

Tab 1	SB 290 by Hooper; (Similar to CS/H 00037) School Bus Safety					
294244	A	S	RCS	JU, Hooper	Delete L.31:	02/05 02:18 PM
Tab 2	SB 868 by Albritton; (Compare to CS/CS/H 00283) Construction Contracting					
413486	D	S	RCS	JU, Albritton	Delete everything after	02/05 06:33 PM
Tab 3	SB 1256 by Albritton; (Identical to H 06055) Telegraph Companies					
Tab 4	CS/SB 914 by BI, Brandes; (Identical to H 07071) Contingency Risk Multipliers					
292098	A	S	WD	JU, Rodriguez	Delete L.17 - 21:	02/04 04:49 PM
Tab 5	SB 1354 by Brandes; Statewide Voter Registration Application					
Tab 6	SB 1044 by Pizzo (CO-INTRODUCERS) Stewart, Gruters, Perry, Harrell, Torres, Diaz, Albritton, Farmer, Flores, Powell, Cruz, Book, Hooper, Mayfield, Taddeo, Rodriguez, Montford; (Similar to H 00621) Animal Cruelty					
294316	A	S	RCS	JU, Pizzo	Delete L.28 - 77:	02/05 05:46 PM
840766	A	S	WD	JU, Pizzo	Delete L.77:	02/05 05:46 PM
Tab 7	SB 656 by Pizzo; (Identical to H 01379) Arrests					
220438	A	S	RCS	JU, Pizzo	Delete L.15 - 16:	02/05 06:33 PM
Tab 8	SB 1306 by Thurston (CO-INTRODUCERS) Farmer, Cruz, Gibson; (Similar to CS/H 00811) Individual Retirement Accounts					
Tab 9	SB 1590 by Powell; (Similar to H 01125) Juror Sanctions					
487314	D	S	RCS	JU, Powell	Delete everything after	02/05 06:33 PM
Tab 10	SB 1766 by Lee (CO-INTRODUCERS) Perry; (Compare to CS/H 00519) Growth Management					
413412	A	S	RCS	JU, Lee	Delete L.31 - 153:	02/05 02:08 PM
Tab 11	SB 946 by Baxley; (Similar to H 00737) Moments of Silence in Public Schools					
Tab 12	SB 1634 by Stargel; (Identical to H 01059) Parental Rights					
Tab 13	SB 1582 by Simmons; (Similar to CS/H 00741) Asbestos Trust Claims					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Simmons, Chair
Senator Rodriguez, Vice Chair

MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Simmons, Chair; Senator Rodriguez, Vice Chair; Senators Baxley, Gibson, Hutson, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 290 Hooper (Similar CS/H 37)	School Bus Safety; Revising civil penalties for certain violations relating to stopping for a school bus, etc. IS 01/21/2020 Favorable JU 02/04/2020 Fav/CS RC	Fav/CS Yeas 5 Nays 0
2	SB 868 Albritton (Compare CS/CS/H 283, H 897, S 1422)	Construction Contracting; Revising the manner by which certain claimants provide a notice of nonpayment to a surety; specifying the priority of certain liens in relation to subordinate conveyances, encumbrances, and demands; revising information required to be included in a notice of commencement; providing that certain provisions in a lien waiver or release are unenforceable, etc. JU 12/10/2019 Temporarily Postponed JU 02/04/2020 Fav/CS IT RC	Fav/CS Yeas 6 Nays 0
3	SB 1256 Albritton (Identical H 6055)	Telegraph Companies; Repealing provisions relating to the regulation of telegraph companies and telegrams, etc. IT 01/27/2020 Favorable JU 02/04/2020 Favorable RC	Favorable Yeas 6 Nays 0
4	CS/SB 914 Banking and Insurance / Brandes (Identical H 7071)	Contingency Risk Multipliers; Providing that, for certain attorney fees awarded for claims arising under property insurance policies, a strong presumption is created that a lodestar fee is sufficient and reasonable; providing that such presumption may be rebutted only under certain circumstances, etc. BI 01/21/2020 Fav/CS JU 02/04/2020 Favorable RC	Favorable Yeas 4 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, February 4, 2020, 12:30—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1354 Brandes	Statewide Voter Registration Application; Revising requirements for the uniform statewide voter registration application and the acceptance of such applications; deleting an exemption from public records requirements for information related to a voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights to conform to changes made by the act, etc. EE 01/27/2020 Favorable JU 02/04/2020 Favorable RC	Favorable Yeas 5 Nays 0
6	SB 1044 Pizzo (Similar H 621)	Animal Cruelty; Citing this act as "Allie's Law"; defining the term "treatment provider"; requiring veterinarians to report suspected animal cruelty in certain circumstances; requiring certain persons to report suspected animal cruelty to a veterinarian; providing immunity from criminal and civil liability for certain persons and entities; specifying that failure of a veterinarian to report suspected animal cruelty is grounds for discipline, etc. CJ 01/21/2020 Favorable JU 01/28/2020 Temporarily Postponed JU 02/04/2020 Fav/CS RC	Fav/CS Yeas 6 Nays 0
7	SB 656 Pizzo (Identical H 1379)	Arrests; Authorizing warrantless arrests when a law enforcement officer has probable cause to believe that a person has violated s. 790.22, F.S., etc. CJ 01/21/2020 Favorable JU 02/04/2020 Fav/CS RC	Fav/CS Yeas 6 Nays 0
8	SB 1306 Thurston (Similar CS/H 811)	Individual Retirement Accounts; Specifying that interests in certain individual retirement funds or accounts which are exempt from creditor claims continue to be exempt after certain transfers incident to divorce, etc. BI 01/28/2020 Favorable JU 02/04/2020 Favorable RC	Favorable Yeas 6 Nays 0
9	SB 1590 Powell (Similar H 1125)	Juror Sanctions; Restricting a court from imposing a term of imprisonment as a sanction for contempt of court for a juror who fails to attend court in response to a summons, etc. JU 02/04/2020 Fav/CS RC	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, February 4, 2020, 12:30—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 1766 Lee (Compare CS/H 519)	Growth Management; Revising notice of claim requirements for property owners; creating a presumption that certain settlement offers protect the public interest; authorizing property owners to bring actions to declare prohibited exactions invalid; providing applicability; requiring the Department of Transportation to afford a right of first refusal to the previous property owner before disposing of property in certain circumstances, etc. JU 02/04/2020 Fav/CS CA RC	Fav/CS Yeas 6 Nays 0
11	SB 946 Baxley (Similar H 737)	Moments of Silence in Public Schools; Requiring that public school principals require teachers to set aside time for a moment of silence at the beginning of each school day; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; requiring certain teachers to encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time, etc. ED 01/27/2020 Favorable JU 02/04/2020 Favorable RC	Favorable Yeas 4 Nays 2
12	SB 1634 Stargel (Identical H 1059)	Parental Rights; Designating the "Parents' Bill of Rights"; providing that the state, its political subdivisions, other governmental entities, or other institutions may not infringe on parental rights without demonstrating specified information; providing that a parent of a minor child has specified rights relating to his or her minor child; requiring each district school board in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system; prohibiting certain health care practitioners from taking specified actions without a parent's written permission, etc. JU 02/04/2020 Favorable ED RC	Favorable Yeas 4 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, February 4, 2020, 12:30—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	SB 1582 Simmons (Similar CS/H 741)	Asbestos Trust Claims; Requiring a plaintiff who files an asbestos claim to provide certain information to the parties of the action within a specified timeframe; requiring the plaintiff to supplement the information and materials under certain circumstances within a specified timeframe; authorizing the defendant to seek discovery from an asbestos trust; prohibiting the plaintiff from claiming privilege or confidentiality to bar discovery of such materials, etc. JU 02/04/2020 Favorable CM RC	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 290

INTRODUCER: Judiciary Committee and Senator Hooper

SUBJECT: School Bus Safety

DATE: February 4, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	Favorable
2.	<u>Ravelo</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 290 increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200. For a subsequent offense within 5 years, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver license of the driver for not less than 180 days and not more than 1 year, instead of the current suspension of 90 days to 6 months.

The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit, from \$200 to \$400. For a subsequent offense within 5 years, the DHSMV must suspend the driver license of the driver for not less than 360 days and not more than 2 years, instead of the current suspension of 180 days to 1 year.

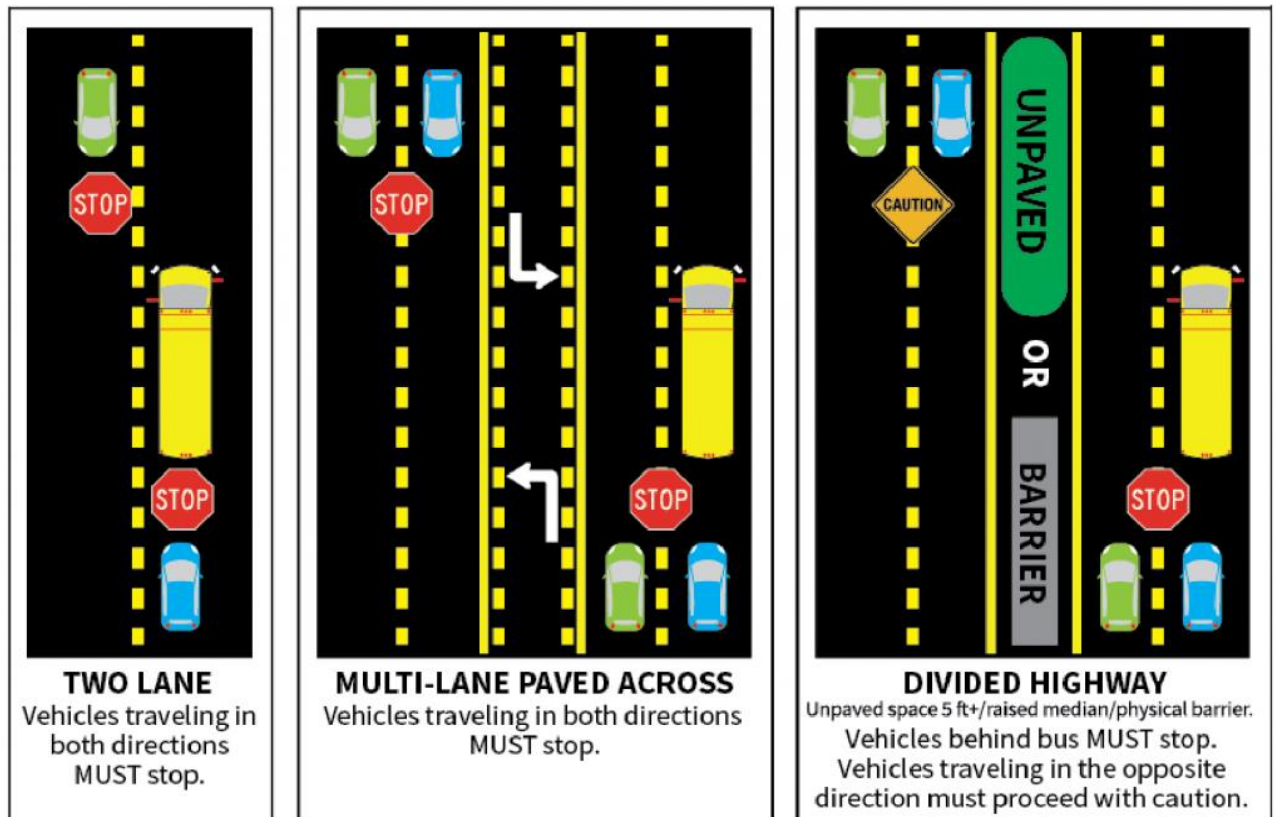
The bill may have an indeterminate, positive fiscal impact on state and local government revenues as a result of increasing the civil penalties for failing to stop for a school bus and passing a stopped school bus. The DHSMV estimates an insignificant negative fiscal impact due to required programming and implementation costs. See Fiscal Comments.

The bill has an effective date of January 1, 2021.

II. Present Situation:

School buses are required to stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.¹ When possible, school buses should not stop where visibility is obscured for a distance of 200 feet either way from the bus.²

Other drivers are required to bring their vehicles to a full stop when approaching a stopped school bus displaying a stop signal, until the signal has been withdrawn.³ However, a driver is not required to stop if the vehicle is traveling in the opposite direction of a stopped school bus upon a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.⁴



5

A person cited for failing to stop for a school bus displaying the stop signal commits a moving violation and can pay the civil penalty, or can request a hearing to contest the citation.⁶ A driver who passes a school bus on the side that children enter and exit while the school bus displays a

¹ Section 316.172(3), F.S.

² *Id.*

³ Section 316.172(1)(a), F.S.

⁴ Section 316.172(2), F.S.

⁵ Florida Department of Highway Safety and Motor Vehicles, *Child Safety: School Bus Safety*, available at <https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/> (last visited January 15, 2020).

⁶ Section 318.14, F.S.

stop signal also commits a moving violation.⁷ However, the driver must attend a mandatory hearing at a specified time and location.⁸

The minimum civil penalty for failing to stop for a school bus displaying the stop signal is \$100. For a second or subsequent offense within a period of 5 years, the DHSMV must suspend the driver license of the driver for not less than 90 days and not more than 6 months.⁹ Including various fees and service charges, the total fine for this violation is up to \$263, which is distributed to various funds.¹⁰

The minimum civil penalty for passing a school bus on the side that children enter and exit when the school bus displays a stop signal is \$200. For a second or subsequent offense within a period of 5 years, the DHSMV must suspend the driver license of the driver for not less than 180 days and not more than 1 year.¹¹ Including various fees and service charges, the total fine for this violation is up to \$363, which is distributed to various funds.¹²

In addition to the above penalties, a driver who illegally passes a stopped school bus, but does not cause serious bodily injury to or death of another, will receive four points on his or her driver license record.¹³ A driver who illegally passes a stopped school bus and causes serious bodily injury to or death of another will receive six points on his or her driver license record.¹⁴ A driver who illegally passes a school bus on either side and causes serious bodily injury to or death of another person must serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, and must participate in a victim's impact panel session.¹⁵ If such panel does not exist, the driver must attend a DHSMV-approved driver improvement course.¹⁶ In addition, the driver must pay a fine of \$1,500 and will have his or her driver license suspended by the DHSMV for not less than 1 year.¹⁷

If the driver receives a traffic citation for illegally passing a stopped school bus and the court withholds adjudication, the DHSMV will require him or her to complete a driver improvement course. If the course is not completed within 90 days after receiving a notice of the requirement to attend, the driver's license will be canceled until the improvement course is successfully completed.¹⁸

⁷ Section 316.172(1)(b), F.S.

⁸ Sections 316.172(1)(b) and 318.19(3), F.S.

⁹ Section 318.18(5)(a), F.S.

¹⁰ Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines, Including a Fee Schedule for Recording*, effective July 1, 2019, available at:

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/PublicationsAndDocuments/2016_Distribution_Schedule_w.pdf (last visited January 15, 2020).

¹¹ Section 318.18(5)(b), F.S.

¹² Florida Court Clerks, *supra*, at FN 10, p. 35.

¹³ Section 322.27(3)(d)4.a., F.S.

¹⁴ Section 322.27(3)(d)4.b., F.S.

¹⁵ Section 316.027(4)(b), F.S.

¹⁶ *Id.*

¹⁷ Section 318.18(5)(d), F.S.

¹⁸ Section 322.0261(4)(c), F.S.

According to the DHSMV data, in Fiscal Year 2018-2019, 3,760 traffic citations were issued for failing to stop for a school bus or passing a stopped school bus and 38 citations were issued for passing a school bus on the side children enter and exit.¹⁹

The Department of Education created a statewide survey for bus drivers to complete 1 day each year regarding the illegal passing of their school buses. The survey results from 2018 show that on a single day 10,937 illegal passes were made based on 9,009 school bus drivers completing the survey. Of these illegal passes, 447 were made on the right side of the bus where children generally enter and exit the vehicle, 10,018 were made on the left side, and for 472 of the passes the side was unknown.²⁰

The National Highway Traffic Safety Administration indicates that from 2007 to 2016, 98 school-age pedestrians (18 and younger) died in school-transportation-related crashes. Sixty percent were struck by school buses, 2 percent by vehicles functioning as school buses, and 38 percent by other vehicles involved in the crashes.²¹

III. Effect of Proposed Changes:

The bill amends s. 318.18(5)(a), F.S., increasing the minimum civil penalty for failure to stop for a school bus from \$100 to \$200; and for a subsequent offense within 5 years, the DHSMV must suspend the driver license of the driver for not less than 180 days and not more than one year.

The bill amends s. 318.18(5)(b), F.S., increasing the minimum civil penalty for passing a school bus on the side that children enter and exit, from \$200 to \$400; and for a subsequent offense within 5 years, the DHSMV must suspend the driver license of the driver for not less than 360 days and not more than 2 years.

The bill takes effect January 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁹ Highway Safety and Motor Vehicles, *Senate Bill 290 Bill Analysis* (October 22, 2019) (on file with the Senate Committee on Infrastructure and Security).

²⁰ Florida Department of Education, *School Transportation, Illegal Passing of School Buses – Survey Results for 2018*, available at: <http://www.fldoe.org/core/fileparse.php/7585/urlt/fsr18.pdf> (last visited January 15, 2020).

²¹ National Highway Traffic Safety Administration, *Traffic Safety Facts, 2007-2016 Data, School-Transportation-Related Crashes*, DOT HS 812 476, revised January 2018, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812476> (last visited January 15, 2020).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill increases penalties for persons failing to stop for a school bus.

C. Government Sector Impact:

Funds collected as civil penalties for traffic violations are distributed to various state and local funds:

- The bill may likely have an insignificant positive fiscal impact on the General Revenue Fund²² due to the increase in penalties for failing to stop for a school bus or passing a stopped school bus. The number of drivers who may be subjected to the additional \$100 or \$200 penalty is unknown; therefore the impact is indeterminate.
- The bill may have an insignificant positive fiscal impact to local government revenues. The number of drivers who may be subjected to the additional \$100 or \$200 fine is unknown; therefore the impact is indeterminate.²³

The DHSMV estimates that approximately 72 hours of technology programming will be required as a result of this bill. These hours are estimated to have a fiscal impact to the Highway Safety Operating Trust Fund of \$3,120 in FTE and contracted resources.²⁴ All costs related to programming and implementation can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

²² *Supra*, note 19.

²³ *Id.*

²⁴ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 318.18

IX. Additional Information:

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

CS by Judiciary on February 4, 2020:

The effective date has been amended to January 1, 2021. The previous effective date was July 1, 2020.

- B. **Amendments:**

None.



294244

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Judiciary (Hooper) recommended the following:

Senate Amendment

Delete line 31
and insert:
Section 2. This act shall take effect January 1, 2021.

By Senator Hooper

16-00443-20

2020290__

A bill to be entitled
An act relating to school bus safety; amending s.
318.18, F.S.; revising civil penalties for certain
violations relating to stopping for a school bus;
providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (5) of
section 318.18, Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a
noncriminal disposition pursuant to s. 318.14 or a criminal
offense listed in s. 318.17 are as follows:

(5)(a) Two ~~One~~ hundred dollars for a violation of s.
316.172(1)(a), failure to stop for a school bus. If, at a
hearing, the alleged offender is found to have committed this
offense, the court shall impose a minimum civil penalty of \$200
~~\$100~~. In addition to this penalty, for a second or subsequent
offense within a period of 5 years, the department shall suspend
the driver license of the person for not less than 180 ~~90~~ days
and not more than 1 year ~~6 months~~.

(b) Four ~~Two~~ hundred dollars for a violation of s.
316.172(1)(b), passing a school bus on the side that children
enter and exit when the school bus displays a stop signal. If,
at a hearing, the alleged offender is found to have committed
this offense, the court shall impose a minimum civil penalty of
\$400 ~~\$200~~. In addition to this penalty, for a second or
subsequent offense within a period of 5 years, the department
shall suspend the driver license of the person for not less than

16-00443-20

2020290__

30 360 ~~180~~ days and not more than 2 years ~~1 year~~.

31 Section 2. This act shall take effect July 1, 2020.

COMMITTEE: Judiciary
ITEM: SB 290
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S00290

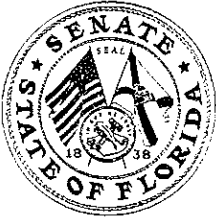
GENERAL BILL by Hooper; (Similar CS/H 00037)

School Bus Safety. EFFECTIVE DATE: 07/01/2020.

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S CS by Judiciary; YEAS 5 NAYS 0

02/05/20 S Pending reference review under Rule 4.7(2) - (Committee Substitute)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ED HOOPER
16th District

COMMITTEES:
Governmental Oversight and Accountability, Chair
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Health and
Human Services
Health Policy
Infrastructure and Security
Joint Select Committee on Collective Bargaining,
Alternating Chair
Joint Administrative Procedures Committee

January 29th, 2020

Honorable David Simmons, Chair
Committee on Judiciary
515 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simmons,

I am writing to request that SB 290, School Bus Safety, be placed on the agenda to be heard in the Judiciary Committee.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Hooper", is written over a large, stylized circular flourish.

Ed Hooper

Cc: Staff Director, Tom Cibula
Administrative Assistant, Joyce Butler

REPLY TO:

- ☐ 3450 East Lake Road, Suite 305, Palm Harbor, Florida 34685-2411 (727) 771-2102
- ☐ 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

290
Bill Number (if applicable)

Meeting Date _____

Topic School Bus Safety

Name MONTE STEVENS

Amendment Barcode (if applicable)

Job Title _____

Address 123 S. ADAMS

Street

City TALLAH State FL Zip _____

Phone 671 4401

Email StevensD@sen.state.fl.us

Speaking: ☒ For ☐ Against ☐ Information

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

Representing AAA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

290

Bill Number (if applicable)

Topic

School Bus Safety

Amendment Barcode (if applicable)

Name

Dr. Danielle Thomas

Job Title

Legislation Chair

Address

1747 Orlando Central Pkwy

Phone

407855 7604

Street

Orlando

State

FL

Zip

32809

Email

legislation@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.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/2020

290

Meeting DateBill Number (if applicable)Topic School Bus SafetyAmendment Barcode (if applicable)Name Chase DanielsJob Title Assistant Executive Director, Office of the SheriffAddress 8700 Citizen DrPhone 727-277-6226StreetNew Port RicheyFL34655Email cdaniels@pascosheriff.orgCityStateZipSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Pasco Sheriff's OfficeAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

02/04/2020

Meeting Date

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

SB 290

Bill Number (if applicable)

Topic School Bus Safety

Amendment Barcode (if applicable)

Name Gary W. Hester

Job Title Government Affairs

Address P.O. Box 14038

Phone 863-287-8438

Street

Tallahassee

FL

32317

City

State

Zip

Email garywhester@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing 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.

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: CS/SB 868

INTRODUCER: Judiciary Committee and Senator Albritton

SUBJECT: Construction Contracting

DATE: February 4, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cibula	Cibula	JU	Fav/CS
2. _____	_____	IT	_____
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 868 revises several provisions of the Construction Lien Law, which is codified in part I of chapter 713, F.S. The most significant of these changes are summarized below.

The construction lien laws provide several statutory forms for parties to a construction contract to use to waive or release their rights to record a lien or to make a claim against a payment bond in exchange for payment for their work. The bill provides that provisions included in a waiver or release which are not related to the provisions of the statutory forms are unenforceable unless authorized by the claimant's direct contract.

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

The bill also revises procedures relating to Notices of Termination, another statutory form used in connection with the construction lien laws. The revised procedures will permit the recommencement of a construction project while protecting the lien rights of those who previously performed work on the project.

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

person or subcontractor to record a single consolidated lien for amounts owed under multiple contracts for the same construction project.

II. Present Situation:

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

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

Notice of Commencement: The Beginning of a Construction Project

A construction project generally begins with the posting of a "notice of commencement" on the job site and the recording of the notice in the court clerk's office.¹ This notice identifies who owns the property to be improved or who is responsible for the construction project.

Accordingly, the notice of commencement will list the name and address of the owner of the property, the fee simple titleholder if different than the owner, the contractor, any lessees, the lender, and the surety.²

Notice to Owner/Notice to Contractor

After a notice of commencement is posted and recorded, lienors must serve the property owner and the contractor with a notice to owner or notice to contractor.³ Serving these documents within the statutory timeframes is a prerequisite to enforcing a lien on the improved property or a claim against a payment bond.⁴

A notice to owner informs the owner of a lienor's identity and work performed.⁵ Upon receipt of a notice to owner, the owner becomes responsible for ensuring that the lienor is paid for its work even if the contractor is paid in full. To protect against a lien by the lienor or having to pay twice for the same work, the notice warns:

¹ Section 713.13(1)(a), F.S.

² Section 713.13(1)(a) and (d), F.S.

³ Sections 255.05(2)(a)2., 713.06(2), and 713.23(1)(c), F.S.

⁴ *Id.*

⁵ Section 713.06(2)(c), F.S.

**TO AVOID A LIEN AND PAYING TWICE, YOU MUST OBTAIN A WRITTEN
RELEASE FROM US EVERY TIME YOU PAY YOUR CONTRACTOR.⁶**

A notice to contractor is similar to a notice to owner, but it is required when the contractor furnishes a payment bond that exempts the owner's property from liens or when the contract is for a public improvement.⁷ A notice to contractor advises the contractor of the identity of the lienor and the lienor's work, and informs the contractor that the lienor intends to look to the contractor's bond if the lienor is not paid.

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

The last date that a lienor furnishes labor, services, or materials is known as the "final furnishing."⁸ This date is used to establish the deadline by which a lienor must record a claim of lien or the deadline for the service of a notice to contractor. "[A] claim of lien may be recorded at any time during the progress of the work or thereafter but not later than 90 days after the final furnishing of the labor or services or materials by the lienor."⁹

"[A] lienor who has not received payment for furnishing his or her labor, services, or materials must, as a condition precedent to recovery under the bond, serve a written notice of nonpayment to the contractor and the surety. The notice must be under oath and served during the progress of the work or thereafter, but may not be served later than 90 days after the final furnishing of labor, services, or materials by the lienor."¹⁰

Materials are furnished when they are incorporated into an improvement or delivered to the site of the improvement.¹¹ Additionally, specially fabricated materials¹² may be fabricated off site, and the materials may be installed by a person other than the fabricator.¹³ But the specially fabricated materials might not be installed or delivered to the job site for reasons other than the fault of the fabricator or installer. In these cases where there is no final furnishing or delivery, the statutes do not appear to establish a clear timeframe for a lienor to record a lien or serve a notice to contractor.

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

The Construction Lien Law requires lienors to use forms that "substantially" follow a statutory form when executing a waiver or release of lien or a waiver of a right to make a claim against a

⁶ *Id.*

⁷ Sections 713.23(1)(a) and 255.05(2)(a)2., F.S.

⁸ Section 713.01(12), F.S.

⁹ Section 713.08(5), F.S.

¹⁰ Section 713.23(1)(d), F.S. With respect to notices of nonpayment for public construction projects, s. 255.05(2)(a)2., F.S., provides the same deadline.

¹¹ Section 713.01(13), F.S.

¹² Specially fabricated materials are materials that are "designed for a particular project" and "have no other useful purpose other than for that project." *Oolite Industries, Inc., v. Millman Const. Co., Inc.*, 501 So. 2d 655, 56 (Fla. 3d DCA 1987).

¹³ The definition of materialman in s. 713.01(20), F.S., includes a person who furnishes specially fabricated materials off the site of the improvement for installation in the improvement by another person.

payment bond in exchange for payments.¹⁴ The forms to waive or release a lien are shown below, but forms for payment bonds are essentially identical:

WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT

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

(description of property)

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

DATED on ____, (year). (Lienor)

By: _____

WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT

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

(description of property)

DATED on ____, (year). (Lienor)

By: _____

Although the Construction Lien Law requires waivers and releases of liens to be executed on forms that substantially follow the statutory forms, the law also provides that noncompliant forms are enforceable. Specifically, the law states that “[a] lien waiver or lien release that is not substantially similar to the forms [above] is enforceable in accordance with the terms of the lien waiver or lien release.”¹⁵

¹⁴ Sections 713.20(4) and (5) and 713.235(1) and (2), F.S.

¹⁵ Section 713.20(8), F.S. Section 713.235(5), F.S., relating to waivers of claims against payment bonds, is effectively identical: “A waiver that is not substantially similar to the forms in this section is enforceable in accordance with its terms.”

Priority of Liens

Once a lienor satisfies all the statutory prerequisites and remains unpaid, the lienor may record a lien on the improved property, which is a prerequisite to foreclosing on the property. Normally, the priority of liens, which establishes the order in which claims are paid from the proceeds of a foreclosure sale, is determined by the order in which the liens are recorded.¹⁶ Under the Construction Lien Law, however, all construction liens are treated as if they were recorded on the date that the notice of commencement was recorded.¹⁷

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

All [construction] liens shall have priority over any conveyance, encumbrance or demand not recorded against the real property prior to the time such lien attached as provided herein, but any conveyance, encumbrance or demand recorded prior to the time such lien attaches and any proceeds thereof, regardless of when disbursed, shall have priority over such liens.¹⁸

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

An exception to the general rule on the priority of liens might result from the doctrine of equitable subrogation. If the doctrine of equitable subrogation applies, it allows a subsequently recorded lien to take priority over an earlier recorded lien.¹⁹ The doctrine of equitable subrogation can be generally defined as:

Subrogation is the substitution of one person in the place of another with reference to a lawful claim or right. Subrogation arises by operation of law, where one having a liability or a right or a fiduciary relation in the premises pays a debt due by another under such circumstances that he is, in equity, entitled to the security or obligation held by the creditor whom he has paid.

Unfortunately, there is little information, including appellate court opinions, showing whether or the extent to which the doctrine of equitable subrogation can be successfully used to displace the priority of a recorded construction lien. However, materials provided by the proponents of the bill show that the doctrine has been an issue in trial court proceedings.

¹⁶ The rule “governing priority of lien interests is ‘first in time is first in right.’” *Holly Lake Ass’n v. Fed. Nat’l Mortg. Ass’n*, 660 So. 2d 266, 268 (Fla.1995) (citing *Walter E. Heller & Co. Southeast, Inc. v. Williams*, 450 So. 2d 521, 532 (Fla. 3d DCA 1984), *review denied*, 462 So. 2d 1108 (Fla.1985)).

¹⁷ Section 713.07(2), F.S.

¹⁸ Section 713.07(3), F.S.

¹⁹ *Velazquez v. Serrano*, 43 So. 3d 82 (Fla. 3d DCA 2010).

Serving Notices

The proper functioning of the Construction Lien Law is substantially based on the delivery and receipt of notices among property owners, lienors, contractors, and sureties. With respect to public construction contracts, the law provides that a lienor, as a prerequisite to making a claim against a payment bond, must “serve a written notice of nonpayment on the contractor and on the surety.”²⁰ Thus, the law appears to require a claimant to serve two original documents when providing a notice of nonpayment.

When instruments including notices are served, the Construction Lien Law allows service to be accomplished through by “actual delivery to the person to be served” and by “common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery.”²¹ The law further provides that service of an instrument is generally effective on the “date of mailing.”²² Because the law allows an instrument to be shipped or mailed, the law may imply that a different effective date applies if an instrument is delivered by a delivery service other than U.S. mail.

III. Effect of Proposed Changes:

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

Form Waivers and Releases (Sections 1, 9, & 11)

Existing law provides forms for parties to a construction contract to use to waive and release a lien or to waive a claim against a payment bond. These statutory forms include an acknowledgment of payment for labor, services, or materials and a waiver or release of a lien or the waiver of the right to make a claim against the contractor’s payment bond. However, the law also provides that waivers and releases remain enforceable even if they are not substantially similar to the statutory forms.

The bill provides that provisions of waivers and releases which differ from the provisions of the statutory forms are unenforceable unless the provisions are authorized under the lienor’s direct contract.

Notice of Commencement Form (Section 6)

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

²⁰ Sections 255.05(2)(a)2., F.S. Section 713.23(1)(d), F.S., with respect to private construction projects, contains almost identical language.

²¹ Section 713.18(2)(a)(b), F.S.

²² Section 713.13(3)(a), F.S.

The bill makes changes to the form to more clearly identify the owner or lessee who is responsible for the project, and the form requires the inclusion of their phone numbers.

Notice of Termination (Section 7)

Under current law, when work on a construction project has stalled, construction sometimes cannot be recommenced until the time periods expire for those who worked on the project to submit lien notices. The amendment, by changing procedures relating to Notices of Termination, will allow a construction project to be recommenced while protecting the lien rights of those who previously performed work on the project.

Single Claim of Lien (Section 4)

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

Revised Defined Terms (Section 3)

The bill revises the definition of "contractor" for purposes of the construction lien laws to include general contractors who perform construction management services.

The bill revises the definition of "real property" for purposes of the construction lien laws to include private leasehold interests in government owned property.

Serving Notices & Documents (Sections 1, 8, & 10)

Provisions of existing law can be read to require a lienor to serve two original notices to contractor, one on the contractor and one on the surety, as a prerequisite to making a claim against the contractor's payment bond. The bill provides that a lienor must only serve an original notice to contractor on the contractor, and the lienor must serve a copy of the notice on the surety.

Existing s. 713.18, F.S., which governs the effective date of documents served under the lien laws, can be read to have different meanings. The bill clarifies that documents served under the construction lien laws are effective on mailing or shipping if they are mailed or shipped by an authorized method.

Mobile Home Parks (Section 5)

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

Contracts by the Department of Transportation (Section 2)

The bill expressly provides that construction contracts issued by the Department of Transportation are subject to s. 255.05, F.S., a statute regulating construction bonds for public construction projects.

Transfers of Liens to Security (Section 12)

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

Online Notarization (Sections 1, 6, & 10)

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

The bill takes effect July 1, 2020.

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

This bill does not appear to be a mandate because it does not appear to require counties or municipalities to spend funds or limit their revenues.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The bill, will minimize the ability of those with superior bargaining power to exact waivers or releases at the moment of payment which were not contemplated by the prior agreement of the parties.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

CS by Judiciary on February 4, 2020:

The committee substitute does not include provisions relating to the priority of liens and provisions relating to specially fabricated materials which were included in the original bill. The following changes to the construction lien laws which were not included in the original bill are included in the committee substitute:

- The statute relating to bonds for public contracts applies to contracts issued by the Department of Transportation.
- The terms “contractor” and “real property” for purposes of the construction lien laws are redefined.
- A lienor may record a single lien covering multiple direct contracts on the same construction project.
- A mobile home park is not subject to liens due to improvements made by a lessee.
- Online notarization may be used to notarize the notices required to be notarized under the construction lien laws.
- Procedural changes relating to Notices of Commencement will facilitate recommencement of stalled construction projects.
- Attorney fees remain available when enforcing a lien that is transferred to other security.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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	.	
	.	

