

<b>Tab 1</b>	<b>SB 274</b> by <b>Stargel (CO-INTRODUCERS) Grimsley</b> ; (Identical to H 00113) Concealed Weapons and Firearms in Multiuse Facilities
<b>Tab 2</b>	<b>SJR 136</b> by <b>Steube</b> ; Property Tax Exemption and Assessment/Manufacturing Equipment
<b>Tab 3</b>	<b>SB 148</b> by <b>Steube</b> ; (Similar to H 00039) Weapons and Firearms
<b>Tab 4</b>	<b>SB 560</b> by <b>Steube</b> ; (Similar to H 00439) Public Meetings and Records/ Imminent Litigation

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

**JUDICIARY**  
**Senator Steube, Chair**  
**Senator Benacquisto, Vice Chair**

**MEETING DATE:** Tuesday, November 14, 2017  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Steube, Chair; Senator Benacquisto, Vice Chair; Senators Bracy, Bradley, Flores, Garcia, Gibson, Mayfield, Powell, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 274</b> Stargel (Identical H 113, S 240)	Concealed Weapons and Firearms in Multiuse Facilities; Providing that a person licensed to carry a concealed weapon or concealed firearm is not prohibited by specified laws from such carrying on the property of certain institutions, etc.  JU      11/14/2017 Temporarily Postponed ED RC	Temporarily Postponed
2	<b>SJR 136</b> Steube	Property Tax Exemption and Assessment/Manufacturing Equipment; Proposing amendments to the State Constitution authorizing the Legislature to exempt certain manufacturing equipment from the tangible personal property tax or permitting such equipment to be assessed at less than just value pursuant to an accelerated depreciation method established by general law, and providing an effective date, etc.  JU      11/14/2017 Favorable AFT AP RC	Favorable Yeas 10 Nays 0
3	<b>SB 148</b> Steube (Similar H 39)	Weapons and Firearms; Deleting a statement of applicability relating to violations of carrying a concealed weapon or firearm; reducing the penalties applicable to a person licensed to carry a concealed weapon or firearm for a first or second violation of specified provisions relating to openly carrying weapons; providing that a person licensed to carry a concealed weapon or firearm does not violate certain provisions if the firearm is temporarily and openly displayed, etc.  JU      11/14/2017 Temporarily Postponed GO RC	Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Judiciary

Tuesday, November 14, 2017, 2:00—4:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 560</b> Steube (Similar H 439)	Public Meetings and Records/ Imminent Litigation ; Expanding an exemption from public meetings requirements to allow specified entities to meet in private with an attorney to discuss imminent litigation if certain conditions are met; requiring the transcript of a private meeting concerning imminent litigation to be made public upon the occurrence of a certain circumstance; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Favorable Yeas 9 Nays 1
		JU 11/14/2017 Favorable GO RC	

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 274

INTRODUCER: Senators Stargel and Grimsley

SUBJECT: Concealed Weapons and Firearms in Multiuse Facilities

DATE: November 13, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Cibula	JU	<b>Pre-meeting</b>
2.			ED	
3.			RC	

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**I. Summary:**

SB 274 provides that a person who is licensed to carry a concealed weapon or firearm is not prohibited from carrying a concealed weapon or firearm on private school property on which a religious institution is also located. As such, the bill creates an exception to the general statutory ban on the possession of a firearm or weapon on school property.

**II. Present Situation:**

**Overview**

Florida law prohibits even a person who has a concealed weapon or firearm license from possessing a firearm or weapon on the property of any elementary or secondary school, or any college or university, whether public or private. Although federal law also generally prohibits the possession of a firearm on school property, this prohibition does not apply to a person licensed to carry a firearm by his or her state.

**Lawful Concealed Carry of Weapons and Firearms**

Although carrying a concealed weapon or firearm, as well as openly carrying a firearm, is generally illegal in this state, these prohibitions are subject to several exceptions.<sup>1</sup>

The most significant exception to the prohibition on the possession of concealed weapons and firearms may be the licensed carrying of these items. The license authorizes a licensee to carry a concealed firearm in most places in the state. To obtain a license, one must submit an application

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<sup>1</sup> Many of these exceptions are set forth in s. 790.25, F.S.

to the Department of Agriculture and Consumer Services, and the Department must grant the license to each applicant who:<sup>2</sup>

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;
- Does not suffer from a physical infirmity that prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance;
- Has not been found guilty of a crime relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;
- Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competency in the use of a firearm;<sup>3</sup>
- Has not been, or is deemed not to have been, adjudicated an incapacitated person in a guardianship proceeding;
- Has not been, or is deemed not to have been, committed to a mental institution;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, or any misdemeanor crime of domestic violence, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;
- Has not been issued an injunction that is currently in force and effect which restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

Although the license generally authorizes a person to carry a concealed weapon or firearm throughout the state, it does not authorize a person to carry a concealed firearm into several places, including any college or university facility, any career center, or any elementary or secondary school facility or administration building. A license also does not authorize a person to carry a concealed firearm into any school, college, or professional athletic event not related to firearms.<sup>4</sup> As used in the licensing statute, the terms referring to schools, colleges, and universities are not defined. As such, the statute makes no distinction between public and private schools.

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<sup>2</sup> Section 790.06(2), F.S. However, the Department must *deny* a license to an applicant who meets any criterion set forth in s. 790.06(3), F.S, which also sets forth criteria for the mandatory revocation of a license.

<sup>3</sup> See s. 790.06(2)(h), F.S., for the list of courses and other means of demonstrating competency, and for the required documentation that one must present to the state relative to this provision.

<sup>4</sup> See s. 790.06(12), F.S., for the list of the places that a license does not authorize a licensee to carry into.

Additional exceptions to the prohibition against carrying a concealed firearm or openly carrying a firearm are created by s. 790.25(3), F.S. This statute authorizes an *unlicensed* individual to openly possess a firearm or to carry a concealed firearm in any of the manners described in the statute. The statute, for example, authorizes law enforcement officers to carry firearms while on duty. Additionally, the statute authorizes a person to carry a firearm while engaged in hunting, fishing, or camping or while traveling to and from these activities. A person may also possess a firearm at his or her home or place of business or in any of the other circumstances set forth in statute.

### **Prohibited Possession of a Weapon or Firearm at a School or Related Location**

In general, s. 790.115, F.S., prohibits a person from possessing any firearm, electric weapon or device, destructive device, or other weapon on the property of any school, school bus, or school bus stop. Unlike the statute authorizing the issuance of concealed weapon or firearm licenses, this statute expressly and broadly defines the term “school” as any preschool through postsecondary school, *whether public or private*.<sup>5</sup> The penalty for violating the ban on weapons varies depending on the weapon possessed and whether the violator has a concealed weapon or firearm license.<sup>6</sup>

However, the statute includes several exceptions to the ban on possessing a weapon or firearm at a school. Specifically, the statute permits a person to possess any of the banned weapons “as authorized in support of school-sanctioned activities.” Additionally, a person may “carry” a firearm in:<sup>7</sup>

- A case to a firearms program, class, or function, if approved by school authorities;
- A case to a career center having a firearms training range; or
- A vehicle if the firearm is not accessible for immediate use.<sup>8</sup>

### **Federal Law**

The federal Gun-Free School Zones Act prohibits the possession of a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the individual knows, or has reasonable cause to believe, is a school or is within 1,000 feet of a school.<sup>9</sup> However, this prohibition does not apply to a person who is licensed to carry a concealed weapon or firearm.<sup>10</sup>

Another federal law, the Gun-Free Schools Act, is more-narrowly focused on prohibiting *students* from possessing firearms at or near schools. This prohibition is also subject to exceptions.<sup>11</sup> The act expressly states that it does not apply to a firearm “that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the

<sup>5</sup> It also means any career center. Section 790.115(2)(a), F.S.

<sup>6</sup> A non-licensee possessing a firearm or other weapon commits a third degree felony, punishable by up to 5 years in prison and a fine not to exceed \$5,000. *See* ss. 790.115(b)-(c), 775.082(9)(a)3.d. and 775.083(1)(c), F.S. However, licensees who commit this crime are guilty of a lesser crime, a second degree misdemeanor, punishable by up to 60 days in jail and a fine not to exceed \$500. *See*, ss. 790.115(2)(e), 790.06(12)(d), 775.082(4)(b), and 775.083(1)(e), F.S.

<sup>7</sup> Section 790.115(2)(a)1.-3., F.S.

<sup>8</sup> However, a school district may opt out of this exception.

<sup>9</sup> 18 U.S.C. § 922(q)(2)(A).

<sup>10</sup> *See* 18 U.S.C. § 922(q)(2)(B)(ii).

<sup>11</sup> *See* 20 U.S.C. § 7961.

local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.”<sup>12</sup>

### **Right to Exclude Anyone Possessing a Weapon or Firearm**

The laws generally prohibiting the possession of weapons or firearms on school property are not the only legal means available to *private* schools that want to exclude persons who possess these items. The Florida Constitution declares that every person has the right to “acquire, possess, and protect property.”<sup>13</sup> The right to exclude others is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.”<sup>14</sup>

A person who enters the property of another without authorization commits the crime of trespass to property. The elements of trespass are set forth in s. 810.08(1), F.S., which states:

Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so, commits the offense of trespass in a structure or conveyance.

