

Tab 1	CS/SB 382 by RI, Hooper; (Compare to H 00497) Continuing Education Requirements						
450466	A	S	RCS	GO, Hooper	Delete L.35 - 70:	01/16	12:23 PM
833830	AA	S	RCS	GO, Rodriguez	Delete L.33:	01/16	12:23 PM
Tab 2	SB 474 by Grall (CO-INTRODUCERS) Book; (Similar to CS/H 00529) Public Records/Suicide Victims						
334562	A	S	RCS	GO, Grall	Delete L.153 - 329:	01/16	12:23 PM
Tab 3	CS/SB 478 by RI, Rodriguez; (Similar to CS/H 00551) Designation of Eligible Telecommunications Carriers						
Tab 4	SB 674 by Boyd; (Similar to H 00779) United States-produced Iron and Steel in Public Works Projects						
Tab 5	SB 918 by Calatayud (CO-INTRODUCERS) Harrell; (Identical to H 00753) American Flamingo						
317834	D	S	L WD	GO, Polsky	Delete everything after	01/16	12:23 PM
Tab 6	SPB 7030 by GO; OGSR/Agency Personnel Information						

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

**GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY**

**Senator Avila, Chair**  
**Senator Polsky, Vice Chair**

**MEETING DATE:** Tuesday, January 16, 2024

**TIME:** 11:00 a.m.—1:00 p.m.

**PLACE:** Mallory Horne Committee Room, 37 Senate Building

**MEMBERS:** Senator Avila, Chair; Senator Polsky, Vice Chair; Senators Albritton, Davis, Rodriguez, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 382</b> Regulated Industries / Hooper (Compare H 497)	Continuing Education Requirements; Requiring, rather than authorizing, a board, or the Department of Business and Professional Regulation when there is no board, to allow by rule that distance learning may be used to satisfy continuing education requirements; revising the requirements that such continuing education must satisfy; requiring the board, or the department when there is no board, to exempt certain individuals from completing their continuing education requirements; authorizing the department to adopt emergency rules, etc.  RI 12/13/2023 Fav/CS GO 01/16/2024 Fav/CS RC	Fav/CS Yeas 5 Nays 0
2	<b>SB 474</b> Grall (Similar CS/H 529)	Public Records/Suicide Victims; Defining the term “suicide of a person”; creating an exemption from public records requirements for a photograph or video or audio recording of the suicide of a person; providing exceptions; requiring that any viewing, copying, listening to, or other handling of such photograph or video or audio recording be under the direct supervision of the custodian of the record or his or her designee; creating an exemption from public records requirements for autopsy reports of suicide victims; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.  CF 12/13/2023 Favorable GO 01/16/2024 Fav/CS RC	Fav/CS Yeas 5 Nays 0
3	<b>CS/SB 478</b> Regulated Industries / Rodriguez (Similar CS/H 551)	Designation of Eligible Telecommunications Carriers; Revising the definition of the term “eligible telecommunications carrier”; authorizing the Public Service Commission to designate certain entities as eligible telecommunications carriers for a specified purpose, etc.  RI 12/13/2023 Fav/CS GO 01/16/2024 Favorable RC	Favorable Yeas 5 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**  
Governmental Oversight and Accountability  
Tuesday, January 16, 2024, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 674</b> Boyd (Similar H 779)	United States-produced Iron and Steel in Public Works Projects; Requiring governmental entities to include a requirement in certain contracts that certain iron or steel products be produced in the United States; authorizing the minimal use of foreign steel and iron materials in certain circumstances; exempting specified products from the requirement, etc.  GO 01/16/2024 Favorable FP	Favorable Yeas 5 Nays 0
5	<b>SB 918</b> Calatayud (Identical H 753)	American Flamingo; Designating the American flamingo as the official state bird; providing that such designation supersedes the designation of the mockingbird, etc.  GO 01/16/2024 Favorable FP RC	Favorable Yeas 3 Nays 2
Consideration of proposed bill:			
6	<b>SPB 7030</b>	OGSR/Agency Personnel Information; Amending a provision which provides public records exemptions for certain personal identifying and location information of specified agency personnel, and the spouses and children thereof; abrogating the scheduled repeal of the exemptions, etc.	Temporarily Postponed
Other Related Meeting Documents			

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

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

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

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BILL: CS/CS/SB 382

INTRODUCER: Governmental Oversight and Accountability Committee; Regulated Industries Committee and Senator Hooper

SUBJECT: Continuing Education Requirements

DATE: January 17, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 382 revises the continuing education requirements for all persons licensed by the Florida Department of Business and Professional Regulation (DBPR) or its regulatory boards by requiring that distance learning<sup>1</sup> courses be allowed as an alternate method of satisfying continuing education requirements. The bill maintains the prohibition in current law that a board, or the DBPR when there is no board, may not require centralized examinations for continuing education for persons licensed to engage in community association management services, home inspection services, mold-related services, real estate services (i.e., brokers, sales associates, and schools), and real estate appraisal services.

Under current law, whether distance learning courses must be approved to satisfy continuing education requirements depends upon the type of profession. Such approval is mandated for persons licensed to engage in community association management services, home inspection services, mold-related services, real estate services (i.e., brokers, sales associates, and schools), and real estate appraisal services. For all other licensees regulated by professional boards or the DBPR under ch. 455, F.S., distance learning courses may be, but are not required to be, approved as an alternate method of satisfying continuing education requirements.

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<sup>1</sup> The terms “distance learning” and “distance-learning” appear infrequently in the Florida Statutes and administrative rules and are not defined in the Florida Statutes as of the date of this analysis.



Under the bill, a licensee renewing an active license with DBPR that has been held continuously for at least 10 years is exempted from the obligation to complete any continuing education, provided no disciplinary action is imposed on the license. This exemption from continuing education credits does not apply to engineers, certified public accountants, real estate appraisers, architects and interior designers, and contractors.

The bill requires rulemaking by the DBPR and the affected board, and authorizes emergency rulemaking by DBPR pending the adoption of permanent rules to implement the exemption from continuing education requirements granted to eligible licensees.

The impact on state revenues and expenditures is indeterminate. There is no impact expected on local government revenues and expenditures. See Section V.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

Chapter 455, F.S., provides for the regulation of professions by the Department of Business and Professional Regulation (DBPR).

### **Department of Business and Professional Regulation**

#### ***Organization of the DBPR***

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has the following 11 divisions:

- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and
- Technology.

The Florida Athletic Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.<sup>2</sup> The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.<sup>3</sup>

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<sup>2</sup> Section 548.003(1), F.S.

<sup>3</sup> See Parts I and III of ch. 450, F.S.

### ***Powers and Duties of the DBPR***

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the [DBPR] in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.”<sup>4</sup> The chapter also provides the procedural and administrative framework for those divisions and the professional boards within the DBPR.<sup>5</sup>

The term “profession” means any activity, occupation, profession, or vocation regulated by the DBPR in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.<sup>6</sup>

The DBPR’s regulation of professions is to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”<sup>7</sup> Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.<sup>8</sup>

However, the DBPR and its boards may not create a regulation that has an unreasonable effect on job creation or job retention or a regulation that unreasonably restricts the ability of those desiring to engage in a profession or occupation from finding employment.<sup>9</sup>

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.<sup>10</sup>

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “permit, registration, certificate, or license” to the licensee.<sup>11</sup> Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.<sup>12</sup>

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<sup>4</sup> Section 455.01(6), F.S.

<sup>5</sup> See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by staff counsel of the DBPR. See s. 455.221(1), F.S.

<sup>6</sup> Section 455.01(6), F.S.

<sup>7</sup> Section 455.201(2), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 455.201(4)(b), F.S.

<sup>10</sup> See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

<sup>11</sup> Section 455.01(4) and (5), F.S.

<sup>12</sup> Section 455.219(1), F.S.

However, the general licensing provisions for professions were revised for Fiscal Years 2023-2024 and 2024-2025,<sup>13</sup> to direct the DBPR to waive a portion of certain license fees for the professions regulated under ch. 455, F.S., as follows:

- 50 percent of the *initial licensing fee* for those applying for an initial license, up to \$200 per year per license; and
- 50 percent of the *license renewal fee* for those renewing licenses, up to \$200 per year per license.

The fee waivers may not include any applicable unlicensed activity or background check fees.

### ***Division of Certified Public Accounting***

In Fiscal Year 2021-2022, there were 38,541 active licensees in the DBPR's Division of Certified Public Accounting.<sup>14</sup>

### ***Division of Professions***

In Fiscal Year 2021-2022, the DBPR's Division of Professions, had 937,960 active licensees (of which 38,541 were licensed accountants; 66,936 were licensed engineers, and 345,026 were real estate-related licensees), including:<sup>15</sup>

- Accountants (CPAs);
- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Engineers;
- Geologists;
- Home inspectors;
- Pilot commissioners;
- Landscape architects;
- Mold-related services;
- Real estate appraisers;
- Real estate (brokers/associates);

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<sup>13</sup> See s. 455.213(15), F.S. For Fiscal Year 2023-2024, the sum of \$50 million in nonrecurring funds was appropriated from the General Revenue Fund to the DBPR to implement the fee waiver, with any unexpended funds to be used during Fiscal Year 2024-2025 for the same purpose. See ch. 2063-68, Laws of Fla.

<sup>14</sup> See Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2021-2022*, at page 18, at <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2021-22.pdf> (last visited Jan. 9, 2024), which is the latest such Annual Report issued by the DBPR.

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

- Talent agencies; and
- Veterinarians.

As noted by the DBPR, most professions regulated by the Division of Professions include a governing professional board responsible for ultimate licensing and disciplinary decisions, but the DBPR is responsible for licensing and regulating asbestos consultants and contractors, athlete agents, community association managers, home inspectors, mold-related professionals, and talent agencies.<sup>16</sup>

Unlike most DBPR professions, the administrative, investigative, and prosecutorial services for the Florida Board of Professional Engineering (FBPE) are not provided by the DBPR. The DBPR has contracted with the Florida Engineers Management Corporation (FEMC) to provide such administrative, investigative, and prosecutorial services for the FBPE.<sup>17</sup>

### ***Division of Real Estate***

In Fiscal Year 2021-2022, there were 345,026 active real estate licensees and 6,988 active real estate appraisal licensees in the DBPR's Division of Real Estate.<sup>18</sup>

### **Prelicensure/Postlicensure Education Requirements**

Section 455.2122, F.S., provides that a board, or the DBPR where there is no board:

- Must approve distance learning<sup>19</sup> courses as an alternative to classroom courses to satisfy prelicensure or postlicensure education requirements, for community association management licenses or licensing of real estate brokers, sales associates, or schools;<sup>20</sup> and
- May not require centralized examinations for completion of continuing education requirements for persons licensed as community association managers, or as real estate brokers, sales associates, or schools.

The terms “distance learning” and “distance-learning” are not defined in ch. 455, F.S., or elsewhere in the Florida Statutes as of the date of this analysis. However, a rule adopted by the Florida Real Estate Appraisal Board provides the term “distance education” means “education that takes place when the learner is separated from the source of instruction by time and/or distance.”<sup>21</sup>

<sup>16</sup> See the DBPR Annual Report at page 26, *supra* note 14, noting that the Regulatory Council of Community Association Managers is responsible for adopting rules relating to the licensure examination, continuing education requirements, continuing education providers, fees, and professional practice standards to assist the DBPR in carrying out its duties.

<sup>17</sup> See s. 471.038, F.S., the Florida Engineers Management Corporation Act, for the duties and authority of the FEMC. See the Annual Report of the FEMC for FY 2022-2023, available at [FEMC-Annual-Report-2022-2023.pdf \(fbpe.org\)](https://fbpe.org/wp-content/uploads/2021/10/2021-25-DBPR-FEMC-Contract.pdf) (last visited Jan. 9, 2024), and the contract between the DBPR and the FEMC for the period between July 1, 2021 and June 30, 2025 at <https://fbpe.org/wp-content/uploads/2021/10/2021-25-DBPR-FEMC-Contract.pdf> (last visited Jan. 9, 2024).

<sup>18</sup> See the DBPR Annual Report at page 18, *supra* note 14.

<sup>19</sup> See Fla. Admin. Code R. 61J1-4.003(4)(a).

<sup>20</sup> See part VIII of ch. 468, F.S., relating to Community Association Management and part I of ch. 475, F.S., relating to Real Estate Brokers, Sales associates, and Schools.

<sup>21</sup> In addition, the Florida Real Estate Commission (FREC) has issued its Distance Education Checklist at [http://www.myfloridalicense.com/dbpr/re/documents/frec\\_distance\\_ed\\_chk\\_list.pdf](http://www.myfloridalicense.com/dbpr/re/documents/frec_distance_ed_chk_list.pdf) (last visited Jan. 9, 2024), which lists the information required to be submitted by education providers seeking to offer FREC educational courses via distance education. The Checklist provides “[d]istance learning necessitates a high level of self-direction and should, therefore,

### **Continuing Education Course Requirements**

Under s. 455.2123, F.S., a board, or the DBPR when there is no board, may provide by rule that distance learning may be used to satisfy continuing education requirements. However, a board or the DBPR must approve distance learning courses as an alternative to classroom courses to satisfy continuing education requirements for persons licensed to engage in community association management services,<sup>22</sup> home inspection services,<sup>23</sup> mold-related services,<sup>24</sup> real estate services (i.e., brokers, sales associates, and schools),<sup>25</sup> and real estate appraisal services.<sup>26</sup> In addition, for these specified professions, a board or the DBPR may not require centralized examinations for completion of continuing education requirements.

The DBPR notes that there are no continuing education requirements for the Board of Geologists regulated under ch. 492, F.S., or for the following professions regulated as provided under ch. 468, F.S.:

- Auctioneers (part VI);
- Talent Agencies (part VII);
- Athlete Agents (part IX); and
- Employee Leasing Companies (part XI).<sup>27</sup>

### **Continuing Education (Proration/Renewal)**

Under s. 455.2124, F.S., a board, or the DBPR when there is no board, may:

- Prorate continuing education for new licensees by requiring:
  - Half of the required continuing education for an applicant who becomes licensed with more than half the renewal period remaining; and
  - No continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or
- Require no continuing education until the first full renewal cycle of the licensee.

These options also apply when continuing education is first required or the number of hours required is increased by law, the applicable board, or the DBPR when there is no board.

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require students to read, conduct research, complete timed exams and similar assignments, designed to measure the student's competency relative to the required subject matter objectives." *See also* other rules referencing similar but undefined terms, such as Fla. Admin. Code R. 64B15-13.001 (a Board of Osteopathic Medicine rule that provides "CME courses may be obtained in any format, including in a distance learning format, provided that the format includes an ability to interact with the presenter of the course;" and Fla. Admin. Code R. 61G4-18.001, (a Construction Industry Licensing Board rule that requires "at least 14 classroom or interactive distance learning hours of continuing education in one or more courses from a continuing education provider approved by the Board.").

<sup>22</sup> *See* part VIII of ch. 468, F.S.

<sup>23</sup> *See* part XV of ch. 468, F.S.

<sup>24</sup> *See* part XVI of ch. 468, F.S.

<sup>25</sup> *See* part I of ch. 475, F.S.

<sup>26</sup> *See* part II of ch. 475, F.S.

<sup>27</sup> *See* Department of Business and Professional Regulation, *2024 Agency Legislative Bill Analysis for SB 382* at page 2 (Nov. 21, 2023) (on file with the Senate Committee on Regulated Industries).

### III. Effect of Proposed Changes:

**Section 1** amends s. 455.2123, F.S., relating to continuing education requirements for all persons licensed under ch. 455, F.S., by professional regulatory boards or the Florida Department of Business and Professional Regulation (DBPR), to require that distance learning<sup>28</sup> courses be allowed as an alternate method of satisfying continuing education requirements.

Under current law, whether distance learning courses must be approved to satisfy continuing education requirements depend upon the type of profession. Such approval is mandated for persons licensed to engage in community association management services,<sup>29</sup> home inspection services,<sup>30</sup> mold-related services,<sup>31</sup> real estate services (i.e., brokers, sales associates, and schools),<sup>32</sup> and real estate appraisal services.<sup>33</sup> For all other licensees regulated by professional boards or the DBPR under ch. 455, F.S., distance learning courses may be, but are not required to be, approved as an alternate method of satisfying continuing education requirements.

The bill maintains the requirement in current law that a board or the DBPR when there is no board, may not require centralized examinations for continuing education for persons licensed to engage in community association management services, home inspection services, mold-related services, real estate services (i.e., brokers, sales associates, and schools), and real estate appraisal services.

**Section 2** amends s. 455.2124, F.S., to create an exemption from continuing education requirements. The bill requires professional boards, or the DBPR if there is no board, to exempt an individual from completing the continuing education required for renewal of a license for a renewal period if:

- The individual holds an active license issued by the board or the DBPR to practice the profession;
- The individual has continuously held the license for at least 10 years; and
- No disciplinary action is imposed on the individual's license.

The exemption from continuing education requirements in the bill does not apply to engineers regulated under ch. 471, F.S., certified public accountants regulated under ch. 473, F.S., real estate appraisers regulated under part II of ch. 475, F.S., architects and interior designers regulated under ch. 481, F.S., or contractors regulated under ch. 481, F.S.

The bill requires the DBPR and each affected board to adopt rules<sup>34</sup> to implement the requirements of this section.

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<sup>28</sup> The terms “distance learning” and “distance-learning” appear infrequently in the Florida Statutes and administrative rules and are not defined in the Florida Statutes as of the date of this analysis.

<sup>29</sup> See part VIII of ch. 468, F.S.

<sup>30</sup> See part XV of ch. 468, F.S.

<sup>31</sup> See part XVI of ch. 468, F.S.

<sup>32</sup> See part I of ch. 475, F.S.

<sup>33</sup> See part II of ch. 475, F.S.

<sup>34</sup> Section 120.536(1), F.S., provides that “a grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute.” Section 120.54, F.S., sets forth the rulemaking provisions that are applicable to all rules other than emergency rules.

