

Tab 1	SB 344 by Diaz ; (Identical to H 00471) Legislative Review of Occupational Regulations						
122602	D	S	RCS	GO, Diaz	Delete everything after	03/17 04:34 PM	
Tab 2	SB 490 by Bracy (CO-INTRODUCERS) Stewart ; (Identical to H 00185) Juneteenth Day						
342492	A	S	RCS	GO, Bracy	Delete L.46 - 157.	03/17 04:34 PM	
Tab 3	SB 506 by Garcia ; (Identical to H 00195) Transparency in Government Spending						
697316	D	S	L RCS	GO, Garcia	Delete everything after	03/17 04:34 PM	
Tab 4	CS/SB 622 by JU, Perry ; (Identical to CS/H 00473) Liens and Bonds						
Tab 5	SB 1014 by Baxley ; (Compare to CS/H 00835) Employee Organizations						
565898	D	S	RCS	GO, Baxley	Delete everything after	03/17 04:34 PM	
584180	A	S	00	GO, Baxley	btw L.113 - 114:	03/17 04:34 PM	
Tab 6	SB 1134 by Harrell ; (Identical to H 01151) Department of Highway Safety and Motor Vehicles						
Tab 7	SB 1152 by Brandes ; (Identical to H 01203) Fleet Management						
459378	A	S	L RCS	GO, Brandes	Delete L.46 - 63:	03/17 04:34 PM	
Tab 8	SB 1570 by Rodriguez ; (Similar to H 01083) Quasi-public Entities						
Tab 9	SB 7000 by HP ; (Identical to H 07001) OGSR/Nurse Licensure Compact						
Tab 10	SB 7012 by CJ ; (Identical to H 07009) OGSR/Criminal History Information of Juveniles						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY

Senator Rodrigues, Chair
Senator Gruters, Vice Chair

MEETING DATE: Wednesday, March 17, 2021

TIME: 9:00—11:30 a.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE FL 32301			
1	SB 344 Diaz (Identical H 471, Compare CS/H 717, S 1598)	Legislative Review of Occupational Regulations; Citing this act as the "Occupational Regulation Sunset Act"; establishing a schedule for the systematic review of occupational regulatory programs; providing for the abolition of personnel positions responsible for repealed programs; requiring the Department of Legal Affairs to prosecute or defend certain pending causes of action, etc. GO 03/17/2021 Fav/CS AP RC	Fav/CS Yeas 5 Nays 0
2	SB 490 Bracy (Identical H 185)	Juneteenth Day; Designating Juneteenth Day as a paid holiday for employees of all branches and agencies of state government; designating Juneteenth Day as a legal holiday, etc. GO 03/17/2021 Fav/CS AP RC	Fav/CS Yeas 5 Nays 0
3	SB 506 Garcia (Identical H 195)	Transparency in Government Spending; Requiring that a website maintained by the Department of Management Services include specified data on salary and benefits of executives, managerial personnel, and board members of certain organizations or entities receiving state funds, by a specified date; requiring such organizations and entities to provide salary and benefit data to the department on an annual basis; requiring any such organization or entity to post salary and benefit data on the organization's or entity's own website, etc. GO 03/17/2021 Fav/CS AP RC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Wednesday, March 17, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 622 Judiciary / Perry (Identical CS/H 473)	Liens and Bonds; Requiring that a copy of a notice of nonpayment be served on the surety; prohibiting a person from requiring a claimant to furnish a certain waiver in exchange for or to induce certain payments; authorizing a lienor to record one claim of lien for multiple direct contracts; revising information to be included in a notice of commencement; requiring service of documents relating to construction bonds to be made in a specified manner, etc. JU 02/15/2021 Fav/CS GO 03/17/2021 Favorable RC	Favorable Yeas 5 Nays 0
5	SB 1014 Baxley (Compare CS/H 835)	Employee Organizations; Requiring employee organizations that have been certified as the bargaining agent for educational support employees to include specified information in applications for renewal of registration; revising the information that employee organizations certified as the bargaining agent for a unit of instructional personnel or educational support employees must report in applications for renewal of registration; requiring that an employee organization whose full dues-paying membership as of a specified date is less than 50 percent of eligible employees to petition the Public Employees Relations Commission for recertification, etc. GO 03/17/2021 Fav/CS JU RC	Fav/CS Yeas 3 Nays 2
6	SB 1134 Harrell (Identical H 1151, Compare H 1359)	Department of Highway Safety and Motor Vehicles; Revising regulations applicable to owners and drivers of commercial motor vehicles; revising the length of time within which an officer is authorized to give written notice requiring correction of an unduly hazardous operating condition; requiring the Department of Highway Safety and Motor Vehicles, rather than the Department of Transportation, to establish and revise standards to ensure the safe operation of nonpublic sector buses; providing that vehicles that meet certain conditions are exempt from odometer disclosure after specified periods of time, etc. TR 03/03/2021 Favorable GO 03/17/2021 Favorable RC	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Wednesday, March 17, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1152 Brandes (Identical H 1203)	Fleet Management; Requiring the Department of Management Services to prepare an inventory of state-owned motor vehicles, maintenance facilities, and fuel depots; requiring the department to submit the inventory to the Governor and the Legislature by a specified date; requiring governmental entities to provide certain information requested by the department; requiring the department to create, administer, and maintain a centralized management system for the motor vehicle fleet, maintenance facilities, and fuel depots; requiring the department to contract with a vendor or contractor for a specified purpose, etc. GO 03/17/2021 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0
8	SB 1570 Rodriguez (Similar H 1083)	Quasi-public Entities; Requiring the Governor to specify affiliated departments for certain quasi-public entities by a certain date; providing for the repeal of a quasi-public entity on a certain date unless reviewed and saved from repeal through reenactment by the Legislature; requiring a quasi-public entity to maintain a website that includes certain information; prohibiting a quasi-public entity from using public funds to retain a lobbyist; requiring a quasi-public entity to post and update certain information on the secure contract tracking system established and maintained by the Chief Financial Officer, etc. GO 03/17/2021 Temporarily Postponed AP RC	Temporarily Postponed
9	SB 7000 Health Policy (Identical H 7001)	OGSR/Nurse Licensure Compact; Amending a provision which provides an exemption from public record requirements for certain personal identifying information of nurses in the Nurse Licensure Compact and from public record and meeting requirements for certain meetings or portions of meetings and certain records held by the Interstate Commission of Nurse Licensure Compact Administrators; removing the scheduled repeal of the exemptions, etc. GO 03/17/2021 Favorable RC	Favorable Yeas 5 Nays 0
10	SB 7012 Criminal Justice (Identical H 7009)	OGSR/Criminal History Information of Juveniles; Amending provisions abrogating the scheduled repeals of public records exemptions relating to criminal history information of juveniles, etc. GO 03/17/2021 Favorable RC	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Wednesday, March 17, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
-----	-------------------------	--	------------------

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 344

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Diaz

SUBJECT: Legislative Review of Occupational Regulations

DATE: March 17, 2021

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 344 subjects over 75 occupational regulatory programs currently administered in Florida to legislative review over a four-year period. The bill states that it is the intent of the legislature to review each program to determine whether (a) to continue the program unchanged, (b) to continue the program with changes; or (c) to repeal the particular occupational regulatory program.

The bill provides that, except as otherwise provided in the act, the act takes effect upon becoming a law.

II. Present Situation:

Occupational Licensing

An occupational or professional license is a form of regulation that requires individuals who want to perform certain types of work, such as contractors and cosmetologists, to obtain permission from the government to perform the work. Generally, an individual obtains such permission by demonstrating that they have the designated knowledge, skills, and abilities to perform the work by meeting pre-determined criteria established by the government, such as work experience and examinations. If the individual successfully completes the pre-determined criteria, the government issues the individual a license, which allows them to perform the work.

Various governmental entities and agencies in Florida license and regulate such individuals practicing in a wide range of professions, including:

- Department of Business and Professional Regulation (DBPR);
- Department of Health (DOH);
- Department of Financial Services (DFS);
- Department of Agriculture and Consumer Services (DACS);
- Florida Supreme Court (FSC);
- Department of Environmental Protection (DEP);
- Agency for Healthcare Administration (AHCA);
- Department of Children and Families (DCF);
- Department of Elder Affairs (DEA);
- Department of Highway Safety and Motor Vehicles (DHSMV); and
- Office of Financial Regulation (OFR).

Sunset Reviews of Occupations and Professions

A sunset review is a clause within a statute or regulation requiring the statute or regulation to expire on a certain date unless the legislature takes action to renew the statute or regulation. A sunset review allows regulations to be periodically examined to determine if they are necessary or if they need to be changed, improved, or reduced. Sunset reviews can be useful, because even if a regulation was justified when first introduced, technological and economic advancements may have made the regulation unnecessary or overly burdensome.¹ Thirty-six states have some form of sunset process for existing occupational licensing laws, ranging from automatic program reviews and repeals, to sunset recommendations made from a commission to the state legislature.²

Sunset Reviews of Occupations and Professions in Florida

In 1976, the Florida Legislature enacted The Regulatory Reform Act (the Act).³ The Act set up a sunset review process which called for a systematic, cyclical review and repeal of statutes related to the regulatory functions of the executive branch, including statutes regulating professions, occupations, businesses, and industries. In 1978, The Sundown Act was enacted as a supplement to the sunset review law to set up a review for boards of trustees, commissions, and advisory bodies that were connected to executive agency functions.⁴

¹ White House Report, *supra* note 1 at 48-49; *Improving Occupational Licensing with Sunrise and Sunset Reviews*, National Conference of State Legislatures, (July 2018), <http://www.ncsl.org/research/labor-and-employment/improving-occupational-licensing-with-sunrise-and-sunset-reviews.aspx> (last visited March 12, 2021); Council on Licensure & Regulation, *Sunrise, Sunset and State Agency Audits*, <https://www.clearhq.org/page-486181> (last visited March 12, 2021); Brian Baugus & Feler Bose, *Sunset Legislation in the States: Balancing the Legislature and the Executive*, Mercatus Center, George Mason University (August 2015) <https://www.mercatus.org/publications/regulation/sunset-legislation-states-balancing-legislature-and-executive> (last visited March 12, 2021).

² *Improving Occupational Licensing with Sunrise and Sunset Reviews*, National Conference of State Legislatures, (July 2018), <http://www.ncsl.org/research/labor-and-employment/improving-occupational-licensing-with-sunrise-and-sunset-reviews.aspx> (last visited March 12, 2021).

³ Chapter 1976-168, L.O.F. (codified as s. 11.61, F.S.)

⁴ Chapter 1978-323, L.O.F. (codified as s. 11.611, F.S.)

The law required certain committees within the Legislature to perform an in-depth review and make a recommendation for the continuation, modification, or repeal of certain occupational regulatory programs. The recommendation needed to consider the following criteria:⁵

- Would the absence of the regulation significantly harm or endanger the public health, safety, or welfare?
- Is there a reasonable relationship between the exercise of the police power of the state and the protection of the public health, safety, and welfare?
- Is there a less restrictive method of regulation available that would adequately protect the public?
- Does the regulation have the effect of directly or indirectly increasing the costs of any goods or services involved, and, if so, to what degree?
- Is the increase in cost more harmful to the public than the harm that would result from the absence of regulation?
- Are any facets of the regulatory process designed for the purpose of benefitting, and do they have as their primary effect the benefit of, their regulated entity?

During the sunset review process, if any program was allowed to expire, the personnel positions responsible for carrying out the program were abolished, and all unexpended balances of appropriations, allocations, or other funds for such program were reverted to the fund from which they were appropriated, or, if that fund was abolished, to the General Revenue Fund. Any remaining unencumbered revenue collected under a repealed occupational regulatory program were to be refunded on a pro rata basis by the Comptroller (now the Chief Financial Officer), upon request of the person or entity who paid, if such request was made within one year after the repeal of the program.⁶

The Act also provided that any cause of action pending on the date any program was repealed, or any cause of action brought thereafter, was to be prosecuted or defended in the name of the state by the Department of Legal Affairs. All regulatory activities related to the repealed program were to cease after the date of repeal.⁷

In 1991, the Senate Committee on Government Operations (SCGO) performed a review of the sunset and sundown laws. SCGO found that between 1977 and 1991, 240 program sunset reviews were completed. During that time period, an estimated 20 regulatory laws were repealed, and 50 new ones were created. Based on the mandatory nature of the in-depth review process, it was found that the costs of the sunset reviews were high in terms of legislative and executive agency staff time. The SCGO report also found that the initial reviews of regulatory programs were more useful than any second or subsequent reviews.⁸

In light of the SCGO findings, the sunset reviews for occupations, professions, businesses, and industries under the Regulatory Reform Act, and entities under The Sundown Act, were repealed

⁵ Section 11.61(6), F.S. (1991).

⁶ Section 11.61(7)-(8), F.S. (1991).

⁷ Section 11.61(9), F.S. (1991).

⁸ Florida Senate Committee on Government Operations, Staff Analysis of 1991 Senate Bill 28-D, note 8, at 3 (Dec. 11, 1991).

in 1991. There has not been a comprehensive sunset review process specifically for occupational licensing schemes since.⁹

Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.¹⁰

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.¹¹ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.¹² In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.¹³ Implied preemption is “a more difficult concept.”¹⁴ Implied preemption will be found to exist in those circumstances where the state “legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.”¹⁵ Thus, implied preemption is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.¹⁶ Implied preemption is generally disfavored by courts and the Supreme Court has emphasized that it can be found only “so long as it is clear that the legislature has clearly preempted local regulation of the subject.”¹⁷ In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.¹⁸ Implied preemption is found where the local legislation would present the danger of conflict with the state's pervasive regulatory scheme.¹⁹

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Occupational Regulation Review Act.”

Section 2 creates s. 11.65, F.S., to provide legislative intent that each occupational regulatory program be reviewed by the Legislature based on the review schedule set out in sections 3 through 6.

⁹ Ch. 91-429, Laws of Fla. Between 2006 and 2011, there was another systematic and scheduled sunset review process which included occupational regulatory programs, but that review process was applicable to every aspect of state agencies as a whole. That process was repealed in 2011. Ch. 2011-35, Laws of Fla.

¹⁰ Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

¹¹ See *City of Hollywood v. Mulligan*, 934 So.2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So.3d 309 (Fla. 2008).

¹² *Mulligan*, 934 So.2d at 1243.

¹³ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So.3d 880, 886 (Fla. 2010).

¹⁴ *Tallahassee Mem'l Reg'l Med. Ctr., Inc. v. Tallahassee Med. Ctr., Inc.*, 681 So. 2d 826, 831 (Fla. 1st DCA 1996).

¹⁵ *Id.* (citations omitted)

¹⁶ *Phantom of Clearwater, Inc.*, 894 So.2d at 1019.

¹⁷ *Mulligan*, 934 So.2d at 1243.

¹⁸ See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

¹⁹ *Sarasota Alliance for Fair Elections, Inc.*, 28 So.3d at 886.

This section states that it is the intent of the legislature to complete a systematic review of the costs and benefits of certain occupational regulatory programs prior to the date set for repeal to determine whether the program should be allowed to expire, be fully renewed, or be renewed with modifications.

The section defines the following terms:

- "Occupational regulatory program" or "program" means any statutory regulatory provision or scheme which places a condition on practicing an occupation, including, but not limited to, programs that require a license, certification, registration, or credential.
- "Occupation" means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

Section 3 schedules the following regulatory statutes for legislative review by July 1, 2022:

- Sections 25.383 and 25.386, F.S., authorizing the Florida Supreme Court to regulate Court Reporters and Foreign Language Court Interpreters;
- Ch. 310, F.S., authorizing the Department of Business and Professional Regulation (DBPR) to regulate harbor pilots;
- Section 320.8249, F.S., authorizing the Department of Highway Safety and Motor Vehicles (DHSMV) to regulate mobile home installers;
- Ch. 326, F.S., authorizing DBPR to regulate yacht and ship brokers;
- Part VI of ch. 468, F.S., authorizing the DBPR to regulate auctioneers and auctioneer apprentices;
- Part VII of ch. 468, F.S., authorizing the DBPR to regulate talent agencies;
- Part VIII of ch. 468, F.S., authorizing the DBPR to regulate community association managers;
- Part IX of ch. 468, F.S., authorizing the DBPR to regulate athlete agents;
- Part XIII of ch. 468, F.S., authorizing the DOH to regulate athlete trainers;
- Chapter 488, F.S., authorizing the DHSMV to regulate commercial driving schools;
- Sections 554.104 and 554.114(1)(d), F.S., authorizing the Department of Financial Services (DFS) to regulate Boiler Safety Inspectors; and
- Sections 627.7015(4) and 627.7074(1)(a), F.S., authorizing the DFS to regulate property insurance mediators and neutral evaluators.

Section 4 schedules the following regulatory statutes for legislative review by July 1, 2023:

- Section 61.125, F.S., authorizing the Florida Supreme Court to regulate parenting coordinators;
- Part III of ch. 373, F.S., authorizing the Department of Environmental Protection (DEP) to regulate water wells and water well contractors;
- Section 399.01(16), F.S., authorizing the DBPR to regulate elevator safety professionals;
- Part XI of ch. 468, F.S., authorizing the DBPR to regulate employee leasing companies;
- Part XV of ch. 468, F.S., authorizing the DBPR to regulate home inspectors;
- Part XVI of ch. 468, F.S., authorizing the DBPR to regulate mold-related services professionals;
- Sections 497.144, 497.145, 497.147, 497.148, 497.168, 497.554, 497.602, 497.603, and 497.605, and Part III of ch. 497, F.S., (except ss. 497.380-.389 and 497.391-.393),

authorizing the DFS to regulate funeral directors and embalmers, monument establishment sales representatives, and direct disposers;

- Sections 501.605, 501.607, 501.608, 501.609, 501.612, and 501.616(2) and (4), F.S., authorizing the Department of Agriculture and Consumer Services (DACS) to regulate commercial telephone sellers and entities;
- Chapter 507, F.S., authorizing the DACS to regulate intrastate movers and moving brokers;
- Section 517.12(1) and (4), F.S., authorizing the DFS to regulate associated persons of a securities dealer and associated persons of a state-registered investment advisor or federal covered advisor;
- Section 548.003, F.S., establishing the Florida State Boxing Commission;
- Section 548.017, F.S., requiring certain persons involved in a match to be licensed; and
- Sections 634.171, 634.318, 634.320, and 634.420, F.S., authorizing the DFS to regulate service warranty sales representatives, motor vehicle service agreement salespersons, and home warranty sales representatives.

Section 5 schedules the following regulatory statutes for legislative review by July 1, 2024:

- Section 44.106, F.S., authorizing the Florida Supreme Court to regulate mediators and arbitrators;
- Section 450.30, F.S., authorizing the DBPR to regulate farm labor contractors;
- Chapter 473, F.S., authorizing the DBPR to regulate certified public accountants;
- Chapter 474, F.S., authorizing the DBPR to regulate veterinarians;
- Part I of ch. 475, F.S., authorizing the DBPR to regulate real estate brokers and salespersons;
- Chapter 476, F.S., authorizing the DBPR to regulate barbers;
- Chapter 477, F.S., authorizing the DBPR to regulate cosmetologists and specialists;
- Section 496.4101, F.S., authorizing the DACS to regulate professional solicitors and certain employees of a professional solicitor;
- Part IX of ch. 559, F.S., authorizing the DACS to regulate motor vehicle repair shops;
- Part XI of ch. 559, F.S., authorizing the DACS to regulate sellers of travel;
- Sections 633.132, 633.216, 633.304, 633.316, 633.318, 633.324, 633.328, 633.332, 633.336, 633.338, 633.406, 633.408, 633.412, 633.414, 633.416, 633.418, 633.424, and 633.426, F.S., authorizing the DFS to regulate firefighters, fire protection systems contractors, fire equipment dealers, firesafety inspectors, and volunteer firefighters; and
- Chapter 648, F.S., authorizing the DFS to regulate professional bail bond agents and limited surety bail bond agents.

Section 6 schedules the following regulatory statutes for legislative review by July 1, 2025:

- Section 397.4871, F.S., authorizing the Department of Children and Families (DCF) to regulate recovery residence administrators;
- Section 402.305, F.S., authorizing the DCF to regulate child and family care personnel operators and employees;
- Part XII of ch. 468, F.S., authorizing the DBPR to regulate building code administrators and inspectors and plan examiners;
- Chapter 471, F.S., authorizing the DBPR to regulate engineers;
- Chapter 472, F.S., authorizing the DACS to regulate land surveyors and mappers;

- Chapter 481, F.S., authorizing the DBPR to regulate architects, interior designers, and landscape architects;
- Chapter 482, F.S., authorizing the DACS to regulate pest control professionals;
- Part I of ch. 487, F.S., authorizing the DACS to regulate pesticides and pesticide application professionals;
- Part I of ch. 489, F.S., authorizing the DBPR to regulate construction contractors;
- Part II of ch. 489, F.S., authorizing the DBPR to regulate electrical contractors;
- Part III of ch. 489, F.S., authorizing the DOH to regulate septic tank contractors;
- Chapter 492, F.S., authorizing the DBPR to regulate professional geologists; and
- Sections of ch. 626, F.S., authorizing the DFS to regulate property and casualty agents, health and life insurance agents, title agents, portable electronic agents, credit insurance agents, in-transit and storage personal property insurance agents, legal expense sales representatives, managing general agents, motor vehicle rental insurance agents, individual reinsurance brokers and managers, service representatives, travel insurance agents, all-lines adjusters, emergency adjusters, public adjusters and apprentices, health agents, viatical settlement providers and brokers, ACA navigators, and motor vehicle physical damage and mechanical breakdown agents.

Section 7 provides that, except at otherwise provided, the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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 11.65 of the Florida Statutes.

This bill schedules for legislative review the following sections of the Florida Statutes: 11.65, 25.383, 25.386, 310.001, 310.0015, 310.002, 310.011, 310.032, 310.042, 310.051, 310.061, 310.071, 310.073, 310.075, 310.081, 310.091, 310.101, 310.102, 310.111, 310.1112, 310.1115, 310.121, 310.131, 310.141, 310.142, 310.146, 310.151, 310.161, 310.171, 310.181, 310.183, 310.185, 320.8249, 326.001, 326.002, 326.003, 326.004, 326.005, 326.006, 468.381, 468.382, 468.383, 468.384, 468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387, 468.388, 468.389, 468.391, 468.392, 468.393, 468.394, 468.395, 468.396, 468.397, 468.398, 468.399, 468.401, 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412, 468.413, 468.414, 468.415, 468.431, 468.4315, 468.432, 468.433, 468.4334, 468.4336, 468.4337, 468.4338, 468.435, 468.436, 468.4365, 468.437, 468.438, 468.451, 468.452, 468.453, 468.4535, 468.4536, 468.454, 468.456, 468.4561, 468.45615, 468.4562, 468.4565, 468.457, 488.01, 488.02, 488.03, 488.04, 488.045, 488.05, 488.06, 488.07, 488.08, 554.104, 554.114, 627.7015, 627.7074, 61.125, 373.302, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.325, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, 373.342, 399.01, 468.520, 468.521, 468.522, 468.523, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.528, 468.529, 468.530, 468.531, 468.532, 468.533, 468.534, 468.535, 468.83, 468.831, 468.8311, 468.8312, 468.8313, 468.8314, 468.8315, 468.8316, 468.8317, 468.8318, 468.8319, 468.832, 468.8321, 468.8322, 468.8323, 468.8324, 468.8325, 468.84, 468.841, 468.8411, 468.8412, 468.8413, 468.8414, 468.8415, 468.8416, 468.8417, 468.8418, 468.8419, 468.842, 468.8421, 468.8422, 468.8423, 468.8424, 497.144, 497.145, 497.147, 497.148, 497.168, 497.365, 497.366, 497.368, 497.369, 497.370, 497.371, 497.372, 497.373, 497.374, 497.375, 497.376, 497.377, 497.378, 497.379, 497.390, 497.554, 497.602,

497.603, 497.605, 501.605, 501.607, 501.608, 501.609, 501.612, 501.616, 507.01, 507.02, 507.03, 507.04, 507.05, 507.06, 507.07, 507.08, 507.09, 507.10, 507.11, 507.12, 507.13, 517.12, 548.003, 548.017, 634.171, 634.318, 634.320, 634.420, 44.106, 450.30, 473.301, 473.302, 473.303, 473.3035, 473.304, 473.305, 473.306, 473.3065, 473.308, 473.309, 473.3101, 473.311, 473.312, 473.3125, 473.313, 473.314, 473.3141, 473.315, 473.316, 473.318, 473.319, 473.3205, 473.321, 473.322, 473.323, 474.201, 474.202, 474.203, 474.204, 474.205, 474.206, 474.2065, 474.207, 474.211, 474.2125, 474.213, 474.214, 474.2145, 474.215, 474.216, 474.2165, 474.2167, 474.217, 474.2185, 474.221, 475.001, 475.01, 475.011, 475.02, 475.021, 475.03, 475.04, 475.045, 475.05, 475.10, 475.125, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.22, 475.23, 475.24, 475.25, 475.255, 475.2701, 475.272, 475.274, 475.2755, 475.278, 475.28, 475.2801, 475.31, 475.37, 475.38, 475.41, 475.42, 475.43, 475.451, 475.4511, 475.453, 475.455, 475.482, 475.483, 475.4835, 475.484, 475.485, 475.486, 475.5015, 475.5016, 475.5017, 475.5018, 476.014, 476.024, 476.034, 476.044, 476.054, 476.064, 476.074, 476.114, 476.134, 476.144, 476.154, 476.155, 476.178, 476.184, 476.188, 476.192, 476.194, 476.204, 476.214, 476.234, 476.244, 476.254, 477.011, 477.012, 477.013, 477.0135, 477.014, 477.015, 477.016, 477.017, 477.018, 477.019, 477.0201, 477.0212, 477.0213, 477.022, 477.023, 477.025, 477.026, 477.0263, 477.0265, 477.028, 477.029, 477.031, 496.4101, 559.901, 559.902, 559.903, 559.904, 559.905, 559.907, 559.909, 559.911, 559.915, 559.916, 559.917, 559.919, 559.920, 559.921, 559.9215, 559.92201, 559.9221, 559.926, 559.927, 559.928, 559.9281, 559.9285, 559.929, 559.9295, 559.931, 559.932, 559.933, 559.9335, 559.934, 559.935, 559.9355, 559.936, 559.937, 559.938, 559.939, 633.132, 633.216, 633.304, 633.316, 633.318, 633.324, 633.328, 633.332, 633.336, 633.338, 633.406, 633.408, 633.412, 633.414, 633.416, 633.418, 633.424, 633.426, 648.24, 648.25, 648.26, 648.27, 648.279, 648.285, 648.29, 648.295, 648.30, 648.31, 648.315, 648.33, 648.34, 648.35, 648.355, 648.36, 648.365, 648.38, 648.381, 648.382, 648.383, 648.384, 648.385, 648.386, 648.387, 648.388, 648.39, 648.40, 648.41, 648.42, 648.421, 648.43, 648.44, 648.441, 648.442, 648.4425, 648.45, 648.46, 648.48, 648.49, 648.50, 648.51, 648.52, 648.525, 648.53, 648.55, 648.57, 648.571, 648.58, 397.4871, 402.305, 468.601, 468.602, 468.603, 468.604, 468.605, 468.606, 468.607, 468.609, 468.613, 468.617, 468.619, 468.621, 468.627, 468.629, 468.631, 468.632, 468.633, 471.001, 471.003, 471.0035, 471.005, 471.007, 471.008, 471.009, 471.011, 471.013, 471.015, 471.017, 471.019, 471.0195, 471.021, 471.023, 471.025, 471.027, 471.031, 471.033, 471.037, 471.038, 471.0385, 471.045, 472.001, 472.003, 472.005, 472.006, 472.007, 472.0075, 472.008, 472.009, 472.0101, 472.011, 472.013, 472.0131, 472.0132, 472.0135, 472.015, 472.016, 472.0165, 472.017, 472.018, 472.019, 472.0201, 472.02011, 472.0202, 472.0203, 472.0204, 472.021, 472.023, 472.025, 472.027, 472.029, 472.031, 472.033, 472.0335, 472.0337, 472.034, 472.0345, 472.0351, 472.0355, 472.036, 472.0365, 472.0366, 472.037, 481.201, 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211, 481.213, 481.2131, 481.215, 481.217, 481.219, 481.221, 481.222, 481.223, 481.225, 481.2251, 481.229, 481.231, 481.301, 481.303, 481.305, 481.306, 481.307, 481.309, 481.310, 481.311, 481.313, 481.315, 481.317, 481.319, 481.321, 481.323, 481.325, 481.329, 482.011, 482.021, 482.032, 482.051, 482.061, 482.071, 482.072, 482.0815, 482.091, 482.111, 482.121, 482.132, 482.141, 482.151, 482.152, 482.155, 482.156, 482.1562, 482.157, 482.161, 482.163, 482.165, 482.1821, 482.183, 482.191, 482.211, 482.226, 482.2265, 482.2267, 482.227, 482.231, 482.2401, 482.241, 482.242, 482.243, 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.042, 487.0435, 487.0437, 487.044, 487.045, 487.046, 487.047, 487.048, 487.049, 487.051, 487.064, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.15, 487.156, 487.1585, 487.159, 487.160, 487.161, 487.163, 487.171, 487.175, 489.101, 489.103, 489.105, 489.107, 489.108, 489.109, 489.111, 489.113, 489.1131, 489.1136,

489.114, 489.115, 489.116, 489.117, 489.118, 489.119, 489.1195, 489.121, 489.124, 489.125, 489.126, 489.127, 489.128, 489.129, 489.13, 489.131, 489.132, 489.133, 489.134, 489.140, 489.1401, 489.1402, 489.141, 489.142, 489.1425, 489.143, 489.144, 489.145, 489.1455, 489.146, 489.501, 489.503, 489.505, 489.507, 489.509, 489.510, 489.511, 489.513, 489.514, 489.515, 489.516, 489.5161, 489.517, 489.518, 489.5185, 489.519, 489.520, 489.521, 489.522, 489.523, 489.525, 489.529, 489.530, 489.531, 489.5315, 489.532, 489.533, 489.5335, 489.537, 489.538, 489.551, 489.552, 489.553, 489.554, 489.555, 489.556, 489.557, 489.558, 492.101, 492.102, 492.103, 492.104, 492.105, 492.1051, 492.106, 492.107, 492.108, 492.109, 492.1101, 492.111, 492.112, 492.113, 492.114, 492.115, 492.116, 492.1165, 626.011, 626.015, 626.016, 626.022, 626.025, 626.0428, 626.112, 626.141, 626.161, 626.171, 626.172, 626.175, 626.181, 626.191, 626.201, 626.202, 626.207, 626.211, 626.221, 626.231, 626.241, 626.2415, 626.251, 626.261, 626.266, 626.271, 626.281, 626.2815, 626.2816, 626.2817, 626.291, 626.292, 626.301, 626.311, 626.321, 626.322, 626.331, 626.341, 626.342, 626.371, 626.381, 626.382, 626.431, 626.441, 626.451, 626.461, 626.471, 626.511, 626.536, 626.541, 626.551, 626.561, 626.571, 626.5715, 626.572, 626.593, 626.601, 626.602, 626.611, 626.6115, 626.621, 626.6215, 626.631, 626.641, 626.651, 626.6515, 626.661, 626.681, 626.691, 626.692, 626.711, 626.726, 626.727, 626.728, 626.729, 626.730, 626.731, 626.7315, 626.732, 626.733, 626.734, 626.7351, 626.7352, 626.7353, 626.7354, 626.741, 626.742, 626.743, 626.744, 626.745, 626.7451, 626.7452, 626.7453, 626.7454, 626.7455, 626.748, 626.7491, 626.7492, 626.752, 626.753, 626.754, 626.776, 626.777, 626.778, 626.779, 626.780, 626.781, 626.782, 626.783, 626.784, 626.7845, 626.785, 626.7851, 626.788, 626.789, 626.792, 626.793, 626.794, 626.795, 626.796, 626.797, 626.798, 626.826, 626.827, 626.828, 626.829, 626.830, 626.8305, 626.831, 626.8311, 626.833, 626.834, 626.835, 626.836, 626.837, 626.8373, 626.838, 626.839, 626.841, 626.8411, 626.8412, 626.8413, 626.8414, 626.8417, 626.8418, 626.8419, 626.84195, 626.842, 626.84201, 626.8421, 626.8423, 626.8427, 626.843, 626.8433, 626.8437, 626.844, 626.8443, 626.8447, 626.845, 626.8453, 626.8457, 626.846, 626.8463, 626.8467, 626.847, 626.8473, 626.851, 626.852, 626.853, 626.854, 626.8548, 626.855, 626.856, 626.8561, 626.8582, 626.8584, 626.859, 626.860, 626.861, 626.862, 626.8621, 626.863, 626.864, 626.865, 626.8651, 626.866, 626.8685, 626.869, 626.8695, 626.8696, 626.8697, 626.8698, 626.870, 626.871, 626.8732, 626.8734, 626.8736, 626.8737, 626.8738, 626.874, 626.875, 626.876, 626.877, 626.878, 626.8795, 626.8796, 626.8797, 626.927, 626.9271, 626.9272, 626.9912, 626.9916, 626.995, 626.9951, 626.9952, 626.9953, 626.9954, 626.9955, 626.9956, 626.9957, and 626.9958.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on March 17, 2021:

The CS schedules the various occupational regulatory programs for legislative review rather than outright repeal. The CS also eliminates any reference to the preemption of the regulation of the various affected occupations and professions.

- B. **Amendments:**

None.



122602

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Occupational
Regulation Review Act."

Section 2. Section 11.65, Florida Statutes, is created to
read:

11.65 Legislative review of occupational regulation.—

(1) As used in this section:



122602

11 (a) "Occupational regulatory program" or "program" means
12 any statutory regulatory provision or scheme which places a
13 condition on practicing an occupation, including, but not
14 limited to, programs that require a license, certification,
15 registration, or credential.

16 (b) "Occupation" means a paid job, profession, work, line
17 of work, trade, employment, position, post, career, field,
18 vocation, or craft.

19 (2) There is established a schedule for systematic review
20 of the costs and benefits of occupational regulatory programs.
21 The Legislature intends to review each program before the
22 scheduled date to determine whether to repeal the program,
23 continue the program without modifications, continue the program
24 with modifications, or provide for other appropriate actions.

25 Section 3. Pursuant to the Occupational Regulation Review
26 Act, the following statutes must be reviewed by the Legislature
27 by July 1, 2022: ss. 25.383, 25.386, 310.001, 310.0015, 310.002,
28 310.011, 310.032, 310.042, 310.051, 310.061, 310.071, 310.073,
29 310.075, 310.081, 310.091, 310.101, 310.102, 310.111, 310.1112,
30 310.1115, 310.121, 310.131, 310.141, 310.142, 310.146, 310.151,
31 310.161, 310.171, 310.181, 310.183, 310.185, 320.8249, 326.001,
32 326.002, 326.003, 326.004, 326.005, 326.006, 468.381, 468.382,
33 468.383, 468.384, 468.385, 468.3851, 468.3852, 468.3855,
34 468.386, 468.387, 468.388, 468.389, 468.391, 468.392, 468.393,
35 468.394, 468.395, 468.396, 468.397, 468.398, 468.399, 468.401,
36 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408,
37 468.409, 468.410, 468.411, 468.412, 468.413, 468.414, 468.415,
38 468.431, 468.4315, 468.432, 468.433, 468.4334, 468.4336,
39 468.4337, 468.4338, 468.435, 468.436, 468.4365, 468.437,



122602

468.438, 468.451, 468.452, 468.453, 468.4535, 468.4536, 468.454,
468.456, 468.4561, 468.45615, 468.4562, 468.4565, 468.457,
488.01, 488.02, 488.03, 488.04, 488.045, 488.05, 488.06, 488.07,
488.08, 554.104, 554.114(1)(d), 627.7015(4), and 627.7074(1)(a),
Florida Statutes.

Section 4. Pursuant to the Occupational Regulation Review
Act, the following statutes must be reviewed by the Legislature
by July 1, 2023: ss. 61.125, 373.302, 373.303, 373.306, 373.308,
373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324,
373.325, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337,
373.342, 399.01(16), 468.520, 468.521, 468.522, 468.523,
468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.528,
468.529, 468.530, 468.531, 468.532, 468.533, 468.534, 468.535,
468.83, 468.831, 468.8311, 468.8312, 468.8313, 468.8314,
468.8315, 468.8316, 468.8317, 468.8318, 468.8319, 468.832,
468.8321, 468.8322, 468.8323, 468.8324, 468.8325, 468.84,
468.841, 468.8411, 468.8412, 468.8413, 468.8414, 468.8415,
468.8416, 468.8417, 468.8418, 468.8419, 468.842, 468.8421,
468.8422, 468.8423, 468.8424, 497.144, 497.145, 497.147,
497.148, 497.168, 497.365, 497.366, 497.368, 497.369, 497.370,
497.371, 497.372, 497.373, 497.374, 497.375, 497.376, 497.377,
497.378, 497.379, 497.390, 497.554, 497.602, 497.603, 497.605,
501.605, 501.607, 501.608, 501.609, 501.612, 501.616(2) and (4),
507.01, 507.02, 507.03, 507.04, 507.05, 507.06, 507.07, 507.08,
507.09, 507.10, 507.11, 507.12, 507.13, 517.12(1) and (4),
548.003, 548.017, 634.171, 634.318, 634.320, and 634.420,
Florida Statutes.

Section 5. Pursuant to the Occupational Regulation Review
Act, the following statutes must be reviewed by the Legislature



122602

69 by July 1, 2024: ss. 44.106, 450.30, 473.301, 473.302, 473.303,
70 473.3035, 473.304, 473.305, 473.306, 473.3065, 473.308, 473.309,
71 473.3101, 473.311, 473.312, 473.3125, 473.313, 473.314,
72 473.3141, 473.315, 473.316, 473.318, 473.319, 473.3205, 473.321,
73 473.322, 473.323, 474.201, 474.202, 474.203, 474.204, 474.205,
74 474.206, 474.2065, 474.207, 474.211, 474.2125, 474.213, 474.214,
75 474.2145, 474.215, 474.216, 474.2165, 474.2167, 474.217,
76 474.2185, 474.221, 475.001, 475.01, 475.011, 475.02, 475.021,
77 475.03, 475.04, 475.045, 475.05, 475.10, 475.125, 475.15,
78 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183,
79 475.215, 475.22, 475.23, 475.24, 475.25, 475.255, 475.2701,
80 475.272, 475.274, 475.2755, 475.278, 475.28, 475.2801, 475.31,
81 475.37, 475.38, 475.41, 475.42, 475.43, 475.451, 475.4511,
82 475.453, 475.455, 475.482, 475.483, 475.4835, 475.484, 475.485,
83 475.486, 475.5015, 475.5016, 475.5017, 475.5018, 476.014,
84 476.024, 476.034, 476.044, 476.054, 476.064, 476.074, 476.114,
85 476.134, 476.144, 476.154, 476.155, 476.178, 476.184, 476.188,
86 476.192, 476.194, 476.204, 476.214, 476.234, 476.244, 476.254,
87 477.011, 477.012, 477.013, 477.0135, 477.014, 477.015, 477.016,
88 477.017, 477.018, 477.019, 477.0201, 477.0212, 477.0213,
89 477.022, 477.023, 477.025, 477.026, 477.0263, 477.0265, 477.028,
90 477.029, 477.031, 496.4101, 559.901, 559.902, 559.903, 559.904,
91 559.905, 559.907, 559.909, 559.911, 559.915, 559.916, 559.917,
92 559.919, 559.920, 559.921, 559.9215, 559.92201, 559.9221,
93 559.926, 559.927, 559.928, 559.9281, 559.9285, 559.929,
94 559.9295, 559.931, 559.932, 559.933, 559.9335, 559.934, 559.935,
95 559.9355, 559.936, 559.937, 559.938, 559.939, 633.132, 633.216,
96 633.304, 633.316, 633.318, 633.324, 633.328, 633.332, 633.336,
97 633.338, 633.406, 633.408, 633.412, 633.414, 633.416, 633.418,



122602

633.424, 633.426, 648.24, 648.25, 648.26, 648.27, 648.279,
648.285, 648.29, 648.295, 648.30, 648.31, 648.315, 648.33,
648.34, 648.35, 648.355, 648.36, 648.365, 648.38, 648.381,
648.382, 648.383, 648.384, 648.385, 648.386, 648.387, 648.388,
648.39, 648.40, 648.41, 648.42, 648.421, 648.43, 648.44,
648.441, 648.442, 648.4425, 648.45, 648.46, 648.48, 648.49,
648.50, 648.51, 648.52, 648.525, 648.53, 648.55, 648.57,
648.571, and 648.58, Florida Statutes.

Section 6. Pursuant to the Occupational Regulation Sunset
Act, the following statutes must be reviewed by the Legislature
by July 1, 2025: ss. 397.4871, 402.305, 468.601, 468.602,
468.603, 468.604, 468.605, 468.606, 468.607, 468.609, 468.613,
468.617, 468.619, 468.621, 468.627, 468.629, 468.631, 468.632,
468.633, 471.001, 471.003, 471.0035, 471.005, 471.007, 471.008,
471.009, 471.011, 471.013, 471.015, 471.017, 471.019, 471.0195,
471.021, 471.023, 471.025, 471.027, 471.031, 471.033, 471.037,
471.038, 471.0385, 471.045, 472.001, 472.003, 472.005, 472.006,
472.007, 472.0075, 472.008, 472.009, 472.0101, 472.011, 472.013,
472.0131, 472.0132, 472.0135, 472.015, 472.016, 472.0165,
472.017, 472.018, 472.019, 472.0201, 472.02011, 472.0202,
472.0203, 472.0204, 472.021, 472.023, 472.025, 472.027, 472.029,
472.031, 472.033, 472.0335, 472.0337, 472.034, 472.0345,
472.0351, 472.0355, 472.036, 472.0365, 472.0366, 472.037,
481.201, 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211,
481.213, 481.2131, 481.215, 481.217, 481.219, 481.221, 481.222,
481.223, 481.225, 481.2251, 481.229, 481.231, 481.301, 481.303,
481.305, 481.306, 481.307, 481.309, 481.310, 481.311, 481.313,
481.315, 481.317, 481.319, 481.321, 481.323, 481.325, 481.329,
482.011, 482.021, 482.032, 482.051, 482.061, 482.071, 482.072,



122602

127 482.0815, 482.091, 482.111, 482.121, 482.132, 482.141, 482.151,
128 482.152, 482.155, 482.156, 482.1562, 482.157, 482.161, 482.163,
129 482.165, 482.1821, 482.183, 482.191, 482.211, 482.226, 482.2265,
130 482.2267, 482.227, 482.231, 482.2401, 482.241, 482.242, 482.243,
131 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.042,
132 487.0435, 487.0437, 487.044, 487.045, 487.046, 487.047, 487.048,
133 487.049, 487.051, 487.064, 487.071, 487.081, 487.091, 487.101,
134 487.111, 487.13, 487.15, 487.156, 487.1585, 487.159, 487.160,
135 487.161, 487.163, 487.171, 487.175, 489.101, 489.103, 489.105,
136 489.107, 489.108, 489.109, 489.111, 489.113, 489.1131, 489.1136,
137 489.114, 489.115, 489.116, 489.117, 489.118, 489.119, 489.1195,
138 489.121, 489.124, 489.125, 489.126, 489.127, 489.128, 489.129,
139 489.13, 489.131, 489.132, 489.133, 489.134, 489.140, 489.1401,
140 489.1402, 489.141, 489.142, 489.1425, 489.143, 489.144, 489.145,
141 489.1455, 489.146, 489.501, 489.503, 489.505, 489.507, 489.509,
142 489.510, 489.511, 489.513, 489.514, 489.515, 489.516, 489.5161,
143 489.517, 489.518, 489.5185, 489.519, 489.520, 489.521, 489.522,
144 489.523, 489.525, 489.529, 489.530, 489.531, 489.5315, 489.532,
145 489.533, 489.5335, 489.537, 489.538, 489.551, 489.552, 489.553,
146 489.554, 489.555, 489.556, 489.557, 489.558, 492.101, 492.102,
147 492.103, 492.104, 492.105, 492.1051, 492.106, 492.107, 492.108,
148 492.109, 492.1101, 492.111, 492.112, 492.113, 492.114, 492.115,
149 492.116, 492.1165, 626.011, 626.015, 626.016, 626.022, 626.025,
150 626.0428, 626.112, 626.141, 626.161, 626.171, 626.172, 626.175,
151 626.181, 626.191, 626.201, 626.202, 626.207, 626.211, 626.221,
152 626.231, 626.241, 626.2415, 626.251, 626.261, 626.266, 626.271,
153 626.281, 626.2815, 626.2816, 626.2817, 626.291, 626.292,
154 626.301, 626.311, 626.321, 626.322, 626.331, 626.341, 626.342,
155 626.371, 626.381, 626.382, 626.431, 626.441, 626.451, 626.461,



122602

626.471, 626.511, 626.536, 626.541, 626.551, 626.561, 626.571,
626.5715, 626.572, 626.593, 626.601, 626.602, 626.611, 626.6115,
626.621, 626.6215, 626.631, 626.641, 626.651, 626.6515, 626.661,
626.681, 626.691, 626.692, 626.711, 626.726, 626.727, 626.728,
626.729, 626.730, 626.731, 626.7315, 626.732, 626.733, 626.734,
626.7351, 626.7352, 626.7353, 626.7354, 626.741, 626.742,
626.743, 626.744, 626.745, 626.7451, 626.7452, 626.7453,
626.7454, 626.7455, 626.748, 626.7491, 626.7492, 626.752,
626.753, 626.754, 626.776, 626.777, 626.778, 626.779, 626.780,
626.781, 626.782, 626.783, 626.784, 626.7845, 626.785, 626.7851,
626.788, 626.789, 626.792, 626.793, 626.794, 626.795, 626.796,
626.797, 626.798, 626.826, 626.827, 626.828, 626.829, 626.830,
626.8305, 626.831, 626.8311, 626.833, 626.834, 626.835, 626.836,
626.837, 626.8373, 626.838, 626.839, 626.841, 626.8411,
626.8412, 626.8413, 626.8414, 626.8417, 626.8418, 626.8419,
626.84195, 626.842, 626.84201, 626.8421, 626.8423, 626.8427,
626.843, 626.8433, 626.8437, 626.844, 626.8443, 626.8447,
626.845, 626.8453, 626.8457, 626.846, 626.8463, 626.8467,
626.847, 626.8473, 626.851, 626.852, 626.853, 626.854, 626.8548,
626.855, 626.856, 626.8561, 626.8582, 626.8584, 626.859,
626.860, 626.861, 626.862, 626.8621, 626.863, 626.864, 626.865,
626.8651, 626.866, 626.8685, 626.869, 626.8695, 626.8696,
626.8697, 626.8698, 626.870, 626.871, 626.8732, 626.8734,
626.8736, 626.8737, 626.8738, 626.874, 626.875, 626.876,
626.877, 626.878, 626.8795, 626.8796, 626.8797, 626.927,
626.9271, 626.9272, 626.9912, 626.9916, 626.995, 626.9951,
626.9952, 626.9953, 626.9954, 626.9955, 626.9956, 626.9957, and
626.9958, Florida Statutes.