The Committee on Judiciary (Albritton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (a), (d), and (f) of subsection (2)
of section 255.05, Florida Statutes, are amended to read:

255.05 Bond of contractor constructing public buildings;
form; action by claimants.—

(2)(a)1. If a claimant is no longer furnishing labor,
services, or materials on a project, a contractor or the



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contractor's agent or attorney may elect to shorten the time within which an action to enforce any claim against a payment bond must be commenced by recording in the clerk's office a notice in substantially the following form:

NOTICE OF CONTEST OF CLAIM

AGAINST PAYMENT BOND

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

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

DATED on,

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

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

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



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40 protection. A claimant who is not in privity with the contractor
41 and who has not received payment for furnishing his or her
42 labor, services, or materials shall serve a written notice of
43 nonpayment on the contractor and a copy of the notice on the
44 surety. The notice of nonpayment shall be under oath and served
45 during the progress of the work or thereafter but may not be
46 served earlier than 45 days after the first furnishing of labor,
47 services, or materials by the claimant or later than 90 days
48 after the final furnishing of the labor, services, or materials
49 by the claimant or, with respect to rental equipment, later than
50 90 days after the date that the rental equipment was last on the
51 job site available for use. Any notice of nonpayment served by a
52 claimant who is not in privity with the contractor which
53 includes sums for retainage must specify the portion of the
54 amount claimed for retainage. An action for the labor, services,
55 or materials may not be instituted against the contractor or the
56 surety unless the notice to the contractor and notice of
57 nonpayment have been served, if required by this section.
58 Notices required or permitted under this section must be served
59 in accordance with s. 713.18. A claimant may not waive in
60 advance his or her right to bring an action under the bond
61 against the surety. In any action brought to enforce a claim
62 against a payment bond under this section, the prevailing party
63 is entitled to recover a reasonable fee for the services of his
64 or her attorney for trial and appeal or for arbitration, in an
65 amount to be determined by the court, which fee must be taxed as
66 part of the prevailing party's costs, as allowed in equitable
67 actions. The time periods for service of a notice of nonpayment
68 or for bringing an action against a contractor or a surety are



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

NOTICE OF NONPAYMENT

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

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

The undersigned claimant notifies you that:

1. Claimant has furnished ...(describe labor, services, or



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materials)... for the improvement of the real property
identified as ...(property description).... The corresponding
amount unpaid to date is \$...., of which \$.... is unpaid
retainage.

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

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

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

DATED on,

...(signature and address of claimant)...

STATE OF FLORIDA

COUNTY OF

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

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

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

Personally Known OR Produced Identification

Type of Identification Produced



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

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

Section 2. Paragraph (c) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)

(c) A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 90 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. The



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notice of nonpayment may be served at any time during the progress of the work or thereafter but not before 45 days after the first furnishing of labor, services, or materials, and not later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, not later than 90 days after the date that the rental equipment was last on the job site available for use. An action by a claimant, except a laborer, who is not in privity with the contractor for the labor, materials, or supplies may not be instituted against the contractor or the surety unless both notices have been given. Notices required or permitted under this section may be served in any manner provided in s. 713.18, and provisions for the waiver of claims against a payment bond contained in s. 255.05(2) apply to all contracts under this section.

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

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

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



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preconstruction and construction phases and for the successful,
timely, and economical completion of the construction project,
or who provides program management services, which include
responsibility for schedule control, cost control, and
coordination in providing or procuring planning, design, and
construction.

(26) "Real property" means the land that is improved and
the improvements thereon, including fixtures, except any such
property owned by the state or any county, municipality, school
board, or governmental agency, commission, or political
subdivision, provided, however, that a private leasehold
interest in such government-owned property which is improved and
the leasehold improvements thereon shall be considered real
property for purposes of this part.

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

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



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of the improvement and incorporation in the improvement. The single claim of lien may be limited to a part of multiple lots, parcels, or tracts of land and their improvements or may cover all of the lots, parcels, or tracts of land and improvements. If a ~~In each~~ claim of lien under this section is for multiple direct contracts, the owner under the direct contracts ~~contract~~ must be the same person for all lots, parcels, or tracts of land against which a single claim of lien is recorded.

Section 5. Paragraph (b) of subsection (2) of section 713.10, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

713.10 Extent of liens.—

(2)

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

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

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

a. The name of the lessor.



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

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

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

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

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

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

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

713.13 Notice of commencement.—

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



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thereof or a notarized statement that the notice of commencement has been filed for recording along with a copy thereof. The notice of commencement shall contain the following information:

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

2. A general description of the improvement.

3. The name and address of the owner, the owner's interest in the site of the improvement, and the name and address of the fee simple titleholder, if other than such owner.

4. The name and address of the lessee, if the A lessee who
contracts for the improvements as is an owner as defined in s. 713.01 ~~under s. 713.01(23) and must be listed as the owner together with a statement that the ownership interest is a leasehold interest.~~

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

~~6.5.~~ The name and address of the surety on the payment bond under s. 713.23, if any, and the amount of such bond.

~~7.6.~~ The name and address of any person making a loan for the construction of the improvements.

~~8.7.~~ The name and address within the state of a person other than himself or herself who may be designated by the owner as the person upon whom notices or other documents may be served under this part; and service upon the person so designated constitutes service upon the owner.



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(d) A notice of commencement must be in substantially the following form:

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

NOTICE OF COMMENCEMENT

State of....

County of....

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: ...(legal description of the property, and street address if available)....

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

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

b. Owner's phone number:.... ~~Owner information or Lessee information if the Lessee contracted for the improvement:~~

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

~~b. Interest in property:.....~~

c. Name and address of fee simple titleholder (if different from Owner listed above):.....

4.a. Lessee, if the lessee contracted for the improvements: ... (name and address)

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

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

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

~~6.5.~~ Surety (if applicable, a copy of the payment bond is attached):



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330 a. Name and address:.....
331 b. Phone number:.....
332 c. Amount of bond: \$.....
333 ~~7.a.6.a.~~ Lender: ...(name and address)....
334 b. Lender's phone number:.....
335 ~~8.7.~~ Persons within the State of Florida designated by
336 Owner upon whom notices or other documents may be served as
337 provided by Section 713.13(1)(a)8. ~~713.13(1)(a)7.~~, Florida
338 Statutes:
339 a. Name and address:.....
340 b. Phone numbers of designated persons:.....
341 ~~9.a.8.a.~~ In addition to himself or herself, Owner
342 designates of to receive a copy of the
343 Lienor's Notice as provided in Section 713.13(1)(b), Florida
344 Statutes.
345 b. Phone number of person or entity designated by
346 owner:.....
347 ~~10.9.~~ Expiration date of notice of commencement (the
348 expiration date will be 1 year after ~~from~~ the date of recording
349 unless a different date is specified).....
350
351 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE
352 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER
353 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA
354 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS
355 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
356 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU
357 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
358 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF



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COMMENCEMENT.

...(Signature of Owner or Lessee, or Owner's or Lessee's
Authorized Officer/Director/Partner/Manager)...

...(Signatory's Title/Office)...

STATE OF FLORIDA

COUNTY OF

The foregoing instrument was acknowledged before me by means of
☐ physical presence or ☐ online notarization, this day of
...., ...(year)...., by ...(name of person)... as ...(type of
authority, . . . e.g. officer, trustee, attorney in fact)... for
...(name of party on behalf of whom instrument was executed)....

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

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

Personally Known OR Produced Identification

Type of Identification Produced.....

Section 7. Subsections (1), (3), and (4) of section
713.132, Florida Statutes, are amended to read:

713.132 Notice of termination.—

(1) An owner may terminate the period of effectiveness of a
notice of commencement by executing, swearing to, and recording



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a notice of termination that contains:

(a) The same information as the notice of commencement;

(b) The official records' ~~recording office document book~~
~~and page~~ reference numbers and recording date affixed by the
recording office on ~~of~~ the recorded notice of commencement;

(c) A statement of the date as of which the notice of
commencement is terminated, which date may not be earlier than
30 days after the notice of termination is recorded;

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

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

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

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



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417 (4) If an owner or a contractor, by fraud or collusion,
418 knowingly makes any fraudulent statement or affidavit in a
419 notice of termination or any accompanying affidavit, the owner
420 and the contractor, or either of them, ~~as the case may be,~~ is
421 liable to any lienor who suffers damages as a result of the
422 filing of the fraudulent notice of termination,⁺ and any such
423 lienor has a right of action for damages ~~occasioned thereby.~~

424 (5) ~~(4)~~ A notice of termination must be served before
425 recording on each lienor who has a direct contract with the
426 owner and on each lienor who has timely and properly served a
427 notice to owner in accordance with this part before the
428 recording of the notice of termination. A notice of termination
429 must be recorded in the official records of the county in which
430 the project is located. If properly served before recording in
431 accordance with this subsection, the notice of termination
432 terminates the period of effectiveness of the notice of
433 commencement 30 days after the notice of termination is recorded
434 in the official records ~~is effective to terminate the notice of~~
435 ~~commencement at the later of 30 days after recording of the~~
436 ~~notice of termination or a later~~ the date stated in the notice
437 of termination as the date on which the notice of commencement
438 is terminated. However, if a lienor, who began work under the
439 notice of commencement before its termination, lacks a direct
440 contract with the owner, and timely serves his or her notice to
441 owner after the notice of termination has been recorded, the
442 owner must serve a copy of the notice of termination upon such
443 lienor, and the termination of the notice of commencement as to
444 that lienor is effective 30 days after service of the notice of
445 termination ~~if the notice of termination has been served~~



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~~pursuant to paragraph (1)(f) on the contractor and on each
lienor who has a direct contract with the owner or who has
served a notice to owner.~~

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

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

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

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

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

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

(2) ~~Notwithstanding subsection (1),~~ Service of a notice to
owner or a preliminary notice to contractor under s. 255.05, s.
337.18, s. 713.06, or s. 713.23 is effective as of the date of
mailing, and the requirements for service under this section
have been satisfied, if:



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

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

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

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

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

1. Is sent, using one of the methods specified in paragraph (1) (b), to the last address shown in the notice of commencement or any amendment thereto or, in the absence of a notice of commencement, to the last address shown in the building permit application, or to the last known address of the person to be served; and

2. Is returned as being "refused," "moved, not



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forwardable," or "unclaimed," or is otherwise not delivered or deliverable through no fault of the person serving the document ~~item~~.

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

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

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

713.20 Waiver or release of liens.—

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

(8) Any provisions in a lien waiver or lien release that are is not related to the waiver or release of lien rights as provided in this section are unenforceable, unless the lienor has otherwise agreed to those provisions in the lienor's direct



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~~contract substantially similar to the forms in subsections (4)~~
~~and (5) is enforceable in accordance with the terms of the lien~~
~~waiver or lien release.~~

Section 10. Paragraph (d) of subsection (1) of section
713.23, Florida Statutes, is amended to read:

713.23 Payment bond.—

(1)

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



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



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NOTICE OF NONPAYMENT

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

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

The undersigned lienor notifies you that:

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

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

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

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

DATED on,

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

STATE OF FLORIDA

COUNTY OF.....



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

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

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

Personally Known OR Produced Identification

Type of Identification Produced

Section 11. Subsections (3) and (5) of section 713.235,
Florida Statutes, are amended to read:

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

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

(5) Any provisions in a waiver that are ~~is~~ not related to
the waiver of a claim against the payment bond as provided in
this section are unenforceable, unless the claimant has
otherwise agreed to those provisions in the claimant's direct
contract ~~substantially similar to the forms in this section is~~
~~enforceable in accordance with its terms.~~

Section 12. Section 713.29, Florida Statutes, is amended to
read:

713.29 Attorney ~~Attorney's~~ fees.—In any action brought to
enforce a lien, including a lien that has been transferred to



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security, or to enforce a claim against a bond under this part, the prevailing party is entitled to recover a reasonable fee for the services of her or his attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions.

Section 13. This act shall take effect July 1, 2020.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to liens and bonds; amending s. 255.05, F.S.; requiring that a copy of a notice of nonpayment be served on the surety; prohibiting a person from requiring a claimant to furnish a certain waiver in exchange for or to induce certain payments; providing that specified provisions in certain waivers are unenforceable; providing an exception; amending s. 337.18, F.S.; providing that certain waivers apply to certain contracts; amending s. 713.01, F.S.; revising definitions; amending s. 713.09, F.S.; authorizing a lienor to record one claim of lien for multiple direct contracts; amending s. 713.10, F.S.; providing that the interest of a lessor is not subject to liens for certain improvements made by certain lessees who are mobile home owners; amending s. 713.13, F.S.; revising information to be included in a notice of



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commencement; amending s. 713.132, F.S.; revising requirements for a notice of termination; amending s. 713.18, F.S.; specifying the manner in which documents relating to certain construction bonds must be served; providing that service of a document may be by hand delivery; providing that service of a document is effective on the date of mailing or shipping; making technical changes; amending ss. 713.20 and 713.235, F.S.; prohibiting a person from requiring a lienor to furnish a certain waiver or release in exchange for or to induce certain payments; providing that specified provisions in certain waivers or releases are unenforceable; providing an exception; amending s. 713.23, F.S.; requiring that a copy of a notice of nonpayment be served on the surety; amending s. 713.29, F.S.; authorizing attorney fees in actions to enforce a lien that has been transferred to security; providing an effective date.

By Senator Albritton

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A bill to be entitled

An act relating to construction contracting; amending s. 255.05, F.S.; revising the manner by which certain claimants provide a notice of nonpayment to a surety; providing that certain provisions in a waiver or release of a claim against a payment bond are unenforceable; amending s. 713.01, F.S.; revising the definition of the term "final furnishing"; amending s. 713.07, F.S.; specifying the priority of certain liens in relation to subordinate conveyances, encumbrances, and demands; amending s. 713.13, F.S.; revising information required to be included in a notice of commencement; amending s. 713.18, F.S.; modifying conditions under which service of certain instruments is deemed effective; amending s. 713.20, F.S.; providing that certain provisions in a lien waiver or release are unenforceable; amending s. 713.23, F.S.; revising the manner by which certain lienors provide a notice of nonpayment to a surety; amending s. 713.235, F.S.; providing that certain provisions in a waiver or release of a right to make a claim against a payment bond are unenforceable; providing an effective date.

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

Section 1. Paragraphs (a) and (f) of subsection (2) of section 255.05, Florida Statutes, are amended to read:

255.05 Bond of contractor constructing public buildings; form; action by claimants.—

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(2) (a) 1. If a claimant is no longer furnishing labor, services, or materials on a project, a contractor or the contractor's agent or attorney may elect to shorten the time within which an action to enforce any claim against a payment bond must be commenced by recording in the clerk's office a notice in substantially the following form:

NOTICE OF CONTEST OF CLAIM
AGAINST PAYMENT BOND

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

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

DATED on

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

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

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on the face of the notice and record the notice.

2. A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 45 days after commencing to furnish labor, services, or materials for the prosecution of the work, serve the contractor with a written notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for furnishing his or her labor, services, or materials shall serve a written notice of nonpayment on the contractor, and a copy of the notice on the surety. The notice of nonpayment shall be under oath and served during the progress of the work or thereafter but may not be served earlier than 45 days after the first furnishing of labor, services, or materials by the claimant or later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, later than 90 days after the date that the rental equipment was last on the job site available for use. Any notice of nonpayment served by a claimant who is not in privity with the contractor which includes sums for retainage must specify the portion of the amount claimed for retainage. An action for the labor, services, or materials may not be instituted against the contractor or the surety unless the notice to the contractor and notice of nonpayment have been served, if required by this section. Notices required or permitted under this section must be served in accordance with s. 713.18. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party

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is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions. The time periods for service of a notice of nonpayment or for bringing an action against a contractor or a surety shall be measured from the last day of furnishing labor, services, or materials by the claimant and may not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion. The negligent inclusion or omission of any information in the notice of nonpayment that has not prejudiced the contractor or surety does not constitute a default that operates to defeat an otherwise valid bond claim. A claimant who serves a fraudulent notice of nonpayment forfeits his or her rights under the bond. A notice of nonpayment is fraudulent if the claimant has willfully exaggerated the amount unpaid, willfully included a claim for work not performed or materials not furnished for the subject improvement, or prepared the notice with such willful and gross negligence as to amount to a willful exaggeration. However, a minor mistake or error in a notice of nonpayment, or a good faith dispute as to the amount unpaid, does not constitute a willful exaggeration that operates to defeat an otherwise valid claim against the bond. The service of a fraudulent notice of nonpayment is a complete defense to the claimant's claim against the bond. The notice of nonpayment under this subparagraph must include the following information, current as of the date of the notice, and must be in substantially the following form:

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NOTICE OF NONPAYMENT

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

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

The undersigned claimant notifies you that:

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

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

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

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

DATED on,

...(signature and address of claimant)...

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STATE OF FLORIDA

COUNTY OF

The foregoing instrument was sworn to (or affirmed) and
subscribed before me this....day of, ...(year)..., by
...(name of signatory)....

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

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

Personally Known OR Produced Identification

Type of Identification Produced.....

(f) A provision in a waiver or a release executed on or
after July 1, 2020, which ~~that~~ is not related to the waiver or
release of a claim against the payment bond as contemplated in
this subsection is unenforceable ~~substantially similar to the~~
~~forms in this subsection is enforceable in accordance with its~~
~~terms.~~

Section 2. Subsection (12) of section 713.01, Florida
Statutes, is amended to read:

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

(12) "Final furnishing" means the last date that the lienor
furnishes labor, services, or materials. Such date may not be
measured by other standards, such as the issuance of a
certificate of occupancy or the issuance of a certificate of
final completion, and does not include correction of
deficiencies in the lienor's previously performed work or

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materials supplied.

(a) With respect to rental equipment, the term means the date that the rental equipment was last on the job site and available for use.

(b) With respect to specially fabricated materials, the term means the date that the last portion of the specially fabricated materials is delivered to the site of the improvement. However, if any portion of the specially fabricated materials is not delivered to the site of the improvement through no fault of the lienor, the term means either 1 year from completion of fabrication by the lienor, 1 year from the date that the lienor receives the remainder of the specially fabricated materials to complete its order, or the expiration of the notice of commencement, whichever occurs later.

Section 3. Subsection (3) of section 713.07, Florida Statutes, is amended to read:

713.07 Priority of liens.—

(3) All such liens shall have priority over any conveyance, encumbrance, or demand not recorded against the real property before ~~prior to~~ the time such lien attached as provided herein, including subordinate conveyances, encumbrances, or demands that would otherwise relate back to any conveyance, encumbrance, or demand recorded before the time such lien attached pursuant to the operation of any common law doctrine or remedy. However, ~~but~~ any conveyance, encumbrance, or demand recorded before ~~prior to~~ the time such lien attaches and any proceeds thereof, regardless of when disbursed, has ~~shall have~~ priority over such liens.

Section 4. Subsection (1) of section 713.13, Florida Statutes, is amended to read:

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713.13 Notice of commencement.—

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

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

2. A general description of the improvement.

3. The name and address of the owner of record, ~~the owner's interest in the site of the improvement, and the name and address of the fee simple titleholder, if other than such owner.~~

4. The name and address of the tenant, or lessee, if the tenant ~~A lessee who~~ contracts for the improvements as is ~~is~~ an owner as defined under s. 713.01(23) ~~and must be listed as the owner together with a statement that the ownership interest is a leasehold interest.~~

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

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233 ~~6.5.~~ The name and address of the surety on the payment bond
234 under s. 713.23, if any, and the amount of such bond.

235 ~~7.6.~~ The name and address of any person making a loan for
236 the construction of the improvements.

237 ~~8.7.~~ The name and address within the state of a person
238 other than himself or herself who may be designated by the owner
239 as the person upon whom notices or other documents may be served
240 under this part; and service upon the person so designated
241 constitutes service upon the owner.

242 (b) The owner, at his or her option, may designate a person
243 in addition to himself or herself to receive a copy of the
244 lienor's notice as provided in s. 713.06(2)(b), and if he or she
245 does so, the name and address of such person must be included in
246 the notice of commencement.

247 (c) If the contract between the owner and a contractor
248 named in the notice of commencement expresses a period of time
249 for completion for the construction of the improvement greater
250 than 1 year, the notice of commencement must state that it is
251 effective for a period of 1 year plus any additional period of
252 time. Any payments made by the owner after the expiration of the
253 notice of commencement are considered improper payments.

254 (d) A notice of commencement must be in substantially the
255 following form:

256
257 Permit No.....

Tax Folio No.....

258 NOTICE OF COMMENCEMENT

259 State of....

260 County of....
261

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The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: ...(legal description of the property, and street address if available)....

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

3. Owner of record ~~information or Lessee information if the Lessee contracted for the improvement:~~

a. Name and address:.....

b. Phone number:..... ~~Interest in property:.....~~

~~c. Name and address of fee simple titleholder (if different from Owner listed above):.....~~

4. Tenant (lessee) if tenant contracted for the improvement:

a. Name and address:.....

b. Phone number:.....

5. Contractor:

a. Name and address:..... ~~...(name and address)...~~

b. ~~Contractor's~~ Phone number:.....

~~6.5.~~ Surety (if applicable, a copy of the payment bond is attached):

a. Name and address:.....

b. Phone number:.....

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

~~7.6.a.~~ Lender: ~~...(name and address)...~~

a. Name and address:.....

b. ~~Lender's~~ Phone number:.....

~~8.7.~~ Persons within the State of Florida designated by

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Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)8. ~~713.13(1)(a)7.~~, Florida Statutes:

a. Name and address:.....

b. Phone numbers of designated persons:.....

9.a.8.a. In addition to himself or herself, Owner designates of to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.

b. Phone number of person or entity designated by owner:.....

10.9. Expiration date of notice of commencement (the expiration date will be 1 year from the date of recording unless a different date is specified).....

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

...(Signature of Owner or Tenant (Lessee) ~~Lessee~~, or Owner's or Tenant's (Lessee's) ~~Lessee's~~ Authorized Officer/Director/Partner/Manager)...

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...(Signatory's Title/Office)...

The foregoing instrument was acknowledged before me this
day of, ...(year)...., by ...(name of person)... as ...(type
of authority, . . . e.g. officer, trustee, attorney in fact)...
for ...(name of party on behalf of whom instrument was
executed)....

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

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

Personally Known OR Produced Identification

Type of Identification Produced.....

(e) A copy of any payment bond must be attached at the time
of recordation of the notice of commencement. The failure to
attach a copy of the bond to the notice of commencement when the
notice is recorded negates the exemption provided in s.
713.02(6). However, if a payment bond under s. 713.23 exists but
was not attached at the time of recordation of the notice of
commencement, the bond may be used to transfer any recorded lien
of a lienor except that of the contractor by the recordation and
service of a notice of bond pursuant to s. 713.23(2). The notice
requirements of s. 713.23 apply to any claim against the bond;
however, the time limits for serving any required notices shall,
at the option of the lienor, be calculated from the dates
specified in s. 713.23 or the date the notice of bond is served

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on the lienor.

(f) The giving of a notice of commencement is effective upon the filing of the notice in the clerk's office.

(g) The owner must sign the notice of commencement and no one else may be permitted to sign in his or her stead.

Section 5. Paragraph (a) of subsection (3) of section 713.18, Florida Statutes, is amended to read:

713.18 Manner of serving notices and other instruments.—

(3)(a) Service of an instrument pursuant to this section is effective on the date of mailing or shipment of the instrument if it:

1. Is sent to the last address shown in the notice of commencement or any amendment thereto or, in the absence of a notice of commencement, to the last address shown in the building permit application, or to the last known address of the person to be served; and

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

Section 6. Subsection (8) of section 713.20, Florida Statutes, is amended to read:

713.20 Waiver or release of liens.—

(8) A provision in a lien waiver or lien release executed on or after July 1, 2020, which ~~that~~ is not related to the waiver or release of lien rights as contemplated by this section ~~is unenforceable~~ substantially similar to the forms in subsections (4) and (5) is enforceable in accordance with the terms of the lien waiver or lien release.

Section 7. Paragraph (d) of subsection (1) of section

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713.23, Florida Statutes, is amended to read:

713.23 Payment bond.—

(1)

(d) In addition, a lienor who has not received payment for furnishing his or her labor, services, or materials must, as a condition precedent to recovery under the bond, serve a written notice of nonpayment to the contractor, and a copy of the notice to the surety. The notice must be under oath and served during the progress of the work or thereafter, but may not be served later than 90 days after the final furnishing of labor, services, or materials by the lienor, or, with respect to rental equipment, later than 90 days after the date the rental equipment was on the job site and available for use. A notice of nonpayment that includes sums for retainage must specify the portion of the amount claimed for retainage. The required notice satisfies this condition precedent with respect to the payment described in the notice of nonpayment, including unpaid finance charges due under the lienor's contract, and with respect to any other payments which become due to the lienor after the date of the notice of nonpayment. The time period for serving a notice of nonpayment shall be measured from the last day of furnishing labor, services, or materials by the lienor and may not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion. The failure of a lienor to receive retainage sums not in excess of 10 percent of the value of labor, services, or materials furnished by the lienor is not considered a nonpayment requiring the service of the notice provided under this paragraph. If the payment bond is not

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recorded before commencement of construction, the time period for the lienor to serve a notice of nonpayment may at the option of the lienor be calculated from the date specified in this section or the date the lienor is served a copy of the bond. However, the limitation period for commencement of an action on the payment bond as established in paragraph (e) may not be expanded. The negligent inclusion or omission of any information in the notice of nonpayment that has not prejudiced the contractor or surety does not constitute a default that operates to defeat an otherwise valid bond claim. A lienor who serves a fraudulent notice of nonpayment forfeits his or her rights under the bond. A notice of nonpayment is fraudulent if the lienor has willfully exaggerated the amount unpaid, willfully included a claim for work not performed or materials not furnished for the subject improvement, or prepared the notice with such willful and gross negligence as to amount to a willful exaggeration. However, a minor mistake or error in a notice of nonpayment, or a good faith dispute as to the amount unpaid, does not constitute a willful exaggeration that operates to defeat an otherwise valid claim against the bond. The service of a fraudulent notice of nonpayment is a complete defense to the lienor's claim against the bond. The notice under this paragraph must include the following information, current as of the date of the notice, and must be in substantially the following form:

NOTICE OF NONPAYMENT

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

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

The undersigned lienor notifies you that:

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

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

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

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

DATED on,

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

STATE OF FLORIDA

COUNTY OF

The foregoing instrument was sworn to (or affirmed) and subscribed before me this day of, ... (year) ..., by

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...(name of signatory)....

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

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

Personally Known OR Produced Identification

Type of Identification Produced.....

Section 8. Subsection (5) of section 713.235, Florida Statutes, is amended to read:

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

(5) A provision in a waiver or a release executed on or after July 1, 2020, which ~~that~~ is not related to the waiver or release of a claim against the payment bond as contemplated by this section is unenforceable ~~substantially similar to the forms in this section is enforceable in accordance with its terms.~~

Section 9. This act shall take effect July 1, 2020.

COMMITTEE: Judiciary
ITEM: SB 868
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S00868

GENERAL BILL by Albritton; (Compare CS/CS/H 00283, H 00897, S 01422)

Construction Contracting. EFFECTIVE DATE: 07/01/2020.

01/14/20 S Introduced

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S CS by Judiciary; YEAS 6 NAYS 0



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: December 3, 2019

I respectfully request that **Senate Bill #868**, relating to Construction Contracting, be placed on the:

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

Senator Ben Albritton
Florida Senate, District 26

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 868

Bill Number (if applicable)

Topic

Construction Contracting

Name

FRENCH BROWN

Job Title

Lobbyist

Address

118 S. Monroe St. Suite 815

Street

TALLAHASSEE

City

FL

State

32301

Zip

Phone

850-455-0982

Email

fbrown@deanheard.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

RPPTL Section of FL BAR

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20
Meeting Date

868
Bill Number (if applicable)
413486
Amendment Barcode (if applicable)

Topic Construction Liens & Bonds

Name Deborah Lawson

Job Title _____

Address P.O. Box 12277

Street

Tallahassee FL 32317

City

State

Zip

Phone 850-570-0033

Email deborah.e.lawson
@outlook.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing NACM Improved Construction Practices Committee

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020

Meeting Date

SB 868

Bill Number (if applicable)

413 486

Amendment Barcode (if applicable)

Topic _____

Name Bruce Kershner

Job Title _____

Address 231 West Bay Ave

Street

Phone 407 788 5570

Longwood

City

FL

State

32750

Zip

Email BKershner@att.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing NACM Improved Construction Practices Committee

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020

Meeting Date

SB 868

Bill Number (if applicable)

Topic CONSTRUCTION CONTRACT

Amendment Barcode (if applicable)

Name KEYNA CORY

Job Title LOBBYIST

Address 730 E. PARK AVE

Phone 850 681 1065

Street

TAUAHASSEE

FL

32301

City

State

Zip

Email keynacory@pacconsultants.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing NATIONAL WASTE & RECYCLING ASSN - FL CHAPTER

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4

Meeting Date

868

Bill Number (if applicable)

Topic Construction- Contracting

Amendment Barcode (if applicable)

Name Evan Power

Job Title _____

Address 120 S. Monroe St
Street

Phone (850) 579-1062

City

State

Zip

Email evan@rambaconsulting.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Concrete & Products Association & FICAP

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 1256

INTRODUCER: Senator Albritton

SUBJECT: Telegraph Companies

DATE: February 3, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Imhof	IT	Favorable
2.	Elsesser	Cibula	JU	Favorable
3.			RC	

I. Summary:

SB 1256 repeals chapter 363, F.S., which provides for the liability of telegraph or telegram companies for specified negligent acts, penalties, damages, and attorney fees, and legal procedures.

The bill takes effect July 1, 2020.

II. Present Situation:

Chapter 363, F.S., contains the Florida statutes on telegraph and telegram companies. The first four sections (ss. 363.02, 363.03, 363.04, and 363.05, F.S.) were enacted in 1907; the remaining five sections (ss. 363.06, 363.07, 363.08, 363.09, and 363.10, F.S.) were enacted in 1913; and none of the sections were significantly amended after enactment.

Enacted in 1907, and codified in ss. 362.02-363.05, F.S., the statutes provide for liability, penalties, and damages for failure of a telegraph company to meet statutory operational requirements. Any telegraph company engaged in the business of transmitting messages over a telegraph line in this state that negligently fails to promptly deliver a received message to the addressee is liable to the sender for a \$50 penalty and liable to both the sender and addressee for all resulting damages. These penalties apply only to deliveries in incorporated cities and towns. A failure to timely deliver a message is presumed to be negligent. Additionally, any telegraph company that refuses to accept any tendered, legible message for transmission, together with the required fee, is liable to the sender and addressee for a penalty of \$50 plus all resulting damages, unless the company shows that the line or lines over which such message should be transmitted were damaged preventing transmission. Any person recovering any of the above penalties or damages is entitled to also recover 10 percent of the amount recovered as attorney's fees.¹

¹ Chapter 5628, ss. 1-3 and ch. 5629, ss. 1 and 2, Laws of Fla. (1907).

Enacted in 1913, and codified in ss. 363.06-363.10, F.S., the statutes make a telegram company liable to the sender and addressee of any telegram received for transmission and delivery for mental anguish, distress or feeling, physical and mental pains and suffering resulting from the negligent failure to promptly transmit or promptly deliver such telegram, or because of the negligent failure to correctly transmit and deliver such telegram. In an action to seek damages for the negligence of a telegraph company, the telegraph company has the burden of proof to show, by a preponderance of the evidence, that it was free from fault. Additionally, a telegram company that receives a message in cipher is liable for damages resulting from the negligent failure to promptly transmit and deliver the telegram in cipher.² The receipt by any person engaged in the telegram business of a message for transmission constitutes notice to that person that the telegram is important, requiring prompt and correct transmission and delivery. Finally, all contractual provisions attempting to relieve or exempt a telegram company from liabilities imposed by law or to limit the time in which suits may be brought for negligent failure to perform any duty imposed by law are declared to be against the public policy of this state and to be illegal and void, and no court in this state is to give effect to any such provisions.³

It appears that telegraph offices and telegrams have largely, if not completely, been replaced by messaging methods such as emails, instant messaging, texts, and tweets. In 2017, the Federal Communications Commission updated its rules to remove regulations outmoded by technological advances and market forces. Among the deletions were a number of references to telegraph services as the commission was “not aware of any interstate telegraph service providers today”; as “[t]elegraph service is obsolete”; and as the commission found “that no purpose is served by requiring any remaining (or future) providers of telegraph service” to comply with the rules under review, “[n]or is the public interest served by maintaining outdated and unnecessary requirements in our rules.”⁴

III. Effect of Proposed Changes:

The bill repeals chapter 363, F.S., which provides for the liability of telegraph or telegram companies for specified negligent acts, penalties, damages, and attorney fees, and legal procedures.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

² The term “cipher” is not defined but appears to mean code.

³ Chapter 6522, ss. 1-5, Laws of Fla. (1913).

⁴ 32 FCC Rcd 7132 (8) (2017).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals the following sections of the Florida Statutes: 363.02, 363.03, 363.04, 363.05, 363.06, 363.07, 363.08, 363.09, and 363.10.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Albritton

26-01721-20

20201256__

A bill to be entitled

An act relating to telegraph companies; repealing chapter 363, F.S., relating to the regulation of telegraph companies and telegrams; providing an effective date.

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

Section 1. Chapter 363, Florida Statutes, consisting of sections 363.02, 363.03, 363.04, 363.05, 363.06, 363.07, 363.08, 363.09, and 363.10, is repealed.

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

COMMITTEE: Judiciary
ITEM: SB 1256
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S01256

GENERAL BILL by Albritton; (Identical H 06055)

Telegraph Companies. EFFECTIVE DATE: 07/01/2020.

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S Favorable by Judiciary; YEAS 6 NAYS 0; Now in Rules



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 29, 2020

I respectfully request that **Senate Bill #1256**, relating to Telegraph Companies, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ben Albritton", written over a horizontal line.

Senator Ben Albritton
Florida Senate, District 26

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: CS/SB 914

INTRODUCER: Banking and Insurance Committee and Senator Brandes

SUBJECT: Contingency Risk Multipliers

DATE: February 3, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Arnold</u>	<u>Knudson</u>	<u>BI</u>	Fav/CS
2.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 914 codifies into state law the federal precedent regarding the award of attorney fees using the lodestar amount and contingency fee multipliers as applied in property insurance cases, as articulated in *Perdue*.¹ The bill creates a strong presumption that the lodestar amount is sufficient and reasonable. The bill provides further that the lodestar “sufficient and reasonable” presumption is rebuttable only in “rare and exceptional” circumstances by evidence that competent counsel could not be retained in a reasonable manner. Only when such evidence is presented to the court could a contingency fee multiplier be applied in property insurance litigation.