**Section 3** authorizes the DBPR to adopt emergency rules to implement the exemption from completing continuing education in the bill for eligible licensees, provides the emergency rules will be effective until permanent rules are adopted to implement the exemption, and provides the emergency rule authorization expires January 1, 2026.

**Section 4** provides the bill takes effect July 1, 2024.

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

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

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

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None identified.

#### **V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Continuing education providers may experience a decrease in revenue associated with the exemption from required continuing education created in the bill. According to the Department of Business and Professional Regulation (DBPR), the fiscal impact is indeterminate.<sup>35</sup>

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<sup>35</sup> See Department of Business and Professional Regulation, *2024 Agency Legislative Bill Analysis for SB 382* at page 8 (Nov. 21, 2023) (on file with the Senate Committee on Regulated Industries).

**C. Government Sector Impact:**

According to the DBPR, the fiscal impact of the bill on state government is indeterminate. Any additional workload and costs will be absorbed within existing resources.<sup>36</sup>

The DBPR notes the following with respect to expenditures related to its operations:<sup>37</sup>

Prior to renewal cycles for each profession, the [DBPR] will need to determine whether license holders had disciplinary action imposed on their license to know which license holders will be required to submit continuing education [CE] hours for renewal. This would impact CE renewal notices; the Versa Regulation (VR) system; the Versa Online (VO) system; and renewal processing if a disciplinary case goes to the board during the renewal period because that would then change the need for CE, etc.

Additionally, the impact on the service operations division is indeterminate. The Continuing Education exemption for qualified licenses should reduce call volume to the Customer Contact Center during peak renewal times. [The DBPR staff is] unable to determine how many of the potentially exempted licensees have historically contacted the Customer Contact Center concerning reporting their continuing education to the [DBPR].

**VI. Technical Deficiencies:****VII. None.****VIII. Related Issues:**

The Department of Business and Professional Regulation (DBPR) recommends that the following professions be excluded from the provisions of the bill, so that the affected licensees will be kept informed of laws, rules, and industry advancements to protect the health, safety, and welfare of the public, and the portability of such licensing for use in other jurisdictions will be maintained.<sup>38</sup>

- Certified Public Accountants;<sup>39</sup>
- Veterinary Medicine;
- Landscape Architecture;
- Cosmetology and Barbers;
- Building Code Administrators and Inspectors;

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<sup>36</sup> *Id.* at page 7.

<sup>37</sup> *Id.* at page 7.

<sup>38</sup> *Id.* at page 9.

<sup>39</sup> The DBPR's General Counsel's Office indicates that 30 to 40 percent of prosecutions of certified public accountants (CPAs) involve the failure to meet continuing education requirements, so the elimination of the continuing education requirement for CPAs who have held active licenses continuously for at least 10 years with no disciplinary action imposed on the license could result in fewer violations and prosecutions. *Id.* at page 10.



- Community Association Managers; and
- Construction Contractors.

**IX. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 455.2123 and 455.2124.

**X. Additional Information:**

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

**CS/CS by Governmental Oversight and Accountability on January 16, 2024:**

The committee substitute removes unnecessary language referencing the Department of Health and its regulatory boards. The committee substitute also excludes engineers regulated under ch. 471, F.S., from the continuing education exemption authorized in the bill. This means the engineers must complete the required continuing education credits to remain licensed under the law.

**CS by Regulated Industries on December 12, 2023:**

The committee substitute:

- Excludes individuals in the following professions from eligibility to be exempted from completing continuing education:
  - Certified public accountants regulated pursuant to ch. 473, F.S.;
  - Real estate appraisers regulated pursuant to part II of ch. 475, F.S.;
  - Architects and interior designers regulated pursuant to ch. 481, F.S.; and
  - Contractors regulated pursuant to ch. 489, F.S.
- Authorizes the Department of Business and Professional Regulation to adopt emergency rules to implement the exemption from completing continuing education in the bill for eligible licensees and provides:
  - The emergency rules will be effective until permanent rules are adopted to implement the exemption; and
  - The emergency rule authorization expires January 1, 2026.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete lines 35 - 70

and insert:

XVI of chapter 468 or part I or part II of chapter 475.

Section 2. Section 455.2124, Florida Statutes, is amended  
to read:

455.2124 Proration of or not requiring continuing  
education.—

(1) A board, or the department when there is no board, may:



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(a)~~(1)~~ Prorate continuing education for new licensees by requiring half of the required continuing education for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

(b)~~(2)~~ Require no continuing education until the first full renewal cycle of the licensee.

These options shall also apply when continuing education is first required or the number of hours required is increased by law or the board, or the department when there is no board.

(2) (a) A board, or the department when there is no board, shall exempt an individual from completing the continuing education required for renewal of a license for a renewal period if:

1. The individual holds an active license issued by the board or department to practice the profession;

2. The individual has continuously held the license for at least 10 years; and

3. No disciplinary action is imposed on the individual's license.

(b) This subsection does not apply to certified public accountants regulated pursuant to chapter 473, to appraisers regulated pursuant to part II of chapter 475, to architects or interior designers regulated pursuant to chapter 481, or to contractors regulated pursuant to chapter 489.

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



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40 And the title is amended as follows:  
41       Delete line 9  
42 and insert:  
43 satisfy; amending s.



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Governmental Oversight and Accountability  
(Rodriguez) recommended the following:

**Senate Amendment to Amendment (450466)**

Delete line 33

and insert:

(b) This subsection does not apply to engineers regulated  
pursuant to chapter 471, to certified public

By the Committee on Regulated Industries; and Senator Hooper

580-01855-24

2024382c1

A bill to be entitled

An act relating to continuing education requirements; amending s. 455.2123, F.S.; requiring, rather than authorizing, a board, or the Department of Business and Professional Regulation when there is no board, to allow by rule that distance learning may be used to satisfy continuing education requirements; revising the requirements that such continuing education must satisfy; providing applicability; amending s. 455.2124, F.S.; requiring the board, or the department when there is no board, to exempt certain individuals from completing their continuing education requirements; providing applicability; requiring the department and each affected board to adopt rules; authorizing the department to adopt emergency rules; providing requirements and an expiration date for the emergency rules; providing for the expiration of such rulemaking authority; providing an effective date.

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

Section 1. Section 455.2123, Florida Statutes, is amended to read:

455.2123 Continuing education.—A board, or the department when there is no board, shall allow ~~may provide~~ by rule that distance learning may be used to satisfy continuing education requirements. A board, or the department when there is no board, shall approve distance learning courses as an alternative to classroom courses to satisfy continuing education requirements.

Page 1 of 3

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

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~~A board, or the department when there is no board, provided for in part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475 and may not require centralized examinations for completion of continuing education requirements for the professions licensed under part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475. This section does not apply to any medical board or department regulated by the Department of Health.~~

Section 2. Section 455.2124, Florida Statutes, is amended to read:

455.2124 Proration of or not requiring continuing education.—

(1) A board, or the department when there is no board, may:

(a) ~~(1)~~ Prorate continuing education for new licensees by requiring half of the required continuing education for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

(b) ~~(2)~~ Require no continuing education until the first full renewal cycle of the licensee.

These options shall also apply when continuing education is first required or the number of hours required is increased by law or the board, or the department when there is no board.

(2) (a) A board, or the department when there is no board, shall exempt an individual from completing the continuing education required for renewal of a license for a renewal period if:

Page 2 of 3

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

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59       1. The individual holds an active license issued by the  
60 board or department to practice the profession;

61       2. The individual has continuously held the license for at  
62 least 10 years; and

63       3. No disciplinary action is imposed on the individual's  
64 license.

65       (b) This subsection does not apply to certified public  
66 accountants regulated pursuant to chapter 473, to appraisers  
67 regulated pursuant to part II of chapter 475, to architects or  
68 interior designers regulated pursuant to chapter 481, to  
69 contractors regulated pursuant to chapter 489, or to any medical  
70 board or department regulated by the Department of Health.

71       (3) The department and each affected board shall adopt  
72 rules pursuant to ss. 120.536(1) and 120.54 to implement this  
73 section.

74       Section 3. (1) The department is authorized, and all  
75 conditions are deemed to be met, to adopt emergency rules  
76 pursuant to s. 120.54(4), Florida Statutes, for the purpose of  
77 implementing the amendments made by this act to s. 455.2124,  
78 Florida Statutes, including establishing procedures to  
79 facilitate the exemption for eligible individuals from  
80 completing continuing education.

81       (2) Notwithstanding any other law, emergency rules adopted  
82 pursuant to subsection (1) are effective for 6 months after  
83 adoption and may be renewed during the pendency of procedures to  
84 adopt permanent rules addressing the subject of the emergency  
85 rules.

86       (3) This section expires January 1, 2026.

87       Section 4. This act shall take effect July 1, 2024.

**APPEARANCE RECORD**

382

Meeting Date

Bill Number or Topic

Gov Ops and Accountability

Committee

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

Amendment Barcode (if applicable)

Name

Chris Stranburg

Phone

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Email

cstranburg@afphg.org

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Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☒ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☒I am a registered lobbyist,  
representing:Americans for  
Prosperity☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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

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

S-001 (08/10/2021)



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

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

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

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BILL: CS/SB 474

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Grall and Book

SUBJECT: Public Records/Suicide Victims

DATE: January 17, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hall</u>	<u>Tuszynski</u>	<u>CF</u>	<b>Favorable</b>
2.	<u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 474 makes confidential and exempt from public inspection and copying the photograph or video or audio recording that depicts or records the suicide of a person when it is held by an agency. The bill allows for disclosure to a surviving spouse of the deceased; the surviving parents, if there is no surviving spouse; or the surviving adult children or siblings, if there are no surviving spouse or parents. The bill defines the “suicide of a person” and specifies who may obtain such photographs and recordings and the process for obtaining these materials.

The bill amends s. 119.071(2)(p), F.S., to conform to the expanded exemption for photographs or video or audio recordings that depict the suicide of a person. Specifically:

- Certain government entities may access such photographs or video or audio recordings in furtherance of their official duties;
- A court, upon showing of good cause, may issue an order authorizing any person to view or copy such photographs or video or audio recordings;
- If a petition is filed with a court to review the photograph, video, or audio recordings, the court must give the surviving spouse or appropriate next of kin reasonable notice of the petition; a copy of the petition; and opportunity to be present and heard at any hearing on the matter;
- The record custodian in control of photographs or video or audio recordings, or his or her designee, must directly supervise anyone who views, copies, or handles such; and

- Any custodian of photographs or video or audio recordings that depict the suicide of a person who willfully and knowingly violates the provisions in the section and any person who violates a court order issued pursuant to the section, commits a third degree felony.

The bill also makes confidential and exempt from public inspection and copying requirements an autopsy report of a person whose manner of death was suicide as held by a medical examiner. The bill allows for disclosure to a surviving spouse of the deceased; the surviving parents, if there is no surviving spouse; or the surviving adult children or siblings, if there are no surviving spouse or parents.

The bill amends s. 406.135, F.S., to conform to the expanded exemption for autopsy reports of a person whose manner of death was suicide. Specifically:

- Certain government entities may access such reports in furtherance of their official duties;
- The custodian of record, or his or her designee, may not permit any other person, except an authorized designated agent, to view or copy an autopsy report of a person whose manner of death was suicide;
- A court may use its discretion to authorize the disclosure of such reports;
- The court must provide reasonable notice to the surviving spouse or appropriate next of kin that a petition to view or copy the autopsy report was filed. The court must also provide a copy of the petition and opportunity to be present and heard at any hearing on the matter; and
- Any person who willfully and knowingly violates a court order regarding the disclosure of these reports, and any custodian who willfully and knowingly discloses these reports in violation of the law, are subject to a third degree felony.

The bill gives retroactive application to both of these exemptions so that photographs, recordings, and autopsy reports addressed by this bill, regardless of when they were initially held by an agency, are treated as confidential and exempt from public inspection and copying requirements upon this bill becoming a law.

The bill makes findings that the new exemptions from public records disclosure for photographs or video or audio recordings that depict the suicide of a person and for an autopsy report of a person whose manner of death was suicide meet public necessities as required by the Florida Constitution. A two-third vote of both the House and the Senate is required for final passage.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect upon becoming law.

## II. Present Situation:

### Access to Public Records – Generally

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

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 adopted in the rules of each house of the legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, Ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

### Executive Agency Records – The Public Records Act

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

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

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

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

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public

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

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

<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, (2022-2024).

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

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

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

record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>9</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

date.<sup>18</sup> In practice, many exemptions continue by repealing the sunset date, rather than reenacting the exemption.

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

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

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

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

## **Exemptions related to Sensitive Photos Videos, or Audio Recordings of Deaths**

### ***Autopsy Photographs, Videos, or Audio Depictions***

Section 406.135, F.S., makes confidential and exempt from public inspection or copying a photograph, video, or audio recording of an autopsy held by a medical examiner. It does not limit the disclosure of any written autopsy report. There is an exception which allows for a surviving spouse to view and copy a photograph or video recording or listen to or copy an audio recording of the deceased spouse's autopsy.<sup>25</sup> If there is no surviving spouse, the surviving parent must

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

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

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

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

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

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

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

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

<sup>25</sup> Section 406.135(2), F.S.

have access to such records.<sup>26</sup> If there is no surviving spouse and no surviving parent, then an adult child is required to have access to such records.<sup>27</sup> Current law also allows for the disclosure to a local, state, or federal agency if the disclosure is in furtherance of its official duties.<sup>28</sup>

The custodian of the record, or his or her designee, may not allow any other person to view or copy such records unless the deceased's surviving relative who has authority to request such records, or his or her designated agent, grants permission to view or copy such records.<sup>29</sup>

Upon a showing of good cause, a court may issue an order authorizing any person to view or copy a photograph or video recording, or listen to, or copy any audio recording of an autopsy.<sup>30</sup> The court may impose any restrictions or stipulations that it deems appropriate.<sup>31</sup> The court must consider three factors when determining whether good cause exists, including:

- Whether such disclosure is necessary for the public evaluation of governmental performance;
- The seriousness of the intrusion into the family's right to privacy and whether such disclosure is the least intrusive means available; and
- The availability of similar information in other public records.<sup>32</sup>

Any handling of photographs, video, or audio recordings of an autopsy must be under the direct supervision of the custodian of record or his or her designee.<sup>33</sup>

The surviving spouse, surviving parent, or adult children of the deceased, as appropriate, must be given:

- Reasonable notice of a petition filed with the court to view or copy a photograph or video recording, or listen to or copy an audio recording of an autopsy;
- A copy of such petition; and
- Reasonable notice of the opportunity to be present and hearing at any hearing.<sup>34</sup>

A custodian of a photograph, video, or audio recording of an autopsy who willfully and knowingly violates these provisions commits a felony of the third degree.<sup>35</sup> Any person who willfully and knowingly violates a court order issued after showing good cause to view or copy a photograph or video, or listen to or copy an audio recording of an autopsy commits a felony of the third degree.<sup>36</sup>

A criminal or administrative proceeding is exempt from s. 406.135, F.S., but is subject to all the provisions of Ch. 119, F.S., unless otherwise exempted.<sup>37</sup> A court in a criminal or administrative

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Section 406.135(3)(b), F.S.

<sup>29</sup> Section 406.135(3)(a), F.S.

<sup>30</sup> Section 406.135(4)(a), F.S.

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

<sup>32</sup> Section 406.135(4)(b), F.S.

<sup>33</sup> Section 406.135(4)(c), F.S.

<sup>34</sup> Section 406.135(5)(a), F.S.

<sup>35</sup> Section 406.135(6)(a), F.S.; A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine.

<sup>36</sup> Section 406.135(6)(b), F.S.

<sup>37</sup> Section 406.135(7), F.S.

proceeding, however, may, upon a showing of good cause, restrict or otherwise control the disclosure of an autopsy, crime scene, or similar photograph, video, or audio recording.<sup>38</sup>

***Killing of a Law Enforcement Officer, a Minor, and Mass Killings***

Section 119.071(2)(p), F.S., makes confidential and exempt from public records requirements a photograph or video or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties,<sup>39</sup> the killing of a minor,<sup>40</sup> and the killing of a victim of mass violence, when it is held by an agency.<sup>41,42</sup> Similar to the above-described public records exemption related to autopsies, a surviving spouse of the decedent may view and copy any such photograph or video recording or listen to or copy any such audio recording. If there is no surviving spouse, the surviving parents must have access to such records, and if there is no surviving spouse or parent, then the adult children must have access to such records.<sup>43</sup>

Additionally, a court may allow access to the photograph or video or audio recordings through the same process as described above for autopsies.<sup>44</sup>

There is currently no exemption for photographs or video or audio recordings related to the suicide of a person.

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<sup>38</sup> *Id.*

<sup>39</sup> Section 119.071(2)(p)1.a., F.S., defines “killing of a law enforcement officer who was acting in accordance with his or her official duties” to mean all acts or events that cause or otherwise relate to the death of a law enforcement officer who was acting in accordance with his or her official duties, including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of death.

<sup>40</sup> Section 119.071(2)(p)1.b., F.S., defines the “killing of a minor” to mean all acts or events that cause or otherwise relate to the death of a victim who has not yet reached the age of 18 at the time of the death, including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of the death of a victim under the age of 18, events that depict a victim under the age of 18 being killed, or events that depict the body of a victim under the age of 18 who has been killed.

<sup>41</sup> Section 119.071(2)(p)1.c., F.S., defines “killing of a victim of mass violence” to mean events that depict either a victim being killed or the body of a victim killed in an incident in which three or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence.

<sup>42</sup> Section 119.011(2), F.S., defines an “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 [ch. 119] the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>43</sup> Section 119.071(2)(p)2., F.S.

<sup>44</sup> See s. 119.071(2)(p)4.-6., F.S.