Section 7. This act shall take effect upon becoming a law.



122602

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to legislative review of occupational
regulations; providing a short title; creating s.
11.65, F.S.; defining terms; establishing a schedule
for systematic review of occupational regulatory
programs; providing legislative intent; providing an
effective date.

By Senator Diaz

36-00449A-21

2021344__

A bill to be entitled

An act relating to legislative review of occupational regulations; providing a short title; creating s. 11.65, F.S.; defining terms; establishing a schedule for the systematic review of occupational regulatory programs; providing legislative intent; providing that amending or transferring a chapter or section with a scheduled repeal does not affect the scheduled repeal; providing for the abolition of personnel positions responsible for repealed programs; providing for the reversion of certain unexpended funds and the refund of certain unencumbered revenue of a repealed program; requiring the Department of Legal Affairs to prosecute or defend certain pending causes of action; preempting the regulation of an occupation to the state if the occupation's regulatory program has been repealed through this act; providing an exception; providing construction; providing a schedule of repeal for occupational regulatory programs; providing effective dates.

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

Section 1. This act may be cited as the "Occupational Regulation Sunset Act."

Section 2. Section 11.65, Florida Statutes, is created to read:

11.65 Legislative review of occupational regulation.-

(1) As used in this section:

Page 1 of 9

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

36-00449A-21

2021344__

(a) "Occupational regulatory program" or "program" means any statutory regulatory provision or scheme which places a condition on practicing an occupation, including, but not limited to, programs that require a license, certification, registration, or credential.

(b) "Local government" means a county, municipality, special district, or political subdivision of the state.

(c) "Occupation" means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

(2) There is established a schedule for systematic review of the costs and benefits of occupational regulatory programs. The Legislature intends to review each program before the scheduled date on which each occupational regulatory program is set to expire through scheduled repeal to determine whether to allow the program to expire, renew the program without modifications, renew the program with modifications, or provide for other appropriate actions.

(3) If a chapter or section scheduled for review by this act is subsequently amended or transferred, such subsequent amendment or transfer, unless otherwise expressly provided in the act amending or transferring such chapter or section, shall not eliminate the scheduled repeal of such chapter or section.

(4) Within 60 days after the date on which any occupational regulatory program is allowed to expire through scheduled repeal under this act, the personnel positions which are responsible for carrying out the program shall be abolished, and all unexpended balances of appropriations, allocations, or other funds for such program shall revert to the fund from which they

Page 2 of 9

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

36-00449A-21 2021344

were appropriated or, if that fund is abolished, to the General Revenue Fund. Except as authorized under this section, all regulatory activities related to the repealed program shall cease after the date of repeal.

(5) Any remaining unencumbered revenue collected under an occupational regulatory program allowed to expire through repeal shall be refunded on a pro rata basis by the Chief Financial Officer pursuant to s. 215.26, upon request of the person or entity who paid, if such request is made within 1 year after the repeal of the program.

(6) Any cause of action pending on the date the occupational regulatory program was repealed, or any cause of action brought thereafter, shall be prosecuted or defended in the name of the state by the Department of Legal Affairs if, prior to repeal, such action would have been prosecuted or defended by the occupational regulatory program repealed by this act.

(7) Any occupational regulatory program that expires through scheduled repeal in accordance with this act may not be subsequently regulated by a local government. The regulation of any occupation repealed by this act is preempted to the state unless local regulation of such occupation is expressly authorized by law. The existing requirements of any occupational regulatory program in this act which is saved from repeal continue in full force and effect until otherwise amended.

Section 3. Pursuant to the Occupational Regulation Sunset Act, the following statutes are repealed effective July 1, 2022: ss. 25.383, 25.386, 310.001, 310.0015, 310.002, 310.011, 310.032, 310.042, 310.051, 310.061, 310.071, 310.073, 310.075,

36-00449A-21 2021344

310.081, 310.091, 310.101, 310.102, 310.111, 310.1112, 310.1115, 310.121, 310.131, 310.141, 310.142, 310.146, 310.151, 310.161, 310.171, 310.181, 310.183, 310.185, 320.8249, 326.001, 326.002, 326.003, 326.004, 326.005, 326.006, 468.381, 468.382, 468.383, 468.384, 468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387, 468.388, 468.389, 468.391, 468.392, 468.393, 468.394, 468.395, 468.396, 468.397, 468.398, 468.399, 468.401, 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412, 468.413, 468.414, 468.415, 468.431, 468.4315, 468.432, 468.433, 468.4334, 468.4336, 468.4337, 468.4338, 468.435, 468.436, 468.4365, 468.437, 468.438, 468.451, 468.452, 468.453, 468.4535, 468.4536, 468.454, 468.456, 468.4561, 468.45615, 468.4562, 468.4565, 468.457, 488.01, 488.02, 488.03, 488.04, 488.045, 488.05, 488.06, 488.07, 488.08, 554.104, 554.114(1)(d), 627.7015(4), and 627.7074(1)(a), Florida Statutes.

Section 4. Pursuant to the Occupational Regulation Sunset Act, the following statutes are repealed effective July 1, 2023: ss. 61.125, 373.302, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.325, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, 373.342, 399.01(16), 468.520, 468.521, 468.522, 468.523, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.528, 468.529, 468.530, 468.531, 468.532, 468.533, 468.534, 468.535, 468.83, 468.831, 468.8311, 468.8312, 468.8313, 468.8314, 468.8315, 468.8316, 468.8317, 468.8318, 468.8319, 468.832, 468.8321, 468.8322, 468.8323, 468.8324, 468.8325, 468.84, 468.841, 468.8411, 468.8412, 468.8413, 468.8414, 468.8415, 468.8416, 468.8417, 468.8418, 468.8419, 468.842, 468.8421, 468.8422,

36-00449A-21 2021344

117 468.8423, 468.8424, 497.144, 497.145, 497.147, 497.148, 497.168,
 118 497.365, 497.366, 497.368, 497.369, 497.370, 497.371, 497.372,
 119 497.373, 497.374, 497.375, 497.376, 497.377, 497.378, 497.379,
 120 497.390, 497.554, 497.602, 497.603, 497.605, 501.605, 501.607,
 121 501.608, 501.609, 501.612, 501.616(2) and (4), 507.01, 507.02,
 122 507.03, 507.04, 507.05, 507.06, 507.07, 507.08, 507.09, 507.10,
 123 507.11, 507.12, 507.13, 517.12(1) and (4), 548.003, 548.017,
 124 634.171, 634.318, 634.320, and 634.420, Florida Statutes.
 125 Section 5. Pursuant to the Occupational Regulation Sunset
 126 Act, the following statutes are repealed effective July 1, 2024:
 127 ss. 44.106, 450.30, 473.301, 473.302, 473.303, 473.3035,
 128 473.304, 473.305, 473.306, 473.3065, 473.308, 473.309, 473.3101,
 129 473.311, 473.312, 473.3125, 473.313, 473.314, 473.3141, 473.315,
 130 473.316, 473.318, 473.319, 473.3205, 473.321, 473.322, 473.323,
 131 474.201, 474.202, 474.203, 474.204, 474.205, 474.206, 474.2065,
 132 474.207, 474.211, 474.2125, 474.213, 474.214, 474.2145, 474.215,
 133 474.216, 474.2165, 474.2167, 474.217, 474.2185, 474.221,
 134 475.001, 475.01, 475.011, 475.02, 475.021, 475.03, 475.04,
 135 475.045, 475.05, 475.10, 475.125, 475.15, 475.161, 475.17,
 136 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.22,
 137 475.23, 475.24, 475.25, 475.255, 475.2701, 475.272, 475.274,
 138 475.2755, 475.278, 475.28, 475.2801, 475.31, 475.37, 475.38,
 139 475.41, 475.42, 475.43, 475.451, 475.4511, 475.453, 475.455,
 140 475.482, 475.483, 475.4835, 475.484, 475.485, 475.486, 475.5015,
 141 475.5016, 475.5017, 475.5018, 476.014, 476.024, 476.034,
 142 476.044, 476.054, 476.064, 476.074, 476.114, 476.134, 476.144,
 143 476.154, 476.155, 476.178, 476.184, 476.188, 476.192, 476.194,
 144 476.204, 476.214, 476.234, 476.244, 476.254, 477.011, 477.012,
 145 477.013, 477.0135, 477.014, 477.015, 477.016, 477.017, 477.018,

36-00449A-21 2021344

146 477.019, 477.0201, 477.0212, 477.0213, 477.022, 477.023,
 147 477.025, 477.026, 477.0263, 477.0265, 477.028, 477.029, 477.031,
 148 496.4101, 559.901, 559.902, 559.903, 559.904, 559.905, 559.907,
 149 559.909, 559.911, 559.915, 559.916, 559.917, 559.919, 559.920,
 150 559.921, 559.9215, 559.92201, 559.9221, 559.926, 559.927,
 151 559.928, 559.9281, 559.9285, 559.929, 559.9295, 559.931,
 152 559.932, 559.933, 559.9335, 559.934, 559.935, 559.9355, 559.936,
 153 559.937, 559.938, 559.939, 633.132, 633.216, 633.304, 633.316,
 154 633.318, 633.324, 633.328, 633.332, 633.336, 633.338, 633.406,
 155 633.408, 633.412, 633.414, 633.416, 633.418, 633.424, 633.426,
 156 648.24, 648.25, 648.26, 648.27, 648.279, 648.285, 648.29,
 157 648.295, 648.30, 648.31, 648.315, 648.33, 648.34, 648.35,
 158 648.355, 648.36, 648.365, 648.38, 648.381, 648.382, 648.383,
 159 648.384, 648.385, 648.386, 648.387, 648.388, 648.39, 648.40,
 160 648.41, 648.42, 648.421, 648.43, 648.44, 648.441, 648.442,
 161 648.4425, 648.45, 648.46, 648.48, 648.49, 648.50, 648.51,
 162 648.52, 648.525, 648.53, 648.55, 648.57, 648.571, and 648.58,
 163 Florida Statutes.
 164 Section 6. Pursuant to the Occupational Regulation Sunset
 165 Act, the following statutes are repealed effective July 1, 2025:
 166 ss. 397.4871, 402.305, 468.601, 468.602, 468.603, 468.604,
 167 468.605, 468.606, 468.607, 468.609, 468.613, 468.617, 468.619,
 168 468.621, 468.627, 468.629, 468.631, 468.632, 468.633, 471.001,
 169 471.003, 471.0035, 471.005, 471.007, 471.008, 471.009, 471.011,
 170 471.013, 471.015, 471.017, 471.019, 471.0195, 471.021, 471.023,
 171 471.025, 471.027, 471.031, 471.033, 471.037, 471.038, 471.0385,
 172 471.045, 472.001, 472.003, 472.005, 472.006, 472.007, 472.0075,
 173 472.008, 472.009, 472.0101, 472.011, 472.013, 472.0131,
 174 472.0132, 472.0135, 472.015, 472.016, 472.0165, 472.017,

36-00449A-21 2021344

175 472.018, 472.019, 472.0201, 472.02011, 472.0202, 472.0203,
 176 472.0204, 472.021, 472.023, 472.025, 472.027, 472.029, 472.031,
 177 472.033, 472.0335, 472.0337, 472.034, 472.0345, 472.0351,
 178 472.0355, 472.036, 472.0365, 472.0366, 472.037, 481.201,
 179 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211, 481.213,
 180 481.2131, 481.215, 481.217, 481.219, 481.221, 481.222, 481.223,
 181 481.225, 481.2251, 481.229, 481.231, 481.301, 481.303, 481.305,
 182 481.306, 481.307, 481.309, 481.310, 481.311, 481.313, 481.315,
 183 481.317, 481.319, 481.321, 481.323, 481.325, 481.329, 482.011,
 184 482.021, 482.032, 482.051, 482.061, 482.071, 482.072, 482.0815,
 185 482.091, 482.111, 482.121, 482.132, 482.141, 482.151, 482.152,
 186 482.155, 482.156, 482.1562, 482.157, 482.161, 482.163, 482.165,
 187 482.1821, 482.183, 482.191, 482.211, 482.226, 482.2265,
 188 482.2267, 482.227, 482.231, 482.2401, 482.241, 482.242, 482.243,
 189 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.042,
 190 487.0435, 487.0437, 487.044, 487.045, 487.046, 487.047, 487.048,
 191 487.049, 487.051, 487.064, 487.071, 487.081, 487.091, 487.101,
 192 487.111, 487.13, 487.15, 487.156, 487.1585, 487.159, 487.160,
 193 487.161, 487.163, 487.171, 487.175, 489.101, 489.103, 489.105,
 194 489.107, 489.108, 489.109, 489.111, 489.113, 489.1131, 489.1136,
 195 489.114, 489.115, 489.116, 489.117, 489.118, 489.119, 489.1195,
 196 489.121, 489.124, 489.125, 489.126, 489.127, 489.128, 489.129,
 197 489.13, 489.131, 489.132, 489.133, 489.134, 489.140, 489.1401,
 198 489.1402, 489.141, 489.142, 489.1425, 489.143, 489.144, 489.145,
 199 489.1455, 489.146, 489.501, 489.503, 489.505, 489.507, 489.509,
 200 489.510, 489.511, 489.513, 489.514, 489.515, 489.516, 489.5161,
 201 489.517, 489.518, 489.5185, 489.519, 489.520, 489.521, 489.522,
 202 489.523, 489.525, 489.529, 489.530, 489.531, 489.5315, 489.532,
 203 489.533, 489.5335, 489.537, 489.538, 489.551, 489.552, 489.553,

36-00449A-21 2021344

204 489.554, 489.555, 489.556, 489.557, 489.558, 492.101, 492.102,
 205 492.103, 492.104, 492.105, 492.1051, 492.106, 492.107, 492.108,
 206 492.109, 492.1101, 492.111, 492.112, 492.113, 492.114, 492.115,
 207 492.116, 492.1165, 626.011, 626.015, 626.016, 626.022, 626.025,
 208 626.0428, 626.112, 626.141, 626.161, 626.171, 626.172, 626.175,
 209 626.181, 626.191, 626.201, 626.202, 626.207, 626.211, 626.221,
 210 626.231, 626.241, 626.2415, 626.251, 626.261, 626.266, 626.271,
 211 626.281, 626.2815, 626.2816, 626.2817, 626.291, 626.292,
 212 626.301, 626.311, 626.321, 626.322, 626.331, 626.341, 626.342,
 213 626.371, 626.381, 626.382, 626.431, 626.441, 626.451, 626.461,
 214 626.471, 626.511, 626.536, 626.541, 626.551, 626.561, 626.571,
 215 626.5715, 626.572, 626.593, 626.601, 626.602, 626.611, 626.6115,
 216 626.621, 626.6215, 626.631, 626.641, 626.651, 626.6515, 626.661,
 217 626.681, 626.691, 626.692, 626.711, 626.726, 626.727, 626.728,
 218 626.729, 626.730, 626.731, 626.7315, 626.732, 626.733, 626.734,
 219 626.7351, 626.7352, 626.7353, 626.7354, 626.741, 626.742,
 220 626.743, 626.744, 626.745, 626.7451, 626.7452, 626.7453,
 221 626.7454, 626.7455, 626.748, 626.7491, 626.7492, 626.752,
 222 626.753, 626.754, 626.776, 626.777, 626.778, 626.779, 626.780,
 223 626.781, 626.782, 626.783, 626.784, 626.7845, 626.785, 626.7851,
 224 626.788, 626.789, 626.792, 626.793, 626.794, 626.795, 626.796,
 225 626.797, 626.798, 626.826, 626.827, 626.828, 626.829, 626.830,
 226 626.8305, 626.831, 626.8311, 626.833, 626.834, 626.835, 626.836,
 227 626.837, 626.8373, 626.838, 626.839, 626.841, 626.8411,
 228 626.8412, 626.8413, 626.8414, 626.8417, 626.8418, 626.8419,
 229 626.84195, 626.842, 626.84201, 626.8421, 626.8423, 626.8427,
 230 626.843, 626.8433, 626.8437, 626.844, 626.8443, 626.8447,
 231 626.845, 626.8453, 626.8457, 626.846, 626.8463, 626.8467,
 232 626.847, 626.8473, 626.851, 626.852, 626.853, 626.854, 626.8548,

36-00449A-21

2021344

233 626.855, 626.856, 626.8561, 626.8582, 626.8584, 626.859,
234 626.860, 626.861, 626.862, 626.8621, 626.863, 626.864, 626.865,
235 626.8651, 626.866, 626.8685, 626.869, 626.8695, 626.8696,
236 626.8697, 626.8698, 626.870, 626.871, 626.8732, 626.8734,
237 626.8736, 626.8737, 626.8738, 626.874, 626.875, 626.876,
238 626.877, 626.878, 626.8795, 626.8796, 626.8797, 626.927,
239 626.9271, 626.9272, 626.9912, 626.9916, 626.995, 626.9951,
240 626.9952, 626.9953, 626.9954, 626.9955, 626.9956, 626.9957, and
241 626.9958, Florida Statutes.

242 Section 7. Except as otherwise expressly provided in this
243 act, this act shall take effect upon becoming a law.



SENATOR MANNY DIAZ, JR.
36th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

January 25, 2021

Honorable Senator Rodrigues
Chair
Committee on Governmental Oversight and Accountability

Honorable Chair Rodrigues,

I respectfully request Senate Bill Number 344 Legislative Review of Occupational License be placed on the next committee agenda.

Sincerely appreciate your support.

A handwritten signature in blue ink, appearing to read "M. Diaz", is positioned above a horizontal line.

Senator Manny Diaz, Jr.
Florida Senate, District 36

CC: Joe McVane, Staff Director
Tamra Redig, Committee Administrative Assistant
Joshua Goergen, Legislative Assistant

REPLY TO:

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

Senate's Website: www.flsenate.gov

Wilton Simpson
President of the Senate

Aaron Bean
President Pro Tempore

Error! No text of specified style in document.
Page 2

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21

Meeting Date

344

Bill Number (if applicable)

Topic Legislative Review of Occupational Licenses

Amendment Barcode (if applicable)

Name Phillip Swiderman

Job Title Policy Director

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

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)

3-17-21

Meeting Date

344

Bill Number (if applicable)

Topic Govt Accountability

Amendment Barcode (if applicable)

Name Sal Nuzzo

Job Title Vice President of Policy

Address 100 N Duval Street

Phone 850-322-9941

Street

Tallahassee

FL

32301

Email snuzzo@jamesmadison.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The James Madison 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.

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)

3/17/2021
Meeting Date

344
Bill Number (if applicable)

Topic LEGISLATIVE REVIEW OCCUPATIONS

Amendment Barcode (if applicable)

Name CHRISTIAN CANARA

Job Title

Address PO Box 122

Phone 305 608 4300

Street
City GALLAHUSSE FL 32302
State Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing INSTITUTE FOR JUSTICE

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 490

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Bracy and Stewart

SUBJECT: Juneteenth Day

DATE: March 17, 2021 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Candelaria	McVane	GO	Fav/CS
2.			AP	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 490 designates June 19, also known as “Juneteenth Day”, as a legal holiday. The bill repeals “Juneteenth Day” as a day of observance to conform to the act.

This bill takes effect July 1, 2021.

II. Present Situation:

The Emancipation Proclamation

The Civil War in the United States began in 1861, after decades of tensions between northern and southern states over slavery, states’ rights, and westward expansion. The election of Abraham Lincoln in 1860 caused 11 southern states to secede and form the Confederate States of America.¹ President Lincoln and most of the northern states, also known as the “Union,” refused to recognize the legitimacy of the succession, as they feared it would discredit democracy and fragment the country. On January 1, 1863, President Lincoln issued the Emancipation Proclamation declaring that “all persons held as slaves are, and henceforward shall be free.”² The

¹ American Battlefield Trust, *Civil War Facts*, available at <https://www.battlefields.org/learn/articles/civil-war-facts>, (last visited March 15, 2021)

² National Archives, *The Emancipation Proclamation*, available at <https://www.archives.gov/exhibits/featured-documents/emancipation->

Emancipation Proclamation was limited only to states that seceded from the United States, leaving slavery untouched in the northern states. The freedom promised under the Emancipation Proclamation was dependent upon the northern states military victory. Further, the Emancipation Proclamation established the acceptance of black men into the Union military. By the end of the war, almost 200,000 black soldiers and sailors fought for the Union military.³ The Civil War was the costliest and deadliest war ever fought on American soil, with approximately 620,000 soldiers killed. The Civil War ended in 1865, with the Confederate army surrendering to General Ulysses S. Grant and the Union army in North Carolina.

Emancipation Day in Florida

On May 10, 1865, more than two years after the President Lincoln issued the Emancipation Proclamation, Union Brigadier General Edward M. McCook arrived in Tallahassee to receive the surrender of Florida's Confederate troops. On May 20, McCook formally announced President Lincoln's Emancipation Proclamation from the steps of the Knott House, effectively ending slavery in the state.⁴ As a result, May 20 has been traditionally celebrated as Emancipation Day in Florida.

Juneteenth

On June 19 ("Juneteenth"), 1865, General Gordon Granger of the Union Army arrived in Galveston, Texas, and read General Order No. 3 announcing the end of the Civil War and that all slaves were free in accordance with President Abraham Lincoln's Emancipation Proclamation. Although the Emancipation Proclamation was issued on January 1, 1863, it had little impact in the South without Union enforcement, and many slaves were unaware of it. The first Juneteenth celebrations were used as political rallies and to teach freed African Americans about their voting rights.⁵ During the era of Jim Crow laws, Juneteenth celebrations diminished until the civil rights movement when the Poor People's March planned by Martin Luther King, Jr., was purposely scheduled to coincide with the date. The March brought Juneteenth back to the public's attention, and the holiday was essentially reborn.⁶

Legislation

Most states officially recognize Juneteenth as a day of observance, however, it is not a national holiday. In 1980, Texas became the first state to declare Juneteenth a state holiday. Since that time, forty-six other states and the District of Columbia have passed legislation recognizing it as a holiday or day of observance. In 1991, the Florida Legislature designated June 19th of each year as "Juneteenth Day" to commemorate the traditional observance of the day the slaves in Florida were notified of the Emancipation Proclamation.⁷ The following states have established

[proclamation#:~:text=President%20Abraham%20Lincoln%20issued%20the,and%20henceforward%20shall%20be%20free.%22](#), (last visited on March 15, 2021)

³ *Id.*

⁴ State Library and Archives of Florida, *Juneteenth and Emancipation Day in Florida*, <https://www.floridamemory.com/items/show/333282> (last visited March 15, 2021).

⁵ See *Juneteenth*, <https://tshaonline.org/handbook/online/articles/lkj01>, (last visited March 11, 2021).

⁶ See *12 Things You Might Not Know About Juneteenth*, <https://www.mentalfloss.com/article/501680/12-things-you-mightnot-know-about-juneteenth> (last visited March 8, 2021).

⁷ Section 683.21, F.S.

Juneteenth Day as a paid holiday for state employees: Texas,⁸ Virginia;⁹ New York;¹⁰ New Jersey;¹¹ Pennsylvania; and¹² Massachusetts.¹³

Legal Holidays

Chapter 683, F.S., establishes legal holidays and special observance days. Designation of a legal holiday under ch. 683, F.S., does not constitute such day as a paid holiday. Section 110.117 sets forth the holidays that are paid holidays to be observed by all state branches and agencies.¹⁴

Whenever any legal holiday falls on a Sunday, the following Monday shall be deemed a public holiday for all and any of the purposes aforesaid.¹⁵

Section 683.01(1), F.S., provides the legal holidays of Florida, which are also declared to be public holidays, are:

- Sunday, the first day of each week;
- New Year's Day, January 1;
- Birthday of Martin Luther King, Jr., January 15;
- Birthday of Robert E. Lee, January 19;
- Lincoln's Birthday, February 12;
- Susan B. Anthony's Birthday, February 15;
- Washington's Birthday, the third Monday in February;
- Good Friday;
- Pascua Florida Day, April 2;
- Confederate Memorial Day, April 26;
- Memorial Day, the last Monday in May;
- Birthday of Jefferson Davis, June 3;
- Flag Day, June 14;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Columbus Day and Farmer's, the second Monday in October;
- Veteran's Day, November 11;
- General Election Day;
- Thanksgiving Day, the fourth Thursday in November;

⁸ Texas Comptroller, *State of Texas Holiday Schedule*, available at <https://comptroller.texas.gov/about/holidays.php>, (last visited March 11, 2021)

⁹ Commonwealth of Virginia, *2021 Pay and Holiday Leave*, available at https://www.dhrm.virginia.gov/docs/default-source/default-document-library/payandholidaycalendar2020.pdf?sfvrsn=815b0c03_6 (last visited March 14, 2021)

¹⁰ New York Department of Civil Service, *2021 Calendar of Legal Holidays for State Employees*, available at https://www.cs.ny.gov/attendance_leave/2020_legal_holidays.cfm, (last visited March 11, 2021)

¹¹ Executive Office of the Governor, *State Holidays*, available at <https://www.state.nj.us/nj/about/facts/holidays/>, (last visited March 11, 2021)

¹² Pennsylvania Budget, *State Holidays for 2020*, available at <https://www.budget.pa.gov/Services/ForAgencies/Payroll/Documents/2020-calendar.pdf>, (last visited March 14, 2021)

¹³ Secretary of the Commonwealth of Massachusetts, *Massachusetts Legal Holidays*, available at <https://www.sec.state.ma.us/cis/cishol/holidx.htm> (last visited March 11, 2021)

¹⁴ Section 110.117(1), F.S.

¹⁵ Section 683.01(2), F.S.

- Christmas Day, December 25; and
- Shrove Tuesday, sometimes also known as “Mardi Gras”, in counties where carnival associations are organized for the purpose of celebrating the same.¹⁶

In contracts to be performed in the state, reference made to “legal holidays” is to be understood to include those holidays designated in s. 683.01 and such others as may be designated by law.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 683.01, F.S., to designate June 19, also known as “Juneteenth Day”, as a legal holiday.

Section 2 repeals s. 683.21, F.S., to remove Juneteenth Day as a day of traditional observance in order to conform to the act.

Section 3 provides the bill take effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹⁶ Section 683.01(a)-(u), F.S.

¹⁷ Section 683.02, F.S.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 683.01 of the Florida Statutes.

The bill repeals section 683.21 of the Florida Statutes.

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

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

CS by Governmental Oversight and Accountability on March 17, 2021:

The CS designates June 19, also known as “Juneteenth Day”, as a legal holiday. The CS eliminates provisions designating “Juneteenth Day” as a paid state holiday.

B. Amendments:

None.



342492

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 46 - 157.

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

And the title is amended as follows:

Delete lines 3 - 42

and insert:

683.01, F.S.; designating Juneteenth Day as a legal
holiday; repealing s. 683.21, F.S., relating to



342492

Juneteenth Day; deleting provisions designating
Juneteenth Day as a special observance, to conform to
changes made by the act; providing an effective date.

WHEREAS, on January 1, 1863, President Abraham Lincoln
issued the Emancipation Proclamation, which afforded free status
under federal law to the millions of enslaved African Americans
who resided in states that had seceded from the Union, including
Florida, and

WHEREAS, despite the issuance of the Emancipation
Proclamation, it was not fully enforced in certain regions of
the United States for more than 2 years afterwards, and

WHEREAS, on or about June 19, 1865, federal authorities
arrived in Galveston, Texas, to enforce the Emancipation
Proclamation and further inform slaves that the Civil War had
ended and that the enslaved were now free, and

WHEREAS, thereafter, former slaves and their descendants
continued to commemorate each June 19 to celebrate freedom and
the emancipation of all slaves in the United States, and

WHEREAS, emancipation in Florida was proclaimed in
Tallahassee on May 20, 1865, and for this reason Floridians
traditionally celebrate Emancipation Day on May 20 of each year,
and

WHEREAS, in 1991, the Florida Legislature officially
designated June 19 of each year as "Juneteenth Day" to
commemorate the freeing of slaves, but did not designate the day
as an official legal holiday, and

WHEREAS, this act designates Juneteenth Day as a legal
holiday in this state to commemorate the announcement of the



342492

40 abolition of slavery and to recognize the significant
41 contributions of African Americans to this state and our nation,
42 NOW, THEREFORE,

By Senator Bracy

11-00077C-21

2021490__

1 A bill to be entitled
 2 An act relating to Juneteenth Day; amending s.
 3 110.117, F.S.; designating Juneteenth Day as a paid
 4 holiday for employees of all branches and agencies of
 5 state government; amending ss. 627.062, 627.0651, and
 6 627.410, F.S.; conforming cross-references to changes
 7 made by the act; amending s. 683.01, F.S.; designating
 8 Juneteenth Day as a legal holiday; repealing s.
 9 683.21, F.S., relating to Juneteenth Day; deleting
 10 provisions designating Juneteenth Day as a special
 11 observance, to conform to changes made by the act;
 12 providing an effective date.
 13
 14 WHEREAS, on January 1, 1863, President Abraham Lincoln
 15 issued the Emancipation Proclamation, which afforded free status
 16 under federal law to the millions of enslaved African Americans
 17 who resided in states that had seceded from the Union, including
 18 Florida, and
 19 WHEREAS, despite the issuance of the Emancipation
 20 Proclamation, it was not fully enforced in certain regions of
 21 the United States for more than 2 years afterwards, and
 22 WHEREAS, on or about June 19, 1865, federal authorities
 23 arrived in Galveston, Texas, to enforce the Emancipation
 24 Proclamation and further inform slaves that the Civil War had
 25 ended and that the enslaved were now free, and
 26 WHEREAS, thereafter, former slaves and their descendants
 27 continued to commemorate each June 19 to celebrate freedom and
 28 the emancipation of all slaves in the United States, and
 29 WHEREAS, emancipation in Florida was proclaimed in

Page 1 of 6

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

11-00077C-21

2021490__

30 Tallahassee on May 20, 1865, and for this reason Floridians
 31 traditionally celebrate Emancipation Day on May 20 of each year,
 32 and
 33 WHEREAS, in 1991, the Florida Legislature officially
 34 designated June 19 of each year as "Juneteenth Day" to
 35 commemorate the freeing of slaves, but did not designate the day
 36 as an official legal holiday, and
 37 WHEREAS, this act designates Juneteenth Day as a legal
 38 holiday in this state and as a paid holiday for employees of all
 39 branches and agencies of state government to further commemorate
 40 the announcement of the abolition of slavery and to recognize
 41 the significant contributions of African Americans to this state
 42 and our nation, NOW, THEREFORE,
 43
 44 Be It Enacted by the Legislature of the State of Florida:
 45
 46 Section 1. Subsection (1) of section 110.117, Florida
 47 Statutes, is amended to read:
 48 110.117 Paid holidays.—
 49 (1) The following holidays shall be paid holidays observed
 50 by all state branches and agencies:
 51 (a) New Year's Day.
 52 (b) Birthday of Martin Luther King, Jr., third Monday in
 53 January.
 54 (c) Memorial Day.
 55 (d) Juneteenth Day, June 19.
 56 (e) Independence Day.
 57 (f) ~~(e)~~ Labor Day.
 58 (g) ~~(f)~~ Veterans' Day, November 11.

Page 2 of 6

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

11-00077C-21

2021490__

59 ~~(h)(g)~~ Thanksgiving Day.

60 ~~(i)(h)~~ Friday after Thanksgiving.

61 ~~(j)(i)~~ Christmas Day.

62
63 ~~(j)~~ If any of these holidays falls on Saturday, the preceding
64 Friday shall be observed as a holiday. If any of these holidays
65 falls on Sunday, the following Monday shall be observed as a
66 holiday.

67 Section 2. Paragraph (a) of subsection (2) of section
68 627.062, Florida Statutes, is amended to read:
69 627.062 Rate standards.—

70 (2) As to all such classes of insurance:

71 (a) Insurers or rating organizations shall establish and
72 use rates, rating schedules, or rating manuals that allow the
73 insurer a reasonable rate of return on the classes of insurance
74 written in this state. A copy of rates, rating schedules, rating
75 manuals, premium credits or discount schedules, and surcharge
76 schedules, and changes thereto, must be filed with the office
77 under one of the following procedures:

78 1. If the filing is made at least 90 days before the
79 proposed effective date and is not implemented during the
80 office's review of the filing and any proceeding and judicial
81 review, such filing is considered a "file and use" filing. In
82 such case, the office shall finalize its review by issuance of a
83 notice of intent to approve or a notice of intent to disapprove
84 within 90 days after receipt of the filing. If the 90-day period
85 ends on a weekend or a holiday under s. 110.117(1)(a)-(j) ~~s.~~
86 ~~110.117(1)(a)-(i)~~, it must be extended until the conclusion of
87 the next business day. The notice of intent to approve and the

Page 3 of 6

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

11-00077C-21

2021490__

88 notice of intent to disapprove constitute agency action for
89 purposes of the Administrative Procedure Act. Requests for
90 supporting information, requests for mathematical or mechanical
91 corrections, or notification to the insurer by the office of its
92 preliminary findings does not toll the 90-day period during any
93 such proceedings and subsequent judicial review. The rate shall
94 be deemed approved if the office does not issue a notice of
95 intent to approve or a notice of intent to disapprove within 90
96 days after receipt of the filing.

97 2. If the filing is not made in accordance with
98 subparagraph 1., such filing must be made as soon as
99 practicable, but within 30 days after the effective date, and is
100 considered a "use and file" filing. An insurer making a "use and
101 file" filing is potentially subject to an order by the office to
102 return to policyholders those portions of rates found to be
103 excessive, as provided in paragraph (h).

104 3. For all property insurance filings made or submitted
105 after January 25, 2007, but before May 1, 2012, an insurer
106 seeking a rate that is greater than the rate most recently
107 approved by the office shall make a "file and use" filing. For
108 purposes of this subparagraph, motor vehicle collision and
109 comprehensive coverages are not considered property coverages.

110
111 The provisions of this subsection do not apply to workers'
112 compensation, employer's liability insurance, and motor vehicle
113 insurance.

114 Section 3. Paragraph (a) of subsection (1) of section
115 627.0651, Florida Statutes, is amended to read:

116 627.0651 Making and use of rates for motor vehicle

Page 4 of 6

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

11-00077C-21

2021490__

insurance.—

(1) Insurers shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on motor vehicle insurance written in this state. A copy of rates, rating schedules, and rating manuals, and changes therein, shall be filed with the office under one of the following procedures:

(a) If the filing is made at least 60 days before the proposed effective date and the filing is not implemented during the office's review of the filing and any proceeding and judicial review, such filing shall be considered a "file and use" filing. In such case, the office shall initiate proceedings to disapprove the rate and so notify the insurer or shall finalize its review within 60 days after receipt of the filing. If the 60-day period ends on a weekend or a holiday under s. 110.117(1)(a)-(j) ~~s. 110.117(1)(a)-(i)~~, it must be extended until the conclusion of the next business day. Notification to the insurer by the office of its preliminary findings shall toll the 60-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the office does not issue notice to the insurer of its preliminary findings within 60 days after the filing.

Section 4. Subsection (2) of section 627.410, Florida Statutes, is amended to read:

627.410 Filing, approval of forms.—

(2) Every such filing must be made at least 30 days in advance of any such use or delivery. At the expiration of the 30 days, the form filed will be deemed approved unless prior thereto it has been affirmatively approved or disapproved by

11-00077C-21

2021490__

order of the office. The approval of such form by the office constitutes a waiver of any unexpired portion of such waiting period. The office may extend the period within which it may affirmatively approve or disapprove such form by up to 15 days by giving notice of such extension before expiration of the initial 30-day period. If the initial 30-day period or the 15-day extension period ends on a weekend or a holiday under s. 110.117(1)(a)-(j) ~~s. 110.117(1)(a)-(i)~~, the review period must be extended until the conclusion of the next business day. At the expiration of such extended period, and in the absence of prior affirmative approval or disapproval, such form shall be deemed approved.

Section 5. Present paragraphs (n) through (u) of subsection (1) of section 683.01, Florida Statutes, are redesignated as paragraphs (o) through (v), respectively, and a new paragraph (n) is added to that subsection, to read:

683.01 Legal holidays.—

(1) The legal holidays, which are also public holidays, are the following:

(n) Juneteenth Day, June 19.

Section 6. Section 683.21, Florida Statutes, is repealed.

Section 7. This act shall take effect July 1, 2021.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Ethics and Elections
Rules
Transportation

SELECT COMMITTEE:

Select Committee on Pandemic
Preparedness and Response, *Vice Chair*

SENATOR RANDOLPH BRACY

11th District

February 9, 2021

The Honorable Ray Wesley Rodrigues
Chairman, Committee on Governmental Oversight & Accountability
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Rodrigues:

I write to respectfully request that the following bill be placed on the agenda of the Senate Governmental Oversight & Accountability Committee.

- SB 490, Juneteenth Day: As the language currently stands, the bill designates Juneteenth (*June 19*) as a paid holiday for employees of all branches and agencies of state government. Juneteenth commemorates the traditional observance of the end of slavery in the United States when news of the Emancipation Proclamation reached African Americans living in Galveston, Texas on June 19, 1865.

Your consideration of this agenda request is greatly appreciated. Please do not hesitate to let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randolph Bracy".

Senator Randolph Bracy
District 11

cc: Joe McVane, Staff Director
Tamra Redig, Committee Administrative Assistant

REPLY TO:

☐ 6965 Piazza Grande Avenue, Suite 211, Orlando, Florida 32835 (407) 297-2045 FAX: (888) 263-3814
☐ 213 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

490

Bill Number (if applicable)

Topic Juneteenth Day

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Job Title

Address 104 South Monroe Street

Phone 850-425-1344

Street

Tallahassee

FL

32301

Email TcgLobby@aol.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing NAACP Florida State Conference

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17, 2021

Meeting Date

SB490

Bill Number (if applicable)

Topic Emancipation Holiday

Amendment Barcode (if applicable)

Name Althemese Barnes

Job Title ED, Florida African American Museum Network

Address 419 East Jefferson Street

Street

Tallahassee

City

Florida

State

32301

Zip

Phone (850) 766. 4266

Email abarnes 2619@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida African American Museum Network (30 statewide museums)

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE
APPEARANCE RECORD

March 17, 2021

Meeting Date

SB490

Bill Number (if applicable)

Topic Speaking about SB490

Amendment Barcode (if applicable)

Name Seber Newsome III

Job Title Retired

Address 86110 Fieldstone Drive

Phone 9042255591

Street
Yulee

Florida

32097

Email seberiii@comcast.net

City

State

Zip

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE
APPEARANCE RECORD

3-17-21

Meeting Date

490

Bill Number (if applicable)

Topic Juneteenth

Amendment Barcode (if applicable)

Name Robert Holladay

Job Title Professor of History, Tallahassee Comm. College

Address 3362 Foley Drive

Phone (850)212-7730

Street

Tallahassee

FL

32309

City

State

Zip

Email wingbiddlebaumjr@

gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Tallahassee Historical Society

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17, 2021

Meeting Date

SB490

Bill Number (if applicable)

Topic Florida Emancipation Holiday

Amendment Barcode (if applicable)

Name Sergeant Major Jarvis V. Rosier Sr. US Army Retired

Job Title Civil War Heritage Coordinator/ USCT Education Director

Address 419 East Jeferson Street

Phone 850-509-0295

Street

Tallahassee

Florida

32301

Email jrosier2@yahoo.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing 2nd Infantry Regiment United States Colored Troops (USCT) Living History Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17, 2021

Meeting Date

SB-490

Bill Number (if applicable)

Topic Emancipation Celebration Florida

Amendment Barcode (if applicable)

Name Hunter M. Hill Jr.

Job Title Retired

Address 2215 Potts Road

Phone 850-294-6113

Street

Tallahassee, FL. 32308

City

State

Zip

Email huntermhilljr@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

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

THE FLORIDA SENATE
APPEARANCE RECORD

3.17.2021

Meeting Date

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

SB 490

Bill Number (if applicable)

Topic

Emancipation

Amendment Barcode (if applicable)

Name

Dr. Sandra Thompson

Job Title

FAMU Coop Extension Educator

Address

8974 Nazareth Ave

Phone 850-933-8510

Street

Tallahassee

FL

32309

Email SandraThompson@gmail.com

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

African American ^{Florida} Ancestors

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)

3/17/2021

Meeting Date

518490

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JOHN R. NELSON, SR.

Job Title Retired

Address 495 Melrose Drive

Phone (850) 241-2745

Street

Marietta

City

FL

State

32344

Zip

Email nelsonsrjohn@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself & VFW

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17, 2021

Meeting Date

490
Bill Number (if applicable)

Topic FL Senate Bill #490

Amendment Barcode (if applicable)

Name Gloria Jefferson Anderson

Job Title Independent Researcher, Historian

Address 3575 Easter Stanley Rd.

Phone 850.459.7887

Street

Tallahassee, FL

32308

City

State

Zip

Email gjaanderson@comcast.net

Speaking: ☐ For ☒ Against ☐ Information

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

Representing 20th of May Celebration - Leon County

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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

SB 490

Bill Number (if applicable)

Topic Emancipation Celebration in Florida

Amendment Barcode (if applicable)

Name Lonnie Mann

Job Title retired

Address 1120 E, Windwood Way

Phone _____

Street

Tallahassee, FL 32311

Email _____

City

State

Zip

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

3/17/2021
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

490
Bill Number (if applicable)

Topic EMANCIPATION BRACY SENATE BILL

Amendment Barcode (if applicable)

Name KATHLEEN SPENAR

Job Title EXECUTIVE DIRECTOR - COUNCIL ON CULTURED ARTS

Address 816 S. ML KING JR BLVD Phone 850-224-2500
Street

TALLAHASSEE FL 32301
City State Zip

Email kathleen@tallahasseearts.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.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 506

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Garcia

SUBJECT: Transparency in Government Spending

DATE: March 17, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Candelaria	McVane	GO	Fav/CS
2.			AP	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 506 requires a nongovernmental entity that receives at least 50 percent of its annual revenue from state funds or that receives \$750,000 or more from state funds in a fiscal year to submit a report to the Department of Management Services (DMS) by January 15 of each year that includes the name, position, and total annual compensation of, including bonuses, exit bonuses, accrued paid time off, severance payments, and incentive payments paid to, each director, board member, chief executive officer, chief financial officer, chief operating officer, or other person performing equivalent functions. The report must be verified by a director, board member, chief executive officer, chief financial officer, or chief operating officer of the nongovernmental entity.

The bill provides definitions for the terms “nongovernmental entity” and “state funds.”

The bill requires the DMS to include on its Florida Has a Right to Know website the information reported by the nongovernmental entities beginning February 1, 2022, and annually thereafter.

The bill requires a nongovernmental entity to post the reported information on its own website, if the nongovernmental entity maintains a website.

The bill provides that, before receiving funds from a governmental entity, a nongovernmental entity that received state funds in the previous year must submit to the governmental entity an attestation verifying that the nongovernmental entity has submitted the required report. A

nongovernmental entity that did *not* receive state funds in the previous year must submit, before receiving funds from a governmental entity, to the governmental entity an attestation verifying that the nongovernmental entity did not receive funding in the previous year.

