior wage information to support a wage higher than that offered by the employer.

Section 5 provides that the bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may expand the population of employees authorized to bring claims based on employment wage discrimination, which could increase costs in litigation for employers.

C. Government Sector Impact:

The bill may expand the population of employees authorized to bring claims based on employment wage discrimination, which could increase costs in litigation for employers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 448.07 and 448.102 of the Florida Statutes.
This bill creates s. 448.111 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Between lines 211 and 212

insert:

Section 5. Section 509.092, Florida Statutes, is amended to read:

509.092 Public lodging establishments and public food service establishments; rights as private enterprises.—

(1) Public lodging establishments and public food service establishments are private enterprises, and the operator has the



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11 right to refuse accommodations or service to any person who is
12 objectionable or undesirable to the operator, but such refusal
13 may not be based upon race, creed, color, sex, pregnancy,
14 physical disability, sexual orientation, gender identity, or
15 national origin.

16 (2) A person aggrieved by a violation of this section or a
17 violation of a rule adopted under this section has a right of
18 action pursuant to s. 760.11.

19 (3) This section does not limit the free exercise of
20 religion guaranteed by the United States Constitution and the
21 State Constitution.

22 Section 6. Subsection (1) of section 760.01, Florida
23 Statutes, is republished, and subsection (2) of that section is
24 amended, to read:

25 760.01 Purposes; construction; title.—

26 (1) Sections 760.01-760.11 and 509.092 shall be cited as
27 the "Florida Civil Rights Act of 1992."

28 (2) The general purposes of the Florida Civil Rights Act of
29 1992 are to secure for all individuals within the state freedom
30 from discrimination because of race, color, religion, sex,
31 pregnancy, national origin, age, sexual orientation, gender
32 identity, handicap, or marital status and thereby to protect
33 their interest in personal dignity, to make available to the
34 state their full productive capacities, to secure the state
35 against domestic strife and unrest, to preserve the public
36 safety, health, and general welfare, and to promote the
37 interests, rights, and privileges of individuals within the
38 state.

39 Section 7. Section 760.02, Florida Statutes, is reordered



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40 and amended to read:

41 760.02 Definitions.—For the purposes of ss. 760.01-760.11
42 and 509.092, the term:

43 (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss. 760.01-
44 760.11 and 509.092.

45 (2) "Commission" means the Florida Commission on Human
46 Relations created by s. 760.03.

47 (3) "Commissioner" or "member" means a member of the
48 commission.

49 (4) "Discriminatory practice" means any practice made
50 unlawful by the Florida Civil Rights Act of 1992.

51 (10)~~(5)~~ "National origin" includes ancestry.

52 (11)~~(6)~~ "Person" includes an individual, association,
53 corporation, joint apprenticeship committee, joint-stock
54 company, labor union, legal representative, mutual company,
55 partnership, receiver, trust, trustee in bankruptcy, or
56 unincorporated organization; any other legal or commercial
57 entity; the state; or any governmental entity or agency.

58 (5)~~(7)~~ "Employer" means any person employing 10 ~~15~~ or more
59 employees for each working day in each of 20 or more calendar
60 weeks in the current or preceding calendar year, and any agent
61 of such a person.

62 (6)~~(8)~~ "Employment agency" means any person regularly
63 undertaking, with or without compensation, to procure employees
64 for an employer or to procure for employees opportunities to
65 work for an employer, and includes an agent of such a person.

66 (8) "Gender identity" means gender-related identity,
67 appearance, or behavior, regardless of whether such gender-
68 related identity, appearance, or behavior is different from that



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69 traditionally associated with the person's physiology or
70 assigned sex at birth.

71 (9) "Labor organization" means any organization that ~~which~~
72 exists for the purpose, in whole or in part, of collective
73 bargaining or of dealing with employers concerning grievances,
74 terms or conditions of employment, or other mutual aid or
75 protection in connection with employment.

76 (1) ~~(10)~~ "Aggrieved person" means any person who files a
77 complaint with the ~~Human Relations~~ commission.

78 (12) ~~(11)~~ "Public accommodations" means places of public
79 accommodation, lodgings, facilities principally engaged in
80 selling food for consumption on the premises, gasoline stations,
81 places of exhibition or entertainment, and other covered
82 establishments. Each of the following establishments which
83 serves the public is a place of public accommodation within the
84 meaning of this section:

85 (a) Any inn, hotel, motel, or other establishment that
86 ~~which~~ provides lodging to transient guests, other than an
87 establishment located within a building that ~~which~~ contains not
88 more than four rooms for rent or hire and that ~~which~~ is actually
89 occupied by the proprietor of such establishment as his or her
90 residence.

91 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
92 soda fountain, or other facility principally engaged in selling
93 food for consumption on the premises, including, but not limited
94 to, any such facility located on the premises of any retail
95 establishment, or any gasoline station.

96 (c) Any motion picture theater, theater, concert hall,
97 sports arena, stadium, or other place of exhibition or



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98 entertainment.

99 (d) Any establishment that ~~which~~ is physically located
100 within the premises of any establishment otherwise covered by
101 this subsection, or within the premises of which is physically
102 located any such covered establishment, and that ~~which~~ holds
103 itself out as serving patrons of such covered establishment.

104 (13) "Sexual orientation" means an individual's
105 heterosexuality, homosexuality, or bisexuality.

106 Section 8. Section 760.05, Florida Statutes, is amended to
107 read:

108 760.05 Functions of the commission.—The commission shall
109 promote and encourage fair treatment and equal opportunity for
110 all persons regardless of race, color, religion, sex, pregnancy,
111 national origin, age, sexual orientation, gender identity,
112 handicap, or marital status and mutual understanding and respect
113 among all members of society. ~~The commission all economic,~~
114 ~~social, racial, religious, and ethnic groups;~~ and shall endeavor
115 to eliminate discrimination against, and antagonism between,
116 persons on the basis of race, color, religion, sex, pregnancy,
117 national origin, age, sexual orientation, gender identity,
118 handicap, or marital status ~~religious, racial, and ethnic groups~~
119 ~~and their members.~~

120 Section 9. Section 760.07, Florida Statutes, is amended to
121 read:

122 760.07 Remedies for unlawful discrimination.—Any violation
123 of any state law ~~Florida statute~~ making unlawful discrimination
124 because of race, color, religion, gender, pregnancy, national
125 origin, age, sexual orientation, gender identity, handicap, or
126 marital status in the areas of education, employment, housing,



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127 or public accommodations gives rise to a cause of action for all
128 relief and damages described in s. 760.11(5), unless greater
129 damages are expressly provided for. If the statute prohibiting
130 unlawful discrimination provides an administrative remedy, the
131 action for equitable relief and damages provided for in this
132 section may be initiated only after the plaintiff has exhausted
133 his or her administrative remedy. The term "public
134 accommodations" does not include lodge halls or other similar
135 facilities of private organizations which are made available for
136 public use occasionally or periodically. The right to trial by
137 jury is preserved in any case in which the plaintiff is seeking
138 actual or punitive damages.