## Suicide

Suicide is one of the leading causes of death in the United States.<sup>45</sup> In 2021, 48,183 people died by suicide in the United States equating to 1 death every 11 minutes.<sup>46</sup> Suicide rates increased in 2022, with an estimated 49,449 deaths by suicide.<sup>47</sup> This is the highest rate of suicide since 1941.<sup>48</sup>

In 2022, Florida's suicide rates were higher than any of the last four years.<sup>49</sup> Provisional data shows Florida had a rate of 15.8 per 100,000 people dying by suicide. This is a slight increase over 2021's suicide rate of 15.4.<sup>50</sup> As a result, suicide is on the list of the 10 leading causes of death in Florida.<sup>51</sup>

The largest percentage increase in suicide deaths is among older adults. Suicide deaths have increased by nearly 7 percent in people ages 45 to 64 and more than 8 percent in people 65 and older.<sup>52</sup> Additionally, suicide deaths for adults aged 25 to 44 have increased by 1 percent.<sup>53</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 119.071(2), F.S., to make a photograph or video or audio recording that depicts the suicide of a person confidential and exempt from public copying and inspection when held by an agency. Examples of recordings that depict the suicide of a person that are held by an agency include law enforcement body camera footage, surveillance recordings of public spaces, and recordings taken from an individual's personal phone or recording device during the course of an investigation of a death by suicide. Videos that are generated by an individual's personal recording device may have been shared by the suicide victim.

The bill defines "suicide of a person" to mean events that depict the suicide of a person, the body of a person whose manner of death was suicide, or any portion of such person's body. The bill also conforms the provisions of s. 119.071(2)(p), F.S., to the expanded exemption for photographs or video or audio recordings that depict the suicide of a person. Specifically:

- Certain government entities may access such photographs or video or audio recordings in furtherance of their official duties;

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<sup>45</sup> Centers for Disease Control and Prevention, Suicide Prevention, *Suicide Data and Statistics* (Nov. 29, 2023), available at <https://www.cdc.gov/suicide/suicide-data-statistics.html> (last visited Jan. 5, 2024).

<sup>46</sup> *Id.*

<sup>47</sup> Mary Kekatos, ABC NEWS GO, *Number of Suicides in the U.S. in 2022 Reaches Record Level: CDC* (Nov. 29, 2023), available at <https://abcnews.go.com/Health/number-suicides-us-2022-reaches-record-level-cdc/story?id=105204012#:~:text=The%20suicide%20rate%20increased%20by,1941%2C%20according%20to%20the%20report.> (last visited Jan. 5, 2024).

<sup>48</sup> *Id.*

<sup>49</sup> Justin Matthews, FOX 13 TAMPA BAY, *Higher Suicide Rates Reported in Florida in 2022, CDC Says* (Aug. 12, 2023), available at <https://www.fox13news.com/news/higher-suicide-rates-reported-in-florida-in-2022-cdc-says> (last visited Jan. 5, 2024).

<sup>50</sup> Claire Farrow, TAMPA BAY 10, *Deaths by Suicide in Florida Increased in 2022, CDC Data Suggests* (Aug. 11, 2023), available at <https://www.wtsp.com/article/news/health/florida-suicide-death-rate-cdc-2022-data/67-2e25f0b2-c3d7-4f19-97db-242f2ebe4d2f> (last visited Jan. 5, 2024).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*



- The court, upon showing of good cause, may issue an order authorizing any person to view or copy such photographs or video or audio recordings;
- If a petition is filed with a court to review the photograph, video, or audio recordings, the court must give the surviving spouse or appropriate next of kin reasonable notice of the petition; a copy of the petition; and opportunity to be present and heard at any hearing on the matter;
- The record custodian in control of photographs or video or audio recordings, or his or her designee, must directly supervise anyone who views, copies, or handles such;
- Any custodian of photographs or video or audio recordings that depict the suicide of a person who willfully or knowingly violates the provision in the section and any person who violates a court order issued pursuant to the section, commits a third degree felony.

The bill gives retroactive application to the exemption.

The bill provides for repeal of the exemption on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

**Section 2** constitutes the statement of public necessity as required by the Florida Constitution. The public necessity statement provides that the release of photographs, videos, and audio recordings could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased and detract from the memory of the deceased. The widespread dissemination of the photographs, videos, and audio recordings through the Internet could subject the immediate family of the deceased to continuous injury.

**Section 3** amends s. 406.135, F.S., to make confidential and exempt an autopsy report of a person whose manner of death was suicide held by a medical examiner.<sup>54</sup> This section allows for the disclosure to the surviving spouse of the deceased; the surviving parent, if there is no surviving spouse; or the surviving adult children and siblings, if there is no surviving spouse or parent.

This section also amends s. 406.135, F.S., to conform to the expanded exemption for autopsy reports of a person whose manner of death was suicide. Specifically:

- Certain government entities may access such reports in furtherance of their official duties;
- The custodian of the record, or his or her designee, may not permit any other person, except an authorized designated agent, to view or copy an autopsy report of a person whose manner of death was suicide;
- The court may, upon a showing of good cause, issue an order authorizing any person to view or copy an autopsy report of a person whose manner of death was suicide;
- The court must provide reasonable notice to the surviving spouse or appropriate next of kin that a petition to view or copy the autopsy report was filed. The court must also provide a copy of the petition and opportunity to be present and heard at any hearing on the matter;

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<sup>54</sup> The term “medical examiner” in s. 409.135, F.S., means anyone who serves in the role of a district medical examiner, as well as any employee, deputy, or agent of the medical examiner, or any other person who may obtain possession of a report, photograph, or audio or video recording of an autopsy in the court assisting a medical examiner in the performance of his or her official duties.

- The record custodian in control of an autopsy report of a person whose manner of death was suicide, or his or her designee, must directly supervise anyone who views, copies, or handles the autopsy report; and
- Any custodian of an autopsy report of a person whose manner of death was suicide who willfully and knowingly violates the provisions in s. 406.135, F.S., and any person who violates a court order issued pursuant to s. 406.135, F.S., commits a third degree felony.

The bill gives retroactive application to the exemption.

The bill provides for repeal of the exemption on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

**Section 4** constitutes the statement of public necessity as required by the Florida Constitution. The public necessity statement provides that the release of autopsy reports of a person whose manner of death was suicide could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased and detract from the memory of the deceased. The widespread, unauthorized dissemination of such reports could subject the immediate family of the deceased to continuous injury.

**Section 5** provides that the bill takes effect upon becoming law.

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

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

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

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

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for the final passage of a bill creating and expanding an exemption to the public records requirements. This bill enacts a new exemption for autopsy reports of a person whose manner of death was suicide held by a state agency or medical examiner, and a photograph or video or audio recording that depicts the suicide of a person when held by a state agency. Thus, the bill will require a two-thirds vote to be enacted.

###### **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. Sections 2 and 4 of the bill contain statements of public necessity for the exemptions.

This exemption will likely preclude the disclosure of recordings or photographs generated by a state agency. These recordings or photographs may be otherwise protected by existing public records exemptions, such as the active criminal investigation exemption,<sup>55</sup> law enforcement body camera footage exemption,<sup>56</sup> and the pre-existing autopsy records exemption.<sup>57</sup> However, those photos or recordings that are made by a private individual and livestreamed during the event of their suicide on social media, or otherwise obtained and released by another private individual, will not be fully protected from their disbursement, as the government cannot control access of recordings or photographs that are initiated outside of its scope.

### **Scope of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect the surviving spouse and family members of a person whose manner of death was suicide. This bill exempts both (a) the photographs, video recordings, and audio recordings that depict the suicide of a person that are held by an agency, and (b) any autopsy reports of persons whose manner of death was suicide that are held by a medical examiner. The exemptions do 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.

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<sup>55</sup> Section 119.071(2)(c), F.S. This exemption only applies to cases that are both “active” and constitute “criminal investigative” information. *See Wooling v. Lamar*, 764 So. 2d 765, 768 (Fla. 5<sup>th</sup> DCA 2000), *rev. denied*, 786 So. 2d 1186 (Fla. 2001). Criminal investigative information is “active” as long as it relates to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. Section 119.011(3)(d), F.S.

<sup>56</sup> Section 119.071(2)(l), F.S.

<sup>57</sup> Section 406.135(2)(a), F.S. This provision makes a photograph or video or audio recording of an autopsy held by a medical examiner confidential and exempt from public records law.

**B. Private Sector Impact:**

The private sector will be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

**C. Government Sector Impact:**

Staff responsible for compliance with public record requests may require training related to the new public record exemptions. Additionally, agencies may experience additional workload associated with the redaction of exempt information prior to the release of a record. However, this workload should be absorbed as part of the day-to-day agency responsibilities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 119.071 and 406.135 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 January 16, 2024:**

Requires notice to a surviving spouse or appropriate next of kin when a petition requesting to view or copy records exempted under the bill is filed with a court. The surviving spouse or kin must also be given a copy of the petition and an opportunity to be present and heard at any hearing on the petition.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2024	.	
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The Committee on Governmental Oversight and Accountability  
(Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 153 - 329  
and insert:

c. A surviving spouse shall be given reasonable notice of a  
petition filed with the court to view or copy a photograph or  
video recording that depicts or records the suicide of a person,  
or to listen to or copy any such audio recording; a copy of such  
petition; and reasonable notice of the opportunity to be present  
and heard at any hearing on the matter. If there is no surviving



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11 spouse, such notice must be given to the parents of the deceased  
12 and, if there is no surviving parent, to the adult children and  
13 siblings of the deceased.

14 6.a. Any custodian of a photograph or video or audio  
15 recording that depicts or records the killing of a law  
16 enforcement officer who was acting in accordance with his or her  
17 official duties, the killing of a victim of mass violence, ~~or~~  
18 the killing of a minor, or the suicide of a person who willfully  
19 and knowingly violates this paragraph commits a felony of the  
20 third degree, punishable as provided in s. 775.082, s. 775.083,  
21 or s. 775.084.

22 b. Any person who willfully and knowingly violates a court  
23 order issued pursuant to this paragraph commits a felony of the  
24 third degree, punishable as provided in s. 775.082, s. 775.083,  
25 or s. 775.084.

26 c. A criminal or administrative proceeding is exempt from  
27 this paragraph but, unless otherwise exempted, is subject to all  
28 other provisions of chapter 119; however, this paragraph does  
29 not prohibit a court in a criminal or administrative proceeding  
30 upon good cause shown from restricting or otherwise controlling  
31 the disclosure of a killing, crime scene, or similar photograph  
32 or video or audio recording in the manner prescribed in this  
33 paragraph.

34 7. The exemptions ~~exemption~~ in this paragraph shall be  
35 given retroactive application and shall apply to all photographs  
36 or video or audio recordings that depict or record the killing  
37 of a law enforcement officer who was acting in accordance with  
38 his or her official duties, the killing of a victim of mass  
39 violence, ~~or~~ the killing of a minor, or the suicide of a person,



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regardless of whether the killing or suicide of the person occurred before, on, or after May 23, 2019. However, nothing in this paragraph is intended to, nor may be construed to, overturn or abrogate or alter any existing orders duly entered into by any court of this state, as of the effective date of this act, which restrict or limit access to any photographs or video or audio recordings that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties, the killing of a victim of mass violence, ~~or~~ the killing of a minor, or the suicide of a person.

8. This paragraph applies only to such photographs and video and audio recordings held by an agency.

9. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029 ~~2028~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that photographs, video, and audio recordings that depict or record the suicide of a person be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution and that such exemption be applied retroactively. The Legislature finds that photographs, video, and audio recordings that depict or record the suicide of a person render graphic and often disturbing visual or aural representations of the deceased. Such photographs, video, and audio recordings provide a view of the deceased in the final moments of life, in which they are often experiencing severe symptoms of depression or other mental illness, and may depict graphic and gruesome self-inflicted wounds. As such,



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photographs, video, and audio recordings that depict or record the suicide of a person are highly sensitive representations of the deceased which, if heard, viewed, copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased and detract from the memory of the deceased. The Legislature recognizes that the existence of the Internet and the proliferation of personal computers and cellular telephones throughout the world encourages and promotes the wide dissemination of such photographs, video, and audio recordings and that widespread unauthorized dissemination of such photographs, video, and audio recordings would subject the immediate family of the deceased to continuous injury. The Legislature further finds that such photographs, video, and audio recordings that depict or record the suicide of a person are harmful to the public. The release of such photographs, video, and audio recordings may trigger persons who have a mental illness or who are experiencing severe depression to consider suicide. The Legislature further finds that the exemption provided in this act should be given retroactive application because it is remedial in nature.

Section 3. Section 406.135, Florida Statutes, is amended to read:

406.135 Autopsies; confidentiality of photographs and video and audio recordings; confidentiality of reports of minor victims of domestic violence; exemption.—

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

(a) "Domestic violence" has the same meaning as in s. 741.28.

(b) "Medical examiner" means any district medical examiner,





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associate medical examiner, or substitute medical examiner acting pursuant to this chapter, as well as any employee, deputy, or agent of a medical examiner or any other person who may obtain possession of a report, photograph, or audio or video recording of an autopsy in the course of assisting a medical examiner in the performance of his or her official duties.

(c) "Minor" means a person younger than 18 years of age who has not had the disability of nonage removed pursuant to s. 743.01 or s. 743.015.

(2)(a) A photograph or video or audio recording of an autopsy held by a medical examiner is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse may view and copy a photograph or video recording or listen to or copy an audio recording of the deceased spouse's autopsy. If there is no surviving spouse, then the surviving parents shall have access to such records. If there is no surviving spouse or parent, then an adult child shall have access to such records.

(b) An autopsy report of a minor whose death was related to an act of domestic violence held by a medical examiner is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving parent of the deceased minor may view and copy the autopsy report if the surviving parent did not commit the act of domestic violence which led to the minor's death.

(c) An autopsy report of a person whose manner of death was suicide held by a medical examiner is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse of the deceased may



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view and copy the autopsy report. If there is no surviving spouse, the surviving parents must have access to such records. If there is no surviving spouse or parent, the adult children and siblings must have access to such records.

(3) (a) The deceased's surviving relative, with whom authority rests to obtain such records, may designate in writing an agent to obtain such records.

(b) Notwithstanding subsection (2), a local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, may:

1. View or copy a photograph or video recording or may listen to or copy an audio recording of an autopsy; ~~and~~

2. View or copy an autopsy report of a minor whose death was related to an act of domestic violence; and-

3. View or copy an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide.

Unless otherwise required in the performance of official duties, the identity of the deceased shall remain confidential and exempt.

(c) The custodian of the record, or his or her designee, may not permit any other person, except an agent designated in writing by the deceased's surviving relative with whom authority rests to obtain such records, to view or copy an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide, an autopsy report of a minor whose death was related to an act of domestic violence, or a photograph or video recording of an autopsy or listen to or copy



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an audio recording of an autopsy without a court order.

(4) (a) The court, upon a showing of good cause, may issue an order authorizing any person to view or copy an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide, an autopsy report of a minor whose death was related to an act of domestic violence, or a photograph or video recording of an autopsy or to listen to or copy an audio recording of an autopsy and may prescribe any restrictions or stipulations that the court deems appropriate.

(b) In determining good cause, the court shall consider whether such disclosure is necessary for the public evaluation of governmental performance; the seriousness of the intrusion into the family's right to privacy and whether such disclosure is the least intrusive means available; and the availability of similar information in other public records, regardless of form.

(c) In all cases, the viewing, copying, listening to, or other handling of an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide, an autopsy report of a minor whose death was related to an act of domestic violence, or a photograph or video or audio recording of an autopsy must be under the direct supervision of the custodian of the record or his or her designee.

(5) (a) A surviving spouse must be given reasonable notice of a petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the parents of the deceased, and if there is no



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living parent, then to the adult children of the deceased.

(b) For an autopsy report of a minor whose death was related to an act of domestic violence, any surviving parent who did not commit the act of domestic violence which led to the minor's death must be given reasonable notice of a petition filed with the court to view or copy the autopsy report, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(c) A surviving spouse must be given reasonable notice of a petition filed with the court to view or copy an autopsy report of a person whose manner of death was by suicide, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the parents of the deceased, and if there is no living parent, then to the adult children and siblings of the deceased.