The bill establishes that, beginning January 15, 2022, a governmental entity may not expend, transfer, or distribute funds to a nongovernmental entity until the nongovernmental entity has complied with the reporting and posting requirements. This prohibition is applicable to payments associated with contracts executed, amended, extended, or renewed on or after July 1, 2021, and any transfers or distributions authorized on or after July 1, 2021.

The bill takes effect July 1, 2021.

II. Present Situation:

Transparency Florida Act

Section 215.985, F.S., is referred to as the Transparency Government Act (the Act). The Act mandates the Executive Office of the Governor, in consultation with the appropriations committees of the Senate and the House of Representatives, to establish and maintain a single website that provides access to all other websites required under s. 215.985, F.S. The single website, and other websites must:

- Be constructed for usability and provide an intuitive user experience;
- Provide a consistent visual design, interaction or navigation design and information or data presentation;
- Be deployed in compliance with the Americans with Disabilities Act; and
- Be compatible with all major web browsers.

The outcome of this requirement has been the single webpage known as “Transparency Florida,”¹ an initiative to ensure accountability in how the state spends its money. The Transparency Florida website allows for Florida citizens to view state budgets, payments, and contracts in order to hold state government accountable. The website provides links to:

- State Financials (Budget, Spending and related information);
- State Payments;
- Florida State Contract Search (FACTS);
- State Contract Audits;
- State Economic Incentives Program;
- Quasi Government Spending;
- Estimated state taxes paid based on income;
- State Financial Reports;
- Local Government Financial Reporting; and
- State Employee Data (Florida Has a Right to Know).

¹ Department of Financial Services, *Transparency Florida*, available at <https://www.myfloridacfo.com/Transparency/> (last visited, February 25, 2021).

Florida Fiscal Portal

Section 215.985(5), F.S., requires the Executive Office of the Governor to establish and maintain a website that provides information relating to fiscal planning for the state.² This website is known as the “Florida Fiscal Portal” and houses a collection of documents that detail the fiscal status of the state. The website includes agency legislative budget requests, the long-range financial outlook, Governor’s budget recommendation, and other fiscal publications.³ The Office of Policy and Budget in the Executive Office of the Governor ensures all data added to the website remains accessible to the public for 10 years.

Florida Has a Right to Know Website

The DMS is required to maintain a website that provides current information regarding each employee of a state agency, state university, or the State Board of Administration, regardless of the appropriation category.⁴ This website, known as the “Florida Has a Right to Know,” provides current information relating to each employee or officer including the:

- Name;
- Salary or hourly rate of pay;
- Position number, class code, and class title; and
- Employing agency and budget entity.⁵

The information must be searchable by state agency, state university, Florida College System Institution, and the State Board Administration, and by employee name, salary range, or class code, and must be downloadable in a format that allows offline analysis.⁶

Florida Accountability Contract Tracking System

The Chief Financial Officer is required to establish and maintain a secure contract tracking system available for viewing and downloading by the public through a secure website.⁷ The Department of Financial Services (DFS) maintains and updates the contract tracking system. The tracking system contains contracts, grant awards, and amendments to contracts.

Within 30 days after executing a contract, each state entity is required to post the following information relating to the contract on the contract tracking system:

- The names of the contracting entities;
- The procurement method;
- The contract beginning and ending dates;
- The nature or type of commodities or services purchased;
- Applicable contract unit prices and deliverables;
- Total compensation to be paid or received under the contract;
- All payments made to the contractor to date;
- Applicable contract performance measures;

² Section 215.985(5), F.S.

³ Florida Fiscal Portal, available at <http://floridafiscalportal.state.fl.us/Home.aspx>, (last visited February 25, 2021)

⁴ Section 215.985(6), F.S.

⁵ Paragraph 215.985(6)(a), F.S.

⁶ Section 215.985(6)(b), F.S.

⁷ Section 215.985(14)

- If a competitive solicitation was not used to procure the goods and services, the justification of the action, including citation to a statutory exemption from competitive solicitation if any;⁸ and
- Electronic copies of the contract and procurement documents that have been redacted to exclude confidential information or exempt information.

Within 30 calendar days after an amendment to an existing contract, the state entity that is a party to the contract must update the information on the contract tracking system.

Records made available on the contract tracking system may not reveal information made confidential or exempt by law. Each state entity that is a party to a contract must redact confidential and exempt information from the contract and procurement documents before posting an electronic copy on the contract tracking system.⁹ A request to redact confidential and exempt information must be made in writing and delivered by mail, facsimile, electronic transmission, or in person to the state entity. The CFO, and the DFS, or an employee thereof, is not responsible for redacting confidential or exempt information contained on the system or the failure of a state entity to redact the confidential or exempt information. The CFO may regulate and prohibit the posting of records that could facilitate identity theft or fraud. Such action by the CFO does not supersede the duty of a public entity to provide a copy of a public record upon request.¹⁰

Verification of Documents

Section 92.525, F.S., instructs that the requirement that a document be verified means that the document must be signed or executed by a person and that the person must state under oath (affirmation) that the facts or matters stated or recited in the document are true or other words to that effect. A document may be verified in three ways:

- Under oath or affirmation taken or administered before an officer authorized under s. 92.50, F.S., to administer oaths;
- Under oath or affirmation taken or administered by an officer authorized under s. 117.10, F.S., to administer oaths; or
- By the signing of the written declaration prescribed in s. 92.525(2), F.S.^{11,12}

III. Effect of Proposed Changes:

Section 1 amends s. 215.985, F.S., to expand transparency in government spending.

The term “nongovernmental entity” is defined as a nonprofit corporation.

⁸ Section 215.985(14)(a)

⁹ Section 215.985(14)(d), F.S.

¹⁰ Section 215.985(14)(f), F.S.

¹¹ Section 92.525(2), F.S., provides that a written declaration means the following statement: “Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true,” followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words “to the best of my knowledge and belief” may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

¹² Section 92.525(1), F.S.

The term “State funds” is defined to mean:

Funds paid from the General Revenue Fund or any state trust fund, funds allocated by the Federal Government and distributed by the state, or funds appropriated by the state for distribution through any grant program.

This section requires nongovernmental entities that receive at least 50 percent of its annual revenue, calculated using the nongovernmental entity’s fiscal year, from state funds or that receives \$750,000 or more from state funds in a fiscal year to submit a report to the DMS by January 15 of each year that includes the name, position, and total annual compensation of, including bonuses, exit bonuses, accrued paid time off, severance payments, and incentive payments paid to, each director, board member, chief executive officer, chief financial officer, chief operating officer, or other person performing equivalent functions of the nongovernmental entity. The report must be verified as provided in s. 92.525, F.S., by a director, board member, chief executive officer, chief financial officer, or chief operating officer of the nongovernmental entity.

Beginning February 1, 2022, and each February 1 thereafter, the DMS must include on its Florida Has a Right to Know website the name, position, and total annual compensation of, including bonuses, exit bonuses, accrued paid time off, severance payments, and incentive payments paid to, each director, board member, chief executive officer, chief financial officer, chief operating officer, or other person performing equivalent functions of the nongovernmental entity.

If the entity maintains its own website, the nongovernmental entity must post the same information on its own website.

This section provides that before receiving funds from a governmental entity, a nongovernmental entity that:

- Received state funds accounting for at least 50 percent of its annual revenue or \$750,000 or more, must submit to the governmental entity an attestation verified as provided in s. 92.525, F.S., that the nongovernmental entity has submitted the report required to submit to the DMS.
- Did not receive funding accounting for at least 50 percent of its annual revenue or \$750,000 or more, must submit to the governmental entity an attestation verified as provided in s. 92.525, F.S., that the nongovernmental entity did not receive funding in the previous year.

Beginning January 15, 2022, a governmental entity may not expend, transfer, or distribute funds to a nongovernmental entity until the nongovernmental entity has complied with the requirements of the bill. This prohibition is applicable to payments associated with contracts executed, amended, extended, or renewed on or after July 1, 2021, and any transfers or distributions authorized on or after July 1, 2021.

Section 2 provides that the bill take effect July 1, 2021.

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

Not applicable. The bill does not require counties or municipalities to take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

A nonprofit corporation may experience costs associated with complying with the reporting requirement and including the reported information on its own website, if it maintains one. Further, nongovernmental entities will incur additional workload and costs associated with verifying the attestation being submitted to the affiliated governmental entity.

C. Government Sector Impact:

The DMS is expected to experience additional workload and associated costs resulting from the processing and posting of the data provided by nongovernmental entities.

The bill prohibits governmental entities from expending, transferring, or distributing funds to a nongovernmental entity that is in noncompliance with the requirements of the bill. Governmental entities will experience increased workload and associated costs relating to the determination or confirmation of a nongovernmental entity's compliance before expending, transferring, or distributing funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill as currently drafted does not appear to provide for adequate procedural due process. Noncompliant nongovernmental entities are not provided notice or an opportunity to be heard prior to the suspension of funding.

VIII. Statutes Affected:

This bill substantially amends s. 215.985 of the Florida Statutes.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on March 17, 2021:

The CS:

- Provides a definition for “nongovernmental entity” and “state funds.”
- Requires a nonprofit corporation that receives at least 50 percent of its annual revenue from state funds or that receives \$750,000 or more from state funds in a fiscal year to submit to the Department of Management Services a report providing compensation information of the nongovernmental entities executives.
- Requires the Department of Management of Services to include on the Florida Has a Right to Know website the information provided by the nongovernmental entity.
- Requires nongovernmental entities, before they receive funds from a governmental entity, to submit to the governmental entity an attestation verifying whether or not the nongovernmental entity submitted the required report if they received funding the previous year.
- Requires nongovernmental entities, before they receive funds from a governmental entity, that did not receive funding in the previous year to submit to the governmental entity an attestation verifying that the nongovernmental entity did not receive funding in the previous year.
- Prohibits governmental entities from expending, transferring, or distributing funds to a nongovernmental entity until the nongovernmental entity had complied with the reporting requirements.
- Establishes that the provisions of the bill are applicable to payments associated with contracts executed, amended, extended, or renewed on or after July 1, 2021.

B. Amendments:

None.



697316

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (2) and (6) of section 215.985,
Florida Statutes, are amended to read:

215.985 Transparency in government spending.—

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

(a) "Committee" means the Legislative Auditing Committee.

(b) "Contract" means a written agreement or purchase order



697316

issued for the purchase of goods or services or a written agreement for the receipt of state or federal financial assistance.

(c) "Governmental entity" means a state, regional, county, municipal, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to, a department, division, bureau, commission, authority, district, or agency thereof, or public school, Florida College System institution, state university, or associated board.

(d) "Nongovernmental entity" means a nonprofit corporation.

(e) ~~(d)~~ "Website" means a site on the Internet which is easily accessible to the public at no cost and does not require the user to provide information.

(f) "State funds" means funds paid from the General Revenue Fund or any state trust fund, funds allocated by the Federal Government and distributed by the state, or funds appropriated by the state for distribution through any grant program.

(6) (a) The Department of Management Services shall establish and maintain a website that provides current information relating to each employee or officer of a state agency, a state university, a Florida College System institution, or the State Board of Administration, regardless of the appropriation category from which the person is paid.

1. ~~(a)~~ For each employee or officer, the information must include, at a minimum, his or her:

a. ~~1.~~ Name and salary or hourly rate of pay.

b. ~~2.~~ Position number, class code, and class title.

c. ~~3.~~ Employing agency and budget entity.



697316

40 2. ~~(b)~~ The information must be searchable by state agency,
41 state university, Florida College System institution, and the
42 State Board of Administration, and by employee name, salary
43 range, or class code and must be downloadable in a format that
44 allows offline analysis.

45 (b)1. A nongovernmental entity that receives at least 50
46 percent of its annual revenue, calculated using the
47 nongovernmental entity's fiscal year, from state funds or that
48 receives \$750,000 in state funds in a fiscal year, must submit
49 to the Department of Management Services by January 15 of each
50 year a report that includes the name, position, and total annual
51 compensation of, including bonuses, exit bonuses, accrued paid
52 time off, severance payments, and incentive payments paid to,
53 each director, board member, chief executive officer, chief
54 financial officer, chief operating officer, or other person
55 performing equivalent functions. The report must be verified as
56 provided in s. 92.525 by a director, board member, chief
57 executive officer, chief financial officer, or chief operating
58 officer of the entity.

59 2. Beginning February 1, 2022, and each February 1
60 thereafter, the Department of Management Services shall include
61 the information reported in subparagraph 1. on the website
62 established under paragraph (a).

63 3. A nongovernmental entity required to submit a report
64 under subparagraph 1. must post the reported information on its
65 website if the entity maintains a website.

66 4. Before receiving funds from a governmental entity, a
67 nongovernmental entity that:

68 a. Received funding subject to this paragraph in the



697316

previous year must submit to the governmental entity an
attestation verified as provided in s. 92.525, that the
nongovernmental entity has submitted the report required in
subparagraph 1.

b. Did not receive funding subject to this paragraph in the
previous year must submit to the governmental entity an
attestation verified as provided in s. 92.525, that the
nongovernmental entity has not received funding in the previous
year.

5.a. Beginning January 15, 2022, a governmental entity may
not expend, transfer, or distribute funds to a nongovernmental
entity until the nongovernmental entity has complied with the
requirements of this paragraph.

b. This subparagraph is applicable to payments associated
with contracts executed, amended, extended, or renewed on or
after July 1, 2021, and any transfers or distributions
authorized on or after July 1, 2021.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to transparency in government
spending; amending s. 215.985, F.S.; defining the term
"nongovernmental entity"; requiring nongovernmental
entities that have received specified revenues from
the state to provide a report to the Department of



697316

98 Management Services; requiring the report to be
99 verified; requiring the department to post the report
100 information received on its website; requiring the
101 nongovernmental entity to post the report information
102 on its website; requiring certain entities to verify
103 submission of the report before receiving government
104 funds; providing an effective date.

By Senator Garcia

37-00729B-21

2021506__

1 A bill to be entitled
 2 An act relating to transparency in government
 3 spending; amending s. 215.985, F.S.; requiring that a
 4 website maintained by the Department of Management
 5 Services include specified data on salary and benefits
 6 of executives, managerial personnel, and board members
 7 of certain organizations or entities receiving state
 8 funds, by a specified date; requiring such
 9 organizations and entities to provide salary and
 10 benefit data to the department on an annual basis;
 11 requiring any such organization or entity to post
 12 salary and benefit data on the organization's or
 13 entity's own website; providing for the withholding of
 14 funds for noncompliance; providing an effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Subsection (6) of section 215.985, Florida
 19 Statutes, is amended to read:
 20 215.985 Transparency in government spending.—
 21 (6)(a) The Department of Management Services shall
 22 establish and maintain a website that provides current
 23 information relating to each employee or officer of a state
 24 agency, a state university, a Florida College System
 25 institution, or the State Board of Administration, regardless of
 26 the appropriation category from which the person is paid.
 27 1.(a) For each employee or officer, the information must
 28 include, at a minimum, his or her:
 29 a.1- Name and salary or hourly rate of pay.

Page 1 of 2

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

37-00729B-21

2021506__

30 b.2- Position number, class code, and class title.
 31 c.3- Employing agency and budget entity.
 32 2.(b) The information must be searchable by state agency,
 33 state university, Florida College System institution, and the
 34 State Board of Administration, and by employee name, salary
 35 range, or class code and must be downloadable in a format that
 36 allows offline analysis.
 37 (b)1. By February 1, 2022, the website established pursuant
 38 to paragraph (a) must also include the name, total annual
 39 compensation, and monetary and nonmonetary benefits of all
 40 executives, managerial personnel, and board members of any
 41 organization or other public or private entity that receives
 42 funding in the annual aggregate of \$50,000 or more from the
 43 state, including, but not limited to, funds from the General
 44 Revenue Fund, funds from any state trust fund, any funds
 45 allocated by the Federal Government and distributed by the
 46 state, or funds granted through a grant program. Beginning in
 47 calendar year 2021, any such organization or entity must provide
 48 such data to the department by December 31 of the calendar year
 49 in which the funds are received by the organization or entity.
 50 2. Any organization or entity providing salary and benefit
 51 data to the department pursuant to subparagraph 1. must also
 52 post the organization's or entity's data on its own website.
 53 3. Any organization or entity that fails to comply with the
 54 requirements of this paragraph may not receive any additional
 55 funding from the state until compliance is met.
 56 Section 2. This act shall take effect July 1, 2021.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: February 2, 2021

I respectfully request that **Senate Bill #506**, relating to Transparency in Government Spending, be placed on the:

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

A handwritten signature in black ink, appearing to read "Heana Garcia", is written over a horizontal line.

Senator Heana Garcia
Florida Senate, District 37

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 622

INTRODUCER: Judiciary Committee and Senator Perry

SUBJECT: Liens and Bonds

DATE: March 16, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cibula	Cibula	JU	Fav/CS
2. Ponder	McVane	GO	Favorable
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 622 revises several provisions of the Construction Lien Law, which is codified in part I of chapter 713, F.S. The most significant of these changes are summarized below.

The Construction Lien Law provides several statutory forms for use by parties to a construction contract to waive or release their rights to record a lien or make a claim against a payment bond in exchange for payment for their work. The bill provides that provisions included in a waiver or release that are not related to the provisions of the statutory forms are unenforceable.

If a person or subcontractor is not paid for work on a construction project, the construction lien laws allow the person to record a lien against the improved property. If multiple contracts are involved, then multiple liens must be recorded. The bill under these circumstances allows a person or subcontractor to record a single consolidated lien for amounts owed under multiple contracts for the same construction project.

A notice of commencement form is a form prescribed by the construction lien laws. The form identifies those responsible for a construction project. The bill revises the form to identify more clearly the owner or lessee who is responsible for a construction project.

The bill also revises procedures relating to notices of termination, another statutory form used in connection with the Construction Lien Law. The changes will provide more time for a person to serve a notice to owner or a notice to contractor to preserve rights to record a lien or pursue a

claim against a payment bond. Currently, a person who begins work on a construction project in the 15 days before a notice of termination is recorded may have the time reduced for serving the documents without notice.

No fiscal impact is expected on state and local governments.

The bill takes effect July 1, 2021.

II. Present Situation:

In a construction project, the owner of the property to be improved has an interest in ensuring that the contractor performs the construction work in the time and manner described in the construction contract. Contractors and subcontractors, sub-subcontractors, laborers, and materialmen have an interest in receiving payment for their work. Those individuals have a lien or prospective lien on the property improved and are known as lienors. Mechanisms that address these interests of property owners and lienors are set forth in the Construction Lien Law, codified in part I of chapter 713, F.S., for private construction contracts, s. 255.05, F.S., for public construction contracts, and s. 337.18, F.S., for construction or maintenance contracts with the Department of Transportation.

These mechanisms ensure payment and are especially important where many lienors who are not in privity with the owner perform work on a construction project. A lienor not in privity with the owner has a contract with the contractor or a subcontractor, but no direct contractual relationship with the owner. As a result, a lienor's identity, work, and charges for services might be unknown to the owner or contractor unless the lienor complies with the notice requirements of the construction lien laws. Additionally, compliance with the notice requirements by the various deadlines is a prerequisite to enforcing a lien or pursuing a claim against a payment bond.

A property owner who contracts for the construction of an improvement must carefully follow the requirements of the Construction Lien Law or the owner may become liable for a contractor's failure to pay subcontractors and others.

Building Permit Warning to Owner

When a property owner obtains a building permit for an improvement, the permit includes a large, capitalized, boldface warning about the Construction Lien Law and how a person's failure to comply with the law may result in the person paying twice for the same improvement. The warning states:

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN

FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT¹

A person may pay twice for an improvement if a payment is an “improper payment.” The distinction between a proper and an improper payment may be described as follows:

If an owner fulfills all the duties the [Construction] Lien Law places upon him, his liability for all mechanics’ lien claims cannot exceed the contract price. However, if the owner makes improper payments, then he has failed to comply with the [Construction] Lien Law, and his liability for mechanics’ lien claims may exceed the contract price.²

Notice of Commencement

Construction work generally begins once a “notice of commencement” is posted on the job site and recorded in the court clerk’s office.³ This notice identifies who owns the property to be improved or who is responsible for the construction project. Accordingly, the notice of commencement will list the name and address of the owner of the property, the fee simple titleholder if different from the owner, the contractor, any lessees, the lender, and the surety.⁴ Lienors use the contact information in the notice of commencement to keep the property owner or lessee informed of their identity, work on the construction project, and need to be paid.

A notice of commencement generally has a duration of 1 year after it is recorded.⁵ Any construction liens recorded while the notice of commencement is in effect generally attach and take effect on the date that notice of commencement is recorded.⁶ Additionally, a payment made by the owner after the notice of commencement expires is considered an improper payment.^{7,8}

Notice to Owner/Notice to Contractor

After a notice of commencement is posted and recorded, lienors must serve the property owner and the contractor with a notice to owner or notice to contractor.⁹ Serving these documents within the statutory timeframes is a prerequisite to enforcing a lien on the improved property or a claim against a payment bond.¹⁰

¹ Section 713.135(1)(a), F.S.

² *Tamarac Village, Inc., v. Bates & Daly Co.*, 348 So. 2d 23, 24 (Fla. 4th DCA 1977) (citations omitted).

³ Section 713.13(1)(a), F.S.

⁴ Section 713.13(1)(a) and (d), F.S.

⁵ Section 713.13(1)(c), F.S.

⁶ Section 713.07(2), F.S.

⁷ Section 713.13(1)(c), F.S.

⁸ In *Tamarac Village, Inc., v. Bates & Daly Co.*, 348 So. 2d 23, 24 (Fla. 4th DCA 1977), the appellate court held that a payment made by the property owner to a contractor is an improper payment if the payment is made before the notice of commencement is recorded. The decision was based on s. 713.06(3)(a), F.S. (1973), which stated, “The owner shall not pay any money on account of a direct contract prior to recording of the notice provided in §713.13, and any amount so paid shall be held improperly paid.” For reasons unknown, the provision has since been repealed.

⁹ Sections 255.05(2)(a)2., 337.18(1)(c), 713.06(2), and 713.23(1)(c), F.S.

¹⁰ *Id.*

A notice to owner informs the owner of a lienor's identity and work performed.¹¹ Upon receipt of the notice, the owner becomes responsible for ensuring that the lienor is paid for its work even if the contractor is paid in full. To protect against a lien by the lienor or having to pay twice for the same work, the notice warns:

TO AVOID A LIEN AND PAYING TWICE, YOU MUST OBTAIN A WRITTEN
RELEASE FROM US EVERY TIME YOU PAY YOUR CONTRACTOR.¹²

A notice to contractor is similar to a notice to owner, but it is required when the contractor furnishes a payment bond that exempts the owner's property from liens or when the contract is for a public improvement.¹³ A notice to contractor advises the contractor of the identity of the lienor and the lienor's work, and informs the contractor that the lienor intends to look to the contractor's bond if the lienor is not paid.

Notice of Nonpayment

A notice to owner or a notice to contractor makes an owner aware of the lienor's identity to ensure that the lienor is paid for its work. If a lienor is not paid immediately upon commencing to furnish labor, services, or materials on a construction project, however, the lienor may serve a notice of nonpayment on the property owner or, for contracts having a payment and performance bond, on the contractor and surety.¹⁴ A notice of nonpayment "must be under oath and served during the progress of the work or thereafter, but may not be served later than 90 days after the final furnishing of labor, services, or materials by the lienor."¹⁵

Final Furnishing of Labor, Services, and Materials and Lien Law Deadlines

The last date that a lienor furnishes labor, services, or materials is known as the "final furnishing."¹⁶ This date is used to establish the deadline by which a lienor must record a claim of lien or the deadline for the service of a notice to contractor. "[A] claim of lien may be recorded at any time during the progress of the work or thereafter but not later than 90 days after the final furnishing of the labor or services or materials by the lienor."¹⁷

Waiver and Release of Lien/Waiver of Claim Against Payment Bond

The Construction Lien Law requires lienors to use forms that "substantially" follow a statutory form when executing a waiver or release of lien or a waiver of a right to make a claim against a payment bond in exchange for payments.¹⁸ The forms to waive or release a lien are shown below, but forms for payment bonds are essentially identical:

¹¹ Section 713.06(2)(c), F.S.

¹² Section 713.06(2)(c), F.S.

¹³ Sections 713.23(1)(a), 337.18(1)(c), and 255.05(2)(a)2., F.S.

¹⁴ Sections 713.23(1)(d), 255.05(2)(a), and 337.18(1)(c), F.S.

¹⁵ Section 713.23(1)(d), F.S. With respect to notices of nonpayment for public construction projects and construction maintenance projects, ss. 255.05(2)(a)2. and 337.18(2)(c), F.S., provide the same deadline.

¹⁶ Section 713.01(12), F.S.

¹⁷ Section 713.08(5), F.S.

¹⁸ Sections 713.20(4) and (5) and 713.235(1) and (2), F.S.

WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT

The undersigned lienor, in consideration of the sum of \$____, hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished through (insert date) to (insert the name of your customer) on the job of (insert the name of the owner) to the following property:

(description of property)

This waiver and release does not cover any retention or labor, services, or materials furnished after the date specified.

DATED on ____, (year). (Lienor)

By: _____

WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of \$_____, hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to (insert the name of your customer) on the job of (insert the name of the owner) to the following described property:

(description of property)

DATED on ____, (year). (Lienor)

By: _____

Although the Construction Lien Law requires waivers and releases of liens to be executed on forms that substantially follow the statutory forms, the law also provides that noncompliant forms are enforceable. Specifically, the law states that “[a] lien waiver or lien release that is not substantially similar to the forms [above] is enforceable in accordance with the terms of the lien waiver or lien release.”¹⁹

¹⁹ Section 713.20(8), F.S. Section 713.235(5), F.S., relating to waivers of claims against payment bonds, is effectively identical: “A waiver that is not substantially similar to the forms in this section is enforceable in accordance with its terms.”

Priority of Liens

Once a lienor satisfies all the statutory prerequisites and remains unpaid, the lienor may record a lien on the improved property, which is a prerequisite to foreclosing on the property. Normally, the priority of liens, which establishes the order in which claims are paid from the proceeds of a foreclosure sale, is determined by the order in which the liens are recorded.²⁰ Under the Construction Lien Law, however, all construction liens are treated as if they were recorded on the date that the notice of commencement was recorded.²¹

Once recorded, the priority of a construction lien in relation to other types of liens or mortgages is set forth in s. 713.07(3), F.S., which states:

All [construction] liens shall have priority over any conveyance, encumbrance or demand not recorded against the real property prior to the time such lien attached as provided herein, but any conveyance, encumbrance or demand recorded prior to the time such lien attaches and any proceeds thereof, regardless of when disbursed, shall have priority over such liens.²²

As a result, a construction lien will generally take priority over other liens or mortgages recorded after the recording of the notice of commencement, and a construction lien is inferior to other liens or mortgages recorded before the recording of the notice of commencement.

Serving Notices

The proper functioning of the Construction Lien Law is substantially based on the delivery and receipt of notices among property owners, lienors, contractors, and sureties. With respect to public construction contracts, the law provides that a lienor, as a prerequisite to making a claim against a payment bond, must “serve a written notice of nonpayment on the contractor and on the surety.”²³ Thus, the law appears to require a claimant to serve two original documents when providing a notice of nonpayment.

When instruments including notices are served, the Construction Lien Law allows service to be accomplished through by “actual delivery to the person to be served” and by “common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery.”²⁴ The law further provides that service of an instrument is generally effective on the “date of mailing.”²⁵ Because the law allows an instrument to be shipped or mailed, the law may imply that a different effective date applies if an instrument is delivered by a delivery service other than U.S. mail.

²⁰ The rule “governing priority of lien interests is ‘first in time is first in right.’” *Holly Lake Ass’n v. Fed. Nat’l Mortg. Ass’n*, 660 So. 2d 266, 268 (Fla.1995) (citing *Walter E. Heller & Co. Southeast, Inc. v. Williams*, 450 So. 2d 521, 532 (Fla. 3d DCA 1984), *review denied*, 462 So. 2d 1108 (Fla.1985)).

²¹ Section 713.07(2), F.S. Similar provisions exist with respect to public contracting in s. 255.05(5)(d) and (f), F.S.

²² Section 713.07(3), F.S.

²³ Sections 255.05(2)(a)2., F.S. Section 713.23(1)(d), F.S., with respect to private construction projects, contains almost identical language.

²⁴ Section 713.18(2)(a)(b), F.S.

²⁵ Section 713.13(3)(a), F.S.

Notices of Termination

An owner may terminate the effectiveness of a notice of commencement by recording a notice of termination.²⁶ In other words, by recording a notice of termination, a property owner can prevent the improved property from being subject to liens from unknown lienors. The property owner may record the notice of termination after all lienors who have served a notice to owner have been served with the notice of termination and after all lienors have been paid in full or paid their pro rata portion of the contractor's direct contract with the owner.²⁷

The notice of termination may be effective as early as 30 days after it is recorded.²⁸ However, a lienor has 45 days after commencing to furnish labor, services, or materials to serve a notice to owner, which is a prerequisite to recording a lien on the improved property.²⁹ As a result, lienors who begin work within 15 days before a notice of termination is recorded may have their lien rights cutoff before the time period to serve a notice to owner expires.

III. Effect of Proposed Changes:

This bill revises several provisions of the Construction Lien Law, which is codified in part I of chapter 713, F.S., as detailed below.

Form Waivers and Releases (Sections 1, 9, & 12)

Existing law provides forms for a lienor to use to waive and release a lien or to waive a claim against a payment bond. However, the law also provides that waivers and releases remain enforceable even if they are not substantially similar to the statutory forms.

The bill provides that provisions of waivers and releases are unenforceable unless the claimant has otherwise agreed to those provisions in its direct contract. The statutory forms include a form to acknowledge payment for labor, services, or materials and a form waiver or release of a lien or the waiver of the right to make a claim against the contractor's payment bond. Accordingly, provisions included in a waiver or release that release a party from other liabilities or waive other rights are unenforceable under the bill.

Notice of Commencement Form Changes (Section 6)

The notice of commencement form for a construction project provides the name and address of the owner of the property to be improved and the names and addresses of others who may be responsible for the project, including the fee simple title holder, lessee, contractor, surety, and lender.

The bill makes technical changes to the notice of commencement form in a way that the owner and lessee, if any, will be identified on separate lines of the form.

²⁶ Section 713.132(1), F.S.

²⁷ Section 713.132(1)(e), (2), and (4), F.S.

²⁸ Section 713.13(4), F.S.

²⁹ Section 713.06(2)(a), F.S.

Serving Notices (Sections 1, 2, 8, & 11)

Existing statutes governing public contracting and construction or maintenance contracts with the Department of Transportation can be read to require a lienor to serve two original notices to contractor, one on the contractor and one on the surety, as a prerequisite to making a claim against the contractor's payment bond.³⁰ The bill provides that a lienor must serve an original notice to contractor on the contractor and that the surety need only receive a copy.

Existing s. 713.18(2), F.S., provides that service of an instrument under the Construction Lien Law is generally effective on the "date of mailing." As a result, the law may imply that a different effective date applies if a notice or other document is delivered by an authorized shipping service other than U.S. mail. The bill resolves this issue by providing that an instrument shipped by an authorized shipping service is effective on the date of "shipment."

Additionally, the bill provides that same requirements for serving documents under the Construction Lien Law apply to serving documents under s. 255.05, F.S., relating to public contracting and s. 337.18, F.S., relating to construction or maintenance contracts with the Department of Transportation.

Notices of Termination (Section 7)

Under existing law, a notice of termination is effective 30 days after it is recorded. However, existing law also provides a lienor with 45 days to serve a notice to owner after commencing work on a construction project to perfect his or her right to record a lien on the improved property. Similarly, existing law provides a lienor with 45 days to serve a notice to contractor on contracts secured by a bond. As a result of the conflicting time periods, a lienor who begins working on a construction project within the 15 days before a notice of termination is recorded can lose the right to record a lien on the property or make a claim against a bond.

The bill addresses the rights of lienors caught in the 15-day gap by providing that the notice of termination does not cutoff their rights to record a lien or make a claim against a payment bond if they serve a notice to owner within 45 days after commencing their work. The bill further provides that the notice of termination is not effective against these lienors until 30 days after they are served with a notice of termination.

Single Claim of Lien (Section 4)

A large construction project may result in a lienor receiving multiple contracts on the project. The bill provides that in these cases, the lienor can record a single consolidated lien, instead of a lien for each contract, to enforce the lienor's rights to payment.

Mobile Home Parks (Section 5)

The bill corrects a drafting error in existing law to clarify that mobile home parks are not subject to liens for improvements made by lessees, those owning a mobile home but not the lot.

³⁰ Sections 255.05(2)(a)1., and 713.23(1)(d), F.S.

Revised Defined Terms (Section 3)

The bill makes several clarifying changes to the definitions applicable to the Construction Lien Law. The term “clerk’s office” is revised to include “another office serving as the county recorder as provided by law.” The bill revises the definition of “contractor” to include general contractors who perform construction management services.

The definition of “real property” is revised to include expressly a private leasehold interest in government owned property. This change will clarify that a private leasehold interest can be subject to a lien when the real property itself cannot.

Identification of Recorded Documents (Sections 7 & 10)

The Construction Lien Law requires various documents to be recorded in the official records of a county. The book and page number assigned by the clerk is then required to be listed on other documents to facilitate the location of those documents by others. Instead of identifying documents by a book and page number, the bill requires that those documents be identified by the “official records’ reference numbers and recording date affixed by the recording office.”

Transfers of Liens to Security (Sections 13)

The bill recognizes that in some cases, a property owner may wish to transfer a disputed lien to security so that the property may be sold without a cloud on its title. In these cases, the bill provides that any attorney fees permissible under current law remain permissible after a lien is transferred to security.

Online notarization line (Sections 1, 6, & 11)

The construction lien laws require many different forms and notices to be notarized. The bill allows these forms to be notarized through the on-line notarization procedures.

Effective Date (Section 14)

The bill takes effect July 1, 2021.

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

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill makes a number of changes that may clarify potential ambiguities in the Construction Lien Law. Additionally, the bill will minimize the ability of those with superior bargaining power to exact waivers or releases at the moment of payment that were not contemplated by the prior agreement of the parties.

Provisions of the bill changing procedures relating to notices of termination and defining as an improper payment a payment made before a notice of commencement is recorded will help lienors receive payment for their work. However, these same provisions may result in delayed final payments to contractors and discourage contractors from seeking advance deposits for construction work.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 255.05, 337.18, 713.01, 713.09, 713.10, 713.13, 713.132, 713.18, 713.20, 713.21, 713.23, 713.235, and 713.29.

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 Judiciary on February 15, 2021:

The committee substitute removes a provision from the bill that states that a payment made by a property owner to a contractor before the notice of commencement is recorded is an improper payment.

The committee substitute restores a provision of existing law requiring an owner who contracts for an improvement to describe his or her interest in the property on the notice of commencement form.

The committee substitute also restores a provision of existing law allowing documents relating to construction liens to be served on partnerships, corporations, and limited liability companies by delivering those documents to a partner, officer, director, agent, member, or manager.

- B. **Amendments:**

None.

By the Committee on Judiciary; and Senator Perry

590-02128-21

2021622c1

1 A bill to be entitled
 2 An act relating to liens and bonds; amending s.
 3 255.05, F.S.; requiring that a copy of a notice of
 4 nonpayment be served on the surety; revising the
 5 process for notarizing a notice of nonpayment;
 6 prohibiting a person from requiring a claimant to
 7 furnish a certain waiver in exchange for or to induce
 8 certain payments; providing that specified provisions
 9 in certain waivers are unenforceable; providing an
 10 exception; requiring service of documents to be made
 11 in a specified manner; amending s. 337.18, F.S.;
 12 providing that certain waivers apply to certain
 13 contracts; requiring service of documents to be made
 14 in a specified manner; amending s. 713.01, F.S.;
 15 revising definitions; amending s. 713.09, F.S.;
 16 authorizing a lienor to record one claim of lien for
 17 multiple direct contracts; amending s. 713.10, F.S.;
 18 revising the extent of certain liens; amending s.
 19 713.13, F.S.; revising information to be included in a
 20 notice of commencement; revising the process for
 21 notarizing a notice of commencement; amending s.
 22 713.132, F.S.; revising requirements for a notice of
 23 termination; amending s. 713.18, F.S.; requiring
 24 service of documents relating to construction bonds to
 25 be made in a specified manner; making technical
 26 changes; amending s. 713.20, F.S.; prohibiting a
 27 person from requiring a lienor to furnish a certain
 28 waiver or release in exchange for or to induce certain
 29 payments; providing that specified provisions in

Page 1 of 27

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

590-02128-21

2021622c1

30 certain waivers or releases are unenforceable;
 31 providing an exception; amending s. 713.21, F.S.;
 32 authorizing the full or partial release of a lien
 33 under specified conditions; amending s. 713.23, F.S.;
 34 requiring that a copy of a notice of nonpayment be
 35 served on the surety; revising the process for
 36 notarizing a notice of nonpayment under a payment
 37 bond; amending s. 713.235, F.S.; prohibiting a person
 38 from requiring a lienor to furnish a certain waiver or
 39 release in exchange for or to induce certain payments;
 40 providing that specified provisions in certain waivers
 41 or releases are unenforceable; providing an exception;
 42 amending s. 713.29, F.S.; authorizing attorney fees in
 43 actions to enforce a lien that has been transferred to
 44 security; providing an effective date.
 45
 46 Be It Enacted by the Legislature of the State of Florida:
 47
 48 Section 1. Paragraphs (a), (d), and (f) of subsection (2)
 49 of section 255.05, Florida Statutes, are amended, and subsection
 50 (12) is added to that section, to read:
 51 255.05 Bond of contractor constructing public buildings;
 52 form; action by claimants.—
 53 (2)(a)1. If a claimant is no longer furnishing labor,
 54 services, or materials on a project, a contractor or the
 55 contractor's agent or attorney may elect to shorten the time
 56 within which an action to enforce any claim against a payment
 57 bond must be commenced by recording in the clerk's office a
 58 notice in substantially the following form:

Page 2 of 27

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

590-02128-21

2021622c1

NOTICE OF CONTEST OF CLAIM
AGAINST PAYMENT BOND

To: ...(Name and address of claimant)...

You are notified that the undersigned contests your notice of nonpayment, dated, and served on the undersigned on, and that the time within which you may file suit to enforce your claim is limited to 60 days after the date of service of this notice.

DATED on

Signed: ...(Contractor or Attorney)...

The claim of a claimant upon whom such notice is served and who fails to institute a suit to enforce his or her claim against the payment bond within 60 days after service of such notice is extinguished automatically. The contractor or the contractor's attorney shall serve a copy of the notice of contest on ~~to~~ the claimant at the address shown in the notice of nonpayment or most recent amendment thereto and shall certify to such service on the face of the notice and record the notice.

2. A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 45 days after commencing to furnish labor, services, or materials for the prosecution of the work, serve the contractor with a written notice that he or she intends to look to the bond for

590-02128-21

2021622c1

protection. A claimant who is not in privity with the contractor and who has not received payment for furnishing his or her labor, services, or materials shall serve a written notice of nonpayment on the contractor and a copy of the notice on the surety. The notice of nonpayment shall be under oath and served during the progress of the work or thereafter but may not be served earlier than 45 days after the first furnishing of labor, services, or materials by the claimant or later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, later than 90 days after the date that the rental equipment was last on the job site available for use. Any notice of nonpayment served by a claimant who is not in privity with the contractor which includes sums for retainage must specify the portion of the amount claimed for retainage. An action for the labor, services, or materials may not be instituted against the contractor or the surety unless the notice to the contractor and notice of nonpayment have been served, if required by this section. Notices required or permitted under this section must be served in accordance with s. 713.18. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions. The time periods for service of a notice of nonpayment or for bringing an action against a contractor or a surety are

590-02128-21

2021622c1

117 ~~shall be~~ measured from the last day of furnishing labor,
 118 services, or materials by the claimant and may not be measured
 119 by other standards, such as the issuance of a certificate of
 120 occupancy or the issuance of a certificate of substantial
 121 completion. The negligent inclusion or omission of any
 122 information in the notice of nonpayment that has not prejudiced
 123 the contractor or surety does not constitute a default that
 124 operates to defeat an otherwise valid bond claim. A claimant who
 125 serves a fraudulent notice of nonpayment forfeits his or her
 126 rights under the bond. A notice of nonpayment is fraudulent if
 127 the claimant has willfully exaggerated the amount unpaid,
 128 willfully included a claim for work not performed or materials
 129 not furnished for the subject improvement, or prepared the
 130 notice with such willful and gross negligence as to amount to a
 131 willful exaggeration. However, a minor mistake or error in a
 132 notice of nonpayment, or a good faith dispute as to the amount
 133 unpaid, does not constitute a willful exaggeration that operates
 134 to defeat an otherwise valid claim against the bond. The service
 135 of a fraudulent notice of nonpayment is a complete defense to
 136 the claimant's claim against the bond. The notice of nonpayment
 137 under this subparagraph must include the following information,
 138 current as of the date of the notice, and must be in
 139 substantially the following form:

140
 141 NOTICE OF NONPAYMENT
 142

143 To: ...(name of contractor and address)...

144
 145 ...(name of surety and address)...

Page 5 of 27

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

590-02128-21

2021622c1

146
 147 The undersigned claimant notifies you that:
 148 1. Claimant has furnished ...(describe labor, services, or
 149 materials)... for the improvement of the real property
 150 identified as ...(property description).... The corresponding
 151 amount unpaid to date is \$...., of which \$.... is unpaid
 152 retainage.
 153 2. Claimant has been paid to date the amount of \$.... for
 154 previously furnishing ...(describe labor, services, or
 155 materials)... for this improvement.
 156 3. Claimant expects to furnish ...(describe labor,
 157 services, or materials)... for this improvement in the future
 158 (if known), and the corresponding amount expected to become due
 159 is \$.... (if known).
 160
 161 I declare that I have read the foregoing Notice of Nonpayment
 162 and that the facts stated in it are true to the best of my
 163 knowledge and belief.
 164
 165 DATED on,
 166
 167(signature and address of claimant)..
 168
 169 STATE OF FLORIDA
 170 COUNTY OF
 171
 172 The foregoing instrument was sworn to (or affirmed) and
 173 subscribed before me by means of ☐ physical presence or sworn to
 174 (or affirmed) by ☐ online notarization this day of,

Page 6 of 27

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

590-02128-21

2021622c1

175 ... (year) ..., by ... (name of signatory)

176 ... (Signature of Notary Public - State of Florida) ...

178 ... (Print, Type, or Stamp Commissioned Name of Notary
179 Public) ...

181 Personally Known OR Produced Identification

183 Type of Identification Produced

185 (d) A person may not require a claimant to furnish a waiver
186 that is different from the forms in paragraphs (b) and (c) in
187 exchange for, or to induce payment of, a progress payment or
188 final payment unless the claimant has entered into a direct
189 contract that requires the claimant to furnish a waiver that is
190 different from the forms in paragraphs (b) and (c).

191 (f) Any provisions in a waiver which are that is not
192 related to the waiver of a claim or a right to claim against a
193 payment bond as provided in this subsection are unenforceable,
194 unless the claimant has otherwise agreed to those provisions in
195 the direct contract substantially similar to the forms in this
196 subsection is enforceable in accordance with its terms.

197 (12) Unless otherwise provided in this section, service of
198 any document must be made in accordance with s. 713.18.

199 Section 2. Paragraph (c) of subsection (1) of section
200 337.18, Florida Statutes, is amended, and subsection (6) is
201 added to that section, to read:

202 337.18 Surety bonds for construction or maintenance
203 contracts; requirement with respect to contract award; bond

590-02128-21

2021622c1

204 requirements; defaults; damage assessments.—

205 (1)

206 (c) A claimant, except a laborer, who is not in privity
207 with the contractor shall, before commencing or not later than
208 90 days after commencing to furnish labor, materials, or
209 supplies for the prosecution of the work, furnish the contractor
210 with a notice that he or she intends to look to the bond for
211 protection. A claimant who is not in privity with the contractor
212 and who has not received payment for his or her labor,
213 materials, or supplies shall deliver to the contractor and to
214 the surety written notice of the performance of the labor or
215 delivery of the materials or supplies and of the nonpayment. The
216 notice of nonpayment may be served at any time during the
217 progress of the work or thereafter but not before 45 days after
218 the first furnishing of labor, services, or materials, and not
219 later than 90 days after the final furnishing of the labor,
220 services, or materials by the claimant or, with respect to
221 rental equipment, not later than 90 days after the date that the
222 rental equipment was last on the job site available for use. An
223 action by a claimant, except a laborer, who is not in privity
224 with the contractor for the labor, materials, or supplies may
225 not be instituted against the contractor or the surety unless
226 both notices have been given. Written notices required or
227 permitted under this section must ~~may~~ be served in accordance
228 with any manner provided in s. 713.18, and provisions for the
229 waiver of a claim or a right to claim against a payment bond
230 contained in s. 713.235 apply to all contracts under this
231 section.