139 Section 10. Section 760.08, Florida Statutes, is amended to
140 read:

141 760.08 Discrimination in places of public accommodation.—
142 All persons are entitled to the full and equal enjoyment of the
143 goods, services, facilities, privileges, advantages, and
144 accommodations of any place of public accommodation without
145 discrimination or segregation on the ground of race, color,
146 national origin, sex, sexual orientation, gender identity,
147 pregnancy, handicap, familial status, or religion.

148 Section 11. Subsections (1) and (2), paragraphs (a) and (b)
149 of subsection (3), subsections (4), (5), and (6), paragraph (a)
150 of subsection (8), and subsection (9) of section 760.10, Florida
151 Statutes, are amended, and subsection (10) of that section is
152 republished, to read:

153 760.10 Unlawful employment practices.—

154 (1) It is an unlawful employment practice for an employer:

155 (a) To discharge or to fail or refuse to hire any



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156 individual, or otherwise to discriminate against any individual
157 with respect to compensation, terms, conditions, or privileges
158 of employment, because of such individual's race, color,
159 religion, sex, pregnancy, national origin, age, sexual
160 orientation, gender identity, handicap, or marital status.

161 (b) To limit, segregate, or classify employees or
162 applicants for employment in any way that ~~which~~ would deprive or
163 tend to deprive any individual of employment opportunities, or
164 adversely affect any individual's status as an employee, because
165 of such individual's race, color, religion, sex, pregnancy,
166 national origin, age, sexual orientation, gender identity,
167 handicap, or marital status.

168 (2) It is an unlawful employment practice for an employment
169 agency to fail or refuse to refer for employment, or otherwise
170 to discriminate against, any individual because of race, color,
171 religion, sex, pregnancy, national origin, age, sexual
172 orientation, gender identity, handicap, or marital status or to
173 classify or refer for employment any individual on the basis of
174 race, color, religion, sex, pregnancy, national origin, age,
175 sexual orientation, gender identity, handicap, or marital
176 status.

177 (3) It is an unlawful employment practice for a labor
178 organization:

179 (a) To exclude or to expel from its membership, or
180 otherwise to discriminate against, any individual because of
181 race, color, religion, sex, pregnancy, national origin, age,
182 sexual orientation, gender identity, handicap, or marital
183 status.

184 (b) To limit, segregate, or classify its membership or



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185 applicants for membership, or to classify or fail or refuse to
186 refer for employment any individual, in any way that would
187 deprive or tend to deprive any individual of employment
188 opportunities, or adversely affect any individual's status as an
189 employee or as an applicant for employment, because of such
190 individual's race, color, religion, sex, pregnancy, national
191 origin, age, sexual orientation, gender identity, handicap, or
192 marital status.

193 (4) It is an unlawful employment practice for any employer,
194 labor organization, or joint labor-management committee
195 controlling apprenticeship or other training or retraining,
196 including on-the-job training programs, to discriminate against
197 any individual because of race, color, religion, sex, pregnancy,
198 national origin, age, sexual orientation, gender identity,
199 handicap, or marital status in admission to, or employment in,
200 any program established to provide apprenticeship or other
201 training.

202 (5) Whenever, in order to engage in a profession,
203 occupation, or trade, it is required that a person receive a
204 license, certification, or other credential;; become a member or
205 an associate of any club, association, or other organization;;
206 or pass any examination, it is an unlawful employment practice
207 for any person to discriminate against any other person seeking
208 such license, certification, or other credential;; seeking to
209 become a member or associate of such club, association, or other
210 organization;; or seeking to take or pass such examination,
211 because of such other person's race, color, religion, sex,
212 pregnancy, national origin, age, sexual orientation, gender
213 identity, handicap, or marital status.



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214 (6) It is an unlawful employment practice for an employer,
215 a labor organization, an employment agency, or a joint labor-
216 management committee to print, or cause to be printed or
217 published, any notice or advertisement relating to employment,
218 membership, classification, referral for employment, or
219 apprenticeship or other training which indicates, ~~indicating~~ any
220 preference, limitation, specification, or discrimination, based
221 on race, color, religion, sex, pregnancy, national origin, age,
222 sexual orientation, gender identity, absence of handicap, or
223 marital status.

224 (8) Notwithstanding any other provision of this section, it
225 is not an unlawful employment practice under ss. 760.01-760.10
226 for an employer, employment agency, labor organization, or joint
227 labor-management committee to:

228 (a) Take or fail to take any action on the basis of
229 religion, sex, pregnancy, national origin, age, sexual
230 orientation, gender identity, handicap, or marital status in
231 those certain instances in which religion, sex, condition of
232 pregnancy, national origin, age, sexual orientation, gender
233 identity, absence of a particular handicap, or marital status is
234 a bona fide occupational qualification reasonably necessary for
235 the performance of the particular employment to which such
236 action or inaction is related.

237 (9) (a) This section does ~~shall~~ not apply to any religious
238 corporation, association, educational institution, or society
239 that ~~which~~ conditions opportunities in the area of employment or
240 public accommodation to members of that religious corporation,
241 association, educational institution, or society or to persons
242 who subscribe to its tenets or beliefs.



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243 **(b)** This section does ~~shall~~ not prohibit a religious
244 corporation, association, educational institution, or society
245 from giving preference in employment to individuals of a
246 particular religion to perform work connected with the carrying
247 on by such corporations, associations, educational institutions,
248 or societies of its various activities.

249 **(c)** This section and s. 760.08 do not limit the free
250 exercise of religion guaranteed by the United States
251 Constitution and the State Constitution.

252 (10) Each employer, employment agency, and labor
253 organization shall post and keep posted in conspicuous places
254 upon its premises a notice provided by the commission setting
255 forth such information as the commission deems appropriate to
256 effectuate the purposes of ss. 760.01-760.10.

257 Section 12. Section 760.22, Florida Statutes, is amended to
258 read:

259 760.22 Definitions.—As used in ss. 760.20-760.37, the term:

260 (1) "Commission" means the Florida Commission on Human
261 Relations.

262 (2) "Covered multifamily dwelling" means:

263 (a) A building that ~~which~~ consists of four or more units
264 and has an elevator; or

265 (b) The ground floor units of a building that ~~which~~
266 consists of four or more units and does not have an elevator.

267 (3) "Discriminatory housing practice" means an act that is
268 unlawful under the terms of ss. 760.20-760.37.

269 (4) "Dwelling" means any building or structure, or portion
270 thereof, which is occupied as, or designed or intended for
271 occupancy as, a residence by one or more families, and any



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272 vacant land that ~~which~~ is offered for sale or lease for the
273 construction or location on the land of any such building or
274 structure, or portion thereof.

275 (5) "Familial status" is established when an individual who
276 has not attained the age of 18 years is domiciled with:

277 (a) A parent or other person having legal custody of such
278 individual; or

279 (b) A designee of a parent or other person having legal
280 custody, with the written permission of such parent or other
281 person.

282 (6) "Family" includes a single individual.

283 (7) "Gender identity" has the same meaning as provided in
284 s. 760.02.