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

And the title is amended as follows:

Delete lines 11 - 21

and insert:

her designee; providing notice requirements; providing criminal penalties; providing construction; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; amending s. 406.135, F.S.; creating an exemption from public records requirements for autopsy reports of suicide victims; providing exceptions; requiring that any



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214 viewing, copying, listening to, or other handling of  
215 such autopsy reports be under the direct supervision  
216 of the custodian of the record or his or her designee;  
217 providing notice requirements; providing criminal  
218 penalties;

By Senator Grall

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1 A bill to be entitled  
 2 An act relating to public records; amending s.  
 3 119.071, F.S.; defining the term "suicide of a  
 4 person"; creating an exemption from public records  
 5 requirements for a photograph or video or audio  
 6 recording of the suicide of a person; providing  
 7 exceptions; requiring that any viewing, copying,  
 8 listening to, or other handling of such photograph or  
 9 video or audio recording be under the direct  
 10 supervision of the custodian of the record or his or  
 11 her designee; providing criminal penalties; providing  
 12 construction; providing for retroactive application;  
 13 providing for future legislative review and repeal of  
 14 the exemption; providing a statement of public  
 15 necessity; amending s. 406.135, F.S.; creating an  
 16 exemption from public records requirements for autopsy  
 17 reports of suicide victims; providing exceptions;  
 18 requiring that any viewing, copying, listening to, or  
 19 other handling of such autopsy reports be under the  
 20 direct supervision of the custodian of the record or  
 21 his or her designee; providing criminal penalties;  
 22 providing construction; providing for retroactive  
 23 application; providing for future legislative review  
 24 and repeal of the exemption; providing a statement of  
 25 public necessity; providing an effective date.  
 26  
 27 Be It Enacted by the Legislature of the State of Florida:  
 28  
 29 Section 1. Paragraph (p) of subsection (2) of section

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30 119.071, Florida Statutes, is amended to read:  
 31 119.071 General exemptions from inspection or copying of  
 32 public records.—  
 33 (2) AGENCY INVESTIGATIONS.—  
 34 (p)1. As used in this paragraph, the term:  
 35 a. "Killing of a law enforcement officer who was acting in  
 36 accordance with his or her official duties" means all acts or  
 37 events that cause or otherwise relate to the death of a law  
 38 enforcement officer who was acting in accordance with his or her  
 39 official duties, including any related acts or events  
 40 immediately preceding or subsequent to the acts or events that  
 41 were the proximate cause of death.  
 42 b. "Killing of a minor" means all acts or events that cause  
 43 or otherwise relate to the death of a victim who has not yet  
 44 reached the age of 18 at the time of the death, including any  
 45 related acts or events immediately preceding or subsequent to  
 46 the acts or events that were the proximate cause of the death of  
 47 a victim under the age of 18, events that depict a victim under  
 48 the age of 18 being killed, or events that depict the body of a  
 49 victim under the age of 18 who has been killed.  
 50 c. "Killing of a victim of mass violence" means events that  
 51 depict either a victim being killed or the body of a victim  
 52 killed in an incident in which three or more persons, not  
 53 including the perpetrator, are killed by the perpetrator of an  
 54 intentional act of violence.  
 55 d. "Suicide of a person" means events that depict the  
 56 suicide of a person, the body of a person whose manner of death  
 57 was suicide, or any portion of such person's body.  
 58 2.a. A photograph or video or audio recording that depicts

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or records the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse of the decedent may view and copy any such photograph or video recording or listen to or copy any such audio recording. If there is no surviving spouse, the surviving parents shall have access to such records. If there is no surviving spouse or parent, the adult children shall have access to such records. Nothing in this sub-subparagraph precludes a surviving spouse, parent, or adult child of the victim from sharing or publicly releasing such photograph or video or audio recording.

b. A photograph or video or audio recording that depicts or records the killing of a minor is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving parent of the deceased minor may view and copy any such photograph or video recording or listen to or copy any such audio recording. Nothing in this sub-subparagraph precludes a surviving parent of the victim from sharing or publicly releasing such photograph or video or audio recording.

c. A photograph or video or audio recording that depicts or records the suicide of a person is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse of the deceased may view and copy any such photograph or video recording or listen to or copy any such audio recording. If there is no surviving spouse, the surviving parents must have access to such records. If there is no surviving spouse or parent, the adult children and siblings

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must have access to such records. This section does not preclude a surviving spouse, parent, adult child, or sibling of the victim from sharing or publicly releasing such photograph or video or audio recording.

3.a. The deceased's surviving relative, with whom authority rests to obtain such records, may designate in writing an agent to obtain such records.

b. Notwithstanding subparagraph 2., a local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, may view or copy a photograph or video recording or may listen to or copy an audio recording of the killing of a law enforcement officer who was acting in accordance with his or her official duties, the killing of a victim of mass violence, ~~or~~ the killing of a minor, or the suicide of a person, and, unless otherwise required in the performance of its duties, the identity of the deceased shall remain confidential and exempt.

c. The custodian of the record, or his or her designee, may not permit any other person to view or copy such photograph or video recording or listen to or copy such audio recording without a court order.

4.a. The court, upon a showing of good cause, may issue an order authorizing any person to view or copy a photograph or video recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties, the killing of a victim of mass violence, ~~or~~ the killing of a minor, or the suicide of a person or to listen to or copy an audio recording that depicts or records the killing of a law enforcement officer who was acting in

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accordance with his or her official duties, the killing of a victim of mass violence, ~~or~~ the killing of a minor, or the suicide of a person and may prescribe any restrictions or stipulations that the court deems appropriate.

b. In determining good cause, the court shall consider:

(I) Whether such disclosure is necessary for the public evaluation of governmental performance;

(II) The seriousness of the intrusion into the family's right to privacy and whether such disclosure is the least intrusive means available; and

(III) The availability of similar information in other public records, regardless of form.

c. In all cases, the viewing, copying, listening to, or other handling of a photograph or video or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties, the killing of a victim of mass violence, ~~or~~ the killing of a minor, or the suicide of a person must be under the direct supervision of the custodian of the record or his or her designee.

5.a. A surviving spouse shall be given reasonable notice of a petition filed with the court to view or copy a photograph or video recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence, or to listen to or copy any such audio recording, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, such notice must be given to the parents of the deceased and, if there is no surviving parent, to the adult children of

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the deceased.

b. A surviving parent must be given reasonable notice of a petition filed with the court to view or copy a photograph or video recording that depicts or records the killing of a minor or to listen to or copy any such audio recording; a copy of such petition; and reasonable notice of the opportunity to be present and heard at any hearing on the matter.

6.a. Any custodian of a photograph or video or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties, the killing of a victim of mass violence, ~~or~~ the killing of a minor, or the suicide of a person who willfully and knowingly violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. Any person who willfully and knowingly violates a court order issued pursuant to this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

c. A criminal or administrative proceeding is exempt from this paragraph but, unless otherwise exempted, is subject to all other provisions of chapter 119; however, this paragraph does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of a killing, crime scene, or similar photograph or video or audio recording in the manner prescribed in this paragraph.

7. The exemptions ~~exemption~~ in this paragraph shall be given retroactive application and shall apply to all photographs

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or video or audio recordings that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties, the killing of a victim of mass violence, ~~or~~ the killing of a minor, or the suicide of a person, regardless of whether the killing of the person occurred before, on, or after May 23, 2019. However, nothing in this paragraph is intended to, nor may be construed to, overturn or abrogate or alter any existing orders duly entered into by any court of this state, as of the effective date of this act, which restrict or limit access to any photographs or video or audio recordings that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties, the killing of a victim of mass violence, ~~or~~ the killing of a minor, or the suicide of a person.

8. This paragraph applies only to such photographs and video and audio recordings held by an agency.

9. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029 ~~2028~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that photographs, video, and audio recordings that depict or record the suicide of a person be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution and that such exemption be applied retroactively. The Legislature finds that photographs, video, and audio recordings that depict or record the suicide of a person render graphic and often disturbing visual or aural representations of the deceased. Such photographs, video, and

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audio recordings provide a view of the deceased in the final moments of life, in which they are often experiencing severe symptoms of depression or other mental illness, and may depict graphic and gruesome self-inflicted wounds. As such, photographs, video, and audio recordings that depict or record the suicide of a person are highly sensitive representations of the deceased which, if heard, viewed, copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased and detract from the memory of the deceased. The Legislature recognizes that the existence of the Internet and the proliferation of personal computers and cellular telephones throughout the world encourages and promotes the wide dissemination of such photographs, video, and audio recordings and that widespread unauthorized dissemination of such photographs, video, and audio recordings would subject the immediate family of the deceased to continuous injury. The Legislature further finds that such photographs, video, and audio recordings that depict or record the suicide of a person are harmful to the public. The release of such photographs, video, and audio recordings may trigger persons who have a mental illness or who are experiencing severe depression to consider suicide.

Section 3. Section 406.135, Florida Statutes, is amended to read:

406.135 Autopsies; confidentiality of photographs and video and audio recordings; confidentiality of reports of minor victims of domestic violence; exemption.—

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

(a) "Domestic violence" has the same meaning as in s.

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741.28.

(b) "Medical examiner" means any district medical examiner, associate medical examiner, or substitute medical examiner acting pursuant to this chapter, as well as any employee, deputy, or agent of a medical examiner or any other person who may obtain possession of a report, photograph, or audio or video recording of an autopsy in the course of assisting a medical examiner in the performance of his or her official duties.

(c) "Minor" means a person younger than 18 years of age who has not had the disability of nonage removed pursuant to s. 743.01 or s. 743.015.

(2) (a) A photograph or video or audio recording of an autopsy held by a medical examiner is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse may view and copy a photograph or video recording or listen to or copy an audio recording of the deceased spouse's autopsy. If there is no surviving spouse, then the surviving parents shall have access to such records. If there is no surviving spouse or parent, then an adult child shall have access to such records.

(b) An autopsy report of a minor whose death was related to an act of domestic violence held by a medical examiner is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving parent of the deceased minor may view and copy the autopsy report if the surviving parent did not commit the act of domestic violence which led to the minor's death.

(c) An autopsy report of a person whose manner of death was suicide held by a medical examiner is confidential and exempt

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

29-00374A-24

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from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse of the deceased may view and copy the autopsy report. If there is no surviving spouse, the surviving parents must have access to such records. If there is no surviving spouse or parent, the adult children and siblings must have access to such records.

(3) (a) The deceased's surviving relative, with whom authority rests to obtain such records, may designate in writing an agent to obtain such records.

(b) Notwithstanding subsection (2), a local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, may:

1. View or copy a photograph or video recording or may listen to or copy an audio recording of an autopsy; ~~and~~

2. View or copy an autopsy report of a minor whose death was related to an act of domestic violence; ~~and-~~

3. View or copy an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide.

Unless otherwise required in the performance of official duties, the identity of the deceased shall remain confidential and exempt.

(c) The custodian of the record, or his or her designee, may not permit any other person, except an agent designated in writing by the deceased's surviving relative with whom authority rests to obtain such records, to view or copy an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide, an autopsy report of a minor

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whose death was related to an act of domestic violence or a photograph or video recording of an autopsy or listen to or copy an audio recording of an autopsy without a court order.

(4) (a) The court, upon a showing of good cause, may issue an order authorizing any person to view or copy an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide, an autopsy report of a minor whose death was related to an act of domestic violence or a photograph or video recording of an autopsy or to listen to or copy an audio recording of an autopsy and may prescribe any restrictions or stipulations that the court deems appropriate.

(b) In determining good cause, the court shall consider whether such disclosure is necessary for the public evaluation of governmental performance; the seriousness of the intrusion into the family's right to privacy and whether such disclosure is the least intrusive means available; and the availability of similar information in other public records, regardless of form.

(c) In all cases, the viewing, copying, listening to, or other handling of an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide, an autopsy report of a minor whose death was related to an act of domestic violence or a photograph or video or audio recording of an autopsy must be under the direct supervision of the custodian of the record or his or her designee.

(5) (a) A surviving spouse must be given reasonable notice of a petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing

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on the matter. If there is no surviving spouse, then such notice must be given to the parents of the deceased, and if there is no living parent, then to the adult children of the deceased.

(b) For an autopsy report of a minor whose death was related to an act of domestic violence, any surviving parent who did not commit the act of domestic violence which led to the minor's death must be given reasonable notice of a petition filed with the court to view or copy the autopsy report, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(6) (a) Any custodian of an autopsy report of a person whose manner of death was determined by a medical examiner to have been by suicide, an autopsy report of a minor whose death was related to an act of domestic violence or a photograph or video or audio recording of an autopsy who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who willfully and knowingly violates a court order issued pursuant to this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) A criminal or administrative proceeding is exempt from this section but is subject to all other provisions of chapter 119 unless otherwise exempted. This section does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of an autopsy, crime scene, or similar report, photograph, or video or audio recording in the manner prescribed herein.

(8) The exemptions in this section shall be given

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retroactive application.

(9) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, ~~2029~~ ~~2028~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. The Legislature finds that it is a public necessity that autopsy reports of a person whose manner of death was suicide which are held by a medical examiner be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that autopsy reports describe the deceased in a graphic and often disturbing fashion and that autopsy reports of a person whose manner of death was suicide may describe the deceased with graphic and gruesome self-inflicted wounds. As such, these reports often contain highly sensitive descriptions of the deceased which if heard, viewed, copied, or publicized could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased and detract from the memory of the deceased. The Legislature recognizes that the existence of the Internet and the proliferation of personal computers and cellular telephones throughout the world encourages and promotes the wide dissemination of such reports and that widespread unauthorized dissemination of such reports would subject the immediate family of the deceased to continuous injury. The Legislature further finds that the exemption provided in this act should be given retroactive application because it is remedial in nature.

Section 5. This act shall take effect upon becoming a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Bryan Avila, Chair  
Committee on Governmental Oversight and Accountability

**Subject:** Committee Agenda Request

**Date:** December 18, 2023

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I respectfully request that **Senate Bill #474**, relating to Public Records/Suicide Victims, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

---

Senator Erin Grall  
Florida Senate, District 29

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

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

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

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BILL: CS/SB 478

INTRODUCER: Regulated Industries Committee and Senator Rodriguez

SUBJECT: Designation of Eligible Telecommunications Carriers

DATE: January 12, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	<b>Fav/CS</b>
2.	<u>Harmsen</u>	<u>McVane</u>	<u>GO</u>	<b>Favorable</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 478 amends s. 364.10, F.S., to grant authority to the Florida Public Service Commission (PSC) to designate mobile phone service providers as eligible telecommunications carriers (ETCs) under the federal Lifeline program (Lifeline).

Lifeline provides telecommunications service discounts for qualifying low-income consumers. Qualifying households can receive a discount on their monthly phone or broadband Internet bills from providers that have been designated as ETCs.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect upon becoming a law.

**II. Present Situation:**

**Florida Public Service Commission**

The Public Service Commission (PSC) is an arm of the legislative branch of government.<sup>1</sup> The role of the PSC is to ensure that Florida's consumers receive utility services, including electric,

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<sup>1</sup> Section 350.001, F.S.

natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.<sup>2</sup> In order to do so, the PSC exercises authority over public utilities in the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>3</sup>

### Telecommunications Carriers

Under ch. 364, F.S., telecommunications carriers in Florida are subject to limited PSC regulation. Telecommunications companies are defined to include every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within the state by the use of a telecommunications facility.<sup>4</sup> The term *does not* include:

- Entities that provide a telecommunications facility exclusively to a certificated telecommunications company;
- Entities that provide a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;
- Commercial mobile radio service providers (mobile phone service provided for profit and to the public);<sup>5</sup>
- Facsimile transmission services;
- Private computer data network companies not offering service to the public for hire;
- Cable television companies providing cable service as defined in 47 U.S.C. s. 522;
- Intrastate interexchange telecommunications companies;
- Operator services providers; and
- Airports that provide communications services within the confines of their airport layout plan.

In addition, s. 364.011, F.S., exempts the following services from PSC jurisdiction, unless otherwise specifically provided in ch. 364, F.S.:

- Intrastate interexchange telecommunications services;
- Broadband services, regardless of the provider, platform, or protocol;
- Voice over Internet Protocol (VoIP);
- Wireless telecommunications, including commercial mobile radio service providers;
- Basic service; and
- Nonbasic services or comparable services offered by any telecommunications company.

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<sup>2</sup> See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Jan. 7, 2024).

<sup>3</sup> Florida Public Service Commission, *About the PSC: Overview and Key Facts*, <https://www.psc.state.fl.us/about> (last visited Jan. 7, 2024).

<sup>4</sup> Section 364.02(13), F.S.

<sup>5</sup> See 47 U.S.C. ss. 153(27) and 332(d) (2009). The definition of “commercial mobile radio service provider” in s. 364.02(3), F.S., was created in 2009 and references the definition of “mobile service” at 47 U.S.C. ss. 153(27) as it existed in the U.S. Code at that time (*see* ch. 2009-226, Laws of Fla.). 47 U.S.C. s. 153 has been subsequently amended twice, and, although the definition of “mobile service” has not changed, the new, current location for this definition is 47 U.S.C. ss. 153(33). 47 U.S.C. s. 332 has also been amended since ch. 2009-226, Laws of Fla., however the only changes to the relevant portion of that section (47 U.S.C. s. 332(d)) were technical (eliminating the unnecessary phrase “of this section” from 47 U.S.C. s. 332(d)(2)).

Florida's Regulatory Reform Act became law on July 1, 2011.<sup>6</sup> Under the Regulatory Reform Act, the Legislature eliminated most of the PSC's jurisdiction over telecommunications. However, the PSC still:

- Maintains the authority to ensure that incumbent local exchange carriers meet their obligation to provide unbundled access, interconnection, and resale to competitive local exchange companies in a nondiscriminatory manner;
- Administers the system to provide Telecommunications Relay Services; and
- Oversees the Federal Lifeline program for Florida.<sup>7</sup>

### **Federal Universal Service Programs**

Universal Service is both the name of a fund (Universal Service Fund or USF) and a category of Federal Communications Commission (FCC) programs designed to implement the principle that "all Americans should have access to communications service."<sup>8</sup> The FCC has established four programs within the USF:

- Connect America Fund (formally known as High-Cost Support) for rural areas;
- Lifeline (for low-income consumers), including initiatives to expand phone service for residents of Tribal lands;
- Schools and Libraries (E-rate); and
- Rural Health Care.<sup>9</sup>

The Universal Service Administrative Company administers the four USF programs and collects assessments from telecommunications providers under the direction of the FCC.<sup>10</sup> The assessments are based upon such providers' interstate and inter-nation end-user revenues. Entities that contribute to the fund include:

- Telecommunications carriers, including wireline and wireless companies; and
- Interconnected VoIP providers, including cable companies that provide voice service.<sup>11</sup>

### ***Connect America Fund***

The Connect America Fund is designed to "ensure that consumers in rural, insular, and high-cost areas have access to modern communications networks capable of providing voice and broadband service, both fixed and mobile, at rates that are reasonably comparable to those in urban areas." This is accomplished by allowing eligible telecommunications carriers (ETCs) serving eligible areas to recover some of the expense of high-cost service from the USF instead of from ratepayers.<sup>12</sup>

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<sup>6</sup> Ch. 2011-36, Laws of Fla.

<sup>7</sup> Florida Public Service Commission, *About the PSC*, *supra* note 3.

<sup>8</sup> Federal Communications Commission, *Universal Service*, <https://www.fcc.gov/general/universal-service> (last visited Jan. 7, 2024).

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

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

<sup>11</sup> *Id.*

<sup>12</sup> Federal Communications Commission, *Universal Service for High Cost Areas - Connect America Fund*, <https://www.fcc.gov/general/universal-service-high-cost-areas-connect-america-fund> (last visited Jan. 7, 2024).