The lodestar amount, in the context of attorney fees awarded under s. 627.428, F.S., is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate for the services of the attorney of the insured or beneficiary.

The bill takes effect July 1, 2020.

¹ *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542 (2010).

II. Present Situation:

Overview

If an insured or its beneficiary prevails in an action brought against an insurer under an insurance policy, a state court must order the insurer to pay a “reasonable fee” to the attorney of the insured or beneficiary. The court must determine the fee by the “lodestar” calculation: multiplying the number of hours the attorney reasonably spent on the case by a reasonable hourly rate.² However, the court is authorized to consider going a step further, namely by multiplying the lodestar figure by a “contingency fee multiplier” of between 1 and 2.5 based on the case’s outcome and the likelihood of success at the outset—the lower the likelihood of success, the higher the multiplier.³ Though it appears that a court may, in its discretion, choose *not* to apply a contingency fee multiplier, if a court desires to consider applying the multiplier, it must consider three factors in deciding whether to apply the multiplier. Particularly, the court must consider whether:

- The relevant market requires a contingency fee multiplier to obtain competent counsel;
- The attorney was able to mitigate the risk of nonpayment in any way; and
- Any of the factors set forth in *Rowe* are applicable, especially the amount involved, the results obtained, and the type of fee arrangement between the attorney and his client.⁴

In 2017, the Florida Supreme Court made it clear that a court is not required to find that a case involved “rare and exceptional” circumstances before using the multiplier. In contrast, the United States Supreme Court has held that a “rare and exceptional” circumstances finding is a prerequisite to the use of a contingency fee multiplier.

Attorney Fees in Insurance Litigation

In most United States jurisdictions, each party to the litigation pays its own attorney, regardless of the outcome of the litigation, and a court may only award attorney fees to the prevailing side if

² In determining the hourly rate, the court must look to five of the eight factors set forth in *Florida Patient’s Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985), which are now found in Rule of Professional Conduct 4-1.5 of The Florida Bar:

- (1) The time and labor required, the novelty and difficulty of the question involved, and **the skill requisite to perform the legal service properly.**
- (2) **The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.**
- (3) **The fee customarily charged in the locality for similar legal services.**
- (4) **The amount involved and the results obtained.**
- (5) **The time limitations imposed by the client or by the circumstances.**
- (6) **The nature and length of the professional relationship with the client.**
- (7) **The experience, reputation, and ability of the lawyer or lawyers performing the services.**
- (8) **Whether the fee is fixed or contingent.**

Joyce v. Federated National Insurance Company, 228 So. 3d 1122, 1126 (Fla. 2017) (Emphasis added to those factors that the court must consider. Nonbolded items are instead factored into the “reasonable number of hours” calculation.)

³ For example, if a court found that an attorney’s reasonable hourly rate was \$400/hour, and that the attorney reasonably spent 50 hours on the case, the lodestar amount would be \$20,000. And if the court applied a multiplier of 2.5 because the case was unlikely to be successful at outset, the insurer would be required to pay the insured’s attorney \$50,000.

⁴ *Joyce v. Federated National Insurance Company*, 228 So. 3d 1122, 1124 (Fla. 2017) (citing *Standard Guar. Ins. Co. v. Quanstrom*, 555 So. 2d 828, 834 (Fla. 1990)).

authorized by statute or agreement of the parties to the litigation.⁵ This is often referred to as the “American Rule” for attorney fees, and contravenes the “English Rule” under which English courts generally awarded attorney fees to the prevailing party in litigation.⁶

Florida has enacted a number of statutes that authorize the award of attorney fees in civil litigation. As the Florida Supreme Court (Court) has noted, these statutory provisions are of two types.⁷ In the first, statutes direct the courts to assess attorney fees against only one side of the litigation in certain types of actions. An example is found in s. 627.428, F.S., which directs the court to assess the insurer a reasonable sum as fees for the prevailing party’s attorney. The second category adopts the English Rule, authorizing the prevailing party, whether plaintiff or defendant, to recover attorney fees from the opposing party. An example is found in the recently enacted s. 627.7152, F.S., which directs the court to award an attorney fee to the prevailing party in assignment of benefits litigation under a residential or commercial property insurance policy.

Attorney Fees Arising from Insurance Litigation

Section 627.428, F.S., allows an insured to recover his or her own attorney fees if the insured prosecutes a lawsuit to enforce an insurance policy. Some version of this statute has been the law in Florida since at least 1893.⁸ The statute provides, in part:

Upon the rendition of a judgment or decree by any of the courts of this state against an insurer and in favor of any named or omnibus insured or the named beneficiary under a policy or contract executed by the insurer, the trial court or, in the event of an appeal in which the insured or beneficiary prevails, the appellate court shall adjudge or decree against the insurer and in favor of the insured or beneficiary a reasonable sum as fees or compensation for the insured’s or beneficiary’s attorney prosecuting the suit in which the recovery is had.⁹

The Court recently explained the purpose of the statute:

The need for fee and cost reimbursement in the realm of insurance litigation is deeply rooted in public policy. Namely, the Legislature recognized that it was essential to “level the playing field” between the economically-advantaged and sophisticated insurance companies and the individual citizen. Most assuredly, the average policyholder has neither the finances nor the expertise to single-handedly take on an insurance carrier. Without the funds necessary to compete with an insurance carrier, often a concerned policyholder’s only means to take protective action is to hire that expertise in the form of legal counsel... For this reason, the Legislature recognized that an insured is not made whole when an insurer simply grants the previously denied benefits without fees. The reality is that once the

⁵ *Florida Patient’s Compensation Fund v. Rowe*, 472 So. 2d 1147-1148, (Fla. 1985).

⁶ *Id.*

⁷ *Id.*

⁸ See *Tillis v. Liverpool & London & Globe Insurance Company*, 35 So. 171 (1903) (rejecting an insurance company argument that the 1893 law providing that an insured may recover attorney fees in actions against an insurance company to enforce a policy violates due process and equal protection).

⁹ Section 626.9373, F.S., contains substantially similar language but it applies to surplus lines insurers. Florida courts have interpreted the statutes to have the same meaning.

benefits have been denied and the plaintiff retains counsel to dispute that denial, additional costs that require relief have been incurred. Section 627.428, F.S., takes these additional costs into consideration and levels the scales of justice for policyholders by providing that the insurer pay the attorney's fees resulting from incorrectly denied benefits.¹⁰

Florida courts have broadly interpreted the statute to allow recovery of fees when the insurer ultimately settles the case before trial.¹¹ A finding of bad faith on the part of the insurer is not a necessary precondition for the award of fees under the statute.¹²

Lodestar Calculation

Florida courts set reasonable attorney fees using the federal lodestar approach, which is calculated as the product of the number of hours reasonably expended multiplied by a reasonable hourly rate.¹³ In adopting a "suitable foundation for an objective structure" for the award of attorney fees, the Court explained in *Fla. Patient's Comp. Fund v. Rowe*, that:

There is but little analogy between the elements that control the determination of a lawyer's fee and those which determine the compensation of skilled craftsmen in other fields. Lawyers are officers of the court. The court is an instrument of society for the administration of justice. Justice should be administered economically, efficiently, and expeditiously. The attorney's fee is, therefore, a very important factor in the administration of justice, and if it is not determined with proper relation to that fact it results in a species of social malpractice that undermines the confidence of the public in the bench and bar. It does more than that. It brings the court into disrepute and destroys its power to perform adequately the function of its creation.¹⁴

In calculating the lodestar amount under *Rowe*, courts must consider the following elements:

- The time and labor required, the novelty and difficulty of the question involved, and the skill requisite to perform the legal service.
- The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.
- The fee customarily charged in the locality for similar legal services.
- The amount involved and the results obtained.
- The time limitations imposed by the client or by the circumstances.
- The nature and length of the professional relationship with the client.

¹⁰ *Johnson v. Omega Ins. Co.*, 200 So. 3d 1207, 1215-1216 (Fla. 2016) (internal citations omitted).

¹¹ *Johnson v. Omega Ins. Co.*, 200 So. 3d 1207, 1215 (Fla. 2016) (noting that it is "well settled that the payment of a previously denied claim following the initiation of an action for recovery, but prior to the issuance of a final judgment, constitutes the functional equivalent of a confession of judgment").

¹² *Insurance Co. of North America v. Lexow*, 602 So. 2d 528, 531 (Fla. 1992) ("We reject the argument that attorney's fees should not be assessed against INA because this dispute involved a type of claim which reasonably could be expected to be resolved by a court. INA's good faith in bringing this suit is irrelevant. If the dispute is within the scope of s. 627.428, F.S., and the insurer loses, the insurer is always obligated for attorney's fees").

¹³ *Fla. Patient's Comp. Fund v. Rowe*, 472 So. 2d 1145, 1150 (Fla. 1985).

¹⁴ *Id.* at 1149 (quoting *Baruch v. Giblin*, 122 Fla. 59, 63, 164 So. 831, 833 (1935)).

- The experience, reputation, and ability of the lawyer or lawyers performing the services.
- Whether the fee is fixed or contingent.¹⁵

Contingency Fee Multipliers

Florida Court Discretion to Apply a Contingency Fee Multiplier and the Contingency Fee Multiplier Schedule

Florida courts have discretion to consider applying a contingency fee multiplier to the produced lodestar amount.¹⁶ However, before determining that a multiplier is warranted, a court must consider whether:

- The relevant market requires a contingency fee multiplier to obtain competent counsel.
- The attorney was able to mitigate the risk of nonpayment in any way.
- Any of the factors set forth in *Rowe* are applicable, especially, the amount involved, the results obtained, and the type of fee arrangement between the attorney and the client.¹⁷

When a court concludes the presented evidence supports utilization of a multiplier, courts may use the following *Quanstrom* multiplier schedule:¹⁸

Contingency Fee Multiplier	Case's Likelihood of Success at Outset
1.0 to 1.5	More likely than not.
1.5 to 2.0	Approximately even.
2.0 to 2.5	Unlikely.

Florida's adoption of this approach in *Rowe* was followed by a series of United States Supreme Court decisions rejecting and limiting the use of contingency fee multipliers in federal cases. In response, the Florida Supreme Court has reaffirmed Florida precedent and the underlying public policy reasoning for the use of contingency fee multipliers as articulated in *Rowe* on multiple occasions.

Federal Precedent Limiting the Use of Contingency Fee Multipliers

Following the Florida Supreme Court's decision in *Rowe*, Justice Scalia, writing the majority opinion in *Dague*, couched his disapproval of contingency fee multipliers by reasoning that the multipliers incentivize nonmeritorious claims, so that those claims are effectively raised as often as meritorious claims:

[T]he consequence of awarding contingency enhancement to take account of this "merits" factor would be to provide attorneys with the same incentive to bring relatively meritless claims as relatively meritorious ones. Assume, for example, two claims, one with underlying merit of 20%, the other of 80%. Absent any contingency enhancement, a contingent-fee attorney would prefer to take the latter, since he is four times more likely to be paid. But with a contingency enhancement, this preference will disappear: the enhancement for the 20% claim

¹⁵ *Fla. Patient's Comp. Fund v. Rowe*, 472 So. 2d 1145, 1150 (Fla. 1985).

¹⁶ *Joyce v. Federated National Insurance Company*, 228 So. 3d 1122, 1124 (Fla. 2017).

¹⁷ *Id.*

¹⁸ *Id.*

would be a multiplier of 5 (100/20), which is quadruple the 1.25 multiplier (100/80) that would attach to the 80% claim. Thus, enhancement for the contingency risk posed by each case would encourage meritorious claims to be brought, but only at the social cost of indiscriminately encouraging nonmeritorious claims to be brought as well. We think that an unlikely objective of the “reasonable fees” provisions.¹⁹

Building on *Dague*, the U.S. Supreme Court in *Perdue* further limited the use of contingency fee multipliers, reserving them for “rare and exceptional circumstances” in which the lodestar insufficiently accounts for a factor that may properly be considered in determining a reasonable fee.²⁰ Such circumstances “require specific evidence that the lodestar fee would not have been ‘adequate to attract competent counsel.’”²¹

Florida Precedent Approving the Use of Contingency Fee Multipliers

The Florida Supreme Court has rejected the U.S. Supreme Court’s reasonings in *Dague* and *Perdue* on multiple occasions. Beginning with *Bell*, the Court reaffirmed the *Rowe* rationale for contingency fee multipliers, explaining:

[W]e find that the primary policy that favors the consideration of the multiplier is that it assists parties with legitimate causes of action or defenses in obtaining competent legal representation even if they are unable to pay an attorney on an hourly basis. In this way, the availability of the multiplier levels the playing field between parties with unequal abilities to secure legal representation.²²

In *Lane*, the Court similarly noted the role full contingency fee cases, generally, and partial contingency fee cases, specifically, play in providing access to the court system:

Attorneys should be encouraged to take cases based on a partial contingency-fee arrangement, since this policy also will encourage attorneys to provide services to persons who otherwise could not afford the customary legal fee. No incentive would exist under the approach taken by the district court below, because no “enhancement” of the customary fee would be given to offset losses.²³

More recently, the Florida Supreme Court has rejected the “rare and exceptional” standard as articulated in *Perdue*. In *Joyce*, the Court held there is no “rare and exceptional” circumstances requirement before a court can apply a contingency fee multiplier.²⁴ *Joyce* also reaffirmed *Rowe*, *Quanstrom*, and *Bell*. Moreover, Justice Pariente, writing for the majority, criticized Justice Scalia’s reasoning from the majority opinion in *Dague*, arguing that Justice Scalia wrongly conflated nonmeritorious claims with claims that are unlikely to prevail in arguing that multipliers incentivize the pursuit of nonmeritorious claims.²⁵

¹⁹ *City of Burlington v. Dague*, 505 U.S. 557, 563 (1992).

²⁰ *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 543 (2010).

²¹ *See id.* at 543.

²² *Bell v. U.S.B. Acquisition Co. Inc.*, 734 So.2d 403, 411 (Fla. 1999).

²³ *Lane v. Head*, 566 So. 2d 508, 511 (Fla. 1990).

²⁴ *Joyce v. Federated National Insurance Company*, 228 So.3d 1122, 1135 (Fla. 2017).

²⁵ *Id.* at 1132-33.

Additional Statutes Applicable to the Award of Attorney Fees in Property Insurance Litigation

Section 627.428, F.S., generally governs the award of attorney fees in civil litigation under a property insurance policy. There are circumstances, however, where the insurer may obtain attorney fees from an insured. These circumstances include when litigation is brought by an assignee of benefits under a residential property insurance policy, when a claimant brings an action that has no good faith legal or genuine factual basis, or in certain circumstances when the insurer's offer of settlement is refused.

Attorney Fees Arising from Assignment of Benefits

Section 627.7152, F.S., prevents recovery of "one way" attorney fees under s. 627.428, F.S., for assignees of post-loss benefits under a residential property insurance policy or commercial property insurance policy, and instead provides a formulaic means by which either party may recover attorney fees.²⁶ An award of attorney fees is based on the difference between the judgment obtained and the presuit settlement offer. Fees are awarded as follows:

- If the difference between the judgment obtained and the presuit offer is less than 25 percent of the disputed amount, the insurer is entitled to an award of reasonable attorney fees.
- If the difference between the judgment obtained and the presuit offer is at least 25 percent but less than 50 percent of the disputed amount, no party is entitled to an award of attorney fees.
- If the difference between the judgment obtained and the presuit offer is at least 50 percent of the disputed amount, the assignee is entitled to an award of reasonable attorney fees.²⁷

Attorney Fees Arising from Unsupported Claims, Defenses, or Delays

Section 57.105, F.S., provides the court with authority to award attorney fees, including prejudgment interest, to the prevailing party if the court finds the losing party or losing party's attorney brought a civil claim or raised a defense in a civil cause of action that has no good faith legal or genuine factual basis. The court may also award attorney fees if the opposing party took any action, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, for the primary purpose of unreasonable delay.²⁸

Attorney Fees Arising from Offers of Judgment

Section 768.79, F.S., provides for attorney's fees where a party's offer to settle a case has been rejected. The statute states, in part:

(1) In any civil action for damages filed in the courts of this state, if a defendant files an offer of judgment which is not accepted by the plaintiff within 30 days, the defendant shall be entitled to recover reasonable costs and attorney's fees incurred by her or him...if the judgment is one of no liability or the judgment obtained by the plaintiff is at least 25 percent less than such offer...If a plaintiff files a demand for judgment which is not accepted by the defendant within 30

²⁶ Chapter 2019-58, s. 23, Laws of Fla.

²⁷ Section 627.7152(10)(a), F.S.

²⁸ Section 57.105(2), F.S.

days and the plaintiff recovers a judgment in an amount at least 25 percent greater than the offer, she or he shall be entitled to recover reasonable costs and attorney's fees....

An offer must:

- Be in writing and state that it is being made pursuant to this section;
- Name the party making it and the party to whom it is being made;
- State with particularity the amount offered to settle a claim for punitive damages, if any; and
- State its total amount.²⁹

When determining the reasonableness of an award of attorney fees, the court must consider the following factors along with other relevant criteria:

- The then merit or lack of merit in the claim;
- The number and nature of offers made by the parties;
- The closeness of questions of fact and law at issue;
- Whether the person making the offer had unreasonably refused to furnish information necessary to evaluate the reasonableness of such offer;
- Whether the suit was in the nature of a test case presenting questions of far-reaching importance affecting nonparties; and
- The amount of the additional delay cost and expense that the person making the offer reasonably would be expected to incur if the litigation should be prolonged.

Section 768.79(7)(a), F.S., allows the court discretion to disallow an award of costs and attorney fees to the prevailing party if it is determined the prevailing party did not make the offer in good faith.

III. Effect of Proposed Changes:

Section 1 amends s. 627.428, F.S., to create a strong presumption that the lodestar fee is a sufficient and reasonable award of attorney fees in a claim arising under a property insurance policy. This presumption is rebuttable only in rare and exceptional circumstances by evidence that competent counsel could not be retained in a reasonable manner. Only when such evidence is presented to the court could a contingency fee multiplier be applied in property insurance litigation.

The lodestar amount, in the context of attorney fees awarded under s. 627.428, F.S., is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate for the services of the attorney of the insured or beneficiary.

Section 2 provides an effective date of July 1, 2020.

²⁹ Section 768.79(2), F.S.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The Court has noted the Legislature has discretion to limit the elements for consideration of attorney fee awards.³⁰ Similarly, the Court has noted application of contingency fee multipliers is not mandatory.³¹

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.

³⁰ See *Quanstrom*, 555 So.2d at 834.

³¹ See *Quanstrom*, 555 So.2d at 830.

VIII. Statutes Affected:

This bill substantially amends section 627.428 of the Florida Statutes.

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

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

CS by Banking and Insurance on January 21, 2020:

Creates a strong presumption that the lodestar amount is a sufficient and reasonable award of attorney fees under s. 627.428, F.S., in property insurance litigation. The bill provides further that the lodestar “sufficient and reasonable” presumption is rebuttable only in “rare and exceptional” circumstances by evidence that competent counsel could not be retained in a reasonable manner. Only when such evidence is presented to the court could a contingency fee multiplier be applied in property insurance litigation. The original filed bill would have prohibited the use of a contingency fee multiplier in awarding an attorney fee under s. 627.428, F.S., related to property insurance litigation.

B. Amendments:

None.



292098

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/04/2020	.	
	.	
	.	
	.	

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 17 - 21
and insert:
claim arising under a property insurance policy, the court shall
determine a reasonable fee under the lodestar method. However, a
contingency fee multiplier shall be applied in rare or
exceptional circumstances in consideration of the following
factors:
(a) Whether the relevant market requires a contingency fee



292098

multiplier to obtain competent counsel;

(b) Whether the attorney was able to mitigate the risk of
nonpayment in any way; and

(c) Whether the amount involved and the results obtained
justify a contingency fee multiplier.

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

And the title is amended as follows:

Delete lines 5 - 8

and insert:

property insurance policies, a court shall determine a
reasonable fee under the lodestar method; providing
that a contingency fee multiplier shall be applied in
rare or exceptional circumstances in consideration of
certain factors; providing

By the Committee on Banking and Insurance; and Senator Brandes

597-02424-20

2020914c1

1 A bill to be entitled
2 An act relating to contingency risk multipliers;
3 amending s. 627.428, F.S.; providing that, for certain
4 attorney fees awarded for claims arising under
5 property insurance policies, a strong presumption is
6 created that a lodestar fee is sufficient and
7 reasonable; providing that such presumption may be
8 rebutted only under certain circumstances; providing
9 an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (4) is added to section 627.428,
14 Florida Statutes, to read:

15 627.428 Attorney fees.—

16 (4) In an award of attorney fees under this section for a
17 claim arising under a property insurance policy, a strong
18 presumption is created that a lodestar fee is sufficient and
19 reasonable. Such presumption may be rebutted only in a rare and
20 exceptional circumstance with evidence that competent counsel
21 could not be retained in a reasonable manner.

22 Section 2. This act shall take effect July 1, 2020.

COMMITTEE: Judiciary
ITEM: CS/SB 914
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S00914

GENERAL BILL/CS by BI, Brandes; (Identical H 07071)

Contingency Risk Multipliers. EFFECTIVE DATE: 07/01/2020.

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S Favorable by Judiciary; YEAS 4 NAYS 2; Now in Rules



The Florida Senate

Committee Agenda Request

To: Senator David Simmons
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 21, 2019

I respectfully request that **Senate Bill #914**, relating to **Property Insurance**, be placed on the:

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

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

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4

Meeting Date

914

Bill Number (if applicable)

Topic Contingency Risk Multipliers

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior VP

Address 516 NW Adams St

Phone 224-7173

Street

TLH

City

FL

State

32304

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2/4/20

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

914*Meeting Date**Bill Number (if applicable)*Topic Contingency Risk Multipliers*Amendment Barcode (if applicable)*Name Cory GuzzoJob Title ConsultantAddress 108 S Monroe StPhone 850-681-0024*Street*TallahasseeFL32301Email cory@flapartners.com*City**State**Zip*Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Insurance CouncilAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

914

Bill Number (if applicable)

Topic Contingency Risk Multipliers

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 134 S Bronough St

Phone

Street

Tallahassee

FL

32301

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020

Meeting Date

914

Bill Number (if applicable)

Topic Attorney Fee Multiplier

Amendment Barcode (if applicable)

Name Don Haynes

Job Title _____

Address 117 S. Willow Ave.
Street

Phone (813) 223-2929

Tampa FL 33606
City State Zip

Email rhaynes@ligoriaw.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Christopher Ligorini & Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

914

Bill Number (if applicable)

Topic ATTORNEY FEE MULTIPLIER

Amendment Barcode (if applicable)

Name ANDREW FUXA

Job Title

Address 490 SAWGRASS CORPORATE PARKWAY SUITE 110

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City

State

Zip

Phone (954) 990-5251

Email andy@gft.law

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Geyer Fuxa Tyler, PLLC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/14/20

Meeting Date

914

Bill Number (if applicable)

Topic CONTINGENCY RISK MULTIPLIER

Amendment Barcode (if applicable)

Name KYLE ULRICH

Job Title SVP

Address 3159 SHAMROCK S.

Phone 893-4155

Street

TALLAHASSEE FL

32312

City

State

Zip

Email KULRICH@FAIA.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL. ASSOC. OF INSURANCE AGENTS

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)

02.04.20

Meeting Date

914

Bill Number (if applicable)

Topic Contingency Risk Multipliers

Amendment Barcode (if applicable)

Name Aram Megerian

Job Title _____

Address 4301 West Boy Scout Boulevard - Suite 400

Phone (813) 289-9300

Street

Tampa

FL

33607

Email aram.megerian@csklegal.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Justice Reform Institute

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

SB 914
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Bryan Gowdy

Job Title Attorney

Address Creed Gowdy 865 May St.
Street
Jacksonville FL 32204
City State Zip

Phone 904-350-0075

Email bgowdy@appeallate
-him.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

914

Bill Number (if applicable)

Topic Contingency Fee Multiplier

Amendment Barcode (if applicable)

Name Michael Carlson

Job Title CEO

Address 215 S Monroe St Ste 835

Phone 850-597-7425

Street

Tallahassee

FL

32301

City

State

Zip

Email michael.carlson@piff.net

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

Representing Personal Insurance Federation of Florida

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

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 4, 2020

Meeting Date

914

Bill Number (if applicable)

Topic Contingency Risk Multipliers

Amendment Barcode (if applicable)

Name Candace Bunker

Job Title Director - Legislative and Cabinet Affairs

Address 2101 Maryland Circle

Phone 850 513.3757

Street

Tallahassee,

FL

32303

Email candace.bunker@citizensfla.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Citizens Property Insurance Corporation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4

Meeting Date

914

Bill Number (if applicable)

Topic Contingency Risk Multiplier

Amendment Barcode (if applicable)

Name Maite Stevens

Job Title _____

Address ~~210~~ 123 S Adams

Phone (714) 440

Street

City Tampa State FL Zip _____

Email Stevens@505latky.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing American Property & Casualty Insurance Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

5B914
Bill Number (if applicable)

292098

Amendment Barcode (if applicable)

Topic _____

Name Bryan Gowdy / Candi Gowdy, P.A.

Job Title Attorney

Address 865 May St.

Street

Phone 909-350-0075

Jacksonville FL 32209

City

State

Zip

Email bgowdy@apellate-hrm.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020

Meeting Date

914

Bill Number (if applicable)

292098

Amendment Barcode (if applicable)

Topic Attorney Fee Multiplier

Name Ron Haynes

~~Job Title~~ _____

Address 117 S. Willow Ave

Street

Tampa

City

FL

State

33606

Zip

Phone (813) 223-2929

Email rhaynes@ligorilaw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christopher Ligori & Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name

Job Title

Address

Street

City

State

Zip

Phone

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.

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)

02.04.20

Meeting Date

914

Bill Number (if applicable)

292098

Amendment Barcode (if applicable)

Topic Contingency Risk Multipliers

Name Aram Megerian

Job Title _____

Address 4301 West Boy Scout Boulevard - Suite 400

Phone (813) 289-9300

Street

Tampa

FL

33607

Email aram.megerian@csklegal.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Justice Reform Institute

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

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 1354

INTRODUCER: Senator Brandes

SUBJECT: Statewide Voter Registration Application

DATE: February 3, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Roberts	EE	Favorable
2.	Davis	Cibula	JU	Favorable
3.			RC	

I. Summary:

SB 1354 returns the statutory *felon declaration of voting eligibility* on the uniform statewide voter registration application to its pre-2019 form. The bill and the pre-2019 declaration require those completing a voter registration application to affirm this statement:

“I affirm I have never been convicted of a felony or, if I have been, my rights relating to voting have been restored.”

This change is made to comply with a federal court ruling that invalidated the 2019 legislative changes to the declaration which were adopted to implement Constitutional Ballot Amendment 4 (2018) regarding the restoration of a felon’s voting rights.

The bill codifies and re-adopts the pre-2019 declaration, which the Florida Division of Elections and county supervisors of elections had resorted to using as a stop-gap measure following the federal court ruling.

The bill takes effect upon becoming law.

II. Present Situation:

Amendment 4 (2018) Ballot Measure

Until the 2018 election, Article VI, section 4 of the Florida Constitution disqualified a person convicted of a felony from voting or holding office until restoration of his or her civil rights.¹

¹ Article VI, s. 4, FLA. CONST. (2018)

In the 2018 General Election, Florida voters approved Amendment 4 with 64 percent of the vote, amending the Florida Constitution to provide voting rights restoration to specified voters. Specifically, the ballot language provided that “any disqualification arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.”² The provision excludes a “person convicted of murder or a felony sexual offense” from restoration of voting rights unless and until his or her civil rights are restored.³

Legislative Implementation

With regard to restoration of voting rights, Florida’s statewide voter registration form used to simply require an applicant to mark a checkbox affirming that he or she was not a convicted felon, or, if so, that he or she had his or her voting rights restored.⁴

In 2019, the Legislature adopted Amendment 4 implementing language. This included highly-detailed changes to the felon declaration of voter eligibility in the statewide voter registration application. The changes were designed to more closely track the language of the Amendment.⁵ Specifically, the 2019 bill provided that the statewide voter registration application must elicit:

- (t)1. Whether the applicant has never been convicted of a felony by including the statement “I affirm I have never been convicted of a felony.” and providing a box for the applicant to check to affirm the statement.
2. Whether the applicant has been convicted of a felony, and if convicted, has had his or her civil rights restored through executive clemency, by including the statement “If I have been convicted of a felony, I affirm my voting rights have been restored by the Board of Executive Clemency.” and providing a box for the applicant to check to affirm the statement.
3. Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution, by including the statement “If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation.” and providing a box for the applicant to check to affirm the statement.⁶

² *Id.* See also Time, ‘Our Voice Will Count.’ Former Felon Praises Florida Passing Amendment 4, Which Will Restore Voting Rights to 1.4 Million People, Alejandro De Le Garza, November 7, 2018, available at <http://time.com/5447051/florida-amendment-4-felon-voting/>.

³ The Department of State, Division of Elections, *Proposed Constitutional Amendments and Revisions for the 2018 General Election*, p. 10-11, <https://dos.myflorida.com/media/699824/constitutional-amendments-2018-general-election-english.pdf>.

⁴ Section 97.052(2)(t), F.S. (2018).

⁵ CH. 2019-166, § 21, Laws of Fla. The Legislature also adopted conforming changes that included a new public records exemption relating to eliciting specifics of the prior felony conviction along with the specific manner of voting rights restoration. *Id.* at § 22; CH. 2019-55, § 1, Laws of Fla.

⁶ CH. 2019-166, § 21, Laws of Fla.

Judicial Action

In October 2019, Judge Robert Hinkle of the United States District Court for the Northern District of Florida invalidated the new statutory language. He stated that, not only was the language inartfully drawn but *defective* for failing to “reach felons whose rights have been restored in other states or through other methods, including executive pardons.”⁷ In analyzing the plaintiff’s due process claim, the Judge stated:

Prior to the adoption of SB 7066, Florida’s standard voter-registration form required an applicant to attest that the applicant had never been convicted of a felony or, if the applicant had been convicted of a felony, the right to vote had been restored. . . . This apparently worked without difficulty and, *if used now, would allow a felon who asserts a right to vote to submit an application and thus begin the process that, if there is disagreement, eventually leads to a hearing.*⁸

Subsequently, the Secretary of State represented to Judge Hinkle that Florida’s 67 county supervisors of elections had reverted to accepting the old voter registration felon voting declaration language,⁹ which currently appears on a registration form on the Department of State, Division of Elections’ website.¹⁰

III. Effect of Proposed Changes:

SB 1354 reverts to the pre-2019 *felon declaration of voting eligibility* language on the voter registration application, specifically:

...Whether the applicant has been convicted of a felony, and if convicted, has had his or her voting rights restored by including the statement “I affirm I have never been convicted of a felony or, if I have been, my rights relating to voting have been restored.” and providing a box for the applicant to check to affirm the statement.

As such, the bill adopts the tacit suggestion of the federal district court and the current practice of the Division of Elections and county supervisors of elections in publishing and processing voter registration applications.

The bill also makes conforming changes, including the elimination of a public records exemption specifically created for the application form’s stricken felon voting attestation requirements.

The bill takes effect upon becoming a law.

⁷ See, *Jones v. DeSantis*, 410 F. Supp. 3d 1284, 1308 (N.D. Fla. 2019) (appeal pending).

⁸ *Id.* at 1307-1308 (emphasis added).

⁹ *Id.* at 1308.

¹⁰ See Current Florida Voter Registration Application, available at: <https://dos.myflorida.com/media/702368/dsde39-eng-pre-7066-with-2019-addresses.pdf>.

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

Not applicable. Bills which affect state or local elections are exempt from Article VII, section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.052, 97.053, and 97.0585.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Brandes

24-01570-20

20201354__

A bill to be entitled
An act relating to the statewide voter registration application; amending ss. 97.052 and 97.053, F.S.; revising requirements for the uniform statewide voter registration application and the acceptance of such applications; amending s. 97.0585, F.S.; deleting an exemption from public records requirements for information related to a voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights to conform to changes made by the act; providing an effective date.

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

Section 1. Paragraph (t) of subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(t)~~1.~~ Whether the applicant has ~~never~~ been convicted of a felony, and if convicted, has had his or her voting rights restored by including the statement "I affirm I have never been convicted of a felony or, if I have been, my rights relating to voting have been restored." and providing a box for the applicant to check to affirm the statement.

~~2. Whether the applicant has been convicted of a felony, and if convicted, has had his or her civil rights restored through executive clemency, by including the statement "If I~~

24-01570-20

20201354__

30 ~~have been convicted of a felony, I affirm my voting rights have~~
31 ~~been restored by the Board of Executive Clemency." and providing~~
32 ~~a box for the applicant to check to affirm the statement.~~

33 ~~3. Whether the applicant has been convicted of a felony~~
34 ~~and, if convicted, has had his or her voting rights restored~~
35 ~~pursuant s. 4, Art. VI of the State Constitution, by including~~
36 ~~the statement "If I have been convicted of a felony, I affirm my~~
37 ~~voting rights have been restored pursuant to s. 4, Art. VI of~~
38 ~~the State Constitution upon the completion of all terms of my~~
39 ~~sentence, including parole or probation." and providing a box~~
40 ~~for the applicant to check to affirm the statement.~~

41 Section 2. Paragraph (a) of subsection (5) of section
42 97.053, Florida Statutes, is amended to read:

43 97.053 Acceptance of voter registration applications.—

44 (5) (a) A voter registration application is complete if it
45 contains the following information necessary to establish the
46 applicant's eligibility pursuant to s. 97.041, including:

47 1. The applicant's name.

48 2. The applicant's address of legal residence, including a
49 distinguishing apartment, suite, lot, room, or dormitory room
50 number or other identifier, if appropriate. Failure to include a
51 distinguishing apartment, suite, lot, room, or dormitory room or
52 other identifier on a voter registration application does not
53 impact a voter's eligibility to register to vote or cast a
54 ballot, and such an omission may not serve as the basis for a
55 challenge to a voter's eligibility or reason to not count a
56 ballot.

57 3. The applicant's date of birth.

58 4. A mark in the checkbox affirming that the applicant is a

24-01570-20

20201354__

citizen of the United States.