Trespassing with a firearm is a third degree felony,<sup>15</sup> punishable by up to 5 years in prison,<sup>16</sup> 5 years of probation, and a fine not to exceed \$5,000.<sup>17</sup>

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

The bill provides that a person who is licensed to carry a concealed weapon or firearm is not prohibited from carrying a concealed weapon or firearm on private school property on which a religious institution is also located. As such, the bill creates an exception to the general statutory ban on the possession of a firearm or weapon on school property.

#### **Carrying a Weapon or Firearm at a Private School**

Under current law, s. 790.115, F.S., prohibits carrying a weapon or firearm on any school property, subject to exceptions in the statute. This statute defines “school” to include preschools through colleges and universities, *public or private*, as well as career centers. Also, Florida’s concealed weapon and firearm licensing statute lists elementary and secondary school facilities and administration buildings, college and university facilities, and career centers as places into which the license does not authorize a person to carry.<sup>18</sup>

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<sup>12</sup> 20 U.S.C. § 7961(g).

<sup>13</sup> FLA. CONST. art. I, s. 2.

<sup>14</sup> *Nollan v. Cal. Coastal Comm’n*, 483 U.S. 825, 831 (1987) (quoting *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 433 (1982)).

<sup>15</sup> Section 810.08(2)(c), F.S.

<sup>16</sup> Section 775.082(3)(e), F.S.

<sup>17</sup> Section 775.083(1)(c), F.S.

<sup>18</sup> Federal law generally prohibits the possession of a firearm at or within 1,000 feet of any school’s property. However, one exception to this prohibition are persons who are licensed under state law to carry a firearm.

However, the bill expressly states that s. 790.115, F.S., and the concealed weapon and firearm licensing statute do not prohibit concealed-carry licensees from carrying on private school property on which a religious institution is also located. As such, the bill appears to effectively authorize a licensee to carry a concealed weapon or firearm on this property. Nonetheless, this authorization appears to be subject to the right of private school authorities to prohibit the entry of persons possessing a weapon or firearm.

The bill adopts the definition of “religious institution” from elsewhere in the Florida Statutes:<sup>19</sup>

“Religious institution” means a church, ecclesiastical or denominational organization, or established physical place for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on and includes those bona fide religious groups that do not maintain specific places of worship. The term also includes a separate group or corporation that forms an integral part of a religious institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that is not primarily supported by funds solicited outside its own membership or congregation.

As such, “religious institution” can mean several different things. It can mean a place, or it can mean a group of people, such as a congregation. Accordingly, an example of a location covered by the bill—i.e., “private school property” on which a “religious institution” is also located—is the property of a private Christian school that has on its campus a church building in which a congregation meets.

#### **Effective Date**

The bill takes effect July 1, 2018.

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

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

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

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

None.

##### **C. Trust Funds Restrictions:**

None.

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<sup>19</sup> The bill references s. 775.0861, F.S., which itself defines “religious institution” by reference to s. 496.404(23), F.S.



**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 790.115 of the Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

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

None.

## B. Amendments:

None.

By Senator Stargel

22-00498-18

2018274\_\_

A bill to be entitled

An act relating to concealed weapons and firearms in multiuse facilities; amending s. 790.115, F.S.; providing that a person licensed to carry a concealed weapon or concealed firearm is not prohibited by specified laws from such carrying on the property of certain institutions; providing an effective date.

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

Section 1. Subsection (3) of subsection 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.—

(3) (a) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).

(b) This section and s. 790.06(12) (a) 10., 11., and 13. do not prohibit a person who is licensed under s. 790.06 from carrying a concealed weapon or concealed firearm on private school property if a religious institution, as defined in s. 775.0861, is located on the property.

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Finance and Tax, *Chair*  
Appropriations Subcommittee on Health and Human Services, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Children, Families, and Elder Affairs  
Communications, Energy, and Public Utilities  
Governmental Oversight and Accountability  
Military and Veterans Affairs, Space, and Domestic Security

### SENATOR KELLI STARGEL

*Deputy Majority Leader*  
22nd District

September 27, 2017

The Honorable Greg Steube  
Senate Committee on Judiciary, Chair  
515 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Chair Steube:

I respectfully request that SB 274, related to *Concealed Weapons and Firearms in Multiuse Facilities*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

Kelli Stargel  
State Senator, District 22

Cc: Tom Cibula/ Staff Director  
Joyce Butler/ AA

#### REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

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

JOE NEGRON  
President of the Senate

ANITERE FLORES  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

11-14-2017

Meeting Date

SB 274, ~~SB 274~~

Bill Number (if applicable)

Topic Firearms

Amendment Barcode (if applicable)

Name Roy F. Blondeau Jr.

Job Title Attorney at Law

Address 6712 Buck Lake Road

Phone 850-877-9599

Street

Tallahassee

FL

32317

Email rfbl@comcast.net

City

State

Zip

Speaking:  For  Against  Information

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

Representing Self, Moms Demand Action

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/14/17

Meeting Date

#274

Bill Number (if applicable)

Topic GUN SAFETY

Amendment Barcode (if applicable)

Name MARTY MONROE

Job Title LOBBYIST

Address 2507 Callaway Rd Suite 102-A

Phone 850 224-2545

Street

TALLAHASSEE FL 32303

City

State

Zip

Email LNVFadvocacy@gmail.com

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

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

Representing LEAGUE OF WOMEN VOTERS OF FLORIDA

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

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

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11-14-17  
Meeting Date

SB 274  
Bill Number (if applicable)

Topic Guns in Private Schools

Amendment Barcode (if applicable)

Name Kate Kile

Job Title Volunteer

Address 1564 Lee Ave

Phone (850) 284-5511

Street

Tallahassee FL 32303

City

State

Zip

Email kkkile@yahoo.com

Speaking:  For  Against  Information

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

Representing Moms Demand Action

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/14/17  
Meeting Date

274  
Bill Number (if applicable)

Topic Concealed Weapons + Firearms

Amendment Barcode (if applicable)

Name Dr. Danielle Thomas

Job Title Florida PTA

Address 1747 Orlando Central Pkwy

Phone 386 846 7346

Orlando FL 32809  
City State Zip

Email resolutions@floridapta.org

Speaking:  For  Against  Information

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

Representing Florida PTA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/14/2017

Meeting Date

S.B. 274

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Matthew Monaghan

Job Title Student

Address 75 N. Woodward Vbox # 65209

Phone 941-313-5484

Street

Tallahassee

City

FL

State

32313

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11-14-17

Meeting Date

SB 274

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Jonah Mundy

Job Title Student

Address 75 N. Woodward V Box #64723

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City

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State

32313

Zip

Email jrm17h@my.fsu.edu

Speaking:  For  Against  Information

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

Representing Myself

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/13/2017

274

Meeting Date

Bill Number (if applicable)

Topic Concealed Weapons and Firearms in Multiuse Facilities

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850-877-2135

Street

Tallahassee

FL

32308

Email mdunagan@flsheriffs.org

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SJR 136

INTRODUCER: Senator Steube

SUBJECT: Property Tax Exemption and Assessment/Manufacturing Equipment

DATE: November 13, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	<b>Favorable</b>
2.			AFT	
3.			AP	
4.			RC	

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**I. Summary:**

SJR 136 authorizes the Legislature to exempt certain manufacturing equipment from the tangible personal property tax or allow the equipment to be assessed at less than its just value. If the Legislature allows the manufacturing equipment to be assessed at less than its just value, its assessed value must be determined by an accelerated depreciation method specified by law. The tax benefits may apply only to equipment that is used by a business primarily engaged in manufacturing.

The Revenue Estimating Conference has determined that the fiscal impact of the joint resolution, if the constitutional amendment passes and is implemented by the Legislature, could reduce local ad valorem tax revenues between \$215.5 million and \$842.6 million. This variance depends upon which industries are included in the bill and whether manufacturing equipment will be exempted from ad valorem taxation or assessed at less than just value.

**II. Present Situation:**

**Amending the State Constitution by Joint Resolution**

The State Constitution may be amended by one of five methods.<sup>1</sup> When an amendment is proposed by a joint resolution of the Legislature, it must be agreed to by three-fifths of the membership of the Senate and House of Representatives. Unless expedited by the Legislature, the joint resolution is then submitted to the electors at the next general election. If the proposed amendment is approved by a vote of at least 60 percent of the electors voting on the amendment, it becomes effective on the first Tuesday after the first Monday in January following the election, unless otherwise specified in the amendment.

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<sup>1</sup> FLA. CONST. art XI, ss. 1-6. The options include amendment or revision by the Legislature, Constitution Revision Commission, Initiative by the people, Constitutional Convention, or the Taxation and Budget Reform Commission.

## Constitutional Prohibitions Involving Taxes

The State Constitution prohibits the Legislature from granting property tax exemptions unless the exemptions are authorized in the Constitution. The Constitution also limits the Legislature's authority to exempt property or provide for property valuations at less than just value, unless expressly authorized.<sup>2</sup> Accordingly, the State Constitution must be amended if the Legislature intends to grant ad valorem tax exemptions or assessment benefits for manufacturing equipment.