285 (8)~~(7)~~ "Handicap" means:

286 (a) A ~~person has a~~ physical or mental impairment that ~~which~~
287 substantially limits one or more major life activities of a
288 person who has, or he or she has a record of having, or is
289 regarded as having that, ~~such~~ physical or mental impairment; or

290 (b) A ~~person has a~~ developmental disability as defined in
291 s. 393.063.

292 (9)~~(8)~~ "Person" includes one or more individuals,
293 corporations, partnerships, associations, labor organizations,
294 legal representatives, mutual companies, joint-stock companies,
295 trusts, unincorporated organizations, trustees, trustees in
296 bankruptcy, receivers, and fiduciaries.

297 (10) "Sexual orientation" has the same meaning as provided
298 in s. 760.02.

299 (11)~~(9)~~ "Substantially equivalent" means an administrative
300 subdivision of the State of Florida meeting the requirements of



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301 24 C.F.R. part 115, s. 115.6.

302 ~~(12)-(10)~~ "To rent" includes to lease, to sublease, to let,
303 and otherwise to grant for a consideration the right to occupy
304 premises not owned by the occupant.

305 Section 13. Subsections (1) through (5) of section 760.23,
306 Florida Statutes, are amended to read:

307 760.23 Discrimination in the sale or rental of housing and
308 other prohibited practices.—

309 (1) It is unlawful to refuse to sell or rent after the
310 making of a bona fide offer, to refuse to negotiate for the sale
311 or rental of, or otherwise to make unavailable or deny a
312 dwelling to any person because of race, color, national origin,
313 sex, sexual orientation, gender identity, handicap, familial
314 status, or religion.

315 (2) It is unlawful to discriminate against any person in
316 the terms, conditions, or privileges of sale or rental of a
317 dwelling, or in the provision of services or facilities in
318 connection therewith, because of race, color, national origin,
319 sex, sexual orientation, gender identity, handicap, familial
320 status, or religion.

321 (3) It is unlawful to make, print, or publish, or cause to
322 be made, printed, or published, any notice, statement, or
323 advertisement with respect to the sale or rental of a dwelling
324 that indicates any preference, limitation, or discrimination
325 based on race, color, national origin, sex, sexual orientation,
326 gender identity, handicap, familial status, or religion or an
327 intention to make any such preference, limitation, or
328 discrimination.

329 (4) It is unlawful to represent to any person because of



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330 race, color, national origin, sex, sexual orientation, gender
331 identity, handicap, familial status, or religion that any
332 dwelling is not available for inspection, sale, or rental when
333 such dwelling is in fact so available.

334 (5) It is unlawful, for profit, to induce or attempt to
335 induce any person to sell or rent any dwelling by a
336 representation regarding the entry or prospective entry into the
337 neighborhood of a person or persons of a particular race, color,
338 national origin, sex, sexual orientation, gender identity,
339 handicap, familial status, or religion.

340 Section 14. Section 760.24, Florida Statutes, is amended to
341 read:

342 760.24 Discrimination in the provision of brokerage
343 services.—It is unlawful to deny any person access to, or
344 membership or participation in, any multiple-listing service,
345 real estate brokers' organization, or other service,
346 organization, or facility relating to the business of selling or
347 renting dwellings, or to discriminate against him or her in the
348 terms or conditions of such access, membership, or
349 participation, because ~~on account~~ of race, color, national
350 origin, sex, sexual orientation, gender identity, handicap,
351 familial status, or religion.

352 Section 15. Subsection (1) and paragraph (a) of subsection
353 (2) of section 760.25, Florida Statutes, are amended to read:

354 760.25 Discrimination in the financing of housing or in
355 residential real estate transactions.—

356 (1) It is unlawful for any bank, building and loan
357 association, insurance company, or other corporation,
358 association, firm, or enterprise the business of which consists



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359 in whole or in part of the making of commercial real estate
360 loans to deny a loan or other financial assistance to a person
361 applying for the loan for the purpose of purchasing,
362 constructing, improving, repairing, or maintaining a dwelling,
363 or to discriminate against him or her in the fixing of the
364 amount, interest rate, duration, or other term or condition of
365 such loan or other financial assistance, because of the race,
366 color, national origin, sex, sexual orientation, gender
367 identity, handicap, familial status, or religion of such person
368 or of any person associated with him or her in connection with
369 such loan or other financial assistance or the purposes of such
370 loan or other financial assistance, or because of the race,
371 color, national origin, sex, sexual orientation, gender
372 identity, handicap, familial status, or religion of the present
373 or prospective owners, lessees, tenants, or occupants of the
374 dwelling or dwellings in relation to which such loan or other
375 financial assistance is to be made or given.

376 (2) (a) It is unlawful for any person or entity whose
377 business includes engaging in residential real estate
378 transactions to discriminate against any person in making
379 available such a transaction, or in the terms or conditions of
380 such a transaction, because of race, color, national origin,
381 sex, sexual orientation, gender identity, handicap, familial
382 status, or religion.

383 Section 16. Section 760.26, Florida Statutes, is amended to
384 read:

385 760.26 Prohibited discrimination in land use decisions and
386 in permitting of development.—It is unlawful to discriminate in
387 land use decisions or in the permitting of development based on



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388 race, color, national origin, sex, sexual orientation, gender
389 identity, disability, familial status, religion, or, except as
390 otherwise provided by law, the source of financing of a
391 development or proposed development.

392 Section 17. Paragraph (a) of subsection (5) of section
393 760.29, Florida Statutes, is amended to read:

394 760.29 Exemptions.—

395 (5) Nothing in ss. 760.20-760.37:

396 (a) Prohibits a person engaged in the business of
397 furnishing appraisals of real property from taking into
398 consideration factors other than race, color, national origin,
399 sex, sexual orientation, gender identity, handicap, familial
400 status, or religion.

401 Section 18. Subsection (1) of section 760.60, Florida
402 Statutes, is amended to read:

403 760.60 Discriminatory practices of certain clubs
404 prohibited; remedies.—

405 (1) It is unlawful for a person to discriminate against any
406 individual because of race, color, religion, gender, national
407 origin, handicap, age above the age of 21, sexual orientation,
408 gender identity, or marital status in evaluating an application
409 for membership in a club that has more than 400 members, that
410 provides regular meal service, and that regularly receives
411 payment for dues, fees, use of space, facilities, services,
412 meals, or beverages directly or indirectly from nonmembers for
413 business purposes. It is unlawful for a person, on behalf of
414 such a club, to publish, circulate, issue, display, post, or
415 mail any advertisement, notice, or solicitation that contains a
416 statement to the effect that the accommodations, advantages,



417 facilities, membership, or privileges of the club are denied to
418 any individual because of race, color, religion, gender,
419 national origin, handicap, age above the age of 21, sexual
420 orientation, gender identity, or marital status. This subsection
421 does not apply to fraternal or benevolent organizations, ethnic
422 clubs, or religious organizations where business activity is not
423 prevalent.