5.a. The applicant's current and valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the ~~applicable~~ checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, ~~has had his or her civil rights restored through executive clemency, or~~ has had his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution.

7. A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

24-01570-20

20201354__

Section 3. Paragraphs (d), (e), and (f) of subsection (1) of section 97.0585, Florida Statutes, are amended to read:

97.0585 Public records exemption; information regarding voters and voter registration; confidentiality.—

(1) The following information held by an agency, as defined in s. 119.011, and obtained for the purpose of voter registration is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration:

~~(d) Information related to a voter registration applicant's or voter's prior felony conviction and whether such person has had his or her voting rights restored by the Board of Executive Clemency or pursuant to s. 4, Art. VI of the State Constitution.~~

~~(e)~~ All information concerning preregistered voter registration applicants who are 16 or 17 years of age.

(e)-(f) Paragraph (d) is Paragraphs (d) and (e) are subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. This act shall take effect upon becoming a law.

COMMITTEE: Judiciary
ITEM: SB 1354
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
-R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

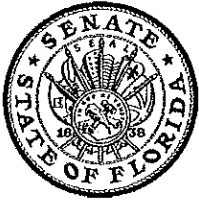
S01354

GENERAL BILL by Brandes;

Statewide Voter Registration Application. EFFECTIVE DATE: Upon becoming a law.

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S Favorable by Judiciary; YEAS 5 NAYS 0; Now in Rules



The Florida Senate

Committee Agenda Request

To: Senator David Simmons
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 28, 2020

I respectfully request that **Senate Bill #1354**, relating to **Statewide Voter Registration Application**, be placed on the:

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

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE
APPEARANCE RECORD

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

1354
Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date _____

Topic _____

Name Rodney Statham

Job Title Legislative Affairs

Address 4081 LB McLeod

Street _____

City Orlando State FL Zip 32811

Phone _____

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Rights Restoration Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2 4 20

Meeting Date

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

1354

Bill Number (if applicable)

Topic VOTER REGISTRATION APPLICATION

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title _____

Address PO Box 1201

Phone 850/570-1967

Street

Tallahassee

FL

32302

Email danbhendrickson@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

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: CS/SB 1044

INTRODUCER: Judiciary Committee; and Senator Pizzo and others

SUBJECT: Animal Cruelty

DATE: February 4, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wagoner</u>	<u>Jones</u>	<u>CJ</u>	Favorable
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1044 creates “Allie’s Law” and provides that a “treatment provider,” its employees, or volunteers shall be held harmless from civil and criminal liability when, in good faith, they report suspected or known cruelty to dogs and cats or cooperate with a related investigation.

A treatment provider includes any animal care facility, animal hospital, private veterinary practice, animal shelter, veterinary school, specialized veterinary hospital, or any place dogs or cats are seen for any kind of treatment.

The bill also creates a first degree misdemeanor penalty for an employee or volunteer of a treatment provider who knowingly alters or destroys an existing medical record to conceal or attempt to conceal cruelty to a dog or cat.

The bill may have a positive fiscal impact on law enforcement agencies. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2020.

II. Present Situation:

Animal Cruelty; Generally

Section 828.12(1), F.S., provides that a person commits animal cruelty if he or she unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner. Animal cruelty is a first degree misdemeanor, punishable by up to one year in jail or a fine of up to \$5,000, or both.¹

Identification of animal abuse may play a crucial role in the intervention against other forms of violence in society.² Ample research demonstrates a link between animal abuse in a household and domestic violence and child abuse.³ Therefore, through the identification of animal cruelty, veterinarians are uniquely positioned to bring attention to other forms of interpersonal violence.⁴

III. Effect of Proposed Changes:

The bill creates “Allie’s Law” after Allie, a 4-year-old Boston Terrier, whose obvious signs of abuse during veterinary visits went long unreported until she was surrendered and rescued.⁵

The bill provides that a “treatment provider,” its employees, or volunteers shall be held harmless from criminal or civil liability, when, in the normal course of care of a dog or cat, knows or has reason to suspect animal cruelty and, in good faith;

- Reports the suspected cruelty to a local law enforcement agency or animal control agency, or
- Cooperates with a related investigation of cruelty.

A treatment provider is defined as any animal care facility, animal hospital, private veterinary practice, animal shelter, veterinary school, specialized veterinary hospital, or any place dogs or cats are seen for any kind of treatment.

The bill also creates a first degree misdemeanor penalty for an employee or volunteer of a treatment provider who knowingly alters or destroys an existing medical record to conceal or attempt to conceal cruelty to a dog or cat.

The bill is effective July 1, 2020.

¹ A first degree misdemeanor is punishable by up to one year in jail and a fine of up to \$1,000, or any higher amount specifically authorized by statute. Section 775.082, F.S.

² Stefany Monsalve, Fernando Ferreira and Rita Garcia, “The connection between animal abuse and interpersonal violence: A review from the veterinary perspective,” p. 34, *Research in Veterinary Science*, (Oct. 1, 2017) <https://www.ncbi.nlm.nih.gov/pubmed/28279899>

³ *Id.*

⁴ See also, Elizabeth DeViney, Jeffrey Dickert and Randall Lockwood, “The Care of Pets Within Child Abusing Families,” *Animal Studies Repository*, 1983.

https://animalstudiesrepository.org/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1014&context=acwp_away This article provides a survey of families which reported child abuse and animal abuse. This survey found that a majority of these pet owners (60 percent of dog owners and 66 percent of cat owners) utilized veterinary services (p. 325). This survey also found that 88 percent of families with reported child abuse and household pets also reported animal abuse (p. 327).

⁵ “Allie’s Law,” available at <https://allieslaw.org/>

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be a positive, i.e., increased, fiscal impact for law enforcement agencies to investigate and charge a treatment provider, its employee or volunteer, for knowingly altering or destroying existing medical records to conceal or attempt to conceal cruelty to a dog or cat.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 828.124 of the Florida Statutes.

IX. Additional Information:

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

CS by Judiciary on February 4, 2020:

The committee substitute differs substantially from the underlying bill. The original bill placed an affirmative duty on a group of people to report known or suspected abuse within a limited timeframe. The committee substitute, instead, removes the duty to report and holds them harmless from criminal or civil liability when, in good faith, they report suspected cruelty or cooperate with a related cruelty investigation.

- B. **Amendments:**

None.



294316

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Judiciary (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Delete lines 28 - 77
and insert:

(2) A treatment provider or an employee or volunteer of a treatment provider who in the normal course of care of a dog or cat knows or has reason to suspect animal cruelty as prohibited in s. 828.12(1) shall be held harmless from either criminal or civil liability for any decisions made in good faith to report suspected cruelty to a local law enforcement agency or animal control agency or to cooperate with any related investigation of



294316

cruelty to animals.

(3) An employee or volunteer of a treatment provider who knowingly alters or destroys an existing medical record for the purpose of concealing or attempting to conceal cruelty to a dog or cat commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

And the title is amended as follows:

Delete lines 4 - 15

and insert:

"treatment provider"; providing immunity from criminal and civil liability for certain persons and entities who report animal cruelty; prohibiting the alteration or destruction of certain records; providing criminal penalties; providing an effective date.



840766

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Judiciary (Pizzo) recommended the following:

Senate Amendment

Delete line 77
and insert:
proper authorities, as provided in s. 828.124.

By Senator Pizzo

38-01198-20

20201044__

A bill to be entitled
An act relating to animal cruelty; providing a short
title; creating s. 828.124, F.S.; defining the term
"treatment provider"; requiring veterinarians to
report suspected animal cruelty in certain
circumstances; requiring certain persons to report
suspected animal cruelty to a veterinarian; providing
duties for veterinarians; providing immunity from
criminal and civil liability for certain persons and
entities; prohibiting the alteration or destruction of
certain records; providing criminal penalties;
providing enhanced penalties for repeat violations;
amending s. 474.214, F.S.; specifying that failure of
a veterinarian to report suspected animal cruelty is
grounds for discipline; providing an effective date.

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

Section 1. This act may be cited as "Allie's Law."

Section 2. Section 828.124, Florida Statutes, is created to
read:

828.124 Reporting animal cruelty; medical records.—

(1) As used in this section, the term "treatment provider"
includes any animal care facility, animal hospital, private
veterinary practice, animal shelter, veterinary school,
specialized veterinary hospital or any place dogs or cats are
seen for any kind of treatment.

(2) A veterinarian licensed to practice in the state who
knows, or has reasonable cause to suspect, that a dog or cat

38-01198-20

20201044__

30 showing visible signs of cruelty, as prohibited under s.
31 828.12(1), has been or is being subjected to animal cruelty by
32 its owner or under its owner's care shall report such knowledge
33 or suspicion within 48 hours after obtaining such knowledge or
34 suspicion to a local law enforcement or animal control agency
35 for investigation.

36 (3) A veterinary technician or an employee or volunteer of
37 an animal treatment provider, facility, or shelter who during
38 the normal course of care of a dog or cat knows or has reason to
39 suspect that a dog or cat showing visible signs of cruelty, as
40 prohibited under s. 828.12(1), has been or is being subjected to
41 animal cruelty by its owner or under its owner's care shall
42 report within 24 hours to a veterinarian such knowledge or
43 suspicion, who shall, if the cooperation of the owner or
44 caretaker is obtained, attempt to examine the dog or cat within
45 24 hours after notification of suspected cruelty. If the owner
46 or caretaker refuses to permit a veterinarian to examine a dog
47 or cat that has been reported to a veterinarian under this
48 subsection as possibly subjected to animal cruelty, or the
49 veterinarian is otherwise unable to examine the animal, then the
50 veterinarian shall report the suspected cruelty to a local law
51 enforcement or animal control agency for investigation.

52 (4) A veterinarian, a veterinary technician, or an employee
53 or volunteer of a treatment provider, facility, or shelter
54 practicing in this state shall be held harmless from either
55 criminal or civil liability for any decisions made to report
56 suspected cruelty. Any such animal treatment provider, facility,
57 or shelter is immune from all civil liability for any decisions
58 made to report suspected cruelty and its cooperation with any

38-01198-20

20201044__

59 related investigation of cruelty to animals.

60 (5) It is a violation of this section for a veterinary
61 technician or any employee or volunteer of a veterinary
62 practice, treatment provider, facility, or shelter to knowingly
63 alter or destroy an existing medical record for the purpose of
64 concealing or attempting to conceal cruelty to a dog or cat.

65 (6) (a) Except as provided in paragraph (b), a person who
66 violates subsection (5) commits a misdemeanor of the first
67 degree, punishable as provided in s. 775.082 or s. 775.083.

68 (b) A person who commits a second or subsequent violation
69 of subsection (5) commits a felony of the third degree,
70 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

71 Section 3. Paragraph (qq) is added to subsection (1) of
72 section 474.214, Florida Statutes, to read:

73 474.214 Disciplinary proceedings.—

74 (1) The following acts shall constitute grounds for which
75 the disciplinary actions in subsection (2) may be taken:

76 (qq) Failure to report suspected animal cruelty to the
77 proper authorities.

78 Section 4. This act shall take effect July 1, 2020.

COMMITTEE: Judiciary
ITEM: SB 1044
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S01044

GENERAL BILL by Pizzo; (CO-INTRODUCERS) Stewart; Gruters; Perry; Harrell; Torres; Diaz; Albritton; Farmer; Flores; Powell; Cruz; Book; Hooper; Mayfield; Taddeo; Rodriguez; Montford; (Similar H 00621)

Animal Cruelty. EFFECTIVE DATE: 07/01/2020.

01/23/20 S On Committee agenda-- Judiciary, 01/28/20, 4:00 pm, 110 Senate Building --Temporarily
Postponed

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S CS by Judiciary; YEAS 6 NAYS 0



The Florida Senate

Committee Agenda Request

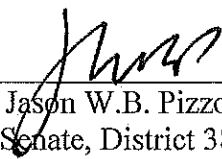
To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 21, 2020

I respectfully request that **SB 1044**, relating to Animal Cruelty, be placed on the:

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



Senator Jason W.B. Pizzo
Florida Senate, District 38

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-4-20

Meeting Date

1044

Bill Number (if applicable)

Topic ANIMAL CRUELTY

Amendment Barcode (if applicable)

Name MICHAEL CRABBS

Job Title LIEUTENANT

Address 2500 W. COLONIAL DR

Street

Phone 321-436-4447

OM

City

FL

State

32804

Zip

Email MICHAEL.
CRABBS@OCFL.NET

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ORANGE COUNTY SHERIFF'S OFFICE

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: CS/SB 656

INTRODUCER: Judiciary Committee and Senator Pizzo

SUBJECT: Arrests

DATE: February 5, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	Favorable
2. <u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 656 authorizes a law enforcement officer to execute a warrantless arrest on a minor who unlawfully possesses a firearm.

More specifically, the bill permits an officer to execute a warrantless arrest for a violation of s. 790.22(3), F.S., which makes it a first degree misdemeanor for a minor who is:

- At least 16 years of age to possess a firearm unless he or she is hunting or target shooting.
- Less than 16 years of age to possess a firearm unless he or she is hunting or target shooting and is supervised by an adult.

However, s. 790.22(3), F.S., expressly does not prohibit any minor from possessing an unloaded firearm at home or when traveling to or from hunting or target practice.

A warrantless arrest authorized by the bill will remain subject to the constitutional limits on warrantless arrests of a person in his or her home.

The bill is effective October 1, 2020.

II. Present Situation:

News articles have reported a number of recent incidents in which children and teens have been killed with a firearm. Recently, in south Miami-Dade, teens were playing with a firearm when a

15-year-old fired a shot that killed two of his friends with one bullet.¹ In Jacksonville, during a short period of time in 2018, two 7-year-old children died in separate incidents when they were caught in the crossfire of open-air gun battles; a 16-year-old was charged with murder in the point-blank shooting of a 19-year-old after a high school football game; and then a 17-year-old high school student was critically wounded in a drive-by shooting while he waited to catch a school bus.² In a Broward County classroom, someone pointed a handgun at unsuspecting students. The act was captured on video and posted on a 16-year-old boy's social media account with a caption asking whether to "carry my pistol with me like last year" just before the 2019-20 school year started. He was later arrested.³ Finally, the escalating levels of arrests for violent crime among young offenders has led Leon County prosecutors to seek adult penalties for young repeat offenders.⁴

Section 790.22, F.S.

Section 790.22(3), F.S., prohibits a minor under the age of 18 from possessing a firearm, other than an unloaded firearm at his or her home. The exceptions to this general prohibition are limited to circumstances where:

- The minor is engaged in a lawful hunting activity and is at least 16 years of age; or is under 16 years of age and supervised by an adult;
- The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is at least 16 years of age; or under 16 years of age and supervised by an adult who is acting with the consent of the minor's parent or guardian; or
- The firearm is unloaded and is being transported by the minor directly to or from an event described above.⁵

Section 790.22, F.S., as one court has stated, was "designed to get the immediate attention of all juveniles and to issue a 'wake-up call' that the state deems their firearm offenses to be serious enough to warrant the automatic deprivation of their liberty for a period of time, even on a first offense. Its intent clearly is to have a deterrent effect to hopefully prevent the juvenile's escalation into the adult criminal justice system."⁶ As such, s. 790.22, F.S., contains a continuum of consequences for juveniles within the juvenile justice system, and their parents or guardians potentially in the criminal justice system, tailored to have a deterrent effect.

¹ NBC 6 South Florida, *2 Teens Killed by Single Bullet in South Miami-Dade*, November 26, 2019, available at <https://www.nbcmiami.com/news/local/2-teens-killed-by-single-bullet-in-south-miami-dade-police/2129088/> (last visited January 15, 2020).

² David Bauerlein, The Florida Times-Union, Jacksonville.com, *Duval County faced again with how to stem a rising tide of crime*, September 29, 2018; available at <https://www.jacksonville.com/news/20180929/duval-county-faced-again-with-how-to-stem-rising-tide-of-crime> (last visited January 15, 2020).

³ Paul Scicchitano, Patch.com, *Florida Teen Arrested After Posting Video Of Gun In Classroom*, August 15, 2019, available at <https://patch.com/florida/miami/amp/28237379/florida-teen-arrested-after-posting-video-of-gun-in-classroom> (last visited January 15, 2020).

⁴ Karl Etters, Tallahassee Democrat, Tallahassee.com, *Guns and teens lead to adult criminal charges*, March 30, 2019, available at <https://www.tallahassee.com/story/news/2019/03/30/guns-and-teens-lead-adult-criminal-charges/3239891002/> (last visited January 15, 2020).

⁵ Section 790.22(3), F.S.

⁶ *T.M. v. State*, 689 So.2d 443, 446 (Fla. 3d DCA, 1997).

A minor who violates the prohibition against possession of a firearm commits a misdemeanor of the first degree.⁷ For a first offense, the minor may serve up to 3 days in a Department of Juvenile Justice secure detention facility and will be required to perform 100 hours of community service.⁸ Based upon his or her age and eligibility for a driving license or privilege, or the status of that license or privilege, the court may direct the Department of Highway Safety and Motor Vehicles to delay or withhold the license or privilege for up to 1 year.⁹

Any parent or guardian of a minor, or other adult responsible for the welfare of a minor, who knowingly and willfully permits the minor to possess a firearm under circumstances other than those listed above commits a felony of the third degree.¹⁰

Additionally, any natural parent or adoptive parent, whether custodial or noncustodial, or any legal guardian or legal custodian of a minor, if that minor possesses a firearm under circumstances other than those listed above, may be required by the court to participate in parenting education classes approved by the Department of Juvenile Justice, upon the minor's first conviction. Upon any subsequent conviction of the minor, the court may require the parent to attend further parent education classes or perform community service hours together with the child.¹¹

Any firearm that is possessed or used by a minor in violation of this section shall be promptly seized by a law enforcement officer.¹²

For a second or subsequent offense, the minor commits a felony of the third degree and is required to serve a period of detention of up to 15 days in a secure detention facility and to perform between 100 and 250 hours of community service.¹³ Based upon his or her age and eligibility for a driving license or privilege, or the status of that license or privilege, the court may direct the Department of Highway Safety and Motor Vehicles to delay or withhold the license or privilege for up to 2 years.¹⁴

If a minor is found to have committed an offense that involves the use or possession of a firearm *including a violation of s. 790.22(3), F.S.*, or any offense during the commission of which the minor possessed a firearm, unless the state attorney authorizes the release of the minor, the minor shall be detained in secure detention and shall be given a hearing within 24 hours after being

⁷ Section 790.22(5)(a), F.S.

⁸ *Id.* A secure detention facility is a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure custody. Section 985.03, F.S. Community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds. Section 790.22(5)(a), F.S.

⁹ Section 790.22(5)(a), F.S.

¹⁰ Section 790.22(4)(b), F.S. A felony of the third degree is punishable by up to 5 years' imprisonment and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

¹¹ Section 790.22(4)(b), F.S.

¹² Section 790.22(6), F.S. Any firearm that is possessed or used by a minor in violation of this section shall be promptly seized by a law enforcement officer and disposed of in accordance with s. 790.08, F.S.

¹³ Community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds. Section 790.22(5)(b), F.S.

¹⁴ *Id.*

taken into custody.¹⁵ At the hearing, the court may order that the minor continue to be held in secure detention.¹⁶

If the juvenile offender is found to have committed an offense that involves the use or possession of a firearm *other than a violation of s. 790.22(3), F.S.*, or any offense during the commission of which the minor possessed a firearm:

- For a first offense, the minor shall serve a minimum period of detention of 15 days in a secure detention facility. The minor must perform 100 hours of community service and may be placed on community control or in a nonresidential commitment program under the supervision of the Department of Juvenile Justice.¹⁷
- For a second or subsequent offense, the minor shall serve a mandatory period of detention of at least 21 days in a secure detention facility, perform not less than 100 nor more than 250 hours of community service, and he or she may be placed on community control or in a nonresidential commitment program under the supervision of the Department of Juvenile Justice.¹⁸

As with the offenses under s. 790.22(3), F.S., offenses in s. 790.22(9), F.S., contain consequences related to the minor's driver license or privilege.¹⁹

Use of BB guns, Air or Gas-Operated Guns, or Electric Weapons by Minor

Section 790.22(1), F.S., prohibits a minor under the age of 16 from using, for any purpose, a BB gun, air or gas-operated gun, or electric weapon or device unless such use is under the supervision and in the presence of an adult with the consent of the minor's parent.²⁰

Any adult responsible for the welfare of any minor under 16 years of age who knowingly allows the minor to use or have in his or her possession any BB gun, air or gas-operated gun, electric weapon or device, or firearm in violation of the prohibition in s. 790.22(1), F.S., commits a second degree misdemeanor.²¹

¹⁵ Section 790.22(8), F.S.

¹⁶ In order to keep the minor in secure detention, the juvenile court must make certain findings according to ss. 985.26 and 985.255, F.S., which may also include finding by clear and convincing evidence that the minor is a clear and present danger to himself or herself or the community. Section 790.22(8), F.S.

¹⁷ The minor shall not receive credit for time served before adjudication. Community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds. Section 790.22(9), F.S. "Community control" in the juvenile delinquency system is a delinquency program; the definition of minimum risk nonresidential programs can be found in s. 985.03(44), F.S.

¹⁸ *Id.*

¹⁹ Section 790.22(10), F.S.

²⁰ Electric weapon or device means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. Section 790.001(14), F.S.

²¹ A misdemeanor of the second degree is punishable by up to 60 days in the county jail, 6 months' probation, and a \$500 fine. Sections 775.082 and 775.083, F.S.

Arrest without an Arrest Warrant

Under s. 901.15, F.S., a law enforcement officer may arrest a person without an arrest warrant under any of a list of circumstances. The first four of these circumstances are relatively broad, in that they do not reference a particular crime as a basis for the arrest:

- The person has committed a felony or misdemeanor or violated a local ordinance in the officer's presence; however, the arrest for a misdemeanor or local ordinance must be made immediately or in fresh pursuit.
- A felony has been committed, and the officer reasonably believes the person committed it.
- The officer reasonably believes that a felony has been or is being committed, and that the person has committed or is committing it.
- A warrant for the arrest has been issued and is held by another officer for execution.²²

From there, the list continues with twelve relatively particular circumstances, often referencing particular crimes, under which an officer may arrest a person without an arrest warrant. These include circumstances in which an officer has probable cause to believe the person being arrested has committed:

- A violation of an injunction for protection against domestic violence, dating violence, sexual violence, repeat violence, exploitation of a vulnerable adult or a foreign protection order.²³
- An act of domestic violence or dating violence.²⁴
- Child abuse or luring or enticing a child for unlawful purposes.²⁵
- Battery.²⁶
- Criminal mischief or graffiti-related offenses.²⁷
- Violation of a safety zone, security zone, regulated navigation area, or naval vessel protection zone.²⁸
- A racing violation.²⁹
- An act that violates a condition of pretrial release when the original arrest was for an act of domestic violence or dating violence.³⁰
- Trespass in a posted secure area of an airport.³¹
- Assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employee or agent, or other specified officer who is engaged in the lawful performance of his or her duties.³²

²² Section 901.15(1), (2), (3), and (4), F.S. Also, a law enforcement officer who witnesses a violation of ch. 316, F.S. (State Uniform Traffic Control), may relay that information to another officer who can then make the arrest when reasonable and proper identification of the vehicle and the violation has been communicated to the arresting officer. Section 901.15(5), F.S.

²³ Section 901.15(6), F.S.

²⁴ Section 901.15(7), F.S.

²⁵ Section 901.15(8), F.S.

²⁶ Section 901.15(9), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Section 901.15(13), F.S.

³¹ Section 901.15(14), F.S.

³² Section 901.15(15), F.S.

- Assault or battery upon an employee of a receiving facility who is engaged in the lawful performance of his or her duties.³³
- Cyberharrassment.³⁴

Constitutional Law

Under the Fourth Amendment to the United States Constitution, a person has the right to be free from an unreasonable search or seizure, including an unreasonable arrest.³⁵ To be “reasonable,” an arrest in a public place must be based on probable cause, though no arrest warrant is required.³⁶ To make an arrest in a home, an officer generally also needs an arrest warrant. However, the courts have recognized a number of exceptions to this warrant requirement, such as “exigent circumstances” or when the officer has consent to enter the home.³⁷

Section 901.15, F.S., is not an exception and does not supersede the constitutional requirements for a lawful arrest.³⁸ Accordingly, courts have held the statute unconstitutional *as applied* in situations in which s. 901.15, F.S., was proffered as a basis for a warrantless arrest in a home.³⁹

III. Effect of Proposed Changes:

The bill authorizes a law enforcement officer to execute a warrantless arrest on a minor who unlawfully possesses a firearm.

More specifically, the bill permits an officer to execute a warrantless arrest for a violation of s. 790.22(3), F.S., which makes it a first degree misdemeanor for a minor who is:

- At least 16 years of age to possess a firearm unless he or she is hunting or target shooting.
- Less than 16 years of age to possess a firearm unless he or she is hunting or target shooting and is supervised by an adult.

However, s. 790.22(3), F.S., expressly does not prohibit any minor from possessing an unloaded firearm at home or when traveling to or from hunting or target practice.

³³ *Id.*

³⁴ Section 901.15(16), F.S.

³⁵ U.S. CONST. amend. IV.

³⁶ *State v. Ramos*, 378 So. 2d 1294 (Fla. 3d DCA 1979)

³⁷ See e.g., *U.S. v. Standridge*, 810 F.2d 1034 (11 Cir. 1987) (citing *Payton v. New York*, 445 U.S. 573 (1980)). The court set forth the factors that indicate exigent circumstances:

(1) the gravity or violent nature of the offense with which the suspect is to be charged; (2) a reasonable belief that the suspect is armed; (3) probable cause to believe that the suspect committed the crime; (4) strong reason to believe that the suspect is in the premises being entered; (5) a likelihood that delay could cause the escape of the suspect or the destruction of essential evidence, or jeopardize the safety of officers or the public.

Id. at 1037 (citing *Dorman v. United States*, 435 F.2d 385, 392–93 (D.C.Cir.1970) (en banc); *United States v. Campbell*, 581 F.2d 22, 25–27 (2d Cir.1978); *United States v. Newbern*, 731 F.2d 744, 748–49 (11th Cir.1984); *United States v. Roper*, 681 F.2d 1354, 1357 n. 1 (11th Cir.1982) (dictum), *cert. denied sub nom. Newton v. United States*, 459 U.S. 1207, 103 S.Ct. 1197, 75 L.Ed.2d 440 (1983).

³⁸ See e.g., *Bratt v. Genovese*, 660 Fed Appx. 837 (11th Cir. 2016).

³⁹ See e.g., *State v. Perez*, 277 So. 2d 778 (Fla. 1973).

Finally, under the bill and the United States Constitution, a warrantless arrest authorized by the bill must nonetheless be based on probable cause that the minor violated s. 790.22(3), F.S.

The bill is effective October 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill appears likely to result in an indeterminate increase in costs associated with the criminal justice system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 901.15 of the Florida Statutes.

IX. Additional Information:

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

CS by Judiciary on February 4, 2020:

The committee substitute removes the bill's authorization for the warrantless arrest of an adult who permits a minor to unlawfully possess a firearm.

- B. **Amendments:**

None.

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



220438

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Judiciary (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Delete lines 15 - 16
and insert:

(17) There is probable cause to believe that the person is
a minor who has committed a criminal act in violation of s.
790.22(3) .

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

And the title is amended as follows:

Delete line 4



220438

12 and insert:

13 officer has probable cause to believe that a minor

By Senator Pizzo

38-00968-20

2020656__

A bill to be entitled

An act relating to arrests; amending s. 901.15, F.S.;
authorizing warrantless arrests when a law enforcement
officer has probable cause to believe that a person
has violated s. 790.22, F.S.; providing an effective
date.

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

Section 1. Subsection (17) is added to section 901.15,
Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A
law enforcement officer may arrest a person without a warrant
when:

(17) There is probable cause to believe that the person has
committed a criminal act in violation of s. 790.22.

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

COMMITTEE: Judiciary
ITEM: SB 656
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
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TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S00656

GENERAL BILL by Pizzo; (Identical H 01379)

Arrests. EFFECTIVE DATE: 10/01/2020.

01/21/20 S Now in Judiciary

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S CS by Judiciary; YEAS 6 NAYS 0



The Florida Senate

Committee Agenda Request

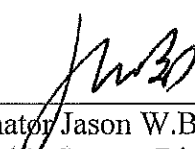
To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 21, 2020

I respectfully request that **SB 656**, relating to Arrests, be placed on the:

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



Senator Jason W.B. Pizzo
Florida Senate, District 38



Florida Statistical Analysis Center

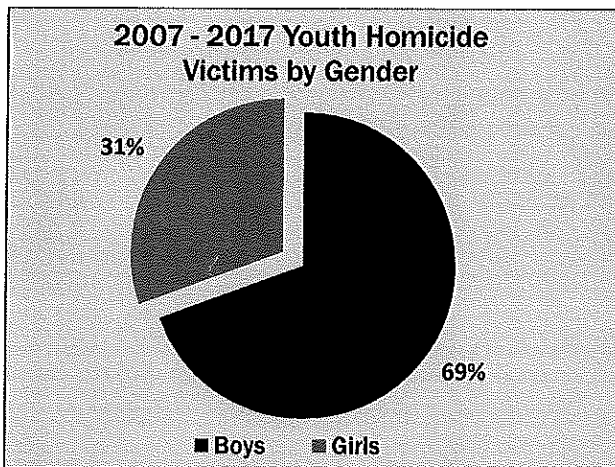
Focus on Youth Homicide Victims

A brief analysis of the Supplemental Homicide Reports from 2007 to 2017 and a synopsis of youth homicide victim information in Florida

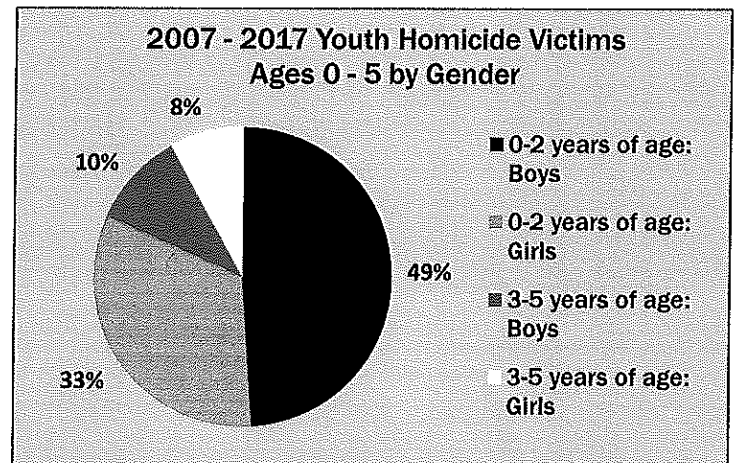
The following data comes from the Florida Department of Law Enforcement's Uniform Crime Reports (UCR) system; the system provides standardized annual and semi-annual reports on crime statistics based on data gathered from across the state.

Homicide statistics are reported to the UCR Program and the submission of supplemental data is required for each incident. Among other data elements, Supplemental Homicide Reports include data about each victim's age, gender, race, and the type of weapon used by the offender. Between 2007 and 2017, there were 1,006 Youth Homicide Victims in Florida. Youth Homicide Victims include individuals under the age of eighteen.

More than two-thirds of all Youth Homicide Victims in Florida from 2007 to 2017 were boys.

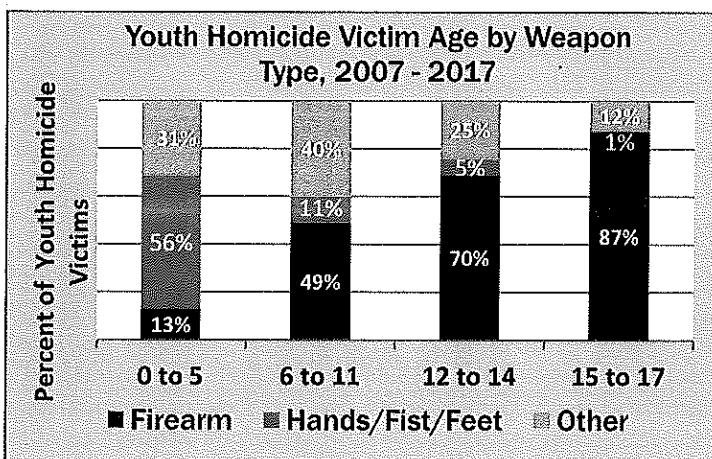


Between 2007 and 2017, 410 children under the age of 6 were killed. Of those, 335 were between the age of 0 and 2 years.

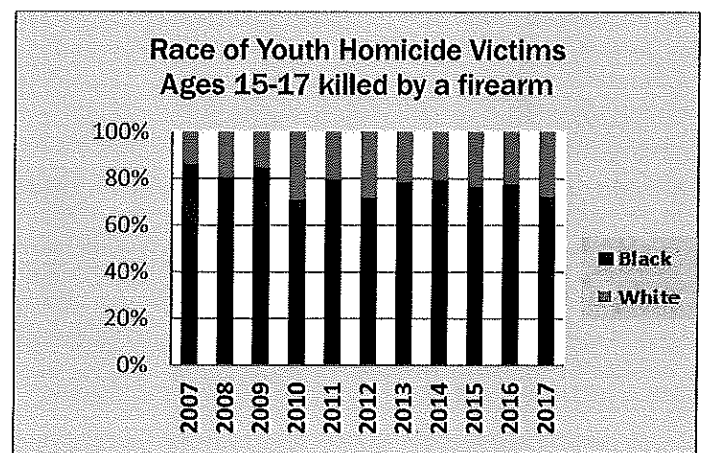


In Florida, there were 11,687 Homicide victims of all ages between 2007 and 2017. Almost 9% were Youth Homicide Victims; 410 were ages 0-5, 100 were ages 6-11, 53 were ages 12-14, and 443 were ages 15-17. The number of youth homicides reported averaged 91 per year with 82 victims in 2017. Over half of all youth homicides between 2007 and 2017 were committed with a firearm; 49 Youth Homicide Victims were killed with a firearm in 2017.

Over two thirds of Youth Homicide Victims ages 12 - 14 and 15 - 17 were killed by a firearm, while over half of the younger victims were killed by hands, fists, or feet.



More Youth Homicide Victims ages 15 - 17 killed by a firearm were black than white.



SOURCE: Florida Department of Law Enforcement. Florida Uniform Crime Reports, 2007 - 2017. Tallahassee, FL: FDLE, Florida Statistical Analysis Center.