232 (6) Unless otherwise provided in this section, service of

590-02128-21

2021622c1

any document must be made in accordance with s. 713.18.

Section 3. Subsections (4), (8), and (26) of section 713.01, Florida Statutes, are amended to read:

713.01 Definitions.—As used in this part, the term:

(4) "Clerk's office" means the office of the clerk of the circuit court of the county, or another office serving as the county recorder as provided by law, in which the real property is located.

(8) "Contractor" means a person other than a materialman or laborer who enters into a contract with the owner of real property for improving it, or who takes over from a contractor as so defined the entire remaining work under such contract. The term "contractor" includes an architect, landscape architect, or engineer who improves real property pursuant to a design-build contract authorized by s. 489.103(16). The term also includes a licensed general contractor or building contractor, as those terms are defined in s. 489.105(3)(a) and (b), respectively, who provides construction management services, which include responsibility for scheduling and coordination in both preconstruction and construction phases and for the successful, timely, and economical completion of the construction project, or who provides program management services, which include responsibility for schedule control, cost control, and coordination in providing or procuring planning, design, and construction.

(26) "Real property" means the land that is improved and the improvements thereon, including fixtures, except any such property owned by the state or any county, municipality, school board, or governmental agency, commission, or political

590-02128-21

2021622c1

subdivision. The term includes a private leasehold interest that is improved, and the improvements thereon, on land that is owned by the state or any county, municipality, school board, or governmental agency, commission, or political subdivision.

Section 4. Section 713.09, Florida Statutes, is amended to read:

713.09 Single claim of lien.—A lienor ~~may is required to~~ record only one claim of lien covering his or her entire demand against the real property when the amount demanded is for labor or services or material furnished for more than one improvement under the same direct contract or multiple direct contracts. The single claim of lien is sufficient even though the improvement is for one or more improvements located on separate lots, parcels, or tracts of land. If materials to be used on one or more improvements on separate lots, parcels, or tracts of land ~~under one direct contract~~ are delivered by a lienor to a place designated by the person with whom the materialman contracted, other than the site of the improvement, the delivery to the place designated is prima facie evidence of delivery to the site of the improvement and incorporation in the improvement. The single claim of lien may be limited to a part of multiple lots, parcels, or tracts of land and their improvements or may cover all of the lots, parcels, or tracts of land and improvements. If a ~~in each~~ claim of lien under this section is for multiple direct contracts, the owner under the direct ~~contracts contract~~ must be the same person for all lots, parcels, or tracts of land against which a single claim of lien is recorded.

Section 5. Paragraph (b) of subsection (2) of section 713.10, Florida Statutes, is amended, and subsection (4) is

590-02128-21

2021622c1

added to that section, to read:

713.10 Extent of liens.—

(2)

(b) The interest of the lessor is not subject to liens for improvements made by the lessee when:

1. The lease, or a short form or a memorandum of the lease that contains the specific language in the lease prohibiting such liability, is recorded in the official records of the county where the premises are located before the recording of a notice of commencement for improvements to the premises and the terms of the lease expressly prohibit such liability; or

2. The terms of the lease expressly prohibit such liability, and a notice advising that leases for the rental of premises on a parcel of land prohibit such liability has been recorded in the official records of the county in which the parcel of land is located before the recording of a notice of commencement for improvements to the premises, and the notice includes the following:

a. The name of the lessor.

b. The legal description of the parcel of land to which the notice applies.

c. The specific language contained in the various leases prohibiting such liability.

d. A statement that all or a majority of the leases entered into for premises on the parcel of land expressly prohibit such liability.

~~3. The lessee is a mobile home owner who is leasing a mobile home lot in a mobile home park from the lessor.~~

590-02128-21

2021622c1

A notice that is consistent with subparagraph 2. effectively prohibits liens for improvements made by a lessee even if other leases for premises on the parcel do not expressly prohibit liens or if provisions of each lease restricting the application of liens are not identical.

(4) The interest of the lessor is not subject to liens for improvements made by the lessee when the lessee is a mobile home owner who is leasing a mobile home lot in a mobile home park from the lessor.

Section 6. Paragraphs (a), (c), and (d) of subsection (1) of section 713.13, Florida Statutes, are amended to read:

713.13 Notice of commencement.—

(1)(a) Except for an improvement that is exempt under ~~pursuant to~~ s. 713.02(5), an owner or the owner's authorized agent before actually commencing to improve any real property, or recommencing completion of any improvement after default or abandonment, whether or not a project has a payment bond complying with s. 713.23, shall record a notice of commencement in the clerk's office and forthwith post either a certified copy thereof or a notarized statement that the notice of commencement has been filed for recording along with a copy thereof. The notice of commencement shall contain the following information:

1. A description sufficient for identification of the real property to be improved. The description should include the legal description of the property and also should include the street address and tax folio number of the property if available or, if there is no street address available, such additional information as will describe the physical location of the real property to be improved.

590-02128-21

2021622c1

349 2. A general description of the improvement.

350 3. The name and address of the owner, the owner's interest

351 in the site of the improvement, and the name and address of the

352 fee simple titleholder, if other than such owner.

353 ~~4. The name and address of the lessee, if the A lessee who~~

354 ~~contracts for the improvements as is an owner as defined in s.~~

355 ~~713.01 under s. 713.01(23) and must be listed as the owner~~

356 ~~together with a statement that the ownership interest is a~~

357 ~~leasehold interest.~~

358 ~~5.4.~~ The name and address of the contractor.

359 ~~6.5.~~ The name and address of the surety on the payment bond

360 under s. 713.23, if any, and the amount of such bond.

361 ~~7.6.~~ The name and address of any person making a loan for

362 the construction of the improvements.

363 ~~8.7.~~ The name and address within the state of a person

364 other than himself or herself who may be designated by the owner

365 as the person upon whom notices or other documents may be served

366 under this part; and service upon the person so designated

367 constitutes service upon the owner.

368 (c) If the contract between the owner and a contractor

369 named in the notice of commencement expresses a period of time

370 for completion for the construction of the improvement greater

371 than 1 year, the notice of commencement must state that it is

372 effective for a period of 1 year plus any additional period of

373 time. Any payments made by the owner after the expiration of the

374 notice of commencement are considered improper payments.

375 (d) A notice of commencement must be in substantially the

376 following form:

377

590-02128-21

2021622c1

378 Permit No..... Tax Folio No.....

379 NOTICE OF COMMENCEMENT

380 State of....

381 County of....

382

383 The undersigned hereby gives notice that improvement will be

384 made to certain real property, and in accordance with Chapter

385 713, Florida Statutes, the following information is provided in

386 this Notice of Commencement.

387 1. Description of property: ...(legal description of the

388 property, and street address if available)....

389 2. General description of improvement:.....

390 3.a. Owner: ...name and address....

391 b. Owner's phone number:.... ~~Owner information or Lessee~~

392 ~~information if the Lessee contracted for the improvement:~~

393 ~~a. Name and address:.....~~

394 ~~c.b.~~ Interest in property:.....

395 ~~d.e.~~ Name and address of fee simple titleholder (if

396 different from Owner listed above):.....

397 4.a. Lessee, if the lessee contracted for the improvement:

398 ...(name and address)....

399 b. Lessee's phone number:..... ~~a.~~

400 5.a. Contractor: ...(name and address)....

401 b. Contractor's phone number:.....

402 6.5. Surety (if applicable, a copy of the payment bond is

403 attached):

404 a. Name and address:.....

405 b. Phone number:.....

406 c. Amount of bond: \$.....

590-02128-21

2021622c1

407 7.a.6.a. Lender: ...(name and address)....
 408 b. Lender's phone number:.....
 409 8.7. Persons within the State of Florida designated by
 410 Owner upon whom notices or other documents may be served as
 411 provided by Section 713.13(1)(a)8. ~~713.13(1)(a)7.~~, Florida
 412 Statutes:
 413 a. Name and address:.....
 414 b. Phone numbers of designated persons:.....
 415 9.a.8.a. In addition to himself or herself, Owner
 416 designates of to receive a copy of the
 417 Lienor's Notice as provided in Section 713.13(1)(b), Florida
 418 Statutes.
 419 b. Phone number of person or entity designated by
 420 owner:.....
 421 10.9. Expiration date of notice of commencement (the
 422 expiration date will be 1 year after ~~from~~ the date of recording
 423 unless a different date is specified).....
 424
 425 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE
 426 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER
 427 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA
 428 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS
 429 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
 430 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU
 431 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
 432 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF
 433 COMMENCEMENT.
 434
 435 ...(Signature of Owner or Lessee, or Owner's or Lessee's

590-02128-21

2021622c1

436 Authorized Officer/Director/Partner/Manager) ...
 437
 438 ...(Signatory's Title/Office) ...
 439
 440 The foregoing instrument was acknowledged before me by means of
 441 ☐ physical presence or acknowledged before me by means of ☐
 442 online notarization, this day of, ...(year) ..., by
 443 ...(name of person) ... as ...(type of authority, . . . e.g.
 444 officer, trustee, attorney in fact) ... for ...(name of party on
 445 behalf of whom instrument was executed) ...
 446
 447 ...(Signature of Notary Public - State of Florida) ...
 448
 449 ...(Print, Type, or Stamp Commissioned Name of Notary Public) ...
 450
 451 Personally Known OR Produced Identification
 452
 453 Type of Identification Produced.....
 454 Section 7. Subsections (1), (3), and (4) of section
 455 713.132, Florida Statutes, are amended to read:
 456 713.132 Notice of termination.—
 457 (1) An owner may terminate the period of effectiveness of a
 458 notice of commencement by executing, swearing to, and recording
 459 a notice of termination that contains:
 460 (a) The same information as the notice of commencement;
 461 (b) The official records' ~~recording office document book~~
 462 ~~and page~~ reference numbers and recording date affixed by the
 463 recording office on ~~of~~ the recorded notice of commencement;
 464 (c) A statement of the date as of which the notice of

590-02128-21

2021622c1

commencement is terminated, which date may not be earlier than 30 days after the notice of termination is recorded;

(d) A statement specifying that the notice applies to all the real property subject to the notice of commencement or specifying the portion of such real property to which it applies;

(e) A statement that all lienors have been paid in full; and

(f) A statement that the owner has, before recording the notice of termination, served a copy of the notice of termination ~~on the contractor and~~ on each lienor who has a direct contract with the owner or who has timely served a notice to owner, and a statement that the owner will serve a copy of the notice of termination on each lienor who timely serves a notice to owner after the notice of termination has been recorded. The owner is not required to serve a copy of the notice of termination on any lienor who has executed a waiver and release of lien upon final payment in accordance with s. 713.20.

(3) An owner may ~~not~~ record a notice of termination at any time after except after completion of construction, or after construction ceases before completion and all lienors have been paid in full or pro rata in accordance with s. 713.06(4).

(4) If an owner or a contractor, by fraud or collusion, knowingly makes any fraudulent statement or affidavit in a notice of termination or any accompanying affidavit, the owner and the contractor, or either of them, ~~as the case may be,~~ is liable to any lienor who suffers damages as a result of the filing of the fraudulent notice of termination, ~~+~~ and any such

590-02128-21

2021622c1

lienor has a right of action for damages ~~occasioned thereby.~~

~~(5)(4)~~ A notice of termination must be served before recording on each lienor who has a direct contract with the owner and on each lienor who has timely and properly served a notice to owner in accordance with this part before the recording of the notice of termination. A notice of termination must be recorded in the official records of the county in which the improvement is located. If properly served before recording in accordance with this subsection, the notice of termination terminates the period of effectiveness of the notice of commencement 30 days after the notice of termination is recorded in the official records is effective to terminate the notice of commencement at the later of 30 days after recording of the notice of termination or a later the date stated in the notice of termination as the date on which the notice of commencement is terminated. However, if a lienor who began work under the notice of commencement before its termination lacks a direct contract with the owner and timely serves his or her notice to owner after the notice of termination has been recorded, the owner must serve a copy of the notice of termination upon such lienor, and the termination of the notice of commencement as to that lienor is effective 30 days after service of the notice of termination if the notice of termination has been served pursuant to paragraph (1)(f) on the contractor and on each lienor who has a direct contract with the owner or who has served a notice to owner.

Section 8. Section 713.18, Florida Statutes, is amended to read:

713.18 Manner of serving documents ~~notices and other~~

590-02128-21

2021622c1

instruments.-

(1) Unless otherwise specifically provided by law, service of any document ~~notices, claims of lien, affidavits, assignments, and other instruments~~ permitted or required under this part, s. 255.05, or s. 337.18, or copies thereof when so permitted or required, ~~unless otherwise specifically provided in this part,~~ must be made by one of the following methods:

(a) By hand actual delivery to the person to be served; if a partnership, to one of the partners; if a corporation, to an officer, director, managing agent, or business agent; or, if a limited liability company, to a member or manager.

(b) By common carrier delivery service or by registered, Global Express Guaranteed, or certified mail to the person to be served, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.

(c) By posting on the site of the improvement if service as provided by paragraph (a) or paragraph (b) cannot be accomplished.

(2) Notwithstanding subsection (1), service of a notice to owner or a preliminary notice to contractor under this part, s. 255.05, or s. 337.18, ~~or s. 713.23~~ is effective as of the date of mailing and the requirements for service under this section have been satisfied if:

(a) The notice is mailed by registered, Global Express Guaranteed, or certified mail, with postage prepaid, to the person to be served and addressed as prescribed ~~at any of the addresses set forth~~ in subsection (3);

(b) The notice is mailed within 40 days after the date the lienor first furnishes labor, services, or materials; and

590-02128-21

2021622c1

(c)1. The person who served the notice maintains a registered or certified mail log that shows the registered or certified mail number issued by the United States Postal Service, the name and address of the person served, and the date stamp of the United States Postal Service confirming the date of mailing; or

2. The person who served the notice maintains ~~electronic~~ tracking records approved or generated by the United States Postal Service containing the postal tracking number, ~~the name and address of the person served,~~ and verification of the date of receipt by the United States Postal Service.

(3) (a) Notwithstanding subsection (1), service of a document under an instrument pursuant to this section is effective on the date of mailing or shipping, and the requirements for service under this section have been satisfied, ~~the instrument~~ if the document it:

1. Is sent to the last address shown in the notice of commencement or any amendment thereto or, in the absence of a properly indexed notice of commencement that contains the information specified in s. 713.13(1)(b), ~~notice of commencement,~~ to the last address shown in the building permit application, ~~or~~ to the last known address of the person to be served unless otherwise specifically provided in this part, s. 255.05, or s. 337.18; and

2. Is returned as being "refused," "moved, not forwardable," or "unclaimed," or is otherwise not delivered or deliverable through no fault of the person serving the document item.

(b) If the address shown in the notice of commencement or

590-02128-21

2021622c1

any amendment ~~thereto to the notice of commencement, or, in the~~
~~absence of a notice of commencement, in the building permit~~
~~application,~~ is incomplete for purposes of mailing or delivery,
 the person serving the document ~~item~~ may complete the address
 and properly format it according to United States Postal Service
 addressing standards using information obtained from the
 property appraiser or another public record without affecting
 the validity of service under this section.

(4) A document ~~notice~~ served by a lienor on one owner or
 one partner of a partnership owning the real property is deemed
served on notice ~~to~~ all owners and partners.

Section 9. Subsections (6) and (8) of section 713.20,
 Florida Statutes, are amended to read:

713.20 Waiver or release of liens.—

(6) A person may not require a lienor to furnish a lien
 waiver or release of lien that is different from the forms in
 subsection (4) or subsection (5) in exchange for, or to induce
payment of, a progress payment or final payment unless the
lienor has entered into a direct contract that requires the
lienor to furnish a waiver or release that is different from the
forms in subsection (4) or subsection (5).

(8) Any provisions in a lien waiver or lien release which
are that is not related to the waiver or release of a lien or
the right to claim a lien as provided in this section are
unenforceable, unless the lienor has otherwise agreed to those
provisions in the direct contract substantially similar to the
forms in subsections (4) and (5) is enforceable in accordance
with the terms of the lien waiver or lien release.

Section 10. Section 713.21, Florida Statutes, is amended to

590-02128-21

2021622c1

read:

713.21 Discharge of lien.—A lien properly perfected under
 this chapter may be discharged, or released in whole or in part,
 by any of the following methods:

(1) By entering satisfaction of the lien upon the margin of
 the record thereof in the clerk's office when not otherwise
 prohibited by law. This satisfaction shall be signed by the
 lienor, the lienor's agent or attorney and attested by said
 clerk. Any person who executes a claim of lien has ~~shall have~~
 authority to execute a satisfaction in the absence of actual
 notice of lack of authority to any person relying on the same.

(2) By the satisfaction or release of the lienor, duly
 acknowledged and recorded in the clerk's office. The
satisfaction or release must include the lienor's notarized
signature and set forth the official records' reference numbers
and recording date affixed by the recording office on the
subject lien. Any person who executes a claim of lien has ~~shall~~
~~have~~ authority to execute a satisfaction or release in the
 absence of actual notice of lack of authority to any person
 relying on the same.

(3) By failure to begin an action to enforce the lien
 within the time prescribed in this part.

(4) By an order of the circuit court of the county where
 the property is located, as provided in this subsection. Upon
 filing a complaint therefor by any interested party the clerk
 shall issue a summons to the lienor to show cause within 20 days
 why his or her lien should not be enforced by action or vacated
 and canceled of record. Upon failure of the lienor to show cause
 why his or her lien should not be enforced or the lienor's

590-02128-21

2021622c1

failure to commence such action before the return date of the summons the court shall forthwith order cancellation of the lien.

(5) By recording in the clerk's office the original or a certified copy of a judgment or decree of a court of competent jurisdiction showing a final determination of the action.

Section 11. Paragraph (d) of subsection (1) of section 713.23, Florida Statutes, is amended to read:

713.23 Payment bond.—

(1)

(d) In addition, a lienor who has not received payment for furnishing his or her labor, services, or materials must, as a condition precedent to recovery under the bond, serve a written notice of nonpayment on the contractor and a copy of the notice on the surety. The notice must be under oath and served during the progress of the work or thereafter, but may not be served later than 90 days after the final furnishing of labor, services, or materials by the lienor, or, with respect to rental equipment, later than 90 days after the date the rental equipment was on the job site and available for use. A notice of nonpayment that includes sums for retainage must specify the portion of the amount claimed for retainage. The required notice satisfies this condition precedent with respect to the payment described in the notice of nonpayment, including unpaid finance charges due under the lienor's contract, and with respect to any other payments which become due to the lienor after the date of the notice of nonpayment. The time period for serving a notice of nonpayment is ~~shall be~~ measured from the last day of furnishing labor, services, or materials by the lienor and may

590-02128-21

2021622c1

not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion. The failure of a lienor to receive retainage sums not in excess of 10 percent of the value of labor, services, or materials furnished by the lienor is not considered a nonpayment requiring the service of the notice provided under this paragraph. If the payment bond is not recorded before commencement of construction, the time period for the lienor to serve a notice of nonpayment may at the option of the lienor be calculated from the date specified in this section or the date the lienor is served a copy of the bond. However, the limitation period for commencement of an action on the payment bond as established in paragraph (e) may not be expanded. The negligent inclusion or omission of any information in the notice of nonpayment that has not prejudiced the contractor or surety does not constitute a default that operates to defeat an otherwise valid bond claim. A lienor who serves a fraudulent notice of nonpayment forfeits his or her rights under the bond. A notice of nonpayment is fraudulent if the lienor has willfully exaggerated the amount unpaid, willfully included a claim for work not performed or materials not furnished for the subject improvement, or prepared the notice with such willful and gross negligence as to amount to a willful exaggeration. However, a minor mistake or error in a notice of nonpayment, or a good faith dispute as to the amount unpaid, does not constitute a willful exaggeration that operates to defeat an otherwise valid claim against the bond. The service of a fraudulent notice of nonpayment is a complete defense to the lienor's claim against the bond. The notice under this paragraph

590-02128-21 2021622c1

must include the following information, current as of the date
of the notice, and must be in substantially the following form:

NOTICE OF NONPAYMENT

To ...(name of contractor and address)...

...(name of surety and address)...

The undersigned lienor notifies you that:

1. The lienor has furnished ...(describe labor, services,
or materials)... for the improvement of the real property
identified as ...(property description).... The corresponding
amount unpaid to date is \$...., of which \$.... is unpaid
retainage.

2. The lienor has been paid to date the amount of \$.... for
previously furnishing ...(describe labor, services, or
materials)... for this improvement.

3. The lienor expects to furnish ...(describe labor,
services, or materials)... for this improvement in the future
(if known), and the corresponding amount expected to become due
is \$.... (if known).

I declare that I have read the foregoing Notice of Nonpayment
and that the facts stated in it are true to the best of my
knowledge and belief.

DATED on,

590-02128-21 2021622c1

...(signature and address of lienor)...

STATE OF FLORIDA

COUNTY OF.....

The foregoing instrument was sworn to (or affirmed) and
subscribed before me by means of ☐ physical presence or sworn to
(or affirmed) by ☐ online notarization, this day of,
...(year)...., by ...(name of signatory)....

...(Signature of Notary Public - State of Florida)...

...(Print, Type, or Stamp Commissioned Name of Notary
Public)...

Personally Known OR Produced Identification

Type of Identification Produced

Section 12. Subsections (3) and (5) of section 713.235,
Florida Statutes, are amended to read:

713.235 Waivers of right to claim against payment bond;
forms.-

(3) A person may not require a claimant to furnish a waiver
that is different from the forms in subsections (1) and (2) in
exchange for, or to induce payment of, a progress payment or
final payment unless the claimant has entered into a direct
contract that requires the claimant to furnish a waiver that is
different from the forms in subsections (1) and (2).

(5) Any provisions in a waiver which are ~~that is~~ not
related to the waiver of a claim or a right to claim against the
payment bond as provided in this section are unenforceable,

590-02128-21

2021622c1

755 unless the claimant has otherwise agreed to those provisions in
756 the claimant's direct contract ~~substantially similar to the~~
757 ~~forms in this section is enforceable in accordance with its~~
758 ~~terms.~~

759 Section 13. Section 713.29, Florida Statutes, is amended to
760 read:

761 713.29 Attorney ~~Attorney's~~ fees.—In any action brought to
762 enforce a lien, including a lien that has been transferred to
763 security, or to enforce a claim against a bond under this part,
764 the prevailing party is entitled to recover a reasonable fee for
765 the services of her or his attorney for trial and appeal or for
766 arbitration, in an amount to be determined by the court, which
767 fee must be taxed as part of the prevailing party's costs, as
768 allowed in equitable actions.

769 Section 14. This act shall take effect July 1, 2021.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: February 19, 2021

I respectfully request that **Senate Bill #622**, relating to Liens and Bonds, be placed on the:

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

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

Senator Keith Perry
Florida Senate, District 8

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1014

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Baxley

SUBJECT: Employee Organizations

DATE: March 18, 2021

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1014 requires employee organizations that have been certified as the bargaining agent for a unit of K-12 instructional personnel¹ to disclose in its application for registration renewal the number of employees who are eligible for representation and the number of employees who are represented by the employee organization as of December 31 of that renewal period. An employee organization whose dues-paying membership, as of December 31 of that renewal period, is less than 50 percent of the employees eligible for representation must petition for recertification with the Public Employees Relations Commission (Commission).

The bill requires K-12 instructional personnel to pay dues and uniform assessments directly to the employee organization and prohibits dues and uniform assessments from being deducted and collected by a district school board.

The bill requires K-12 instructional personnel to sign and submit a form to the employee organization acknowledging Florida is a right-to-work state before the employee organization can collect dues or uniform assessments. The bill specifies the language and font of the acknowledgement.

¹-Section 1012.01(6), F.S., defines “educational support employees” to mean K-12 employees whose job functions are neither administrative nor instructional, yet whose work supports the educational process.

The bill creates a process with which employee organizations representing instructional personnel employed by a Florida College System (FCS) or State University System (SUS) institution must comply with when submitting an application for renewal of registration.

The bill requires an employee organization representing instructional personnel employed by an FCS or an SUS institution to apply for recertification if it does not meet the 50 percent threshold for dues-paying membership within the bargaining unit. An FCS or SUS institution is authorized to challenge an employee organization's application for renewal of registration if it believes that the application is inaccurate.

The bill may increase the workload of, and the associated costs incurred by, the Commission.

The bill takes effect July 1, 2021.

II. Present Situation:

Collective Bargaining

Article 1, Section 6 of the State Constitution guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.” To implement this constitutional provision, the Legislature enacted ch. 447, F.S., which provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.² Through collective bargaining, public employees³ collectively negotiate with their public employer⁴ in the determination of the terms and conditions of their employment.⁵ The Public Employees Relations Commission (Commission) is responsible for assisting in resolving disputes between public employees and public employers.⁶

² Section 447.201, F.S.

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

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

⁴ The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

⁵ Section 447.301(2), F.S.

⁶ Section 447.201(3), F.S.

An “employee organization” is any “labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.”⁷ When an employee organization is approved by the employees, recognized by the employer, and authorized to conduct collective bargaining, it is referred to as a certified bargaining agent, and becomes the exclusive representative of all employees in that unit.⁸

After an employee organization has been certified as the bargaining agent for a group of public employees, the bargaining agent and the chief executive officer of the appropriate public employer must bargain collectively in the determination of wages, hours, and terms and conditions of employment of the employees.⁹ Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining agent.¹⁰ Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.¹¹ Current law prohibits a collective bargaining agreement from providing for a term of existence of more than three years and requires the agreement to contain all of the terms and conditions of employment of the employees during such term.¹²

Registration of Employee Organization

An employee organization seeking to become a certified bargaining agent for public employees has to register with the Commission prior to requesting recognition by a public employer for purposes of collective bargaining and before submitting a petition to the Commission requesting certification as an exclusive bargaining agent.¹³ The application for registration with the commission must include:

- The name and address of the organization and of any parents organization or organization with which it is affiliated;
- The names and addresses of the principal officers and all representatives of the organization;
- The amount of the initiation fee and of the monthly dues which members must pay;
- The current annual financial statement of the organization;
- The name of its business agent, if any; if different from the business agent, the name of its local agent for service of process; and the addresses where such person or persons can be reached;
- A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin;
- A copy of the current constitution and bylaws of the employee organization; and
- A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption

⁷ Section 447.203(11), F.S.

⁸ Sections 447.203(12), 447.307(1), F.S.

⁹ Section 447.309(1), F.S.

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 447.309(5), F.S.

¹³ Section 447.305(1), F.S.

of a rule by the commission, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.¹⁴

A registration granted to an employee organization is valid for one year from the date of assurance. A registration must be renewed annually by filing an application for renewal under oath with the commission. An application for renewal must reflect any changes in the information provided to the commission in conjunction with the employee organization's preceding application for registration or previous renewal.¹⁵ Each application for renewal of registration is required to include a current annual financial report containing detailed information outlined in s. 447.305(2)(a-e), F.S.

Certification of Employee Organization

Any employee organization which is selected by a majority of public employees in a designated unit as their representative for collective bargaining purposes can request recognition by the public employer. In return the employer, if satisfied as to the majority status of the employee organization, recognizes the employee organization as the collective bargaining representative of employees in the designated unit. Following recognition by the employer, the employee organization must immediately petition the commission for certification.¹⁶ The Commission will review only the appropriateness of the unit proposed by the employee organization. Appropriateness is defined as the history of employee relations within the organization of the public employer concerning organization and negotiation and the interest of the employees and the employer.¹⁷ If the unit is appropriate, the commission will immediately certify the employee organization as the exclusive representative of all employees in the unit. If the unit is inappropriate, the commission may dismiss the petition.

If the public employer refuses to recognize the employee organization, the employee organization may file a petition with the Commission for certification as the bargaining agent. The petition has to be accompanied by dated statements signed by at least 30 percent of the employees in the designated unit. The commission will investigate the petition to determine its sufficiency, and provide for an appropriate hearing upon notice, and may order an election by secret ballot. Any registered employee organization desiring placement on the ballot in any election to be conducted may be permitted by the commission to intervene. If an employee organization is selected by the majority of the employees, the commission will then certify the employee organization as the exclusive collective representative.¹⁸

An employee organization which has been certified as the bargaining agent has the right to have its dues and assessments deducted and collected by the employer from the salaries of those employees who authorize the deduction of said dues and assessments.¹⁹

¹⁴ Section 447.305(1)(a-h), F.S.

¹⁵ Section 447.305(2)F.S.

¹⁶ Section 447.307(1)(a), F.S.

¹⁷ Section 447.307(4)(f)(5), F.S.

¹⁸ Section 447.307(3)(a-d), F.S.

¹⁹ Section 447.303, F.S.

Right-to-Work

The State Constitution forbids an employer from denying citizens the right to work based on membership or non-membership in any employee organization.²⁰ As such, public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.²¹

Instructional Personnel

Instructional personnel is defined as any K-12 staff member whose functions includes the provision of direct instructional services to students. This includes K-12 personnel whose functions provide direct support in the learning process of students.²² Included in the classification of instructional personnel are:

- Classroom teachers;²³
- Student personnel services;²⁴
- Librarians/media specialist;²⁵
- Other instructional staff such as specialists and trainers;²⁶ and
- Educational paraprofessionals.²⁷

The Florida College System

The Legislature established the Florida College System (FCS).²⁸ The programs and services offered by FCS institutions in providing associate and baccalaureate degrees must be delivered in a cost-effective manner that demonstrates substantial savings to the student and to state over the cost of providing the degree at a state university. Each institution within the FCS must be governed by a local board of trustees that is responsible for implementing state policy, budgeting, and education standards. An FCS institution may not use the designation “university.”²⁹

The FCS is comprised of the following 28 locally-governed institutions:

- Eastern Florida State College;
- Broward College;
- College of Central Florida;
- Chipola College;
- Daytona State College;
- Florida SouthWestern State College;

²⁰ Fla. Const. art. 1, s. 6.

²¹ Section 447.301(1) and (2), F.S.

²² Section 1012.01(2), F.S.

²³ Section 1012.01(2)(a), F.S.

²⁴ Section 1012.01(2)(b), F.S.

²⁵ Section 1012.01(2)(c), F.S.

²⁶ Section 1012.01(2)(d), F.S.

²⁷ Section 1012.01(2)(e), F.S.

²⁸ Section 1001.60, F.S.

²⁹ *Id.*

- Florida State College at Jacksonville;
- The College of the Florida Keys;
- Gulf Coast State College;
- Hillsborough Community College;
- Indian River State College;
- Florida Gateway College;
- Lake-Sumter State College;
- Miami Dade College;
- North Florida College;
- Northwest Florida State College;
- Palm Beach State College;
- Pasco-Hernando State College;
- Pensacola State College;
- Polk State College;
- St. Johns River State College;
- St. Petersburg College;
- Santa Fe College;
- Seminole State College of Florida;
- South Florida State College;
- Tallahassee Community College; and
- Valencia College.³⁰

The State University System

Article IX, section 7, of the Florida Constitution grants the Board of Governors (BOG) the authority to regulate the State University System (SUS). The BOG is responsible for managing the SUS, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs.³¹ The mission of the SUS is to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities, and economies.³² Each institution is governed by a board of trustees comprised of 13 members.

The SUS is comprised of the following 14 state universities:

- The University of Florida;
- The Florida State University;
- The Florida Agricultural and Mechanical University;
- The University of South Florida;
- The Florida Atlantic University;
- The University of West Florida;
- The University of Central Florida;
- The University of North Florida;

³⁰ Section 1000.21(3)(a-bb), F.S., lists the 28 locally-governed institutions which comprise the FCS.

³¹ Section 1001.705(2), F.S.

³² Article IX, S. 7, FLA. CONST.

- The Florida International University;
- The Florida Gulf Coast University;
- New College of Florida; and
- The Florida Polytechnic University.³³

III. Effect of Proposed Changes:

Section 1 amends s. 1012.2315, F.S., to require an employee organization that is certified to represent K-12 instructional personnel to disclose in its annual application for registration renewal the number of employees who are eligible for representation and the number of employees who are represented by the employee organization to use data as of December 31 of that renewal period.

As noted above, current law requires an application for renewal to include the number of employees in the bargaining unit eligible for representation and the number of employees represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues. The bill specifies that these numbers are to be calculated, *as of December 31 of that renewal period*. As noted above, current law requires an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the designated unit to petition the Commission for recertification. The bill clarifies that the dues paying membership is to be calculated *as of December 31 of that renewal period*.

The Commission is authorized to conduct an investigation to confirm the validity of any information provided on the application for renewal of registration.

If the Commission has reason to believe a registered employee organization has reported inaccurate figures in its application, it can require the employee organization to submit its membership roll in order to verify the accuracy of the reported figures. If the employee organization fails to submit its membership roll within 30 days of receiving a written request from the Commission, the employee organization's certification will be revoked. Additionally, the bill provides for revocation of an employee organization's certification if the employee organization does not submit, or intentionally misstates the required information. The bill grants rulemaking authority to the Commission to implement the renewal provisions.

This section prohibits an employee organization that has been certified as the bargaining agent for K-12 instructional personnel from having its dues and uniform assessment deducted and collected by a district school board from the salaries of instructional personnel. Instead, K-12 instructional personnel must pay their dues and uniform assessment directly to the employee organization that been certified as their bargaining agent.

Beginning August 1, 2021, and each August 1 thereafter, before the employee organization can collect dues or uniform assessments from any K-12 instructional personnel for the upcoming year, the employee must sign and submit a form to the employee organization acknowledging

³³ Section 1000.21, F.S.

Florida is a right-to-work state. The form must contain the following acknowledgement in bold letters and in at least 14-point type:

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

The Commission is granted authority to adopt rules to carry out the provisions of the bill.

Sections 2 and 3 create ss. 1012.8552 and 1012.916, F.S., respectively, to require an employee organization that has been certified as the bargaining agent for a unit of instructional personnel employed by an FCS or SUS institution to include for each such certified bargaining unit the following information and documentation in its application for renewal of registration:

- The number of employees in the bargaining unit who are eligible for representation by the employee organization;
- The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues;
- Documentation provided by the institution verifying the information provided; and
- Documentation provided by the institution verifying that it was provided a copy of the employee organization's application for renewal of registration.

An application for renewal of registration is incomplete and is ineligible for consideration by the Commission if it does not include all of the information and documentation required for submission. The Commission must notify the employee organization if the application is incomplete. Any incomplete application must be dismissed if the required information and documentation are not provided within 10 days after the employee organization receives such notice.

This section requires employee organizations whose due-paying membership is less than 50 percent of the employees eligible for representation in the bargaining unit to petition for recertification as the exclusive representative of all employees in the bargaining unit within one month after the date on which the employee organization applies for renewal of registration. If an employee organization does not comply, the employee organization's certification is revoked.

The bill authorizes an FCS or SUS institution to challenge an employee organization's application for renewal of registration if the institution believes that the application is inaccurate. The Commission, or one of its designated agents, will review the application to determine its accuracy and compliance. If the Commission finds that the application is inaccurate or does not comply with the requirements, the Commission must revoke the registration and certification of the employee organization.

Section 4 provides the bill take effect July 1, 2021.

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

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

An employee organization representing K-12 instructional personnel, FCS instructional personnel, or SUS instructional personnel may incur additional costs associated with having to petition for recertification if it fails to meet the 50 percent dues-paying threshold provided in the bill.

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

C. Government Sector Impact:

The Commission may experience additional workload and costs associated with an increase in the number of recertification petitions filed by employee organizations who do not meet the 50 percent threshold provided in the bill.³⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1012.2315 of the Florida Statutes.

This bill creates sections 1012.8552 and 1012.916 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 for Governmental Oversight and Accountability on March 17, 2021:**

The CS:

- For employee organizations representing K-12 instructional personnel:
 - Imposes a date certain – as of December 31 of that renewal period - for calculating required information relating to the number of employees for an application for renewal of registration;
 - Authorizes the Commission to conduct an investigation to confirm the validity of information submitted on the application for renewal;
 - Authorizes the Commission to revoke the certification of the employee organization if (1) it does not submit or intentionally misstates required information; or (2) does not submit its membership roll within 30 days of receiving a written request from the Commission;
 - Grants rulemaking authority to the Commission;
 - Prohibits the employee organization from having its dues and uniform assessments deducted and collected by a district school board from the salaries and requires such instructional personnel to pay their dues and uniforms assessments directly to the employee organization; and
 - Requires K-12 instructional personnel to sign and submit an acknowledgment form to the employee organization acknowledging Florida is a right-to-work state before dues and uniform assessments may be deducted.

³⁴ Public Employees Relation Commission, Agency Analysis for SB 1014, (February 25, 2021)(on file with the Governmental Oversight and Accountability Committee). However, this analysis addressed the costs associated with the original filed bill, not the Committee Substitute.

- For employee organizations representing instructional personnel employed by an FCS or SUS institution:
 - Provides for information required for on an employee organization's application for renewal of registration;
 - Prohibits the Commission from accepting or considering an application that is considered incomplete;
 - Requires an employee organization with less than 50 percent dues-paying membership to petition the Commission for recertification as the exclusive representative of all employees;
 - Authorizes the FCS and SUS institutions to challenge an employee organization's application for renewal if the institution believes such application is inaccurate; and
 - Authorizes the Commission to revoke the registration and certification of the employee organization if the Commission finds the application to be inaccurate or in noncompliance.

B. Amendments:

None.



565898

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (4) of section
1012.2315, Florida Statutes, is amended, and paragraphs (d) and
(e) are added to that subsection, to read:

1012.2315 Assignment of teachers.—

(4) COLLECTIVE BARGAINING.—

(c)1. In addition to the provisions under s. 447.305(2), an



565898

employee organization that has been certified as the bargaining agent for a unit of instructional personnel as defined in s. 1012.01(2) must include for each such certified bargaining unit the following information in its application for renewal of registration:

a. The number of employees in the bargaining unit who are eligible for representation by the employee organization as of December 31 of that renewal period.

b. The number of employees who are represented by the employee organization as of December 31 of that renewal period, specifying the number of members who pay dues and the number of members who do not pay dues.

2. Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues-paying ~~dues-paying~~ membership as of December 31 of that renewal period is less than 50 percent of the employees eligible for representation in the unit, as identified in subparagraph 1., must petition the Public Employees Relations Commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this paragraph is revoked.

3. The commission may conduct an investigation to confirm the validity of any information submitted pursuant to this paragraph.

a. If the commission has reason to believe a registered employee organization has reported inaccurate figures pursuant



565898

to this paragraph, it can require the employee organization to submit its membership roll in order to verify the accuracy of the reported figures. If the employee organization fails to submit its membership roll within 30 days of receiving a written request from the commission, the employee organization's certification will be revoked.

b. If a registered employee organization does not submit or intentionally misstates the information required in this paragraph for a certified bargaining unit it represents, the employee organization's certification for that unit will be revoked.

4. The commission shall adopt rules to carry out this paragraph.

(d) Notwithstanding the provisions of s. 447.303 relating to dues deduction and collection, an employee organization that has been certified as the bargaining agent for instructional personnel may not have its dues and uniform assessments deducted and collected by a district school board from the salaries of instructional personnel. Instructional personnel who are represented by an employee organization must pay their dues and uniform assessments directly to the employee organization that has been certified as their bargaining agent.

(e) Beginning August 1, 2021, and each August 1 thereafter, before the employee organization can collect dues or uniform assessments from any instructional personnel for the upcoming school year, the employee must sign and submit a form to the employee organization acknowledging Florida is a right-to-work state. The form must contain the following acknowledgement in bold letters and in at least 14-point type:



565898

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

Section 2. Section 1012.8552, Florida Statutes, is created to read:

1012.8552 Collective bargaining.—

(1) In addition to s. 447.305(2), an employee organization that has been certified as the bargaining agent for a unit of instructional personnel employed by a Florida College System institution must include for each such certified bargaining unit the following information and documentation in its application for renewal of registration:

(a) The number of employees in the bargaining unit who are eligible for representation by the employee organization on the date the application is filed.

(b) The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.

(c) Documentation provided by the institution verifying the information provided in paragraphs (a) and (b).

(d) Documentation provided by the institution verifying that it was provided a copy of the employee organization's application for renewal of registration.

(2) An application for renewal of registration is incomplete and is not eligible for consideration by the Public



565898

Employees Relations Commission if it does not include all of the information and documentation required in subsection (1). The commission shall notify the employee organization if the application is incomplete. Any incomplete application must be dismissed if the required information and documentation are not provided within 10 days after the employee organization receives such notice.

(3) Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues-paying membership is less than 50 percent of the employees eligible for representation in the bargaining unit must petition the commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the bargaining unit within 1 month after the date on which the employee organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this section is revoked.

(4) A Florida College System institution may challenge an employee organization's application for renewal of registration if the institution believes that the application is inaccurate. The commission or one of its designated agents shall review the application to determine its accuracy and compliance with this section. If the commission finds that the application is inaccurate or does not comply with this section, the commission shall revoke the registration and certification of the employee organization.

Section 3. Section 1012.916, Florida Statutes, is created to read:

1012.916 Collective bargaining.—



565898

(1) In addition to s. 447.305(2), an employee organization that has been certified as the bargaining agent for a unit of instructional personnel employed by a State University System institution must include for each such certified bargaining unit the following information and documentation in its application for renewal of registration:

(a) The number of employees in the bargaining unit who are eligible for representation by the employee organization on the date the application is filed.

(b) The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.

(c) Documentation provided by the institution verifying the information provided in paragraphs (a) and (b).

(d) Documentation provided by the institution verifying that it was provided a copy of the employee organization's application for renewal of registration.

(2) An application for renewal of registration is incomplete and is not eligible for consideration by the Public Employees Relations Commission if it does not include all of the information and documentation required in subsection (1). The commission shall notify the employee organization if the application is incomplete. Any incomplete application must be dismissed if the required information and documentation are not provided within 10 days after the employee organization receives such notice.

(3) Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues-paying membership is less than 50 percent of the employees



565898

eligible for representation in the bargaining unit must petition the commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the bargaining unit within 1 month after the date on which the employee organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this section is revoked.

(4) A State University System institution may challenge an employee organization's application for renewal of registration if the institution believes that the application is inaccurate. The commission or one of its designated agents shall review the application to determine its accuracy and compliance with this section. If the commission finds that the application is inaccurate or does not comply with this section, the commission shall revoke the registration and certification of the employee organization.

Section 4. This act shall take effect July 1, 2021.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to employee organizations; amending s.
1012.2315, F.S.; revising the information that
employee organizations that have been certified as the
bargaining agent for a unit of instructional personnel
must report in applications for renewal of
registration; requiring certain employee organizations



565898

to petition the Public Employees Relations Commission for recertification; authorizing the commission to conduct an investigation to confirm the validity of certain information; authorizing the commission to require an employee organization to submit certain information as part of such investigation; providing for the revocation of an employee organization's certification if it fails to meet certain requirements; requiring the commission to adopt rules; prohibiting an employee organization from having its dues and uniform assessments deducted and collected by a district school board; requiring certain instructional personnel to sign and submit a specified form to the employee organization by a certain date and annually thereafter before the employee organization may collect dues or uniform assessments for the upcoming school year; creating s. 1012.8552, F.S.; requiring an employee organization certified as the bargaining agent for a unit of Florida College System institution instructional personnel to include specified information and documentation in an application for registration renewal; providing that certain applications are incomplete; providing procedures for incomplete applications; requiring certain employee organizations to petition the commission for recertification; authorizing a Florida College System institution to challenge an employee organization's application; requiring the commission to review a challenged application and revoke an



565898

employee organization's registration and certification
in certain circumstances; creating s. 1012.916, F.S.;
requiring an employee organization certified as the
bargaining agent for a unit of State University System
institution instructional personnel to include
specified information and documentation in an
application for registration renewal; providing that
certain applications are incomplete; providing
procedures for incomplete applications; requiring
certain employee organizations to petition the
commission for recertification; authorizing a State
University System institution to challenge an employee
organization's application; requiring the commission
to review a challenged application and revoke an
employee organization's registration and certification
in certain circumstances; providing an effective date.



584180

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
03/17/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Between lines 113 and 114
insert:

Section 2. Section 1012.8552, Florida Statutes, is created
to read:

1012.8552 Collective bargaining.—

(1) In addition to s. 447.305(2), an employee organization
that has been certified as the bargaining agent for a unit of
instructional personnel employed by a Florida College System



584180

institution must include for each such certified bargaining unit the following information and documentation in its application for renewal of registration:

(a) The number of employees in the bargaining unit who are eligible for representation by the employee organization on the date the application is filed.

(b) The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.

(c) Documentation provided by the institution verifying the information provided in paragraphs (a) and (b).

(d) Documentation provided by the institution verifying that it was provided a copy of the employee organization's application for renewal of registration.

(2) An application for renewal of registration is incomplete and is not eligible for consideration by the Public Employees Relations Commission if it does not include all of the information and documentation required in subsection (1). The commission shall notify the employee organization if the application is incomplete. Any incomplete application must be dismissed if the required information and documentation are not provided within 10 days after the employee organization receives such notice.

(3) Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the bargaining unit must petition the Public Employees Relations Commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive



584180

representative of all employees in the bargaining unit within 1 month after the date on which the employee organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this subsection is revoked.