424 Section 19. Paragraph (e) of subsection (1) of section
425 419.001, Florida Statutes, is amended to read:

426 419.001 Site selection of community residential homes.—

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

428 (e) "Resident" means any of the following: a frail elder as
429 defined in s. 429.65; a person who has a handicap as defined in
430 s. 760.22(8)(a) ~~s. 760.22(7)(a)~~; a person who has a
431 developmental disability as defined in s. 393.063; a
432 nondangerous person who has a mental illness as defined in s.
433 394.455; or a child who is found to be dependent as defined in
434 s. 39.01 or s. 984.03, or a child in need of services as defined
435 in s. 984.03 or s. 985.03.

436
437 ===== T I T L E A M E N D M E N T =====

438 And the title is amended as follows:

439 Delete lines 2 - 17

440 and insert:

441 An act relating to prohibited discrimination; creating
442 the "Senator Helen Gordon Davis Fair Pay Protection
443 Act"; amending s. 448.07, F.S.; defining terms;
444 prohibiting an employer from providing less favorable
445 employment opportunities to employees based on their



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446 sex; providing exceptions; revising applicability;
447 providing civil penalties; amending s. 448.102, F.S.;
448 prohibiting an employer from taking certain employment
449 actions against employees; creating s. 448.111, F.S.;
450 prohibiting an employer from engaging in certain
451 activities relating to wages and benefits; prohibiting
452 an employer from requiring employees to sign certain
453 waivers and documents; providing applicability;
454 authorizing an employer to confirm wage or salary
455 history under certain conditions; amending s. 509.092,
456 F.S.; adding sexual orientation and gender identity as
457 impermissible grounds for discrimination in public
458 lodging establishments and public food service
459 establishments; providing an exception for
460 constitutionally protected free exercise of religion;
461 amending s. 760.01, F.S.; revising the purposes of the
462 Florida Civil Rights Act of 1992 to conform to changes
463 made by the act; reordering and amending s. 760.02,
464 F.S.; revising the definition of the term "employer";
465 defining the terms "gender identity" and "sexual
466 orientation"; amending s. 760.05, F.S.; revising the
467 functions of the Florida Commission on Human Relations
468 to conform to changes made by the act; amending s.
469 760.07, F.S.; revising provisions regarding remedies
470 for unlawful discrimination to include discrimination
471 based on sexual orientation and gender identity to
472 conform to changes made by the act; amending s.
473 760.08, F.S.; adding sexual orientation and gender
474 identity as impermissible grounds for discrimination



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475 in places of public accommodation; amending s. 760.10,
476 F.S.; adding sexual orientation and gender identity as
477 impermissible grounds for discrimination with respect
478 to specified unlawful employment practices; providing
479 an exception for constitutionally protected free
480 exercise of religion; amending s. 760.22, F.S.;
481 defining the terms "gender identity" and "sexual
482 orientation" for purposes of the Fair Housing Act;
483 amending ss. 760.23, 760.24, 760.25, and 760.26, F.S.;
484 adding sexual orientation and gender identity as
485 impermissible grounds for discrimination with respect
486 to the sale or rental of housing, the provision of
487 brokerage services, the financing of housing or in
488 residential real estate transactions, and land use
489 decisions or permitting of development, respectively;
490 amending s. 760.29, F.S.; revising an exemption from
491 the Fair Housing Act regarding the appraisal of real
492 property to conform to changes made by the act;
493 amending s. 760.60, F.S.; adding sexual orientation
494 and gender identity as impermissible grounds for
495 discrimination with respect to practices of certain
496 clubs; amending s. 419.001, F.S.; conforming a cross-
497 reference; providing an effective date

By Senator Stewart

13-00036-20

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1 A bill to be entitled
 2 An act relating to discrimination in labor and
 3 employment; creating the "Senator Helen Gordon Davis
 4 Fair Pay Protection Act"; amending s. 448.07, F.S.;
 5 defining terms; prohibiting an employer from providing
 6 less favorable employment opportunities to employees
 7 based on their sex; providing exceptions; revising
 8 applicability; providing civil penalties; amending s.
 9 448.102, F.S.; prohibiting an employer from taking
 10 certain employment actions against employees; creating
 11 s. 448.111, F.S.; prohibiting an employer from
 12 engaging in certain activities relating to wages and
 13 benefits; prohibiting an employer from requiring
 14 employees to sign certain waivers and documents;
 15 providing applicability; authorizing an employer to
 16 confirm wage or salary history under certain
 17 conditions; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. This act may be cited as the "Senator Helen
 22 Gordon Davis Fair Pay Protection Act."

23 Section 2. Section 448.07, Florida Statutes, is reordered
 24 and amended to read:

25 448.07 Wage rate discrimination based on sex prohibited.—

26 (1) DEFINITIONS.—As used in this section, unless the
 27 context or subject matter clearly requires otherwise, the term
 28 following terms shall have the meanings as defined in this
 29 section:

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30 (a) "Business necessity" means an overriding legitimate
 31 business purpose that relies on a bona fide factor, as described
 32 in subparagraph (2)(a)4., to effectively fulfill such business
 33 purpose.

34 (b)-(e) "Employee" means any individual employed by an
 35 employer, including individuals employed by the state or any of
 36 its political subdivisions or instrumentalities of subdivisions.

37 (c)-(b) "Employer" means any person who employs two or more
 38 employees.

39 (d) "Less favorable employment opportunity" means:

40 1. Assigning or directing an employee to a position or
 41 career track in which the work performed requires substantially
 42 less skill, effort, and responsibility than the work performed
 43 by the majority of individuals in the employee's same occupation
 44 and labor market area;

45 2. Failing to provide an employee with information about
 46 promotions or advancement in the full range of career tracks
 47 offered by the employer;

48 3. Assigning the employee work less likely to lead to a
 49 promotion or career advancement opportunity; or

50 4. Limiting or depriving an employee of a promotion or
 51 career advancement opportunity that would otherwise be available
 52 to the employee but for the employee's sex.

53 (g)-(e) "Wages" means and includes all compensation paid by
 54 an employer or the employer's his or her agent for the
 55 performance of service by an employee, including the cash value
 56 of all compensation paid in any medium other than cash.

57 (e)-(d) "Rate" with reference to wages means the basis of
 58 compensation for services by an employee for an employer and

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59 includes compensation based on time spent in the performance of
60 such services, on the number of operations accomplished, or on
61 the quality produced or handled.

62 ~~(f)-(e)~~ "Unpaid wages" means the difference between the
63 wages actually paid to an employee and the wages required to be
64 paid to an employee pursuant to subsection (3).