## General Overview of Property Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. It may not be levied by the state, however, because the State Constitution prohibits the state from levying ad valorem taxes on real estate or tangible personal property.<sup>3</sup>

The ad valorem tax is based on the taxable value of property as of January 1 of each year.<sup>4</sup> The property appraiser annually determines the "just value"<sup>5</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."<sup>6</sup> Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;<sup>7</sup> however, the State Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment include agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes;<sup>8</sup> land used for conservation purposes;<sup>9</sup> historic properties when authorized by the county or municipality;<sup>10</sup> and certain working waterfront property.<sup>11</sup>

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<sup>2</sup> FLA. CONST. art. VII, s. 4.

<sup>3</sup> FLA. CONST. art. VII, s. 1(a).

<sup>4</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>5</sup> Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art. VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

<sup>6</sup> *See* s. 192.001(2) and (16), F.S.

<sup>7</sup> Section 193.011(2), F.S.

<sup>8</sup> FLA. CONST. art. VII, s. 4(a).

<sup>9</sup> FLA. CONST. art. VII, s. 4(b).

<sup>10</sup> FLA. CONST. art. VII, s. 4(e).

<sup>11</sup> FLA. CONST. art. VII, s. 4(j).

## Property Tax Exemptions

The Legislature may grant property tax exemptions only if they are authorized in the State Constitution, and any modifications to existing property tax exemptions must be consistent with the constitutional provision authorizing the exemption.<sup>12</sup>

## Manufacturing Industry in Florida

According to Enterprise Florida, Inc., this state ranks among the top 10 states in the nation for manufacturing.<sup>13</sup> Florida is home to more than 19,000 manufacturing companies that employ more than 331,000 employees.<sup>14</sup> These companies produce a variety of manufactured goods that include aerospace products, batteries, boats, communications equipment, food and beverages, pharmaceuticals, semiconductors, and more.<sup>15</sup>

## Industrial Manufacturing and Equipment Sales Tax Exemption

Since April 30, 2014, the state has provided a sales and use tax exemption for manufacturers. The exemption is limited to industrial machinery and equipment that is purchased by an eligible manufacturing business.<sup>16</sup> The machinery or equipment must be used at a fixed location in this state.

Eligible businesses are those classified in the North American Industry Classification System (NAICS) under codes 31, 32, or 33. Manufacturing establishments classified under these codes include food, apparel, wood, paper, printing, chemical, pharmaceutical, plastic, rubber, metal, transportation, and furniture manufacturing.<sup>17</sup> For the purposes of the exemption, “industrial machinery and equipment” means tangible personal property that has a depreciable life of 3 or more years and is used in the manufacturing, processing, compounding, or production of tangible personal property for sale.<sup>18</sup>

The term “industrial machinery and equipment” also includes parts and accessories that are purchased prior to the industrial machinery and equipment being placed in service.<sup>19</sup>

## Accelerated Depreciation

The term “accelerated depreciation” is not defined in the Florida Statutes. However, it is generally understood to mean a method of depreciation in which an asset loses its value at a

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<sup>12</sup>*Sebring Airport Auth. v. McIntyre*, 783 So. 2d 238, 248 (Fla. 2001); *Archer v. Marshall*, 355 So. 2d 781, 784 (Fla. 1978); *Am Fi Inv. Corp. v. Kinney*, 360 So. 2d 415 (Fla. 1978); *See also Sparkman v. State*, 58 So. 2d 431, 432 (Fla. 1952).

<sup>13</sup> Enterprise Florida, Inc., *Why Florida?*, available at <http://www.enterpriseflorida.com/wp-content/uploads/brief-manufacturing-florida.pdf> (last visited Nov. 6, 2016).

<sup>14</sup> Enterprise Florida, Inc., *Manufacturing Excellence*, available at <https://www.enterpriseflorida.com/industries/manufacturing/> (last visited Nov. 6, 2017).

<sup>15</sup> See *supra* note 13.

<sup>16</sup> Section 212.08(7)(jjj), F.S.

<sup>17</sup> The Manufacturers Association of Florida has provided a complete list of the manufacturing sectors that are classified under the relevant NAICS codes, available at [https://c.ymcdn.com/sites/maf.site-ym.com/resource/resmgr/Docs/NAICS\\_Codes.pdf](https://c.ymcdn.com/sites/maf.site-ym.com/resource/resmgr/Docs/NAICS_Codes.pdf) (last visited Nov. 7, 2017).

<sup>18</sup> Section 212.08(5)(b)6.a., F.S.

<sup>19</sup> Section 212.08(7)(jjj)2.e., F.S.

faster rate than if it were depreciated using a traditional method. As such, larger depreciation deductions are taken in the early years of the life of an asset, rather than the later years, which minimizes taxes in the early years.<sup>20</sup>

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

This constitutional amendment, if approved by the voters at the general election in November 2018, authorizes the Legislature to either exempt certain manufacturing equipment from the tangible personal property tax or permit the equipment to be assessed at less than its just value. If the Legislature allows the equipment to be assessed at less than just value, its value for tax purposes must be determined by an accelerated depreciation method authorized by law. The tax benefits apply only to equipment that is used by a business primarily engaged in manufacturing.

The amendment takes effect January 1, 2019.

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

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

None.

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

None.

#### **C. Trust Funds Restrictions:**

None.

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

#### **A. Tax/Fee Issues:**

The Revenue Estimating Conference on October 13, 2017, described the fiscal impact of this joint resolution as follows:

The Conference adopted a zero/negative indeterminate impact since this is a joint resolution proposing an amendment to be submitted to the voters. If voters do not approve the constitutional amendment, the impact is zero. If the constitutional amendment passes and the legislature chooses to implement it by limiting the tax benefit only to traditional manufacturing NAICS codes (31 through 33), the impact in FY 2019-20, using 2016 millage rates, is estimated to be reductions of (\$131.2m) against Non-school and (\$84.3m) against School Ad Valorem revenues. However, the impact will be larger should the Legislature decide to also include other industries in the implementing bill. For instance, including utilities

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<sup>20</sup> See, for example, BLACK'S LAW DICTIONARY (10th ed. 2014), RICHARD A. WESTIN, WG&L TAX DICTIONARY 3 (2002), and InvestingAnswers available at <http://www.investinganswers.com/financial-dictionary/financial-statement-analysis/accelerated-depreciation-2234>.

(NAICS code 22) will increase the reductions by an additional (\$513.0m) against Non-school and (\$329.6m) against School Ad Valorem revenues.<sup>21</sup>

**B. Private Sector Impact:**

If approved by the electors and implemented by the Legislature, the joint resolution will reduce property taxes for certain manufacturers. The value of the tax benefits will be dependent upon how the Legislature implements the amendment and how broadly or narrowly the Legislature defines what businesses are primarily engaged in manufacturing. The tax benefits, however, may encourage more manufacturing activity and the creation of more manufacturing jobs.

**C. Government Sector Impact:**

The joint resolution does not appear to require any additional expenditures by state and local governments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

If this proposed amendment is approved by the voters and implemented by the Legislature, implementing legislation will need to define “manufacturing equipment” and possibly specify a method of “accelerated depreciation,” which must be used to value manufacturing equipment for tax purposes.

**VIII. Statutes Affected:**

This resolution amends Article VII, section 4 and creates an undesignated section in Article XII of the Florida Constitution.

**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.

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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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<sup>21</sup> Florida Revenue Estimating Conference, *SJR 136 Manufacturing Equipment* (Oct. 13, 2017) available at [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/\\_pdf/page64-68.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page64-68.pdf) (last visited Nov. 6, 2017).

By Senator Steube

23-00073-18

2018136\_\_

## Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution authorizing the Legislature to exempt certain manufacturing equipment from the tangible personal property tax or permitting such equipment to be assessed at less than just value pursuant to an accelerated depreciation method established by general law, and providing an effective date.

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

That the following amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

## ARTICLE VII

## FINANCE AND TAXATION

## SECTION 4. Taxation; assessments.—

By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

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

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(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law, tangible personal property: (1) Held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(2) In the form of manufacturing equipment, as defined by general law, which is used by a business primarily engaged in manufacturing may be exempted from taxation or may be assessed at less than just value pursuant to a method of accelerated depreciation established by general law.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.  
b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

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



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59 (3) After any change of ownership, as provided by general  
60 law, homestead property shall be assessed at just value as of  
61 January 1 of the following year, unless the provisions of  
62 paragraph (8) apply. Thereafter, the homestead shall be assessed  
63 as provided in this subsection.

64 (4) New homestead property shall be assessed at just value  
65 as of January 1st of the year following the establishment of the  
66 homestead, unless the provisions of paragraph (8) apply. That  
67 assessment shall only change as provided in this subsection.

68 (5) Changes, additions, reductions, or improvements to  
69 homestead property shall be assessed as provided for by general  
70 law; provided, however, after the adjustment for any change,  
71 addition, reduction, or improvement, the property shall be  
72 assessed as provided in this subsection.

73 (6) In the event of a termination of homestead status, the  
74 property shall be assessed as provided by general law.

75 (7) The provisions of this amendment are severable. If any  
76 of the provisions of this amendment shall be held  
77 unconstitutional by any court of competent jurisdiction, the  
78 decision of such court shall not affect or impair any remaining  
79 provisions of this amendment.