### ***Lifeline Program for Low-Income Consumers***

The Lifeline program was established in 1985 to provide discounts on phone service for qualifying low-income consumers. The program is available to eligible low-income consumers in every state, territory, commonwealth, and on tribal lands.<sup>13</sup>

In 2016, the FCC adopted, by order, a comprehensive reform and modernization of the Lifeline program.<sup>14</sup> The order, in part, revised the Lifeline program to:

- Allow Lifeline subscribers to apply the \$9.25 monthly Lifeline discount to broadband and broadband-voice bundled service (from a designated ETC);
- Set minimum service standards for Lifeline-supported service; and
- Establish the National Verifier as a neutral third party to make program eligibility decisions.<sup>15</sup>

As currently administered, the Lifeline program is intended to enable low-income households to obtain and maintain basic telephone and broadband services through monthly bill discounts for qualifying households. Alternatively, qualifying low-income consumers can choose to receive monthly wireless minutes or measured data service from wireless ETCs.<sup>16</sup>

Consumers may qualify to participate in Lifeline either through program-based or income-based eligibility standards. Program-based eligibility is determined by a customer's enrollment in at least of one the following programs:<sup>17</sup>

- Supplemental Nutrition Assistance Program (SNAP);
- Medicaid;
- Federal Public Housing Assistance;
- Supplemental Security Income;
- Veterans or Survivors Pension Program; or
- Bureau of Indian Affairs Programs, including Tribal Temporary Assistance to Needy Families, Head Start Subsidy, and National School Lunch Program.

Consumers whose total household income is less than 135 percent of the Federal Poverty Guidelines may participate in Lifeline under the income-based standard.<sup>18</sup>

As of June 30, 2023, there were 300,229 Florida households that used the Lifeline Program.<sup>19</sup>

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<sup>13</sup> Federal Communications Commission, *Lifeline Program for Low-Income Consumers*, <https://www.fcc.gov/general/lifeline-program-low-income-consumers> (last visited Jan. 7, 2024).

<sup>14</sup> *Id.* and *In the Matter of Lifeline & Link Up Reform & Modernization*, 31 F.C.C. Rcd. 3962 (2016), available at <https://docs.fcc.gov/public/attachments/FCC-16-38A1.pdf> (last visited Jan. 7, 2024).

<sup>15</sup> Universal Service Administrative Co., *Orders*, <https://www.usac.org/lifeline/rules-and-requirements/orders/#:~:text=In%20April%202016%2C%20the%20FCC,third%20party%20to%20make%20program> (last visited Jan. 7, 2024).

<sup>16</sup> Florida Public Service Commission, *Agency Bill Analysis for SB 478*, Dec. 6, 2023 (on file with the Senate Regulated Industries Committee).

<sup>17</sup> Public Service Commission (PSC), *2023 Florida Lifeline Assistance Report*, 3 (Dec. 2023), <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/LifelineReport/2023.pdf> (last visited Jan. 7, 2024).

<sup>18</sup> *Id.* at 3.

<sup>19</sup> *Id.* at 1.

## Eligible Telecommunications Carriers

To participate in the Lifeline program, telecommunications providers must first be designated as an ETC by either their state regulatory commission or the FCC, if the telecommunications company is not regulated by a state regulatory commission.<sup>20</sup>

Chapter 364, F.S., grants the PSC authority over telecommunications carriers and the authority to designate such carriers as ETCs pursuant to 47 U.S.C. 214(e). Though s. 364.011, F.S., exempts wireless telecommunications from PSC jurisdiction, the PSC was previously able to designate wireless telecommunications providers as ETCs due to a provision that allowed for PSC jurisdiction where “specifically authorized by federal law.”<sup>21</sup> The 2011 Regulatory Reform Act, however, removed this provision;<sup>22</sup> and, thus, the PSC lost its jurisdiction to grant ETC status to wireless carriers and the authority to grant such status reverted to the FCC.<sup>23</sup>

There are currently 17 ETCs that offer Lifeline service in some portion of Florida. The most recent ETC designations were approved between 2019 and 2022.<sup>24</sup>

As of 2020, according to the PSC, four companies with authorization to do business in the state of Florida have filed or amended existing petitions with the FCC for ETC designation:

- Dish Wireless;
- Easy Wireless;
- Global Connections; and
- Sage Telecom.<sup>25</sup>

The FTC has not approved these petitions at this time.

The FCC currently has two types of ETC designations. One for the Connect America Fund, which also requires the carrier to participate in the Lifeline program.<sup>26</sup> The other type of ETC designation is for the Lifeline program only.<sup>27</sup>

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<sup>20</sup> *Id.*, Universal Service Administrative Co., *Join Lifeline as an ETC*, [https://www.usac.org/lifeline/get-started/join-lifeline-as-an-etc/#:~:text=Eligible%20telecommunications%20carriers%20\(ETCs%2C%20or,the%20federal%20universal%20service%20fund](https://www.usac.org/lifeline/get-started/join-lifeline-as-an-etc/#:~:text=Eligible%20telecommunications%20carriers%20(ETCs%2C%20or,the%20federal%20universal%20service%20fund) (last visited Jan. 7, 2024), and 47 U.S.C. 214(e).

<sup>21</sup> Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

<sup>22</sup> Ch. 2011-36, s. 3, Laws of Fla.

<sup>23</sup> Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

<sup>24</sup> 2023 *Florida Lifeline Assistance Report*, *supra* note 17 at 16-17.

<sup>25</sup> Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

<sup>26</sup> *Id.* However, in *In the Matter of Lifeline & Link Up Reform & Modernization*, 31 F.C.C., Rcd. 3962, paras. 335-60 (2016), the FCC provided conditional forbearance from Lifeline voice service requirements where (a) 51 percent of Lifeline subscribers in a county are obtaining Lifeline broadband Internet access service; (b) there are at least three other providers of Lifeline BIAS that each serve at least five percent of the Lifeline broadband subscribers in that county; and (c) the ETC does not actually receive federal high-cost universal service support.

<sup>27</sup> Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

### III. Effect of Proposed Changes:

The bill amends s. 364.10, F.S., to expand the entities that the PSC may designate as ETCs for the limited purpose of providing Lifeline service to include:

- Telecommunications companies; and
- Commercial mobile radio service providers (i.e. mobile phone service providers).<sup>28</sup>

This change maintains the PSC's current ability to grant Lifeline program ETC status to telecommunications companies currently under its jurisdiction, pursuant to 47 U.S.C. 214(e). The bill grants authority to the PSC to grant ETC status, for the sole purpose of providing Lifeline service, to commercial mobile radio service providers, pursuant to 47 U.S.C. 214(e). These providers are currently exempt from the PSC's jurisdiction and will continue to hold that exemption except for determination as an ETC for participation in the Lifeline service.

Mobile phone service providers that wish to participate in the Connect America (i.e. High-Cost Support) program will still need to petition the FCC for ETC designation for that program. Additionally, providers that use other technologies that are exempt from the PSC's jurisdiction, such as satellite or Voice over Internet Protocol, would continue to require ETC designation from the FCC to participate in the Lifeline or Connect America programs.<sup>29</sup>

The bill takes effect upon becoming a law.

### IV. Constitutional Issues:

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

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

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

None.

#### C. Trust Funds Restrictions:

None.

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

None.

#### E. Other Constitutional Issues:

None identified.

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<sup>28</sup> Provided that such service is offered for profit and to the public.

<sup>29</sup> *Id.*

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

None.

**B. Private Sector Impact:**

The bill may reduce the amount of time it takes for a mobile phone service provider to obtain ETC status for the Lifeline program. This bill does not alter the pool of eligible consumers, nor will the fees charged to consumers for Lifeline service change.

**C. Government Sector Impact:**

The PSC has not identified any fiscal impact in regards to its own revenues or expenditures.<sup>30</sup> However, the PSC may experience additional workload if the providers petition for designation as an ETC. This additional workload should be absorbed within current resources of the PSC.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill uses the term “commercial mobile radio service provider,” which is defined in s. 364.02(3), F.S., as “a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(27) and 332(d).” This federal citation is out of date, but the definition remains the same. The bill sponsor may wish to update the definition’s citation in s. 364.02(3), F.S., to “a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(33) and 332(d)” to reflect the current federal citation.

**VIII. Statutes Affected:**

This bill substantially amends section 364.10 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 Regulated Industries on December 13, 2023**

The committee substitute deletes intent language in the bill that reiterated existing Florida Public Service Commission authority to enforce the provisions of Chapter 364, F.S.

**B. Amendments:**

None.

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<sup>30</sup> Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

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

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By the Committee on Regulated Industries; and Senator Rodriguez

580-01854-24

2024478c1

A bill to be entitled

An act relating to designation of eligible telecommunications carriers; amending s. 364.10, F.S.; revising the definition of the term "eligible telecommunications carrier"; authorizing the Public Service Commission to designate certain entities as eligible telecommunications carriers for a specified purpose; providing legislative intent; providing an effective date.

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

Section 1. Present paragraph (i) of subsection (2) of section 364.10, Florida Statutes, is redesignated as subsection (4) of that section, subsection (3) is added to that section, and paragraph (a) of subsection (1) of that section is amended, to read:

364.10 Lifeline service.—

(1)(a) An eligible telecommunications carrier shall provide a Lifeline Assistance Plan to qualified residential subscribers, as defined in the eligible telecommunications carrier's published schedules. For the purposes of this section, the term "eligible telecommunications carrier" means an entity a telecommunications company, as defined by s. 364.02, which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. s. 54.201 and this section.

(3)(a) The commission has the power and authority to designate an entity, upon petition and in accordance with 47 C.F.R. s. 54.201, as an eligible telecommunications carrier,

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

580-01854-24

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provided that such entity is:

1. A telecommunications company; or

2. A commercial mobile radio service provider.

(b) This legislative authority is intended to be sufficient to enable the commission, for the limited purpose of providing Lifeline service under this section, to approve any of the types of entities specified in paragraph (a) as an eligible telecommunications carrier.

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

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Bryan Avila, Chair  
Committee on Governmental Oversight and Accountability

**Subject:** Committee Agenda Request

**Date:** December 13, 2023

---

I respectfully request that **Senate Bill #478**, relating to Designation of Eligible Telecommunications Carriers, 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", is written over a horizontal line.

Senator Ana Maria Rodriguez  
Florida Senate, District 40

**APPEARANCE RECORD**

SB 478

Meeting Date

1-16-24  
Govt Oversight + AccountDeliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Chante' Jones, AARP FL

Phone

850-272-0551

Address

215 S Monroe St Ste 603

Email

Cejones@aarp.org

Street

Tallahassee FL

32303

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☒I am a registered lobbyist,  
representing:

AARP Florida

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

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



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

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

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

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BILL: SB 674

INTRODUCER: Senator Boyd

SUBJECT: United States-produced Iron and Steel in Public Works Projects

DATE: January 16, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVaney	GO	<b>Favorable</b>
2.			FP	

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**I. Summary:**

SB 674 requires a governmental entity that contracts for a public works project or for the purchase of materials for a public works project to require that any iron or steel product that will be permanently incorporated into the project be produced in the United States.

The bill waives this contract requirement if the governmental entity determines that any of the following apply:

- The iron or steel products required are not produced in the United States in sufficient quantities, are not reasonably available, or are of an unsatisfactory quality;
- The use will increase the total cost of the project by more than 20 percent; or
- Compliance is inconsistent with the public interest.

A governmental entity may allow a minimal use of foreign iron or steel materials in the project, if they are ancillary to the primary product and the cost of the materials does not exceed 0.10 percent of the total contract cost, or \$2,500, whichever is greater.

These provisions do not apply to contracts procured by the Florida Department of Transportation that are subject to the federal Buy America requirements.

The bill requires the Department of Management Services to develop guidelines and procedures by rule to implement the bill.

The bill has an indeterminate negative fiscal impact on state and local expenditures.

The bill takes effect July 1, 2024.

## II. Present Situation:

### United States Steel

China is the largest global producer of steel, and makes approximately 55 percent of the world's crude steel output.<sup>1</sup> The U.S. ranks fourth, behind China, India, and Japan, and produces 4.5 percent of the world's crude steel output.<sup>2</sup>

Steel produced in the U.S. is relatively more expensive compared to its global competitors<sup>3</sup> for several reasons; the primary cause is that restrictions on steel imports into the U.S. create a more narrow market. However, the U.S. has trade agreements that allow a specified amount of duty-free steel to enter the U.S. from the EU, Japan, and the United Kingdom.<sup>4</sup> Additionally, the U.S.-Mexico-Canada Agreement allows steel mill products to move throughout the three countries duty-free.<sup>5</sup> In 2022, the U.S. imported approximately 30 million net tons of finished steel products.<sup>6</sup> In 2021, Canada accounted for 47 percent, and Mexico for 46 percent, of total imports. China accounts for approximately 2 percent of imports.<sup>7</sup>

Additionally, the U.S. market has transitioned to harder-to-make steel products, which ultimately incentivizes exporting those higher quality (and higher priced) items, and importing less sophisticated products, such as ingots and rebar.<sup>8</sup> In 2022, the U.S. exported 8 million net tons of steel product.<sup>9</sup>

The price of steel has been relatively volatile in recent years, due largely to supply chain issues. The chart below represents the price for specific steel commodities over the last 6 years.<sup>10</sup>

<sup>1</sup> These figures represent monthly steel outputs for September 2023. U.S. Department of Commerce, International Trade Administration, U.S. *Steel Executive Summary: July- September 2023*, 5, <https://www.trade.gov/data-visualization/us-steel-executive-summary#:~:text=From%20August%202023%20to%20September,to%202.0%20million%20metric%20tons.&text=In%20September%202023%2C%20capacity%20utilization,from%2076.6%25%20in%20August%202023>. (last visited Jan. 8, 2024).

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

<sup>3</sup> In September 2023, U.S. price per metric ton of hot rolled band (a global benchmark for the price of steel) was \$753, compared to Europe's \$665, and China's \$453. *Id.* at 4.

<sup>4</sup> CONGRESSIONAL RESEARCH SERVICE, Christopher Watson, *Domestic Steel Manufacturing: Overview and Prospects*, 6 (May 17, 2022) <https://crsreports.congress.gov/product/pdf/R/R47107> (last visited Jan. 8, 2024).

<sup>5</sup> THE HILL, Sylvan Lane, *Canada, Mexico lift tariffs on US goods after Trump Scraps Steel, Aluminum Levies* (May 20, 2019), <https://thehill.com/policy/finance/444581-canada-mexico-lift-tariffs-on-us-goods-after-trump-scraps-steel-aluminum/> (last visited Mar. 14, 2023). *See also*, CONGRESSIONAL RESEARCH SERVICE, Christopher Watson, *Import Monitoring Systems: Steel and Aluminum* (Mar. 29, 2023), <https://crsreports.congress.gov/product/pdf/IF/IF12363> (last visited Jan. 8, 2024).

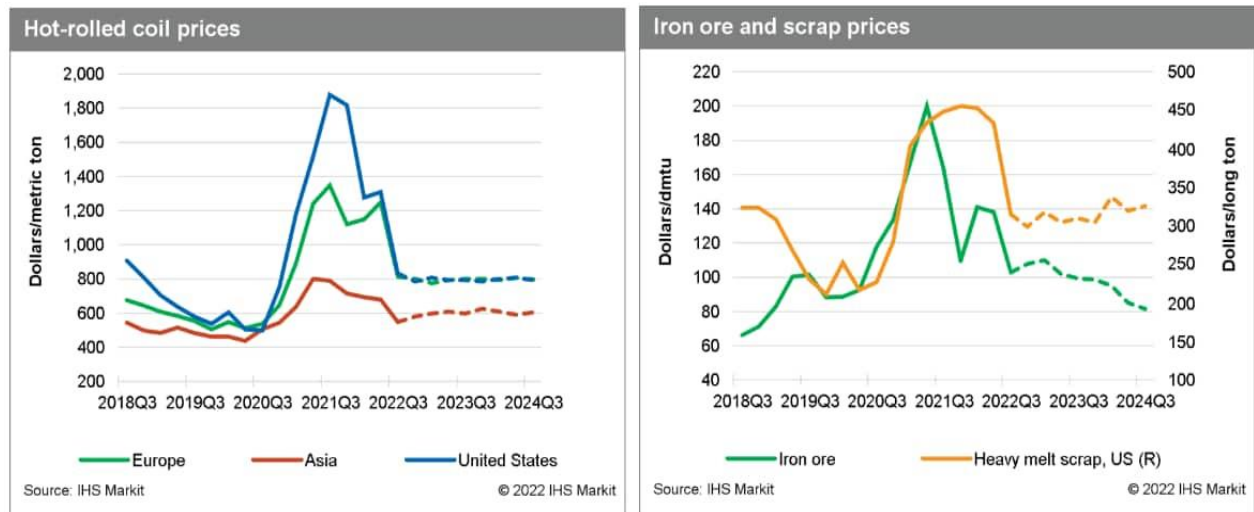
<sup>6</sup> AMERICAN IRON AND STEEL INSTITUTE, *Finished Steel Imports up 11% in 2022* (Jan. 26, 2023), <https://www.steel.org/wp-content/uploads/2023/01/IMP2212.pdf> (last visited Jan. 8, 2024).

<sup>7</sup> Watson, *supra* note 4 at 4.

<sup>8</sup> Watson, *supra* note 4 at 7.

<sup>9</sup> OECD, *Steel Market Developments: Q4 2022*, 21 <https://www.oecd.org/industry/ind/steel-market-developments-Q4-2022.pdf> (last visited Mar. 14, 2023).

<sup>10</sup> John Anton, S&P GLOBAL MARKET INTELLIGENCE, *Steel Price Forecast and Steel Market Outlook: Prices Soften on Weaker Steel Demand Outlook* (<https://www.spglobal.com/marketintelligence/en/mi/solutions/steel-forecast.html>) (last visited Jan. 8, 2024).