65 (2) DISCRIMINATION BASED ON BASIS OF SEX PROHIBITED.—

66 (a) ~~An~~ No employer may not provide a less favorable
67 employment opportunity to an employee based on the employee's
68 shall discriminate between employees on the basis of sex or pay
69 the employee by paying wages to employees at a rate less than
70 the rate the employer pays at which he or she pays wages to an
71 employee employees of the opposite sex for substantially similar
72 equal work on a job jobs the performance of which requires equal
73 skill, effort, and responsibility, and which is are performed
74 under similar working conditions, except when the employer
75 demonstrates the entire wage differential is based on one or
76 more of the following reasonably applied factors when such
77 payment is made pursuant to:

- 78 1. A seniority system;
- 79 2. A merit system;
- 80 3. A system that which measures earnings by quantity or
81 quality of production; or
- 82 4. A bona fide differential based on any reasonable factor
83 other than sex, including, but not limited to, education,
84 training, or experience. This subparagraph applies only if the
85 employer demonstrates that the factor is not based on, or
86 derived from, a sex-based wage differential, is job-related with
87 respect to the position in question, and is consistent with a

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88 business necessity. This subparagraph does not apply if the
89 employee demonstrates that an alternative business practice
90 exists that would serve the same business purpose without
91 producing the wage differential.

92 (b) An employer who is paying a wage in violation of this
93 section may not reduce another employee's wage to comply with
94 this section when exercised in good faith.

95 ~~(c)-(b)~~ A No person may not shall cause or attempt to cause
96 an employer to discriminate against an any employee in violation
97 of the provisions of this section.

98 (3) CIVIL ACTION FOR UNPAID WAGES.—Any employer or person
99 who violates the provisions of this section is liable to the
100 employee for the amount of the difference between the amount the
101 employee was paid and the amount he or she should have been paid
102 under this section, plus liquidated damages. Nothing in this
103 section allows a claimant to recover more than an amount equal
104 to his or her unpaid wages while so employed for 1 year prior to
105 the filing of the claim. An action to recover such liability may
106 be maintained in any court of competent jurisdiction by one or
107 more employees on their own behalf or on behalf of other
108 employees similarly situated the aggrieved employee within 3
109 years 6 months after the date of the alleged violation
110 termination of employment. For purposes of this subsection, a
111 violation occurs when a discriminatory compensation decision or
112 other practice is adopted, when an employee becomes subject to a
113 discriminatory compensation decision or other practice, or when
114 an employee is affected by the application of a discriminatory
115 compensation decision or other practice, including each time
116 wages are paid, resulting in whole or in part from such a

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117 decision or other practice. The court in such action may award
 118 to the prevailing party costs of the action and a reasonable
 119 ~~attorney attorney's~~ fee.

120 (4) CIVIL PENALTIES.—

121 (a) An employer who violates this section is subject to a
 122 civil penalty:

123 1. Not to exceed \$2,500 for a first violation.

124 2. Not to exceed \$3,000 for a second violation.

125 3. Not to exceed \$5,000 for a third or subsequent
 126 violation.

127 (b) In determining the amount of a civil penalty to be
 128 assessed under paragraph (a), a court of competent jurisdiction
 129 shall consider the severity of the violation Nothing in this
 130 section or in s. 725.07, relating to discrimination based on sex
 131 in providing equal pay for equal services performed, is
 132 applicable to any employer, labor organization or member
 133 thereof, or employee whose employer is subject to the federal
 134 Fair Labor Standards Act of 1938, as amended.

135 Section 3. Section 448.102, Florida Statutes, is amended to
 136 read:

137 448.102 Prohibitions.—An employer may not take any
 138 retaliatory or discriminatory personnel action against an
 139 employee because the employee has:

140 (1) Disclosed, or threatened to disclose, to any
 141 appropriate governmental agency, under oath, in writing, an
 142 activity, policy, or practice of the employer that is in
 143 violation of a law, rule, or regulation. However, this
 144 subsection does not apply unless the employee has, in writing,
 145 brought the activity, policy, or practice to the attention of a

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146 supervisor or the employer and has afforded the employer a
 147 reasonable opportunity to correct the activity, policy, or
 148 practice.

149 (2) Provided information to, or testified before, any
 150 appropriate governmental agency, person, or entity conducting an
 151 investigation, hearing, or inquiry into an alleged violation of
 152 a law, rule, or regulation by the employer.

153 (3) Objected to, or refused to participate in, any
 154 activity, policy, or practice of the employer which is in
 155 violation of a law, rule, or regulation.

156 (4) (a) Discussed or disclosed the employee's own wages;

157 (b) Inquired about another employee's wages;

158 (c) Discussed another employee's wages, if such wages have
 159 been voluntarily disclosed by such employee;

160 (d) Requested that the employer provide a reason for the
 161 amount of the employee's own wages; or

162 (e) Testified or will testify, assisted, or participated in
 163 an investigation or proceeding under this section.

164 Section 4. Section 448.111, Florida Statutes, is created to
 165 read:

166 448.111 Prohibited employer activities related to wages and
 167 benefits.—

168 (1) An employer may not:

169 (a) Rely on the wage or salary history of a current,
 170 former, or prospective employee in determining the wages or
 171 salary for such individual.

172 (b) Orally or in writing seek, request, or require the wage
 173 or salary history from a current, former, or prospective
 174 employee as a condition of being interviewed, as a condition of

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175 continuing to be considered for an offer of employment, or as a
 176 condition of employment or promotion.

177 (c) Orally or in writing seek, request, or require the wage
 178 or salary history of a current, former, or prospective employee
 179 from a current or former employer except as provided in
 180 subsection (3).

181 (d) Retaliate against or refuse to interview, hire,
 182 promote, or otherwise employ a current, former, or prospective
 183 employee:

184 1. Based upon prior wage or salary history.
 185 2. Because the current, former, or prospective employee did
 186 not provide wage or salary history in accordance with this
 187 section.

188 3. Because the current, former, or prospective employee
 189 filed a complaint alleging a violation of this section.

190 (e) Prohibit an employee from:

191 1. Discussing or disclosing the employee's own wages;
 192 2. Inquiring about another employee's wages;
 193 3. Discussing another employee's wages, if such wages have
 194 been voluntarily disclosed by such employee; or
 195 4. Requesting that the employer provide a reason for the
 196 amount of the employee's own wages.

197 (f) Require an employee to sign a waiver or any other
 198 document that prohibits the employee from:

199 1. Discussing or disclosing the employee's own wages;
 200 2. Inquiring about another employee's wages; or
 201 3. Discussing another employee's wages, if such wages have
 202 been voluntarily disclosed by such employee.

203 (2) This section does not prevent a current, former, or

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204 prospective employee from voluntarily disclosing wage or salary
 205 history, including, but not limited to, for the purposes of
 206 negotiating wages or salary.

207 (3) An employer may confirm wage or salary history only if,
 208 at the time an offer of employment with compensation is made,
 209 the prospective employee responds to the offer by providing
 210 prior wage information to support a wage higher than that
 211 offered by the employer.

212 Section 5. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/18/20

Meeting Date

SB 90

Bill Number (if applicable)

Topic Employment

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title _____

Address 135 S. Monroe
Street

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida AFL-CIO

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/2020

Meeting Date

SB 90

Bill Number (if applicable)

Topic Equal Pay For Equal Work

Name Kim Porteous

Amendment Barcode (if applicable)

Job Title President of FLNOW

Address 6666 Crenshaw Dr
Orlando FL 32835

Phone 706-669-8192

Email Kim4FLNOW@gmail.com

Speaking: For Against Information

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

Representing Volunteer For FLNOW

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 may be heard.