(4) A Florida College System institution may challenge an employee organization's application for renewal of registration if the institution believes that the application is inaccurate. The commission or one of its designated agents shall review the application to determine its accuracy and compliance with this section. If the commission finds that the application is inaccurate or does not comply with this section, the commission shall revoke the registration and certification of the employee organization.

Section 3. Section 1012.916, Florida Statutes, is created to read:

1012.916 Collective bargaining.—

(1) In addition to s. 447.305(2), an employee organization that has been certified as the bargaining agent for a unit of instructional personnel employed by a State University System institution must include for each such certified bargaining unit the following information and documentation in its application for renewal of registration:

(a) The number of employees in the bargaining unit who are eligible for representation by the employee organization on the date the application is filed.

(b) The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.



584180

69 (c) Documentation provided by the institution verifying the
70 information provided in paragraphs (a) and (b).

71 (d) Documentation provided by the institution verifying
72 that it was provided a copy of the employee organization's
73 application for renewal of registration.

74 (2) An application for renewal of registration is
75 incomplete and is not eligible for consideration by the Public
76 Employees Relations Commission if it does not include all of the
77 information and documentation required in subsection (1). The
78 commission shall notify the employee organization if the
79 application is incomplete. Any incomplete application must be
80 dismissed if the required information and documentation are not
81 provided within 10 days after the employee organization receives
82 such notice.

83 (3) Notwithstanding the provisions of chapter 447 relating
84 to collective bargaining, an employee organization whose dues
85 paying membership is less than 50 percent of the employees
86 eligible for representation in the bargaining unit must petition
87 the commission pursuant to s. 447.307(2) and (3) for
88 recertification as the exclusive representative of all employees
89 in the bargaining unit within 1 month after the date on which
90 the employee organization applies for renewal of registration
91 pursuant to s. 447.305(2). The certification of an employee
92 organization that does not comply with this section is revoked.

93 (4) A State University System institution may challenge an
94 employee organization's application for renewal of registration
95 if the institution believes that the application is inaccurate.
96 The commission or one of its designated agents shall review the
97 application to determine its accuracy and compliance with this



584180

section. If the commission finds that the application is
inaccurate or does not comply with this section, the commission
shall revoke the registration and certification of the employee
organization.

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

And the title is amended as follows:

Delete line 39

and insert:

subject to certain rules, to adopt policies; creating
s. 1012.8552, F.S.; requiring an employee organization
certified as the bargaining agent for a unit of
Florida College System institution instructional
personnel to include specified information and
documentation in an application for registration
renewal; providing that certain applications are
incomplete; providing procedures for incomplete
applications; requiring certain employee organizations
to petition the commission for recertification;
authorizing a Florida College System institution to
challenge an employee organization's application;
requiring the commission to review a challenged
application and revoke an employee organization's
registration and certification in certain
circumstances; creating s. 1012.916, F.S.; requiring
an employee organization certified as the bargaining
agent for a unit of State University System
institution instructional personnel to include
specified information and documentation in an



584180

127 application for registration renewal; providing that
128 certain applications are incomplete; providing
129 procedures for incomplete applications; requiring
130 certain employee organizations to petition the
131 commission for recertification; authorizing a State
132 University System institution to challenge an employee
133 organization's application; requiring the commission
134 to review a challenged application and revoke an
135 employee organization's registration and certification
136 in certain circumstances; providing

By Senator Baxley

12-00705A-21

20211014__

1 A bill to be entitled
 2 An act relating to employee organizations; amending s.
 3 1012.2315, F.S.; requiring employee organizations that
 4 have been certified as the bargaining agent for
 5 educational support employees to include specified
 6 information in applications for renewal of
 7 registration; revising the information that employee
 8 organizations certified as the bargaining agent for a
 9 unit of instructional personnel or educational support
 10 employees must report in applications for renewal of
 11 registration; requiring that an employee organization
 12 whose full dues-paying membership as of a specified
 13 date is less than 50 percent of eligible employees to
 14 petition the Public Employees Relations Commission for
 15 recertification; authorizing the commission to conduct
 16 an investigation to confirm the validity of certain
 17 information; requiring the commission to adopt rules;
 18 requiring instructional personnel and educational
 19 support employees who are represented by an employee
 20 organization and have union dues and uniform
 21 assessments deducted from their salary to submit a
 22 specified form to school districts by a certain date
 23 and biennially thereafter; requiring instructional
 24 personnel and educational support employees who first
 25 request to have union dues and uniform assessments
 26 deducted from their salary after a certain date to
 27 submit a specified form to school districts within a
 28 specified timeframe and biennially thereafter;
 29 providing acknowledgment language for such form;

Page 1 of 4

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

12-00705A-21

20211014__

30 prohibiting district school boards from deducting
 31 union dues or uniform assessments from the salaries of
 32 instructional personnel or educational support
 33 employees who fail to timely submit the form;
 34 requiring school districts to confirm directly with a
 35 form signatory that he or she has authorized
 36 deductions for union dues and uniform assessments from
 37 his or her salary and to wait for confirmation before
 38 making any deduction; requiring school districts,
 39 subject to certain rules, to adopt policies; providing
 40 an effective date.

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

43
 44 Section 1. Paragraph (c) of subsection (4) of section
 45 1012.2315, Florida Statutes, is amended, and paragraph (d) is
 46 added to that subsection, to read:

47 1012.2315 Assignment of teachers.—

48 (4) COLLECTIVE BARGAINING.—

49 (c)1. In addition to the provisions under s. 447.305(2), an
 50 employee organization that has been certified as the bargaining
 51 agent for a unit of instructional personnel as defined in s.
 52 1012.01(2) or educational support employees as defined in s.
 53 1012.01(6) must include for each such certified bargaining unit
 54 the following information in its application for renewal of
 55 registration:

56 a. The number of employees in the bargaining unit who are
 57 eligible for representation by the employee organization as of
 58 December 31 of that renewal period.

Page 2 of 4

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

12-00705A-21

20211014

b. The number of employees who are represented by the employee organization as of December 31 of that renewal period, specifying the number of members who pay full dues and the number of members who do not pay full dues.

2. Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose full dues-paying dues-paying membership as of December 31 of that renewal period is less than 50 percent of the employees eligible for representation in the unit, as identified in subparagraph 1., must petition the Public Employees Relations Commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this paragraph is revoked.

3. The commission may conduct an investigation to confirm the validity of any information submitted pursuant to this paragraph.

4. The commission shall adopt rules to carry out the provisions of this paragraph.

(d)1. By August 1, 2021, and on a biennial basis thereafter, instructional personnel and educational support employees who are represented by an employee organization and have union dues and uniform assessments deducted from their salary must sign and submit a form to the school district acknowledging that Florida is a right-to-work state. Instructional personnel and educational support employees represented by an employee organization who first request to

12-00705A-21

20211014

have union dues and uniform assessments deducted from their salaries after August 1, 2021, must sign and submit the form to the school district within 30 days after making such request and on a biennial basis thereafter. The form must contain the following acknowledgment in at least 14-point boldfaced type:

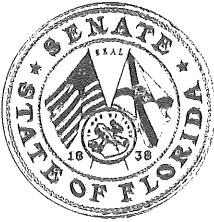
I ACKNOWLEDGE AND UNDERSTAND THAT FLORIDA IS A RIGHT-TO-WORK STATE AND UNION MEMBERSHIP IS NOT REQUIRED AS A CONDITION OF EMPLOYMENT. I UNDERSTAND THAT UNION MEMBERSHIP AND PAYMENT OF UNION DUES AND UNIFORM ASSESSMENTS ARE VOLUNTARY AND THAT I MAY NOT BE DISCRIMINATED AGAINST IN ANY MANNER IF I REFUSE TO JOIN OR FINANCIALLY SUPPORT A UNION.

2. A district school board may not deduct any union dues or uniform assessments from the salary of any instructional personnel or educational support employees who are represented by an employee organization and who have not timely signed and submitted a form pursuant to this paragraph.

3. A school district shall confirm directly with a signatory of the form required by this paragraph that he or she has authorized deductions for union dues or uniform assessments from his or her salary and shall wait for confirmation before making any deduction.

4. Subject to the rules of the State Board of Education, each school district shall adopt policies to carry out this paragraph.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Ethics and Elections, *Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Community Affairs
Criminal Justice
Health Policy
Judiciary
Rules

JOINT COMMITTEE:
Joint Legislative Auditing Committee,
Alternating Chair

SENATOR DENNIS BAXLEY
12th District

February 15, 2021

The Honorable Chair Ray Rodrigues
305 Senate Office Building
Tallahassee, FL 32399

Dear Chair Rodrigues,

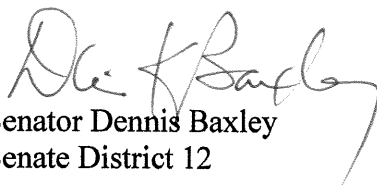
I would like to request SB 1014 Employee Organizations be heard in the next Government Oversight & Accountability Committee Meeting.

This bill would require instructional and support personnel unions to obtain signed attestation forms biennially from the individual attesting to his or her desire to be part of the union; requires that the school district verify directly with the individual the validity of that election.

It also expands the existing requirements of the union recertification law to school support employees, not just teachers. It strengthens the ability of the Public Employees Relation Commission (PERC) to conduct investigations and take appropriate administrative action for non-compliance. And it clarifies that membership rations must be determined by full dues-paying voting members, not discounted membership nor part-time, retired, student, or other lesser membership categories.

I appreciate your favorable consideration.

Onward & Upward,


Senator Dennis Baxley
Senate District 12

DKB/dd

cc: Joe McVaney, Staff Director

REPLY TO:

- ☐ 206 South Hwy 27/441, Lady Lake, Florida 32159 (352) 750-3133
- ☐ 315 SE 25th Avenue, Ocala, Florida 34471 (352) 789-6720
- ☐ 322 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17 2021

Meeting Date

SB 1014

Bill Number (if applicable)

565898

Topic Employee Organizations, the right to collectively bargain

Amendment Barcode (if applicable)

Name Hope Wilson

Job Title professor

Address 4460 Hodges Blvd Apt 520

Phone 860-986-0734

Street

Jacksonville

FL

32224

Email hope.e.wilson@gmail.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing United Faculty of Florida at the Univ of North 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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

SB1014

Bill Number (if applicable)

565898

Amendment Barcode (if applicable)

Topic Education

Name Elizabeth Chaille

Job Title Teacher

Address 1070 Luminary Circle #104 Phone 321-537-7273
Street

Melbourne FL 32901
City State Zip

Email liz.chaille@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17 2021

Meeting Date

SB 1014

Bill Number (if applicable)

565898

Topic Employer Experience with Unions

Amendment Barcode (if applicable)

Name Harvey Slentz

Job Title Professor of Business Law & Employment Law

Address 2923 Breakers Dr

Phone 904-277-6716

Street

Amelia Island

FL

32034

Email HASlentz@aol.com

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021
Meeting Date

SB 1014
Bill Number (if applicable)

Topic Re-enrollment in Union / Dues deduction 565898
Amendment Barcode (if applicable)

Name Mary Rivera

Job Title teacher

Address 14715 NE 112th Ct
Street

Phone 352 789 2996

Fort McCoy FL 32134
City State Zip

Email sing4glory2@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

8/17/2021

Meeting Date

1079

Bill Number (if applicable)

565898

Amendment Barcode (if applicable)

Topic Education

Name LaTonya Starks

Job Title 4th Grade Teacher

Address 2511 48th St SW

Street

Lehigh Acres

FL

33976

City

State

Zip

Phone 2054017366

Email tonyamoney2@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.

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)

3-17-21

Meeting Date

SB 1014

Bill Number (if applicable)

565898

Amendment Barcode (if applicable)

Topic

Education

Name

Rachelle Lee

Job Title

Middle School Math Teacher

Address

4114 SW Carpenter Rd

Street

Lake City, FL

City

State

32024

Zip

Phone

386-515-5833

Email

rachelle.lee89@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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

17 Mar 21

Meeting Date

SB 1014

Bill Number (if applicable)

565898

Amendment Barcode (if applicable)

Topic Education

Name Lare Miller

Job Title Life long educator

Address 618 Robin Ln

Street

Kissimmee FL 34759

City

State

Zip

Phone 407 837 2243

Email n8tvestoff@gmail

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.

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE
APPEARANCE RECORD

3-17-21
Meeting Date

1014
Bill Number (if applicable)
565899
Amendment Barcode (if applicable)

Topic Union

Name Elizabeth Rasmussen

Job Title Teacher

Address 6449 Evergreen Park Dr

Lakeland FL 33813
City State Zip

Phone 727-418-9840

Email Grass2007@

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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/17/2021
Meeting Date

1014
Bill Number (if applicable)
565898
Amendment Barcode (if applicable)

Topic _____

Name Ashley Modesto

Job Title Teacher

Address 489 Burnt tree Ln

Street

Apopka

City

FL

State

32712

Zip

Phone (321) 439-7499

Email amodesto@deckerlaw.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Michelle Dillon

Job Title Teacher

Address 94 Lincoln St.

Phone 804-226-0259

St. Augustine FL 32084
City State Zip

Email dillonmichelle11@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~St. Johns Education Association~~ 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.

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)

3/17

Meeting Date

SB 1016

Bill Number (if applicable)

Topic collective Bargaining

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title _____

Address 135 S. Monroe

Phone 229 - 6926

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida 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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Jami JACKSON

Job Title 1st Grade Teacher

Address 667 Battersea Dr.
Street

Phone 501-0105

ST. AUG FL 32085
City State Zip

Email jenkins2015-0
bellcat@icloud.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

3/17/21
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 1014
Bill Number (if applicable)

Topic Senate Bill 1014

Amendment Barcode (if applicable)

Name Hali Worthington

Job Title 6th grade teacher

Address 29 Amistad Dr.
Street

Phone 904.484.4790

St. Augustine FL 32086
City State Zip

Email hworthington11@hotmail.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Vote no on Bill 1014

Amendment Barcode (if applicable)

Name Emily Rose Ludwick

Job Title English Teacher

Address 13401 Sutton Park Dr S Unit 1022

Phone 434 989 3503

Street

Jacksonville

City

FL

State

32224

Zip

Email eludwick13@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing St Johns School District self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Pura Scott

Job Title Elementary Media Specialist

Address 120 B Menendez Rd

Street

Phone 904 392 1686

St. Augustine

City

FL

State

32086

Zip

Email puranyoka@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.

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

S-001 (10/14/14)

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Jonathan Hilliard

Job Title Teacher

Address 6090 Edison St.
Street

Phone 321.917.5535

Cocoa FL 32927
City State Zip

Email jshilliard32@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against ☒ *gma:1. com*
(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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

1014
Bill Number (if applicable)

Topic Employer Organizations

Amendment Barcode (if applicable)

Name Lissa O'Rourke

Job Title Pres ESE/UPK teacher

Address 2900 Castnet Ct.

Phone 904-451-2706

Street

St Augustine FL 32092

City

State

Zip

Email lissa810@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3.17.21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Kate Dardie

Job Title Teacher

Address 53 Bay View Drive

Street

Phone 904.669.0467

St Augustine FL 32084

City

State

Zip

Email dardiek@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

SB 1014

Bill Number (if applicable)

3.17.21
Meeting Date

Topic Employee Organization, the right to bargain

Name Melissa Carr

Job Title 4th grade teacher

Address 96064 Starlight Ln

Street Yulee State FL Zip 32097

Phone 904-400-0189

Email msfokes1166@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~NEA~~ self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB1014

Bill Number (if applicable)

Topic Employee Organizations

Amendment Barcode (if applicable)

Name Ali Hartman

Job Title Middle School Math Support Facilitator

Address 2476 State Rd. 2

Phone 904.616.5102

Street

Hilliard

FL

State

32046

Zip

Email adhartman88@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~myself~~ 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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB1014

Bill Number (if applicable)

Topic SB1014 Desertification of Unions

Amendment Barcode (if applicable)

Name MARIAN Phillips

Job Title President of The Nassau Educational Support Personnel Assoc.

Address 724 56th St.

Phone 904-206-6230

Street

Fernandina Beach FL

State

Zip

Email islandgirl79@comcast.net

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Public Education, Educators, Teachers Support Staff

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)

Meeting Date _____

SB 1014
Bill Number (if applicable)

Topic EMPLOYER EXPERIENCE WITH UNIONS

Amendment Barcode (if applicable) _____

Name HARVEY SLENTZ

Job Title PROFESSOR, BUSINESS LAW & EMPLOYMENT LAW

Address 2923 Breakers DRWE Phone (904) 415-1204
Street
AMELIA ISLAND FL 32034 Email HARVEY@HARVEYSLENTZ.COM
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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

03-17-21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Charlena Retkowski

Job Title Food Service Worker

Address 795 Battersea Drive

Street

St. Augustine, FL

City

State

32095

Zip

Phone 904-612-7112

Email Char.retkowski@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB1014

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Dan Bennett

Job Title Teacher

Address 3386 Angelica St.

Phone 321-543-5573

Street

Cocoa FL 32926

City

State

Zip

Email ufdanny4@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.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21

Meeting Date

SB1014

Bill Number (if applicable)

Topic SB1014 Vote N.

Amendment Barcode (if applicable)

Name Sean Farnum

Job Title Teacher

Address 18 1/2 Cincinnati Ave #A

Phone 386-793-3110

Street

St. Augustine

City

FL

State

32084

Zip

Email seanfarnum@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17

Meeting Date

SB 1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Jeff Skipper

Job Title Teacher/Coach

Address 629 Sea Breeze Dr

Phone 850 624 1660

Street

Panama City Beach FL 32713

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

SB 1014

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Michele McCormack

Job Title Teacher of the Deaf and Hard of Hearing

Address 3532 Rushing Waters Dr.
Street

Phone 661-802-8255

West Melbourne FL 32904
City State Zip

Email MLmccormack7@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

uplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

1014

Bill Number (if applicable)

Topic

SB 1014

Amendment Barcode (if applicable)

Name

Sara Wade

Job Title

Teacher

Address

3910 Napoli Rd

Phone

850 526-8426

Street

PC

City

FL

State

32405

Zip

Email

sarawade17@yahoo.ca

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TEST ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

SB 1014

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Dawn Rosado

Job Title Teacher

Address _____

Phone 850.685.2029

Street

Pensacola

FL

32514

City

State

Zip

Email Sharee9297@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Against SB1014

Amendment Barcode (if applicable)

Name Kelley Stephenson

Job Title Teacher

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

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

SB 1014

Bill Number (if applicable)

Amendment Barcode (if applicable)

8/17/21
Meeting Date

Topic SB 1014

Name Dana Kwarteng

Job Title 2nd grade teacher

Address 3201 Pleasant Hill Rd.

Street

City

Lynn Haven

State

FL

Zip

32441

Phone 314-651-5120

Email dana.kwarteng@abcteac.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Dana Kwarteng

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)

3/17/21
Meeting Date

1064
Bill Number (if applicable)

Topic Business Organization

Amendment Barcode (if applicable)

Name Ida V. Eskamani

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 Florida Rising

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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17 2021
Meeting Date

1014
Bill Number (if applicable)

Topic SB 1014 my freedom to advocate

Amendment Barcode (if applicable)

Name Victoria Wilkerson

Job Title ESE School Bus Driver

Address 1124 Schofield RD
Street

Phone 850-307-8256

Defuniak Spgs. FL 32433
City State Zip

Email tonyandvicki1126@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

1014
Bill Number (if applicable)

Topic SB 1014 my Freedom to advocate

Amendment Barcode (if applicable)

Name Caroline Lofeifo

Job Title ESE Bus Aide

Address 619 Forest shore Dr.
Street

Phone (850) 723-1303

Miramar Bch FL
City State Zip

Email Carabel199@icloud.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-7-21
Meeting Date

SB1014
Bill Number (if applicable)

Topic SB1014

Amendment Barcode (if applicable)

Name Susan Moody

Job Title Teacher

Address 151 golden eagle ct
Street

Phone 850-803-8300

Santa Rosa Beach FL 32459
City State Zip

Email Sjaevismoodye@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic Stephanie Yocum SB 1014

Amendment Barcode (if applicable)

Name Stephanie Yocum

Job Title teacher - President Polk Education Association

Address 917 Rolling Woods Ln
Street

Phone 386-916-8902

Lakeland, FL 33813
City State Zip

Email yocumse@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Polk Education Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Carly Karas

Job Title Teacher

Address 1113 McKenzie Ave Unit B
Street

Phone 850 376 5226

Panama City FL 32401
City State Zip

Email cskaras1120@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Chelsea Alberda

Job Title Teacher

Address 3680 Overland Drive

Phone (850) 572-4503

Street

Pensacola

FL

32504

City

State

Zip

Email chelsea.alberda@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Helen Mitchell

Job Title Teacher

Address 252 Beacon Way
Street
Santa Rosa Beach, FL 32459
City State Zip

Phone 850-376-3275

Email helenj02@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17 2021
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Patrick Strong

Job Title EBD Classroom Assistant

Address 5928 Buck Ward Rd

Phone 850 585 5890

Street

Baker

City

FL

State

32531

Zip

Email phsgtp@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~OSP~~ self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

1014
Bill Number (if applicable)

Topic Union Rights

Amendment Barcode (if applicable)

Name Resa A. Hunter

Job Title Secretary

Address 3807 Caverns Rd
Street

Phone (850) 209-3088

Mannana FL
City State

32446 Zip
Email resa.hunter@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing JESPA

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

17 MAR 21

Meeting Date

SB1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Dave Galaway

Job Title Teacher

Address 7100 Nokes Rd

Phone 888.204.5134

Street

Grand Ridge

City

FL

State

32442

Zip

Email davegal@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

SB 1014

Bill Number (if applicable)

Amendment Barcode (if applicable)

3/17/21
Meeting Date

Topic SB 1014

Name Kat Nickell

Job Title English Teacher

Address 1055 W. Tee Cor.

Street

Bardow

City

FL

State

33830

Zip

Phone (863) 529-9056

Email mrskatnickell@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

1014

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name KEVIN DALY

Job Title TEACHER

Address 15360 Sonoma Dr #206
Street

Phone 239 822 3362

Fort Myers FL 33906
City State Zip

Email Kbdaly@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~Yonkers~~ Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Luks Lorely

Job Title Music Educator

Address 3323 Wausatch Range Loop

Phone 800-344-7454

Pensacola FL 32529
City State Zip

Email Chorely4444@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.

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

S-001 (10/14/14)

Meeting Date

Bill Number (if applicable)

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB1014

Bill Number (if applicable)

Topic Educator Freedom

Amendment Barcode (if applicable)

Name Hannah J Storeman

Job Title ESE Teacher

Address 4063 Springs Ln FL 34134

Phone 330.231.9674

Street

Bonita Springs

City

State

Zip

Email hannahjays33@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Educators and 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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Jordan Appelberg

Job Title Teacher

Address 5768 Wildwood Rd

Phone 850-758-9284

Street

Crestview,
City

FL
State

32536
Zip

Email jappelberg90@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~Okaloosa CEA~~ Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Lindsey Stuart

Job Title Teacher

Address 960 Long Rd
Street

Phone 850-819-0002

DeFuniak Springs, FL 32433
City State Zip

Email stuartl@walton.k12.fl.us

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021
Meeting Date

SB1014
Bill Number (if applicable)

Topic education

Amendment Barcode (if applicable)

Name Rebecca Stuart

Job Title Teacher

Address 960 Long Road
Street

Phone 850 819 4515

DeFuniak Springs FL 32433
City State Zip

Email stuart@walton.k12.fl.us

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.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-17-21

Meeting Date

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

1014

Bill Number (if applicable)

Topic

Freedom of membership

Amendment Barcode (if applicable)

Name

Pam Moran

Job Title

Science Teacher

Address

1358 10th St

Phone

239-692-6156

Street

Naples

State

FL

Zip

34102

Email

flteacher05@

Yahoo

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Students + teachers

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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-2021

Meeting Date

SB1014

Bill Number (if applicable)

Topic SB1014 - Freedom to join my Amendment Barcode (if applicable)
prof. organization

Name Helen Hamel

Job Title Magnet Facilitator

Address 3145 SE Hwy 42

Street

Summerfield

City

FL

State

34491

Zip

Phone 352-816-0626

Email helen.hamel.87
@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021
Meeting Date

SB1014
Bill Number (if applicable)

Topic No On Senate Bill 1014

Amendment Barcode (if applicable)

Name Jacquelin Dickey

Job Title Secretary (middle school grade level)

Address 241 13th St. N. #601

Phone 727-290-5319

St. Petersburg FL 33705
City State Zip

Email jacquelin.dickey@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Me (Jacquelin Dickey)

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/17/21
Meeting Date

1014
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Yolanda Kearney

Job Title ~~Teacher~~ (CDA) Child Development Assoc. Teacher

Address P.O. Box 1113
Street

Phone 727-851-0755

Largo
City State Zip

Email yoliee1de1123@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021
Meeting Date

SB1014
Bill Number (if applicable)

Topic SB1014

Amendment Barcode (if applicable)

Name Charity Simpson

Job Title Math Teacher

Address 5488 Valley View Drive
Street

Phone 830-445-1540

Brooksville FL 34601
City State Zip

Email misskitty83@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Susan Vinson

Job Title Teacher, LCS

Address 4598 Ramsgate Dr.

Phone 850-491-1105

Street

Tallahassee

City

FL

State

32309

Zip

Email SV903teacher@yahoo.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-2021

Meeting Date

1014

Bill Number (if applicable)

Topic S.B. 1014

Amendment Barcode (if applicable)

Name Dr. Susan Karot-Smith

Job Title Teacher - Duval County

Address 3245 Deerfield Pk Drive
Street

Phone 904-507-3579

Orange Park FL 32073
City State Zip

Email dr.s.m.smith@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself, educators:

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Cassandra Johnson

Job Title Para Professional

Address 1420 30th St So
Street
St. Petersburg FL 33712
City State Zip

Phone 727-771-3351

Email cm3048@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17, 2021
Meeting Date

Senate Bill 1014
Bill Number (if applicable)

Topic Educators' Union Dues & Membership

Amendment Barcode (if applicable)

Name Dr. Tess Dale

Job Title ESE Resource Teacher, Walton County School District

Address 200 Conner Circle

Phone 843-957-0962

Street

Santa Rosa Beach, FL 32459

City

State

Zip

Email daneingesq@msn.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself, as a private citizen and FL voter

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/17/2021
Meeting Date

1014
Bill Number (if applicable)

Topic Frederick Douglas Speaks

Amendment Barcode (if applicable)

Name Judith Mandela

Job Title Teacher

Address 6238 Quarterhorse Trail
Street

Phone 850-443-6618

Tallahassee, Florida 32309
City State Zip

Email jmanhope@msn.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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/17/2021
Meeting Date

SB 1014
Bill Number (if applicable)

Topic No on Senate Bill 1014

Amendment Barcode (if applicable)

Name Sylena Thompson Mas-Garcia

Job Title Grade Level Clerk / Secretary - Middle School

Address 4600-18TH Avenue South
Saint Petersburg Florida 33711
Street City State Zip

Phone 813 846 6882

Email Sylena.mas-garcia@outlook.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself - Sylena Thompson Mas-Garcia

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)

3/17/2021
Meeting Date

SB 1014
Bill Number (if applicable)

Amendment Barcode (if applicable)

Job Title DATA MANAGEMENT TECH

Phone 727-514-1609

Street

Street TARPON SPRINGS FL 34689

Email Sharihardy@yahoo.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ 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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/17/2021
Meeting Date

SB 1014
Bill Number (if applicable)

Topic No on Senate Bill 1014

Name Candyce B. Cotton-Turner

Job Title CDA Child Development associate

Address 3775 Abington Ave S.

Phone 727 565-3635

Street

St. Petersburg

FL

33711

Zip

Email Calais83.ce@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.

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

S-001 (10/14/14)

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021
Meeting Date

SB 1014
Bill Number (if applicable)

Topic FREEDOM SB 1014

Amendment Barcode (if applicable)

Name SCOTT MAZUR

Job Title EDUCATOR

Address 3319 DARTMOUTH DR

Phone (888) 514-5322

TALLAHASSEE FL 32312
City State Zip

Email mymaz55@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

SB1014

Bill Number (if applicable)

Topic

SB1014

Amendment Barcode (if applicable)

Name

Shanna Jennings

Job Title

Social Worker Asst

Address

Street

DCALA

FL

State

34479

Zip

Phone

352/229-9699

Email

Jennings467@gmail.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

JAIF

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)

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Jennifer Acevedo

Job Title Clerk Typist

Address 1605 NE 31st St

Phone 352 426 6866

Ocala FL 34479
City State Zip

Email garboza726@icloud.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Jennifer Acevedo

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB1014

Bill Number (if applicable)

Topic SB1014

Amendment Barcode (if applicable)

Name José Orlando Acevedo

Job Title Custodian

Address 1605 NE 31st St

Phone 352/789-1864

Street

Ocala, FL 34479

Email bass2281@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing José Orlando Acevedo

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic

Professional organizations

Amendment Barcode (if applicable)

Name

Joanne Houghton

Job Title

Civics teacher

Address

711 NE 45th St

Phone

352-220-7373

Street

City

Ocala

State

FL

Zip

34479

Email

houghton.joanne@gmail.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking

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

☐

In Support

☒

Against

Representing

myself - Joanne Houghton

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-2021

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Freedom to join my professional organization

Amendment Barcode (if applicable)

Name Mark Avery

Job Title Teacher

Address 3 Diamond Ridge Way

Street

Phone 352-817-8757

Ocala

City

FL

State

34472

Zip

Email markis4uf@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.

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

S-001 (10/14/14)

MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

1014
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic SB 1014

Name Veronica Smith

Job Title 5th grade teacher

Address 5111 Alliance Ave.
Street

Phone 352-515-7408

Email vsmithns09@yahoo.com

City _____ State _____ Zip _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Hernando Classroom Teachers

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.

S-001 (10/14/14)

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name MICHAEL LAWLESS

Job Title ELA TEACHER, HERNANDO COUNTY

Address 9388 SKINGFISH TER

Phone 941 356 5365

Street
FLORIDA CITY FL 34436
City State Zip

Email LAWLESS767@AOL.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Willie Craig

Job Title Education

Address 5162 PERSIMMON HOLLOW RD

Phone 850 390-6664

Street

MILTON

FL

32583

City

State

Zip

Email willie.craigjr@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing STAFF & PROFESSIONALS

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 1014

Bill Number (if applicable)

565898

Amendment Barcode (if applicable)

Topic Employee Organization

Name SANDRA MALDONADO-ROSS

Job Title TEACHER

Address 355 VOTAW ROAD

Street

Phone 407-462-9451

APOLKA

City

FL

State

32703

Zip

Email Sandra.ross.26@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic unions

Amendment Barcode (if applicable)

Name Anthony Colucci

Job Title President

Address 1007 Florida Ave

Phone 321-759-6356

Street

Bockledge

City

FL

State

32955

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Brevard Federation of Teachers

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)

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name David Morris

Job Title Teacher

Address 39 Pershing Ln

Phone 386-621-9244

Street

Palm Coast FL 32164

Email

City

State

Zip

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.

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

S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21

Meeting Date

1014

Bill Number (if applicable)

Topic Employee Organizations

Amendment Barcode (if applicable)

Name Philip Sudermann

Job Title Policy Director

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

CS-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

HB 4014

Bill Number (if applicable)

Topic Education Unions

Amendment Barcode (if applicable)

Name Elisabeth Dias

Job Title Teacher

Address 17 Rollins Ln

Phone 203 8684557

Street

Palm Coast

FL

32164

Email diase718@gmail.com

City

State

Zip

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

SB

~~HB~~ 1014

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education Unions

Name Katie Hansen

Job Title Teacher

Address 4165 C.R. 302

Bunnell FL 32110
City State Zip

Phone 386-237-2636

Email hansenka@Flagler
Schools.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

Meeting Date 1/17/2021

Bill Number (if applicable) 1614

Amendment Barcode (if applicable)

Topic _____

Name Samantha Boyd

Job Title Para Professional

Address 1014 Massalina Dr

Street

City Dunedin

State FL

Zip 32401

Phone 850 276-3561

Email samantha.boyd@pepysalms.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Employee Organizations

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 S Monroe St.

Phone 850-681-0024

Street

Tallahassee

FL

32312

Email jorge@flapartners.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Center for Worker Progress Action, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Union membership

Amendment Barcode (if applicable)

Name Rachael Zeligman

Job Title Teacher

Address 1727 Lacombe St.

Phone 321-536-4708

Street

Palm Bay

FL

32907

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Educators

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

1014
Bill Number (if applicable)

Topic 1014

Amendment Barcode (if applicable)

Name Terrence Booker

Job Title Paraprofessional

Address 4369 Big Pine Dr

Phone 850-727-6845

Tallahassee FL 32305
City State Zip

Email booker-H@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~TERRENCE BOOKER~~ Terrence Booker

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

SB1014

Bill Number (if applicable)

Topic SB1014

Amendment Barcode (if applicable)

Name Alexis Kelly

Job Title Public School Educator

Address 29922 Alta Vita Ln

Phone (727) 543-1133

Street

Wesley Chapel FL 33543

City

State

Zip

Email Kellyal713@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

1014
Bill Number (if applicable)

Topic Bill 1014

Amendment Barcode (if applicable)

Name Joyce Gaymon

Job Title Paraprofessional Instructional Aide

Address 512 Thomas St
Street

Phone 850 264-7853

Quincy
City

FL
State

32351
Zip

Email gaymonjoyce@live.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself (Joyce Gaymon)

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE
APPEARANCE RECORD

Meeting Date

10-14
Bill Number (if applicable)

Topic Bill 10-14

Amendment Barcode (if applicable)

Name Natalie Paul

Job Title Senior Accountant

Address 3621 Estates Rd

Phone (251) 320-4656

Tallahassee, FL 32305
City State Zip

Email natpaul@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Natalie Paul

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic Senate Bill 1014

Amendment Barcode (if applicable)

Name Tameka Butler

Job Title Bus Driver

Address 8116 Nottingham Dr.

Phone (850) 319-8497

Street

Panama Fl. 32401

City

State

Zip

Email tsb4103@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Grieta Patenaude (Grieta Pat nod)

Job Title educator

Address 1224 13th St N

Phone (727) 452-2615

Street

St Petersburg FL 33705

City

State

Zip

Email GrietaP@hotmail.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.

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

S-001 (10/14/14)

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Senate Bill 1014

Amendment Barcode (if applicable)

Name Jessie Masters

Job Title Teacher

Address 355 Chason Rd

Phone (850) 866-9939

Street

Marianna

City

FL

State

32448

Zip

Email masters.jessie@yahoo.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Alicia Harris

Job Title Professional School Counselor

Address 6721 Best Race Rd

Phone 850-814-5453

Street

DC

City

FL

State

32404

Zip

Email alicia.harris@abceach.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Alicia Harris

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

1014
Bill Number (if applicable)

Topic 51% Union Participation

Amendment Barcode (if applicable)

Name Jeremy Shaw

Job Title Distributed Systems Analyst

Address 1221 BRANDY DR

Phone 850 322 0478

TALLAHASSEE FL 32308
City State Zip

Email SHAWJERRY@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing LESPA

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021
Meeting Date

HB 1014
Bill Number (if applicable)

Topic HB 1014

Amendment Barcode (if applicable)

Name Amy M. Modesto

Job Title Educational Diagnostician

Address 409 Burnt Tree Lane
Street

Phone (407) 335-1004

Apopka FL 32712
City State Zip

Email amymodestbasult@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.

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)

3/17/21
Meeting Date

5B1014
Bill Number (if applicable)

Topic Union Dues

Amendment Barcode (if applicable)

Name Justin Peacock

Job Title UPS driver

Address 20569 County Rd N 68

Phone (850) 516-6181

Street

Robertsdale

AL

36567

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Teamster Union

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/17/21

Meeting Date

1014

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name LORE Ann MatthewsJob Title EducatorAddress 6392 Raleigh St. Apt 2815
Street
Orlando FL 32835
City State ZipPhone 407-591-0864Email LORE-Ann.Matthews@
hotmail.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)Representing MyselfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Restricting Freedom

Amendment Barcode (if applicable)

Name JUDY NGUYEN

Job Title TEACHER

Address 1992 CANAL RD

Phone 386-217-8067

Street

DETONA

City

FL

State

32728

Zip

Email judynguyen@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.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB1014

Bill Number (if applicable)

Topic Freedom From Gov't Paperwork

Amendment Barcode (if applicable)

Name Juanita Williams

Job Title Teacher

Address 138 Lakeside Circle

Phone 407/489.2346

Street

Sanford

FL

32773

City

State

Zip

Email jntw@att.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.

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

S-001 (10/14/14)

3/17/2021
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

~~1014~~ 1014
Bill Number (if applicable)

Topic Union Rights Public School Choice Amendment Barcode (if applicable)

Name Kimberly Smith

Job Title educator

Address 5434 Rushmore Dr.

Street

Panama City FL 32404

City

State

Zip

Phone 850-814-4631

Email ksmith5434@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE
APPEARANCE RECORD

3/17/21
Meeting Date

1014
SB 1014
Bill Number (if applicable)

Topic SB 1014

568 826
Amendment Barcode (if applicable)

Name Karen Stapleton

Job Title Teacher

Address 4819 Native Dancer Lane
Street

Phone 407 690 9245

Orlando FL 32826
City State Zip

Email KDStapleton@earthlink.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/20
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Doreen Karas

Job Title Mom of Teacher

Address 1809 Bayview Ave
Street

Phone 850 376 5226

Panama City, FL
City State Zip

Email lorndinali@yahoo.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic Senate Bill 1014

Amendment Barcode (if applicable)

Name Greg Masters

Job Title Voter

Address 355 Chason Rd
Street

Phone (850) 272-2344

Marianna FL 32448
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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

17 MAR 21

Meeting Date

SB
HB 1014

Bill Number (if applicable)

Topic EDUCATION

Amendment Barcode (if applicable)

Name CHRIS PAGEL

Job Title TEACHER

Address 3002 RIVERSIDE DR

Phone (904) 753-0130

Street

FERNANDINA BEACH FL 32034

City

State

Zip

Email medrafting@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NTA - FEA

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD3/17/21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Andre CrumityJob Title Senior Fiscal AssistantAddress 2006 Foster DrivePhone (850) 766-1674

Street

TallahasseeFL32303

City

State

Zip

Email akrattler90@gmail.comSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)Representing AFSCME Council 79Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

SB 1014

Bill Number (if applicable)

3/17/21
Meeting Date

Topic SB 1014

Amendment Barcode (if applicable)

Name Ivelisse Mooneyham

Job Title Teacher

Address 1101 Emory Dr.
Street
Bahama City, FL 32405
City State Zip

Phone 850 559 0344

Email Evede1aluna
@

Speaking: ☐ For ☐ Against ☐ Information

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

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.

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAW Smith

Job Title Teacher

Address 327 Lancer Oak Dr.
Street

Phone 321 388 6

Apopka FL 32712
City State Zip

Email danielsmithFL@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FEA - Florida Teachers

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)

03.17.21

Meeting Date

SB 1014

Bill Number (if applicable)

Topic Union Dues

Amendment Barcode (if applicable)

Name Ken Williams

Job Title _____

Address 7411 Meadow Drive
Street

Phone 813-493-7685

Tampa FL 33634
City State Zip

Email ~~Ken~~ 79kwilliams@gmail

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.

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

SL001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-17-21

Meeting Date

1014

Bill Number (if applicable)

Topic Gov Accountability

Amendment Barcode (if applicable)

Name Sal Nuzzo

Job Title Vice President of Policy

Address 100 N Duval Street

Phone 850-322-9941

Street

Tallahassee

FL

32301

City

State

Zip

Email snuzzo@jamesmadison.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The James Madison 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.

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)

3/17/21

Meeting Date

SB-1014

Bill Number (if applicable)

Topic UNION DUES

Amendment Barcode (if applicable)

Name J.B. CLARK

Job Title LOBBYIST

Address 2071 CYNTHIA DRIVE

Street

Phone

TALLAHASSEE, FL 32303

City

State

Zip

Email

Speaking: ☐ 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 ☒ 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)

3/17/21

Meeting Date

1014

Bill Number (if applicable)

Topic Government Accountability

Amendment Barcode (if applicable)

Name VITTORIO NASTASI

Job Title Policy Analyst

Address 901 Ziggins Rd

Street

Tallahassee

City

FL

State

32308

Zip

Phone 407-618-6168

Email VN@Reason.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Reason Foundation

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 17, 2021
Meeting Date

SB 1014
Bill Number (if applicable)

Topic Senate Bill 1014

Amendment Barcode (if applicable)

Name Aubrey R. Davey

Job Title Educator (Bay District Schools)

Address 7010 Jolee Rd.
Street

Phone (850) 866-4921

Panama City FL 32404
City State Zip

Email aubrey.davey@abce Teach. org

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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/17

Meeting Date

SB 1014

Bill Number (if applicable)

Topic

SB 1014

Amendment Barcode (if applicable)

Name

Keith Jackson

Job Title

Teacher

Address

Street

Tallahassee

City

FL

State

Zip

Phone

470-591-6598

Email

kjackson496@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-2021

Meeting Date

SB 1014

Bill Number (if applicable)

Topic ~~SB~~ 1014 Education

Amendment Barcode (if applicable)

Name Jamie Michael (paraprofessional)

Job Title Early Childhood Family Advocate

Address 2136 Woodland Boulevard

Phone 239-770-0241

Street

Fort Myers

FL

33907

City

State

Zip

Email aguilthead@yahoo.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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-17-21
Meeting Date

SB 1014
Bill Number (if applicable)

Topic SB 1014

Amendment Barcode (if applicable)

Name Donna Depinet-Dasher

Job Title Teacher

Address 4270 Lee Rd
Street

Phone 352-263-3069

Spring Hill FL 34608
City State Zip

Email depinetdm@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.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

1014

Bill Number (if applicable)

Topic Employee organizations

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title Lobbyist

Address _____

Phone _____

Street

Tallahassee

FL

32301

City

State

Zip

Email Stephanie.Kunkel

@floridass.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Education Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1134

INTRODUCER: Senator Harrell

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Favorable
2.	Ponder	McVane	GO	Favorable
3.			RC	

I. Summary:

SB 1134 includes the following provisions:

- Updates the date of adoption of federal regulations and rules for commercial motor vehicles (CMV) to December 31, 2020;
- Revises the length of time within which an officer of the Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to give written notice requiring correction of an unduly hazardous operating condition from 14 days to 15 days;
- Updates statute to reflect the DHSMV is the agency responsible for the safe operations of nonpublic sector buses;
- Provides that current seat belt requirements are applicable when a vehicle is stationary at a traffic signal;
- Exempts from odometer disclosure a vehicle with a model year of 2011 or newer after 20 years;
- Provides that a motor carrier or vehicle owner whose registration has been suspended is required to return the license plate to the DHSMV or surrender it to law enforcement;
- Provides that a person who has been convicted of any felony involving human trafficking under state or federal law involving the use of a CMV may not be licensed as a CMV operator, or hold a CMV license;
- Provides that the expiration date for an original issuance of a commercial driver license is at midnight 8 years after the licensee's last birthday; and
- Incorporates violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense, which may result in a person being disqualified from operating a CMV for a specified period of time, to align with federal regulations.

The bill may have an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2021.

II. Present Situation:

Federal Regulations

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), an agency within the U.S. Department of Transportation (USDOT), is to prevent CMV-related fatalities and injuries.¹

Florida law defines “commercial motor vehicle” as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act,² as amended.³

Section 316.302(1)(a), F.S., provides that all owners and drivers of a CMV operating on the state’s public highways while engaged in *interstate* commerce are subject to federal regulations.

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in *intrastate* commerce are subject to federal regulations, as they existed on December 31, 2018.

Federal regulations provide that, with some exceptions, CMV drivers must be at least 21 years of age.⁴ Federal regulations also provide maximum drive time requirements for property carrying vehicles.⁵ Section 316.302(2)(a), F.S., provides that a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding⁶ are not required to comply with the above-referenced federal regulations and are not required to comply with 49 C.F.R. 395.3, documenting the maximum driving time for operators of property carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

Florida law also provides that, except as provided in federal regulations, a person operating a CMV solely in intrastate commerce and not transporting any hazardous material may not drive:

- More than 12 hours following 10 consecutive hours off duty; or

¹ Federal Motor Carrier Safety Administration, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited February 10, 2021).

² 49 U.S.C. ss. 1801 et seq.

³ Section 316.003(13), F.S.

⁴ 49 C.F.R. s. 391.11(b)(1).

⁵ 49 C.F.R. s. 395.3(a) and (b).

⁶ Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.⁷

These provisions do not apply to drivers of utility service vehicles.⁸

Section 316.302(2)(c), F.S., provides that, except as provided in the federal hours of service (HOS) rules,⁹ a person operating a CMV solely in intrastate commerce, not transporting any hazardous material, may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Upon request of the DHSMV, motor carriers must furnish time records or other written verification so that the DHSMV can determine compliance with the HOS requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver's record of duty status¹⁰ if the requirements of certain federal rules regarding short-haul operations¹¹ are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.