## Federal Provisions

A suite of federal laws and rules require federal agencies that procure specific goods, products, and materials, and other entities that use federal financial assistance, to give preference to those goods, products, and materials manufactured primarily in the United States.<sup>11</sup>

### *Buy American Act of 1933*

The Buy American Act (BAA)<sup>12</sup> of 1933 requires federal agencies to purchase domestic end products and use domestic construction materials in any contract valued at more than \$10,000. For purposes of the BAA, iron or steel products are considered domestic if the cost of the domestic components within the iron or steel product constitute at least 95 percent of the total cost of the product.<sup>13</sup>

Under the BAA, a federal agency may purchase a foreign-made product if it determines that the domestic product will cost unreasonably more.<sup>14</sup> A price for an end product that is not a critical item and that does not contain critical components is unreasonable under the BAA if the domestic offer is not the lowest offer after applying the following domestic preference price offsets:<sup>15</sup>

- 20 percent added to the low offer for end products, if the lowest domestic offer is from a large business;
- 30 percent added to the low offer for end products, if the lowest domestic offer is from a small business; or
- 20 percent added to the low offer for construction materials.

<sup>11</sup> General Services Administration, Made in America.gov, *Frequently Asked Questions: Are Buy America and Buy American the Same?*, <https://www.madeinamerica.gov/> (last visited Jan. 8, 2024).

<sup>12</sup> BAA, 41 U.S.C. §§8301-8305.

<sup>13</sup> 41 U.S.C. §8302(c)(1) and 48 C.F.R. §25.003. This definition differs from that which applies to the subsequent Build America, Buy America Act.

<sup>14</sup> D. Carpenter and B. Murrill, Congressional Research Service, *The Buy American Act and Other Federal Procurement Domestic Content Restrictions* (Nov. 8, 2022), available at <https://crsreports.congress.gov/product/pdf/R/R46748> (last visited Jan. 8, 2024).

<sup>15</sup> 48 C.F.R. §25.106

Other exceptions to the BAA apply when:<sup>16</sup>

- The procurement of domestic goods, or the use of domestic construction materials is “impracticable” or “inconsistent with the public interest”;
- Domestic end products or construction materials are unavailable “insufficient and reasonably available commercial quantities and of a satisfactory quality”;
- The contracting officer determines that the cost of domestic end products or construction materials would be “unreasonable”; or
- The items are procured for use outside the United States.

### ***Build America, Buy America Act***

The Build America, Buy America Act<sup>17</sup> (BABA), enacted as part of the Infrastructure Investment and Jobs Act of 2021, amends the Build American Act and related Buy America provisions. BABA requires that all infrastructure projects that use federal financial assistance programs use iron and steel that is produced in the United States; this includes public works projects taken on by state or local governments and even private entities that receive federal funds for the project.<sup>18</sup>

BABA defines iron or steel products produced in the United States as those made, through all of their manufacturing processes (from melting through application of coatings), in the United States.<sup>19</sup> If American made iron or steel will increase the total cost of the project by more than 25 percent, then an award may be given to a bid that uses foreign iron or steel.<sup>20</sup> This price preference does not apply in pre- and post-disaster or emergency response expenditures, or in cases in which a treaty or WTO agreement allows the use of a foreign product.

### **Florida Construction Contracts**

The Department of Management Services (DMS) manages projects throughout the state, including new construction, renovations, and consulting services for various public works projects. The Bureau of Building Construction (Bureau), within the DMS, oversees public building construction statewide. The Bureau is also responsible for managing fixed capital outlay funds appropriated by the Legislature and for overseeing the repair and renovation of DMS-managed facilities.<sup>21</sup>

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<sup>16</sup> 48 C.F.R. §25.202

<sup>17</sup> Pub. L. 117-58, Title IX (Nov. 15, 2021), available at <https://www.hud.gov/sites/dfiles/GC/documents/Build%20America,%20Buy%20America%20Act%20Provisions.pdf> (last visited Jan. 8, 2024).

<sup>18</sup> See, Christopher Watson, Congressional Research Service, *OMB Issues Final Guidance on “Buy America” Domestic Preference Requirements* (Aug. 24, 2023), available at <https://crsreports.congress.gov/product/pdf/IN/IN12230> (last visited Jan. 8, 2024). See also, Office of Management and Budget, *Memorandum regarding Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure*, M-24-02, 4 (Oct. 25, 2023), available at <https://www.whitehouse.gov/wp-content/uploads/2023/10/M-24-02-Buy-America-Implementation-Guidance-Update.pdf> (last visited Jan. 8, 2024).

<sup>19</sup> Pub. L. 117-58, Title IX, s. 70912.

<sup>20</sup> 2 C.F.R. §184.7

<sup>21</sup> DMS, *Building Construction*, [https://www.dms.myflorida.com/business\\_operations/real\\_estate\\_development\\_and\\_management/building\\_construction](https://www.dms.myflorida.com/business_operations/real_estate_development_and_management/building_construction) (last visited Jan. 8, 2024).

Chapter 255, F.S., specifies the procedures required in the procurement of construction services for public property and publicly owned buildings. Section 255.29, F.S., authorizes the DMS to adopt rules for bidding on building construction contracts. These rules must establish the procedures to:

- Determine the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts;
- Award each state agency construction project to the lowest qualified bidder;
- Negotiate for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state; and
- Enter into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.<sup>22</sup>

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.<sup>23</sup> The solicitation of competitive bids or proposals for such state construction projects must be publicly advertised in the Florida Administrative Register (FAR) for at least 21 days prior to the bid opening. If the project is expected to cost more than \$500,000, the advertisement must be published for 30 days in the FAR, and at least one time, at least 30 days prior to bid opening, in a newspaper of general circulation in the county where the project is located.<sup>24</sup>

A county, municipality, special district, or other political subdivision that seeks to construct or improve a public building must competitively award each project estimated to cost more than \$300,000.<sup>25</sup> Like state construction project procurements, these county and municipality procurements are subject to publishing requirements.<sup>26</sup>

Chapter 337, F.S., governs contracts entered into by the Florida Department of Transportation (FDOT). FDOT has authority to enter into contracts for the construction and maintenance of all State Highway or State Park systems' roads, rest areas, weigh stations, parking areas, supporting facilities, and any associated building.<sup>27</sup> The FDOT must certify as qualified any bidders for a construction contract, road, bridge, or public construction project that exceeds \$250,000 in cost.<sup>28</sup> The certification process ensures that the bidders have professional and financial competence by evaluating them "with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification."<sup>29</sup>

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<sup>22</sup> See Rule 60D-5.001-60D-5.010, F.A.C.

<sup>23</sup> Section 255.0525, F.S.

<sup>24</sup> Section 255.0525(1), F.S.

<sup>25</sup> Section 255.20, F.S.

<sup>26</sup> See, s. 255.0525(2), F.S., which requires a project of \$200,000 or more to be advertised in a newspaper of general circulation in the county where the project is located at least **21** days prior to bid opening, and at least 5 days prior to any prebid conference. If the project will cost more than \$500,000, it must be advertised in a newspaper of general circulation in the county where the project is located for at least **30** days prior to bid opening, and 5 days prior to any prebid conference.

<sup>27</sup> Section 337.11, F.S.

<sup>28</sup> Section 337.14(1), F.S.

<sup>29</sup> *Id.*

### III. Effect of Proposed Changes:

**Section 1** creates s. 255.0993, F.S., to require a governmental entity that contracts for a public works project or for the purchase of materials for a public works project to require, by terms incorporated into the contract, that any iron or steel product that will be used permanently in the project be produced in the United States.

Governmental entities are exempt from this requirement if the administering governmental entity determines that:

- Iron or steel products that are produced in the United States are not produced in sufficient quantities, reasonably available, or of satisfactory quality;
- The use of U.S. produced iron or steel will increase the total cost of the project by more than 20 percent; or
- It is inconsistent with public interest to comply with the requirement.

Therefore, a project manager that agrees to use domestically produced iron or steel in its public works project may be awarded the contract even though its bid is up to 20 percent higher than the next lowest bid which does not use domestic iron or steel.

It is not clear at what point the administering governmental entity must decide to waive the requirement to use U.S. iron or steel product based on the above factors, although it would likely vary depending on the type of procurement used.

Additionally, a project may use a minimal amount of foreign steel and iron materials if the materials are incidental or ancillary to the primary product and are not separately identified in the project's specifications, or if the cost of those materials does not exceed .10 percent of the total contract cost, or \$2,500—whichever is greater.

Electrical components, equipment, systems, and appurtenances (including supports, covers, shielding, and other appurtenances that are related to the electrical system and that are necessary for operation or concealment) are not considered iron or steel products for purposes of this bill. However, electrical transmission and distribution poles *are* considered iron and steel products.

Public works projects subject to this pricing preference include any activity that is paid for with state-appropriated funds or state funds administered by a governmental entity, which consists of construction, maintenance, repair, renovation, remodeling, or improvement of the following: a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof that is owned, in whole or in part, by a governmental entity.

For purposes of this bill, a “governmental entity” is the state, or any of its offices, boards, bureaus, commissions, departments, branches, divisions, or institutions, and any separate agency or unit of local government that is created or established by law or ordinance, and those entities’ officers. Therefore, any county, city, town, municipality, school district, taxing district, water management district, higher education institution, and other public agency or body is a “governmental entity.”

The bill also defines iron or steel “produced in the United States” as that which undergoes all of its manufacturing processes,<sup>30</sup> from initial melting through application of coatings, in the United States. Mere assembly and any metallurgical process to refine steel additives are not considered manners of production under this bill.

The bill requires the DMS to develop guidelines and procedures by rule to implement the bill.

The bill does not apply to contracts procured by the FDOT that are subject to the federal Buy America requirements of 23 C.F.R. s. 635.410.<sup>31</sup> Additionally, the bill states that it must be applied consistent with, and not construed to impair, the state’s obligations under any international agreement.

**Section 2** makes a legislative finding that the bill fulfills an important state interest.

**Section 3** provides that the bill will take effect on July 1, 2024.

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

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

Article VII, s. 18(a) of the State Constitution provides, in pertinent part, that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless:”

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated, including state and local governments.

The bill requires a county or municipality that enters into a contract for a public works project to select bidders that agree to use iron or steel products that are produced in the United States, and pay up to 20 percent more of the total cost of the project for that preference. To the extent that a local government uses any amount of state funds, and pays for the remaining portion of the project with its own funds, this requirement could increase the local government’s costs.

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<sup>30</sup> The term “manufacturing process” is also defined by the bill as the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements into a new finished product that is functionally different from a finished product produced only by assembling materials or elements into a product without applying such a process.

<sup>31</sup> 23 C.F.R. s. 635.410 requires highway construction projects that use federal aid to either (1) include no permanently incorporated steel or iron materials, or use all U.S.-manufactured iron or steel; (2) use a state contract provision that requires the use of domestic materials and products to the same, or greater extent as this section; (3) Require all bidders to submit a bid that uses domestic steel and iron materials and clearly state that the contract will be awarded to the bidder who submits the lowest bid using domestic steel and iron, unless the bid exceeds the lowest total bid based on using foreign steel and iron by more than 25 percent; or (4) Use only a minimal amount of foreign steel and iron, the total of which does not exceed 0.1 percent of the contract cost or \$2,500, whichever is greater. This provision also includes waivers.

The bill applies to all similarly situated governmental entities in the State of Florida, including state agencies, school districts, universities, and colleges. Section 2 of the bill contains a legislative finding that the bill fulfills an important state interest. Thus, the bill appears to be binding on 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:**

The requirement to buy American steel could increase the cost of some projects, such as building highway bridges and procuring transit railcars and buses. This may result in fewer projects being undertaken.<sup>32</sup>

A private contractor that use iron or steel products that are produced in the United States may be able to seek higher payments for its work on a public works project, whether or not the materials cost more than foreign iron or steel. This may open the field to smaller contractors that require a larger margin to cover their costs on potential public works projects.

**C. Government Sector Impact:**

The cost to state and local governments is indeterminate. These costs, however, may be significant because the bill requires government entities to enter into contracts for public works projects using American-produced iron or steel that may be up to 20 percent more expensive than a lower bid that uses foreign-produced iron or steel. This 20 percent cost

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<sup>32</sup> See, M. Platzer and W. Mallett, Congressional Research Service, *Effects of Buy America on Transportation Infrastructure and U.S. Manufacturing*, p. 1 (July 2, 2019), <https://crsreports.congress.gov/product/pdf/R/R44266> (last visited Jan. 8, 2024).



differential relates to the overall cost of contract inputs, not solely to the iron and steel inputs.

There may be additional workload relating to the documentation of and research related to application of a waiver from the requirement to use US iron or steel in construction projects. This workload will likely be absorbed within current resources.

## **VI. Technical Deficiencies:**

The bill appears to contemplate application of its price preference to FDOT contracts that use state funds (a similar price preference is currently in place for highway projects that use federal funds). However, this preference contradicts s. 337.11(4), F.S., which requires the FDOT to award construction and maintenance work for contracts over \$250,000 to the lowest responsible bidder, or the lowest evaluated responsible bidder in the instance of a time-plus-money contract. For clarity, the Legislature may consider including the price preference in s. 337.11, F.S., as well.

## **VII. Related Issues:**

It is unclear how the governmental entity will determine whether the use of domestic steel increases the cost of the total project by 20 percent or more. One possibility would be to draft the procurement for construction services to allow bidders to submit two bids—one that uses U.S. steel, and one that uses foreign steel. Alternatively, the solicitation could allow bidders to specify which type of steel they are using in their bid, and then the contract manager (if enough bids that use domestic and foreign steel are submitted) could compare the costs prior to moving on to the next phase of the bid or negotiation process.

The federal Office of Management and Budget requires an agency that approves a waiver from BABA price preference requirements to demonstrate its due diligence of its determination by documenting the following:

- List of iron or steel item(s), manufactured products, and construction material(s) proposed to be excepted from Buy America requirements, including name, cost, country(ies) of origin (if known), and relevant Product and Service Code (PSC) and North American Industry Classification System (NAICS) code for each.
- A description of efforts made (e.g., market research, industry outreach, etc.) by the Federal awarding agency and, in the case of a project or award specific waiver, by the recipient, in an attempt to avoid the need for a waiver. Such a description may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
- Market research, where applicable, should include relevant details, including who conducted the market research, when it was conducted, sources that were used, and the methods used to conduct the research.
- Anticipated impact if no waiver is issued.<sup>33</sup>

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<sup>33</sup> Memorandum regarding Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, *supra* note 18.

**VIII. Statutes Affected:**

This bill substantially amends section 255.0993 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.)

None.

- B. **Amendments:**

None.

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

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By Senator Boyd

20-00757-24

2024674\_\_

A bill to be entitled

An act relating to United States-produced iron and steel in public works projects; creating s. 255.0993, F.S.; defining terms; requiring governmental entities to include a requirement in certain contracts that certain iron or steel products be produced in the United States; providing exceptions; authorizing the minimal use of foreign steel and iron materials in certain circumstances; exempting specified products from the requirement; providing construction; requiring the Department of Management Services to adopt rules for specified purposes; providing applicability; providing a declaration of important state interest; providing an effective date.

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

Section 1. Section 255.0993, Florida Statutes, is created to read:

255.0993 Public works projects; United States-produced iron and steel products.—

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

(a) "Governmental entity" means the state, or any office, board, bureau, commission, department, branch, division, or institution thereof, or a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, a town, or other municipality; or a department, a commission, an authority, a school district, a taxing

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district, a water management district, a board, a public corporation, an institution of higher education, or other public agency or body thereof authorized to expend public funds for the construction, maintenance, repair, renovation, remodeling, or improvement of public works.

(b) "Iron or steel product" means any product made primarily of iron or steel, including, but not limited to, lined or unlined pipes and fittings; bars and rods; wire, wire ropes, and link chains; forgings; grating and drainage products; access covers, hatches, manhole covers, and other castings; hydrants; electric transmission and distribution poles; tanks; flanges; pipe clamps and restraints; valves; structural steel and other steel mill products; materials made primarily of iron and steel within precast concrete; and other construction materials made primarily of iron or steel.

(c) "Manufacturing process" means the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements into a new finished product functionally different from a finished product produced merely from assembling materials or elements into a product without applying such a process.

(d) "Produced in the United States" means that, with respect to iron and steel, all manufacturing processes, from initial melting through application of coatings, occur in the United States, other than metallurgical processes to refine steel additives.

(e) "Public works project" means an activity paid for with any state-appropriated funds or state funds administered by a

Page 2 of 4

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governmental entity which consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any governmental entity.

(2) UNITED STATES-PRODUCED IRON AND STEEL REQUIREMENT.—

(a) Notwithstanding any other law, a governmental entity entering into a contract for a public works project or for the purchase of materials for a public works project must include in the contract a requirement that any iron or steel product permanently incorporated in the project be produced in the United States.

(b) Paragraph (a) does not apply if the governmental entity administering the funds for a public works project or the purchase of materials for a public works project solely determines that any of the following applies:

1. Iron or steel products produced in the United States are not produced in sufficient quantities, reasonably available, or of satisfactory quality.

2. The use of iron or steel products produced in the United States will increase the total cost of the project by more than 20 percent.

3. Complying with paragraph (a) is inconsistent with the public interest.

(c) When steel and iron materials are used in a public works project, paragraph (a) does not prevent a minimal use of foreign steel and iron materials if:

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1. Such materials are incidental or ancillary to the primary product and are not separately identified in the project specifications; and

2. The cost of such materials does not exceed one-tenth of 1 percent of the total contract cost or \$2,500, whichever is greater. For purposes of this subparagraph, the cost of such materials is that shown to be the value of the iron or steel products as they are delivered to the project.

(d) Electrical components, equipment, systems, and appurtenances, including supports, covers, shielding, and other appurtenances related to an electrical system, necessary for operation or concealment, except transmission and distribution poles, are not considered iron or steel products and are exempt from the requirements of paragraph (a).

(3) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with, and may not be construed to impair, the state's obligations under any international agreement.

(4) RULEMAKING.—The Department of Management Services shall develop guidelines and procedures by rule to implement this section.

(5) APPLICABILITY.—This section does not apply to contracts procured by the Department of Transportation subject to the Buy America requirements of 23 C.F.R. s. 635.410.

Section 2. The Legislature determines and declares that this act fulfills an important state interest.