80 (8)

81 a. A person who establishes a new homestead as of January  
82 1, 2009, or January 1 of any subsequent year and who has  
83 received a homestead exemption pursuant to Section 6 of this  
84 Article as of January 1 of either of the two years immediately  
85 preceding the establishment of the new homestead is entitled to  
86 have the new homestead assessed at less than just value. If this  
87 revision is approved in January of 2008, a person who

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88 establishes a new homestead as of January 1, 2008, is entitled  
89 to have the new homestead assessed at less than just value only  
90 if that person received a homestead exemption on January 1,  
91 2007. The assessed value of the newly established homestead  
92 shall be determined as follows:

93 1. If the just value of the new homestead is greater than  
94 or equal to the just value of the prior homestead as of January  
95 1 of the year in which the prior homestead was abandoned, the  
96 assessed value of the new homestead shall be the just value of  
97 the new homestead minus an amount equal to the lesser of  
98 \$500,000 or the difference between the just value and the  
99 assessed value of the prior homestead as of January 1 of the  
100 year in which the prior homestead was abandoned. Thereafter, the  
101 homestead shall be assessed as provided in this subsection.

102 2. If the just value of the new homestead is less than the  
103 just value of the prior homestead as of January 1 of the year in  
104 which the prior homestead was abandoned, the assessed value of  
105 the new homestead shall be equal to the just value of the new  
106 homestead divided by the just value of the prior homestead and  
107 multiplied by the assessed value of the prior homestead.  
108 However, if the difference between the just value of the new  
109 homestead and the assessed value of the new homestead calculated  
110 pursuant to this sub-subparagraph is greater than \$500,000, the  
111 assessed value of the new homestead shall be increased so that  
112 the difference between the just value and the assessed value  
113 equals \$500,000. Thereafter, the homestead shall be assessed as  
114 provided in this subsection.

115 b. By general law and subject to conditions specified  
116 therein, the legislature shall provide for application of this

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117 paragraph to property owned by more than one person.

118 (e) The legislature may, by general law, for assessment  
119 purposes and subject to the provisions of this subsection, allow  
120 counties and municipalities to authorize by ordinance that  
121 historic property may be assessed solely on the basis of  
122 character or use. Such character or use assessment shall apply  
123 only to the jurisdiction adopting the ordinance. The  
124 requirements for eligible properties must be specified by  
125 general law.

126 (f) A county may, in the manner prescribed by general law,  
127 provide for a reduction in the assessed value of homestead  
128 property to the extent of any increase in the assessed value of  
129 that property which results from the construction or  
130 reconstruction of the property for the purpose of providing  
131 living quarters for one or more natural or adoptive grandparents  
132 or parents of the owner of the property or of the owner's spouse  
133 if at least one of the grandparents or parents for whom the  
134 living quarters are provided is 62 years of age or older. Such a  
135 reduction may not exceed the lesser of the following:

136 (1) The increase in assessed value resulting from  
137 construction or reconstruction of the property.

138 (2) Twenty percent of the total assessed value of the  
139 property as improved.

140 (g) For all levies other than school district levies,  
141 assessments of residential real property, as defined by general  
142 law, which contains nine units or fewer and which is not subject  
143 to the assessment limitations set forth in subsections (a)  
144 through (d) shall change only as provided in this subsection.

145 (1) Assessments subject to this subsection shall be changed

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146 annually on the date of assessment provided by law; but those  
147 changes in assessments shall not exceed ten percent (10%) of the  
148 assessment for the prior year.

149 (2) No assessment shall exceed just value.

150 (3) After a change of ownership or control, as defined by  
151 general law, including any change of ownership of a legal entity  
152 that owns the property, such property shall be assessed at just  
153 value as of the next assessment date. Thereafter, such property  
154 shall be assessed as provided in this subsection.

155 (4) Changes, additions, reductions, or improvements to such  
156 property shall be assessed as provided for by general law;  
157 however, after the adjustment for any change, addition,  
158 reduction, or improvement, the property shall be assessed as  
159 provided in this subsection.

160 (h) For all levies other than school district levies,  
161 assessments of real property that is not subject to the  
162 assessment limitations set forth in subsections (a) through (d)  
163 and (g) shall change only as provided in this subsection.

164 (1) Assessments subject to this subsection shall be changed  
165 annually on the date of assessment provided by law; but those  
166 changes in assessments shall not exceed ten percent (10%) of the  
167 assessment for the prior year.

168 (2) No assessment shall exceed just value.

169 (3) The legislature must provide that such property shall  
170 be assessed at just value as of the next assessment date after a  
171 qualifying improvement, as defined by general law, is made to  
172 such property. Thereafter, such property shall be assessed as  
173 provided in this subsection.

174 (4) The legislature may provide that such property shall be

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175 assessed at just value as of the next assessment date after a  
 176 change of ownership or control, as defined by general law,  
 177 including any change of ownership of the legal entity that owns  
 178 the property. Thereafter, such property shall be assessed as  
 179 provided in this subsection.

180 (5) Changes, additions, reductions, or improvements to such  
 181 property shall be assessed as provided for by general law;  
 182 however, after the adjustment for any change, addition,  
 183 reduction, or improvement, the property shall be assessed as  
 184 provided in this subsection.

185 (i) The legislature, by general law and subject to  
 186 conditions specified therein, may prohibit the consideration of  
 187 the following in the determination of the assessed value of real  
 188 property:

189 (1) Any change or improvement to real property used for  
 190 residential purposes made to improve the property's resistance  
 191 to wind damage.

192 (2) The installation of a solar or renewable energy source  
 193 device.

194 (j)

195 (1) The assessment of the following working waterfront  
 196 properties shall be based upon the current use of the property:

197 a. Land used predominantly for commercial fishing purposes.  
 198 b. Land that is accessible to the public and used for  
 199 vessel launches into waters that are navigable.  
 200 c. Marinas and drystacks that are open to the public.  
 201 d. Water-dependent marine manufacturing facilities,  
 202 commercial fishing facilities, and marine vessel construction  
 203 and repair facilities and their support activities.

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204 (2) The assessment benefit provided by this subsection is  
 205 subject to conditions and limitations and reasonable definitions  
 206 as specified by the legislature by general law.

207 ARTICLE XII  
 208 SCHEDULE

209 Certain manufacturing equipment; ad valorem taxation.—This  
 210 section and the amendment to Section 4 of Article VII  
 211 authorizing the Legislature to exempt certain manufacturing  
 212 equipment from the tangible personal property tax or permitting  
 213 such equipment to be assessed at less than just value pursuant  
 214 to an accelerated depreciation method established by general law  
 215 shall take effect January 1, 2019.

216 BE IT FURTHER RESOLVED that the following statement be  
 217 placed on the ballot:

218 CONSTITUTIONAL AMENDMENT  
 219 ARTICLE VII, SECTION 4  
 220 ARTICLE XII  
 221 CERTAIN MANUFACTURING EQUIPMENT; TANGIBLE PERSONAL PROPERTY  
 222 TAX.—Proposing an amendment to the State Constitution  
 223 authorizing the Legislature to exempt manufacturing equipment  
 224 used by businesses primarily engaged in manufacturing from the  
 225 tangible personal property tax or permitting such equipment to  
 226 be assessed at less than just value pursuant to an accelerated  
 227 depreciation method established by general law. This amendment  
 228 takes effect January 1, 2019.

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

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

11/14/17

136

*Meeting Date*

*Bill Number (if applicable)*

Topic Property Tax Exemptions/Manufacturing Machinery and Equipment

*Amendment Barcode (if applicable)*

Name Nancy Stephens

Job Title Lobbyist

Address 1625 Summit Lake Drive

Phone 850 402 2954

*Street*

Tallahassee

FL

32317

Email nancy@nstephens.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Manufacturers Association of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/14/17  
Meeting Date

SJR 136  
Bill Number (if applicable)

Topic Manufacturing Property Tax Exemption

Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Senior Legislative Advocacy

Address PO Box 1757  
Street

Phone 701-3621

Tallahassee FL 32302  
City State Zip

Email ahughes@lctia.org

Speaking:  For  Against  Information

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

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11-14-17

Meeting Date

136

Bill Number (if applicable)

Topic Property Tax Exemption on Manufacturing Equipment Amendment Barcode (if applicable)

Name Jon Costello

Job Title Lobbyist

Address 119 S. Monroe

Street

Phone 850-681-6788

Tallahassee FL 32311

City

State

Zip

Email jon@rudledge-ccenia.com

Speaking:  For  Against  Information

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

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**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 Judiciary

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BILL: SB 148

INTRODUCER: Senator Steube

SUBJECT: Weapons and Firearms

DATE: November 13, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Cibula	JU	<b>Pre-meeting</b>
2.			GO	
3.			RC	

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**I. Summary:**

SB 148 modifies the nature and consequences of a violation of the ban on openly carrying a firearm by a person who has a license to carry a concealed weapon or firearm. The bill also clarifies the manner in which a legally concealed firearm may briefly be displayed without violating the open-carry ban.