Section 316.302(9) F.S., requires carriers to provide written notification of the repair of a documented defect to the DHSMV within 14 days. This is inconsistent with federal requirements requiring carriers to provide written notification within 15 days.

Seat Belt Usage

It is unlawful for any person to operate a motor vehicle¹² in Florida unless all drivers, all front seat passengers and all passengers under the age of 18 are restrained by a safety belt or by a child restraint device.¹³

⁷ Section 316.302(2)(b), F.S.

⁸ 49 C.F.R. s. 395.2, defines "utility service vehicle" as any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

⁹ 49 C.F.R. s. 395.1.

¹⁰ 49 C.F.R. s. 395.8.

¹¹ 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

¹² Section 316.003(44), F.S., defines "motor vehicle" as a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.

¹³ Section 316.614, F.S.

Drivers and passengers 18 or older can be cited if they, or any passenger under the age of 18, are not properly strapped in. Drivers will be charged with a seat belt violation if any passenger under the age of 18 is not restrained with a seat belt or child restraint device.

Florida law requires the use of safety belts for all drivers and passengers in all motorized vehicles, except:

- A person certified with a physician as having a medical condition that causes seat belt use to be inappropriate or dangerous. (Keep a copy of certification while driving/being driven);
- Employee of a newspaper home delivery service while delivering newspapers;
- An employee of a solid waste or recyclable collection service is not required to be restrained by a safety belt while in the course of employment collecting solid waste or recyclables on designated routes;
- The living quarters of a recreational vehicle or a space within a truck body primarily intended for merchandise or property;
- School buses purchased new prior to December 31, 2000;
- Buses used for transportation of persons for compensation;
- Farm equipment;
- Trucks of a net weight of more than 26,000 pounds; and
- A rural letter carrier of the United States Postal Service while performing duties in the course of his or her employment on a designated postal route.¹⁴

A seat belt (without a booster seat) may only be used for children 4-5 years of age when the driver is not a member of the child's immediate family and the child is being transported as a favor or in an emergency.¹⁵

Wearing a seat belt reduces the risk of being injured or killed in a crash by almost 50 percent.¹⁶

Nonpublic Sector Buses

Chapter 2011-69, Laws of Florida, moved motor carrier compliance (to include nonpublic sector buses) from the Florida Department of Transportation (FDOT) to the DHSMV.¹⁷ However, some statutes were not amended to reflect the corresponding changes. The FDOT no longer revises standards for the safe operation of nonpublic sector buses since those functions have been moved to the DHSMV.

Odometer Exemption

The federal odometer law, 49 U.S.C. Chapter 327 (Public Law 103-272), prohibits the disconnection, resetting, or alteration of a motor vehicle's odometer with intent to change the number of miles indicated. The law requires that a written disclosure of the mileage registered on an odometer be provided by the seller to the purchaser on the title to the vehicle when the ownership of a vehicle is transferred. If the odometer mileage is incorrect, the law requires a

¹⁴ Section 316.614(6), F.S.

¹⁵ Section 316.613(1)(a)2., F.S.

¹⁶ *Id.*

¹⁷ Ch. 2011-69, Laws of Fla.

statement to that effect to be furnished on the title to the buyer. However, vehicles ten years old and older are exempt from the written disclosure requirements.¹⁸

Violations of any of the above requirements may subject the violator to civil liability if it is determined that their actions were intended to defraud the purchaser. The law makes available to the buyer a remedy in the amount of \$1,500 or treble damages, whichever is greater, together with attorney's fees. To obtain this remedy, 49 U.S. Code Section 32710 of federal law permits the buyer to bring a private civil action in State or Federal court.¹⁹

Beginning January 1, 2021, the USDOT National Highway Traffic Safety Administration began enforcing a new rule for odometer disclosures for every transfer of ownership for the first 20 years, beginning with model year 2011 vehicles.²⁰ Model year 2010 and older vehicles will continue to be subject to the previous 10-year disclosure requirements and thus are exempt from extended Federal odometer disclosure requirements.²¹

Current state law only provides for odometer exemptions for vehicles manufactured with a 2010 model year or older remain exempt under the 10-year exemption.²² Any person who fails to complete or acknowledge an odometer disclosure statement as required by law is guilty of a misdemeanor of the second degree.²³

Performance and Registration Information Systems Management

The Performance Information Systems Management (PRISM) program is a cooperative federal-state safety program developed to reduce commercial vehicle accidents. PRISM utilizes the commercial vehicle registration process of the states to improve motor carrier safety in two ways:

- By determining the safety fitness of the motor carrier prior to issuing license plates; and,
- By motivating the carrier to improve its safety performance either through an improvement process or the application of registration sanctions.

The PRISM program encompasses two major processes registration and enforcement, which are integrated to identify motor carriers and hold them responsible for the safety of their operations. The performance of unsafe carriers is improved through a comprehensive system of identifications, education, data gathering, safety monitoring, and treatment.²⁴

The PRISM program is a key component to FMCSA efforts to reduce the number of CMV crashes, injuries and fatalities in a rapidly expanding interstate motor carrier population. Currently, the DHSMV does not have the authority to deny vehicle registration to a commercial

¹⁸ National Highway Traffic Safety Administration, Odometer Fraud, <https://one.nhtsa.gov/Vehicle-Safety/Odometer-Fraud/Odometer-Information-Overview-for-Consumers> (last visited February 12, 2021).

¹⁹ *Id.*

²⁰ National Highway Traffic Safety Administration, Press Releases, <https://www.nhtsa.gov/press-releases/odometer-disclosure-requirements-change> (last visited February 12, 2021).

²¹ 49 C.F.R. part 580.

²² Section 319.225(4), F.S.

²³ *Id.*

²⁴ Federal Motor Carrier Safety Administration, PRISM Management Grant, <https://www.fmcsa.dot.gov/grants/prism-management-grant/performance-and-registration-information-systems-management-prism> (last visited February 12, 2021).

motor carrier who has received an out of service order by FMCSA but attempts to circumvent the order by obtaining a new USDOT number and company name. These carriers are commonly referred to as “reincarnated” or “chameleon” carriers because they often operate the same vehicles under a different USDOT number and name but maintain the same officers and directors, business address, telephone number, and email of the out of service carrier.

Companies that operate commercial vehicles transporting passengers or hauling cargo in interstate commerce must be registered with the FMCSA, have a USDOT number, and comply with federal safety regulations in order to have their vehicles registered under the International Registration Plan. When a company fails to meet FMCSA safety requirements, it may be placed out of service. However, an out of service order does not automatically impact a vehicle’s registration.

In 2019, over 5,000 motor carriers with serious safety deficiencies were issued a federal out-of-service order that required registration sanctions. PRISM state registration agencies suspended 27,905 vehicle registrations of these motor carriers.²⁵

An effectiveness evaluation report released in February 2016 by the FMCSA determined that between 2008 and 2013 states that fully participate in PRISM when compared to non-fully participating states experience a:

- 20.4 percent observable reduction in all CMV crashes;
- 9.8 percent observable reduction in fatalities involving all CMV crashes; and
- 6.9 percent reduction in state registered CMVs being placed out of service roadside for operating while under a federal order.²⁶

In addition, vehicles registered in states that fully participate in PRISM compared to non-fully participating states experienced the equivalent of 777 lives saved between 2008 and 2013. These results equate to 130 lives saved each year.²⁷

Human Trafficking

The federal Victims of Trafficking and Violence Protection Act of 2000²⁸ defines “sex trafficking” as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial act. “Severe forms of trafficking in persons” includes:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.²⁹

²⁵ Federal Motor Carrier Safety Administration, PRISM, <https://www.fmcsa.dot.gov/PRISM> (last visited February 12, 2021).

²⁶ Department of Highway Safety and Motor Vehicles, *2021 Legislative Bill Analysis for SB 1134*, (February 9, 2021), p. 4 (on file with the Senate Committee on Transportation).

²⁷ *Id.*

²⁸ Public Law 106-386, s. 103, 22 U.S.C. s. 7102.

²⁹ *Id.*

There are approximately 2.5 million victims of human trafficking in the United States. Many victims are lured with false promises of financial or emotional security; instead they are forced or coerced into commercial sex, domestic servitude, or other types of forced labor. Any minor under the age of 18 who is induced to perform a commercial sex act is a victim of human trafficking, regardless of whether there is forced fraud or coercion. Increasingly, criminal organizations such as gangs, are luring children from local schools into commercial sexual exploitation or trafficking. According to the U.S. Department of Justice, every two minutes a child is trafficked for the purpose of sexual exploitation in the United States.³⁰

On January 8, 2019, the “No Human Trafficking on Our Roads Act” was signed into law.³¹ Subsequently, the FMCSA issued a new rule to prohibit an individual from operating a CMV for life if that individual uses a CMV in committing a felony involving human trafficking. The new rule revises the list of offenses permanently disqualifying individuals from operating a CMV for which a commercial driver’s license or a commercial learner’s permit is required.³² On July 23, 2019, the FMCSA announced the final rule, which went into effect on September 23, 2019, that permanently bans drivers convicted of human trafficking from operating a CMV for which a commercial driver’s license or a commercial learner’s permit is required.

The State of Florida does not have specific authority to take action against a commercial driver license when an individual has committed a felony involving human trafficking.

Human Trafficking in Florida

Florida ranks third in the nation for reported cases of human trafficking.³³ In 2019, the National Human Trafficking Hotline had 896 human trafficking cases reported in Florida.³⁴ Children are often those targeted in trafficking operations, with 12-14 being the average age that a trafficked victim is first used for commercial sex.³⁵

In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking commits the crime of human trafficking.³⁶ Such an offense is punishable as a first degree

³⁰ Florida Department of Education, *Healthy Schools – Human Trafficking*, available at: <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited February 12, 2021).

³¹ Section 1532 - 115th Congress (2017-2018).

³² Federal Motor Carrier Safety Administration, Press Release, <https://www.fmcsa.dot.gov/newsroom/us-department-transportation-permanently-bans-commercial-drivers-convicted-human> (last visited February 12, 2021).

³³ National Human Trafficking Hotline, *Hotline Statistics*, available at <https://humantraffickinghotline.org/states> (last visited February 12, 2021).

³⁴ National Human Trafficking Hotline, *Florida: Statistics*, available at <https://humantraffickinghotline.org/state/florida> (last visited February 12, 2021).

³⁵ Statewide Council on Human Trafficking, *Statewide Council on Human Trafficking Annual Reports*, available at <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72> (last visited February 12, 2021).

³⁶ Section 787.06(3), F.S.

felony,³⁷ unless the person being sex trafficked is a child under the age of 18, mentally defective, or mentally incapacitated, then such an offense is punishable as a life felony.³⁸

Human trafficking cases are often hidden operations that require law enforcement agencies to engage in intricate investigations. In November 2018, an investigation in Polk County lead to the arrest of 103 people for charges including prostitution and human trafficking.³⁹ Similarly, in January 2019, a two month-long investigation lead to the arrest of a 36-year-old male in Tallahassee on prostitution and sex trafficking charges involving a 14-year old girl. At the time of his arrest, the male was already facing charges for sex trafficking a child in 2014.⁴⁰

Commercial Driver License

Federal law 49 CFR 383.73(b)(9) requires that a commercial driver license (initial) cannot be valid for more than 8-years from the date of issuance. Currently, the DHSMV issues an original commercial driver license that expires 8-years from the commercial drivers next birthday.⁴¹ This situation allows holders to have a license that is valid for more than 8-years from the issue date that is reflected on both the commercial driver license and driver record. This has been addressed as a deficiency in a recent FMCSA compliance audit.⁴²

Florida law requires every applicant for an original driver license to pass an examination. However, the DHSMV may waive the knowledge, endorsement, and skills tests requirements for an applicant who is otherwise qualified and who surrenders a valid driver license issued by another state, a Canadian province, or the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification.⁴³

Under Florida law, the examination for a commercial driver license must include various tests including an actual demonstration of the applicant's ability to operate a motor vehicle or combination of vehicles of the type covered by the license classification the applicant is seeking, including his or her ability to perform a vehicle inspection.⁴⁴

Under FMCSA rules, states may waive knowledge and skill test requirements for commercial driver licenses for current and former military service members who have experience driving a CMV in the military for an equivalent state license. The application must be made within one year of discharge of military service and certain conditions must be met.⁴⁵

³⁷ A first degree felony is punishable by a state prison term not exceeding 30 years, a fine not exceeding \$10,000, or both. Sections 775.082 and 775.083, F.S.

³⁸ Section 787.06(3)(a)-(g), F.S. A life felony is punishable by a state prison term for life, by a term of imprisonment not exceeding 40 years, a fine not exceeding \$15,000, or both. Sections 775.082 and 775.083, F.S.

³⁹ Daniel Dahm and Brianna Volz, *Orlando-area doctor among 103 arrested in Polk County sex sting, sheriff says*, ClickOrlando.com, (December 3, 2018) available at <https://www.clickorlando.com/news/103-arrested-in-polk-county-sex-sting> (last visited February 12, 2021).

⁴⁰ WTXL, *Human trafficking suspect accused of sex-trafficking child in Tallahassee*, (January 26, 2019) available at http://www.wtxl.com/news/human-trafficking-suspect-accused-of-sex-trafficking-child-in-tallahassee/article_9748879c-21a4-11e9-b768-5bb68f906ecc.html (last visited February 12, 2021).

⁴¹ Section 322.18(2)(a), F.S.

⁴² *Supra* FN 27.

⁴³ Section 322.12(1), F.S.

⁴⁴ Section 322.12(4), F.S.

⁴⁵ 49 C.F.R. 383.77

Under the DHSMV's rules, applicants seeking a waiver of commercial driver's license skill testing due to military experience must pass all written knowledge exams for the appropriate license class and any applicable endorsements, and apply for a waiver while on active duty or within 90 days of separation from military service. Additionally, he or she must certify that he or she for at least two years immediately preceding the application operated a motor vehicle in the appropriate class, and present a Certificate for Waiver of Skill Test for Military Personnel form signed by their commanding officer.⁴⁶

Serious Disqualifying Offense for a CMV Driver

Section 316.3025, F.S., codifies a federal prohibition on CMV drivers using handheld devices while operating a CMV.⁴⁷ However, s. 322.61, F.S., relating to offenses disqualifying someone from driving a CMV was not amended to list using a handheld device while operating a CMV as a serious disqualifying offense regarding a commercial driver's license. Current law provides penalties associated with texting and using a handheld mobile telephone while driving a CMV. A driver violating the federal prohibitions against texting⁴⁸ or using a handheld mobile telephone⁴⁹ while operating a CMV, may be assessed a civil penalty and commercial driver's license disqualification as follows:

- First violation: \$500;
- Second violation: \$1,000 and a 60-day disqualification;⁵⁰
- Third and subsequent violations: \$2,750 and a 120-day disqualification.

If while operating a CMV, a person is convicted of two or more of the following offenses within a three-year period, that person is disqualified from operating a CMV for a period of 60 days for:

- A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death;
- Reckless driving;⁵¹
- Unlawful speed of 15 miles per hour or more above the posted speed limit;
- Improper lane change;⁵²
- Following too closely;⁵³
- Driving a commercial vehicle without obtaining a commercial driver's license;
- Driving a commercial vehicle without the proper class of commercial driver's license or commercial learner's permit or without the proper endorsement; or
- Driving a commercial vehicle without a commercial driver's license or commercial learner's permit in possession.⁵⁴

⁴⁶ Rule 15A-7.018, F.A.C.

⁴⁷ Chapter 2013-160, L.O.F.

⁴⁸ 49 C.F.R. 329.80.

⁴⁹ 49 C.F.R. 392.82.

⁵⁰ Commercial driver license disqualification is pursuant to 49 C.F.R. part 383.

⁵¹ Reckless driving is defined in s. 316.192, F.S.

⁵² Improper lane change is defined in s. 316.085, F.S.

⁵³ Following too closely is defined in s. 316.0895, F.S.

⁵⁴ A license or learner permit is required to drive a commercial motor vehicle pursuant to s. 322.03, F.S.

III. Effect of Proposed Changes:

Federal Regulations (Section 1)

Section 1 amends s. 316.302, F.S. to update federal regulations from 2018 to 2020. The change makes all owners and drivers of commercial motor vehicles engaged in interstate commerce subject to the most recent federal regulations and rules. This update continues to prevent CMV operators from driving for more than 8 consecutive hours without at least a 30-minute change in duty status, and provides the following changes:

- Increases the minimum annual percentage rate for random controlled substances testing, for owners and drivers of CMV's engaged in intrastate commerce requiring a commercial driver's license, from 25 percent to 50 percent;
- Extends the maximum duty period allowed under the short-haul exception from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 to 150 air miles;
- Allows a driver to extend the maximum "driving window" by up to 2 hours during adverse driving conditions;
- Requires a 30-minute break after 8 hours of driving time (instead of on duty time) and allows on duty/not driving periods to qualify as breaks; and
- Modifies the sleeper berth exception to allow drivers to split their required 10 hours off duty into two periods: an 8/2 split, and a 7/3 split - with neither period counting against the driver's 14-hour driving window.

This section also increases the time a CMV carrier has to provide written notification of the repair of a documented defect to the DHSMV from 14 to 15 days.

Seat Belt Usage (Section 2)

Section 2 amends s. 316.614, F.S., to expand the definition of motor vehicle to include when the vehicle is stationary at a traffic control device. This is intended to ensure that current seat belt requirements are applicable when the vehicle is stationary at a traffic control device.

Nonpublic Sector Buses (Section 3)

Section 3 amends s. 316.70, F.S., to update the statute to reflect that the DHSMV, not the FDOT, has statutory authority to adopt rules for the safe operations of CMVs and conduct compliance reviews for the safe operations of nonpublic sector buses.

Odometer Exemption (Section 4)

Section 4 amends s. 319.225, F.S., to provide an exemption from odometer disclosure for a vehicle with a model year of 2011 or newer after 20 years.

Performance and Registration Information Systems Management (Section 5)

Section 5 amends s. 320.0715, F.S., to provide that a motor carrier or vehicle owner whose registration has been suspended will be required to return the license plate to the DHSMV or surrender it to law enforcement.

In addition, the DHSMV must deny registration if:

- The applicant fails to disclose material information required on the application;
- The applicant has applied in an attempt to hide the disclosure of the real party in interest who has been issued a federal out-of-service order; or
- The applicant's business is operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, a family member, a corporate officer, or a shareholder.

Human Trafficking (Sections 6, 7, 9-11)

Sections 6, 7, 9, 10, and 11 amend ss. 322.01, 322.05, 322.25, 322.28, and 322.61, F.S., respectively, to provide that:

- The definition for "human trafficking" has the same meaning as provided in s. 787.06(2)(d), F.S.;⁵⁵
- The DHSMV may not license any person, as a CMV operator, who has been convicted of, or has entered a plea of guilty or nolo contendere to, regardless of whether adjudication was withheld, any felony involving human trafficking under state or federal law involving the use of a CMV;
- Each clerk of court must promptly report to the DHSMV each conviction, regardless of whether adjudication was withheld, for human trafficking which involves the use of a CMV;
- The court must permanently revoke the commercial driver's license of a person who is convicted of, or has entered a plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, any felony involving human trafficking under state or federal law which involves the use of a CMV. If the court has not permanently revoked the driver license or driving privilege within 30 days after imposing a sentence, the DHSMV must permanently revoke the driver license or driving privilege; and
- Any person who uses a CMV in the commission of any felony involving human trafficking under state or federal law shall, upon conviction of, or plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, such felony, be permanently disqualified from operating a CMV.

Commercial Driver License Expiration (Section 8)

Section 8 amends s. 322.18, F.S., to provide that the expiration date for an original issuance of a commercial driver license is at midnight 8 years after the licensee's last birthday.

⁵⁵ Section 787.06(2)(d), F.S., provides "human trafficking" to mean transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.

Serious Disqualifying Offense for a CMV Driver (Section 11)

Section 11 amends s. 322.61, F.S., to incorporate violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense, which may cause a person to be disqualified from operating a CMV, to align with federal regulations.

Section 12 amends s. 322.34(2), F.S., to update a cross reference.

Section 13 provides the bill takes effect on July 1, 2021.

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

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Clarifying that current seat belt requirements are applicable when a vehicle is stationary at a traffic signal may result in an increase in the number of seat belt violations issued to drivers. However, the impact is indeterminate at this time.

There is a potential impact to the CMV industry associated with changes to the CMV regulations contained in the bill. However, the impact is indeterminate at this time.

C. Government Sector Impact:

Making current seat belt requirements applicable when a vehicle is stationary at a traffic control device may result in an increase in the number of seat belt violations issued to drivers. This may result in an indeterminate, positive fiscal impact to local governments.

Programming will be required in the driver license components of the Online Registration Identity Operating Network (ORION) and the Driver and Vehicle Information Database. A new disposition code must be added, and programming will be required within the citation processing and disqualification processes to create the lifetime disqualification for the disposition of an individual who has had their commercial drive license permanently revoked due to a human trafficking conviction, or plea of guilty or nolo contendere to, any felony involving human trafficking involving the use of a commercial vehicle.⁵⁶ This may result in an insignificant workload impact that can be absorbed within existing DHSMV resources.

Programming will be required in the driver license components of the ORION to limit the lifecycle of a commercial driver license to 8 years.⁵⁷ This may result in an insignificant workload impact that can be absorbed within existing DHSMV resources.

Multiple components of the bill will require the DHSMV procedures to be modified, the DHSMV's website to be updated, and communications and outreach to be developed and disseminated, which may result in an insignificant workload impact that can be absorbed within existing DHSMV resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.302, 316.614, 316.70, 319.225, 320.0715, 322.01, 322.05, 322.18, 322.25, 322.28, 322.61, and 322.34.

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

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

None.

⁵⁶ *Supra* FN 27, p.9.

⁵⁷ *Id.*

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 Senator Harrell

25-01289B-21

20211134__

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 316.302, F.S.;
 4 revising regulations applicable to owners and drivers
 5 of commercial motor vehicles; revising the length of
 6 time within which an officer is authorized to give
 7 written notice requiring correction of an unduly
 8 hazardous operating condition; amending s. 316.614,
 9 F.S.; revising the definition of the term "motor
 10 vehicle"; amending s. 316.70, F.S.; requiring the
 11 Department of Highway Safety and Motor Vehicles,
 12 rather than the Department of Transportation, to
 13 establish and revise standards to ensure the safe
 14 operation of nonpublic sector buses; conforming
 15 provisions to changes made by the act; amending s.
 16 319.225, F.S.; revising applicability; providing that
 17 vehicles that meet certain conditions are exempt from
 18 odometer disclosure after specified periods of time;
 19 amending s. 320.0715, F.S.; requiring motor carriers
 20 and vehicle owners whose registrations have been
 21 suspended to return their license plates to the
 22 Department of Highway Safety and Motor Vehicles or
 23 surrender their license plates to law enforcement;
 24 requiring the department to deny registration of a
 25 motor vehicle trip permit under certain conditions;
 26 amending s. 322.01, F.S.; defining the term "human
 27 trafficking"; amending s. 322.05, F.S.; prohibiting
 28 the department from issuing a license to any person as
 29 a commercial motor vehicle operator under specified

Page 1 of 17

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

25-01289B-21

20211134__

30 conditions; amending s. 322.18, F.S.; providing that
 31 commercial driver licenses expire at midnight 8 years
 32 after the licensee's birthday; amending s. 322.25,
 33 F.S.; requiring clerks of court to promptly report to
 34 the department each conviction for human trafficking,
 35 regardless of whether adjudication is withheld;
 36 amending s. 322.28, F.S.; requiring the court to
 37 permanently revoke the commercial driver license of a
 38 person under specified conditions; requiring the
 39 department to permanently revoke the driver license or
 40 driving privilege of the person if the court has not
 41 revoked such driver license or driving privilege
 42 within a specified timeframe; amending s. 322.61,
 43 F.S.; revising provisions for disqualification from
 44 operating a commercial motor vehicle; providing a
 45 penalty for any person who uses a commercial motor
 46 vehicle in the commission of a felony involving human
 47 trafficking; amending s. 322.34, F.S.; conforming a
 48 cross-reference; providing an effective date.

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Paragraph (b) of subsection (1) and subsection
 53 (9) of section 316.302, Florida Statutes, are amended to read:
 54 316.302 Commercial motor vehicles; safety regulations;
 55 transporters and shippers of hazardous materials; enforcement.—
 56 (1)
 57 (b) Except as otherwise provided in this section, all
 58 owners and ~~or~~ drivers of commercial motor vehicles that are

Page 2 of 17

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

25-01289B-21

20211134__

engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397, as such rules and regulations existed on December 31, 2020 ~~2018~~.

(9) For the purpose of enforcing this section, any law enforcement officer of the Department of Highway Safety and Motor Vehicles or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer may give written notice requiring correction of the condition within 15 ~~14~~ days.

(a) Any member of the Florida Highway Patrol or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640 who has reason to believe that a vehicle or driver is operating in an unsafe condition may, as provided in subsection (11), enforce the provisions of this section.

(b) Any person who fails to comply with an officer's

Page 3 of 17

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

25-01289B-21

20211134__

request to submit to an inspection under this subsection commits a violation of s. 843.02 if the person resists the officer without violence or a violation of s. 843.01 if the person resists the officer with violence.

Section 2. Paragraph (a) of subsection (3) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 which is operated on the roadways, streets, and highways of this state or when stationary at a traffic control device. The term does not include:

1. A school bus.

2. A bus used for the transportation of persons for compensation.

3. A farm tractor or implement of husbandry.

4. A truck having a gross vehicle weight rating of more than 26,000 pounds.

5. A motorcycle, a moped, a bicycle, or an electric bicycle.

Section 3. Section 316.70, Florida Statutes, is amended to read:

316.70 Nonpublic sector buses; safety rules.—

(1) The Department of Highway Safety and Motor Vehicles ~~Transportation~~ shall establish and revise standards to ensure the safe operation of nonpublic sector buses, which standards shall be those contained in 49 C.F.R. parts 382, 385, and 390-397 and which shall be directed toward ensuring that:

(a) Nonpublic sector buses are safely maintained, equipped,

Page 4 of 17

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

25-01289B-21

20211134__

and operated.

(b) Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the United States Department of Transportation.

(c) Florida license tags are purchased for nonpublic sector buses pursuant to s. 320.38.

(d) The driving records of drivers of nonpublic sector buses are checked by their employers at least once each year to ascertain whether the driver has a suspended or revoked driver license.

(2) Department of Highway Safety and Motor Vehicles ~~Transportation~~ personnel may conduct compliance reviews for the purpose of determining compliance with this section. A civil penalty not to exceed \$5,000 in the aggregate may be assessed against any person who violates any provision of this section or who violates any rule or order of the Department of Highway Safety and Motor Vehicles ~~Transportation~~. A civil penalty not to exceed \$25,000 in the aggregate may be assessed for violations found in a followup compliance review conducted within a 24-month period. A civil penalty not to exceed \$25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second followup compliance review within 12 months after the first followup compliance review. Motor carriers found to be operating without insurance coverage required by s. 627.742 or 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

(3) School buses subject to the provisions of chapter 1006 or s. 316.615 are exempt from the provisions of this section.

Page 5 of 17

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

25-01289B-21

20211134__

Section 4. Subsection (4) of section 319.225, Florida Statutes, is amended to read:

319.225 Transfer and reassignment forms; odometer disclosure statements.—

(4) Upon transfer or reassignment of a certificate of title to a used motor vehicle, the transferor shall complete the odometer disclosure statement provided for by this section and the transferee shall acknowledge the disclosure by signing and printing his or her name in the spaces provided. This subsection does not apply to a vehicle that has a gross vehicle rating of more than 16,000 pounds, a vehicle that is not self-propelled, or a vehicle that is exempt from odometer disclosure. A vehicle with a model year of 2011 or newer is exempt from odometer disclosure after 20 years, and a vehicle with a model year of 2010 or older is exempt from odometer disclosure after 10 years ~~old or older~~. A lessor who transfers title to his or her vehicle without obtaining possession of the vehicle shall make odometer disclosure as provided by 49 C.F.R. s. 580.7. Any person who fails to complete or acknowledge a disclosure statement as required by this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The department may not issue a certificate of title unless this subsection has been complied with.

Section 5. Subsections (6) and (7) are added to section 320.0715, Florida Statutes, to read:

320.0715 International Registration Plan; motor carrier services; permits; retention of records.—

(6) A motor carrier or vehicle owner whose registration has been suspended shall return his or her license plate to the

Page 6 of 17

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

25-01289B-21

20211134__

175 department or surrender his or her license plates to law
 176 enforcement.

177 (7) The department shall deny registration if:

178 (a) The applicant fails to disclose material information
 179 required on the application;

180 (b) The applicant has applied in an attempt to hide the
 181 disclosure of the real party in interest who has been issued a
 182 federal out-of-service order; or

183 (c) The applicant's business is operated, managed, or
 184 otherwise controlled by or affiliated with a person who is
 185 ineligible for registration, including the applicant entity, a
 186 relative, a family member, a corporate officer, or a
 187 shareholder.

188 Section 6. Present subsections (25) through (47) of section
 189 322.01, Florida Statutes, are redesignated as subsections (26)
 190 through (48), respectively, and a new subsection (25) is added
 191 to that section, to read:

192 322.01 Definitions.—As used in this chapter:

193 (25) "Human trafficking" has the same meaning as provided
 194 in s. 787.06(2) (d).

195 Section 7. Subsection (12) is added to section 322.05,
 196 Florida Statutes, to read:

197 322.05 Persons not to be licensed.—The department may not
 198 issue a license:

199 (12) To any person, as a commercial motor vehicle operator,
 200 who has been convicted of, or has entered a plea of guilty or
 201 nolo contendere to, regardless of whether adjudication was
 202 withheld, any felony involving human trafficking under state or
 203 federal law involving the use of a commercial motor vehicle.

25-01289B-21

20211134__

204 Section 8. Paragraph (f) is added to subsection (2) of
 205 section 322.18, Florida Statutes, to read:

206 322.18 Original applications, licenses, and renewals;
 207 expiration of licenses; delinquent licenses.—

208 (2) Each applicant who is entitled to the issuance of a
 209 driver license, as provided in this section, shall be issued a
 210 driver license, as follows:

211 (f) Notwithstanding any other provision of this chapter, an
 212 applicant applying for an original issuance of a commercial
 213 driver license as defined in s. 322.01(7) shall be issued a
 214 driver license that expires at midnight 8 years after the
 215 licensee's last birthday.

216 Section 9. Subsection (7) is added to section 322.25,
 217 Florida Statutes, to read:

218 322.25 When court to forward license to department and
 219 report convictions.—

220 (7) Each clerk of court shall promptly report to the
 221 department each conviction, regardless of whether adjudication
 222 was withheld, for human trafficking which involves the use of a
 223 commercial motor vehicle.

224 Section 10. Subsection (8) is added to section 322.28,
 225 Florida Statutes, to read:

226 322.28 Period of suspension or revocation.—

227 (8) The court shall permanently revoke the commercial
 228 driver license of a person who is convicted of, or has entered a
 229 plea of guilty or nolo contendere to, regardless of whether
 230 adjudication is withheld, any felony involving human trafficking
 231 under state or federal law which involves the use of a
 232 commercial motor vehicle. If the court has not permanently

25-01289B-21 20211134__

233 revoked such driver license or driving privilege within 30 days
 234 after imposing a sentence, the department must permanently
 235 revoke the driver license or driving privilege pursuant to this
 236 section.

237 Section 11. Section 322.61, Florida Statutes, is amended to
 238 read:

239 322.61 Disqualification from operating a commercial motor
 240 vehicle.—

241 (1) A person who, for offenses occurring within a 3-year
 242 period, is convicted of two of the following serious traffic
 243 violations or any combination thereof, arising in separate
 244 incidents committed in a commercial motor vehicle shall, in
 245 addition to any other applicable penalties, be disqualified from
 246 operating a commercial motor vehicle for a period of 60 days. A
 247 holder of a commercial driver license or commercial learner's
 248 permit who, for offenses occurring within a 3-year period, is
 249 convicted of two of the following serious traffic violations, or
 250 any combination thereof, arising in separate incidents committed
 251 in a noncommercial motor vehicle shall, in addition to any other
 252 applicable penalties, be disqualified from operating a
 253 commercial motor vehicle for a period of 60 days if such
 254 convictions result in the suspension, revocation, or
 255 cancellation of the licenseholder's driving privilege:

256 (a) A violation of any state or local law relating to motor
 257 vehicle traffic control, other than a parking violation, arising
 258 in connection with a crash resulting in death;

259 (b) Reckless driving, as defined in s. 316.192;

260 (c) Unlawful speed of 15 miles per hour or more above the
 261 posted speed limit;

25-01289B-21 20211134__

262 (d) Improper lane change, as defined in s. 316.085;

263 (e) Following too closely, as defined in s. 316.0895;

264 (f) Driving a commercial vehicle without obtaining a
 265 commercial driver license;

266 (g) Driving a commercial vehicle without the proper class
 267 of commercial driver license or commercial learner's permit or
 268 without the proper endorsement; ~~or~~

269 (h) Driving a commercial vehicle without a commercial
 270 driver license or commercial learner's permit in possession, as
 271 required by s. 322.03;—

272 (i) Texting while driving; or

273 (j) Using a handheld mobile telephone while driving.

274 (2) (a) Any person who, for offenses occurring within a 3-
 275 year period, is convicted of three serious traffic violations
 276 specified in subsection (1) or any combination thereof, arising
 277 in separate incidents committed in a commercial motor vehicle
 278 shall, in addition to any other applicable penalties, including
 279 but not limited to the penalty provided in subsection (1), be
 280 disqualified from operating a commercial motor vehicle for a
 281 period of 120 days.

282 (b) A holder of a commercial driver license or commercial
 283 learner's permit who, for offenses occurring within a 3-year
 284 period, is convicted of three serious traffic violations
 285 specified in subsection (1) or any combination thereof arising
 286 in separate incidents committed in a noncommercial motor vehicle
 287 shall, in addition to any other applicable penalties, including,
 288 but not limited to, the penalty provided in subsection (1), be
 289 disqualified from operating a commercial motor vehicle for a
 290 period of 120 days if such convictions result in the suspension,

25-01289B-21

20211134__

291 revocation, or cancellation of the licenseholder's driving
 292 privilege.

293 (3) (a) Except as provided in subsection (4), any person who
 294 is convicted of one of the offenses listed in paragraph (b)
 295 while operating a commercial motor vehicle shall, in addition to
 296 any other applicable penalties, be disqualified from operating a
 297 commercial motor vehicle for a period of 1 year.

298 (b) Except as provided in subsection (4), any holder of a
 299 commercial driver license or commercial learner's permit who is
 300 convicted of one of the offenses listed in this paragraph while
 301 operating a noncommercial motor vehicle shall, in addition to
 302 any other applicable penalties, be disqualified from operating a
 303 commercial motor vehicle for a period of 1 year:

304 1. Driving a motor vehicle while he or she is under the
 305 influence of alcohol or a controlled substance;

306 2. Driving a commercial motor vehicle while the alcohol
 307 concentration of his or her blood, breath, or urine is .04
 308 percent or higher;

309 3. Leaving the scene of a crash involving a motor vehicle
 310 driven by such person;

311 4. Using a motor vehicle in the commission of a felony;

312 5. Refusing to submit to a test to determine his or her
 313 alcohol concentration while driving a motor vehicle;

314 6. Driving a commercial motor vehicle when, as a result of
 315 prior violations committed operating a commercial motor vehicle,
 316 his or her commercial driver license or commercial learner's
 317 permit is revoked, suspended, or canceled, or he or she is
 318 disqualified from operating a commercial motor vehicle; or

319 7. Causing a fatality through the negligent operation of a

25-01289B-21

20211134__

320 commercial motor vehicle.

321 (4) Any person who is transporting hazardous materials as
 322 defined in s. 322.01(24) shall, upon conviction of an offense
 323 specified in subsection (3), be disqualified from operating a
 324 commercial motor vehicle for a period of 3 years. The penalty
 325 provided in this subsection shall be in addition to any other
 326 applicable penalty.

327 (5) A person who is convicted of two violations specified
 328 in subsection (3) which were committed while operating a
 329 commercial motor vehicle, or any combination thereof, arising in
 330 separate incidents shall be permanently disqualified from
 331 operating a commercial motor vehicle. A holder of a commercial
 332 driver license or commercial learner's permit who is convicted
 333 of two violations specified in subsection (3) which were
 334 committed while operating any motor vehicle arising in separate
 335 incidents shall be permanently disqualified from operating a
 336 commercial motor vehicle. The penalty provided in this
 337 subsection is in addition to any other applicable penalty.

338 (6) Notwithstanding subsections (3), (4), and (5), any
 339 person who uses a commercial motor vehicle in the commission of
 340 any felony involving the manufacture, distribution, or
 341 dispensing of a controlled substance, including possession with
 342 intent to manufacture, distribute, or dispense a controlled
 343 substance, shall, upon conviction of such felony, be permanently
 344 disqualified from operating a commercial motor vehicle.
 345 Notwithstanding subsections (3), (4), and (5), any holder of a
 346 commercial driver license or commercial learner's permit who
 347 uses a noncommercial motor vehicle in the commission of any
 348 felony involving the manufacture, distribution, or dispensing of

25-01289B-21

20211134__

a controlled substance, including possession with intent to manufacture, distribute, or dispense a controlled substance, shall, upon conviction of such felony, be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.

(7) Any person who uses a commercial motor vehicle in the commission of any felony involving human trafficking under state or federal law shall, upon conviction of, or plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, such felony, be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.

(8)~~(7)~~ A person whose privilege to operate a commercial motor vehicle is disqualified under this section may, if otherwise qualified, be issued a Class E driver license, pursuant to s. 322.251.

(9)~~(8)~~ A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) At least 180 days but not more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) At least 2 years but not more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) At least 3 years but not more than 5 years if, for offenses occurring during any 10-year period, the driver is

25-01289B-21

20211134__

convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) At least 180 days but not more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of at least 3 years but not more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(10)~~(9)~~ A driver who is convicted of or otherwise found to have committed an offense of operating a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (11) ~~(10)~~:

(a) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.

(b) For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.

25-01289B-21

20211134__

(c) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(d) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(e) For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.

(f) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(11) (a) (10) (a) A driver must be disqualified for at least 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for at least 120 days if, for offenses occurring during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for at least 1 year if, for offenses occurring during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 12. Subsection (2) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(2) Any person whose driver license or driving privilege has been canceled, suspended, or revoked as provided by law, or who does not have a driver license or driving privilege but is

25-01289B-21

20211134__

under suspension or revocation equivalent status as defined in s. 322.01(42) ~~s. 322.01(41)~~, except persons defined in s. 322.264, who, knowing of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, or while under suspension or revocation equivalent status, commits:

(a) A misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) 1. A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, upon a second or subsequent conviction, except as provided in paragraph (c).

2. A person convicted of a third or subsequent conviction, except as provided in paragraph (c), must serve a minimum of 10 days in jail.

(c) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, upon a third or subsequent conviction if the current violation of this section or the most recent prior violation of the section is related to driving while license canceled, suspended, revoked, or suspension or revocation equivalent status resulting from a violation of:

1. Driving under the influence;
2. Refusal to submit to a urine, breath-alcohol, or blood alcohol test;
3. A traffic offense causing death or serious bodily injury; or
4. Fleeing or eluding.

25-01289B-21

20211134__

465 The element of knowledge is satisfied if the person has been
466 previously cited as provided in subsection (1); or the person
467 admits to knowledge of the cancellation, suspension, or
468 revocation, or suspension or revocation equivalent status; or
469 the person received notice as provided in subsection (4). There
470 shall be a rebuttable presumption that the knowledge requirement
471 is satisfied if a judgment or order as provided in subsection
472 (4) appears in the department's records for any case except for
473 one involving a suspension by the department for failure to pay
474 a traffic fine or for a financial responsibility violation.

475 Section 13. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1152

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Brandes

SUBJECT: Fleet Management

DATE: March 17, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Candelaria	McVaney	GO	Fav/CS
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1152 requires the Department of Management Services (DMS) to prepare an inventory of all state-owned motor vehicles, maintenance facilities, and fuel depots. The inventory must be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2021.

The bill requires the DMS to create, administer, and maintain a centralized management system for the fleet of state-owned motor vehicles, maintenance facilities, and fuel depots. The DMS is also required to consolidate under a centralized system the management of existing motor vehicles, maintenance facilities, fuel depots, and any full-time equivalent positions associated with state-owned facilities and fuel depots.

Each state agency and state university must provide information to the DMS necessary for consolidating the management of existing vehicles, maintenance facilities, fuel depots, and personnel under the centralized system.

The bill requires the DMS to contract with a vendor or contractor for privatizing the centralized management and operation of the state-owned motor vehicle fleet, motor vehicle acquisitions, maintenance facilities, and fuel depots.

The DMS will incur indeterminate costs associated with creating and maintaining the centralized system, along with the process of privatizing with a vendor or contractor.

The bill takes effect upon becoming law.

II. Present Situation:

Acquisition, Assignment, and Use of Motor Vehicles and Watercraft

The Department of Management Services (DMS) has the authority to adopt and enforce rules for the efficient and safe use, operation, maintenance, repair, disposal, and replacement of all state-owned or state-leased aircraft, watercraft and motor vehicles assigned.¹ Rules 60B-1.001–1.013, F.A.C., provide for the acquisition, assignment, and use of motor vehicles owned by the state.²

No state agency can purchase, lease, or acquire any motor vehicle, watercraft, or aircraft of any type unless prior approval from the DMS. DMS approval is not required for the short-term lease of motor vehicles by state agencies.³ Special authorization, with approval from the DMS, is given to the Department of Children and Families, the Agency for Persons with Disabilities, and the Department of Corrections to secure motor vehicles for use at residential facilities, centers, and county health departments.⁴

All state-owned or leased vehicles will be assigned to and operated in conformance with the regulations pertaining to one of the following classes of assignment:

- Class A – Pool assignment,⁵
- Class B – Limited use assignment,⁶ and
- Class C – Special assignment.⁷

Except when otherwise specifically authorized by law, all state-owned vehicles are required to carry an official state license plate.⁸

Bureau of Fleet Management and Federal Property Assistance

The Bureau of Fleet Management (Bureau) within the Division of Specialized Services provides oversight responsibility for the state's fleet of motor vehicles and mobile equipment, along with

¹ Section 287.16(6), F.S. establishes rule making authority for the Department of Management Services.

² Rules 60B-1.001 – 60B-1.013, F.A.C.

³ Section 287.15, F.S.

⁴ Section 287.155, F.S.

⁵ Rule 60B-1.006, F.A.C., defines “pool vehicle assignment” to mean vehicles which are centrally controlled and made available for specific trips and returned to the pool upon completion of the trips.

⁶ Rule 60B-1.007, F.A.C., defines “limited use assignment” to mean State-owned or leased passenger vehicles required by an employee or position to conduct official state business and which are required for use 15 or more work days per month but do not classify as special assignment vehicles.

⁷ Rule 60B-1.008, F.A.C., defines “special assignment” to mean vehicles which are state-owned or leased vehicles and are: 1) officially authorized as a prerequisite by the Department of Management Services, 2) required by an employee after normal duty hours to perform duties of the position to which he is assigned, or 3) assigned to an employee whose home is his official base of operation

⁸ Section 287.16, F.S.

the federal surplus property program. The Bureau's programs include fleet management, federal property assistance, and aircraft operations.⁹

The Bureau oversees fleet management, which manages the purchase, operation, maintenance, and disposal of the state's fleet of motor vehicles and watercraft. The state's fleet currently includes approximately 26,000 assets of 30 agencies.¹⁰ The fleet includes automobiles, light trucks, heavy trucks, aircraft, construction and industrial equipment, trailers, tractors, motorcycles, all-terrain vehicles, boats, airboats, and boat engines. The Bureau is responsible for four areas of fleet management which include: the purchase of mobile equipment, the fleet information management system (FIMS), the disposal of mobile equipment, and the surplus state vehicles and equipment auctions.¹¹

The Fleet Information Management System (FIMS), is used to provide management and cost information required to effectively manage the state's fleet. The FIMS also provides accountability of equipment use and expenditures. The system requires agencies to keep records and provide reports regarding the effective use, operation, maintenance, repair, and replacement of motor vehicles. The system also assures the safe use of motor vehicles and their used solely for state business.¹² The FIMS system does not account for maintenance facilities and fuel depots.

State Agency Fleets

Table 1 provides the total fleet count of state agencies.