Section 3. This act shall take effect July 1, 2024.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Banking and Insurance, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Committee on Agriculture, Environment,  
and General Government  
Finance and Tax  
Fiscal Policy  
Judiciary  
Rules

## SENATOR JIM BOYD

20th District

December 13, 2023

Senator Bryan Avila  
Committee on Governmental Oversight and Accountability  
330 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Avila:

I respectfully request SB 674: Dental Services, be scheduled for a hearing in the Committee on Governmental Oversight and Accountability, at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in blue ink, appearing to read "Jim Boyd".

Jim Boyd

cc: Joe McVaney  
Tamra Redig

## REPLY TO:

- 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

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

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

**APPEARANCE RECORD**

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

1-16-2024

Meeting Date

0674

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Elaine Caraballo

Phone

Address

14223 Alister Manor Dr.

Email

e/aine Caraballo(a)hotmail.com

Street

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City

Fla

State

33598

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Speaking:

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For

☐

Against

☐

Information

**OR**

Waive Speaking:

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In Support

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Against

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something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1/16/2024  
Meeting Date

SB674  
Bill Number or Topic

\_\_\_\_\_  
Committee

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

Name O. D. ELLIOTT

Phone 727-608-6027

Address 101 - 78 AVE NE  
Street

Email odebr1477@aol.com

ST. PETE. FL 33702  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/16/24

Meeting Date

674

Bill Number or Topic

Deliver both copies of this form to  
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Committee

Amendment Barcode (if applicable)

Name Gerard Lonergan

Phone 352 848 6911

Address 700 S Harbor Island Blvd #632  
Street

Email lonergan8859@aol.com

Tampa  
City

FL  
State

33602  
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

1/16/24

Meeting Date

674

Bill Number or Topic

Governmental Oversight & Accountability

Committee

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

Amendment Barcode (if applicable)

Name

Alec Wilcosky

Phone

309 258 2296

Address

~~2000~~ 3752 38<sup>TH</sup> AVE N

Email

alec.wilcosky@gmail.com

Street

ST PETERSBURG FL 33713

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Meeting Date

607 1074  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Sara Bimbo

Phone

813-418-0874

Address

6867 Gideon Circle

Street

Email

bh4msara28@yahoo.com

Zephyrhills

City

FL

State

33541

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

JAN 16, 2024  
Meeting Date

SB0674  
Bill Number or Topic

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

\_\_\_\_\_  
Committee

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

Name ANGELA BEAD Phone 813-454-3224

Address 4312 MARINER'S COVE CT # 301 Email angiread1593@gmail.com  
Street

TAMPA FL 33610  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

S-001 (08/10/2021)

**APPEARANCE RECORD**

16 Jan 2024

Meeting Date

674

Bill Number or Topic

Gov Opst Accountability

Committee

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

Amendment Barcode (if applicable)

Name Chris StranburgPhone 813-767-9667Address 107 E College AveEmail cstranburg@afphg.org

Street

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☐ In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**I am appearing without  
compensation or sponsorship.I am a registered lobbyist,  
representing:Americans for  
ProsperityI am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date 1-16-24  
Committee Gov't Oversight  
Name KARI HEBRANK  
Address 215 S. Monroe St. #500  
TALLAHASSEE FL 32301  
City State Zip

Phone 850-566-7824  
Email Khebrank@carltonfields.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

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

S-001 (08/10/2021)

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

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

---

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

---

BILL: SB 918

INTRODUCER: Senator Calatayud

SUBJECT: American Flamingo

DATE: January 12, 2024

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

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

---

**I. Summary:**

SB 918 designates the American flamingo as the official state bird of Florida. This designation supersedes the designation of the mockingbird as the state bird of Florida.

The bill is not expected to impact on state or local government revenues and expenditures.

This bill takes effect upon becoming a law.

**II. Present Situation:**

**State Symbols**

Chapter 15, F.S., contains all of the Florida state symbols. To date, there are designations for a state motto,<sup>1</sup> tree,<sup>2</sup> fruit,<sup>3</sup> beverage,<sup>4</sup> citrus archive,<sup>5</sup> anthem,<sup>6</sup> song,<sup>7</sup> shell,<sup>8</sup> stone,<sup>9</sup> gem,<sup>10</sup>

---

<sup>1</sup> Section 15.0301, F.S.

<sup>2</sup> Section 15.031, F.S.

<sup>3</sup> Section 15.0315, F.S.

<sup>4</sup> Section 15.032, F.S.

<sup>5</sup> Section 15.0325, F.S.

<sup>6</sup> Section 15.0326, F.S.

<sup>7</sup> Section 15.0327, F.S.

<sup>8</sup> Section 15.033, F.S.

<sup>9</sup> Section 15.0336, F.S.

<sup>10</sup> Section 15.034, F.S.

wildflower,<sup>11</sup> play,<sup>12</sup> animal,<sup>13</sup> freshwater fish,<sup>14</sup> saltwater fish,<sup>15</sup> marine mammal,<sup>16</sup> saltwater mammal,<sup>17</sup> butterfly,<sup>18</sup> reptile,<sup>19</sup> saltwater reptile,<sup>20</sup> tortoise,<sup>21</sup> air fair,<sup>22</sup> rodeo,<sup>23</sup> festival,<sup>24</sup> moving image center and archive,<sup>25</sup> litter control symbol,<sup>26</sup> pageant,<sup>27</sup> opera program,<sup>28</sup> renaissance festival,<sup>29</sup> railroad museums,<sup>30</sup> history museum,<sup>31</sup> transportation museum,<sup>32</sup> flagship,<sup>33</sup> soil,<sup>34</sup> fiddle contest,<sup>35</sup> band,<sup>36</sup> sports hall of fame,<sup>37</sup> pie,<sup>38</sup> honey,<sup>39</sup> dessert,<sup>40</sup> horse,<sup>41</sup> and heritage cattle breed.<sup>42</sup>

### ***State Bird***

The Florida state bird is the mockingbird (*Mimus polyglottos*). The mockingbird was designated the state bird in 1927 by the Senate Concurrent Resolution Number 3. Florida shares the state bird with Arkansas, Mississippi, Tennessee, and Texas.<sup>43</sup> The mockingbird is technically referred to as the Northern Mockingbird as it is the only one native to the United States.<sup>44</sup>

---

<sup>11</sup> Section 15.0345, F.S.

<sup>12</sup> Section 15.035, F.S.

<sup>13</sup> Section 15.0353, F.S.

<sup>14</sup> Section 15.036, F.S.

<sup>15</sup> Section 15.037, F.S.

<sup>16</sup> Section 15.038, F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 15.0382, F.S.

<sup>19</sup> Section 15.0385, F.S.

<sup>20</sup> Section 15.0386, F.S.

<sup>21</sup> Section 15.03861, F.S.

<sup>22</sup> Section 15.039, F.S.

<sup>23</sup> Section 15.0391, F.S.

<sup>24</sup> Section 15.0395, F.S.

<sup>25</sup> Section 15.0396, F.S.

<sup>26</sup> Section 15.041, F.S.

<sup>27</sup> Section 15.043, F.S.

<sup>28</sup> Section 15.044, F.S.

<sup>29</sup> Section 15.0445, F.S.

<sup>30</sup> Section 15.045, F.S.

<sup>31</sup> Section 15.0455, F.S.

<sup>32</sup> Section 15.046, F.S.

<sup>33</sup> Section 15.0465, F.S.

<sup>34</sup> Section 15.047, F.S.

<sup>35</sup> Section 15.048, F.S.

<sup>36</sup> Section 15.049, F.S.

<sup>37</sup> Section 15.051, F.S.

<sup>38</sup> Section 15.052, F.S.

<sup>39</sup> Section 15.0521, F.S.

<sup>40</sup> Section 15.0522, F.S.

<sup>41</sup> Section 15.0526, F.S.

<sup>42</sup> Section 15.0527, F.S.

<sup>43</sup> Department of State, *State Bird*, available at <https://dos.fl.gov/florida-facts/florida-state-symbols/state-bird/#:~:text=Senate%20Concurrent%20Resolution%20No.,Mississippi%2C%20Tennessee%2C%20and%20Texas>. (last visited Jan. 10, 2023).

<sup>44</sup> Audubon, *10 Fun Facts About the Northern Mockingbird* (Oct. 30, 2019), available at <https://www.audubon.org/news/10-fun-facts-about-northern-mockingbird> (last visited Jan. 10, 2023).

## Flamingo

The American flamingo (*Phoenicopterus ruber*) is one of the largest species of flamingo. The American flamingo is generally found throughout the Caribbean Islands and along the northern coast of South America.<sup>45</sup> In Florida, American flamingos have been observed along much of the state's coast; however, outside of Hialeah, more than 95% of observations have occurred within the Everglades, Biscayne Bay, and the Florida Keys. In addition, flamingos are increasingly being reported in the shallow treatment wetlands created along the northern fringe of the Everglades. The Fish and Wildlife Conservation Commission considers flamingos native to Florida and treats them as native species protected under the Federal Migratory Bird Treaty Act.<sup>46</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 15.0352, F.S., to designate the American flamingo the official state bird of Florida.

**Section 2** states that this designation supersedes the designation of the mockingbird as the Florida state bird.

**Section 3** provides that the bill will take effect upon becoming a law.

### IV. Constitutional Issues:

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

Not applicable. The bill does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, 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.

---

<sup>45</sup> Smithsonian National Zoo and Conservation Biology Institute, *American flamingo*, available at <https://nationalzoo.si.edu/animals/american-flamingo> (last visited Jan. 10, 2023).

<sup>46</sup> Florida Fish and Wildlife Conservation Commission, *American flamingo*, available at <https://myfwc.com/wildlifehabitats/profiles/birds/waterbirds/american-flamingo/#:~:text=Conservation%20and%20Management&text=A%20growing%20body%20of%20evidence,Federal%20Migratory%20Bird%20Treaty%20Act.> (last visited Jan. 11, 2023).



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 15.0352 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.



317834

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/16/2024	.	
	.	
	.	
	.	

---

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. (1) The Fish and Wildlife Conservation  
Commission shall consider alternatives to the official state  
bird by collecting submissions from:

(a) Commissioners, who may nominate alternatives to the  
official state bird; and

(b) Residents of this state.



317834

(2) No later than July 1, 2024, the commission shall implement a portal on its publicly available website to collect submissions from the residents of this state.

(3) No later than January 1, 2025, the Fish and Wildlife Conservation Commission shall submit a report to the President of the Senate and the Speaker of the House of Representatives which includes a recommendation on whether to retain the current official state bird or adopt a new official state bird.

(4) During the 2025 Regular Session, the Legislature shall consider legislation to adopt a new official state bird if the Fish and Wildlife Conservation Commission recommends such a change.

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

===== 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 the official state bird; requiring  
the Fish and Wildlife Conservation Commission to  
consider alternatives to the official state bird by  
collecting submissions from specified persons;  
requiring the commission to implement, by a specified  
date, an online portal on its website to receive  
submissions from certain persons; requiring the  
commission to provide a specified report to the  
Legislature by a specified date; requiring the  
Legislature to consider, during a specified



317834

40 legislative session, certain legislation under  
41 specified conditions; providing an effective date.

By Senator Calatayud

38-01154-24

2024918\_\_

A bill to be entitled

An act relating to the American flamingo; creating s.  
15.0352, F.S.; designating the American flamingo as  
the official state bird; providing that such  
designation supersedes the designation of the  
mockingbird; providing an effective date.

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

Section 1. Section 15.0352, Florida Statutes, is created to  
read:

15.0352 Official state bird.—The American flamingo  
(*Phoenicopterus ruber*) is designated as the official Florida  
state bird.

Section 2. The designation of the American flamingo as the  
official Florida state bird pursuant to s. 15.0352, Florida  
Statutes, supersedes the designation of the mockingbird as the  
Florida state bird by Senate Concurrent Resolution No. 3,  
adopted during the 1927 Regular Session.

Section 3. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

1-16-24

Meeting Date

Govt. Oversight

Committee

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

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kate DeLoach

Phone

Address 123 S Adams St.

Street

Email deloach@thesoutherngroup.com

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Zoo Miami Foundation

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

1/16/24

Meeting Date

SB 918

Bill Number or Topic

Gov Oversight + Accountability  
Committee

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

Amendment Barcode (if applicable)

Name Jackson Oberlin

Phone 772-532-1371

Address

Street

Email

jacksonoberlin@gmail.com

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**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: SPB 7030

INTRODUCER: For consideration by the Governmental Oversight and Accountability Committee

SUBJECT: OGSR/Agency Personnel Information

DATE: January 12, 2024

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McVane		<b>Pre-meeting</b>

---

## **I. Summary:**

SPB 7030 amends s. 119.071(4)(d), F.S., to continue the series of current public records exemptions that protect the personal identifying information of certain state agency personnel and their spouses and children, such as home addresses, telephone numbers, dates of birth, and locations of childcare facilities used. These exemptions are subject to the Open Government Sunset Review Act (OGSR) and are currently scheduled to repeal on October 2, 2024.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect on October 1, 2024.

## **II. Present Situation:**

### **Public Records Law**

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

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.<sup>3</sup> The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>4</sup>

---

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

<sup>2</sup> *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

<sup>3</sup> Public records laws are found throughout the Florida Statutes.

<sup>4</sup> Section 119.01(1), F.S.



The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.<sup>5</sup> Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

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

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

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

Only the Legislature may create an exemption to public records requirements.<sup>9</sup> An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>10</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>11</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>12</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>13</sup> Records designated as

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<sup>5</sup> *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

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

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

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

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

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

<sup>11</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>12</sup> FLA. CONST. art. I, s. 24(c).

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

“confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>14</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

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

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

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>19</sup> An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption *and* it meets one of the following purposes:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>20</sup>
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>21</sup> or
- It protects trade or business secrets.<sup>22</sup>

The Act also requires specified questions to be considered during the review process.<sup>23</sup> In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

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

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

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

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

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

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

<sup>20</sup> Section 119.15(6)(b)1., F.S.

<sup>21</sup> Section 119.15(6)(b)2., F.S.

<sup>22</sup> Section 119.15(6)(b)3., F.S.

<sup>23</sup> Section 119.15(6)(a), F.S. The specified questions are:

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

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.<sup>24</sup> If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>25</sup>

### **Public Records Exemptions for Agency Personnel**

Specific personal identifying information of enumerated agency personnel is exempt from public inspection and copying requirements. The personal identifying information that is subject to a public records exemption under s. 119.071(4)(d), F.S., varies by an employee's or officer's position but may include some or all of the following information about the employee/officer and his or her spouse and children: name, home address,<sup>26</sup> phone number,<sup>27</sup> date of birth, photos, and name and location of workplace and school.

The basis for these exemptions rests on the nature of qualifying employment, which may subject the individual to close contact with individuals who may be a threat to them, and may subject them or their family members to harassment, threats, or other harms.<sup>28</sup>

The agency personnel who are covered by the public records exemption in s. 119.071(4)(d), F.S., are:

- Active or former sworn law enforcement personnel, including correctional and correctional probation officers;
- Department of Children and Families personnel with specific investigative duties;
- Department of Health personnel who support the investigation of child abuse or neglect;
- Department of Revenue or local government employees whose responsibilities include revenue collection and enforcement or child support enforcement;
- Department of Financial Services personnel with specific investigative duties;
- Office of Financial Regulation's Bureau of Financial Investigations personnel whose duties include specific investigative duties;
- Current or former firefighters;

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

<sup>25</sup> Section 119.15(7), F.S.

<sup>26</sup> "Home address" is defined in s. 119.071(4)(d)1.a., F.S., as the "dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address."

<sup>27</sup> Telephone numbers include "home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices." Section 119.071(4)(d)1.c., F.S.

<sup>28</sup> *See*, Ch. 2019-12, s. 2, Laws of Fla. (recognizing that "such personnel and their family members are at a heightened risk of physical and emotional harm from disgruntled individuals who have contentious reactions to actions taken by such personnel..."); Ch. 2015-37, s. 2, Laws of Fla. ("...In 2013, a[n impaired practitioner] program participant with a history of alcohol abuse and cocaine dependence traveled 250 miles across the state to confront his compliance monitor in the driveway of her home...As a result of th[is] incident and other telephone threats, the Legislature finds that release of identifying and location information could place an impaired practitioner consultant..., or the spouses and children of such consultants or their employees in danger of being physically or emotionally harmed..."); Ch. 2010-71, s. 2, Laws of Fla. ("Thus, the children of guardians ad litem could become a potential target for acts of revenge.").

- Current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors;
- General magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers;
- Current or former local government agency or water management district human resources, labor relations, or employee relations managers or directors, if their employment involves specific personnel-related duties, such as labor negotiations or firing;
- Current or former code enforcement officers;
- Current or former guardians ad litem;
- Current or former juvenile probation officers and their related personnel, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice;
- Current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel;
- Current or former Department of Business and Professional Regulation investigators or inspectors;
- County tax collectors;
- Current or former Department of Health personnel whose duties include or result in the determination of social security disability benefits or certain investigative duties;
- Current or former impaired practitioner consultants or their employees, if they were retained by a state agency;
- Current or former emergency medical technicians or paramedics;
- Current or former personnel who are employed in a state agency's office of inspector general or internal audit department, if the employee's duties include the auditing or investigation of specific activities that could lead to criminal or administrative discipline;
- Current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility;
- Current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets specific standards and requirements of ch. 39, F.S.; and
- Current or former staff and domestic violence advocates of domestic violence centers that are certified by the Department of Children and Families.

### ***Redacting Personal Identifying Information***

Records that include exempt information about the above-specified personnel, their spouses, and their children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors, property appraisers, school districts, and law enforcement agencies.

Both the employing agency and the employee or officer are authorized to request the redaction of exempt information by submitting a written and notarized request for maintenance of the exemption to each agency that holds the employee's or officer's, spouse's, or child's information.<sup>29</sup>

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<sup>29</sup> Section 119.071(4)(d)3., F.S.