More information is available at www.fdle.state.fl.us/FSAC

Juveniles Arrested for Murder – Posting with Firearms on Social Media

ORANGE COUNTY

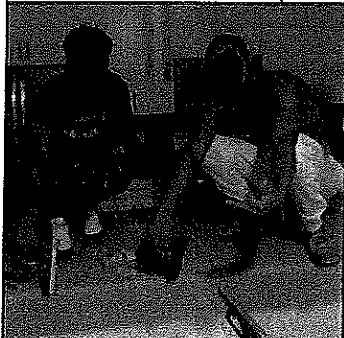
Name	Arrest	Case Number	Facebook	Instagram	Notes
[REDACTED]	2 nd Deg Murder	OPD #19-173222	[REDACTED]	[REDACTED]	Incarcerated since 06/13/19 at OCJ



Name	Arrest	Case Number	Facebook	Instagram	Notes
[REDACTED]	2 nd Deg Murder	19-036537	[REDACTED]		Incarcerated since 10/17/19 at OCJ



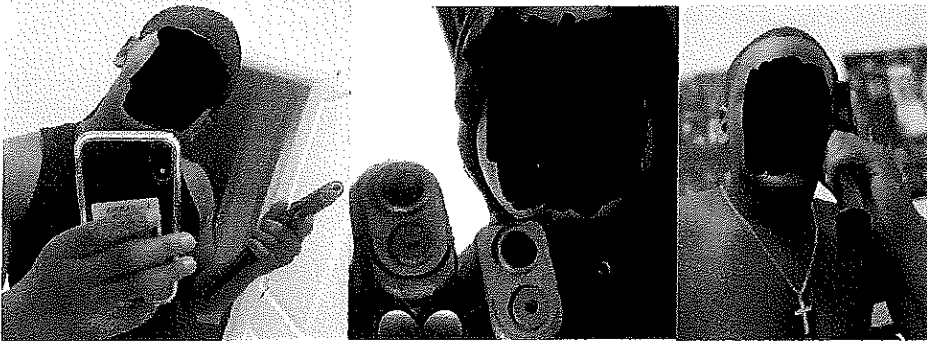
Name	Arrest	Case Number	Facebook	Instagram	Notes
[REDACTED]	Att Homicide	19-004096	[REDACTED]		Currently in prison with release date 12/18/20



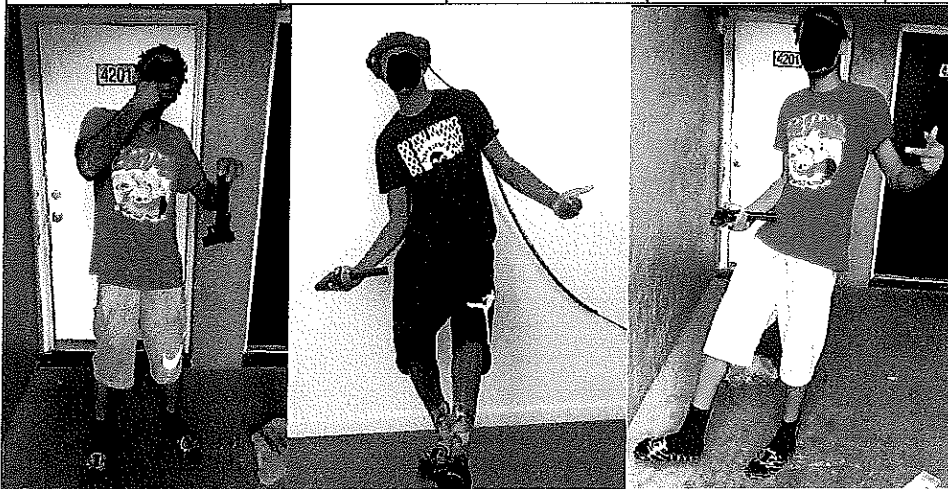
Name	Arrest	Case Number	Facebook	Instagram	Notes
[REDACTED] [REDACTED]	Att 1 st Deg Murder	OPD #20- 23554	[REDACTED] [REDACTED]	[REDACTED]	JDC since 01/22/20



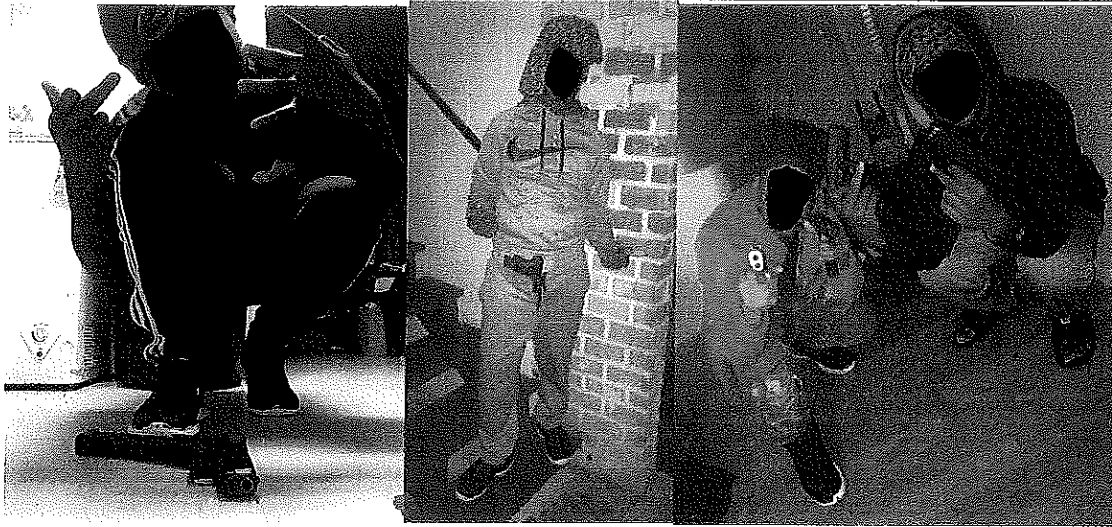
Name	Arrest	Case Number	Facebook	Instagram	Notes
[REDACTED] [REDACTED]	Att 2 nd Deg Murder	OPD #19- 222433	[REDACTED]	[REDACTED]	Committed 10/07/19 to High Risk program



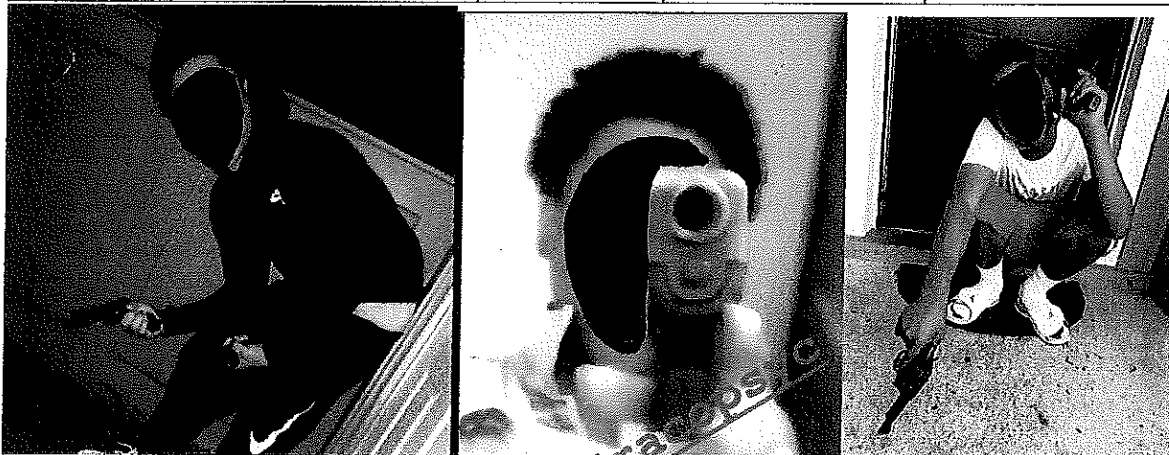
Name	Arrest	Case Number	Facebook	Instagram	Notes
[REDACTED] [REDACTED]	Att 1 st and 2 nd Deg Murder	#19-59992 #19-60883 #19-36537	[REDACTED]	[REDACTED]	Incarcerated at OCJ since 07/31/19



Name	Arrest	Case Number	Facebook	Instagram	Notes
[REDACTED] [REDACTED]	Att Felony Murder	OPD #18- 28890	[REDACTED]	[REDACTED]	Committed on 09/30/19 to High Risk program



Name	Arrest	Case Number	Facebook	Instagram	Notes
[REDACTED] [REDACTED]	Manslaughter	19-34037	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	Served (1) yr in program – Released 01/24/20



[illegible]

CAVEAT: The data represent the number of people killed each year by a firearm; data does not distinguish individuals who were shot but did not result in death.

CAVEAT: When multiple victims and offenders are involved in a single incident, the relationship between the specific offender and victim is indeterminate.

Therefore, the average age of offenders with juvenile victims cannot be calculated.

CAVEAT: The data represent the number of people killed each year by a firearm; data does not distinguish individuals who were shot but did not result in death.

CAVEAT: When multiple victims and offenders are involved in a single incident, the relationship between the specific offender and victim is indeterminate.

Therefore, the average age of offenders with juvenile victims cannot be calculated.

Year	County	Firearm Murder Victims Age 0-17	Firearm Murder Victims Age 18	Total Firearm Murder Victims 18 and Under
2014	Orange	2	4	6
2015	Orange	1	4	5
2016	Orange	10	3	13
2017	Orange	3	5	8
2018	Orange	9	2	11

[illegible]

[illegible]

CAVEAT: The data represent the number of people killed each year by a firearm; data does not distinguish individuals who were shot but did not result in death.

[illegible]

Year	County	Firearm Murder Victims Age 0-17	Firearm Murder Victims Age 18	Total Firearm Murder Victims 18 and Under				
2009	Miami-Dade	10	3	13				
2010	Miami-Dade	18	4	22				
2011	Miami-Dade	9	6	15				
2012	Miami-Dade	8	6	14				
2013	Miami-Dade	13	7	20				
2014	Miami-Dade	15	8	23				
2015	Miami-Dade	14	2	16				
2016	Miami-Dade	14	7	21				
2017	Miami-Dade	11	4	15				
2018	Miami-Dade	8	5	13				

[illegible]

2013 JUVENILE VICTIM/OFFENDER STATS

Reporting Year	County	Agency Name	Agency Report Number	Victim Age	Victim Sex	Victim Race	Offender Age	Offender Sex	Offender Race	Weapon Type
2013	Duval	Jacksonville Sheriff's Office	2013-248710	13	M-MALE	B-BLACK	11	M-MALE	B-BLACK	1-HANDGUN
2013	Duval	Jacksonville Sheriff's Office	2013-382485	18	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2013	Duval	Jacksonville Sheriff's Office	2013-544917	13	F-FEMALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Duval	Jacksonville Sheriff's Office	2013-544917	14	F-FEMALE	W-WHITE				4-FIREARM
2013	Duval	Jacksonville Sheriff's Office	2013-554382	18	M-MALE	B-BLACK	UK	M-MALE	U-UNKNOWN	4-FIREARM
2013	Duval	Jacksonville Sheriff's Office	2013-691453	18	F-FEMALE	B-BLACK	19	M-MALE	B-BLACK	1-HANDGUN
2013	Duval	Jacksonville Sheriff's Office	2013-738249	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	3-SHOTGUN
2013	Miami-Dade	Miami Gardens Police Department	2013015181	12	F-FEMALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	130220053673	11	M-MALE	U-UNKNOWN	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	13042113719	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	130624179072	15	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	131022305802	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	131105319679	16	F-FEMALE	B-BLACK	13	M-MALE	B-BLACK	4-FIREARM
2013	Miami-Dade	Miami Police Department	131113328696	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	131201345826	18	F-FEMALE	B-BLACK				4-FIREARM
2013	Miami-Dade	Miami Police Department	130129038140	18	M-MALE	B-BLACK	UK	M-MALE	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	130224071957	16	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2013	Miami-Dade	Miami Police Department	13030117791	4	F-FEMALE	B-BLACK	6	M-MALE	B-BLACK	4-FIREARM
2013	Miami-Dade	Miami Police Department	130503161987	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	130810294994	21	M-MALE	B-BLACK	16	M-MALE	B-BLACK	4-FIREARM
2013	Miami-Dade	Miami Police Department	130817304356	50	M-MALE	B-BLACK	18	M-MALE	B-BLACK	4-FIREARM
2013	Miami-Dade	Miami Police Department	130904327810	18	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Miami-Dade	Miami Police Department	13111416803	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2013	Miami-Dade	Opa-Locka Police Department	131208001	18	F-FEMALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Orange	Orange County Sheriff's Office	130087489	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2013	Orange	Orlando Police Department	201300081014	21	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2013	Polk	Lakeland Police Department	2013-0019961	16	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2013	Volusia	Daytona Beach Police Department	130003853	17	M-MALE	B-BLACK	18	M-MALE	B-BLACK	4-FIREARM

SOURCE: Florida Department of Law Enforcement, Florida Uniform Crime Report, 2013 [Computer program], Tallahassee, FL: FDLE, Florida Statistical Analysis Center.

2014 JUVENILE VICTIM/OFFENDER STATS

Reporting Year	County	Agency Name	Agency Report Number	Victim Age	Victim Sex	Victim Race	Offender Age	Offender Sex	Offender Race	Weapon Type
2014	Duval	Jacksonville Sheriff's Office	2014- 74137	18	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 180529	21	M-MALE	B-BLACK	15	M-MALE	B-BLACK	1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 256476	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 436269	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 444404	17	F-FEMALE	B-BLACK				1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 471335	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 474650	14	M-MALE	B-BLACK	19	M-MALE	B-BLACK	1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 652988	50	M-MALE	B-BLACK	16	M-MALE	B-BLACK	1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 852003	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2014	Duval	Jacksonville Sheriff's Office	2014- 874782	30	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2014	Lake	Lake County Sheriff's Office	140019969	32	M-MALE	B-BLACK	18	M-MALE	B-BLACK	4-FIREARM
2014	Lake	Leesburg Police Department	14050277	24	M-MALE	B-BLACK	17	M-MALE	B-BLACK	3-SHOTGUN
2014	Marion	Marion County Sheriff's Office	14028749	14	M-MALE	W-WHITE	17	M-MALE	W-WHITE	4-FIREARM
2014	Marion	Hialeah Police Department	2014-005617	16	F-FEMALE	W-WHITE				1-HANDGUN
2014	Miami-Dade	Miami Dade County Public Schools Police Dept	2014-10079	16	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2014	Miami-Dade	Miami Gardens Police Department	2014000974	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Gardens Police Department	2014017873	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Police Department	140109008136	18	M-MALE	B-BLACK	18	M-MALE	B-BLACK	4-FIREARM
2014	Miami-Dade	Miami Police Department	140117016499	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Police Department	140121020293	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Police Department	140525153773	16	M-MALE	B-BLACK	15	M-MALE	B-BLACK	1-HANDGUN
2014	Miami-Dade	Miami Police Department	140611171625	16	M-MALE	W-WHITE	17	M-MALE	W-WHITE	4-FIREARM
2014	Miami-Dade	Miami Police Department	140802224589	16	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Police Department	141130349780	18	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Police Department	141205355560	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Police Department	141214364239	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Police Department	141226376019	14	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami Police Department	140109004018	17	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	140114018611	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	140311091597	18	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	140319102097	17	F-FEMALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	140721266126	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	140803282645	18	M-MALE	B-BLACK	17	M-MALE	B-BLACK	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	140905324676	18	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	140906326027	18	M-MALE	B-BLACK	15	M-MALE	B-BLACK	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	140930357590	22	M-MALE	B-BLACK	18	M-MALE	W-WHITE	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	141023387193	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Miami-Dade	Miami-Dade Police Department	141208447022	17	M-MALE	W-WHITE	17	M-MALE	W-WHITE	4-FIREARM
2014	Orange	Osceola Police Department	201400012195	18	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Orange	Orange County Sheriff's Office	140007442	17	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2014	Orange	Orlando Police Department	201400320373	21	M-MALE	W-WHITE	15	M-MALE	W-WHITE	1-HANDGUN
2014	Polk	Lakeland Police Department	140003878	17	M-MALE	B-BLACK	16	M-MALE	B-BLACK	1-HANDGUN

2015 JUVENILE VICTIM/OFFENDER STATS

Reporting Year	County	Agency Name	Agency Report Number	Victim Age	Victim Sex	Victim Race	Offender Age	Offender Sex	Offender Race	Weapon Type
2015	Duval	Jacksonville Sheriff's Office	2015- 185255	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 277593	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 327381	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 334655	23	M-MALE	B-BLACK	18	M-MALE	B-BLACK	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 571438	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 658618	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 675017	17	F-FEMALE	B-WHITE	18	M-MALE	W-WHITE	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 751833	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 751833	19	M-MALE	B-BLACK				1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 824055	17	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2015	Duval	Jacksonville Sheriff's Office	2015- 857597	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2015	Marion	Marion County Sheriff's Office	15003504	39	M-MALE	W-WHITE	17	M-MALE	W-WHITE	4-FIREARM
2015	Marion	Marion County Sheriff's Office	15007469	30	M-MALE	W-WHITE	16	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Florida City Police Department	15011074	17	F-FEMALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2015	Miami-Dade	Miami Gardens Police Department	2015011086	22	M-MALE	B-BLACK	14	M-MALE	B-BLACK	1-HANDGUN
2015	Miami-Dade	Miami Police Department	150324087658	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2015	Miami-Dade	Miami Police Department	150324087798	10	M-MALE	B-BLACK	15	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami Police Department	150330093812	17	M-MALE	W-WHITE	19	M-MALE	W-WHITE	4-FIREARM
2015	Miami-Dade	Miami Police Department	150330093812	18	M-MALE	W-WHITE				4-FIREARM
2015	Miami-Dade	Miami Police Department	150415111532	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2015	Miami-Dade	Miami Police Department	150705196847	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2015	Miami-Dade	Miami Police Department	150831259428	21	M-MALE	B-BLACK	17	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami Police Department	150907268048	17	M-MALE	B-BLACK	19	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami Police Department	150910271702	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2015	Miami-Dade	Miami Police Department	151114340357	19	M-MALE	B-BLACK	17	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	150518183451	14	M-MALE	B-BLACK	UK	M-MALE	U-UNKNOWN	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	150518183517	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	150811298900	20	M-MALE	W-WHITE	14	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	150812297703	15	M-MALE	B-BLACK	14	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	151013384117	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	151015386757	15	M-MALE	W-WHITE	UK	M-MALE	W-WHITE	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	151018391662	16	M-MALE	B-BLACK	15	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	151118433118	15	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	151227485607	7	M-MALE	B-BLACK	19	M-MALE	B-BLACK	4-FIREARM
2015	Miami-Dade	Miami-Dade Police Department	150063792	28	M-MALE	B-BLACK	18	M-MALE	B-BLACK	4-FIREARM
2015	Orange	Orange County Sheriff's Office	201500235511	16	M-MALE	B-BLACK	21	M-MALE	B-BLACK	1-HANDGUN
2015	Orange	Orlando Police Department	201500522293	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2015	Polk	Lakeland Police Department	14-25950	15	F-FEMALE	W-WHITE	18	M-MALE	B-BLACK	1-HANDGUN
2015	Polk	Polk County Sheriff's Office	150012880	32	M-MALE	B-BLACK	16	M-MALE	B-BLACK	1-HANDGUN
2015	St. Johns	St. Augustine Police Department	150000016048	29	M-MALE	I-AMERICAN INDIAN	16	M-MALE	B-BLACK	1-HANDGUN
2015	St. Johns	St. Augustine Police Department	150000027863	36	M-MALE	W-WHITE	16	M-MALE	B-BLACK	1-HANDGUN

2016 JUVENILE VICTIM/OFFENDER STATS

Reporting Year	County	Agency Name	Agency Report Number	Victim Age	Victim Race	Offender Age	Offender Race	Weapon Type
2016	Duval	Jacksonville Sheriff's Office	2016- 63965	1	B-BLACK	16	B-BLACK	1-HANDGUN
2016	Duval	Jacksonville Sheriff's Office	2016- 214602	17	B-BLACK	18	B-BLACK	1-HANDGUN
2016	Duval	Jacksonville Sheriff's Office	2016- 214602	18	B-BLACK	17	B-BLACK	1-HANDGUN
2016	Duval	Jacksonville Sheriff's Office	2016- 438955	15	W-WHITE	UK	U-UNKNOWN	1-HANDGUN
2016	Duval	Jacksonville Sheriff's Office	2016- 474441	16	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Duval	Jacksonville Sheriff's Office	2016- 513992	17	B-BLACK	UK	U-UNKNOWN	1-HANDGUN
2016	Duval	Jacksonville Sheriff's Office	2016- 625744	48	W-WHITE	17	B-BLACK	2-RIFLE
2016	Duval	Jacksonville Sheriff's Office	2016- 693164	19	W-WHITE	18	B-BLACK	1-HANDGUN
2016	Duval	Jacksonville Sheriff's Office	2016- 736141	16	B-BLACK	UK	U-UNKNOWN	1-HANDGUN
2016	Duval	Jacksonville Sheriff's Office	2016- 754142	1	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Marion	Ocala Police Department	20160200150	18	B-BLACK	UK	U-UNKNOWN	1-HANDGUN
2016	Miami-Dade	Homestead Police Department	1606100056	18	B-BLACK	UK	U-UNKNOWN	1-HANDGUN
2016	Miami-Dade	Miami Gardens Police Department	2016003756	14	B-BLACK	14	B-BLACK	1-HANDGUN
2016	Miami-Dade	Miami Gardens Police Department	2016006189	17	B-BLACK	17	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami Gardens Police Department	2016009585	16	B-BLACK	UK	U-UNKNOWN	1-HANDGUN
2016	Miami-Dade	Miami Gardens Police Department	2016011579	16	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Miami-Dade	Miami Gardens Police Department	2016011579	18	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Miami-Dade	Miami Gardens Police Department	2016018533	16	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Miami-Dade	Miami Gardens Police Department	2016020683	18	B-BLACK	UK	U-UNKNOWN	1-HANDGUN
2016	Miami-Dade	Miami Gardens Police Department	2016021983	16	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Miami-Dade	Miami Police Department	16010900942	15	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Miami-Dade	Miami Police Department	160117016906	15	B-BLACK	UK	U-UNKNOWN	1-HANDGUN
2016	Miami-Dade	Miami Police Department	16021404981	18	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Miami-Dade	Miami Police Department	160405101702	16	W-WHITE	15	W-WHITE	1-HANDGUN
2016	Miami-Dade	Miami Police Department	160601165348	18	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Miami-Dade	Miami Police Department	160825260227	18	B-BLACK	UK	U-UNKNOWN	4-FIREARM
2016	Miami-Dade	Miami Police Department	161212358833	16	W-WHITE	21	B-BLACK	1-HANDGUN
2016	Miami-Dade	Miami Police Department	160110013273	31	W-WHITE	17	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160119025003	45	B-BLACK	17	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160121026852	17	B-BLACK	UK	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160214059994	16	B-BLACK	UK	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160220067589	6	B-BLACK	18	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160224073059	17	B-BLACK	18	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160731128215	17	B-BLACK	18	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160817311218	32	W-WHITE	18	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160827324716	15	B-BLACK	UK	B-BLACK	4-FIREARM
2016	Miami-Dade	Miami-Dade Police Department	160828326793	8	B-BLACK	UK	B-BLACK	4-FIREARM
2016	Orange	Apopka Police Department	201641000845	15	B-BLACK	16	B-BLACK	1-HANDGUN
2016	Orange	Orange Police Department	16000029	17	B-BLACK	UK	U-UNKNOWN	1-HANDGUN
2016	Orange	Orange County Sheriff's Office	160014646	16	W-WHITE	UK	U-UNKNOWN	4-FIREARM
2016	Orange	Orange County Sheriff's Office	160023048	15	B-BLACK	17	W-WHITE	1-HANDGUN
2016	Orange	Orange County Sheriff's Office	160054846	18	B-BLACK	UK	B-BLACK	1-HANDGUN
2016	Orange	Orange County Sheriff's Office	160066273	16	B-BLACK	21	B-BLACK	4-FIREARM
2016	Orange	Orange County Sheriff's Office	160095960	16	B-BLACK	22	U-UNKNOWN	4-FIREARM
2016	Seminole	Sanford Police Department	201650001091	6	B-BLACK	35	B-BLACK	4-FIREARM

2017 JUVENILE VICTIM/OFFENDER STATS

Reporting Year	County	Agency Name	Agency Report Number	VICTIM			OFFENDER			Weapon Type
				Age	Sex	Race	Age	Sex	Race	
2017	Duval	Jacksonville Beach Police Department	170003067	23	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2017	Duval	Jacksonville Beach Police Department	170003067				17	M-MALE	B-BLACK	0-N/A
2017	Duval	Jacksonville Beach Police Department	170003067				18	M-MALE	B-BLACK	0-N/A
2017	Duval	Jacksonville Sheriff's Office	2017- 1353	22	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 1353	17	M-MALE	B-BLACK				1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 37119	16	M-MALE	B-BLACK	18	M-MALE	B-BLACK	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 63113	18	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 88581	50	M-MALE	W-WHITE	18	M-MALE	B-BLACK	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 263310	28	M-MALE	B-BLACK	22	M-MALE	B-BLACK	4-FIREARM
2017	Duval	Jacksonville Sheriff's Office	2017- 263310				17	M-MALE	B-BLACK	0-N/A
2017	Duval	Jacksonville Sheriff's Office	2017- 263310				17	M-MALE	B-BLACK	0-N/A
2017	Duval	Jacksonville Sheriff's Office	2017- 287267	12	F-FEMALE	B-BLACK	11	M-MALE	B-BLACK	3-SHOTGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 317320	17	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 423903	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 459326	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 468020	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 482463	20	M-MALE	B-BLACK	18	M-MALE	B-BLACK	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 622781	14	M-MALE	B-BLACK	14	M-MALE	B-BLACK	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 748071	18	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 767968	17	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 843916	1	F-FEMALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 843916	1	F-FEMALE	B-BLACK				1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	2017- 871651	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2017	Duval	Jacksonville Sheriff's Office	17080604	17	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2017	Lake	Leesburg Police Department	17009012	38	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2017	Marion	Marion County Sheriff's Office	17009012	18	M-MALE	W-WHITE				4-FIREARM
2017	Marion	Marion County Sheriff's Office	2017090903	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2017	Miami-Dade	Miami Gardens Police Department	170131041498	15	M-MALE	B-BLACK	17	M-MALE	B-BLACK	4-FIREARM
2017	Miami-Dade	Miami-Dade Police Department	170308089896	20	M-MALE	B-BLACK	18	F-FEMALE	B-BLACK	4-FIREARM
2017	Miami-Dade	Miami-Dade Police Department	170508172936	79	M-MALE	W-WHITE	15	M-MALE	B-BLACK	4-FIREARM
2017	Miami-Dade	Miami-Dade Police Department	170508172936				15	M-MALE	B-BLACK	0-N/A
2017	Miami-Dade	Miami-Dade Police Department	170523194385	18	M-MALE	B-BLACK	UK	M-MALE	U-UNKNOWN	4-FIREARM
2017	Miami-Dade	Miami-Dade Police Department	170722276696	25	M-MALE	W-WHITE	17	M-MALE	B-BLACK	4-FIREARM
2017	Miami-Dade	Miami-Dade Police Department	1712153479110	17	M-MALE	B-BLACK	UK	M-MALE	U-UNKNOWN	4-FIREARM
2017	Miami-Dade	Miami-Dade Police Department	171218483091	31	M-MALE	B-BLACK	18	M-MALE	B-BLACK	4-FIREARM
2017	Miami-Dade	Miami-Dade Police Department	171222489007	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2017	Miami-Dade	North Miami Beach Police Department	2017110130	26	M-MALE	W-WHITE	17	M-MALE	B-BLACK	1-HANDGUN
2017	Miami-Dade	North Miami Beach Police Department	20170009674	17	M-MALE	B-BLACK	15	M-MALE	B-BLACK	4-FIREARM
2017	Miami-Dade	Ops-Locda Police Department	1712008021	17	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2017	Orange	Orlando Police Department	201700112085	17	M-MALE	B-BLACK	16	M-MALE	B-BLACK	1-HANDGUN
2017	Orange	Orlando Police Department	201700119183	15	F-FEMALE	B-BLACK	18	F-FEMALE	B-BLACK	4-FIREARM
2017	Orange	Orlando Police Department	201700120246	20	M-MALE	B-BLACK	17	M-MALE	B-BLACK	1-HANDGUN
2017	Polk	Polk County Sheriff's Office	170008155	37	M-MALE	W-WHITE	15	M-MALE	W-WHITE	3-SHOTGUN
2017	Polk	Polk County Sheriff's Office	170090553	17	M-MALE	W-WHITE	18	M-MALE	W-WHITE	1-HANDGUN
2017	Seminole	Sanford Police Department	20175000647	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	2-RIFLE
2017	Volusia	Daytona Beach Police Department	170011751	19	M-MALE	B-BLACK	18	M-MALE	B-BLACK	4-FIREARM
2017	Volusia	Deland Police Department	170001613	30	M-MALE	B-BLACK	18	M-MALE	B-BLACK	4-FIREARM

2018 JUVENILE VICTIM/OFFENDER STATS

Reporting Year	County	Agency Name	Agency Report Number	VICTIM			OFFENDER			Weapon Type
				Age	Sex	Race	Age	Sex	Race	
2018	Duval	Duval County School Police Department	2018-582615	19	M-MALE	B-BLACK	16	M-MALE	B-BLACK	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-341950	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-381831	18	M-MALE	B-BLACK				2-RIFLE
2018	Duval	Jacksonville Sheriff's Office	2018-381831	18	M-MALE	B-BLACK				2-RIFLE
2018	Duval	Jacksonville Sheriff's Office	2018-385657	14	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-409034	19	M-MALE	B-BLACK	16	M-MALE	B-BLACK	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-548934	7	F-FEMALE	W-WHITE	17	M-MALE	B-BLACK	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-618506	18	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-727209	16	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-810105	18	M-MALE	B-BLACK	18	M-MALE	B-BLACK	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-834965	17	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2018	Duval	Jacksonville Sheriff's Office	2018-853859	16	M-MALE	W-WHITE	UK	M-MALE	B-BLACK	1-HANDGUN
2018	Lake	Fruitland Park Police Department	18FR03633	58	M-MALE	W-WHITE	22	M-MALE	B-BLACK	1-HANDGUN
2018	Lake	Fruitland Park Police Department	18FR03633				18	M-MALE	B-BLACK	0-N/A
2018	Lake	Fruitland Park Police Department	18FR03633				16	M-MALE	B-BLACK	0-N/A
2018	Marion	Marion County Sheriff's Office	18027541	18	M-MALE	W-WHITE	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2018	Marion	Marion County Sheriff's Office	18029123	18	M-MALE	W-WHITE	16	M-MALE	W-WHITE	4-FIREARM
2018	Marion	Ocala Police Department	201800127478	54	M-MALE	B-BLACK	17	M-MALE	B-BLACK	4-FIREARM
2018	Miami-Dade	Aventura Police Department	18000360	18	M-MALE	W-WHITE	19	M-MALE	W-WHITE	4-FIREARM
2018	Miami-Dade	Florida City Police Department	18005203	8	F-FEMALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	4-FIREARM
2018	Miami-Dade	Homestead Police Department	1801070019	17	M-MALE	B-BLACK	15	M-MALE	B-BLACK	1-HANDGUN
2018	Miami-Dade	Miami Police Department	802100011183	19	F-FEMALE	W-WHITE	18	M-MALE	B-BLACK	1-HANDGUN
2018	Miami-Dade	Miami Police Department	804080026890	18	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2018	Miami-Dade	Miami Police Department	804080026890	17	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2018	Miami-Dade	Miami Police Department	180103003368	49	M-MALE	B-BLACK	17	M-MALE	B-BLACK	4-FIREARM
2018	Miami-Dade	Miami Police Department	180415139892	18	M-MALE	W-WHITE	UK	M-MALE	B-BLACK	4-FIREARM
2018	Miami-Dade	Miami Police Department	180922347510	17	M-MALE	B-BLACK	UK	M-MALE	B-BLACK	4-FIREARM
2018	Miami-Dade	Miami Police Department	180927352927	63	M-MALE	W-WHITE	18	M-MALE	W-WHITE	4-FIREARM
2018	Miami-Dade	Miami Police Department	181216454539	7	M-MALE	W-WHITE				4-FIREARM
2018	Miami-Dade	Miami Police Department	181216454539	8	F-FEMALE	W-WHITE				4-FIREARM
2018	Miami-Dade	Miami Police Department	181226467592	31	F-FEMALE	B-BLACK	16	M-MALE	B-BLACK	4-FIREARM
2018	Miami-Dade	Opa-Locka Police Department	181126031	32	F-FEMALE	B-BLACK	13	F-FEMALE	B-BLACK	1-HANDGUN
2018	Miami-Dade	Opa-Locka Police Department	181228037	18	M-MALE	W-WHITE	16	M-MALE	B-BLACK	4-FIREARM
2018	Orange	Orange County Sheriff's Office	180000707	18	M-MALE	B-BLACK	18	M-MALE	B-BLACK	1-HANDGUN
2018	Orange	Orange County Sheriff's Office	180002508	17	M-MALE	W-WHITE	16	M-MALE	W-WHITE	1-HANDGUN
2018	Orange	Orange County Sheriff's Office	180004706	21	M-MALE	B-BLACK	16	M-MALE	B-BLACK	1-HANDGUN
2018	Orange	Orange County Sheriff's Office	180017489	17	M-MALE	W-WHITE	17	M-MALE	W-WHITE	1-HANDGUN
2018	Orange	Orange County Sheriff's Office	180068161	63	M-MALE	W-WHITE	17	M-MALE	W-WHITE	1-HANDGUN
2018	Orange	Orlando Police Department	201800046364	18	M-MALE	B-BLACK	17	M-MALE	W-WHITE	1-HANDGUN
2018	Orange	Orlando Police Department	201800223322	25	M-MALE	B-BLACK	18	M-MALE	W-WHITE	1-HANDGUN
2018	Orange	Orlando Police Department	201800254728	15	M-MALE	B-BLACK	UK	U-UNKNOWN	U-UNKNOWN	1-HANDGUN
2018	Polk	Polk County Sheriff's Office	180000326	57	M-MALE	W-WHITE	18	M-MALE	B-BLACK	1-HANDGUN

President:

Al Palacio

Executive Vice President:

Delio Jimenez

1st Vice President:

Orlando Gutierrez

2nd Vice President:

Gregory Williams

3rd Vice President:

Tony Huet

Secretary:

Maribel Giraldo

Treasurer:

Brian Levy

Sergeant at Arms:

Jose Diaz

State Trustee:

David Rodak

Lodge Trustee:

Jose Garciga

General Counsel:

Robert Buschel ESQ.