Under current law, any person who violates the ban on openly carrying a firearm commits a second degree misdemeanor. Under the bill, a person who has a concealed weapon or firearm license commits a noncriminal violation of the ban for a first or second violation. The penalties for these violations are \$25 for the first violation and \$500 for the second. A third or subsequent violation by a licensee is a second degree misdemeanor.

Current law provides that a licensee who briefly displays his or her firearm in a certain manner does not violate the ban on the open carry of firearms. However, the terms of this “safe harbor” are set forth in a complex, 63-word sentence that may be open to different interpretations. The sentence might be read to mean that the safe harbor applies only when a firearm is displayed in necessary self-defense. Thus, an inadvertent display of a firearm would not be protected by the safe harbor; however, the revised language covers inadvertent displays. Additionally, the bill removes the safe harbor’s express requirement that the brief display not be “in an angry or threatening manner.” Nonetheless, the display of a firearm in an angry or threatening manner remains prohibited by other laws.

**II. Present Situation:**

**Overview**

In general, the open carry of a firearm is illegal. A person who violates the ban on openly carrying a firearm commits a second degree misdemeanor, regardless of whether he or she has a

concealed-carry license. However, not every display of a firearm by a licensee constitutes a violation of the open-carry ban. A licensee does not violate the ban by a brief display of the type described in statute.

### **Lawful Brief Display of a Firearm by a Concealed-Carry Licensee**

In general, carrying a firearm openly is a second degree misdemeanor, punishable by up to 60 days in jail and a fine not to exceed \$500.<sup>1</sup> However, the statute banning the open carry of a firearm provides a safe harbor from criminal liability for a brief display of a firearm by a licensee. The safe harbor protects a licensee:

[W]ho is lawfully carrying a firearm in a concealed manner [and] briefly and openly display[s] the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.<sup>2</sup>

This language is not completely clear. It might be read to require that a display of a firearm be in necessary self-defense. As a result of this narrow reading, the inadvertent display of a concealed firearm might subject a person to arrest for violating the open-carry ban. Also, the statute might be read to ban any display that is “angry or threatening,” regardless of whether such a display would be necessary to defend oneself.

### **Concealed Carry of Weapons or Firearms**

#### ***Concealed Carry Generally Prohibited***

In general, a person who does not have a concealed-carry license and who carries a concealed firearm commits a third degree felony.<sup>3</sup> And an unlicensed person who carries other types of concealed weapons, or a concealed electric weapon or device, commits a first degree misdemeanor.<sup>4</sup> This prohibition on the possession of a concealed weapon or firearm is subject to exceptions, including this state’s concealed-carry licensing scheme.<sup>5</sup>

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<sup>1</sup> Sections 775.082(4)(b) and 775.083(1)(e), F.S. Neither “openly carrying,” “open carry,” nor any derivation of these terms is defined in the Florida Statutes. The ban on open carrying of firearms is subject to exceptions. Specifically, s. 790.25(3), F.S., sets forth a long and diverse list of persons who are not subject to the ban on openly carrying a firearm, including on-duty law enforcement officers, persons who are hunting, fishing or camping, and investigators of a public defender or state attorney.

<sup>2</sup> Section 790.053(1), F.S.

<sup>3</sup> A third degree felony is punishable by a prison sentence not to exceed 5 years and a \$5,000 fine. Sections 775.082(3)(e), and 775.083(1)(c), F.S. Section 790.02, F.S., provides that the carrying of a concealed firearm in violation of section 790.01, F.S., constitutes a breach of peace, for which an officer may make a warrantless arrest if the officer has “reasonable grounds or probable cause to believe that the offense of carrying a concealed weapon is being committed.”

<sup>4</sup> A first degree misdemeanor is punishable by a jail sentence not to exceed 1 year and a \$1,000 fine. Sections 775.082(4)(a), 775.083(1)(d), F.S.

<sup>5</sup> Section 790.25(3), F.S., sets forth a long and diverse list of persons who are not subject to the licensing scheme, and who apparently may carry concealed without a license, including on-duty law enforcement officers, persons who are hunting, fishing or camping, and investigators of a public defender or state attorney, just to name a few.



### *Licensed Concealed Carry*

Florida's concealed carry licensing scheme is set forth at s. 790.06, F.S. The license only permits the concealed carry of handguns and certain non-firearm weapons.<sup>6</sup> Currently, over 1.8 million Floridians hold a standard concealed-carry license.<sup>7</sup>

To obtain a license, one must submit an application to the Department of Agriculture and Consumer Services. The Department *must* grant this license to each applicant who:<sup>8</sup>

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;
- Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competence with a firearm;<sup>9</sup>
- Has not been adjudicated an incapacitated person in a guardianship proceeding, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years before the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, or any misdemeanor crime of domestic violence, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

---

<sup>6</sup> "For the purposes of this section, concealed firearms and concealed weapons are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun." Section 790.06(1), F.S.

<sup>7</sup> As of October 31, 2017, 1,812,542 Floridians held a standard concealed carry license. Fla. Dept. of Ag., *Number of Licensees by Type*, [http://www.freshfromflorida.com/content/download/7471/118627/Number\\_of\\_Licensees\\_By\\_Type.pdf](http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf) (last visited November 3, 2017).

<sup>8</sup> Section 790.06(2), F.S. Accordingly, Florida is referred to as a "shall-issue" state, as opposed to a "may-issue" state. Also, the Department must deny a license to an applicant who meets criteria set forth in s. 790.06(3), F.S.

<sup>9</sup> See s. 790.06(2)(h), F.S., for the list of courses and other means of demonstrating competency and for the required documentation that one must present to the state relative to the provision.

The licensing statute states that a “person in compliance with the terms of such license may carry a concealed weapon or concealed firearm notwithstanding the [ban on the concealed carry of a weapon or firearm].”<sup>10</sup>

However, the statute also expressly states that the license does not permit a licensee to carry into any of a long list of places set forth in the statute, including K-12 facilities, college or university facilities, courthouses, bars, airport terminals, several types of government meetings, and any place prohibited by federal law.<sup>11</sup> If a licensee carries into any of these places without independent justification,<sup>12</sup> he or she commits a second degree misdemeanor, punishable by up to 60 days in jail and a fine not to exceed \$500.<sup>13</sup>

### III. Effect of Proposed Changes:

#### Violation of the Prohibition on the Open Carry of a Firearm

Under current law, the open carry of a firearm is generally prohibited, constituting a second degree misdemeanor, punishable by up to 60 days in jail and a fine not to exceed \$500.<sup>14</sup>

The bill modifies the nature and consequences of a violation of the open-carry ban *by a person who has a concealed weapons and firearms license*. Under the bill, a licensee’s first two violations of the open-carry ban are non-criminal offenses. The first violation has a penalty of \$25, and the second has a penalty of \$500. A licensee’s third violation is a second degree misdemeanor, punishable by 60 days in jail and a fine not to exceed \$500. Under current law, any violation of the open carry ban by any person is a second degree misdemeanor.<sup>15</sup>

#### Lawful Temporary and Open Display of Firearm by Concealed-Carry Licensees

The bill, like current law, specifies that a concealed-carry licensee who is lawfully carrying concealed, then briefly displays a firearm in the manner described in statute, does not violate the statute banning the open carry of firearms. However, the bill clarifies this “safe harbor,” which currently states that a licensee does not violate the statute if he or she “briefly and openly display[s] the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.”<sup>16</sup>

This language is unclear as to whether the display must be in self-defense and as to whether a necessary-self-defense display is prohibited if it is “angry or threatening.”

<sup>10</sup> Section 790.06(1), F.S.

<sup>11</sup> Section 790.06(12)(a), F.S.

<sup>12</sup> For example, s. 790.25(3), F.S. authorizes the persons there listed to carry concealed without a license and expressly exempts these persons from the licensing statute. Therefore, a licensee who is also one of the persons listed at section 790.25(3), F.S., might have an independent justification to carry into the places listed in the licensing statute as place into which a license not authorize carrying a weapon or firearm.

<sup>13</sup> Note that this does not appear to be the type of crime that would be grounds for the revocation of the license pursuant to s. 790.06(3), F.S.

<sup>14</sup> Sections 775.082(4)(b), 775.083(1)(e), F.S. Neither “openly carrying,” “open carry,” nor any derivation of these terms is defined in the Florida Statutes.

<sup>15</sup> Under the bill, a non-licensee who violates the open-carry ban is treated just as he or she would be under current law.

<sup>16</sup> Section 790.053(1), F.S.

Accordingly, one revision made by the bill is the removal of the language relating to “angry or threatening” displays. However, this change does not mean that a licensee may temporarily display his or her weapon in an angry or threatening manner whenever he or she chooses. For instance, by displaying a firearm in an angry and threatening manner without justification, one may commit an aggravated assault.<sup>17</sup> Additionally, the display of a firearm in an “angry[] or threatening manner, not in necessary self-defense,” remains prohibited under another statute not affected by the bill, s. 790.10, F.S.

Also, the bill clarifies that the brief display of a firearm by a licensee no longer needs to be in self-defense. Thus, a licensee whose firearm is temporarily and *inadvertently* displayed should be within the safe harbor.

Finally, the bill expressly states that a licensee who temporarily and openly displays a firearm may not be arrested or charged with a criminal or noncriminal violation of the statute banning the open carry of firearms.