Type of Official Records that may Include Personal Identifying Information <sup>30</sup>		
<ul style="list-style-type: none"> <li>• Affidavits</li> <li>• Agreements</li> <li>• Arrest Photos</li> <li>• Assignments</li> <li>• Bonds</li> <li>• Certificates</li> <li>• Certified Copy of Judgements</li> <li>• Criminal Records</li> <li>• Death Certificates</li> <li>• Deeds</li> </ul>	<ul style="list-style-type: none"> <li>• Easements</li> <li>• Financing Statements</li> <li>• Liens</li> <li>• Lis Pendens</li> <li>• Maps</li> <li>• Marriage Records</li> <li>• Mortgages</li> <li>• Military Discharges</li> <li>• Notices</li> <li>• Orders</li> </ul>	<ul style="list-style-type: none"> <li>• Plats</li> <li>• Powers of Attorney</li> <li>• Probate Documents</li> <li>• Releases</li> <li>• Restitution Orders</li> <li>• Restrictions</li> <li>• Satisfactions</li> <li>• Transfers of Security</li> <li>• Utility Service Documents</li> </ul>

There is no stated expiration for this public records exemption when held by agencies. However, such documents, when held by a clerk of the circuit court (Clerk) in the Official Records<sup>31</sup> may be redacted only until the protected party no longer resides at the dwelling<sup>32</sup> or upon his or her death.<sup>33</sup>

Each individual eligible for the records exemption may use it individually—including adult children who no longer live with their originally qualifying parent, or whose originally qualifying parent is no longer living.

### **Open Government Sunset Review of the Public Records Exemptions for Specified Agency Personnel**

The staff of the Senate Governmental Oversight and Accountability Committee and the House Ethics, Elections, and Open Government Subcommittee surveyed multiple Florida agencies, property appraisers offices, clerks of circuit courts, law enforcement agencies, school districts, and state universities and colleges to ascertain whether the public records exemptions in s. 119.071(4)(d), F.S., remain necessary. Staff reviewed the agencies' responses, and a majority of those agencies recommend that the Legislature reenact the public records exemptions without any changes. Many responses cited a continued concern for employee safety as the basis for the recommendation to reenact the public records exemption in s. 119.071(4)(d), F.S.

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

**Section 1** amends s. 119.071(4)(d), F.S., to continue the current public records exemptions for personal identifying information of specified agency personnel and their families.

**Section 2** provides that the bill takes effect on October 1, 2024.

<sup>30</sup> OPPAGA, *A Review of Home Address Redaction Processes and Real Property Interests*, Report No. 20-06, 6 (Dec. 2020), <https://oppaga.fl.gov/Documents/Reports/20-06.pdf> (last visited Jan. 2, 2024).

<sup>31</sup> Section 28.222(2), F.S.

<sup>32</sup> The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

<sup>33</sup> A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the “county recorder.” *See*, s. 28.222(2), F.S.

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

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

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

**Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without expansion, and does not require an extraordinary vote for enactment.

**Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect the personal identifying information of public employees and their family whose position may subject them to close contact with individuals who may be a threat to them, and may subject them or their family members to harassment, threats, or other harms. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None identified.

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

None.

**B. Private Sector Impact:**

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

**C. Government Sector Impact:**

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.071 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

**FOR CONSIDERATION By** the Committee on Governmental Oversight and Accountability

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A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides public records exemptions for certain personal identifying and location information of specified agency personnel, and the spouses and children thereof; abrogating the scheduled repeal of the exemptions; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

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

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

c. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

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2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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59 Constitution.

60 c. The home addresses, telephone numbers, dates of birth,  
61 and photographs of current or former nonsworn investigative  
62 personnel of the Office of Financial Regulation's Bureau of  
63 Financial Investigations whose duties include the investigation  
64 of fraud, theft, other related criminal activities, or state  
65 regulatory requirement violations; the names, home addresses,  
66 telephone numbers, dates of birth, and places of employment of  
67 the spouses and children of such personnel; and the names and  
68 locations of schools and day care facilities attended by the  
69 children of such personnel are exempt from s. 119.07(1) and s.  
70 24(a), Art. I of the State Constitution.

71 d. The home addresses, telephone numbers, dates of birth,  
72 and photographs of current or former firefighters certified in  
73 compliance with s. 633.408; the names, home addresses, telephone  
74 numbers, photographs, dates of birth, and places of employment  
75 of the spouses and children of such firefighters; and the names  
76 and locations of schools and day care facilities attended by the  
77 children of such firefighters are exempt from s. 119.07(1) and  
78 s. 24(a), Art. I of the State Constitution.

79 e. The home addresses, dates of birth, and telephone  
80 numbers of current or former justices of the Supreme Court,  
81 district court of appeal judges, circuit court judges, and  
82 county court judges, and of current judicial assistants; the  
83 names, home addresses, telephone numbers, dates of birth, and  
84 places of employment of the spouses and children of current or  
85 former justices and judges and of current judicial assistants;  
86 and the names and locations of schools and day care facilities  
87 attended by the children of current or former justices and

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88 judges and of current judicial assistants are exempt from s.  
89 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
90 sub-subparagraph is subject to the Open Government Sunset Review  
91 Act in accordance with s. 119.15 and shall stand repealed on  
92 October 2, 2028, unless reviewed and saved from repeal through  
93 reenactment by the Legislature.

94 f. The home addresses, telephone numbers, dates of birth,  
95 and photographs of current or former state attorneys, assistant  
96 state attorneys, statewide prosecutors, or assistant statewide  
97 prosecutors; the names, home addresses, telephone numbers,  
98 photographs, dates of birth, and places of employment of the  
99 spouses and children of current or former state attorneys,  
100 assistant state attorneys, statewide prosecutors, or assistant  
101 statewide prosecutors; and the names and locations of schools  
102 and day care facilities attended by the children of current or  
103 former state attorneys, assistant state attorneys, statewide  
104 prosecutors, or assistant statewide prosecutors are exempt from  
105 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

106 g. The home addresses, dates of birth, and telephone  
107 numbers of general magistrates, special magistrates, judges of  
108 compensation claims, administrative law judges of the Division  
109 of Administrative Hearings, and child support enforcement  
110 hearing officers; the names, home addresses, telephone numbers,  
111 dates of birth, and places of employment of the spouses and  
112 children of general magistrates, special magistrates, judges of  
113 compensation claims, administrative law judges of the Division  
114 of Administrative Hearings, and child support enforcement  
115 hearing officers; and the names and locations of schools and day  
116 care facilities attended by the children of general magistrates,

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special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of

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employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal

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175 conflict and civil regional counsel; and the names and locations  
 176 of schools and day care facilities attended by the children of  
 177 current or former public defenders, assistant public defenders,  
 178 criminal conflict and civil regional counsel, and assistant  
 179 criminal conflict and civil regional counsel are exempt from s.  
 180 119.07(1) and s. 24(a), Art. I of the State Constitution.

181 m. The home addresses, telephone numbers, dates of birth,  
 182 and photographs of current or former investigators or inspectors  
 183 of the Department of Business and Professional Regulation; the  
 184 names, home addresses, telephone numbers, dates of birth, and  
 185 places of employment of the spouses and children of such current  
 186 or former investigators and inspectors; and the names and  
 187 locations of schools and day care facilities attended by the  
 188 children of such current or former investigators and inspectors  
 189 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 190 Constitution.

191 n. The home addresses, telephone numbers, and dates of  
 192 birth of county tax collectors; the names, home addresses,  
 193 telephone numbers, dates of birth, and places of employment of  
 194 the spouses and children of such tax collectors; and the names  
 195 and locations of schools and day care facilities attended by the  
 196 children of such tax collectors are exempt from s. 119.07(1) and  
 197 s. 24(a), Art. I of the State Constitution.

198 o. The home addresses, telephone numbers, dates of birth,  
 199 and photographs of current or former personnel of the Department  
 200 of Health whose duties include, or result in, the determination  
 201 or adjudication of eligibility for social security disability  
 202 benefits, the investigation or prosecution of complaints filed  
 203 against health care practitioners, or the inspection of health

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204 care practitioners or health care facilities licensed by the  
 205 Department of Health; the names, home addresses, telephone  
 206 numbers, dates of birth, and places of employment of the spouses  
 207 and children of such personnel; and the names and locations of  
 208 schools and day care facilities attended by the children of such  
 209 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 210 the State Constitution.

211 p. The home addresses, telephone numbers, dates of birth,  
 212 and photographs of current or former impaired practitioner  
 213 consultants who are retained by an agency or current or former  
 214 employees of an impaired practitioner consultant whose duties  
 215 result in a determination of a person's skill and safety to  
 216 practice a licensed profession; the names, home addresses,  
 217 telephone numbers, dates of birth, and places of employment of  
 218 the spouses and children of such consultants or their employees;  
 219 and the names and locations of schools and day care facilities  
 220 attended by the children of such consultants or employees are  
 221 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 222 Constitution.

223 q. The home addresses, telephone numbers, dates of birth,  
 224 and photographs of current or former emergency medical  
 225 technicians or paramedics certified under chapter 401; the  
 226 names, home addresses, telephone numbers, dates of birth, and  
 227 places of employment of the spouses and children of such  
 228 emergency medical technicians or paramedics; and the names and  
 229 locations of schools and day care facilities attended by the  
 230 children of such emergency medical technicians or paramedics are  
 231 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 232 Constitution.

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233 r. The home addresses, telephone numbers, dates of birth,  
 234 and photographs of current or former personnel employed in an  
 235 agency's office of inspector general or internal audit  
 236 department whose duties include auditing or investigating waste,  
 237 fraud, abuse, theft, exploitation, or other activities that  
 238 could lead to criminal prosecution or administrative discipline;  
 239 the names, home addresses, telephone numbers, dates of birth,  
 240 and places of employment of spouses and children of such  
 241 personnel; and the names and locations of schools and day care  
 242 facilities attended by the children of such personnel are exempt  
 243 from s. 119.07(1) and s. 24(a), Art. I of the State  
 244 Constitution.

245 s. The home addresses, telephone numbers, dates of birth,  
 246 and photographs of current or former directors, managers,  
 247 supervisors, nurses, and clinical employees of an addiction  
 248 treatment facility; the home addresses, telephone numbers,  
 249 photographs, dates of birth, and places of employment of the  
 250 spouses and children of such personnel; and the names and  
 251 locations of schools and day care facilities attended by the  
 252 children of such personnel are exempt from s. 119.07(1) and s.  
 253 24(a), Art. I of the State Constitution. For purposes of this  
 254 sub-subparagraph, the term "addiction treatment facility" means  
 255 a county government, or agency thereof, that is licensed  
 256 pursuant to s. 397.401 and provides substance abuse prevention,  
 257 intervention, or clinical treatment, including any licensed  
 258 service component described in s. 397.311(26).

259 t. The home addresses, telephone numbers, dates of birth,  
 260 and photographs of current or former directors, managers,  
 261 supervisors, and clinical employees of a child advocacy center

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262 that meets the standards of s. 39.3035(2) and fulfills the  
 263 screening requirement of s. 39.3035(3), and the members of a  
 264 Child Protection Team as described in s. 39.303 whose duties  
 265 include supporting the investigation of child abuse or sexual  
 266 abuse, child abandonment, child neglect, and child exploitation  
 267 or to provide services as part of a multidisciplinary case  
 268 review team; the names, home addresses, telephone numbers,  
 269 photographs, dates of birth, and places of employment of the  
 270 spouses and children of such personnel and members; and the  
 271 names and locations of schools and day care facilities attended  
 272 by the children of such personnel and members are exempt from s.  
 273 119.07(1) and s. 24(a), Art. I of the State Constitution.

274 u. The home addresses, telephone numbers, places of  
 275 employment, dates of birth, and photographs of current or former  
 276 staff and domestic violence advocates, as defined in s.  
 277 90.5036(1)(b), of domestic violence centers certified by the  
 278 Department of Children and Families under chapter 39; the names,  
 279 home addresses, telephone numbers, places of employment, dates  
 280 of birth, and photographs of the spouses and children of such  
 281 personnel; and the names and locations of schools and day care  
 282 facilities attended by the children of such personnel are exempt  
 283 from s. 119.07(1) and s. 24(a), Art. I of the State  
 284 Constitution.

285 v. The home addresses, telephone numbers, dates of birth,  
 286 and photographs of current or former inspectors or investigators  
 287 of the Department of Agriculture and Consumer Services; the  
 288 names, home addresses, telephone numbers, dates of birth, and  
 289 places of employment of the spouses and children of current or  
 290 former inspectors or investigators; and the names and locations

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of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1,

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2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the

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Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

10. ~~Except as otherwise expressly provided in this~~

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

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~~paragraph, this paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2024.

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### SENATOR BRYAN AVILA

39th District

#### COMMITTEES:

Governmental Oversight and Accountability, *Chair*  
Appropriations  
Appropriations Committee on Education  
Appropriations Committee on Health and  
Human Services  
Education Pre-K -12  
Ethics and Elections  
Health Policy

#### SELECT COMMITTEE:

Select Committee on Resiliency

#### JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining,  
*Alternating Chair*

January 15, 2024

Joe McVaney  
Committee on Governmental Oversight and Accountability

REF: EXCUSAL LETTER

Joe,

I will be out the week of 1/16/2024 through 1/19/2024, unfortunately I will be also be missing GO. I have sent correspondence to the President's office detailing my absence.

Please feel free to contact my office is you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

Bryan Avila  
Senator  
District 39

CC: Tamra Redig, Secretary of the Senate  
Jeremy Hudak, Legislative Analyst, Senate Majority Office  
Megan Ramba, Office Manager, Office of the President

# CourtSmart Tag Report

**Room:** SB 37

**Case No.:**

**Type:**

**Caption:** Senate Committee on Governmental Oversight & Accountability

**Judge:**

**Started:** 1/16/2024 11:03:38 AM

**Ends:** 1/16/2024 11:35:31 AM

**Length:** 00:31:54

11:03:37 AM Meeting called to order, roll call  
11:03:54 AM Chair Polsky makes opening remarks  
11:04:01 AM Chair Polsky excuses Chair Avila from the meeting  
11:04:04 AM Chair Polsky temporarily postpones SPB 7030- OSGR/Agency Personnel Information by the Senate Committee on Governmental Oversight and Accountability  
11:04:26 AM Tab 4, SB 674- United States-Produced Iron and Steel in Public Works Projects by Senator Boyd  
11:04:33 AM Senator Boyd explains the bill  
11:05:57 AM Questions:  
11:05:58 AM Senator Albritton  
11:06:13 AM Senator Boyd  
11:06:21 AM Senator Wright  
11:06:41 AM Senator Boyd  
11:07:05 AM Senator Wright  
11:07:08 AM Senator Boyd  
11:07:36 AM Chair Polsky reads appearance cards waiving  
11:08:37 AM Senator Boyd waives close  
11:08:42 AM Roll call on SB 674  
11:08:53 AM Chair Polsky reports the bill  
11:09:01 AM Tab 1, CS/SB 382- Continuing Education Requirements by Senator Hooper  
11:09:07 AM Senator Hooper explains the bill  
11:10:06 AM Amendment 450466  
11:10:10 AM Senator Hooper explains the amendment  
11:10:59 AM Amendment 833830  
11:11:02 AM Senator Hooper explains the amendment  
11:11:58 AM Chair Polsky reports the amendment  
11:12:20 AM Back on Amendment 450466 as amended  
11:12:33 AM Questions:  
11:12:38 AM Senator Davis  
11:12:55 AM Senator Hooper  
11:13:28 AM Senator Hooper waives close on the amendment  
11:13:39 AM Chair Polsky reports the amendment  
11:13:44 AM Questions:  
11:13:51 AM Senator Davis  
11:14:19 AM Senator Hooper  
11:15:26 AM Senator Hooper waives close  
11:15:31 AM Roll call on CS/SB 382  
11:15:43 AM Chair Polsky reports the bill  
11:15:54 AM Informal Recess  
11:15:58 AM Recording Paused  
11:17:47 AM Recording Resumed  
11:17:50 AM Meeting called back to order  
11:17:53 AM Tab 2, SB 474- Public Records/Suicide Victims by Senator Grall  
11:17:57 AM Senator Grall explains the bill  
11:18:31 AM Amendment 334562  
11:18:31 AM Senator Grall explains the amendment  
11:19:04 AM Senator Grall waives close  
11:19:11 AM Chair Polsky reports the amendment  
11:19:20 AM Questions:  
11:19:21 AM Senator Davis  
11:19:29 AM Senator Grall  
11:19:58 AM Senator Grall closes on the bill  
11:20:23 AM Roll call on SB 474



11:20:35 AM Chair Polsky reports the bill  
11:20:42 AM Tab 5, SB 918- American Flamingo by Senator Calatayud  
11:20:54 AM Vice Chair Polsky turns the chair over to Senator Albritton  
11:21:07 AM Senator Calatayud explains the bill  
11:22:19 AM Amendment 317834  
11:22:28 AM Senator Polsky explains the amendment  
11:24:35 AM Senator Polsky withdraws amendment 334565  
11:24:48 AM Public testimony:  
11:24:49 AM Jackson Oberlink  
11:28:26 AM Debate:  
11:28:27 AM Senator Polsky  
11:28:27 AM Chair Albritton reads appearance cards waiving  
11:28:49 AM Senator Rodriguez  
11:29:25 AM Senator Davis  
11:30:24 AM Senator Wright  
11:30:46 AM Senator Calatayud closes on the bill  
11:31:40 AM Roll call on SB 918  
11:32:02 AM Chair Albritton reports the bill  
11:32:09 AM Senator Albritton turns the chair to Vice Chair Polsky  
11:32:12 AM Tab 3, CS/SB 478- Designation of Eligible Telecommunications Carriers by Senator Rodriguez  
11:32:25 AM Senator Rodriguez explains the bill  
11:33:25 AM Questions:  
11:33:27 AM Senator Davis  
11:33:46 AM Senator Rodriguez  
11:34:16 AM Chair Polsky reads appearance cards waiving  
11:34:27 AM Senator Rodriguez waives close  
11:34:31 AM Roll call on CS/SB 478  
11:34:44 AM Chair Polsky reports the bill  
11:35:02 AM Senator Rodriguez moves to record missed votes  
11:35:21 AM Meeting Adjourned