Table 1. Agency Fleets

Agency	Total Fleet Count
Agriculture and Consumer Services	4,573
Agency for Health Care Administration	1
Agency for Persons with Disabilities	242
Business and Professional Regulation	538
Citrus Commission	1
Children and Families	481
Economic Opportunities	7
Environmental Protection	1,451
Financial Services	590
Juvenile Justice	526

⁹ The Department of Management Services, *Fleet Management and Federal Property Assistance*, available at https://www.dms.myflorida.com/business_operations/fleet_management_and_federal_property_assistance (last visited, March 15, 2021)

¹⁰ The Department of Management Services, *Fleet Management*, available at https://www.dms.myflorida.com/business_operations/fleet_management_and_federal_property_assistance/fleet_management (last visited March 15, 2021)

¹¹ *Id.*

¹² The Department of Management Services, *The Fleet Information Management System*, available at https://www.dms.myflorida.com/business_operations/fleet_management_and_federal_property_assistance/fleet_management/fleet_information_management_system_fims, (last visited March 15, 2021)

Agency	Total Fleet Count
Law Enforcement	745
Military Affairs	104
Management Services	62
Education	43
Health	416
Lottery	228
Revenue	15
State	25
Transportation	4,484
Veterans' Affairs	23
Executive Office of the Governor	54
Florida Commission on Offender Review	2
Corrections	2,956
Fish and Wildlife Conservation Commission	2,965
Highway Safety and Motor Vehicles	2,891
Justice Administration Commission	602
Office of the Attorney General	115
Public Service Commission	22
School for the Deaf and Blind	43
TOTALS	24,205¹³

Business Case for Outsourcing Projects

Section 287.0571, F.S., provides that an agency should complete a business case for any outsourcing projects that have an expected cost in excess of \$10 million within a single fiscal year. The business case should be available for solicitation and must include the following:

- A detailed description of the service or activity for which the outsourcing is proposed;
- A description and analysis of the state agency's current performance, based on existing performance metrics if the state agency is currently performing the service or activity;
- The goals desired to be achieved through the proposed outsourcing and the rationale for such goals;
- A citation to the existing or proposed legal authority for outsourcing and the rationale for such goals;
- A description of available options for achieving the goals. If state employees are currently performing the service or activity, at least one option maintain state provision of the service or activity must be included;
- An analysis of the advantages and disadvantages of each option, including, at a minimum, potential performance improvements and risks;
- A description of the current market for the contractual services that are under consideration for outsourcing;

¹³ Information contained in FIMS report provided by the Department of Management Services (March 7, 2021).

- A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options;
- A description of differences among current state agency policies and processes and, as appropriate, a discussion of options for or a plan to standardize, consolidate, or revise current policies and processes, if any, to reduce the customization of any proposed solution that would otherwise be required;
- A description of the specific performance standards that must, at a minimum, be met to ensure adequate performance;
- The projected timeframe for key events from the beginning of the procurement process through the expiration of a contract;
- A plan to ensure compliance with the public records law;
- A specific and feasible contingency plan addressing contractor nonperformance and a description of the tasks involved in and costs required for its implementation;
- A state agency's transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communication with affected stakeholders, such as agency clients and the public. The transition plan must contain a reemployment and retraining assistance plan for employees who are not retained by the state agency or employed by the contractor; and
- A plan for ensuring access by persons with disabilities in compliance with applicable state and federal law.¹⁴

Business cases to outsource should be evaluated for feasibility, cost-effectiveness, and efficiency before a state agency proceeds with any outsourcing of services.¹⁵

III. Effect of Proposed Changes:

Section 1 requires the DMS to prepare an inventory of all state-owned motor vehicles, maintenance facilities, and fuel depots. The DMS is required to submit the inventory to the Governor, President of the Senate, and the Speaker of the House of Representatives by December 31, 2021.

The section provides that the inventory must, at a minimum, provide the following information:

- The entity of ownership of all state-owned motor vehicles, maintenance facilities, and fuel depots;
- The entity of possession of all state-owned motor vehicles, maintenance facilities, and fuel depots;
- The estimated annual operating and other costs of all state-owned motor vehicles, maintenance facilities, and fuel depots;
- The number of full-time equivalent and other personal services positions assigned to operate and maintain each state-owned maintenance facility and fuel depot; and
- The physical address for the location of all state-owned motor vehicles, maintenance facilities, and fuel depots.

¹⁴ Section 287.0571(3)(a-o), F.S.

¹⁵ Section 287.0571(2), F.S.

The section requires each state agency and state university to provide any information requested by the DMS necessary for the completion of the inventory. It is unclear what information cities, counties and school districts may hold that is useful to completing the inventory relating solely to state-owned motor vehicles, maintenance facilities, and fuel depots.

Section 2 requires the DMS to create, administer, and maintain a centralized management system for the fleet of state-owned motor vehicles, maintenance facilities, and fuel depots. The DMS is also required to consolidate under a centralized management system the existing motor vehicles, maintenance facilities, fuel depots, and any full-time equivalent and other personal services positions assigned to operate and maintain each state-owned maintenance facility and fuel depot. This section requires each state agency and state university to provide any information requested by the DMS that is necessary for consolidating under the centralized system. It is unclear what information cities, counties and school districts may hold that is useful in consolidating the existing state-owned motor vehicles, maintenance facilities, and fuel depots.

Section 3 requires the DMS to contract with a vendor or contractor for privatizing the centralized management and operation of the state-owned vehicle fleet, motor vehicle acquisitions, maintenance facilities, and fuel depots.

Section 4 provides that the act will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DMS will incur costs associated with consolidating the fleets and updating the FIMS system with fuel depots, and maintenance facilities. The outsourcing of the management and operation of the fleets to a contractor or vendor will result in a large fiscal impact on the DMS. The DMS will incur indeterminate costs.

State agencies and state universities may incur additional workload responding to requests from the DMS for information to complete the inventory and consolidate under a centralized system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Lines 52-61 require the DMS to create and consolidate under a centralized system the management of existing motor vehicles, maintenance facilities, fuel depots, and any full-time equivalent and other personal services positions assigned to operate and maintain each state-owned maintenance facility and fuel depot. If the intent of the bill is to permanently transfer such positions to the DMS, the Legislature may want to consider an amendment specifying this transfer as a type two transfer pursuant to s. 20.06, F.S.

VIII. Statutes Affected:

This bill does not affect any 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 Governmental Oversight and Accountability on March 17, 2021:

The CS narrows the governmental entities required to provide certain information to DMS to include only state agencies and state universities.

B. Amendments:

None.

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



459378

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 46 - 63
and insert:

(3) Each state agency and state university shall provide
any information requested by the Department of Management
Services necessary for the completion of the inventory.

Section 2. Centralized fleet and fleet operations
management.—

(1) The Department of Management Services shall create,



459378

administer, and maintain a centralized management system for the
fleet of state-owned motor vehicles, maintenance facilities, and
fuel depots.

(2) The Department of Management Services shall consolidate
under a centralized system the management of existing motor
vehicles, maintenance facilities, fuel depots, and any full-time
equivalent and other personal services positions assigned to
operate and maintain each state-owned maintenance facility and
fuel depot.

(3) Each state agency and state university shall provide
any information

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

And the title is amended as follows:

Delete lines 8 - 17

and insert:

requirements for the inventory; requiring state
agencies and state universities to provide certain
information requested by the department; requiring the
department to create, administer, and maintain a
centralized management system for the motor vehicle
fleet, maintenance facilities, and fuel depots;
requiring the department to consolidate the management
of existing motor vehicles, maintenance facilities,
fuel depots, and certain full-time equivalent and
other personal services positions; requiring state
agencies and state universities to

By Senator Brandes

24-00534-21

20211152__

A bill to be entitled

An act relating to fleet management; requiring the Department of Management Services to prepare an inventory of state-owned motor vehicles, maintenance facilities, and fuel depots; requiring the department to submit the inventory to the Governor and the Legislature by a specified date; specifying requirements for the inventory; requiring governmental entities to provide certain information requested by the department; requiring the department to create, administer, and maintain a centralized management system for the motor vehicle fleet, maintenance facilities, and fuel depots; requiring the department to consolidate the management of existing motor vehicles, maintenance facilities, fuel depots, and certain full-time equivalent and other personal services positions; requiring governmental entities to provide certain information requested by the department; requiring the department to contract with a vendor or contractor for a specified purpose; providing an effective date.

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

Section 1. Statewide inventory.—

(1) The Department of Management Services shall prepare an inventory of all state-owned motor vehicles, maintenance facilities, and fuel depots. By December 31, 2021, the department shall submit the inventory to the Governor, the

Page 1 of 3

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

24-00534-21

20211152__

President of the Senate, and the Speaker of the House of Representatives.

(2) The inventory must provide, at a minimum, all of the following:

(a) Entity of ownership of all state-owned motor vehicles, maintenance facilities, and fuel depots.

(b) Entity of possession of all state-owned motor vehicles, maintenance facilities, and fuel depots.

(c) Estimated annual operating and other costs of all state-owned motor vehicles, maintenance facilities, and fuel depots.

(d) Number of full-time equivalent and other personal services positions assigned to operate and maintain each state-owned maintenance facility and fuel depot.

(e) Physical address for the location of all state-owned motor vehicles, maintenance facilities, and fuel depots.

(3) Each governmental entity, as defined in s. 215.985(2)(c), Florida Statutes, shall provide any information requested by the Department of Management Services necessary for the completion of the inventory.

Section 2. Centralized fleet and fleet operations management.—

(1) The Department of Management Services shall create, administer, and maintain a centralized management system for the fleet of state-owned motor vehicles, maintenance facilities, and fuel depots.

(2) The Department of Management Services shall consolidate under a centralized system the management of existing motor vehicles, maintenance facilities, fuel depots, and any full-time

Page 2 of 3

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

24-00534-21 20211152__

59 equivalent and other personal services positions assigned to
60 operate and maintain each state-owned maintenance facility and
61 fuel depot.

62 (3) Each governmental entity, as defined in s.
63 215.985(2)(c), Florida Statutes, shall provide any information
64 requested by the Department of Management Services necessary for
65 consolidating under the centralized system the management of
66 existing motor vehicles, maintenance facilities, fuel depots,
67 and any full-time equivalent and other personal services
68 positions assigned to operate and maintain each state-owned
69 maintenance facility and fuel depot.

70 Section 3. Privatization of fleet management.-The
71 Department of Management Services shall contract with a vendor
72 or contractor for privatizing the centralized management and
73 operation of the state-owned motor vehicle fleet, motor vehicle
74 acquisitions, maintenance facilities, and fuel depots.

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



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 4, 2021

I respectfully request that **Senate Bill # 1152**, relating to Fleet Management, be placed on the:

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

A handwritten signature in black ink, appearing to read "Jeff Brandes", with a long horizontal flourish extending to the right.

Senator Jeff Brandes
Florida Senate, District 24

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE
APPEARANCE RECORD

3/17/21

Meeting Date

SB 1152

Bill Number (if applicable)

Topic Fleet Management

Amendment Barcode (if applicable)

Name Vittorio Nastasi

Job Title Policy Analyst

Address 901 Riggins Road

Phone 407-618-6168

Street

Tallahassee

FL

32308

Email Vittorio.Nastasi@reason.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Reason Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1570

INTRODUCER: Senator Rodriguez

SUBJECT: Quasi-public Entities

DATE: March 16, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Candelaria	McVane	GO	Pre-meeting
2. _____	_____	AP	_____
3. _____	_____	RC	_____

I. Summary:

SB 1570 creates s. 20.059, F.S., entitled quasi-public entities. The bill provides definitions, requirements, and responsibilities for quasi-public entities.

The bill defines “quasi-public entity” to mean an entity established by general law, regardless of form, for a public purpose or to effectuate a government program and which is not directly controlled by a governmental entity. The term does not include a citizen support organization or a direct-support organization.”

The bill requires the Governor to designate a department with which quasi-public entities will be affiliated, and the requirements of the affiliated department. The bill provides the repeal dates of quasi-public entities unless they are reviewed and saved by the Legislature.

The bill requires quasi-public entities to contract with an independent entity - as selected from a list comprised by The Office of Program Policy Analysis and Government Accountability (OPPAGA) - to conduct a cost-benefit analysis (CBA). The bill provides certain standards for the CBA including but not limited to an analysis of the advantages of, and disadvantages of, allowing the quasi-public entity to continue in its current form or be dissolved and have its duties transferred to a department.

The bill requires quasi-public entities to submit a detailed annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and its affiliated department. The initial CBA due date is based upon the year the quasi-public entity was created and subsequent CBAs are due on September 15 every 10 years, thereafter.

The bill also requires quasi-public entities to submit an annual report, on September 15, to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and its affiliated department to include:

- The name, mailing address, physical address, telephone 175 number, and website address of the quasi-public entity;
- The statutory authority creating the quasi-public entity;
- A description of the quasi-public entity's mission;
- A description of the quasi-public entity's plans for the next 3 fiscal years;
- A copy of the quasi-public entity's code of ethics; and
- If the quasi-public entity is a corporation not for profit, a copy of the entity's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax Form (Form 990).

The bill requires a quasi-public entity to include additional specified information if the entity is organized as a corporation or has created an affiliated entity.

The bill requires each quasi-public entity to maintain a publicly available website with certain content.

The bill provides salary and compensation limits for employees of quasi-public entities. A quasi-public entity is prohibited from using public funds to retain a lobbyist to represent the entity before the legislative or executive branch. However, a full-time employee of the entity may register as a lobbyist to provide such representation.

The bill prevents quasi-public entities from creating an entity separate from itself, including a citizen support organization or a direct-support organization. The bill provides for the repeal of any such entity in existence prior to July 1, 2021.

The bill requires any meeting of a quasi-public entity to be video recorded. Additionally, the bill prohibits the executive director or an officer with similar responsibilities from recommending or being involved with the selection, appointment or retention of any member of the quasi-public entity's governing body.

The bill requires quasi-public entities to post certain information on the Department of Financial Services contracting tracking system within 30 days after executing a contract.

The departments affiliated with the quasi-public entities will incur additional workload.

The bill will take effect July 1, 2021.

II. Present Situation:

Quasi-Public Entity

The term "quasi-public entity" is not defined in Florida Statutes. Quasi-public entities are generally considered a hybrid of a private and public organization, organized and established in law to provide and promote a public purpose by administering a governmental function of state

government.¹ A quasi-public entity is typically appropriated funds from the state in order to accomplish the public purpose of its contract.

The following entities constitute a quasi-public entity:

Entity	Statute	Date of Creation
The Commission for the Transportation Disadvantaged	S. 427.012, F.S.	1979 (Ch. 79-180, L.O.F.)
Florida Housing Finance Corporation	S. 420.504, F.S.	1980 (Ch. 80-161, L.O.F.)
Correctional Work Programs Corporation	S. 946.504, F.S.	1983 (Ch. 83-209, L.O.F.)
Local Health Councils (11)	S. 408.033(1)(a), F.S.	1987 (Ch. 87-92, L.O.F.)
Florida Independent Living Council	S. 413.395, F.S.	1988 (Ch. 88-214, L.O.F.)
Florida Birth-Related Neurological Injury Compensation Association	S. 766.315(1)(a), F.S.	1988 (Ch. 88-1, L.O.F.)
Inland Protection Financing Corporation	S. 376.3071, F.S.	1989 (Ch. 16-159, L.O.F.)
One Church, One Child of Florida Corporation	S. 409.1755, F.S.	1990 (Ch. 90-306, L.O.F.)
Florida Healthy Kids Corporation	S. 624.91(5), F.S.	1990 (Ch. 90-199, L.O.F.)
Enterprise Florida	S. 288.901(1), F.S.	1992 (Ch. 92-277, L.O.F.)
Sunshine State One-Call of Florida, Inc. (Sunshine 811)	S. 556.103, F.S.	1993 (Ch. 93-240, L.O.F.)
Florida Export Finance Corporation	S. 288.773, F.S.	1993 (Ch. 93-187, L.O.F.)
Florida Development Finance Corporation	S. 288.9604, F.S.	1993 (Ch. 93-187, L.O.F.)
CareerSource Florida, Inc.	S. 445.004, F.S.	1994 (Ch. 94-232, L.O.F.)
Assistive Technology Advisory Council	S. 413.407, F.S.	1994 (Ch. 94-324, L.O.F.)
Florida Engineers Management Corporation	S. 471.038, F.S.	1997 (Ch. 97-312, L.O.F.)
Florida Workers' Compensation Insurance Guaranty Association Guaranty Association, Inc.	S. 631.911, F.S.	1997 (Ch. 97-262, L.O.F.)
Ounce of Prevention Fund of Florida	S. 409.153, F.S.	1998 (Ch. 98-175, L.O.F.)
Tobacco Settlement Financing Corporation	S. 215.56005, F.S.	2000 (Ch. 2000-128, L.O.F.)
Florida Association of Drug Court Professionals	S. 397.334(7)(a), F.S.	2001 (Ch. 2001-48, L.O.F.)
Florida Mobile Home Relocation Corporation	S. 723.0611, F.S.	2001 (Ch. 2001-227, L.O.F.)
Florida Health Choices, Inc.	S. 408.910, F.S.	2002 (Ch. 2008-32, L.O.F.)
Citizens Property Insurance Corporation	S. 627.351(6), F.S.	2002 (Ch. 2002-240, L.O.F.)
Florida Education Fund, Inc.	S. 1009.70, F.S.	2002 (Ch. 2002-387, L.O.F.)
H. Lee Moffitt Cancer Center and Research, Inc.	S. 1004.43, F.S.	2002 (Ch. 2002-837, L.O.F.)
Scripps Florida Funding Corporation	S. 288.955, F.S.	2003 (Ch. 2003-420, L.O.F.)
Florida Clerks of Court Operations Corporation	S. 28.35(1)(a), F.S.	2003 (Ch. 2003-402, L.O.F.)
Florida Institute for Human and Machine Cognition, Inc.	S. 1004.447, F.S.	2003 (Ch. 2003-294, L.O.F.)
Florida Public Health Institute, Inc.	S. 381.98, F.S.	2004 (Ch. 2004-2, L.O.F.)
Public Cord Blood Tissue Bank	S. 381.06015, F.S.	2005 (Ch. 2005-305, L.O.F.)
Florida Opportunity Fund	S. 288.9624, F.S.	2007 (Ch. 2007-189, L.O.F.)
Institute for Commercialization of Florida Technology	S. 288.9625, F.S.	2013 (Ch. 2013-120, L.O.F.)
Florida is for Veterans, Inc.	S. 295.21, F.S.	2014 (Ch. 2014-1, L.O.F.)
Triumph Gulf Coast, Inc.	S. 288.8013, F.S.	2017 (Ch. 2017-64, L.O.F.)

The Office of Program Policy Analysis and Government Accountability

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is the research arm of the Legislature. The OPPAGA was created by the Legislature in 1994 to help improve the performance and accountability of state government. The OPPAGA provides data,

¹ *McClung-Gagne v. Harbour City Volunteer Ambulance Squad, Inc.*, 721 So.2d 799 (Fla.App. 1 Dist., 1998)

evaluative research, and objective analyses to assist legislative budget and policy deliberations. The OPPAGA conducts research as directed by state law, the presiding officers, or the Joint Legislative Auditing Committee.² The OPPAGA provides a variety of research services such as performance evaluations and policy reviews of government programs, research and technical assistance to legislators and legislative committees, and government program summaries containing descriptive and evaluative information on all major state programs.

Citizen Support and Direct Support Organizations

A citizen support organization (CSO) is an organization that is a Florida corporation not-for-profit incorporated under the provisions of Chapter 617, Florida Statutes, and is authorized by Florida law to exist as a citizen-support organization to benefit or provide assistance to a governmental entity.³ A CSO is organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, or real or personal property; and make expenditures for the benefit of the intergovernmental programs of their affiliated department or agency.

A direct support organization (DSO) is an organization that is a Florida corporation not-for-profit incorporated under the provisions of Chapter 617, Florida Statutes, and is authorized by Florida law to exist as a direct-support organization to benefit or provide assistance to a governmental entity.⁴

Section 20.058, F.S., establishes that by August 1 of each year, each CSO and DSO must submit the following information to their affiliated department or agency:

- The name, mailing address, telephone number, and website address of the CSO;
- The statutory authority or executive order pursuant to which the organization was created;
- A brief description of the mission, and resulted obtained by, the organization;
- A brief description of the plans of the organization for the next three years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

By August 15 of each year, the appropriate agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by each organization⁵.

Transparency in Government Spending & The Contract Tracking System

Section 215.985, F.S., is referred to as the Transparency Government Act (the Act). The Act requires the Chief Financial Officer (CFO) to establish and maintain a secure contract tracking system available for viewing and downloading by the public through a secure website. The

² The Office of Program Policy Analysis and Government Accountability, *See About OPPAGA*, available at <https://oppaga.fl.gov/About>, (last visited March 11, 2021)

³ Section 20.2551, F.S.

⁴ Section 16.618, F.S.

⁵ Section 20.058, F.S.

Department of Financial Services (DFS) maintains and updates the contract tracking system. The tracking system contains contracts, grant awards, and amendments to contracts.

Within 30 days after executing a contract, each state entity is required to post the following information relating to the contract on the contract tracking system:

- The names of the contracting entities;
- The procurement method;
- The contract beginning and ending dates;
- The nature or type of commodities or services purchased;
- Applicable contract unit prices and deliverables;
- Total compensation to be paid or received under the contract;
- All payments made to the contractor to date;
- Applicable contract performance measures;
- If a competitive solicitation was not used to procure the goods and services, the justification of the action, including citation to a statutory exemption from competitive solicitation if any.⁶; and
- Electronic copies of the contract and procurement documents that have been redacted to exclude confidential information or exempt information.

Within 30 calendar days after an amendment to an existing contract, the state entity that is a party to the contract must update the information on the contract tracking system.

State entities are required to redact confidential or exempt information from the contract and procurement documents before posting an electronic copy on the contract tracking system. If a state entity becomes aware that an electronic copy of a contract or procurement document has been posted but has not been properly redacted, the state entity must notify the CFO and remove the documents from the contract tracking system.⁷ Consequently, the state entity has seven business days to post a properly redacted copy of the contract or procurement document on the contract tracking system. Request to redact confidential and exempt information must be made in writing, and delivered by mail, facsimile, electronic transmission, or in person to the state entity. The CFO is not responsible for redacting confidential and exempt information posted by a state entity on the system and is not liable for the failure of the state entity to post the information.

This section establishes that the posting of information on the contract tracking system does not supersede the duty of the state entity to respond to a public records request or subpoena for the information. A request for a copy of a contract or procurement document must be made to the state entity. A subpoena for a copy of a contract or procurement document must be served on the quasi-public entity.

This section establishes that the CFO regulating and prohibiting the posting of records that could facilitate identity theft or fraud does not supersede the duty of a state entity to provide a copy of a public record upon request.

⁶ Section 215.985(14)(a), F.S.

⁷ Section 215.985(14)(d), F.S.

III. Effect of Proposed Changes:

Section 1 creates s. 20.059, F.S., to outline the definitions, requirements, and responsibilities of quasi-public entities.

This section provides the following definitions: the term “cost-benefit analysis” is defined to mean:

An analysis conducted by an independent entity of the current structure of a quasi-public entity and its relationship to state government with the goal of determining whether it would be more efficient or cost-effective to maintain the quasi-public entity or transfer its functions to a state agency and dissolve the entity.

The term “governmental entity” is defined to mean:

A state, regional, county, municipal, special district, or other political subdivision, whether executive, judicial, or legislative, including, but not limited to, a department, a division, a bureau, a commission, an authority, a district, or an agency thereof or a public school, a Florida College System institution a state university, or an associated board.

The term “operational audit” has the same meaning as in s. 11.45(1), F.S., - which means:

An audit whose purpose is to evaluate management’s performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines. Operational audits must be conducted in accordance with government auditing standards. Such audits examine internal controls that are designed and placed in operation to promote and encourage the achievement of management’s control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets, and identify weaknesses in those internal controls.

The term “quasi-public entity” is defined to mean:

An entity established by general law, regardless of form, for a public purpose or to effectuate a government programs and which is not directly controlled by a governmental entity. The term does not include a citizen support organization or a direct-support organization.

This section provides that for quasi-public entities created in law before July 1, 2000, the Governor must specify, unless already specified in law, the department with which the quasi-public entity will be affiliated no later than December 31, 2021. The affiliated department – whether specified by the Governor or in law - shall serve in an advisory capacity to the

governing body of the affiliated quasi-public entity. The head of the affiliated department is required to review the activities of the affiliated quasi-public entity on an annual basis and recommend statutory changes as necessary, to ensure the most efficient and cost-effective operation. The quasi-public entity is repealed on June 30, 2025, unless reviewed and saved by the Legislature.

For quasi-public entities created in law on or after July 1, 2000, but before July 1, 2021, the Governor must specify the department with which the quasi-public entity is to be affiliated with – unless otherwise provided in law - by December 31, 2021. The affiliated department will have an advisory capacity to the governing body of the affiliated quasi-public entity. The quasi-public entity is repealed on June 30, 2026, unless reviewed and saved by the Legislature.

For quasi-public entities created in law on or after July 1, 2021, the law creating the quasi-public entity must specify the department with which the quasi-public entity will be affiliated. The affiliated department serves in an advisory capacity to the governing body of the affiliated quasi-public entity. The head of the affiliated department is required to review the activities of the affiliated quasi-public entity on an annual basis and recommend statutory changes to ensure the most efficient and cost-effective operation. The quasi-public entity is repealed on June 30th of the 7th year after enactment, unless reviewed and saved by the Legislature.

This section requires each quasi-public entity to contract with an independent entity to conduct a cost-benefit analysis. The OPPAGA is required to generate list of independent entities qualified to perform cost-benefit analysis, and the quasi-public entity must select an entity from this list.

A quasi-public entity created before July 1, 2000, is required to have the analysis completed no later than August 1, 2023, and every 10 years thereafter. A quasi-public entity created on or after July 1, 2000, but before July 1, 2021, is required to have the analysis completed no later than August 1, 2024, and every 10 years thereafter. A quasi-public entity created on or after July 1, 2021, is required to have the analysis completed by August 1 of the 10th year following its creation and every 10 years thereafter. The quasi-public entity is required to submit the cost-benefit analysis to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the affiliated department by September 15 of the year in which the analysis is due.

This section outlines the requirements of the cost-benefits analysis. The cost-benefit analysis is required to have:

- A detailed description of the quasi-public entity's activities;
- An analysis of the quasi-public entity's current performance, based on existing performance metrics;
- An analysis of the goals achieved by, and the advantages and disadvantages of, allowing the quasi-public entity to either continue in its current form, or be dissolved and have its duties and functions transferred to a department;
- An analysis documenting the direct and indirect specific baseline costs, savings, efficiencies of scale, and qualitative and quantitative benefits involved in or resulting from each of the following scenarios: maintaining the quasi-public entity in its current form, or transferring its duties and functions to a department and dissolving the quasi-public entity;

- A description of the specific accountability and transparency measures by which the quasi-public entity must abide ;
- A description of the specific performance standards, if any, that the quasi-public entity must meet to ensure adequate performance; and
- An operational audit.

This section provides that by September 15 of each year, quasi-public entities are required to submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and its affiliated department. The report is required to have the following:

- The name, mailing address, physical address, telephone number, and website address of the quasi-public entity;
- The statutory authority creating the quasi-public entity;
- A description of the quasi-public entity's mission;
- A description of the quasi-public entity's plans for the next 3 fiscal years;
- A copy of the quasi-public entity's code of ethics; and
- If the quasi-public entity is a corporation not for profit, a copy of the entity's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax Form (Form 990).

If the quasi-public entity is organized as a corporation, the bill requires the following be provided:

- The corporate governance framework and structure;
- The policies and practices of the corporation's significant committees;
- The policies and practices for directing senior management; and
- Processes by which the board, its committees, and senior management ensure an appropriate amount of oversight over its activities.

If the quasi-public entity has created an entity of any type with which it is affiliated, the following information must be included for each such affiliated entity: the name, mailing address, physical address, telephone number, and website address; the statutory authority creating or authorizing the creation of the affiliated entity; and a description of the affiliated entity's mission. If the affiliated entity is a corporation, it must provide all the required information for a corporation as set forth above. If the affiliated entity is a corporation not for profit, it must provide a copy of the entity's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax Form (Form 990).

This section requires each quasi-public entity to maintain a publicly accessible website. The website must include:

- The annual report;
- The most recently approved operating budget, maintained on the website for 2 years;
- The position title and annual salary or rate of pay for each regularly established position;
- A link to any state audit or report of the entity's operations;
- A link to any program or activity descriptions for which funds are expended.
- All meeting notices for meetings of the governing body, which must be on the website for two years; and

- The official minutes of each meeting of the governing body, which must be posted no later than seven days after the meeting.

This section provides salary caps for a quasi-public entity's employees. An employee of the quasi-public entity may not receive an annual salary, including base pay or base pay combined with incentives, in excess of 150 percent of the annual salary paid to the head of its affiliated department from state-appropriated funds, including federal funds.

A person who is employed by more than one quasi-public entity may not receive a cumulative annual salary in excess of the 150 percent cap. If such a person is employed by quasi-public entities with different affiliated departments, such employee may not receive a cumulative annual salary in excess of 150 percent cap to the highest paid head of the affiliated departments.

This section provides that a quasi-public entity may not use public funds to retain a lobbyist to represent the quasi-public entity before the legislative or executive branch. A full-time employee of the quasi-public entity may register as a lobbyist and represent the entity before the legislative or executive branch. Except as a full-time employee, a person may not accept public funds from a quasi-public entity for lobbying.

This section provides that a quasi-public entity may not create an entity separate from itself, including a citizen support or a direct-support organization. Any such entity in existence before July 1, 2021, may continue in existence but is repealed on the same date as the creating quasi-public entity unless reviewed and saved from repeal through reenactment by the Legislature.

Any meeting of the quasi-public entity's governing body must be video recorded. The executive director of a quasi-public entity, or an officer with similar responsibilities, may not recommend or be involved in the selection, appointment, or retention of any member of the entity's governing body.

Section 2 amends s. 215.985, F.S., to make quasi-public entities subject to the DFS reporting requirements for the contract tracking system.

This section redefines the definition of the term "procurement document" in s. 215.985(14), F.S., to include a quasi-public entity.

This section defines the term "quasi-public entity" to mean:

An entity established by general law, regardless of form, for a public purpose or to effectuate a government programs and which is not directly controlled by a governmental entity. The term does not include a citizen support organization or a direct-support organization.

Section 3 provides the bill takes effect July 1, 2021.

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

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article III, section 6, of the State Constitution provides, in pertinent part, that "[n]o law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection." The bill does not appear to meet the constitutional full text requirements as it fails to set forth each statute to be amended, showing the changes in context and providing fair and adequate notice. The Legislature may want to consider an amendment curing this deficiency.

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

None.

B. Private Sector Impact:

Quasi-public entities will incur additional costs associated with contracting with an independent entity to conduct a cost-benefit analysis. If not already maintained, quasi-public entities may incur additional costs related to maintaining a publicly accessible website as required by the bill.

Quasi-public entities will also experience additional workload in completing the required annual report and meeting the posting requirements on the contract tracking system.

C. Government Sector Impact:

The Executive Office of the Governor will incur additional workload by designating affiliate departments to the quasi-public entities. The affiliated departments will incur additional workload in serving in an advisory capacity to the quasi-public entities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 20.059 of the Florida Statutes.

This bill substantially amends section 215.985 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Rodriguez

39-01563-21

20211570__

1 A bill to be entitled
 2 An act relating to quasi-public entities; creating s.
 3 20.059, F.S.; providing definitions; requiring the
 4 Governor to specify affiliated departments for certain
 5 quasi-public entities by a certain date; providing
 6 requirements for the affiliated departments; providing
 7 for the repeal of a quasi-public entity on a certain
 8 date unless reviewed and saved from repeal through
 9 reenactment by the Legislature; providing requirements
 10 for a law creating a quasi-public entity; requiring a
 11 quasi-public entity to contract with an independent
 12 entity selected from a certain list to conduct a cost-
 13 benefit analysis; requiring the completion of a cost-
 14 benefit analysis at certain intervals; requiring a
 15 cost-benefit analysis to include certain information;
 16 requiring a quasi-public entity to submit a cost-
 17 benefit analysis and an annual report that includes
 18 certain information to the Governor, the Legislature,
 19 and its affiliated department by a certain date;
 20 requiring a quasi-public entity to maintain a website
 21 that includes certain information; prohibiting an
 22 employee of a quasi-public entity from receiving an
 23 annual salary in excess of a certain amount;
 24 prohibiting a person who is employed by more than one
 25 quasi-public entity from receiving a cumulative annual
 26 salary in excess of a certain amount; prohibiting a
 27 quasi-public entity from using public funds to retain
 28 a lobbyist; authorizing certain employees of a quasi-
 29 public entity to register as a lobbyist and represent

Page 1 of 15

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

39-01563-21

20211570__

30 the quasi-public entity; prohibiting a quasi-public
 31 entity from creating an entity separate from itself;
 32 providing for the future repeal of certain existing
 33 entities; requiring that meetings of the quasi-public
 34 entity's governing body be video recorded; prohibiting
 35 an executive director or similar officer of a quasi-
 36 public entity from certain involvement with the
 37 entity's governing body; amending s. 215.985, F.S.;
 38 requiring a quasi-public entity to post and update
 39 certain information on the secure contract tracking
 40 system established and maintained by the Chief
 41 Financial Officer; requiring a quasi-public entity to
 42 redact certain information; providing that the Chief
 43 Financial Officer, the Department of Financial
 44 Services, and officers, employees, and contractors
 45 thereof are not responsible for redacting, and are not
 46 liable for the failure to redact, certain information
 47 posted on the secure contract tracking system by a
 48 quasi-public entity; providing that the posting of
 49 certain information does not supersede the duty of a
 50 quasi-public entity to respond to certain requests or
 51 subpoenas; providing that certain actions by the Chief
 52 Financial Officer do not supersede the duty of a
 53 quasi-public entity to provide certain records upon
 54 request; revising and providing definitions; providing
 55 an effective date.

57 Be It Enacted by the Legislature of the State of Florida:
 58

Page 2 of 15

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

39-01563-21

20211570

Section 1. Section 20.059, Florida Statutes, is created to read:

20.059 Quasi-public entities.—

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

(a) "Cost-benefit analysis" means an analysis conducted by an independent entity of the current structure of a quasi-public entity and its relationship to state government with the goal of determining whether it would be more efficient or cost-effective to maintain the quasi-public entity or transfer its functions to a state agency and dissolve the entity.

(b) "Governmental entity" means a state, regional, county, municipal, special district, or other political subdivision, whether executive, judicial, or legislative, including, but not limited to, a department, a division, a bureau, a commission, an authority, a district, or an agency thereof or a public school, a Florida College System institution, a state university, or an associated board.

(c) "Operational audit" has the same meaning as in s. 11.45(1).

(d) "Quasi-public entity" means an entity established by general law, regardless of form, for a public purpose or to effectuate a government program and which is not directly controlled by a governmental entity. The term does not include a citizen support organization or a direct-support organization.

(2)(a) For a quasi-public entity created in law before July 1, 2000:

1. The Governor must specify a department with which the quasi-public entity will be affiliated, unless a department is already specified in law, no later than December 31, 2021. The

39-01563-21

20211570

affiliated department, whether specified by the Governor or in law, shall serve in an advisory capacity to the governing body of the affiliated quasi-public entity. The head of the affiliated department shall review the activities of the affiliated quasi-public entity at least annually and shall recommend appropriate statutory changes to the Legislature, as necessary, to ensure the most efficient and cost-effective operation.

2. The quasi-public entity is repealed on June 30, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

(b) For a quasi-public entity created in law on or after July 1, 2000, but before July 1, 2021:

1. The Governor must specify a department with which the quasi-public entity will be affiliated, unless a department is already specified in law, no later than December 31, 2021. The affiliated department, whether specified by the Governor or in law, shall serve in an advisory capacity as described in paragraph (a).

2. The quasi-public entity is repealed on June 30, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

(c) For a quasi-public entity created in law on or after July 1, 2021, the law creating the quasi-public entity shall:

1. Specify a department with which the quasi-public entity will be affiliated. The affiliated department shall serve in an advisory capacity to the governing body of the affiliated quasi-public entity. The head of the affiliated department shall review the activities of the affiliated quasi-public entity at

39-01563-21 20211570__

117 least annually and shall recommend appropriate statutory changes
 118 to the Legislature, as necessary, to ensure the most efficient
 119 and cost-effective operation.

120 2. State that the quasi-public entity is repealed on June
 121 30 of the 7th year after enactment, unless reviewed and saved
 122 from repeal through reenactment by the Legislature.

123 (3) Each quasi-public entity shall contract with an
 124 independent entity to conduct a cost-benefit analysis. The
 125 Office of Program Policy Analysis and Government Accountability
 126 shall generate a list of independent entities qualified to
 127 perform the cost-benefit analysis, and the quasi-public entity
 128 shall select an independent entity from the list.

129 (a) A quasi-public entity created in law:

130 1. Before July 1, 2000, shall have a cost-benefit analysis
 131 completed no later than August 1, 2023, and every 10 years
 132 thereafter.

133 2. On or after July 1, 2000, but before July 1, 2021, shall
 134 have a cost-benefit analysis completed no later than August 1,
 135 2024, and every 10 years thereafter.

136 3. On or after July 1, 2021, shall have a cost-benefit
 137 analysis completed by August 1 of the 10th year following its
 138 creation and every 10 years thereafter.

139 (b) The cost-benefit analysis shall include the following:

140 1. A detailed description of the quasi-public entity's
 141 activities.

142 2. An analysis of the quasi-public entity's current
 143 performance, based on existing performance metrics.

144 3. An analysis of the goals achieved by, and the advantages
 145 and disadvantages of, allowing the quasi-public entity to do

39-01563-21 20211570__

146 each of the following:

147 a. Continue in its current form.

148 b. Be dissolved and have its duties and functions
 149 transferred to a department.

150 4. An analysis documenting the direct and indirect specific
 151 baseline costs, savings, efficiencies of scale, and qualitative
 152 and quantitative benefits involved in or resulting from each of
 153 the following scenarios:

154 a. Maintaining the quasi-public entity in its current form.

155 b. Transferring the quasi-public entity's duties and
 156 functions to a department and dissolving the quasi-public
 157 entity.

158 5. A description of the specific accountability and
 159 transparency measures by which the quasi-public entity must
 160 abide.

161 6. A description of the specific performance standards, if
 162 any, that the quasi-public entity must meet to ensure adequate
 163 performance.

164 7. An operational audit.

165 (c) Each quasi-public entity shall submit the cost-benefit
 166 analysis to the Governor, the President of the Senate, the
 167 Speaker of the House of Representatives, and its affiliated
 168 department by September 15 of the year in which such analysis is
 169 due.

170 (4) By September 15 of each year, each quasi-public entity
 171 shall submit a report to the Governor, the President of the
 172 Senate, the Speaker of the House of Representatives, and its
 173 affiliated department which includes all of the following
 174 information:

39-01563-21 20211570

- 175 (a) The name, mailing address, physical address, telephone
 176 number, and website address of the quasi-public entity.
 177 (b) The statutory authority creating the quasi-public
 178 entity.
 179 (c) A description of the quasi-public entity's mission.
 180 (d) A description of the quasi-public entity's plans for
 181 the next 3 fiscal years.
 182 (e) A copy of the quasi-public entity's code of ethics.
 183 (f) If the quasi-public entity is a corporation not for
 184 profit, a copy of the entity's most recent federal Internal
 185 Revenue Service Return of Organization Exempt from Income Tax
 186 Form (Form 990).
 187 (g) If the quasi-public entity is organized as a
 188 corporation, a copy of all of the following:
 189 1. Corporate governance framework and structure.
 190 2. Policies and practices of the corporation's significant
 191 committees, including any compensation committee.
 192 3. Policies and practices for directing senior management.
 193 4. Processes by which the board, its committees, and senior
 194 management ensure an appropriate amount of oversight over the
 195 corporation's activities.
 196 (h) If the quasi-public entity has created an entity of any
 197 type with which it is affiliated, the following information must
 198 be included for each such affiliated entity:
 199 1. The name, mailing address, physical address, telephone
 200 number, and website address of the affiliated entity.
 201 2. The statutory authority creating or authorizing the
 202 creation of the affiliated entity, if any.
 203 3. A description of the affiliated entity's mission.

39-01563-21 20211570

- 204 4. If the affiliated entity is a corporation, a copy of all
 205 of the information described in paragraph (g).
 206 5. If the affiliated entity is a corporation not for
 207 profit, a copy of the entity's most recent federal Internal
 208 Revenue Service Return of Organization Exempt from Income Tax
 209 Form (Form 990).
 210 (5) Each quasi-public entity shall maintain a publicly
 211 accessible website. The website must include the following:
 212 (a) The report required pursuant to subsection (4).
 213 (b) The most recently approved operating budget, which must
 214 be maintained on the website for 2 years.
 215 (c) Position title and annual salary or rate of pay for
 216 each regularly established position.
 217 (d) A link to any state audit or report of the entity's
 218 operations.
 219 (e) A link to any program or activity descriptions for
 220 which funds may be expended.
 221 (f) All meeting notices for meetings of the entity's
 222 governing body, which must be maintained on the website for 2
 223 years.
 224 (g) The official minutes of each meeting of the entity's
 225 governing body, which must be posted no later than 7 days after
 226 the date of the meeting in which the minutes are approved.
 227 (6) An employee of a quasi-public entity may not receive an
 228 annual salary, whether base pay or base pay combined with any
 229 bonus or incentive payments, in excess of 150 percent of the
 230 annual salary paid to the head of its affiliated department from
 231 state-appropriated funds, including state-appropriated federal
 232 funds. A person who is employed by more than one quasi-public

39-01563-21 20211570__

entity may not receive a cumulative annual salary in excess of such amount. If the quasi-public entities with which such person is employed are affiliated with different departments, such person may not receive a cumulative annual salary in excess of 150 percent of the annual salary paid to the highest-paid head of the affiliated departments.

(7) A quasi-public entity may not use public funds to retain a lobbyist to represent the entity before the legislative or executive branch. However, a full-time employee of the quasi-public entity may register as a lobbyist and represent the entity before the legislative or executive branch. Except as a full-time employee, a person may not accept public funds from a quasi-public entity for lobbying.

(8) Unless specifically authorized by law, a quasi-public entity may not create an entity separate from itself, including a citizen support organization or a direct-support organization. However, any such entity in existence before July 1, 2021, may continue in existence but is repealed on the same date as the creating quasi-public entity unless reviewed and saved from repeal through reenactment by the Legislature.

(9) Any meeting of a quasi-public entity's governing body must be video recorded.

(10) The executive director of a quasi-public entity, or an officer with responsibilities similar to that of an executive director, may not recommend or otherwise be involved in the selection, appointment, or retention of any member of the entity's governing body.

Section 2. Subsection (14) of section 215.985, Florida Statutes, is amended to read:

39-01563-21 20211570__

215.985 Transparency in government spending.—

(14) The Chief Financial Officer shall establish and maintain a secure contract tracking system available for viewing and downloading by the public through a secure website. The Chief Financial Officer shall use appropriate Internet security measures to ensure that no person has the ability to alter or modify records available on the website.

(a) Within 30 calendar days after executing a contract, each state and quasi-public entity shall post the following information relating to the contract on the contract tracking system:

1. The names of the contracting entities.
2. The procurement method.
3. The contract beginning and ending dates.
4. The nature or type of the commodities or services purchased.
5. Applicable contract unit prices and deliverables.
6. Total compensation to be paid or received under the contract.
7. All payments made to the contractor to date.
8. Applicable contract performance measures.
9. If a competitive solicitation was not used to procure the goods or services, the justification of such action, including citation to a statutory exemption or exception from competitive solicitation, if any.
10. Electronic copies of the contract and procurement documents that have been redacted to exclude confidential or exempt information.

(b) Within 30 calendar days after an amendment to an

39-01563-21 20211570__

291 existing contract, the state entity or quasi-public entity that
 292 is a party to the contract must update the information described
 293 in paragraph (a) in the contract tracking system. An amendment
 294 to a contract includes, but is not limited to, a renewal,
 295 termination, or extension of the contract or a modification of
 296 the terms of the contract.

297 (c) By January 1, 2014, each state and quasi-public entity
 298 shall post to the contract tracking system the information
 299 required in paragraph (a) for each existing contract that was
 300 executed before July 1, 2013, with payment from state funds made
 301 after June 30, 2013.

302 (d)1. Records made available on the contract tracking
 303 system may not reveal information made confidential or exempt by
 304 law.

305 2. Each state and quasi-public entity that is a party to a
 306 contract must redact confidential or exempt information from the
 307 contract and procurement documents before posting an electronic
 308 copy on the contract tracking system. If a state entity or
 309 quasi-public entity that is a party to the contract becomes
 310 aware that an electronic copy of a contract or a procurement
 311 document has been posted but has not been properly redacted, the
 312 state entity or quasi-public entity must immediately notify the
 313 Chief Financial Officer and must immediately remove the contract
 314 or procurement document from the contract tracking system.
 315 Within 7 business days, the state entity or quasi-public entity
 316 must post a properly redacted copy of the contract or
 317 procurement document on the contract tracking system.

318 3.a. If a party to a contract, or an authorized
 319 representative of a party to a contract, discovers that an

39-01563-21 20211570__

320 electronic copy of a contract or procurement document has been
 321 posted to the contract tracking system but has not been properly
 322 redacted, the party or representative may request the state
 323 entity or quasi-public entity that is a party to the contract to
 324 redact the confidential or exempt information. Upon receipt of
 325 the request, the state entity or quasi-public entity shall
 326 redact the confidential or exempt information.