This form is part of the public record for the Senate.

THE FLORIDA SENATE

APPEARANCE RECORD

18 Feb 2020
Meeting Date

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

SB 90
Bill Number (if applicable)

Topic Discrimination in Labs

Name Melina Rayna Svanhild Farley Barratt

Job Title Legislative Director

Address 8689 SE 69 Ter
Street

Phone 352-226-7477

Trenton FL 32693
City State Zip

Email _____

Speaking: For Against Information

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

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/2020

Meeting Date

90

Bill Number (if applicable)

Topic fair pay, pay equity

Name Patricia DeWitt

Amendment Barcode (if applicable)

Job Title President-Elect AAUW of Florida

Address 2207 Ivylgail Dr E

Phone 706-766-5068

Street

Jacksonville

FL

32225

City

State

Zip

Email aauwfldewitt@gmail.com

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

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

Representing AAUW of Florida

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

Lobbyist registered with Legislature: [] Yes [X] 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.

Commerce & Tourism

THE FLORIDA SENATE

110 SOB 10-12 pm

APPEARANCE RECORD

02-18-2020

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

Meeting Date

SB90

Bill Number (if applicable)

Topic Discrimination in Labor & Employment

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Retired Environmental Scientist

Address _____

Street

Tallahassee FL

City

State

Zip

Phone (850) 322-7599

Email amali.datz@mal.com

Speaking: For Against Information

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

Representing Self.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/18/2020
Meeting Date

SB 90
Bill Number (if applicable)

Topic Discrimination in Labor + Employment

Name Karen Woodall

Job Title Exec. Director

Address 579 E. Call St
Street

Tallahassee, FL 32301
City State Zip

Phone 850-321-9386

Email kstep@yahoo.com

Speaking: For Against Information

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

Representing F1 Center for Fiscal + Economic Policy

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)

2/17/20 Meeting Date

SB90 Bill Number (if applicable)

Topic Discrimination in Labor & Employment

Name Bob Lovett

Amendment Barcode (if applicable)

Job Title

Address 4611 Fox Hunt Drive

Street

Tampa

City

FL

State

33624

Zip

Phone 813-390-3307

Email blovett65@gmail

Speaking: [] For [] Against [] Information

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

Representing self

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

Lobbyist registered with Legislature: [] Yes [] No

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

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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)

2/18/20

Meeting Date

SB 90

Bill Number (if applicable)

Topic Discrimination in Labor and Employment

Name Kara Gross

Amendment Barcode (if applicable)

Job Title Legislative Director

Address 4343 West Flagler St.

Street

Miami

City

FL

State

33134

Zip

Phone 786-363-4436

Email kgross@aclufl.org

Speaking: For Against Information

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

Representing American Civil Liberties Union 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)

2/18/2020

Meeting Date

910

Bill Number (if applicable)

Topic Equality

Name Ida V. Eskamani

Job Title Public Policy

Address 126 N. Mills St

Amendment Barcode (if applicable)

Phone

City State Zip

Email

Speaking: For Against Information

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

Representing Organize Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

This form is part of the public record for this meeting

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

SB 90

Bill Number (if applicable)

Topic Discrimination in Labor + Employment

Name Zac Cassidy

Amendment Barcode (if applicable)

Job Title _____

Address 6106 Southard St.

Street

Phone 561-281-5032

WPB

FL

33411

Email _____

City

State

Zip

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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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/2020 Meeting Date

SB0090 Bill Number (if applicable)

Topic Discrimination In Labor & Employment

Name Shannon Carson

Amendment Barcode (if applicable)

Job Title CSR

Address 12219 Coral Reef Drive Street

Phone 786-376-1181

Orlando, FL 32826 City State Zip

Email SOCWA3108@gmail.com

Speaking: [] For [] Against [] Information

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

Representing Self

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

Lobbyist registered with Legislature: [] Yes [X] 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)

2-18-20

Meeting Date

SB0090

Bill Number (if applicable)

Topic DISCRIMINATION IN LABOR AND EMPLOYMENT

Name ANAS CASTILLO

Amendment Barcode (if applicable)

Job Title RETIRED

Address 9400 NW 3 ST

Street

Phone 954-224-8882

REMROKE PINES

City

State

FL

Zip

Email ANAS62@Bellsouth.NET

Speaking: For Against Information

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

Representing MYSELF

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)

SB 1090
Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date _____

Topic Discrimination in Labor

Name Amelique Perry

Job Title CUSTOMER SERVICE SPECIALIST

Address 1030 Reflection Circle
Street
Casselberry FL 32707
City State Zip

Phone 407-620-1546

Email angel.plocal312@gmail.com

Speaking: For Against Information

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

Representing MYSELF

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)

2/18/20
Meeting Date

SB 0090
Bill Number (if applicable)

Topic DISCRIMINATION IN LABOR AND EMPLOYMENT

Name GLENN ABBOTT (ABBOTT)

Amendment Barcode (if applicable)

Job Title SERVICES TECH.

Address 4305 SW 98 AV
Street

Phone 786-376-1181

MIAMI FL 33165
City State Zip

Email GLENN.ABBOTT@COMcast.com

Speaking: For Against Information

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

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/18/20

Meeting Date

SB 0090

Bill Number (if applicable)

Topic Discrimination in Labor and employment

Name Dennis Kitchens

Amendment Barcode (if applicable)

Job Title AT&T Construction

Address 9400 NW 3rd St

Street

Pembroke Pines FL

City

State

33024

Zip

Phone 954 901 7364

Email presidentcwa3120@gmail.com

Speaking: For Against Information

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

Representing Myself

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)

2/18/20
Meeting Date

Bill Number (if applicable)

Topic Discrimination in Labor and Employment

Amendment Barcode (if applicable)

Name Wayne Perez

Job Title Facility Tech

Address 910 N. U.S. 1

Phone _____

Street

City

Ormond Beach FL

State

32174

Zip

Email _____

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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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/18/20

Meeting Date

SB 0090

Bill Number (if applicable)

Topic DISCRIMINATION IN Labor and Employment

Name STEVE WISNIEWSKI

Amendment Barcode (if applicable)

Job Title Digital Technician

Address 3897 Shadownd way

Street

Phone 407-532-8461

Gotha

FL

34734

City

State

Zip

Email

Speaking: [] For [] Against [] Information

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

Representing

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

Lobbyist registered with Legislature: [] Yes [x] 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)

2/18/20

Meeting Date

SB 90

Bill Number (if applicable)

Topic DISCRIMINATION IN LABOR & EMPLOYMENT

Name RUSSELL HARPER

Amendment Barcode (if applicable)

Job Title RETIRED ELECTRICIAN

Address 1785 Lilly Road East

Street

Phone 904-588-4855

JACKSONVILLE

City

FL

State

32207

Zip

Email electrice@belkouth.net

Speaking: For Against Information

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

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

Meeting Date _____

SB 90
Bill Number (if applicable)

Topic DISCRIMINATION IN LABOR & EMPLOYMENT Amendment Barcode (if applicable) _____

Name DAVID GATES

Job Title RETIRED ELECTRICIAN

Address 1444 MENLO AVE.