General Counsel:

Eugene Gibbons ESQ.



Miami Dade Schools,
Fraternal Order of Police,
Lodge #133
3300 NW 27 Avenue
Miami, FL 33142

Senator Pizzo:

First, I hope you had a great Holiday Season. In a moment of personal privilege, I would like to recognize what a great job you are doing at the state level. I am proud to have chaired the board that got you the FOP endorsement of your candidacy and look forward to doing even more for the men and women of FOP 133. I represent the men and women of the largest scholastic police department in the nation. As such, I would like to address an issue of mutual concern.

As you may know, social media threats have become more prevalent than ever and through the advent of certain smartphone applications, it has become increasingly more difficult to prosecute the creator of said threat. In most cases these threats prey on our most precious of targets, schools.

My members put their lives on the line every day to keep the students, staff, and visiting public safe in every Miami Dade Public School. As such, you can imagine my frustration when my membership can investigate a social media threat, but cannot charge a juvenile with the possession of a weapon while perpetrating the social media threat. This flaw in the law permits these scofflaws who commit these crimes to essentially walk away "Scott Free" with the most disturbing action in the post, which is, possessing a weapon while committing the threat.

I can surmise that you, as a former prosecutor, must share, or at least, empathize with how frustrating this situation can be. I respectfully request your continued support to our cause and allow us even more tools, at your level, to further protect our community.

I thank you in advance for any and all assistance you may provide the Miami Dade Schools, Fraternal Order of Police with this issue. May God bless you and keep while you continue to serve the citizens of Miami Dade County and the State of Florida. Keep up the great work!

Sincerely,

Al Palacio
President

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-4-20

Meeting Date

656

Bill Number (if applicable)

Topic ARRESTS

Amendment Barcode (if applicable)

Name MICHAEL CRABB

Job Title LIEUTENANT

Address 2500 W. COLONIAL DR
Street

Phone 321-436-4447

OM
City

FL
State

32804
Zip

MICHAEL.
Email CRABB@DCFL.NET

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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)

656
Bill Number (if applicable)

Meeting Date _____

Topic Arrests

Name Lisa Henning

Job Title Legislative Director

Address 242 Office Plaza

Tallahassee FL 32301

City State Zip

Amendment Barcode (if applicable) _____

Phone 850-766-8808

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 Banking and Insurance

BILL: SB 1306

INTRODUCER: Senator Thurston

SUBJECT: Individual Retirement Accounts

DATE: February 3, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palecki	Knudson	BI	Favorable
2.	Elsesser	Cibula	JU	Favorable
3.			RC	

I. Summary:

SB 1306 clarifies that any interest in an individual retirement account (IRA) or individual retirement annuity received during a transfer incident to divorce remains exempt from creditor claims after the transfer is complete.

Because the bill clarifies, but does not modify, existing law or practice, the bill is remedial in nature, and applies retroactively to all transfers made incident to divorce.

The bill is effective upon becoming a law.

II. Present Situation:

Asset Protections Available in Florida

Both the State Constitution and Florida Statutes contain exemptions to protect certain real and personal property of natural persons from forced sale by creditors. State constitutional exemptions, such as those for homestead property,¹ may only be modified through a constitutional amendment and a vote of the electorate; those contained in Florida Statutes may be modified by the Legislature. Chapter 222, F.S., outlines types of property statutorily exempted or immune from the claims of creditors.

Section 222.21, F.S., provides that pension money and certain tax-exempt funds or accounts are exempt from legal processes, such as forced sale. Subsection (1) protects certain money received by any debtor as a pensioner of the United States. Subsection (2) protects any money or other

¹ See Art. X, s. 4, Fla. Const.

assets payable to an owner, a participant, or a beneficiary from, and any interest² therein of any owner, beneficiary, or participant if the fund or account meets certain qualifications. Such funds or accounts are commonly known as qualified, tax-exempt retirement accounts, and must be either:

- Maintained in accordance with a master plan, volume submitter plan, prototype plan, any other plan, or other governing instrument preapproved by the Internal Revenue Service (IRS) as exempt from taxation under certain sections of the Internal Revenue Code of 1986 (IRC), as amended, regarding qualified retirement plans,³ unless such exemption was overturned in a final and nonappealable proceeding;
- Maintained in accordance with a plan or governing instrument determined by the IRS to be exempt from taxation under certain sections of the IRC regarding qualified retirement plans,⁴ unless such exemption was overturned in a final and nonappealable proceeding; or
- Not maintained in accordance with one of the above-described plans or governing instruments, if the person claiming the exemption proves by a preponderance of the evidence that the fund or account is maintained in substantial compliance with the applicable sections regarding tax-exempt retirement accounts, or would have been in substantial compliance with the applicable requirements for exemption under those sections, but for the negligent or wrongful conduct of another person.

The fund or account need not be maintained in accordance with a plan or governing instrument covered by any part of the Employee Retirement Income Security Act (ERISA) to be exempt.⁵ Such funds or accounts are only protected to the extent they are not otherwise subject to claims of an alternate payee under a qualified domestic relations order, or claims of a surviving spouse pursuant to an order determining elective share and contribution in accordance with ch. 732, F.S.

Paragraph (2)(c) of s. 222.21, F.S., provides that the exemption for such money, other assets, or interest in these qualified, tax-exempt retirement accounts survives the owner's death upon a direct transfer or other eligible rollover excluded from gross income under the IRC,⁶ such as, but not limited to, the direct transfer or eligible rollover to an inherited individual retirement account (IRA).⁷ This allows a beneficiary to enjoy the exemption upon transfer. The Legislature expressly provided that this paragraph is intended to clarify existing law, be remedial in nature, and to apply retroactively to all inherited individual retirement accounts without regard to the date the account was created.

² Under Florida law, the word "interest," as used in statute providing exemption from creditors' claims for any interest of owner, beneficiary, or participant in enumerated tax-preferred funds or accounts, is a broad term encompassing many rights of a party, tangible, intangible, legal, and equitable. *In re Swarup*, 521 B.R. 328 (Bankr. M.D. Fla. 2014).

³ 26 U.S.C. ss. 401(a) (stock bonus, pension, and profit sharing plans), 403(a) and 403(b) (annuity plans), 408 (individual retirement accounts (IRAs)), 408A (Roth IRAs), 409 (tax credit employee stock ownership plans), 414 (provides definitions and special rules for certain plans, such as retirement plans for government and church employees), 457(b) (deferred compensation plans), or 501(a) (defining organizations exempt from taxation, including those defined in 401(a)).

⁴ *Id.*

⁵ Section 222.21(2)(b), F.S.

⁶ Section 222.21(2)(c), F.S.

⁷ See 26 U.S.C. s. 408(d)(3); pursuant to s. 222.21(2), F.S., individual retirement accounts, and interests therein, maintained in accordance with 26 U.S.C. s. 408 are exempted from legal processes, such as forced sale by creditors.

The specified tax-exempt retirement plans enumerated in subsection (2) are exempt from all legal proceedings, including bankruptcy, even though bankruptcy is a federal proceeding governed by the United States Bankruptcy Code (Bankruptcy Code).⁸

Transfer of s. 408 Retirement Accounts Incident to Divorce

Retirement accounts exempted from taxation by s. 408 of the IRC are exempted from legal processes, such as forced sale, by Florida law.⁹ Section 408 of the IRC contemplates individual retirement accounts (IRAs) and individual retirement annuities.¹⁰ An individual retirement account is a trust created or organized in the United States for the exclusive benefit of an individual, or his beneficiaries, of which the governing document meets certain requirements.¹¹ An individual retirement annuity is an annuity contract, or an endowment contract, issued by an insurance company that meets certain requirements.¹² An interest in an individual retirement account or individual retirement annuity may be transferred, but only upon the death or divorce of the original owner.¹³ The transfer of an interest in an individual retirement account or individual retirement annuity incident to divorce is not a taxable event.¹⁴ Effective upon such transfer, the interest in the individual retirement account or individual retirement annuity is treated as the account of the spouse.¹⁵

Exempted Property in Bankruptcy Proceedings

The Bankruptcy Code expressly recognizes exemptions provided under the state or local law of the domicile of the debtor.¹⁶ Florida is an opt out state, meaning that when a Florida resident files for bankruptcy, Florida law provides the exemptions available to the debtor, not the IRC.¹⁷ Florida law contains a number of exemptions included in the IRC, such as IRAs and other pension, profit sharing, and retirement benefits.¹⁸ Florida also exempts all inherited IRA accounts from creditor claims.¹⁹ Likewise, the Bankruptcy Code exempts retirement funds in a fund or account exempt from taxation under most of the same sections of the IRC, such as those applicable to stock bonus, pension, and profit sharing plans, annuity plans, IRAs, and deferred compensation plans.²⁰

Although there is no current controversy in Florida regarding the exemption for an IRA or an interest therein awarded incident to a divorce, a recent bankruptcy court decision in the United

⁸ 11 U.S.C. s. 101, *et. seq.*; 11 U.S.C. s. 522(b)(3)(A).

⁹ Section 222.21(2), F.S.

¹⁰ 26 U.S.C. s. 408(a)-(c).

¹¹ *See* 26 U.S.C. s. 408(a), *et seq.*

¹² 26 U.S.C. s. 408(c).

¹³ 26 U.S.C. s. 408(d).

¹⁴ 26 U.S.C. s. 408(d)(6).

¹⁵ *Id.*

¹⁶ 11 U.S.C. s. 522(b)(3)(A).

¹⁷ Section 222.20, F.S.

¹⁸ Section 222.21(2), F.S.

¹⁹ Section 222.21(2)(c), F.S.

²⁰ 11 U.S.C. s. 522(d)(12) exempts “retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under sections 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.” Section 222.21(2), F.S., exempts qualified plans exempt from taxation under ss. 401(a), 403(a) and 403(b), specifically, 408, 408A, 414, 457(b), specifically, and 501(a) of the IRC. Unlike the Bankruptcy Code, Florida additionally exempts qualified tax credit employee stock ownership plans exempted from taxation under section 409 of the IRC.

States Bankruptcy Appellate Panel for the 8th Circuit may indicate a need to clarify Florida's exemption.

Two requirements must be satisfied in order for a debtor to claim funds as exempt retirement funds pursuant to the Bankruptcy Code:

- The amount must be retirement funds; and
- The retirement funds must be in an account that is exempt from taxation under one of the provisions of the IRC.²¹

The Bankruptcy Code does not define the term “retirement funds,” so the term is applied within its ordinary meaning: sums of money set aside for the day an individual stops working.²² In *In re Lerbakken*, 590 B.R. 895 (B.A.P. 8th Cir. 2018), the Court held that funds held in a 401K and IRA accounts awarded to a Chapter 7 debtor as part of a stipulated property settlement in a divorce proceeding were not “retirement funds” because while the debtor’s former spouse had saved funds in those accounts for a joint retirement, any interest the debtor held in those accounts resulted from a property settlement.

III. Effect of Proposed Changes:

Section 1 amends paragraph (2)(c) of s. 222.21, F.S., to clarify that any interest in any IRA or individual retirement annuity received in a transfer incident to divorce as described in s. 408(d)(6)²³ of the Internal Revenue Code of 1986 (IRC), as amended, continues to be exempt after the transfer, regardless of the date the transfer was made.

To the extent s. 222.21(a), F.S., exempts a transferee’s interest in an IRA or individual retirement annuity upon a transfer incident to divorce pursuant to s. 408(d)(6) of the IRC, the bill clarifies current law, which exempts such interests from the claims of the transferee’s creditors.

Existing law provides that s. 222.21(2)(c), F.S., is intended to clarify existing law, is remedial in nature, and shall have retroactive application.

Section 2 provides that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²¹ 11 U.S.C. s. 522(d)(12).

²² *Clark v. Rameker*, 573 U.S. 122, 127 (2014).

²³ Section 408(d)(6) of the IRC provides that a transfer of an interest in an individual retirement account or an individual retirement annuity to a spouse or former spouse under a divorce separation instrument is effective upon the time of the transfer, and is not a taxable event.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Retroactive Application

Once a bill becomes law, it is presumed to apply only prospectively. The presumption against retroactive application may be rebutted by clear evidence of legislative intent.²⁴ To determine if the terms of a statute and the purpose of the enactment indicate retroactive application, a court may consider the language, structure, purpose, and legislative history of the enactment.²⁵

If the legislation clearly expresses an intent that the law apply retroactively, then the second inquiry is whether retroactive application is constitutionally permissible.²⁶ Even when the Legislature has clearly expressed its intention that the statute be given a retroactive application, courts must refuse to do so if it impairs vested rights, creates new obligations, imposes new penalties,²⁷ or impairs an obligation of contract.²⁸ For example, ex post facto legislation, i.e., a law that expands criminal liability retroactively by either creating a new crime for past conduct or by increasing the penalty for past conduct, is forbidden by both the Florida Constitution and the United States Constitution. Statutes that do not alter vested rights but relate only to remedies or procedure may be applied retroactively.²⁹

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

²⁴ *Florida Ins. Guar. Ass'n, Inc. v. Devon Neighborhood Ass'n, Inc.*, 67 So. 3d 187 (Fla. 2011).

²⁵ *Id.*

²⁶ *Menendez v. Progressive Exp. Ins. Co., Inc.*, 35 So. 3d 873 (Fla. 2010); *State Farm Mut. Auto. Ins. Co. v. Laforet*, 658 So. 2d 55 (Fla. 1995).

²⁷ *Id.*

²⁸ *Menendez v. Progressive Exp. Ins. Co., Inc.*, 35 So. 3d 873 (Fla. 2010).

²⁹ *Metropolitan Dade County v. Chase Federal Housing Corporation*, 737 So. 2d 494 (Fla. 1999).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 222.21 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 Thurston

33-00658-20

20201306__

1 A bill to be entitled
2 An act relating to individual retirement accounts;
3 amending s. 222.21, F.S.; specifying that interests in
4 certain individual retirement funds or accounts which
5 are exempt from creditor claims continue to be exempt
6 after certain transfers incident to divorce; providing
7 retroactive applicability; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (c) of subsection (2) of section
13 222.21, Florida Statutes, is amended to read:

14 222.21 Exemption of pension money and certain tax-exempt
15 funds or accounts from legal processes.—

16 (2)

17 (c) Any money or other assets or any interest in any fund
18 or account that is exempt from claims of creditors of the owner,
19 beneficiary, or participant under paragraph (a) does not cease
20 to be exempt after the owner's death by reason of a direct
21 transfer or eligible rollover that is excluded from gross income
22 under the Internal Revenue Code of 1986, including, but not
23 limited to, a direct transfer or eligible rollover to an
24 inherited individual retirement account as defined in s.
25 408(d)(3) of the Internal Revenue Code of 1986, as amended. Any
26 interest in any fund or account received in a transfer incident
27 to divorce as described in s. 408(d)(6) of the Internal Revenue
28 Code of 1986, as amended, continues to be exempt after the
29 transfer. This paragraph is intended to clarify existing law, is

33-00658-20

20201306__

30 remedial in nature, and shall have retroactive application to
31 all inherited individual retirement accounts and to all such
32 transfers incident to divorce without regard to the date an
33 account was created or the date the transfer was made.

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

COMMITTEE: Judiciary
ITEM: SB 1306
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S01306

GENERAL BILL by Thurston; (CO-INTRODUCERS) Farmer; Cruz; Gibson; (Similar CS/H 00811)

Individual Retirement Accounts. EFFECTIVE DATE: Upon becoming a law.

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S Favorable by Judiciary; YEAS 6 NAYS 0; Now in Rules



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Transportation,
Tourism, and Economic Development, *Vice Chair*
Appropriations
Banking and Insurance
Rules

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR PERRY E. THURSTON, JR.

33rd District

January 29, 2020

The Honorable David Simmons
Florida Senate
404 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Simmons,

I am writing you this letter because my bill SB 1306: Individual Retirement Accounts has been referred to the Senate Judiciary Committee. I am writing respectfully requesting you to place the bill on your committee's calendar for the next committee agenda.

Thank you for your consideration. Please contact me if you have any question.

Respectfully,

Perry E. Thurston, Jr.

Perry E. Thurston, Jr.
Florida Senate, District 33

REPLY TO:

- ☐ 2151 NW 6th Street, Fort Lauderdale, Florida 33311 (954) 321-2705 FAX: (888) 284-6086
- ☐ 206 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

1306

Bill Number (if applicable)

Topic

support the IDA bill

Amendment Barcode (if applicable)

Name

MARTHA Edenfield

Job Title

attorney

Address

215 So. Monroe Street #815

Phone

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Street

Tallahassee

FL

32301

City

State

Zip

Email medenfield@deanmead.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing The Real Property, Probate & Trust Law Section of the Florida Bar

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: CS/SB 1590

INTRODUCER: Judiciary Committee and Senator Powell

SUBJECT: Juror Sanctions

DATE: February 5, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Fav/CS
2.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1590 revises the sanctions that a court may impose on someone who is duly summoned for jury duty but fails to attend and does not provide a sufficient excuse to the court. Currently, a court “shall” impose a fine on the violator that does not exceed \$100 and may hold the person in contempt of court, which may result in imprisonment.

The bill authorizes a court to impose any combination of the following sanctions on a person who is summoned to attend as a juror but fails to attend and does not provide a sufficient excuse:

- A fine that does not exceed \$1,000.
- A term of imprisonment that does not exceed 3 days.
- An order to perform community service.

In addition to these sanctions, the court may consider the failure of a person to attend without providing a sufficient excuse to be contempt of court. The court may not impose a penalty of imprisonment on that person unless he or she is able to obtain legal representation.

The bill takes effect upon becoming a law.

II. Present Situation:

Jury Duty

The clerks of the court are responsible for summoning prospective jurors at least 14 days before they are to appear in court for jury selection.¹

If a person is summoned to attend as a juror and fails to attend without providing a sufficient excuse, he or she:

- Must pay a fine that does not exceed \$100, which will be imposed by the court, and
- May be held in contempt of court.²

The statute does not specify or limit the sanctions a court may impose for contempt of court.

Recent Events Involving the Imposition of Contempt of Court for Missing Jury Duty

According to media reports, on August 20, 2019, Deandre Somerville, age 21 of West Palm Beach, was selected for jury duty to begin the following day. He overslept, did not attend, and did not call the court with an explanation. His absence resulted in a 45 minute delay in court proceedings that day.

Several weeks later the police arrested Mr. Somerville at home. Circuit Court Judge John Kastrenakes found Deandre Somerville in criminal contempt of court and sentenced him to 10 days in jail, 12 months of probation, 150 hours of community service, a \$233 fine, and required him to write a letter of apology. Mr. Somerville served the 10 days' jail time. After Mr. Somerville read his letter of apology in court, the judge said he believed the letter was sincere and he was satisfied that Mr. Somerville was "totally rehabilitated." The sentence was reduced to three months of probation and 30 hours of community service. The sentence was later vacated.³

Contempt of Court

"Contempt" is generally characterized as behavior that defies the authority of a court. Because the behavior interferes with or hinders the administration of justice, it may be punished by a fine or imprisonment.⁴

Contempt authority has been described as one of the most essential powers a court possesses to protect itself against people who do not regard the court's dignity or authority. It also exists to ensure that government functions in an orderly fashion. The court's authority to punish someone

¹ Section 40.23(1), F.S.

² Section 40.23(3), F.S.

³ John Bacon, USA Today, *Judge clears record of 21-year-old jailed 10 days for oversleeping jury duty: 'Totally rehabilitated'* (Oct. 8, 2019) <https://www.usatoday.com/story/news/nation/2019/10/08/deandre-somerville-record-cleared-florida-judge-john-kastrenakes/3906219002/> and Hannah Winston, The Palm Beach Post, *In contempt cases, Kastrenakes toughest judge on jurors* (Nov. 8, 2019) <https://www.palmbeachpost.com/news/20191108/in-contempt-cases-kastrenakes-toughest-judge-on-jurors>.

⁴ BLACK'S LAW DICTIONARY (11th ed. 2019).

for contempt is inherent and exists independently of a legislative grant of authority.^{5,6} Because contempt authority is inherently vested in the judicial branch and because it existed at common law for centuries, additional grants of contempt authority are not found throughout the statutes.

It should be noted, however, that there is no provision in statute that requires a court to hold someone in contempt.⁷ In realizing the tremendous reach and breadth of contempt powers, courts have recognized the need to exercise restraint. In a 1994 Florida Supreme Court opinion reprimanding a judge for his abuse of his contempt authority, the Court stated:

Nevertheless, although the power of contempt is an extremely important power for the judiciary, it is also a very awesome power and is one that should never be abused . . . As such, it is critical that the exercise of this contempt power never be used by a judge in a fit of anger, in an arbitrary manner, or for the judge's own sense of justice.⁸

Accordingly, the exercise of a court's contempt power must be used only rarely,⁹ with caution and with restraint.¹⁰

Criminal and Civil Contempt, Direct and Indirect Contempt

Contempt of court may be classified in a variety of forms. It may be criminal or civil or even direct or indirect.¹¹

There are generally two broad forms of contempt charges: criminal and civil. A primary distinction between the two is that criminal contempt is punitive and civil contempt is remedial. Criminal contempt imposes a sanction that cannot be avoided while civil contempt provides an incentive that allows the person held in contempt to avoid or minimize the sanction by demonstrating compliance with a court order. In spite of the formulas developed to classify criminal and civil contempt, there are instances when contempt is not completely civil or criminal but an act that has characteristics of both.¹²

Criminal Contempt

Criminal contempt is behavior that obstructs or interferes with the administration of justice by the courts. It is conduct directed against a court's authority and dignity. The criminal contempt sanction is focused on punishing intentional violations of court orders as well as vindicating a court's authority. For someone to be held in criminal contempt there must be an element of

⁵ 11 FLA. JUR 2D s. 6 *Contempt* (2019). See also, *Walker v. Bentley*, 678 So. 2d 1265 (1996).

⁶ According to case law and additional resources, the following people are among those who have been held in contempt: parties to a legal proceeding, prospective jurors, attorneys, witnesses, county commissioners, municipal officers, judges in lower courts who do not answer an order to show cause, and judges who act contrary to an order of a superior court. 11 FLA. JUR 2D s. 5 *Contempt* (2019).

⁷ 11 FLA. JUR 2D s. 7 *Contempt* (2019).

⁸ *In re Inquiry Concerning a Judge, Daniel W. Perry*, 641 So. 2d 366, 368 (1994).

⁹ *McRoy v. State*, 31 So. 3d 273 (Fla. 5th DCA 2010).

¹⁰ *M.L., a child v. State*, 819 So. 2d 240, 242 (Fla. 2d DCA 2002).

¹¹ 11 FLA. JUR 2D s. 2 *Contempt* (2019).

¹² *Id.*

willfulness such as a willful act or omission that is designed to hinder the functioning of the court. Criminal contempt is considered a common law crime that is not categorized in statute as a felony or a misdemeanor.¹³

Civil Contempt

In contrast, civil contempt is not considered a felony or a misdemeanor but rather a power held by the courts. It consists of failing to do an act that a court in a civil case has ordered someone to do for the benefit of the opposing party. The purpose of the sanction is to compel a party to act in compliance with the court's order. For a court to hold someone in civil contempt there must be an element of intent to violate a court order.¹⁴

Direct and Indirect Contempt

Criminal contempt proceedings are further classified as either direct or indirect contempt. For an offense to be considered direct criminal contempt, all of the acts underlying the conduct must be committed in open court and in the presence of the judge. In contrast, indirect criminal contempt involves conduct committed outside the presence of the court or where the act was committed in the presence of the court but the judge needs to rely on statements or additional witness testimony to reach a conclusion.¹⁵

Although it may seem unusual and contrary to constitutional guarantees, the U.S. Supreme Court first held in 1888 that a judge has the inherent authority to immediately punish a person for direct contempt of court by imposing a fine or imprisonment without also providing notice or a special hearing on the accusation.¹⁶

In 2016, the Florida Supreme Court addressed the distinctions between direct and indirect contempt in *Plank v. State*.¹⁷ The case involved a prospective juror who appeared for jury duty impaired by alcohol and with the capacity to fall asleep during jury selection. After the judge questioned Mr. Plank and received the results of a breathalyzer test, the judge held a contempt hearing concerning Mr. Plank's conduct during jury selection. The court found Mr. Plank in direct criminal contempt of court for coming to the courthouse drunk, disrupting jury selection, and distracting other jurors. He was sentenced to 30 days in jail because the trial court found his actions were directed against the court's authority and dignity, were determined to interfere with the judicial function, and tended to "embarrass, hinder or obstruct the Court in the administration of justice and to lessen the Court's dignity."^{18,19}

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Plank v. State*, 190 So. 3d 594, 606 (Fla. 2016).

¹⁶ *In re Terry*, 128 U.S. 289 (1888).

¹⁷ *Id.*

¹⁸ *Plank* at 599.

¹⁹ Seventeen days after the court imposed sentence, the trial judge mitigated the sentence to time served and ordered that the defendant be released immediately.

On appeal, the Florida Supreme Court noted that the district courts of appeal were split in determining whether, in a direct criminal contempt proceeding, a person is entitled to an attorney before incarceration may be imposed as punishment.²⁰ The Court ultimately held:

[T]hat a trial court is not required to appoint counsel or give the individual an opportunity to seek counsel in a direct criminal contempt proceeding, even if incarceration is imposed as punishment, as long as the period of incarceration does not exceed six months—the point at which the defendant’s Sixth amendment rights are triggered.²¹

The Court decided that the trial court committed error in classifying Mr. Plank’s conduct as *direct criminal contempt* and should have treated the case as *indirect criminal contempt* because the judge also needed to rely on testimony about contemptuous acts that occurred outside her presence to reach her conclusion. Accordingly, the trial court should have relied upon the procedural rules for indirect criminal contempt which include the right to counsel. The Court did note, however, that in spite of the constitutional guarantee of the right to counsel, the nation’s courts “have long had the inherent authority to impose immediate penalties in direct criminal contempt proceedings, where the misconduct occurred within the court’s direct view and interfered with the court’s ability to discharge its essential functions.”²²

In discussing the “unusual power” to punish direct criminal contempt, the Court noted that the judge is the prosecutor who sits in judgment over the defendant who is accused of assailing the court’s dignity. That particular circumstance is not condoned anywhere else in law, and for that reason, the Court stated, the power must be used cautiously and sparingly.²³

The Right to Legal Counsel before Incarceration is Imposed

Mr. Plank’s legal team argued on appeal that s. 27.51, F.S., pertaining to the appointment of a public defender to represent an indigent person, required the appointment of legal counsel before a trial court could act immediately on direct criminal contempt that had just occurred in the court’s presence. The Court rejected the contention and said that nothing in the statute required the trial court to appoint counsel before acting to punish conduct “to prevent the demoralization of the court’s authority before the public.”²⁴

In contrast, the Court concluded that in proceedings for indirect criminal contempt,²⁵ which involve conduct that is committed outside of the court’s presence, a defendant is entitled to be represented by legal counsel at a contempt hearing.

²⁰ The Sixth Amendment to the United States Constitution provides, in part, that “In all criminal prosecutions, the accused shall . . . have the assistance of counsel for his defence.” The analogous right to counsel in the State Constitution is contained in Article I, section 16.

²¹ *Plank* at 600.

²² *Plank* at 601.

²³ *Plank* at 605.

²⁴ *Plank* at 603.

²⁵ Indirect criminal contempt is governed by Florida rule of Criminal Procedure 3.840.

Does Missing Jury Duty Occur in the Court's Presence?

It seems that reasonable people and courts may and will disagree over whether someone's absence from jury duty occurs in or out of the presence of a court. One case that is instructive involved a criminal contempt matter in which a respondent failed to appear pursuant to a court order. The defendant was held in civil contempt for not complying with an underlying matter, and then held in direct criminal contempt for failing to appear in court to answer questions regarding the underlying matter. The state was joined as an indispensable party on appeal and it recommended that the failure to appear be treated as indirect contempt and the Florida Supreme Court agreed. The Court reasoned that intent is an essential element of contempt and to support a conviction for direct criminal contempt, a court must have knowledge of each element of contempt. Because each act associated with a failure to appear does not occur in the court's actual presence, it does not constitute direct criminal contempt.²⁶

Based upon this reasoning, the Court said that a failure to appear in court will result in a charge of indirect criminal contempt, and Florida Rule of Criminal Procedure 3.840 must be followed. The rule requires additional procedural protections including a defendant's right to be represented by counsel, have compulsory process for the attendance of witnesses, and the ability of the defendant to testify in his or her own defense.

The Separation of Powers Doctrine and Legislative Authority to Limit Contempt Sanctions

Any effort by the Legislature to limit the power of the courts to hold someone in contempt for failing to perform jury service implicates the separation of powers doctrine. The State Constitution establishes the separation of powers among the legislative, executive, and judicial branches of government. The Constitution states that:

“No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless provided herein.”²⁷

Therefore, when the legislative branch seeks to limit the judicial branch's inherent authority to punish contempt charges, it should exercise caution.

In an 1866 decision, *Ex parte Edwards*,²⁸ the Florida Supreme Court stated that

[I]n the absence of statutory restrictions or limitations, the power of the courts over contempts is omnipotent and its exercise is not to be enquired into by any other tribunal.”

The Court noted that “this unrestricted power” had never been seriously questioned in England nor in the (relatively young at that time) United States. However, the opinion then stated that the genius of the American people, who are “ever sensitively jealous of restraints upon the personal liberty of the citizen” had caused restraints “through the action of the legislative department, to limit and restrict this common law power of the courts.” The action of the Legislature gave the

²⁶ *State v. Diaz de la Portilla*, 177 So. 3d 965 (Fla. 2015).

²⁷ FLA. CONST. art. II, s. 3.

²⁸ *Ex parte Edwards*, 11 Fla. 174 (1866).

courts the authority to punish contempts by payment of a fine or imprisonment, but not otherwise. The fine could not exceed \$100 and the imprisonment could not exceed 30 days. The Court concluded that the statute limiting contempt punishments “arises entirely from the enactment of our statute limiting the power of the courts to punish for contempts.”

In 1930, the Florida Supreme Court again addressed the courts’ scope and authority over contempt powers. In *State v. Lehman*,²⁹ the Court quoted from the *Edwards* decision but noted that the language must be construed in light of the principle that even the courts’ power to punish for contempt *is limited* by the Bill of Rights and that no court may impose punishments that are indefinite or cruel and unusual. The Court concluded by saying that it was not its place to say what punishment should be imposed for contempt of court as long as the punishment is imposed within the limitations established by the Constitution and laws.

In 1992, the Florida Supreme Court³⁰ reviewed several cases in which juveniles were incarcerated for contempt of court. The most relevant quotation from the case addressed the use of contempt and sanction powers. The Court held:

It is beyond question that the legislature has the power to determine how and to what extent the courts may punish criminal conduct, including contempt. Thus, although it has been recognized that courts have both an inherent and a statutory power to make a finding of contempt . . . the *sanctions* to be used by the courts in punishing contempt may properly be limited by statute.³¹

In 1996, the Florida Supreme Court again addressed the issue of contempt powers in *Walker v. Bentley*.³² The Legislature amended a 1994 statute and attempted to eliminate a circuit court’s use of indirect criminal contempt as a means to enforce compliance with injunctions for protection against domestic violence. The Court also noted that the Legislature may limit by statute the sanctions to be used by the courts to punish contempt. But the Court concluded that the Legislature may not eliminate a circuit court’s ability to apply the “inherent power of civil or criminal contempt.” In summary fashion, the Court stated that:

Any legislative enactment that purports to do away with the inherent power of contempt directly affects a separate and distinct function of the judicial branch” and is therefore, a violation of the separation of powers doctrine.³³

From these cases it is apparent that the courts have not offered clear guidance on how the scope of contempt authority may be regulated. Some cases have upheld limitations on contempt powers while others have overturned them as being impermissible restrictions on the judiciary’s authority.

²⁹ *State v. Lehman*, 129 So. 818 (1930).

³⁰ *A.A. v. Rolle*, 604 So. 2d 813, 815 (1992).

³¹ *Id.* at 815.

³² *Walker v. Bentley*, 678 So. 2d 1265 (1996).

³³ *Id.* at 1267.

Federal Law

Under federal law, a person who fails to appear for jury service and who was not excused by the court may be ordered to appear and show cause as to why he or she failed to comply with the jury service summons. That failure to appear or failure to show good cause for failing to report may result in:

- A fine of \$1000,
- Imprisonment up to three days,
- An order to perform community service, or
- Any combination of those three measures.³⁴

III. Effect of Proposed Changes:

The bill amends the current law governing the sanctions that a court may impose on a person who is duly summoned for jury duty but who fails to attend without providing a sufficient excuse. Currently, a court “shall” impose a fine that does not exceed \$100, and the court has the discretion to consider the failure to attend as an act of contempt of court. The current statute does not state or limit what sanctions may be imposed as a punishment for contempt of court.

The bill authorizes a court to impose any combination of the following sanctions on a person who is summoned to attend as a juror but fails to attend and does not provide a sufficient excuse:

- A fine that does not exceed \$1,000.
- A term of imprisonment that does not exceed 3 days.
- An order to perform community service.

In addition to these sanctions, the court may consider the person’s failure to attend and the absence of a sufficient excuse to be an act of contempt of court. However, the court may not impose a sanction of imprisonment on that person unless he or she is able to obtain legal representation.

The maximum fine, limit on the term of imprisonment, and order to perform community service mirror the federal law³⁵ as discussed in the Present Situation.

The contempt provision, which prohibits a court from imposing a term of imprisonment unless the person is able to obtain legal representation, appears to be consistent with decisions in this area. Because the Florida Supreme Court has determined that a person’s failure to appear in court is not a *direct act of criminal contempt*, but an *indirect act of criminal contempt*, Florida Rule of Criminal Procedure 3.840 applies. The rule provides that “The defendant is entitled to be represented by counsel, have compulsory process for the attendance of witnesses, and testify in his or her own defense.”³⁶

The bill takes effect upon becoming a law.

³⁴ 28 U.S.C. ss. 1864(b) and 1866(g).

³⁵ *Id.*

³⁶ Fla. R. Crim. P. 3.840(d).

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 40.23 of the Florida Statutes.

IX. Additional Information:

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

CS by Judiciary on February 4, 2020:

The committee substitute differs from the underlying bill by establishing four specific limits on sanctions that a court may impose for missing jury duty. The court may impose a fine that does not exceed \$1,000, impose imprisonment that does not exceed 3 days, and order community service. Additionally, the court is prohibited from imposing a term of imprisonment for contempt of court unless the defendant is able to obtain legal representation.