327 b. A request to redact confidential or exempt information
 328 must be made in writing and delivered by mail, facsimile,
 329 electronic transmission, or in person to the state entity or
 330 quasi-public entity that is a party to the contract. The request
 331 must identify the specific document, the page numbers that
 332 include the confidential or exempt information, the information
 333 that is confidential or exempt, and the applicable statutory
 334 exemption. A fee may not be charged for a redaction made
 335 pursuant to the request.

336 c. A party to a contract may petition the circuit court for
 337 an order directing compliance with this paragraph.

338 4. The contract tracking system shall display a notice of
 339 the right of an affected party to request redaction of
 340 confidential or exempt information contained on the system.

341 5.a. The Chief Financial Officer, the Department of
 342 Financial Services, or an officer, employee, or contractor
 343 thereof, is not responsible for redacting confidential or exempt
 344 information from an electronic copy of a contract or procurement
 345 document posted by another state entity or quasi-public entity
 346 on the system.

347 b. The Chief Financial Officer, the Department of Financial
 348 Services, or an officer, employee, or contractor thereof, is not

39-01563-21 20211570__

349 liable for the failure of a state entity or quasi-public entity
350 to redact the confidential or exempt information.

351 (e)1. The posting of information on the contract tracking
352 system or the provision of contract information on a website for
353 public viewing and downloading does not supersede the duty of a
354 state entity or quasi-public entity to respond to a public
355 records request or subpoena for the information.

356 2. A request for a copy of a contract or procurement
357 document or certified copy of a contract or procurement document
358 shall be made to the state entity or quasi-public entity that is
359 party to the contract. The request may not be made to the Chief
360 Financial Officer, the Department of Financial Services, or an
361 officer, employee, or contractor thereof, unless the Chief
362 Financial Officer or the department is a party to the contract.

363 3. A subpoena for a copy of a contract or procurement
364 document or certified copy of a contract or procurement document
365 must be served on the state entity or quasi-public entity that
366 is a party to the contract and that maintains the original
367 documents. The Chief Financial Officer, the Department of
368 Financial Services, or an officer, employee, or contractor
369 thereof, may not be served a subpoena for those records unless
370 the Chief Financial Officer or the department is a party to the
371 contract.

372 (f) The Chief Financial Officer may regulate and prohibit
373 the posting of records that could facilitate identity theft or
374 fraud, such as signatures; compromise or reveal an agency
375 investigation; reveal the identity of undercover personnel;
376 reveal proprietary business information or trade secrets; reveal
377 an individual's medical information; or reveal another record or

39-01563-21 20211570__

378 information that the Chief Financial Officer believes may
379 jeopardize the health, safety, or welfare of the public.
380 However, such action by the Chief Financial Officer does not
381 supersede the duty of a state entity or quasi-public entity to
382 provide a copy of a public record upon request.

383 (g) The Chief Financial Officer may adopt rules to
384 administer this subsection.

385 (h) For purposes of this subsection, the term:

386 1. "Procurement document" means any document or material
387 provided to the public or any vendor as part of a formal
388 competitive solicitation of goods or services undertaken by a
389 state entity or quasi-public entity, and a document or material
390 submitted in response to a formal competitive solicitation by
391 any vendor who is awarded the resulting contract.

392 2. "Quasi-public entity" means an entity established by
393 law, regardless of form, for a public purpose or to effectuate a
394 government program and which is not directly controlled by a
395 governmental entity. This term does not include a citizen
396 support organization or a direct-support organization.

397 3.2- "State entity" means an official, officer, commission,
398 board, authority, council, committee, or department of the
399 executive branch of state government; a state attorney, public
400 defender, criminal conflict and civil regional counsel, capital
401 collateral regional counsel, and the Justice Administrative
402 Commission; the Public Service Commission; and any part of the
403 judicial branch of state government.

404 (i) In lieu of posting in the contract tracking system
405 administered by the Chief Financial Officer, the Department of
406 Legal Affairs and the Department of Agriculture and Consumer

39-01563-21

20211570

407 Services may post the information described in paragraphs (a)
408 through (c) to its own agency-managed website. The data posted
409 on the agency-managed website must be downloadable in a format
410 that allows offline analysis.

411 (j) The requirement under paragraphs (a) through (c) that
412 each agency post information and documentation relating to
413 contracts on the tracking system does not apply to any record
414 that could reveal attorney work product or strategy.

415 Section 3. This act shall take effect July 1, 2021.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 5, 2021

I respectfully request that **Senate Bill #1570**, relating to Quasi-public Entities, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 39

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 7000

INTRODUCER: Health Policy Committee

SUBJECT: OGSR/Nurse Licensure Compact

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Rossitto-Van Winkle	Brown		HP Submitted as Committee Bill
1.	McVane	McVane	GO	Favorable
2.			RC	

I. Summary:

SB 7000 amends s. 464.0096, F.S., to save from repeal the following current public records and meeting exemptions relating to the Expanded Nurse License Compact (eNLC or compact):

- The personal identifying information of a registered nurse (RN) or licensed practical nurse (LPN),¹ holding a multistate license under the eNLC, other than the nurse's name, licensure status, or licensure number, that is held by the Department of Health (DOH) or the Board of Nursing (BON), and was received from the Coordinated Licensure Information System (CLIS);
- The recordings, minutes, and records generated during an exempt meeting of the Interstate Commission of Nurse Licensure Compact Administrators (the commission); and
- A public meeting, or portion of a meeting, of the commission at which matters specifically exempt from disclosure under the Florida Constitution, or under federal or state statute, are discussed.

The public record and meeting exemptions in s. 464.0096, F.S., are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2021, unless reviewed and reenacted by the Legislature. This bill removes the scheduled repeal of these exemptions.

The bill takes effect on October 1, 2021.

¹ The eNLC can apply to an LPN or a "vocational nurse" (VN), which is substantially equivalent to an LPN in some states. The compact's language often refers to such a practitioner as an "LPN/VN." This analysis refers to such practitioners as LPNs.

II. Present Situation:

Access to Public Records and Meetings – Generally

The Florida Constitution provides that the public has the right to access government records and meetings. The public may inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.² The public also has a right to be afforded notice and access to meetings of any collegial public body of the executive branch of state government or of any local government.³ The Legislature's meetings must also be open and noticed to the public, unless there is an exception provided for by the Constitution.⁴

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act⁵ guarantees every person's right to inspect and copy any state or local government public record.⁶ The Sunshine Law⁷ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.⁸

The Legislature may create an exemption to public records or open meetings requirements.⁹ An exemption must specifically state the public necessity justifying the exemption¹⁰ and must be tailored to accomplish the stated purpose of the law.¹¹

² FLA. CONST. art. I, s. 24(a).

³ FLA. CONST. art. I, s. 24(b).

⁴ *Id.*

⁵ Chapter 119, F.S.

⁶ Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992). The Legislature's records are public pursuant to section 11.0431, F.S.

⁷ Section 286.011, F.S.

⁸ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, section 4(e) of the Florida Constitution provides that legislative committee meetings must be open and noticed to the public. In addition, prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

⁹ FLA. CONST. art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential* and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential, such record may not be released, to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ FLA. CONST. art. I, s. 24(c).

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county, and municipal records are open for personal inspection and copying by any person and that providing access to public records is a duty of each agency.¹²

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.¹³ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”¹⁴

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.¹⁵ A violation of the Public Records Act may result in civil or criminal liability.¹⁶

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁷ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁸

General exemptions from the public records requirements are contained in the Public Records Act.¹⁹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.²⁰

¹² Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

¹³ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

¹⁴ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So.2d 633, 640 (Fla. 1980).

¹⁵ Section 119.07(1)(a), F.S.

¹⁶ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁷ FLA. CONST. art. I, s. 24(c).

¹⁸ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So.2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So.2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹⁹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

²⁰ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.²¹ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.²²

Executive Agency Meetings – The Sunshine Law

The Florida Constitution provides that the public has the right to access government meetings. The public also has a right to be afforded notice and access to meetings of any collegial public body of the executive branch of state government or of any local government.²³ The Legislature’s meetings must also be open and noticed to the public, unless there is an exception provided for by the Constitution.²⁴ The Sunshine Law²⁵ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.²⁶

The Legislature may create an exemption to public open meetings requirements.²⁷ An exemption must specifically state the public necessity justifying the exemption²⁸ and must be tailored to accomplish the stated purpose of the law.²⁹

Open Government Sunset Review Act

The Act³⁰ prescribes a legislative review process for newly created or substantially amended³¹ public records or open meetings exemptions, with specified exceptions.³² It requires the

²¹ See *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991).

²² *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

²³ FLA. CONST. art. I, s. 24(b).

²⁴ FLA. CONST. art. I, s. 24(b).

²⁵ Section 286.011, F.S.

²⁶ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, section 4(e) of the Florida Constitution provides that legislative committee meetings must be open and noticed to the public. In addition, prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

²⁷ FLA. CONST. art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential* and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential, such record may not be released, to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

²⁸ FLA. CONST. art. I, s. 24(c).

²⁹ FLA. CONST. art. I, s. 24(c).

³⁰ Section 119.15, F.S.

³¹ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings, as well as records. Section 119.15(4)(b), F.S.

³² Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Courts System are not subject to the Open Government Sunset Review Act.

automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment unless the Legislature reenacts the exemption.³³

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁴ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- The exemption allows the state or its political subdivisions to effectively and efficiently administer a governmental program and such administration would be significantly impaired without the exemption;³⁵
- The exemption protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁶ or
- The exemption protects information of a confidential nature concerning entities, such as trade or business secrets.³⁷

The Act also requires specified questions to be considered during the review process.³⁸ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁹ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, then records created before the sunset date may not be made public unless otherwise provided by law.⁴⁰

³³ Section 119.15(3), F.S.

³⁴ Section 119.15(6)(b), F.S.

³⁵ Section 119.15(6)(b)1., F.S.

³⁶ Section 119.15(6)(b)2., F.S.

³⁷ Section 119.15(6)(b)3., F.S.

³⁸ Section 119.15(6)(a), F.S. The specified questions are:

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

³⁹ See generally s. 119.15, F.S.

⁴⁰ Section 119.15(7), F.S.

Practitioner Profiles

Pursuant to s. 456.041, F.S., the DOH operates a database of Florida's healthcare practitioners, including nurses. The practitioner profile database is online and searchable.⁴¹ A profile may include information that is public record and relates to the practitioner's profession.⁴²

Practitioners and the DOH are required to update profiles.⁴³ Information exempt from public disclosure and submitted by another governmental entity that the DOH uses for practitioner profiles continues to maintain its exempt status.⁴⁴

Expanded Nurse Licensure Compact (eNLC)

The original Nurse Licensure Compact was designed as a multistate agreement establishing a mutual recognition system between states for the licensure of an RN or LPN. Prior to the compact's enactment, the National Council of State Boards of Nursing (NCSBN) produced a model bill for state legislatures to enact in order for their respective states to join the compact.⁴⁵

The compact was revised and expanded prior to adoption in Florida. These revisions resulted in the eNLC, which is set out in s. 464.0095, F.S., the enactment of which authorized Florida to enter into the eNLC. Florida's entry took effect on January 19, 2018, upon the enactment of the eNLC⁴⁶ by a total of 26 states.⁴⁷

A nurse who is issued a multi-state license from a state that is party to the eNLC is permitted to practice in any state that is also party to the compact. A nurse with a multistate license privilege must comply with the practice laws of the state in which he or she is practicing or where the patient is located. A party state may continue to issue a single-state license and authorize practice only in that state.

The eNLC permits a state to take adverse action against the multistate licensure privilege of any nurse practicing in that state. The home state has the exclusive authority to take adverse action

⁴¹ Section 456.041(8), F.S. Department of Health Practitioner Profile Search, *available at* <https://appsmqa.doh.state.fl.us/MQASearchServices/HealthCareProviders/PractitionerProfileSearch> (last visited Jan. 20, 2021).

⁴² Section 456.041(7), F.S.

⁴³ Section 456.042, F.S.

⁴⁴ Section 456.046, F.S.

⁴⁵ National Council of State Boards of Nursing (NCSBN), *Licensure Compacts*, *available at* <https://www.ncsbn.org/compacts.htm> (last visited Jan. 20, 2021). The NCSBN arose out of the recognition that in order to guard the safety of the public, the organization involved in the regulation of nurses needed to be a separate entity from the American Nurses Association (ANA) and Council on State Boards of Nursing, which represents professional nurses. NCSBN's membership is now comprised of boards of nursing and other nursing regulatory bodies that are charged with the responsibility of providing regulatory excellence for public health, safety and welfare, and protecting the public by ensuring that safe and competent nursing care is provided by licensed nurses. The NCSBN is the vehicle through which these entities act and counsel together on matters of common interest.

⁴⁶ National Council of State Boards of Nursing, *Enhanced Nurse Licensure Compact (eNLC) Interstate Commission Sets Jan. 19, 2018, as Implementation Date for eNLC*, *available at* <https://www.ncsbn.org> (last visited Jan. 20, 2021). The eNLC, is an updated version of the original NLC. The Interstate Commission of Nurse Licensure Compact Administrators set Friday, January 19, 2018, as the implementation date for the enhanced Nurse Licensure Compact (eNLC). There are 26 states in the eNLC.

⁴⁷ Section 464.0095, art. X, F.S.

against the home state license, including revocation and suspension. The eNLC requires all participating states to report to the CLIS all adverse actions taken against a nurse's license or multistate licensure practice privilege, any current significant investigative information, and denials of information.

The DOH collects and provides the following information to the NCSBN CLIS system on all RNs and LPN/VNs with eNLC multistate licenses practicing in Florida:

- NCSBN ID;
- Name (first, middle, last and suffix);
- Mother's maiden name (needed for exam purposes);
- Date of birth;
- Social security number;
- Race;
- Home phone number;
- Work phone number;
- Mailing address;
- License number;
- License rank (RN, PN);
- License status;
- Basis for licensure (e.g. exam or endorsement);
- Current license issue date;
- License expiration date;
- Education program code;
- Education program name;
- Degree;
- Education program address information;
- Graduation date;
- Date of exam;
- Original date of licensure;
- Date license record was last updated;
- Death status indicator;
- Date of death;
- Other names the licensee has been known by;
- License status effective date;
- Level of education;
- License discipline indicator;
- eNLC indicator (multistate or single state);
- eNLC state of primary residence indicator;
- Administrative complaint filed indicator;
- Endorsed from Puerto Rico indicator;
- Null and void indicator; and
- Military active indicator.⁴⁸

⁴⁸ Health Policy Committee, The Florida Senate, Fla. Bd. of Nursing, Dept. of Health, *Open Government Sunset Review of s. 464.0096(3), Section 119.15, F.S., Questionnaire*, response (Oct. 5, 2020) (on file with the Senate Health Policy Committee).

The following other state and federal laws also protect the personal identifying information of a RN or LPN/VN holding a multistate license under the eNLC:

- 42 CFR Part 2 – Drug, Alcohol and Mental Health;
- 45 CFR 160, 162, and 164 – Health Insurance Portability and Accountability Act (HIPAA);
- Section 456.013(13), Florida Statutes – General Licensing Provisions;
- Section 456.014, Florida Statutes – Public Inspection of Information; and
- Section 119.071, Florida Statutes – General Exemptions from Public Record Inspection.⁴⁹

All party states may access the CLIS to see licensure and disciplinary information for nurses licensed in the party states. The CLIS includes a nurse's personal identifying information, licensure classification information and statuses, public emergency and final disciplinary action information, and status information about multistate licensure privileges from all party states. A party state may designate the information it contributes to the CLIS as confidential, prohibiting its disclosure to nonparty states. State licensing boards must report disciplinary information, significant investigative information, and denials of applications to the CLIS promptly.

The eNLC established the commission to oversee the operation of the eNLC. The head of each state's licensing board, or his or her designee, must serve as the state's delegate to the commission. The eNLC grants the commission authority to promulgate uniform rules relating to the implementation and administration of eNLC. The commission may also take action against a party state if a party state fails to meet its obligations under the eNLC, including termination of membership after exhausting all other means of compliance.⁵⁰

All commission meetings are open to the public and must be publicly noticed. Both meetings and hearings for proposed rules must be noticed at least 60 days prior to each meeting on the eNLC's website and on the website of each party state's licensing board or published in the publication in which each state would otherwise post proposed rules. The compact also provides for public comment opportunities through both oral and written testimony. Closed meetings are permitted if the commission is discussing:

- A party state's noncompliance with its obligations under the compact;
- The employment, compensation, discipline, or other personnel matters, practices, or procedures related to a specific employee or other matters related to the commission's internal personnel practices and procedure;
- Current, threatened, or reasonably anticipated litigation;
- Contract negotiations for the purchase or sale of goods, services, or real estate;
- Accusing a person of a crime or formally censuring a person;
- Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- Disclosure of investigatory records compiled for law enforcement purposes;

⁴⁹ *Id.*

⁵⁰ Section 464.0095, art. VII, F.S.

- Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigating compliance with the eNLC; or
- Matters specifically exempted from disclosure by federal or state law.⁵¹

The commission must keep comprehensive minutes of matters discussed in its meetings and provide a full and accurate summary of actions taken, and the reasons. Minutes of a closed meeting will be sealed; however, such minutes may be released pursuant to a majority vote of the commission or an order of a court of competent jurisdiction.⁵²

Staff Survey Regarding Exemptions Under Review

Legislative staff received a response from the DOH to a joint survey of the House Oversight, Transparency and Public Management Subcommittee and the Senate Committee on Health Policy regarding the public records submitted to the DOH under the eNLC and the public meeting exemptions of the commission under s. 464.0096, F.S., for the following:

- The personal identifying information of an RN or LPN/VN holding a multistate license under the eNLC, other than the nurse's name, licensure status, or licensure number, that is held by the DOH or the BON, and was received from the CLIS;
- The recordings, minutes, and records generated during an exempt meeting of the commission; and
- The public meeting, or portion of a meeting, of the commission at which matters specifically exempt from disclosure under the Florida Constitution, or under federal or state statute, are discussed.

The DOH recommends retaining the exemption in its current form as it is a uniform law.

III. Effect of Proposed Changes:

The bill saves from repeal the public records and public meeting exemptions in s. 464.0096, F.S., relating to the following:

- The personal identifying information of RNs and LPNs holding a multistate license under the eNLC, other than the nurse's name, licensure status, or licensure number, that is held by the DOH or the Board of Nursing (BON), and was received from the CLIS;
- The recordings, minutes, and records generated during an exempt meeting of the commission; and
- The public meeting, or portion of a meeting, at which the commission discusses matters specifically exempt from disclosure under the Florida Constitution, or under federal or state statute, are discussed.

The bill takes effect on October 1, 2021.

⁵¹ Section 464.0095, art. VII, (2),(e), F.S.

⁵² Section 464.0095, art. VII (2),(f), F.S.

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

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

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

Article I, s. 24(c), of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemptions. The bill continues the current public records and public meeting exemptions under sunset review. The bill does not expand the exemptions or create new ones. Therefore, a two-thirds vote of the members present and voting for final passage of the bill is not required.

Public Necessity Statement

Article I, s. 24(c), of the State Constitution requires a bill that creates or expands an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. The bill continues the current public records and public meeting exemptions under sunset review. The bill does not expand these exemptions or create new ones. Therefore, the bill does not require a public necessity statement.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records and public meeting requirements to be no broader than necessary to accomplish the stated purpose of the law. The bill exempts the information, records and commission meetings, or portion of a meeting, at which matters specifically exempted from disclosure under the Florida Constitution, or under federal or state statute, are discussed. So unless the state that originally reported the information to the CLIS authorizes the disclosure of such information by law, such information may only be disclosed by the department to the extent permitted by the reporting state's law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 464.0096 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By the Committee on Health Policy

588-01375-21

20217000__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 464.0096, F.S., which provides an exemption from public record requirements for certain personal identifying information of nurses in the Nurse Licensure Compact and from public record and meeting requirements for certain meetings or portions of meetings and certain records held by the Interstate Commission of Nurse Licensure Compact Administrators; removing the scheduled repeal of the exemptions; providing an effective date.

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

Section 1. Section 464.0096, Florida Statutes, is amended to read:

464.0096 Nurse Licensure Compact; public records and meetings exemptions.—

(1) A nurse's personal identifying information, other than the nurse's name, licensure status, or licensure number, obtained from the coordinated licensure information system, as defined in s. 464.0095, and held by the department or the board is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless the state that originally reported the information to the coordinated licensure information system authorizes the disclosure of such information by law. Under such circumstances, the information may only be disclosed to the extent permitted by the reporting state's law.

(2) (a) A meeting or portion of a meeting of the Interstate

Page 1 of 2

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

588-01375-21

20217000__

Commission of Nurse Licensure Compact Administrators established under s. 464.0095 at which matters specifically exempted from disclosure by federal or state statute are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(b) Recordings, minutes, and records generated during an exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 7012

INTRODUCER: Criminal Justice Committee

SUBJECT: OGSR/Criminal History Information of Juveniles

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Stokes	Jones		CJ Submitted as Committee Bill
1.	McVaney	McVaney	GO	Favorable
2.			RC	

I. Summary:

SB 7012 amends ss. 943.053 and 985.04, F.S., to save from repeal the current exemptions from public records disclosure for certain criminal history information of juveniles.

The original public necessity statement for the bill states that it is in the best interest of the public that individuals with juvenile misdemeanor records be given the opportunity to become contributing members of society. Therefore, prohibiting the unfettered release of juvenile misdemeanor records and certain criminal history information relating to a juvenile compiled by the Criminal Justice Information Program is of greater importance than any public benefit that may be derived from the full disclosure and release of such arrest records and information.

Sections 943.053 and 985.04, F.S., relating to criminal history information of juveniles, are subject to the Open Government Sunset Review Act and stands repealed on October 2, 2021, unless reviewed and saved from the repeal through reenactment by the Legislature. This bill removes this repeal language.

This bill does not appear to have a fiscal impact on state or local governments.

This bill is effective October 1, 2021.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies

¹ FLA. CONST. art. I, s. 24(a).

to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

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

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2020-2022) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2020-2022).

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

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

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

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

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.¹⁴ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

The Criminal Justice Information Program

The Criminal Justice Information Program (CJIP) is a program established under the Florida Department of Law Enforcement (FDLE).²⁷ The CJIP must:

- Establish and maintain a communication system capable of transmitting criminal justice information to and between criminal justice agencies.
- Establish, implement, and maintain a statewide automated biometric identification system.
- Initiate a crime information system that is responsible for preparing and disseminating reports, providing data, and developing and maintaining an offender based transaction system.
- Adopt rules to implement, administer, manage, maintain, and use the automated biometric system and uniform offense reports and arrest reports.
- Establish, implement, and maintain a Domestic and Repeat Violence Injunction Statewide Verification System capable of electronically transmitting information to and between criminal justice agencies.
- Establish, implement, and maintain a system for transmitting to and between criminal justice agencies information about writs of bodily attachment issues.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

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

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Sections 20.201(2)(b) and 943.05, F.S.

- In certain circumstances, retain fingerprints submitted by criminal and noncriminal justice agencies to the department for a criminal history background screening as provided by rule and enter the fingerprints in the statewide automated biometric identification system.²⁸

Public Records Exemption for Criminal History Information Relating to a Juvenile

In 2016, the Legislature amended ss. 943.053, and 985.04, F.S., to make the same criminal history information of juveniles confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.²⁹ Section 943.053(3)(b), F.S., provides that criminal history information relating to juveniles compiled by the CJIP is confidential and exempt, except when the juvenile has been taken into custody for, charged with, or found guilty of, a felony offense, or the juvenile has been transferred to adult court.

Section 943.053(3)(c), F.S., provides that criminal history information relating to juveniles, even if confidential and exempt, must be available to:

- Criminal justice agencies for criminal justice purposes;
- The person to whom the record relates, or his or her attorney;
- The parent, guardian, or legal custodian of the person to whom the record relates provided that such a person has not reached the age of majority, been emancipated by a court, or been legally married; or
- An agency or entity specified in ss. 943.0585(6)³⁰ or 943.059(6), F.S.³¹

Except as otherwise provided, all information obtained under ch. 985, F.S., relating to juveniles, is confidential and exempt.³² Section 985.04(2), F.S., provides that the name, photograph, address, and crime or arrest report of a juvenile is not confidential and exempt when the juvenile has been taken into custody for, charged with, or found guilty of, a felony offense, or the juvenile has been transferred to adult court. Prior to the amendment in 2016, the statute's language did not protect, or make confidential and exempt, the records of a juvenile who had committed three

²⁸ Section 943.05, F.S.

²⁹ Section 943.053(3)(b), F.S.; Chapter 2016-78, L.O.F.

³⁰ Section 943.0585(6), F.S., provides that a person may not deny or fail to acknowledge an arrest that has been expunged if he or she is: a candidate for employment with a criminal justice agency; a defendant in a criminal prosecution; currently or subsequently petitions for relief under this section, s. 943.0583, F.S., or s. 943.059, F.S.; is a candidate for admission to the Florida Bar; is seeking to be employed or licensed by or to contract with specified agencies or entities; is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services; or is seeking to be appointed as a guardian pursuant to s. 744.3125, F.S.

³¹ Section 943.059(6), F.S., provides that a criminal history record of a minor or adult which is sealed by a court is confidential and exempt and is only available to the following: the subject of the record; the subject's attorney; criminal justice agencies; judges in the state courts system; specified agencies for their respective licensing access authorization and employment purposes. Additionally, a person may not deny or fail to acknowledge an arrest that has been expunged if he or she is: a candidate for employment with a criminal justice agency; a defendant in a criminal prosecution; currently or subsequently petitions for relief under this section, s. 943.0583, F.S., or s. 943.059, F.S.; is a candidate for admission to the Florida Bar; is seeking to be employed or licensed by or to contract with specified agencies or entities; is attempting to purchase a firearm from a licensed importer, licensed manufacturer, or licensed dealer and is subject to a criminal history check; is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services; or is seeking to be appointed as a guardian pursuant to s. 744.3125, F.S.; or is seeking to be licensed by the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services to carry a concealed weapon or concealed firearm.

³² Section 985.04(1), F.S.

or more misdemeanor offenses. The 2016 bill expanded the public records exemption by removing this exception, thereby making these records confidential and exempt.

Sections 943.053(3)(b) and 985.04(2), F.S., are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

In creating the exemption, the Legislature articulated the following reasons for the exemption:

[I]t is a public necessity that the criminal history information of juveniles, who have not been adjudicated delinquent of a felony or who have been found only to have committed misdemeanor offenses and certain criminal history information relating to a juvenile compiled by the Criminal Justice Information Program be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution under ss. 985.04 and 943.053, Florida Statutes. Many individuals who have either completed their sanctions and received treatment or who were never charged in the juvenile justice system have found it difficult to obtain employment. The presence of an arrest or a misdemeanor record in these individuals' juvenile past and certain criminal history information relating to a juvenile compiled by the Criminal Justice Information Program creates an unnecessary barrier to becoming productive members of society, thus frustrating the rehabilitative purpose of the juvenile system. The Legislature found that it is in the best interest of the public that individuals with juvenile misdemeanor records are given the opportunity to become contributing members of society. Therefore, prohibiting the unfettered release of juvenile misdemeanor records and certain criminal history information relating to a juvenile compiled by the Criminal Justice Information Program is of greater importance than any public benefit that may be derived from the full disclosure and release of such arrest records and information.³³

Staff Surveys/Meeting with FDLE Regarding Exemptions Under Review

During the 2020 interim, Senate and House professional staff contacted the FDLE regarding the exemption under review relating to criminal history information relating to juveniles compiled by the CJIP in s. 943.053, F.S. The FDLE requested to reenact the public records exemption and had no suggested amendments.

During the interim, surveys were sent to the Department of Juvenile Justice, county sheriff departments, and local police departments regarding the exemption under review in s. 985.04, F.S. All of the responding agencies that reported collecting the criminal history information of juveniles requested to reenact the public records exemption. An overwhelming majority requested to reenact the exemption as is. Only two responding requested reenactment with changes.

³³ Chapter 2016-78, L.O.F.

III. Effect of Proposed Changes:

The bill amends ss. 943.053 and 985.04, F.S., to save from repeal the current exemptions from public records disclosure for certain criminal history information of juveniles.

This bill deletes the scheduled repeal of the current public records exemptions for the criminal history information of juveniles.

This bill is effective October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

Vote Requirement

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

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. The bill continues the current public records exemptions under sunset review; it does not expand this exemption or create a new exemption. Therefore, the bill does not require a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the exemptions is to protect the release of juvenile misdemeanor records and certain criminal history information relating to juveniles. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not appear to have a fiscal impact on state or local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.053 and 985.04.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By the Committee on Criminal Justice

591-01974-21

20217012__

A bill to be entitled

An act relating to a review under the Open Government
Sunset Review Act; amending ss. 943.053 and 985.04,
F.S.; abrogating the scheduled repeals of public
records exemptions relating to criminal history
information of juveniles; providing an effective date.

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

Section 1. Subsection (3) of section 943.053, Florida
Statutes, is amended to read:

943.053 Dissemination of criminal justice information;
fees.—

(3)(a) Criminal history information relating to an adult,
compiled by the Criminal Justice Information Program from
intrastate sources shall be available on a priority basis to
criminal justice agencies for criminal justice purposes free of
charge. After providing the program with all known personal
identifying information, persons in the private sector and
noncriminal justice agencies may be provided criminal history
information upon tender of fees as established in this
subsection and in the manner prescribed by rule of the
Department of Law Enforcement.

(b)~~1~~ Criminal history information relating to a juvenile
compiled by the Criminal Justice Information Program from
intrastate sources shall be released as provided in this
section. Such information is confidential and exempt from s.
119.07(1) and s. 24(a), Art. I of the State Constitution, unless
such juvenile has been:

Page 1 of 5

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

591-01974-21

20217012__

~~1.a~~ Taken into custody by a law enforcement officer for a
violation of law which, if committed by an adult, would be a
felony;

~~2.b~~ Charged with a violation of law which, if committed by
an adult, would be a felony;

~~3.e~~ Found to have committed an offense which, if committed
by an adult, would be a felony; or

~~4.d~~ Transferred to adult court pursuant to part X of
chapter 985,

and provided the criminal history record has not been expunged
or sealed under any law applicable to such record.

~~2. This paragraph is subject to the Open Government Sunset
Review Act in accordance with s. 119.15 and shall stand repealed
on October 2, 2021, unless reviewed and saved from repeal
through reenactment by the Legislature.~~

(c)1. Criminal history information relating to juveniles,
including criminal history information consisting in whole or in
part of information that is confidential and exempt under
paragraph (b), shall be available to:

a. A criminal justice agency for criminal justice purposes
on a priority basis and free of charge;

b. The person to whom the record relates, or his or her
attorney;

c. The parent, guardian, or legal custodian of the person
to whom the record relates, provided such person has not reached
the age of majority, been emancipated by a court, or been
legally married; or

d. An agency or entity specified in s. 943.0585(6) or s.

Page 2 of 5

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

591-01974-21

20217012__

943.059(6), for the purposes specified therein, and to any person within such agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.

2. After providing the program with all known personal identifying information, the criminal history information relating to a juvenile which is not confidential and exempt under this subsection may be released to the private sector and noncriminal justice agencies not specified in s. 943.0585(6) or s. 943.059(6) in the same manner as provided in paragraph (a). Criminal history information relating to a juvenile which is not confidential and exempt under this subsection is the entire criminal history information relating to a juvenile who satisfies any of the criteria listed in subparagraphs (b)1.-4. ~~sub-subparagraphs (b)1.a.-d.~~, except for any portion of such juvenile's criminal history record which has been expunged or sealed under any law applicable to such record.

3. All criminal history information relating to juveniles, other than that provided to criminal justice agencies for criminal justice purposes, shall be provided upon tender of fees as established in this subsection and in the manner prescribed by rule of the Department of Law Enforcement.

(d) The fee for access to criminal history information by the private sector or a noncriminal justice agency shall be assessed without regard to the size or category of criminal history record information requested.

(e) The fee per record for criminal history information provided pursuant to this subsection and s. 943.0542 is \$24 per name submitted, except that the fee for the guardian ad litem

591-01974-21

20217012__

program and vendors of the Department of Children and Families, the Department of Juvenile Justice, the Agency for Persons with Disabilities, and the Department of Elderly Affairs shall be \$8 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be \$15 for each name submitted; and the fee for requests under s. 943.0542, which implements the National Child Protection Act, shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.

Section 2. Subsection (2) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.—

(2) (a) ~~1.~~ Notwithstanding any other provisions of this chapter, the name, photograph, address, and crime or arrest report of a child:

1.a. Taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;

2.b. Charged with a violation of law which, if committed by an adult, would be a felony;

3.e. Found to have committed an offense which, if committed by an adult, would be a felony; or

4.d. Transferred to adult court pursuant to part X of this chapter,

are not considered confidential and exempt from s. 119.07(1)

591-01974-21

20217012__

solely because of the child's age.

(b)2- A public records custodian may choose not to electronically publish on the custodian's website the arrest or booking photographs of a child which are not confidential and exempt under this section or otherwise restricted from publication by law; however, this paragraph ~~subparagraph~~ does not restrict public access to records as provided by s. 119.07.

~~(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 3. This act shall take effect October 1, 2021.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education, *Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations Subcommittee on Education
Banking and Insurance
Commerce and Tourism
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR JOE GRUTERS

23rd District

March 17, 2021

The Honorable Ray Rodrigues, Chair
Committee on Governmental Oversight and Accountability
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Rodrigues:

I am writing to request an excused absence from the Committee on Governmental Oversight and Accountability meeting on 3/17/2021. I will not be in attendance due to Senate COVID-19 protocols.

Please do not hesitate to reach out to me if you have any questions.

Thank you,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Joe Gruters

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

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 316 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Governmental Oversight and Accountability Committee

Judge:

Started: 3/17/2021 9:02:31 AM

Ends: 3/17/2021 11:20:58 AM

Length: 02:18:28

9:02:34 AM Meeting called to order by Chair Rodrigues
9:02:37 AM Roll call by Committee Administrative Assistant
9:02:45 AM Quorum is present
9:02:51 AM Comments from Chair
9:03:00 AM Senator Gruters is excused today; SB 1570 is temporarily postponed
9:03:58 AM TAB 6 - SB 1134, Department of Highway Safety and Motor Vehicles by Sen Harrell
9:04:07 AM Sen Harrell explains bill
9:07:08 AM No questions
9:07:25 AM No appearance cards
9:07:29 AM No debate on the bill
9:07:35 AM Senator Harrell waives close on bill
9:07:39 AM SB 1134 reported favorably
9:07:56 AM TAB 4 - CS/SB 622, Liens and Bonds by Senator Perry
9:08:22 AM Sen Perry explains bill
9:09:25 AM No questions
9:09:49 AM Speaker Warren Husband in opposition to the bill
9:12:43 AM Speaker French Brown
9:14:38 AM Speaker Melissa Ramba waives in support
9:14:58 AM Speaker Wade Mullins in support of the bill
9:18:07 AM No debate
9:18:10 AM Sen Perry closes on bill
9:18:57 AM CS/CS/SB 622 reported favorably
9:19:15 AM TAB 7 - SB 1152, Fleet Management by Sen Brandes
9:19:28 AM Sen Brandes explains bill
9:21:19 AM Question from Sen Stewart
9:21:36 AM Senator Brandes responds
9:22:51 AM Late filed amendment 459378
9:23:01 AM Sen Brandes explains amendment
9:23:08 AM No questions on the amendment
9:23:15 AM No appearance forms on amendment
9:23:22 AM No debate on amendment
9:23:29 AM Amendment 459378 is adopted
9:23:41 AM Back on the bill as amended
9:23:48 AM No questions
9:23:54 AM No appearance forms
9:23:59 AM No debate
9:24:01 AM Sen Brandes closes on bill
9:24:26 AM CS/SB 1152 reported favorably
9:24:42 AM TAB 3 -SB 506, Transparency in Government Spending by Sen Garcia
9:24:56 AM Sen Garcia explains bill
9:26:21 AM No questions
9:27:32 AM Late filed delete-all amendment 697316
9:27:58 AM No questions on the amendment
9:28:08 AM No appearance forms on amendment
9:28:15 AM No debate on amendment
9:28:20 AM Sen Garcia waive close on amendment
9:28:28 AM Amendment 697316 is adopted
9:28:38 AM Back on the bill as amended
9:28:44 AM No questions on bill
9:28:51 AM No debate on bill
9:28:57 AM Sen Garcia waives close
9:29:04 AM CS/SB 506 is reported favorably

9:29:17 AM TAB 2 -SB 490, Juneteenth Day by Sen Bracy
9:29:31 AM Sen Bracy explains bill
9:30:00 AM No questions on bill
9:30:07 AM Amendment 342492
9:30:18 AM Sen Bracy explains amendment
9:30:36 AM No questions on amendment
9:30:41 AM No appearance on amendment
9:31:13 AM No debate on amendment
9:31:17 AM Senator Bracy waives close on amendment
9:31:23 AM Amendment 342492 is adopted
9:31:33 AM Back on the bill as amended
9:31:42 AM Question from Senator Stargel
9:31:50 AM Senator Bracy responds
9:32:55 AM Speaker Pamela Burch Fort waives in opposition to the bill
9:33:13 AM Speaker Althemese Barnes in opposition to the bill
9:36:38 AM Speaker Seber Newsome III in opposition to the bill
9:39:22 AM Speaker Robert Holladay in opposition to the bill
9:41:16 AM Speaker Sergeant Major Jarvis V. Rosier Sr. US Army Retired, in opposition to the bill
9:45:17 AM Speaker Hunter M. Hill, Jr., in support of the bill
9:49:47 AM Speaker Dr. Sandra Thompson in opposition to the bill
9:52:40 AM Speaker John R. Nelson, Sr., in opposition to the bill
9:55:54 AM Speaker Gloria Jefferson Anderson in opposition to the bill
9:58:33 AM Speaker Lonnie Mann in opposition to the bill
10:00:32 AM Sen Stewart in Debate
10:01:47 AM More debate
10:02:51 AM Comments from Chair
10:03:38 AM Sen Bracy closes on bill
10:05:34 AM CS/SB 490 is reported favorably
10:05:47 AM TAB 10 - SB 7012, OGSR/Criminal History Information of Juveniles by CJ Committee (Senator Pizzo)
10:05:59 AM Sen Pizzo explains bill
10:06:19 AM No questions on bill
10:06:24 AM No appearance forms on bill
10:06:35 AM No debate on bill
10:06:38 AM Senator Pizzo waives close on the bill
10:06:41 AM SB 7012 reported favorably
10:06:56 AM TAB 5 - SB 1014, Employee Organizations by Sen Baxley
10:07:17 AM Sen Baxley explains bill
10:08:08 AM No questions on bill
10:08:14 AM Delete-all amendment 565898
10:08:29 AM Comments from Chair and Sen Baxley
10:08:52 AM Sen Baxley explains Amendment 565898
10:10:27 AM Sen Stewart in questions
10:11:11 AM Senator Baxley responds
10:11:15 AM Back and forth in questions
10:11:39 AM Sen Torres in questions
10:12:42 AM Senator Baxley responds
10:12:47 AM Back and forth in questions
10:14:30 AM Motion from Senator Mayfield to vote on bill at a time certain 11:15 a.m.
10:14:45 AM Motion is favorable
10:15:08 AM Speaker Hope Wilson
10:16:03 AM Speaker Elizabeth Chaive in opposition to the amendment
10:16:39 AM Speaker Harvey Slentz
10:18:21 AM Speaker Mary Rivera
10:19:40 AM Speaker LaTonya Starks
10:20:53 AM Speaker Rachelle Lee in opposition to the amendment
10:21:40 AM Speaker Lare Allen in opposition to the amendment
10:22:36 AM Speaker Elizabeth Rasmussen in opposition to the amendment
10:23:26 AM No debate on amendment
10:23:31 AM Senator Baxley waives close on amendment
10:23:35 AM Amendment 565898 is adopted
10:23:48 AM Amendment 584180 is now Out of Order
10:23:55 AM Back on the bill as amended

10:24:07 AM No questions
10:25:02 AM Speaker Michelle Dillon in opposition to the bill
10:25:24 AM Speaker Dr. Rich Templin in opposition
10:26:38 AM Speaker Jerri Jackson in opposition
10:26:50 AM Speaker Hali Worthington in opposition
10:27:42 AM Speaker Emily Rose in opposition
10:28:33 AM Speaker Pura Scott in opposition
10:28:58 AM Speaker Jonathan Hilliard in opposition
10:29:34 AM Speaker Lissa O'Rourke in opposition
10:30:25 AM Speaker Kate Dowdie in opposition
10:31:02 AM Speaker Melissa Carr in opposition
10:32:19 AM Speaker Ali Hartman in opposition
10:32:59 AM Speaker Marian Phillips in opposition
10:33:50 AM Speaker Harvey Slentz for information only
10:34:43 AM Speaker Charlena Retkowski in opposition
10:35:20 AM Speaker Dan Bennett in opposition
10:37:00 AM Speaker Sean Farnum in opposition
10:38:19 AM Speaker Jeff Skipper in opposition
10:39:03 AM Speaker Michele McCormack in opposition
10:39:39 AM Speaker Sara Wade in opposition
10:40:00 AM Speaker Dawn Rosado in opposition
10:40:52 AM Speaker Kelley Stephenson in opposition
10:41:54 AM Speaker Dana Kwarteng in opposition
10:42:32 AM Speaker Ida Eskamani waives in opposition
10:42:40 AM Speaker Victoria Wilkerson in opposition
10:45:01 AM Speaker Caroline LoGelfo in opposition
10:46:20 AM Speaker Susan Moody in opposition
10:46:44 AM Speaker Stephanie Yocum in opposition
10:47:52 AM Speaker Carly Karas in opposition
10:48:30 AM Speaker Chelsea Alberda in opposition
10:49:14 AM Speaker Helen Mitchell in opposition
10:50:17 AM Speaker Patrick Strong in opposition
10:51:02 AM Speaker Resa A. Hunter in opposition
10:51:29 AM Speaker Dave Galloway in opposition
10:52:16 AM Speaker Kat Nickell in opposition
10:53:16 AM Speaker Kevin Daly in opposition
10:54:07 AM Speaker Caleb Lovely in opposition
10:54:50 AM Speaker Jenny Jackson in opposition
10:55:27 AM Speaker Hannah Stoneman in opposition
10:55:57 AM Speaker Jordan Appelberg in opposition
10:56:50 AM Speaker Lindsey Stuart in opposition
10:57:33 AM Speaker Rebecca Stuart in opposition
10:58:16 AM Speaker Pam Moran in opposition
10:58:24 AM Speaker Helen Hamel in opposition
10:59:35 AM Speaker Jacquelin Dickey in opposition
11:00:17 AM Speaker Yolanda Kearney in opposition
11:00:48 AM Speaker Charity Simpson in opposition
11:01:44 AM Speaker Susan Vinson in opposition
11:02:31 AM Speaker Dr. Susan Karot-Smith in opposition
11:03:00 AM Speaker Cassandra Johnson in opposition
11:03:55 AM Speaker Dr. Tess Dale in opposition
11:05:35 AM Chair comments on appearance cards and moves to debate
11:05:43 AM Sen Stewart in debate
11:06:44 AM Sen Torres in debate
11:08:27 AM More debate
11:09:38 AM Comments by Chair Rodrigues
11:10:42 AM Sen Baxley closes on bill
11:13:20 AM CS/SB 1014 reported favorably
11:13:43 AM TAB 9 - SB 7000, OGS/Nurse Licensure Compact by Health Policy Committee (Senator Diaz)
11:13:59 AM Senator Diaz explains the bill
11:14:25 AM No questions
11:14:29 AM No appearance forms

11:14:44 AM No debate
11:14:50 AM Sen Diaz waives close
11:14:58 AM SB 7000 reported favorably
11:15:13 AM TAB 1 - SB 344, Legislative Review of Occupational Regulations by Sen Diaz
11:15:21 AM Sen Diaz explains bill
11:15:34 AM Delete-all amendment 122602
11:15:41 AM Sen Diaz explains amendment
11:16:09 AM Sen Stewart with questions
11:16:19 AM Senator Diaz responds
11:16:29 AM Sen Torres with questions
11:16:38 AM Senator Diaz responds
11:17:04 AM No appearance forms on the amendment
11:17:15 AM No debate on amendment
11:17:23 AM Sen Diaz waives close
11:17:30 AM Delete-all amendment 122602 is adopted
11:17:38 AM Back on bill as amended
11:17:41 AM No questions
11:17:45 AM No appearance cards
11:17:57 AM No debate
11:18:01 AM Senator Diaz waives close on bill
11:18:09 AM SB 344 is reported favorably
11:18:29 AM Comments by Chair
11:19:01 AM Sen Stargel makes motion to vote after
11:19:11 AM Comments by Senator Mayfield
11:20:07 AM Comments by Chair Rodrigues
11:20:42 AM Sen Stewart moves to adjourn meeting
11:20:46 AM Meeting adjourned