Phone 904-322-3995

Street

JAX.
City

FL.
State

32218
Zip

Email dauidgates177@yahoo.com

Speaking: For Against Information

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

Representing MYSELF

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)

02-18-2020
Meeting Date

SB 90
Bill Number (if applicable)

Topic Discrimination

Name Gary S. Wilkerson

Job Title Retired Teamster

Address 812 Swinford Ct. Orange Park,
Street

Orange Park FL 32065
City State Zip

Phone 904-635-2668

Email gary-wilkerson@att.net

Speaking: For Against Information

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

Representing Self

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)

Feb. 18, 2020
Meeting Date

SB 90
Bill Number (if applicable)

Topic DISCRIMINATION IN LABOR + EMPLOYMENT

Name DENNIS EVERETT

Amendment Barcode (if applicable)

Job Title RETIRED

Address 3266 Byron Rd
Street

Phone 904-282-0267

Green Cove Springs FL 32043
City State Zip

Email _____

Speaking: For Against Information

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

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2-18-20 Meeting Date

SB 90 Bill Number (if applicable)

Topic Discrimination in Labor Employment

Amendment Barcode (if applicable)

Name Preston Drummer

Job Title Retired Teamster

Address 6713 Champlain Road Street

Phone 904-707-6697

Jacksonville, Florida 32205 City State Zip

Email Drumpp1@aol.com

Speaking: [] For [] Against [] Information

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

Representing Self

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

Lobbyist registered with Legislature: [] Yes [x] 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)

2-18-20

Meeting Date

90

Bill Number (if applicable)

Topic Discrimination in Labor and Employment

Name Joseph Shaffer

Amendment Barcode (if applicable)

Job Title _____

Address 3432 Dante Dr

Street

Phone 941-862-2629

SARASOTA

City

FL

State

34235

Zip

Email _____

Speaking: For Against Information

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

Representing Myself

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

2/18/2020
Meeting Date

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

SB 90

Bill Number (if applicable)

Topic Discrimination in Labor & Employment

Name Roger F. Harris

Amendment Barcode (if applicable)

Job Title self

Address 102 Padgett Place South
Street

Phone (407) 558-6012

Lake land FL 33809
City State Zip

Email rogerfharris123@gmail.com

Speaking: For Against Information

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

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/18/2020

Meeting Date

0090

Bill Number (if applicable)

Topic Discrimination in Labor & Employment

Name Mandy Freeman

Amendment Barcode (if applicable)

Job Title

Address 613 Park Rd

Street

Phone 352-429-0528

City Mascotte

State FL

Zip 34753

Email MandyMcMoffive@aol.com

Speaking: [] For [] Against [] Information

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

Representing Myself

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

Lobbyist registered with Legislature: [] Yes [X] 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)

2/18/2020

Meeting Date

SB90

Bill Number (if applicable)

Topic Discrimination in Labor & Employment

Name TERRY FREEMAN

Amendment Barcode (if applicable)

Job Title Mechanic

Address 613 Park Road

Street

Phone 352-530-5317

Mascotte

City

FL

State

34753

Zip

Email DEADWIZARDS@AOL.COM

Speaking: [] For [] Against [] Information

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

Representing Myself

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

Lobbyist registered with Legislature: [] Yes [X] 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)

2-18-2020 Meeting Date

90 Bill Number (if applicable)

Topic Discrimination in Labor + Employment

Name Tammy Canada

Amendment Barcode (if applicable)

Job Title

Address 2701 Phillips Rd Street

Phone 407-234-0429

Christmas FL 32709 City State Zip

Email +canada0929@gmail

Speaking: [] For [] Against [] Information

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

Representing Self

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

Lobbyist registered with Legislature: [] Yes [X] 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)

2/18/20
Meeting Date

SB 0090
Bill Number (if applicable)

Topic Discrimination in Labor & Employment Amendment Barcode (if applicable)
Name Ferraro Jacobs

Job Title Drafting Tech

Address 9611 N. 46th St. Apt. B
Street
Tampa FL 33617
City State Zip

Phone 813-240-9451

Email ferrarojacobs@yahoo.com

Speaking: For Against Information

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

Representing Myself

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)

2/18/2020
Meeting Date

SB 0090
Bill Number (if applicable)

Topic Discrimination in Labor and Employment

Amendment Barcode (if applicable)

Name Stephen Simon

Job Title Wastewater Operator

Address 13294 Don Loop

Phone (813) 240-9828

Street

Spring Hill, FL 34609

City

State

Zip

Email stephensimon@yahoo.com

Speaking: For Against Information

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

Representing Myself

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)

2/18/2020 Meeting Date

90 Bill Number (if applicable)

Topic DISCRIMINATION IN LABOR AND EMPLOYMENT

Amendment Barcode (if applicable)

Name DAVID STOVER

Job Title

Address 386 SE THORNHILL DRIVE Street

Phone

PORT ST. LUCIE FL 34983 City State Zip

Email

Speaking: [] For [] Against [] Information

Waive Speaking: [X] 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

02/18/2020

Meeting Date

SB 90

Bill Number (if applicable)

Topic Senate Bill 90

Amendment Barcode (if applicable)

Name David Barkey

Job Title Sr. & Southeastern Counsel, ADL (Anti-Defamation League)

Address 5295 Town Center Road, Ste. 300

Phone 561-988-2912

Street

Boca Raton

FL

33486

Email dbarkey@adl.org

City

State

Zip

Speaking: For Against Information

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

Representing ADL (Anti-Defamation League)

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)

2/18/20

Meeting Date

SB 90

Bill Number (if applicable)

423392

Amendment Barcode (if applicable)

Topic Equality

Name Annie Filkowski

Job Title Legislative Representative

Address _____

Street

Tallahassee

City

FL

State

32311

Zip

Phone (239) 849-2644

Email _____

Speaking: For Against Information

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

Representing Florida Alliance of Planned Parenthood Affiliates

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)

2/18/2020
Meeting Date

910
Bill Number (if applicable)

42 3392
Amendment Barcode (if applicable)

Topic Equality

Name Ida V. Eskamani

Job Title Public Policy

Address 126 N-Milk Ave
Street

Orlando FL 32801
City State Zip

Phone _____

Email _____

Speaking: For Against Information

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

Representing Organize 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)

2/18/20

Meeting Date

SB 90

Bill Number (if applicable)

423392

Amendment Barcode (if applicable)

Topic Equality

Name Jon Harris Maurer

Job Title Public Policy Dir.