#### **Effective Date**

The bill takes effect July 1, 2018.

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

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

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

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

None.

##### **C. Trust Funds Restrictions:**

None.

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

##### **A. Tax/Fee Issues:**

None.

---

<sup>17</sup> See ss. 784.011 and 784.021, F.S.

**B. Private Sector Impact:**

The bill reduces penalties for a concealed-carry licensee's first two violations of the ban on open carry of a firearm from a second degree misdemeanor to a non-criminal offense, punishable by a \$25 fine for a first offense and a \$500 fine for a second offense.

**C. Government Sector Impact:**

By reducing penalties for non-violent offenses with a firearm, the bill may reduce the burden on the court system, as well as on prosecutors and public defenders.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 790.053 and 790.06.

This bill re-enacts the following sections of the Florida Statutes: 943.051 and 985.11.

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

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

None.

**B. Amendments:**

None.

By Senator Steube

23-00015-18

2018148\_\_

1 A bill to be entitled  
 2 An act relating to weapons and firearms; amending s.  
 3 790.053, F.S.; deleting a statement of applicability  
 4 relating to violations of carrying a concealed weapon  
 5 or firearm; reducing the penalties applicable to a  
 6 person licensed to carry a concealed weapon or firearm  
 7 for a first or second violation of specified  
 8 provisions relating to openly carrying weapons; making  
 9 a fine payable to the clerk of the court; amending s.  
 10 790.06, F.S.; providing that a person licensed to  
 11 carry a concealed weapon or firearm does not violate  
 12 certain provisions if the firearm is temporarily and  
 13 openly displayed; reenacting ss. 943.051(3)(b) and  
 14 985.11(1)(b), F.S., both relating to fingerprinting of  
 15 a minor for violating specified provisions, to  
 16 incorporate the amendment made to s. 790.053, F.S., in  
 17 references thereto; providing an effective date.  
 18  
 19 Be It Enacted by the Legislature of the State of Florida:  
 20  
 21 Section 1. Section 790.053, Florida Statutes, is amended to  
 22 read:  
 23 790.053 Open carrying of weapons.—  
 24 (1) Except as otherwise provided by law and in subsection  
 25 (2), it is unlawful for any person to openly carry on or about  
 26 his or her person any firearm or electric weapon or device. ~~It~~  
 27 ~~is not a violation of this section for a person licensed to~~  
 28 ~~carry a concealed firearm as provided in s. 790.06(1), and who~~  
 29 ~~is lawfully carrying a firearm in a concealed manner, to briefly~~

Page 1 of 6

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

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2018148\_\_

30 ~~and openly display the firearm to the ordinary sight of another~~  
 31 ~~person, unless the firearm is intentionally displayed in an~~  
 32 ~~angry or threatening manner, not in necessary self-defense.~~  
 33 (2) A person may openly carry, for purposes of lawful self-  
 34 defense:  
 35 (a) A self-defense chemical spray.  
 36 (b) A nonlethal stun gun or dart-firing stun gun or other  
 37 nonlethal electric weapon or device that is designed solely for  
 38 defensive purposes.  
 39 (3) (a) A ~~Any~~ person violating this section who is not  
 40 licensed under s. 790.06 commits a misdemeanor of the second  
 41 degree, punishable as provided in s. 775.082 or s. 775.083.  
 42 (b) A person violating this section who is licensed under  
 43 s. 790.06 commits:  
 44 1. A noncriminal violation with a penalty of:  
 45 a. Twenty-five dollars, payable to the clerk of the court,  
 46 for a first violation; or  
 47 b. Five hundred dollars, payable to the clerk of court, for  
 48 a second violation.  
 49 2. A misdemeanor of the second degree, punishable as  
 50 provided in s. 775.082 or s. 775.083, for a third or subsequent  
 51 violation.  
 52 Section 2. Subsection (1) of section 790.06, Florida  
 53 Statutes, is amended to read:  
 54 790.06 License to carry concealed weapon or firearm.—  
 55 (1) The Department of Agriculture and Consumer Services is  
 56 authorized to issue licenses to carry concealed weapons or  
 57 concealed firearms to persons qualified as provided in this  
 58 section. Each such license must bear a color photograph of the

Page 2 of 6

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59 licensee. For the purposes of this section, concealed weapons or  
 60 concealed firearms are defined as a handgun, electronic weapon  
 61 or device, tear gas gun, knife, or billie, but the term does not  
 62 include a machine gun as defined in s. 790.001(9). Such licenses  
 63 shall be valid throughout the state for a period of 7 years  
 64 ~~after from~~ the date of issuance. Any person in compliance with  
 65 the terms of such license may carry a concealed weapon or  
 66 concealed firearm notwithstanding the provisions of s. 790.01.  
 67 The licensee must carry the license, together with valid  
 68 identification, at all times in which the licensee is in actual  
 69 possession of a concealed weapon or firearm and must display  
 70 both the license and proper identification upon demand by a law  
 71 enforcement officer. A person licensed to carry a concealed  
 72 firearm under this section whose firearm is temporarily and  
 73 openly displayed to the ordinary sight of another person does  
 74 not violate s. 790.053 and may not be arrested or charged with a  
 75 noncriminal or criminal violation of s. 790.053. Violations of  
 76 the provisions of this subsection shall constitute a noncriminal  
 77 violation with a penalty of \$25, payable to the clerk of the  
 78 court.

79 Section 3. For the purpose of incorporating the amendment  
 80 made by this act to section 790.053, Florida Statutes, in a  
 81 reference thereto, paragraph (b) of subsection (3) of section  
 82 943.051, Florida Statutes, is reenacted to read:

83 943.051 Criminal justice information; collection and  
 84 storage; fingerprinting.—

85 (3)

86 (b) A minor who is charged with or found to have committed  
 87 the following offenses shall be fingerprinted and the

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23-00015-18

2018148\_\_

88 fingerprints shall be submitted electronically to the  
 89 department, unless the minor is issued a civil citation pursuant  
 90 to s. 985.12:  
 91 1. Assault, as defined in s. 784.011.  
 92 2. Battery, as defined in s. 784.03.  
 93 3. Carrying a concealed weapon, as defined in s. 790.01(1).  
 94 4. Unlawful use of destructive devices or bombs, as defined  
 95 in s. 790.1615(1).  
 96 5. Neglect of a child, as defined in s. 827.03(1)(e).  
 97 6. Assault or battery on a law enforcement officer, a  
 98 firefighter, or other specified officers, as defined in s.  
 99 784.07(2)(a) and (b).  
 100 7. Open carrying of a weapon, as defined in s. 790.053.  
 101 8. Exposure of sexual organs, as defined in s. 800.03.  
 102 9. Unlawful possession of a firearm, as defined in s.  
 103 790.22(5).  
 104 10. Petit theft, as defined in s. 812.014(3).  
 105 11. Cruelty to animals, as defined in s. 828.12(1).  
 106 12. Arson, as defined in s. 806.031(1).  
 107 13. Unlawful possession or discharge of a weapon or firearm  
 108 at a school-sponsored event or on school property, as provided  
 109 in s. 790.115.

110 Section 4. For the purpose of incorporating the amendment  
 111 made by this act to section 790.053, Florida Statutes, in a  
 112 reference thereto, paragraph (b) of subsection (1) of section  
 113 985.11, Florida Statutes, is reenacted to read:

114 985.11 Fingerprinting and photographing.—

115 (1)

116 (b) Unless the child is issued a civil citation or is

Page 4 of 6

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

23-00015-18 2018148\_\_

117 participating in a similar diversion program pursuant to s.  
 118 985.12, a child who is charged with or found to have committed  
 119 one of the following offenses shall be fingerprinted, and the  
 120 fingerprints shall be submitted to the Department of Law  
 121 Enforcement as provided in s. 943.051(3)(b):

- 122 1. Assault, as defined in s. 784.011.
- 123 2. Battery, as defined in s. 784.03.
- 124 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 125 4. Unlawful use of destructive devices or bombs, as defined  
 126 in s. 790.1615(1).
- 127 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 128 6. Assault on a law enforcement officer, a firefighter, or  
 129 other specified officers, as defined in s. 784.07(2)(a).
- 130 7. Open carrying of a weapon, as defined in s. 790.053.
- 131 8. Exposure of sexual organs, as defined in s. 800.03.
- 132 9. Unlawful possession of a firearm, as defined in s.  
 133 790.22(5).
- 134 10. Petit theft, as defined in s. 812.014.
- 135 11. Cruelty to animals, as defined in s. 828.12(1).
- 136 12. Arson, resulting in bodily harm to a firefighter, as  
 137 defined in s. 806.031(1).
- 138 13. Unlawful possession or discharge of a weapon or firearm  
 139 at a school-sponsored event or on school property as defined in  
 140 s. 790.115.