- B. **Amendments:**

None.



487314

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Judiciary (Powell) recommended the following:

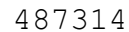
Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 40.23, Florida
Statutes, is amended to read:

40.23 Summoning jurors.—

(3) (a) Any person who is duly summoned to attend as a juror
in any court and who fails to attend without any sufficient
excuse is subject to the following sanctions, or any combination
thereof:



By Senator Powell

30-01147-20

20201590__

A bill to be entitled

An act relating to juror sanctions; amending s. 40.23, F.S.; restricting a court from imposing a term of imprisonment as a sanction for contempt of court for a juror who fails to attend court in response to a summons; providing an effective date.

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

Section 1. Subsection (3) of section 40.23, Florida Statutes, is amended to read:

40.23 Summoning jurors.—

(3) Any person who is duly summoned to attend as a juror in any court and who fails to attend without any sufficient excuse shall pay a fine not to exceed \$100, which fine shall be imposed by the court to which the juror was summoned, and, in addition, such failure may be considered a contempt of court. However, the court may not impose any term of imprisonment as a sanction for contempt of court on a person who fails to attend in response to a summons without any sufficient excuse.

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

COMMITTEE: Judiciary
ITEM: SB 1590
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S01590

GENERAL BILL by Powell; (Similar H 01125)

Juror Sanctions. EFFECTIVE DATE: Upon becoming a law.

01/22/20 S Introduced -SJ 157

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S CS by Judiciary; YEAS 6 NAYS 0



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 21, 2020

I respectfully request that **Senate Bill #1590**, relating to Juror Sanctions, be placed on the:

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

A handwritten signature in dark ink, appearing to read "Bobby Powell", is written over a horizontal line.

Senator Bobby Powell
Florida Senate, District 30

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

1590

Bill Number (if applicable)

Topic Juror Sanctions

Amendment Barcode (if applicable)

Name Nancy Daniels

Job Title Legislative Consultant

Address 103 N. Gadsden St

Phone 850488-6850

Street

Tallahassee

FL

32301

City

State

Zip

Email ndaniels@flpd2.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Public Defender Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 1766

INTRODUCER: Judiciary Committee and Senators Lee and Perry

SUBJECT: Growth Management

DATE: February 4, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cibula	Cibula	JU	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1766 makes several changes to the Bert J. Harris, Jr., Private Property Rights Protection Act, which will facilitate the ability of property owners to obtain compensation or other relief from a governmental entity when their property is inordinately burdened by a law, rule, ordinance, or regulation.

These changes to the Bert Harris Act:

-
- Shorten the presuit process that is a prerequisite to a lawsuit under the Bert Harris Act from 150 to 90 days.
- Establish a presumption that a settlement offer made by a governmental entity during the presuit process protects the public interest.
- Give a property owner the option of having compensation for an inordinate burden determined by a judge, instead of a jury as under current law.
- Allow a property owner to forego an application for a permit or other relief as a prerequisite to making a Bert Harris claim if a governmental entity acknowledges that a law or regulation limits the uses of the property.

The bill also clarifies the time period in which a property owner must provide notice to a governmental entity that it has imposed a prohibited exaction, which is an improper condition on the proposed uses of property. Finally, the bill requires the Department of Transportation, when

disposing of surplus real property, to give the prior owner of the property the right of first refusal to purchase the property.

II. Present Situation:

Bert J. Harris, Jr., Private Property Rights Protection Act

The Bert Harris Act provides a cause of action for relief or compensation when a law, rule, regulation, or ordinance inordinately burdens real property without amounting to a taking.¹ An action of a governmental entity is an inordinate burden if it directly restricts or limits the use of real property in a way that permanently prevents the owner from attaining the reasonable, investment-backed expectation for the existing use of the property or to a specific use of the property.² A government act may also constitute an inordinate burden on a property if it causes a property owner to permanently bear “a disproportionate burden imposed for the good of the public, which in fairness should be borne by the public at large.”³

Presuit Process

“The Act was designed to promote settlement, and a claim under the Act requires a presuit procedure.”⁴ Under the presuit procedure, a property owner seeking compensation must present a written claim to the governmental entity before filing a lawsuit.⁵ For nonagricultural properties, the claim must be presented at least 150 days⁶ before filing a lawsuit, and for agricultural properties, the minimum notice period is 90 days. Along with the claim, the property owner must submit a “bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property.”⁷

Mandatory Settlement Offer

During the notice period, which may be extended by the parties, the governmental entity must make a written settlement offer to effectuate:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.
2. Increases or modifications in the density, intensity, or use of areas of development.
3. The transfer of developmental rights.
4. Land swaps or exchanges.
5. Mitigation, including payments in lieu of onsite mitigation.
6. Location on the least sensitive portion of the property.
7. Conditioning the amount of development or use permitted.
8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.

¹ Section 70.001(1), F.S.

² Section 70.001(1)(e), F.S.

³ *Id.*

⁴ *Charlotte County Park of Commerce, LLC v. Charlotte County*, 927 So. 2d 236, 237 (Fla. 2d. DCA 2006).

⁵ Section 70.001(4)(a), F.S.

⁶ The 150-day notice period was reduced from 180 days beginning on July 1, 2011. Chapter 2011-191, Laws of Fla.

⁷ Section 70.001(4)(a), F.S.

9. Issuance of the development order, a variance, special exception, or other extraordinary relief.
10. Purchase of the real property, or an interest therein, by an appropriate governmental entity or payment of compensation.
11. No changes to the action of the governmental entity.⁸

Public-Interest Protection

If a settlement agreement results from the governmental entity's settlement offer, the settlement agreement may be implemented by any appropriate method. However, if the settlement agreement has the effect of a modification, variance, or special exception to an otherwise applicable rule, regulation, or ordinance, the agreement must protect the public interest served by the regulations at issue and provide appropriate relief to the property owner.⁹

If the settlement agreement effectively contravenes the application of a statute that would otherwise apply to a property, the parties must jointly file an action in the circuit court for approval of the agreement.¹⁰ The court must "ensure that the relief granted protects the public interest served by the statute at issue and is appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property."¹¹

Implicit Public Participation Requirement

The Bert Harris Act does not expressly require or authorize public participation in the resolution of Bert Harris claims. However, the 2016 appellate court opinion in *Rainbow River Conservation, Inc., v. Rainbow River Ranch, LLC*, found that public participation is necessary for the protection of the public interest, at least in some cases.¹² The *Rainbow River* litigation stemmed from a comprehensive plan amendment by the City of Dunnellon which imposed additional restrictions on the future use of property along the Rainbow River.

At the trial-court level, nonparties intervened in the proceedings to oppose the proposed settlement agreement submitted to the court for approval.¹³ The intervenors argued that the settlement did not protect the public interests served by a statute and that the settlement provided far more relief to the property owners than necessary. The intervenors also sought an evidentiary hearing to resolve factual issues that were material to the court's decision on the agreement.

The intervenors' request for an evidentiary hearing was unnecessary, according to the property owners, because the court was required to accept the stipulation of the settling parties.¹⁴ The property owners seemed to further argue that the public interest was satisfied by the fact that the other parties, the City of Dunnellon and the Department of Economic Opportunity, agreed to the settlement.

⁸ Section 70.001(4)(c), F.S.

⁹ Section 70.001(4)(d)1., F.S.

¹⁰ Section 70.001(4)(d)2., F.S.

¹¹ *Id.*

¹² *Rainbow River Conservation, Inc., v. Rainbow River Ranch, LLC*, 189 So. 3d 312 (Fla. 5th DCA 2016).

¹³ *Id.* at 314.

¹⁴ *Id.*

The appellate court in *Rainbow River*, in reversing the trial court, stated that the Bert Harris Act grants courts “broad power to ‘enter any orders necessary to effectuate the purposes’” of the Act.¹⁵ Expanding on this concept, the court explained that when approving a settlement that contravenes a statute, courts must provide some mechanism for “robust public input” to ensure the protection of the public interests.¹⁶ These mechanisms could include a requirement that a city conduct public hearings and consider the comments from those proceedings, and at least in the *Rainbow River* proceeding, likely requires a trial court to grant an evidentiary hearing to intervenors.

Statements of Allowable Uses

If the presuit process does not result in a settlement of a Bert Harris claim, the government entities involved must provide the property owner with a written statement of allowable uses for the property.¹⁷ Once issued or once the time period for the issuance of the statement expires, the property owner may file a claim for compensation in circuit court.

Trial—Roles of Judges and Juries

At trial, the judge must determine whether an existing use of real property or a vested right to specific use of the property existed and whether a governmental entity has inordinately burdened the property, considering any settlement offer or statement of allowable uses.¹⁸ A jury, however, determines the compensation due for a loss in value due to an inordinate burden.¹⁹

Ripeness—As Applied Challenges

Claims under the Bert Harris Act are limited to “as applied challenges,” meaning that some action of the government beyond the mere enactment of a new regulation must apply to a parcel of real property.²⁰ The action of a governmental entity required to ripen a claim typically involves the formal denial of a written request for development or variance. Several appellate court opinions, which are discussed below, show how the as applied requirement works in practice.

The 2008 appellate court opinion in *M & H Profit, Inc., v. City of Panama City* explained that the city’s conduct was insufficient action to enable the developer, M & H, to bring an as applied challenge to a new ordinance.²¹ The facts of the case involved the developer’s purchase of a property that had no height or setback restrictions and on which the developer intended to build a 20-story residential condominium. About 6 weeks after the purchase, however, the city adopted an ordinance imposing a 120 ft. height restriction and additional setback requirements.

¹⁵ *Id.* at 314. The source of the broad powers of the court under the Bert Harris Act is this statement in s. 70.001(7)(a), F.S.: “The circuit court may enter any orders necessary to effectuate the purposes of this section and to make final determinations to effectuate relief available under this section.”

¹⁶ *Id.* at 315.

¹⁷ Section 70.001(5), F.S.

¹⁸ Section 70.001(6)(a), F.S.

¹⁹ Section 70.001(6)(b), F.S.

²⁰ *M & H Profit, Inc., v. City of Panama City*, 28 So. 3d 71 (Fla. 1st DCA 2009).

²¹ *Id.*

A few months after the ordinance was adopted, the developer met with the city planning manager for pre-application informal discussions about its development plans. Shortly after the discussions, the city planning manager stated by letter that it was clear that the proposed condominium would not meet the height and setback requirements.²² The majority of the appellate court held that the adoption of the ordinance and the city planning manager's letter were insufficient actions to permit an as applied challenge under the Bert Harris Act.^{23, 24}

The 2018 appellate court decision in *GSK Hollywood Development Group, LLC, v. City of Hollywood*,²⁵ has some similarities to the *M & H* decision on the issue of ripeness and as applied challenges. In *GSK*, a developer contacted the director of planning and zoning for the City of Hollywood before purchasing property to confirm the zoning regulations on the property. The director orally confirmed that the zoning was consistent with the developer's plan to build a 15-story condominium. The developer then purchased the property in 2002.

In 2004, the developer began discussing its conceptual development plans with city leaders. Shortly afterwards, residents of a nearby condominium association voiced their opposition to the proposed condominium to the mayor.²⁶ The mayor, in emails, affirmed her support for the residents of the nearby condominium. Ultimately, the mayor was successful in having the city commission reduce the maximum heights of new buildings to 65 ft.

In response to the new height restrictions, the developer filed a lawsuit against the city under the Bert Harris Act.²⁷ The city argued that the developer's failure to submit an application to develop the property precluded its claim for compensation. The appellate court agreed, concluding that the developer's claim for compensation was not ripe because it did not seek a permit, variance, or other formal relief before filing its Bert Harris claim.²⁸ However, the court advised that "[i]f the Legislature intended to allow a claim in such a circumstance, it is for the Legislature to do so."²⁹

In another 2018 appellate court opinion on the issue of ripeness, *Golfrock v. Lee County*, Golfrock, a property owner, asked a court to enter a declaratory judgment that its Bert Harris claim was ripe because any further pursuit of its zoning request was futile as a matter of law.³⁰ Golfrock alleged that it would have been prohibitively expensive to pursue the zoning application further, and that the denial of the application was "fait accompli," or inevitable.³¹

The court explained that the "final decision requirement [in the context of regulatory takings claims] 'responds to the high degree of discretion characteristically possessed by land-use boards

²² *Id.* at 73.

²³ *Id.* at 78.

²⁴ Justice Thomas in his dissenting opinion stated that he "would hold that the City's enactment of the ordinance, and the informal conceptual denial of the building plan, can form the basis of a cause of action under the Bert Harris Act." *Id.*

²⁵ *GSK Hollywood Development Group, LLC, v. City of Hollywood*, 246 So. 3d 501 (Fla. 4th DCA 2018).

²⁶ *Id.* at 503.

²⁷ *Id.*

²⁸ *Id.* at 506.

²⁹ *Id.*

³⁰ *Golfrock v. Lee County*, 247 So. 3d (Fla. 2d DCA 2018).

³¹ *Id.* at 39.

in softening the strictures of the general regulations they administer.”³² Moreover, the court indicated that economic losses in these types of cases “cannot be resolved in definitive terms until a court knows ‘the extent of permitted development’ on the land in question.”³³ The futility exception to the final decision requirement, according to the court, applies only once it is clear that the permitting agency lacks any discretion.³⁴ The court ultimately dismissed Golfrock’s complaint for declaratory relief because it did not state a cause of action.³⁵

Governmental Exactions

In 2015, the Legislature enacted s. 70.45, F.S., which created an action for injunctive relief and damages caused by a prohibited exaction. A prohibited exaction is a “condition imposed by a governmental entity on a property owner’s proposed use of real property that lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity seeks to avoid, minimize, or mitigate.”³⁶

The statute was a response to the U.S. Supreme Court’s decision in *Koontz v. St. Johns River Water Management District*,³⁷ “to address uncertainty over whether Florida provides a cause of action for monetary damages for unconstitutional exactions.”³⁸ In *Koontz*, the water management district denied a property owner’s application for the permits to develop his land because he refused to agree to the district’s conditions. The conditions required the property owner to:

- Limit development on his 14.9 acre parcel to 1 acre and deed the district a conservation easement on the remaining 13.9 acres and add other costly improvements, or
- Develop 3.7 acres as planned and deed a conservation easement to the government on the remaining property and hire a contractor to improve district-owned land miles away.

The U.S. Supreme Court held that a governmental entity may not deny a land-use permit for failing to agree to the entity’s conditions unless there is an essential nexus and rough proportionality between the conditions and the proposed land use.

The *Koontz* Court further stated that the availability of monetary damages for an excessive demand when no taking has occurred is determined by the statutory cause of action on which the property owner relies, not on federal constitutional law.³⁹

When a property owner seeks damages under s. 70.45, F.S., for a prohibited exaction, the owner must comply with presuit procedures.⁴⁰ These procedures require the owner to submit a written notice to the relevant governmental entity of the intent to seek damages for a prohibited exaction. This notice must also identify the prohibited exaction, briefly explain why the owner believes the

³² *Id.* (quoting *Palazzolo v. Rhode Island*, 533 U.S. 606, 620 (2001)).

³³ *Id.* (quoting *Palazzolo* at 618).

³⁴ *Id.*

³⁵ *Id.* at 38.

³⁶ Section 70.45(1)(c), F.S.

³⁷ *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013).

³⁸ Margaret L. Cooper, Ronald L. Weaver, Jonne M. Connor, The Florida Bar, *Statutory Property Rights Protection*, RPL FL CLE 13-1 (9th ed. 2018).

³⁹ *Id.* at 609.

⁴⁰ Section 70.45(3), F.S.

exaction is prohibited, and provide an estimate of the damages. The property owner must provide the notice to the relevant governmental entity within a short window:

At least 90 days before filing an action under this section, but no later than 180 days after imposition of the prohibited exaction.⁴¹

The statute, however, does not further explain how to identify the point in time at which the exaction is imposed.

At trial, “the governmental entity has the burden of proving that the exaction has an essential nexus to a legitimate public purpose and is roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate.”⁴² The property owner must prove its damages. Damages from a prohibited exaction are the reduction in fair market value of the real property or the amount of the fee or infrastructure costs that exceeds what is permissible.⁴³

Acquisition and Disposition of Surplus Property

The Department of Transportation is authorized to dispose of property it has held for longer than 10 years if the property is not needed for the construction, operation, and maintenance of a transportation facility or is not located within a transportation corridor.⁴⁴ If the department decides to dispose of property, it may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest. However, the property may not be sold for less than the department’s estimated value.

The statute authorizing the department to dispose of surplus property, further places some individuals higher in priority to receive or to be offered the property for purchase.⁴⁵ For example, the statute places a higher priority on returning donated property to the original donor or the donor’s heirs than on offering the property to a local government in which the property is located.

Chapter 73, F.S., relating to eminent domain, also provides limitations on how property taken by eminent domain may be transferred or sold. Under, s. 73.013(1)(f), F.S., for example, property taken by eminent domain and held less than 10 years must be offered to the prior owner for the amount the condemning authority paid for it before it can be offered to others.

⁴¹ *Id.*

⁴² Section 70.45(4), F.S.

⁴³ Section 70.45(1)(a), F.S.

⁴⁴ Section 337.25(3) and (4).

⁴⁵ Section 337.25(4), F.S.

III. Effect of Proposed Changes:

Bert Harris Act Revisions

This bill makes several changes to the Bert Harris Act which will facilitate the recovery of compensation or other relief resulting from laws, rules, regulations, and ordinances that are an inordinate burden on real property.

Presuit Notice Period

The Bert Harris Act requires a property owner to provide notice of the intent to seek compensation under the Act to the relevant governmental entity at least 150 days before filing a lawsuit if the property is a nonagricultural property. For nonagricultural properties, the presuit notice period is 90 days.

The bill sets 90 days as the presuit period for all properties, whether agricultural or nonagricultural.

Settlement Offers in the Public Interest

The Bert Harris Act requires a governmental entity receiving a claim to make a written settlement offer to the claimant to resolve the claim before a lawsuit is filed. The Act further requires that any settlement agreement both protect the public interests served by the underlying rules, regulations, or statutes and provide appropriate relief to the property owner from inordinate burdens.

The bill creates a presumption that settlement offers made by a governmental entity to resolve a Bert Harris claim protect the public interest. This change appears likely to limit the ability of nonparties to intervene or participate in the resolution of Bert Harris claims except in compelling circumstances.

Compensation Calculations

Currently, under the Bert Harris Act, a judge determines whether an action of a governmental entity is an inordinate burden an existing use of real property or a vested right to a specific use of the property. Compensation for the loss in value due to the inordinate burden is determined by a jury.

The bill gives a claimant the option of having compensation determined by the judge.

Ripeness of Claims

The Bert Harris Act, according to case law, provides relief to property owners after a government action has been applied to and has inordinately burdened a property. To initiate an applied challenge, a property owner typically must apply for and be denied a permit, variance, or other relief by a governmental entity.

The bill requires governmental entities, within 45 days after receipt of notice from a property owner, to explain in writing whether a particular law or regulation is applicable to the owner's

property and to further describe the limitations imposed on the property by the law or regulation. If the governmental entity acknowledges that the law or regulation is applicable to the property and imposes new limitations on the uses of the property, an application for a development order, development permit, or building permit is deemed a waste of resources and unnecessary to bring a claim for compensation. However, a property owner has only 1 year after the receipt of the explanation from the governmental entity to pursue a Bert Harris claim.

Prohibited Exactions

Existing s. 70.45, F.S., allows a property owner to seek injunctive relief and damages when a governmental entity imposes a prohibited exaction on the owner's property. However, there is a small window of time during which the property owner must submit a notice of intent to seek relief from the exaction. This notice must be submitted "[a]t least 90 days before filing an action [for relief], but no later than 180 days after imposition of the prohibited exaction."

The bill defines the time of imposition of the exaction as the "time at which the property owner must comply with the prohibited exaction or condition of approval." This change appears likely to add some clarity as to when the time period to submit a notice of intent ends.

Prospective Application of Changes to Chapter 70, F.S.

The bill provides that the changes relating to the Bert Harris Act and s. 70.45, F.S., relating to prohibited exactions, apply to claims from government actions occurring on or after July 1, 2020, the effective date of the bill.

Right of First Refusal for Surplus Property

The bill requires the Department of Transportation to offer surplus real property to its prior owner for the property's estimated value before offering the property to others. The prior owner must have at least 15 days to exercise this right of first refusal. After accepting the offer, the prior owner must be given at least 60 days to close on the property. Additionally, if the department intends to offer the property at better terms to others than the terms in the first offer to the prior owner, the property must be reoffered to the prior owner under the new terms.

This concept of giving a prior owner the right of first refusal to purchase property is somewhat similar to that required under s. 73.013, F.S., for property acquired by eminent domain and held for less than 10 years.

Effective Date

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

This bill will facilitate compensation or other relief to the owner of real property that is inordinately burdened by a law, rule, regulation, or ordinance. Moreover, property owners may be able to avoid the expenses of applying for a permit or other relief that is almost certain to be denied.

C. Government Sector Impact:

Local governments will likely exercise caution when imposing new rules, regulations, and ordinances that affect real property. Local governments must also work more quickly to resolve Bert Harris claims during the shortened presuit process. By obviating the need for the denial or other relief as a prerequisite to a Bert Harris claim, more claims will likely be submitted. These claims will need to be resolved by local governments and other state permitting authorities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 70.001, 70.45, and 337.25.

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

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

CS by Judiciary on February 4, 2020:

The committee substitute does not include the provisions of the original bill which would have entitled property owners to compensation or other relief when an owner of a similarly situated residential property becomes entitled to relief due to the same regulation or ordinance.

B. Amendments:

None.

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



413412

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

The Committee on Judiciary (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 153
and insert:

Section 1. Subsections (4), (5), and (6) and paragraph (a)
of subsection (11) of section 70.001, Florida Statutes, are
amended to read:

70.001 Private property rights protection.-

(4)(a) Not less than 90 ~~150~~ days before ~~prior to~~ filing an
action under this section against a governmental entity, a
property owner who seeks compensation under this section must



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12 present the claim in writing to the head of the governmental
13 entity, ~~except that if the property is classified as~~
14 ~~agricultural pursuant to s. 193.461, the notice period is 90~~
15 ~~days.~~ The property owner must submit, along with the claim, a
16 bona fide, valid appraisal that supports the claim and
17 demonstrates the loss in fair market value to the real property.
18 If the action of government is the culmination of a process that
19 involves more than one governmental entity, or if a complete
20 resolution of all relevant issues, in the view of the property
21 owner or in the view of a governmental entity to whom a claim is
22 presented, requires the active participation of more than one
23 governmental entity, the property owner shall present the claim
24 as provided in this section to each of the governmental
25 entities.

26 (b) The governmental entity shall provide written notice of
27 the claim to all parties to any administrative action that gave
28 rise to the claim, and to owners of real property contiguous to
29 the owner's property at the addresses listed on the most recent
30 county tax rolls. Within 15 days after the claim is presented,
31 the governmental entity shall report the claim in writing to the
32 Department of Legal Affairs, and shall provide the department
33 with the name, address, and telephone number of the employee of
34 the governmental entity from whom additional information may be
35 obtained about the claim during the pendency of the claim and
36 any subsequent judicial action.

37 (c) During the 90-day-notice period ~~or the 150-day-notice~~
38 ~~period,~~ unless extended by agreement of the parties, the
39 governmental entity shall make a written settlement offer to
40 effectuate:



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41 1. An adjustment of land development or permit standards or
42 other provisions controlling the development or use of land.

43 2. Increases or modifications in the density, intensity, or
44 use of areas of development.

45 3. The transfer of developmental rights.

46 4. Land swaps or exchanges.

47 5. Mitigation, including payments in lieu of onsite
48 mitigation.

49 6. Location on the least sensitive portion of the property.

50 7. Conditioning the amount of development or use permitted.

51 8. A requirement that issues be addressed on a more
52 comprehensive basis than a single proposed use or development.

53 9. Issuance of the development order, a variance, a special
54 exception, or any other extraordinary relief.

55 10. Purchase of the real property, or an interest therein,
56 by an appropriate governmental entity or payment of
57 compensation.

58 11. No changes to the action of the governmental entity.
59

60 If the property owner accepts a settlement offer, ~~either~~ before
61 or after filing an action, the governmental entity may implement
62 the settlement offer by appropriate development agreement; by
63 issuing a variance, a special exception, or any other
64 extraordinary relief; or by any other appropriate method,
65 subject to paragraph (d).

66 (d)1. When a governmental entity enters into a settlement
67 agreement under this section which would have the effect of a
68 modification, variance, or ~~a~~ special exception to the
69 application of a rule, regulation, or ordinance as it would



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otherwise apply to the subject real property, the relief granted shall protect the public interest served by the regulations at issue and be the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property. Settlement offers made pursuant to paragraph (c) shall be presumed to protect the public interest.

2. When a governmental entity enters into a settlement agreement under this section which would have the effect of contravening the application of a statute as it would otherwise apply to the subject real property, the governmental entity and the property owner shall jointly file an action in the circuit court where the real property is located for approval of the settlement agreement by the court to ensure that the relief granted protects the public interest served by the statute at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

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

And the title is amended as follows:

Delete lines 3 - 11

and insert:

70.001, F.S.; revising notice of claim requirements for property owners; creating a presumption that certain settlement offers protect the public interest; specifying that property owners retain the

By Senator Lee

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A bill to be entitled

An act relating to growth management; amending s. 70.001, F.S.; revising legislative intent; revising notice of claim requirements for property owners; creating a presumption that certain settlement offers protect the public interest; creating a presumption that certain settlements of claims apply to all similarly situated residential properties within a political subdivision under certain circumstances; specifying when properties are considered similarly situated; specifying that property owners retain the option to have a court determine awards of compensation; authorizing property owners to bring claims against governmental entities in certain circumstances; providing that property owners are not required to submit formal development applications or proceed through formal application processes to bring claims in specified circumstances; amending s. 70.45, F.S.; defining the terms "imposed" and "imposition"; authorizing property owners to bring actions to declare prohibited exactions invalid; providing applicability; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to the previous property owner before disposing of property in certain circumstances; providing requirements relating to such rights of first refusal; providing an effective date.

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

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Section 1. Subsections (1), (4), (5), and (6) and paragraph (a) of subsection (11) of section 70.001, Florida Statutes, are amended to read:

70.001 Private property rights protection.—

(1) This act may be cited as the "Bert J. Harris, Jr., Private Property Rights Protection Act." The Legislature recognizes that some laws, regulations, and ordinances of the state and political entities in the state, as applied, may inordinately burden, restrict, or limit private property rights without amounting to a taking under the State Constitution or the United States Constitution. The Legislature determines that there is an important state interest in protecting the interests of private property owners from such inordinate burdens. The Legislature further recognizes that it is in the public interest to ensure that all similarly situated residential properties are subject to the same rules and regulations. Therefore, it is the intent of the Legislature that, as a separate and distinct cause of action from the law of takings, the Legislature herein provides for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity in the state, as applied, unfairly affects real property.

(4) (a) Not less than 90 ~~150~~ days before ~~prior to~~ filing an action under this section against a governmental entity, a property owner who seeks compensation under this section must present the claim in writing to the head of the governmental entity, ~~except that if the property is classified as agricultural pursuant to s. 193.461, the notice period is 90 days.~~ The property owner must submit, along with the claim, a

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bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property. If the action of government is the culmination of a process that involves more than one governmental entity, or if a complete resolution of all relevant issues, in the view of the property owner or in the view of a governmental entity to whom a claim is presented, requires the active participation of more than one governmental entity, the property owner shall present the claim as provided in this section to each of the governmental entities.

(b) The governmental entity shall provide written notice of the claim to all parties to any administrative action that gave rise to the claim, and to owners of real property contiguous to the owner's property at the addresses listed on the most recent county tax rolls. Within 15 days after the claim is presented, the governmental entity shall report the claim in writing to the Department of Legal Affairs, and shall provide the department with the name, address, and telephone number of the employee of the governmental entity from whom additional information may be obtained about the claim during the pendency of the claim and any subsequent judicial action.

(c) During the 90-day-notice period ~~or the 150-day-notice period~~, unless extended by agreement of the parties, the governmental entity shall make a written settlement offer to effectuate:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.

2. Increases or modifications in the density, intensity, or use of areas of development.

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88 3. The transfer of developmental rights.

89 4. Land swaps or exchanges.

90 5. Mitigation, including payments in lieu of onsite
91 mitigation.

92 6. Location on the least sensitive portion of the property.

93 7. Conditioning the amount of development or use permitted.

94 8. A requirement that issues be addressed on a more
95 comprehensive basis than a single proposed use or development.

96 9. Issuance of the development order, a variance, a special
97 exception, or any other extraordinary relief.

98 10. Purchase of the real property, or an interest therein,
99 by an appropriate governmental entity or payment of
100 compensation.

101 11. No changes to the action of the governmental entity.
102

103 If the property owner accepts a settlement offer, ~~either~~ before
104 or after filing an action, the governmental entity may implement
105 the settlement offer by appropriate development agreement; by
106 issuing a variance, a special exception, or any other
107 extraordinary relief; or by any other appropriate method,
108 subject to paragraph (d).

109 (d)1. When a governmental entity enters into a settlement
110 agreement under this section which would have the effect of a
111 modification, variance, or ~~a~~ special exception to the
112 application of a rule, regulation, or ordinance as it would
113 otherwise apply to the subject real property, the relief granted
114 shall protect the public interest served by the regulations at
115 issue and be the appropriate relief necessary to prevent the
116 governmental regulatory effort from inordinately burdening the

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117 real property. Settlement offers made pursuant to paragraph (c)
118 shall be presumed to protect the public interest.

119 2. When a governmental entity enters into a settlement
120 agreement under this section which would have the effect of
121 contravening the application of a statute as it would otherwise
122 apply to the subject real property, the governmental entity and
123 the property owner shall jointly file an action in the circuit
124 court where the real property is located for approval of the
125 settlement agreement by the court to ensure that the relief
126 granted protects the public interest served by the statute at
127 issue and is the appropriate relief necessary to prevent the
128 governmental regulatory effort from inordinately burdening the
129 real property.

130 3. When a residential property owner submits a claim under
131 this section which is based on a governmental entity's
132 application of a regulation or ordinance to more than one
133 residential parcel, and the governmental entity reaches a
134 settlement of such claim or the property owner secures a
135 judgment declaring an inordinate burden under paragraph (6) (a),
136 there shall be a presumption, rebuttable only by clear and
137 convincing evidence, that similarly situated residential
138 parcels, as evaluated on a parcel-by-parcel basis, have been
139 inordinately burdened and are entitled to equivalent terms of
140 settlement or a judicial determination of an inordinate burden.
141 In such cases, the similarly situated residential property
142 owners must submit the appraisal specified in paragraph (a) not
143 less than 120 days before a trial on the merits of the damages
144 portion of the proceedings pursuant to paragraph (6) (b). During
145 the 90-day-notice period of such claims, the governmental entity

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shall negotiate terms of settlement consistent with settlement agreements for similarly situated residential parcels. For the purposes of this subparagraph, properties are similarly situated only if improvements authorized under zoning code and use restrictions have been constructed on the property and the governing body has issued a certificate of occupancy and if the properties are proximate in location and are subject to identical zoning code and use restrictions.

This paragraph applies to any settlement reached between a property owner and a governmental entity regardless of when the settlement agreement was entered so long as the agreement fully resolves all claims asserted under this section.

(5) (a) During the 90-day-notice period ~~or the 150-day-notice period~~, unless a settlement offer is accepted by the property owner, each of the governmental entities provided notice pursuant to subsection (4) ~~paragraph (4) (a)~~ shall issue a written statement of allowable uses identifying the allowable uses to which the subject property may be put. The failure of the governmental entity to issue a statement of allowable uses during the ~~applicable~~ 90-day-notice period ~~or 150-day-notice period~~ shall be deemed a denial for purposes of allowing a property owner to file an action in the circuit court under this section. If a written statement of allowable uses is issued, it constitutes the last prerequisite to judicial review for the purposes of the judicial proceeding created by this section, notwithstanding the availability of other administrative remedies.

(b) If the property owner rejects the settlement offer and

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the statement of allowable uses of the governmental entity or entities, the property owner may file a claim for compensation in the circuit court, a copy of which shall be served contemporaneously on the head of each of the governmental entities that made a settlement offer and a statement of allowable uses that was rejected by the property owner. Actions under this section shall be brought only in the county where the real property is located.

(6)(a) The circuit court shall determine whether an existing use of the real property or a vested right to a specific use of the real property existed and, if so, whether, considering the settlement offer and statement of allowable uses, the governmental entity or entities have inordinately burdened the real property. If the actions of more than one governmental entity, considering any settlement offers and statement of allowable uses, are responsible for the action that imposed the inordinate burden on the real property of the property owner, the court shall determine the percentage of responsibility each such governmental entity bears with respect to the inordinate burden. A governmental entity may take an interlocutory appeal of the court's determination that the action of the governmental entity has resulted in an inordinate burden. An interlocutory appeal does not automatically stay the proceedings; however, the court may stay the proceedings during the pendency of the interlocutory appeal. If the governmental entity does not prevail in the interlocutory appeal, the court shall award to the prevailing property owner the costs and a reasonable attorney fee incurred by the property owner in the interlocutory appeal.

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(b) Following its determination of the percentage of responsibility of each governmental entity, and following the resolution of any interlocutory appeal, the court shall impanel a jury to determine the total amount of compensation to the property owner for the loss in value due to the inordinate burden to the real property. The property owner retains the option to forego a jury and elect to have the court determine the award of compensation. The award of compensation shall be determined by calculating the difference in the fair market value of the real property, as it existed at the time of the governmental action at issue, as though the owner had the ability to attain the reasonable investment-backed expectation or was not left with uses that are unreasonable, whichever the case may be, and the fair market value of the real property, as it existed at the time of the governmental action at issue, as inordinately burdened, considering the settlement offer together with the statement of allowable uses, of the governmental entity or entities. In determining the award of compensation, consideration may not be given to business damages relative to any development, activity, or use that the action of the governmental entity or entities, considering the settlement offer together with the statement of allowable uses has restricted, limited, or prohibited. The award of compensation shall include a reasonable award of prejudgment interest from the date the claim was presented to the governmental entity or entities as provided in subsection (4).