Address 201 E. Park Ave., Ste. 200

Street

Phone 850-681-0980

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: For Against Information

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

Representing Equality 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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2/18/20

Meeting Date

SB 90

Bill Number (if applicable)

423392

Amendment Barcode (if applicable)

Topic EQUALITY

Name STEPHEN GASKILL

Job Title President, Florida LGBTQ + Dem CAUCUS

Address 2955A Florida Blvd
Street

Phone 202 257 9298

Delray Beach FL
City State Zip

Email president@lgbtqdem.org

Speaking: For Against Information

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

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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2/18/20

Meeting Date

SB 90

Bill Number (if applicable)

423392

Amendment Barcode (if applicable)

Topic Equality

Name WES WRIGHT

Job Title Investigative Assistant

Address 15031 Bridgeway LN #1107

Street

FT MYERS FL

City

State

33913

Zip

Phone 859-559-2901

Email Wesleydownright@gmail.com

Speaking: For Against Information

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

Representing LEE CO. LGBTQ + DEMOCRATIC CAUCUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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2/18/20
Meeting Date

SB 90
Bill Number (if applicable)

423392
Amendment Barcode (if applicable)

Topic Equality

Name Daniel McDow

Job Title President, Space Coast LGBTQA Caucus

Address 1034 Bryce Lane
Street
W Melbourne, FL 32904
City State Zip

Phone 321-890-2238

Email McDowdr@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

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

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2/18/2020

Meeting Date

90

Bill Number (if applicable)

423391

Amendment Barcode (if applicable)

Topic Discrimination & Labor Employment

Name Karen Woodall

Job Title Exec. Director

Address 579 E. Call St.

Street

Phone 850-321-9386

Tallahassee FL 32301

City

State

Zip

Email fcfep@yahoo.com

Speaking: For Against Information

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

Representing FL Center for Fiscal & Economic Policy

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.

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Commerce Committee

Judge:

Started: 2/18/2020 10:02:14 AM

Ends: 2/18/2020 11:35:43 AM

Length: 01:33:30

10:02:13 AM Roll call
10:02:49 AM Tab 4, SB 1582, Sen. Simmons explain bill
10:03:42 AM 301124 Late-filed Amendment
10:04:33 AM Amendment adopted
10:06:12 AM Sponsor waive close
10:06:18 AM Roll call
10:06:25 AM SB 1582 reported favorable
10:06:52 AM Recess while we wait for bill sponsors
10:10:10 AM Chair Gruters call meeting back to order
10:10:29 AM
10:10:31 AM Tab 5, CS/SB 1632, Sen. Rouson
10:11:06 AM 322422 Amendment
10:11:17 AM Amendment W/D
10:11:27 AM Sen. Rouson close on bill
10:11:32 AM Roll call
10:11:40 AM CS/SB 1632 reported favorable
10:11:59 AM Tab 6, SB 90, Sen. Stewart
10:14:04 AM Late-filed Amendment by Sen. Torres
10:15:59 AM Amendment W/D
10:18:06 AM Speaker, Patricia DeWitt, AAUW of FL
10:20:47 AM Speaker, Malina Rayna Svanhild Farley Barratt, FL NOW
10:22:14 AM Speaker, Kim Porteous, Pres. FL NOW
10:24:28 AM Speaker, Jon Harris Maurer, Equality FL
10:25:43 AM Speaker, Dr. RichTemplin, FL AFL-CIO
10:26:46 AM Sen. Torres in debate
10:27:33 AM Sen. Stewart in debate
10:29:05 AM Chair comments
10:29:19 AM Sen. Stewart to close on bill
10:29:30 AM Sen. Stewart requested bill be TP'd
10:29:43 AM Stand in temporary recess
10:30:18 AM Chair Gruters called meeting back to order
10:30:23 AM Tab 3, CS/SB 776, Sen. Perry
10:30:37 AM Sen. Perry explain bill
10:31:19 AM Andy Gonzalez, FL Realtors, waive in support of bill
10:31:22 AM Roll call on CS/SB 776
10:31:32 AM CS/SB 776 reported favorable
10:31:37 AM Temp recess
10:34:55 AM Mtg called back to order
10:35:36 AM Tab 2, CS/SB 680, Sen. Hutson
10:36:01 AM 679214 L-Amendment
10:36:18 AM Sen. Hutson explain amendment
10:37:02 AM
10:37:32 AM Speaker, Stephanie Brendl, Shark Allies
10:39:52 AM Speaker, Travis Moore, Animal Legal Defense Fund & Oceana
10:41:45 AM Speaker, David Campo, shark fisherman
10:43:30 AM Speaker, Laurilee Thompson, Owner Dixie Crossroads Seafood Restaurant, Titusville, FL
10:46:32 AM Speaker, Sherylanne McCoy, Merritt Island, FL
10:48:29 AM Speaker, Jerry Sansom, Organized Fishermen of FL
10:52:24 AM Speaker, Bob Harris, DEMA (Diving Equipment & Marketing Assoc)
10:54:56 AM Sen. Wright in debate of amendment
10:55:41 AM Sen. Stewart in debate
10:56:19 AM Sen. Hutson close on amendment

10:57:54 AM Amendment adopted
10:59:36 AM Roll call on CS/SB 680
10:59:46 AM CS/SB 680 reported favorable
11:00:04 AM Tab 1, CS/SB 664, Sen. Lee
11:02:56 AM Sen. Torres for questions
11:03:34 AM Sen. Lee response
11:05:33 AM Amendment 110576
11:06:24 AM 952034 Amendment to Amendment
11:07:32 AM Amendment adopted
11:07:39 AM 910906, L-filed Amendment to Amendment, Sen. Lee
11:08:09 AM Amendment adopted
11:08:19 AM 429510, L-filed Amendment to Amendment, Sen. Lee
11:09:38 AM Amendment adopted
11:10:00 AM 272804, A to A by Sen. Torres
11:10:21 AM Amendment fails
11:10:36 AM 116778, A to A by Sen. Torres
11:10:47 AM Sen. Hutson, question
11:11:04 AM Response of sponsor
11:11:55 AM Amendment fails
11:12:04 AM 400132, A to A by Sen. Torres
11:12:21 AM Amendment fails
11:12:34 AM 864038, A to A by Sen. Torres
11:12:45 AM Amendment fails
11:12:58 AM 904628, A to A by Sen. Torres
11:13:07 AM Amendment fails
11:13:31 AM Back on amendment as amended
11:13:42 AM Sen. Stewart, question
11:14:10 AM Amendment adopted
11:14:16 AM 295842 Amendment, Sen. Torres W/D
11:14:36 AM 451260 Amendment, Sen. Torres W/D
11:14:49 AM 687662 Amendment, Sen. Torres W/D
11:16:28 AM Speaker, Rev. Dr. Russell Meyer, FL Council of Churches
11:19:05 AM Speaker, Robert Windham, Floridians for E-verify NOW
11:20:43 AM Speaker, Gina Moore, Floridians for E-verify NOW
11:23:10 AM Speaker, David Caulkett, Floridians for Immigration Enforcement
11:25:36 AM Speaker, Ingrid Delgado, FL Conf of Catholic Bishops
11:26:33 AM Speaker, Kathy Bird Carvajal, Coral Gables, FL
11:27:38 AM Sen. Stewart comments
11:28:47 AM Sen. Torres for comments
11:30:45 AM Chair comments
11:31:41 AM Sen. Lee to close on bill
11:35:07 AM Roll call on CS/SB 664
11:35:19 AM CS/SB 644 reported favorable
11:35:28 AM Adjournment