141

142 A law enforcement agency may fingerprint and photograph a child  
 143 taken into custody upon probable cause that such child has  
 144 committed any other violation of law, as the agency deems  
 145 appropriate. Such fingerprint records and photographs shall be

23-00015-18 2018148\_\_

146 retained by the law enforcement agency in a separate file, and  
 147 these records and all copies thereof must be marked "Juvenile  
 148 Confidential." These records are not available for public  
 149 disclosure and inspection under s. 119.07(1) except as provided  
 150 in ss. 943.053 and 985.04(2), but shall be available to other  
 151 law enforcement agencies, criminal justice agencies, state  
 152 attorneys, the courts, the child, the parents or legal  
 153 custodians of the child, their attorneys, and any other person  
 154 authorized by the court to have access to such records. In  
 155 addition, such records may be submitted to the Department of Law  
 156 Enforcement for inclusion in the state criminal history records  
 157 and used by criminal justice agencies for criminal justice  
 158 purposes. These records may, in the discretion of the court, be  
 159 open to inspection by anyone upon a showing of cause. The  
 160 fingerprint and photograph records shall be produced in the  
 161 court whenever directed by the court. Any photograph taken  
 162 pursuant to this section may be shown by a law enforcement  
 163 officer to any victim or witness of a crime for the purpose of  
 164 identifying the person who committed such crime.

165 Section 5. This act shall take effect July 1, 2018.

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

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

11-14-2017

*Meeting Date*

~~SB 148~~, SB 148

*Bill Number (if applicable)*

Topic Firearms

*Amendment Barcode (if applicable)*

Name Roy F. Blondeau Jr.

Job Title Attorney at Law

Address 6712 Buck Lake Road

Phone 850-877-9599

*Street*

Tallahassee

FL

32317

Email rfbl@comcast.net

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Self, Moms Demand Action

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/14/17  
Meeting Date

148  
Bill Number (if applicable)

Topic Open Carry

Amendment Barcode (if applicable)

Name Jamie Ito

Job Title Volunteer

Address 411 Wilson Ave

Phone 284 9517

Tallahassee FL 32303  
City State Zip

Email jamie.ito@gmail.com

Speaking:  For  Against  Information

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

Representing Moms Demand Action for Gun Sense in America

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/14/2017

Meeting Date

S.B. 146, 274

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Matthew Monaghan

Job Title Student

Address 75 N Woodward  
Street

Phone 941-313-6484

Tallahassee FL 32313  
City State Zip

Email mattbmonaghan@gmail.com

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/14/17

Meeting Date

# 148

Bill Number (if applicable)

Topic GUN SAFETY

Amendment Barcode (if applicable)

Name MARTY MONROE

Job Title LOBBYIST

Address 2507 Callaway Rd SUITE 102-A

Phone 850 224-2545

Street

TALLAHASSEE FL 32303

City

State

Zip

Email LWVFadvocacy@gmail.com

Speaking:  For  Against  Information

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

Representing LEAGUE OF WOMEN VOTERS OF FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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

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

11/13/2017

*Meeting Date*

148

*Bill Number (if applicable)*

Topic Weapons and Firearms

*Amendment Barcode (if applicable)*

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850-877-2135

*Street*

Tallahassee

FL

32308

Email mdunagan@flsheriffs.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

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

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

11/14/17

148

*Meeting Date*

*Bill Number (if applicable)*

Topic Weapons and Firearms

*Amendment Barcode (if applicable)*

Name Chief Stephan Dembinsky

Job Title Chief of Police, Daytona Beach Shores Police Department

Address 3050 S Atlantic Ave

Phone 386-763-5333

*Street*

Daytona Beach Shores

FL

32118

Email sdembinsky@cityofdb.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing The Florida Police Chiefs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11-14-17

Meeting Date

SB 148

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Jonah Mundy

Job Title Student

Address 75 N. Woodward Ubox# 64723

Phone 941-928-8922

Street

Tallahassee

City

FL

State

32313

Zip

Email jrm17h@my.fsu.edu

Speaking:  For  Against  Information

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

Representing myself

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**The Florida Senate**  
**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 Judiciary

---

BILL: SB 560

INTRODUCER: Senator Steube

SUBJECT: Public Meetings and Records/ Imminent Litigation

DATE: November 13, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	<b>Favorable</b>
2.			GO	
3.			RC	

---

**I. Summary:**

SB 560 expands the current public meeting exemption that allows a governmental entity and its attorney to meet privately to discuss pending litigation. Under this bill, the governmental entity and its attorney may also meet to discuss “imminent litigation.” Litigation is defined to be imminent when the entity has received notice of a claim or demand by a party threatening litigation before a court of administrative agency.

For the meeting to be legal, the attorney must identify the name of the potential claimant or litigant at a public meeting, in addition to meeting other existing requirements. If the imminent litigation does not begin, the transcript of the private meeting must be made part of the public record after a reasonable time or when the underlying statute of limitations expires.

**II. Present Situation:**

**Public Records and Open Meetings Requirements**

Florida’s open government laws, written into the State Constitution and Florida Statutes, guarantee public access to government records and meetings.

***The Florida Constitution***

The Florida Constitution provides that the public may inspect or copy any public record made or received in connection with the official business of any governmental entity unless the record is exempted or specifically made confidential.<sup>1</sup> The public is also guaranteed the right to be notified and have access to meetings of any collegial public body of the executive branch of state

---

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

government or of any local government.<sup>2</sup> The Legislature's meetings must also be open and noticed to the public, unless an exception is provided for in the Constitution.<sup>3</sup>

### ***The Florida Statutes***

#### **Public Records Act**

Similarly, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. Chapter 119, F.S., the Public Records Act, contains the main body of public records laws.<sup>4</sup> The Act deals with public records access and guarantees every person's right to inspect and copy any state or local government public record, unless the record is confidential or exempt.<sup>5</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>6</sup>

#### **Sunshine Law**

Section 286.011, F.S., which is often referred to as the state's Sunshine Law, requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.<sup>7</sup> The law requires governmental bodies to conduct business during open, public meetings. The law was enacted to ensure that the public interests are protected from "closed door" politics. To that end, the Sunshine law is to be broadly construed to effect its protective purpose<sup>8</sup> in favor of open government.<sup>9</sup> Exemptions to the law, however, must be narrowly construed.<sup>10</sup>

#### ***Public Records Exemptions***

Only the Legislature may create an exemption to public records or open meeting requirements. An exemption must specifically state the public necessity justifying the exemption and must be tailored to accomplish the stated purpose of the law. The law must be passed by a two-thirds vote of each house of the Legislature.<sup>11</sup>

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<sup>2</sup> FLA. CONST., art. I, s. 24(b).

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

<sup>4</sup> Additional public records laws are found throughout the Florida Statutes.

<sup>5</sup> Section 119.011(12), F.S. The public records chapter does not apply to legislative records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). The Legislature's records are public pursuant to s. 11.0431, F.S.

<sup>6</sup> Section 119.10, F.S.

<sup>7</sup> Section 286.011(1) and (2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, section 4(e) of the Florida Constitution provides that legislative committee meetings must be open and noticed to the public.

<sup>8</sup> *Wood v. Marston*, 442 So. 2d 934 (Fla. 1983).

<sup>9</sup> *Brown v. City of Lauderhill*, 654 So. 2d 302 (Fla. 4th DCA 1995).

<sup>10</sup> *Zorc v. City of Vero Beach*, 722 So. 2d 891, 897 (Fla. 4th DCA 1998).

<sup>11</sup> FLA. CONST., art. I, s. 24(c).



## Open Government Sunset Review Act

The Open Government Sunset Review Act<sup>12</sup> provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. However, in order to save an exemption from repeal, the Legislature must reenact the exemption before it expires.<sup>13</sup> The Act requires that a public record or open meeting exemption may be created or maintained only if it serves an identifiable public purpose and is written no broader than is necessary.<sup>14</sup>

### Exemption for Private Meetings with an Attorney

In 1993, the Legislature created an exemption to the public meeting requirements by allowing a private meeting between a governmental entity and its attorney.<sup>15</sup> Specifically, a board or commission of a state agency or other specified authority<sup>16</sup> and the chief administrative or executive officer of the entity may meet in private with the entity's attorney to discuss *pending litigation* that the entity is *presently* a party to before a court or administrative agency. All of the following conditions must be met for the meeting to be legal:

- The entity's attorney must advise the entity at a public meeting that he or she desires advice concerning the litigation.
- The subject matter of the meeting must be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- The entire session must be recorded by a certified court reporter during which no portion of the session may be off the record and the notes must be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.
- The entity must give reasonable public notice of the time and date of the attorney-client session and name all persons who will be attending. The session must begin at an open meeting where it is announced by the chair the beginning and estimated length of the meeting and the names of the people attending. When the session ends, the meeting must be reopened and the chair must announce the termination of the session.
- The transcript must be made part of the public record when the litigation is concluded.

In 1998, the Attorney General rendered an opinion clarifying when litigation is pending.<sup>17</sup> The opinion stated that the exemption for *pending litigation* does not apply "if no lawsuit has been filed even though the parties involved believe that litigation is inevitable." The opinion

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<sup>12</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 information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

<sup>13</sup> Section 119.15(3), F.S.

<sup>14</sup> Section 119.15(6)(b), F.S. An exemption serves an identifiable purpose if it meets one of the stated requirements below and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption. The exemption must: (1) Allow the state or its political subdivisions to effectively and efficiently administer a program, which administration would be significantly impaired without the exemption; (2) Protect sensitive personal information that would be defamatory or damaging to someone's reputation 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 or (3) Protect confidential information of entities including, but not limited to, trade or business secrets.

<sup>15</sup> Section 286.011(8), F.S., Ch. 93-232, s. 1, Laws of Fla.

<sup>16</sup> Section 286.011(8), F.S. also lists other entities to include "any agency or authority of any county, municipal corporation, or political subdivision."

<sup>17</sup> Op. Att'y Gen. Fla. 98-21(1998).

concluded that the Legislature, had it intended, could have extended the exemption to include impending or imminent litigation, but it chose not to make that extension.

As a result of this interpretation, governmental entities may not use this exemption to discuss settlement options or strategies tied to litigation that is *imminent* but not formally initiated by the filing of a complaint or petition. Even when a demand letter has been presented to a government entity who will soon be a defendant, the attorney may not meet privately with his or her governmental client. As a result, this inability to have preliminary discussions may have an adverse fiscal impact on a governmental entity because the opportunity to settle the case and reduce upcoming legal fees and costs is prohibited. If the client and attorney could meet and reach a settlement before a case is initiated, it could significantly reduce the billable hours the attorneys will have in the case, as well as discovery costs.

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

This bill expands the current attorney-client public meeting exemption to allow a governmental entity to meet in private with its attorney to discuss “imminent” litigation that the entity is or may be a party to in the foreseeable future. Litigation is considered imminent when the entity has received notice of a claim or a demand by a party threatening litigation before a court or administrative agency.

The five requirements in current law discussed above must still be met for a private meeting to be legal. Additionally, the attorney must identify the name of the potential claimant or litigant at the public meeting where he or she states that he or she desires advice concerning the imminent or pending litigation. If imminent litigation does not begin, the transcript of the private meeting must be made part of the public record in a reasonable time after the matter is resolved or when the statute of limitations involved in the underlying claim expires.

Exemptions and expansions to public meetings and records laws must be supported by a statement of public necessity. This statement of public necessity notes that the private meeting is necessary to privately prepare for threatened litigation by obtaining legal advice, explore and develop relevant facts, and consider an early settlement or discuss other possible resolutions to make decisions that are better informed. It will also help ensure that governmental entities receive fair treatment during the judicial and administrative processes.

These new provisions are subject to review under the Open Government Sunset Review Act and will be repealed on October 2, 2023, unless reviewed and saved from repeal by reenactment of the Legislature.

The bill takes effect July 1, 2018.

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

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

None.

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

When a bill creates an exception to the public meeting law, it requires a favorable 2/3 vote of each house of the Legislature for passage.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

By allowing a government entity to meet in private with its attorney to discuss imminent litigation, the bill may allow private parties to settle legal claims against a governmental entity without resorting to costly litigation.

**C. Government Sector Impact:**

The bill may reduce a governmental entity's legal fees by allowing claims to be resolved before they turn into lawsuits and are more costly. It may also give governmental entities more flexibility to resolve claims.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 286.011 of the Florida Statutes and creates an undesignated section of the Florida Law.

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

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

None.

B. Amendments:

None.

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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 Steube

23-00772-18

2018560\_\_

A bill to be entitled

An act relating to public meetings and records; amending s. 286.011, F.S.; expanding an exemption from public meetings requirements to allow specified entities to meet in private with an attorney to discuss imminent litigation if certain conditions are met; requiring the entity's attorney to identify the name of the potential claimant or litigant at a public meeting; requiring the transcript of a private meeting concerning imminent litigation to be made public upon the occurrence of a certain circumstance; specifying when litigation is considered imminent; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (8) of section 286.011, Florida Statutes, is amended to read:

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(8) ~~(a)~~ Notwithstanding ~~the provisions of~~ subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, is exempt from this section and s. 24(b), Art. I of the State Constitution for the limited purpose of meeting may meet in private with the entity's

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

23-00772-18

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attorney to discuss imminent or pending litigation to which the entity is or may in the foreseeable future be ~~presently~~ a party before a court or administrative agency, provided that the following conditions are met:

~~1.(a)~~ The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the imminent or pending litigation. For imminent litigation, the entity's attorney shall identify the name of the potential claimant or litigant.

~~2.(b)~~ The subject matter of the meeting must ~~shall~~ be confined to settlement negotiations or strategy sessions related to litigation expenditures.

~~3.(c)~~ The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session may ~~shall~~ be off the record. The court reporter's notes must ~~shall~~ be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

~~4.(d)~~ The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session must ~~shall~~ commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting must ~~shall~~ be reopened, and the person chairing the meeting shall announce the termination of the session.

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23-00772-18

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59 5.(e) The transcript must ~~shall~~ be made part of the public  
 60 record upon conclusion of the litigation. If imminent litigation  
 61 does not commence, the transcript must be made part of the  
 62 public record within a reasonable time after the matter  
 63 underlying the imminent litigation is resolved or upon the  
 64 expiration of the statute of limitations applicable to the  
 65 matter underlying the imminent litigation, whichever occurs  
 66 first.

67 (b) Litigation is considered imminent when the entity has  
 68 received notice of a claim or demand by a party threatening  
 69 litigation before a court or administrative agency.

70 (c) This subsection is subject to the Open Government  
 71 Sunset Review Act in accordance with s. 119.15 and shall stand  
 72 repealed on October 2, 2023, unless reviewed and saved from  
 73 repeal through reenactment by the Legislature.

74 Section 2. The Legislature finds that it is a public  
 75 necessity to expand the exemption from public meetings  
 76 requirements currently applicable to meetings at which any board  
 77 or commission of any state agency or authority, or any agency or  
 78 authority of any county, municipal corporation, or political  
 79 subdivision, and the chief administrative or executive officer  
 80 of the governmental entity meet in private with the entity's  
 81 attorneys to discuss pending litigation to which the entity is  
 82 presently a party before a court or administrative agency to  
 83 include such meetings related to certain imminent litigation.  
 84 Expanding this exemption is necessary to allow a governmental  
 85 entity to privately prepare for threatened litigation by  
 86 obtaining legal advice, exploring and developing relevant facts,  
 87 and considering an early settlement or discussing other possible

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

23-00772-18

2018560\_\_

88 resolutions in order to make better-informed decisions. The  
 89 Legislature also finds that expanding this public meetings  
 90 exemption will help ensure that governmental entities receive  
 91 fair treatment during the judicial and administrative processes.

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/14/17

Meeting Date

560

Bill Number (if applicable)

Topic Public Meetings

Amendment Barcode (if applicable)

Name Diana Arceaga

Job Title Director Govt Relations

Address 444 SW 2nd Ave  
Street

Phone 786-469-1644

Miami FL  
City State Zip

Email darceaga@miamigov.com

Speaking:  For  Against  Information

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

Representing City of Miami

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/14/17

Meeting Date

560

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Casey Cook

Job Title Senior Legislative Advocate

Address PO Box 1757

Phone 850 701 3701

Street

Tallahassee

City

FL

State

32302

Zip

Email ccook@flcities.com

Speaking:  For  Against  Information

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

Representing FLORIDA LEAGUE OF CITIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)



# CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Committee on Judiciary

Judge:

Started: 11/14/2017 2:05:01 PM

Ends: 11/14/2017 2:14:12 PM Length: 00:09:12

2:05:00 PM Meeting called to order by Chair Steube  
2:05:02 PM Roll call by Administrative Assistant Joyce Butler  
2:05:16 PM Quorum Present  
2:05:25 PM Comments from Chair Steube  
2:05:37 PM Senator Benacquisto moves that SB 274 and SB 148 be TP'd  
2:05:49 PM Chair passed to Senator Benacquisto  
2:06:00 PM Introduction of SJR 136 by Chair Benacquisto  
2:06:08 PM Explanation of SJR 136, Property Tax Exemption and Assessment/Manufacturing by Senator Steube  
2:06:40 PM Comments from Chair Benacquisto  
2:06:46 PM Question from Senator Thurston  
2:07:06 PM Response from Senator Steube  
2:07:48 PM Speaker Nancy Stephens, Manufacturers Association of Florida in support  
2:09:09 PM Speaker Amber Hughes, Senior Legislative Advocacy, Florida League of Cities in opposition  
2:09:57 PM Jon Costello, Associated Industries of Florida waives in support  
2:10:28 PM Comments from Chair Benacquisto  
2:10:34 PM Closure waived by Senator Steube  
2:10:39 PM Roll call on SJR 136 by Administrative Assistant Joyce Butler  
2:10:51 PM SJR 136 reported favorably  
2:11:01 PM Introduction of SB 560 by Chair Benacquisto  
2:11:13 PM Explanation of SB 560, Public Meetings and Records/Imminent Litigation by Senator Steube  
2:11:56 PM Comments from Chair Benacquisto  
2:12:04 PM Speaker Diana Artega, Director Government Relations, City of Miami in support  
2:13:03 PM Casey Cook, Florida League of Cities waives in support  
2:13:12 PM Closure waived by Senator Steube  
2:13:14 PM Roll call on SB 560 by Administrative Assistant Joyce Butler  
2:13:27 PM SB 560 reported favorably  
2:13:37 PM Chair returned to Senator Steube  
2:13:45 PM Comments from Chair Steube  
2:13:47 PM Senator Benacquisto moves to adjourn without objection