(c)1. In any action filed pursuant to this section, the property owner is entitled to recover reasonable costs and attorney fees incurred by the property owner, from the

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233 governmental entity or entities, according to their
234 proportionate share as determined by the court, from the date of
235 the filing of the circuit court action, if the property owner
236 prevails in the action and the court determines that the
237 settlement offer, including the statement of allowable uses, of
238 the governmental entity or entities did not constitute a bona
239 fide offer to the property owner which reasonably would have
240 resolved the claim, based upon the knowledge available to the
241 governmental entity or entities and the property owner during
242 the 90-day-notice period or the 150-day-notice period.

243 2. In any action filed pursuant to this section, the
244 governmental entity or entities are entitled to recover
245 reasonable costs and attorney fees incurred by the governmental
246 entity or entities from the date of the filing of the circuit
247 court action, if the governmental entity or entities prevail in
248 the action and the court determines that the property owner did
249 not accept a bona fide settlement offer, including the statement
250 of allowable uses, which reasonably would have resolved the
251 claim fairly to the property owner if the settlement offer had
252 been accepted by the property owner, based upon the knowledge
253 available to the governmental entity or entities and the
254 property owner during the 90-day-notice period or the 150-day-
255 notice period.

256 3. The determination of total reasonable costs and attorney
257 fees pursuant to this paragraph shall be made by the court and
258 not by the jury. Any proposed settlement offer or any proposed
259 decision, except for the final written settlement offer or the
260 final written statement of allowable uses, and any negotiations
261 or rejections in regard to the formulation either of the

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262 settlement offer or the statement of allowable uses, are
263 inadmissible in the subsequent proceeding established by this
264 section except for the purposes of the determination pursuant to
265 this paragraph.

266 (d) Within 15 days after the execution of any settlement
267 pursuant to this section, or the issuance of any judgment
268 pursuant to this section, the governmental entity shall provide
269 a copy of the settlement or judgment to the Department of Legal
270 Affairs.

271 (11) A cause of action may not be commenced under this
272 section if the claim is presented more than 1 year after a law
273 or regulation is first applied by the governmental entity to the
274 property at issue.

275 (a) For purposes of determining when this 1-year claim
276 period accrues:

277 1.a. A law or regulation is first applied upon enactment
278 and notice as provided for in this sub-subparagraph ~~subparagraph~~
279 if the impact of the law or regulation on the real property is
280 clear and unequivocal in its terms and notice is provided by
281 mail to the affected property owner or registered agent at the
282 address referenced in the jurisdiction's most current ad valorem
283 tax records. The fact that the law or regulation could be
284 modified, varied, or altered under any other process or
285 procedure does not preclude the impact of the law or regulation
286 on a property from being clear or unequivocal pursuant to this
287 sub-subparagraph ~~subparagraph~~. Any notice under this sub-
288 subparagraph ~~subparagraph~~ shall be provided after the enactment
289 of the law or regulation and shall inform the property owner or
290 registered agent that the law or regulation may impact the

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property owner's existing property rights and that the property owner may have only 1 year from receipt of the notice to pursue any rights established under this section.

b. If the notice required in sub-subparagraph a. is not provided to the property owner, the property owner may at any time after enactment notify the governmental entity in writing that the property owner deems the impact of the law or regulation on the property owner's real property to be clear and unequivocal in its terms and, as such, restrictive of uses allowed on the property before the enactment. Within 45 days after receipt of a notice under this sub-subparagraph, the governmental entity in receipt of the notice must respond in writing to state whether the law or regulation is applicable to the real property in question and provide a description of the limitations imposed on the property by the law or regulation. If the governmental entity concludes that the law or regulation is applicable by imposing new limitations on the uses of the property, the property owner is not required to formally pursue an application for a development order, development permit, or building permit, as such will be deemed a waste of resources and shall not be a prerequisite to bringing a claim pursuant to paragraph (4)(a). However, any such claim must be filed within 1 year after the date of the property owner's receipt of the notice from the governmental entity of the limitations on use imposed on the real property.

2. Otherwise, the law or regulation is first applied to the property when there is a formal denial of a written request for development or variance.

Section 2. Paragraphs (c) through (e) of subsection (1) of

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section 70.45, Florida Statutes, are redesignated as paragraphs (d) through (f), respectively, a new paragraph (c) is added to that subsection, and subsections (2), (4), and (5) of that section are amended, to read:

70.45 Governmental exactions.—

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

(c) "Imposed" or "imposition" as it relates to a prohibited exaction or condition of approval refers to the time at which the property owner must comply with the prohibited exaction or condition of approval.

(2) In addition to other remedies available in law or equity, a property owner may bring an action in a court of competent jurisdiction under this section to declare a prohibited exaction invalid and recover damages caused by a prohibited exaction. Such action may not be brought until a prohibited exaction is actually imposed or required in writing as a final condition of approval for the requested use of real property. The right to bring an action under this section may not be waived. This section does not apply to impact fees adopted under s. 163.31801 or non-ad valorem assessments as defined in s. 197.3632.

(4) For each claim filed under this section, the governmental entity has the burden of proving that the challenged exaction has an essential nexus to a legitimate public purpose and is roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate. The property owner has the burden of proving damages that result from a prohibited exaction.

(5) The court may award attorney fees and costs to the

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prevailing party; however, if the court determines that the
challenged exaction which is the subject of the claim lacks an
essential nexus to a legitimate public purpose, the court shall
award attorney fees and costs to the property owner.

Section 3. The amendments made by this act to ss. 70.001
and 70.45, Florida Statutes, apply to claims made in response to
actions taken by governmental entities on or after July 1, 2020.

Section 4. Subsection (4) of section 337.25, Florida
Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and
personal property.—

(4) The department may convey, in the name of the state,
any land, building, or other property, real or personal, which
was acquired under subsection (1) and which the department has
determined is not needed for the construction, operation, and
maintenance of a transportation facility. When such a
determination has been made, property may be disposed of through
negotiations, sealed competitive bids, auctions, or any other
means the department deems to be in its best interest, with due
advertisement for property valued by the department at greater
than \$10,000. A sale may not occur at a price less than the
department's current estimate of value, except as provided in
paragraphs (a)-(d). The department may afford a right of first
refusal to the local government or other political subdivision
in the jurisdiction in which the parcel is situated, except in a
conveyance transacted under paragraph (a), paragraph (c), or
paragraph (e). Notwithstanding any provision of this section to
the contrary, before any conveyance under this subsection may be
made, except a conveyance under paragraph (a) or paragraph (c),

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the department shall first afford a right of first refusal to the previous property owner for the department's current estimate of value of the property. The right of first refusal shall be made in writing and sent to the previous owner via certified mail or hand delivery, effective upon receipt. The right of first refusal shall provide the previous owner with a minimum of 15 days to exercise the right in writing and be sent to the originator of the offer via certified mail or hand delivery, effective upon dispatch. The previous owner shall have a minimum of 60 days after exercising its right of first refusal to close. If the previous owner does not exercise its right of first refusal, the department may not deviate in any material respect from the offer made to the previous owner unless it first provides the previous owner with the right of first refusal under the new terms. The same procedure shall apply to any subsequent iterations of the sale terms.

(a) If the property has been donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.

(b) If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(c) If the property was originally acquired specifically to provide replacement housing for persons displaced by

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407 transportation projects, the department may negotiate for the
408 sale of such property as replacement housing. As compensation,
409 the state shall receive at least its investment in such property
410 or the department's current estimate of value, whichever is
411 lower. It is expressly intended that this benefit be extended
412 only to persons actually displaced by the project. Dispositions
413 to any other person must be for at least the department's
414 current estimate of value.

415 (d) If the department determines that the property requires
416 significant costs to be incurred or that continued ownership of
417 the property exposes the department to significant liability
418 risks, the department may use the projected maintenance costs
419 over the next 10 years to offset the property's value in
420 establishing a value for disposal of the property, even if that
421 value is zero.

422 (e) If, at the discretion of the department, a sale to a
423 person other than an abutting property owner would be
424 inequitable, the property may be sold to the abutting owner for
425 the department's current estimate of value.

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

COMMITTEE: Judiciary
ITEM: SB 1766
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S01766
GENERAL BILL by Lee; (CO-INTRODUCERS) Perry; (Compare CS/H 00519)
Growth Management. EFFECTIVE DATE: 07/01/2020.
02/05/20 S Pending reference review under Rule 4.7(2) - (Committee Substitute); Now in Community
Affairs; On Committee agenda-- Community Affairs, 02/10/20, 4:00 pm, 301 Senate Building



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 22, 2020

I respectfully request that **Senate Bill #1766**, relating to Growth Management, be placed on the:

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

A handwritten signature in black ink that reads "Tom Lee". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Senator Tom Lee
Florida Senate, District 20

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4

Meeting Date

1766

Bill Number (if applicable)

Topic Growth Management

Amendment Barcode (if applicable)

Name Brewster BEVIS

Job Title Senior VP

Address 516 W Ad.

Phone _____

Street

TLH

City

FL

State

32361

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20
Meeting Date

1766
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St Suite 300
Street

Phone 222-7500

Tallahassee FL 32301
City State Zip

Email garyh@hgsllaw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Association of Florida Community Developers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

1766
Bill Number (if applicable)

Topic Growth Mgt

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Legislative Affairs Dir

Address 310 W College Ave

Phone 272 2557

Street

Tallahassee

FL

State

32301

Zip

Email adam.basford@flsen.gov

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL ~~Florida Bureau~~ Ag Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

1766

Bill Number (if applicable)

Topic Growth Management

Amendment Barcode (if applicable)

Name David Cruz

Job Title Legislative Counsel

Address P.O. Box 1757

Phone 701-3676

Street

Tallahassee

FL

32301

City

State

Zip

Email DCRUZ@FCCities.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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2-4-20

Meeting Date

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

1766

Bill Number (if applicable)

Topic GROWTH MGMT

Amendment Barcode (if applicable)

Name MONTY STEVENS

Job Title _____

Address 123 S. ADAMS

Phone 6714401

Street

City TALLAHASSEE State FL Zip 32301

Email stevens@the-southfla.com

Speaking: ☒ For ☐ Against ☐ Information

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

- WAIVE

Representing FLORIDA REALTORS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-20
Meeting Date

1766
Bill Number (if applicable)

Topic Growth Mgt.

Amendment Barcode (if applicable)
—

Name Dan Peterson

Job Title President

Address Box 1875

Phone 407-758-2491

Minneapolis FL 34715
City State Zip

Email dampeterson@cpv-fl.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Coalition for Property Rights

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

1766

Bill Number (if applicable)

Topic Growth Management

Amendment Barcode (if applicable)

Name Paul Owens

Job Title President

Address 308 Monroe St.

Phone 850-222-6277

Street

Tallahassee

FL

32803

City

State

Zip

Email powens@1000fof.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing 1000 Friends of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020

Meeting Date

1766

Bill Number (if applicable)

Topic Growth Management



413412

Amendment Barcode (if applicable)

Name JONATHAN WEBBER

Job Title Deputy Director

Address 1700 N. Monroe St.

Street

Tallahassee

City

FL

State

32303

Zip

Phone 954-593-4449

Email JWEBBER@FCVOTERS.org

OF AMENDMENT

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA CONSERVATION VOTERS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

1766

Bill Number (if applicable)

413 412

Amendment Barcode (if applicable)

Topic Growth mangement

Name David Cruz

Job Title Legislative Counsel

Address P.O. Box 1757

Phone 701-3676

Street

Tallahassee

FL

32301

City

State

Zip

Email DCRUZ@FCCities.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

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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 Education

BILL: SB 946

INTRODUCER: Senator Baxley

SUBJECT: Moments of Silence in Public Schools

DATE: February 3, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick, Dew	Sikes	ED	Favorable
2.	Elsesser	Cibula	JU	Favorable
3.			RC	

I. Summary:

SB 946 requires a moment of silence to be set aside for students during each school day. The bill directs the principal of each public school to require teachers in first-period classrooms in all grades to set aside one to two minutes daily for a moment of silence, during which students may not interfere with other students' participation.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2020.

II. Present Situation:

District school boards may set aside up to two minutes for silent prayer or meditation at the start of each school day or each school week in the public schools in the district.¹

Fifteen states require a moment of silence or a period for contemplation or prayer during each school day. An additional eighteen states authorize the school district, school, or classroom to observe a period of silence or prayer during each school day.²

¹ Section 1003.45, F.S., added in s. 1, ch. 80-336, L.O.F.

² AL s. 16-1-20; AZ s. 15-342; AK s. 6-10-115; CT s. 10-16a; DE 14 s. 4101a; FL s. 1003.45, F.S.; GA s. 20-2-1050; IL 105 s. 20/1; IN s. 20-30-5-4.5; KS s. 72-9929; KY s. 158.175; LA s. 17:2115; MD s. 7-104; MA 71 s. 1A; ME 20 s. 4805; MI s. 380.1565; MN s. 121A.10; MS s. 37-13.4; MT s. 20-7-112; NV s. 388.075; NH s. 189:1-b; NM s. 22-27-3; NY s. 3029-a; NC s. 115C-47; ND s. 15.1-19-03.1; OH s. 3313.601; OK 70 s. 11-101.1; PA s. 15-1516.1; RI s. 16-12-3.1; SC s. 59-1-443; TN s. 49-6-1004; TX s. 25.082; UT s. 536-7-207; VA s. 22.1-203.

III. Effect of Proposed Changes:

SB 946 amends s. 1003.45, F.S., to require a moment of silence be set aside for students during each school day and state legislative findings for the value of a moment of daily reflection.

The bill directs the principal of each public school to require teachers in first-period classrooms in all grades to set aside one to two minutes daily for a moment of silence, during which students may not interfere with other students' participation.

The bill provides that a teacher:

- May not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence.
- Must encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

The bill takes effect July 1, 2020.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.45 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Baxley

12-00745B-20

2020946__

A bill to be entitled
An act relating to moments of silence in public schools; amending s. 1003.45, F.S.; providing legislative findings; requiring that public school principals require teachers to set aside time for a moment of silence at the beginning of each school day; specifying the duration of the required moment of silence; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; deleting a provision authorizing district school boards to provide a brief period of silent prayer or meditation; requiring certain teachers to encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time; providing an effective date.

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

Section 1. Section 1003.45, Florida Statutes, is amended to read:

1003.45 Permitting study of the Bible and religion; requiring a moment of silence ~~permitting brief meditation period.~~—

(1) The district school board may install in the public schools in the district a secular program of education including, but not limited to, an objective study of the Bible and of religion.

(2) The Legislature finds that in the hectic society of

12-00745B-20

2020946__

30 today, too few persons are able to experience even a moment of
31 quiet reflection before plunging headlong into the activities of
32 daily life. Young persons are particularly affected by the
33 absence of an opportunity for a moment of quiet reflection. The
34 Legislature finds that our youth, and society as a whole, would
35 be well served if students in the public schools were afforded a
36 moment of silence at the beginning of each school day.

37 (3) The principal of each public school shall require
38 teachers in first-period classrooms in all grades to set aside
39 at least 1 minute, but ~~district school board may provide that a~~
40 ~~brief period,~~ not more than to exceed 2 minutes, daily, for a
41 moment ~~the purpose~~ of silence, during which students may not
42 interfere with other students' participation. A teacher may not
43 make suggestions as to the nature of any reflection that a
44 student may engage in during the moment of silence ~~silent prayer~~
45 ~~or meditation be set aside at the start of each school day or~~
46 ~~each school week in the public schools in the district.~~

47 (4) Each such teacher shall encourage parents to discuss
48 the moment of silence with their children and to make
49 suggestions as to the best use of this time.

50 Section 2. This act shall take effect July 1, 2020.

COMMITTEE: Judiciary
ITEM: SB 946
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S00946

GENERAL BILL by Baxley; (Similar H 00737)

Moments of Silence in Public Schools. EFFECTIVE DATE: 07/01/2020.

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S Favorable by Judiciary; YEAS 4 NAYS 2; Now in Rules

THE FLORIDA SENATE

COMMITTEES:

Ethics and Elections, *Chair*
Appropriations Subcommittee on Education
Education
Finance and Tax
Health Policy
Judiciary

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR DENNIS BAXLEY

12th District

January 27, 2020

The Honorable Chairman David Simmons
404 Senate Office Building
Tallahassee, Florida 32399

Dear Chairman Simmons,

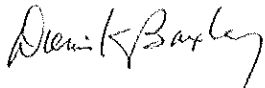
I would like to request that SB 946 Moment of Silence be heard in the next Education Committee Meeting.

Today too few persons are able to experience even a moment of quiet reflection before plunging headlong into the activities of daily life. Maybe this will help students/teachers have a brief moment to reflect.

This bill would have the principal of each public school to require teachers in first-period classrooms in all grades to set aside at least 1 minute, but not more than 2 minutes daily for a moment of silence, during which students may not interfere with other students' participation. The teacher may not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence.

Thank you for your favorable consideration.

Onward & Upward,



Senator Dennis K. Baxley
Senate District 12

DKB/dd

cc: Tom Cibula, Staff Director

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 1634

INTRODUCER: Senator Stargel

SUBJECT: Parental Rights

DATE: February 3, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2. _____	_____	<u>ED</u>	_____
3. _____	_____	<u>RC</u>	_____

I. Summary:

SB 1634 establishes the “Parents’ Bill of Rights.” The bill provides that the state, its political subdivisions, any other governmental entity, or other institution may not infringe upon the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a minor child. If those entities infringe upon a parent’s fundamental right, they must demonstrate that the action is reasonable and necessary to achieve a compelling state interest, and the action must be narrowly tailored and not otherwise served by less restrictive means.

The bill enumerates a list of rights that a parent possesses in order to direct the education of his or her child and be informed about the child’s educational programs. The bill also requires the school district to promote parental involvement in the public school system by providing access to the child’s studies and instructional materials while also recognizing a parent’s right to withdraw the child from objectionable portions of the school’s curriculum.

The bill also requires a parent’s permission before a health care practitioner may provide services, prescribe medicine to the child, or perform a medical procedure, unless otherwise provided by law. The bill provides a misdemeanor penalty for a health care practitioner or similar person who violates the health care provisions and subjects these persons to disciplinary actions.

The bill takes effect July 1, 2020.

II. Present Situation:

Parental Guarantees in the United States Constitution

The Fourteenth Amendment to the U.S. Constitution provides that no State

[S]hall deprive any person of life, *liberty*, or property, without due process of law.

The U.S. Supreme Court has recognized that the Due Process clause includes an additional component that provides a heightened level of protection against any governmental interference where certain fundamental rights and liberty interests are involved. In *Troxel v. Granville*,¹ a case to terminate parental rights, the Court noted that the Fourteenth Amendment “liberty interest” at issue – the interest that parents had in the care, custody, and control over their children – was perhaps the oldest of any fundamental liberty interest that the Court had recognized.

The Court reflected that, in a 1923 decision,² it determined that the “liberty” interest protected by the Due Process Clause included the right of parents to “establish a home and bring up children” and “to control the education of their own.”

The Court also noted as early as 1925³ that a child was not simply the creature of the State and that the people who nurture the child and direct the child’s destiny have the right, and the high duty, to recognize and prepare the child for additional obligations. In 1944, the Court confirmed the right of parents to direct the upbringing of their children when it stated:

It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.⁴

Finally, in recounting the history of parental authority in 1979, the Court stated, “We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected.”⁵

Parental Guarantees in the State Constitution

Similarly, the Florida Supreme Court has determined that the fundamental liberty interest in parenting one’s child “is protected by the Florida and federal constitutions. In Florida, it is specifically protected by our privacy provision.”⁶ The Court also stated that the state constitutional privacy provision contained in Article I, section 23 affords greater protection than that of the federal constitution.

The court wrote in *Winfield v. Division of Pari-Mutuel Wagering*⁷ that the standard of review that must be used to evaluate whether a state has intruded into a citizen’s private life is the compelling state interest standard. Under that test, the burden of proof is on the state to justify its intrusion on privacy. The burden can be met by the state if it demonstrates that the regulation

¹ *Troxel v. Granville*, 530 U.S. 57 (2000).

² *Troxel* quoting *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923).

³ *Troxel* quoting *Pierce v. Society of Sisters*, 268 U.S. 510, 534-535 (1925).

⁴ *Troxel* quoting *Prince v. Massachusetts*, 321 U.S. 158 (1944).

⁵ *Troxel* quoting *Parham v. J.R.* 442 U.S. 584, 602 (1979).

⁶ *Beagle v. Beagle*, 678 So. 2d 1271, 1275 (Fla. 1996).

⁷ *Winfield v. Division of Pari-Mutual Wagering*, 477 So. 2d 544, 548 (Fla. 1985).

being challenged serves a compelling state interest and the regulation accomplishes its goal by using the least intrusive means.⁸

III. Effect of Proposed Changes:

Sections 1 and 2 – The Parents’ Bill of Rights

The bill creates a new chapter in the Florida Statutes, chapter 1014, which is entitled “Parents’ Bill of Rights” and contains sections 1014.01 – 1014.06, F.S.

Section 3 – Legislative Findings and Definition

Section 3 contains the legislative findings and a definition. In these provisions, the Legislature finds that:

- It is a fundamental right of parents to direct the upbringing, education, and care of their minor children;
- Important information relating to a minor child should not be withheld, either inadvertently or purposefully, from a parent, including information regarding the minor child’s health, well-being, and education, while the child is in the custody of the school district; and
- It is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

A parent is defined to be a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

Section 4 – The Infringement of Parental Rights

The bill provides that the following entities may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a parent’s minor child:

- The state;
- State political subdivisions;
- Any other governmental entity; or
- Any other institution.

If any of these entities infringes on a parent’s fundamental right, it must demonstrate that the action is reasonable and necessary to achieve a compelling state interest and the action is narrowly tailored and is not otherwise served by a less restrictive means. This “compelling interest” standard is discussed above in the Present Situation.

⁸ *Id.*

Section 5 – Parental Rights

Rights Reserved to the Parent of a Minor Child

This section establishes that all parental rights are reserved to the parent of a minor child “without obstruction or interference” by any of the above-referenced governmental entities.

Those rights include, but are not limited to the right to:

- Direct the education and care of the minor child.
- Direct the upbringing and the moral or religious training of the minor child.
- Enroll the minor child in a public school or, as an alternative to public education, a private school, religious school, a home education program, or other available option.
- Access and review all school records relating to the minor child.
- Make health care decisions for the minor child, unless otherwise prohibited by law.
- Access and review all medical records of the minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.
- Consent in writing before a biometric scan of the minor child is made, shared, or stored.
- Consent in writing before any record of the minor child’s blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.
- Consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child unless the recording is made during or as part of a court proceeding, or is made as part of a forensic interview in a criminal or Department of Children and Families investigation, or is to be used solely for the following purposes:
 - A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;
 - A purpose related to a legitimate academic or extracurricular activity;
 - A purpose related to regular classroom instructions;
 - Security or surveillance of buildings or grounds; or
 - A photo identification card.
- Be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to a law enforcement agency or the Department of Children and Families and notifying the parent would impede the investigation.

The bill clarifies that the rights expressed in this section do not:

- Authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;
- Condone, authorize, approve, or apply to a parental action or decision that would end life;
- Prohibit a court of competent jurisdiction, law enforcement officer, or employee of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or
- Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

Discipline

Any employee of any of the above-referenced entities who encourages or coerces, or attempts to encourage or coerce a minor child to withhold information from his or her parent may be subject to disciplinary action.

Inalienable Rights

The final subsection states that a parent of a minor child has inalienable rights that are more comprehensive than those enumerated in this section, unless those rights have been legally waived or terminated. The bill also provides that the chapter does not prescribe all of a parent's rights and unless required by law, a parent's rights may not be limited or denied. Additionally, the chapter may not be construed to apply to a parental action or decision that would end life.

Section 6 – School District Notifications on Parental Rights

The bill requires each school board, in consultation with parents, teachers, and administrators, to develop and then adopt a policy that promotes parental involvement in the public school system. The policy must include:

- A plan, pursuant to s. 1002.23, F.S., for parental participation to improve parent and teach cooperation in areas such as homework, school attendance, and discipline.
- A procedure, pursuant to s. 1002.20(19)(b), F.S., for a parent to learn about the minor child's course of study, including the source of any supplemental education materials.
- Procedures for a parent to object to instructional material, which includes all classroom materials and school activities, pursuant to s. 1006.28(2)(a)2., F.S. and a process for withdrawing the child from the activity, class, or program. The objections may be based on beliefs regarding morality, sex, and religion or the belief that the materials or activities are harmful. Instructional materials are defined to include, but are not limited to, textbooks, workbooks and worksheets, handouts, software, applications, Internet courses, and any and all digital media available to students pursuant to their role as a student in public school.
- Procedures, pursuant to s. 1002.20(3)(d), F.S. for a parent to withdraw the minor child from any portion of the school district's plan as required under s. 1003.42(2)(n), F.S., which relates to sex education or instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality if the parent provides a written objection to the child's participation. The procedures must provide for a parent to be notified in advance of the course content so that he or she may withdraw the child from those portions of the course.
- Procedures, pursuant to s. 1006.195(1)(a), F.S., for a parent to learn about the nature and purpose of clubs and activities at the child's school, including those that are extracurricular or part of the school curriculum.
- Procedures for a parent to learn about parental rights and responsibilities under general law, including all of the following:
 - The right to opt the minor child out of any portion of the school district's comprehensive health education required by statute that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.
 - A plan to disseminate information about school choice options, including open enrollment.
 - The right of a parent to exempt the minor child from immunizations.
 - The right of a parent to review statewide, standardized assessment results.

- The right to enroll the minor child in gifted or special education programs.
- The right of a parent to inspect school district instructional materials.
- The right of a parent to access information relating to the school district's policies for promotion or retention, including high school graduation requirements.
- The right of a parent to receive a school report card and be informed of the child's attendance requirements.
- The right of a parent to access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements.
- The right of a parent to participate in parent-teacher association and organizations sanctioned by a district school board or the Department of Education.
- The right of a parent to opt out of any district-level data collection relating to the minor child that is not required by law.

The information required in this section may be provided by the district school board electronically or posted on its website.

A parent may request, in writing, from the district school superintendent, the information required under this section. The superintendent must provide the information to the parent within 10 days. If the superintendent denies a parent's request for information or does not respond to the parent's request within 10 days, the parent may appeal the denial to the district school board. The parent's appeal must be placed on the agenda for the board's next public meeting. If it is too late for a parent's appeal to be placed on the agenda at the next meeting, it must be included on the agenda for the following meeting.

Section 7 – Parental Consent for Health Care Services

Unless the law provides otherwise,

- A health care practitioner, as defined in s. 456.001, F.S., may not provide, solicit, or arrange to provide health care services or prescribe medicine to the minor child without first obtaining written consent from the parent.
- A person, as defined by statute to include individuals, children, firms, associations, joint adventures, partnership, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations, or individual employed by the person, may not provide or solicit or arrange to provide health care services or prescribe medicine to a minor child without first obtaining written parental consent.

Unless otherwise provided by law or a court order, a provider,⁹ as defined in s. 408.803, F.S., may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written consent from the parent.

Exception

The provisions of this section which addresses parental consent for health care services do not apply to abortion, which is governed by chapter 390.

⁹ Section 408.803(11), F.S., defines a provider to mean any activity, service, agency, or facility regulated by the agency and listed in s. 408.802, F.S.

Penalties

A health care practitioner or other person who violates this section is subject to disciplinary action pursuant to s. 408.813 or s. 456.072, F.S., sections 8 and 9 of the bill, and commits a first degree misdemeanor which is punishable by up to one year imprisonment and a fine not to exceed \$1,000.¹⁰

Section 8 – Administrative Fines and Violations

The Agency for Health Care Administration may impose an administrative fine for a violation of the provisions regarding the parental consent for health care services. The violation is an unclassified violation and the fine may not exceed \$500 for each violation.

Section 9 – Grounds for Discipline

The Department of Health may take disciplinary action against someone who fails to comply with the parental consent requirements for health care services. The disciplinary actions range from refusing to certify a license or certify the license with restrictions, suspending or permanently revoking a license, restricting a license, imposing an administrative fine not to exceed \$10,000 for each offense, issuing a reprimand or letter of concern, placing the licensee on probation, taking corrective action, imposing an administrative fine for violations of patient rights, requiring the refund of fees billed and collected, and requiring that the practitioner undergo remedial education.¹¹

Section 10 – Effective Date

The bill takes effect July 1, 2020.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹⁰ Sections 775.082(4)(a) and 775.083(1)(d), F.S.

¹¹ Section 456.072(1), F.S.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 408.813 and 456.072.

This bill creates the following sections of the Florida Statutes: 1014.01, 1014.02, 1014.03, 1014.04, 1014.05, and 1014.06.

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

22-01618A-20

20201634__

A bill to be entitled

An act relating to parental rights; creating chapter 1014, F.S.; creating s. 1014.01, F.S.; providing a short title; creating s. 1014.02, F.S.; providing legislative findings; defining the term "parent"; creating s. 1014.03, F.S.; providing that the state, its political subdivisions, other governmental entities, or other institutions may not infringe on parental rights without demonstrating specified information; creating s. 1014.04, F.S.; providing that a parent of a minor child has specified rights relating to his or her minor child; prohibiting the state from infringing upon specified parental rights; prohibiting specified parental rights from being limited or denied; providing that certain actions by specified individuals are grounds for disciplinary actions against those individuals; providing construction; creating s. 1014.05, F.S.; requiring each district school board in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system; providing requirements for such policy; defining the term "instructional materials"; authorizing a district school board to provide such policy electronically or on its website; authorizing a parent to request certain information in writing; providing a procedure for appealing the denial of such information requests; creating s. 1014.06, F.S.; prohibiting certain health care practitioners from

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taking specified actions without a parent's written permission; prohibiting certain entities from taking specified actions relating to a minor's health care without a parent's written permission; prohibiting a health care facility from allowing certain actions without a parent's written permission; providing exceptions; providing for disciplinary actions and criminal penalties; amending s. 408.813, F.S.; providing that certain violations relating to parental consent are grounds for administrative fines for health care facilities; amending s. 456.072, F.S.; providing that failure to comply with certain parental consent requirements is grounds for disciplinary action for health care practitioners; providing an effective date.

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

Section 1. Chapter 1014, Florida Statutes, consisting of ss. 1014.01-1014.06, is created and shall be entitled "Parents' Bill of Rights."

Section 2. Section 1014.01, Florida Statutes, is created to read:

1014.01 Short title.—This section and ss. 1014.02-1014.06 may be cited as the "Parents' Bill of Rights."

Section 3. Section 1014.02, Florida Statutes, is created to read:

1014.02 Legislative findings and definition.—

(1) The Legislature finds that it is a fundamental right of

22-01618A-20

20201634__

59 parents to direct the upbringing, education, and care of their
60 minor children. The Legislature further finds that important
61 information relating to a minor child should not be withheld,
62 either inadvertently or purposefully, from his or her parent,
63 including information relating to the minor child's health,
64 well-being, and education, while the minor child is in the
65 custody of the school district. The Legislature further finds it
66 is necessary to establish a consistent mechanism for parents to
67 be notified of information relating to the health and well-being
68 of their minor children.

69 (2) For purposes of this chapter, the term "parent" means a
70 person who has legal custody of a minor child as a natural or
71 adoptive parent or a legal guardian.

72 Section 4. Section 1014.03, Florida Statutes, is created to
73 read:

74 1014.03 Infringement of parental rights.—The state, any of
75 its political subdivisions, any other governmental entity, or
76 any other institution may not infringe on the fundamental rights
77 of a parent to direct the upbringing, education, health care,
78 and mental health of his or her minor child without
79 demonstrating that such action is reasonable and necessary to
80 achieve a compelling state interest and that such action is
81 narrowly tailored and is not otherwise served by a less
82 restrictive means.

83 Section 5. Section 1014.04, Florida Statutes, is created to
84 read:

85 1014.04 Parental rights.—

86 (1) All parental rights are reserved to the parent of a
87 minor child in this state without obstruction or interference

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20201634__

88 from the state, any of its political subdivisions, any other
89 governmental entity, or any other institution, including, but
90 not limited to, all of the following rights of a parent of a
91 minor child in this state:

92 (a) The right to direct the education and care of his or
93 her minor child.

94 (b) The right to direct the upbringing and the moral or
95 religious training of his or her minor child.

96 (c) The right, pursuant to s. 1002.20(2)(b) and (6), to
97 enroll his or her minor child in a public school or, as an
98 alternative to public education, a private school, religious
99 school, a home education program, or other available options.

100 (d) The right, pursuant to s. 1002.20(13), to access and
101 review all school records relating to his or her minor child.

102 (e) The right to make health care decisions for his or her
103 minor child, unless otherwise prohibited by law.

104 (f) The right to access and review all medical records of
105 his or her minor child, unless prohibited by law or if the
106 parent is the subject of an investigation of a crime committed
107 against the minor child and a law enforcement agency or official
108 requests that the information not be released.

109 (g) The right to consent in writing before a biometric scan
110 of his or her minor child is made, shared, or stored.

111 (h) The right to consent in writing before any record of
112 his or her minor child's blood or deoxyribonucleic acid (DNA) is
113 created, stored, or shared, except as required by general law or
114 authorized pursuant to a court order.

115 (i) The right to consent in writing before the state or any
116 of its political subdivisions makes a video or voice recording

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of his or her minor child unless such recording is made during
or as part of a court proceeding or is made as part of a
forensic interview in a criminal or Department of Children and
Families investigation or is to be used solely for the following
purposes:

1. A safety demonstration, including the maintenance of
order and discipline in the common areas of a school or on
student transportation vehicles;

2. A purpose related to a legitimate academic or
extracurricular activity;

3. A purpose related to regular classroom instructions;

4. Security or surveillance of buildings or grounds; or

5. A photo identification card.

(j) The right to be notified promptly if an employee of the
state, any of its political subdivisions, any other governmental
entity, or any other institution suspects that a criminal
offense has been committed against his or her minor child,
unless the incident has first been reported to law enforcement
or the Department of Children and Families and notifying the
parent would impede the investigation.

(2) This section does not:

(a) Authorize a parent of a minor child in this state to
engage in conduct that is unlawful or to abuse or neglect his or
her minor child in violation of general law;

(b) Condone, authorize, approve, or apply to a parental
action or decision that would end life;

(c) Prohibit a court of competent jurisdiction, law
enforcement officer, or employee of a government agency that is
responsible for child welfare from acting in his or her official

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capacity within the reasonable and prudent scope of his or her authority; or

(d) Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

(3) An employee of the state, any of its political subdivisions, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent may be subject to disciplinary action.

(4) A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated. This chapter does not prescribe all rights to a parent of a minor child in this state. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied. This chapter may not be construed to apply to a parental action or decision that would end life.

Section 6. Section 1014.05, Florida Statutes, is created to read:

1014.05 School district notifications on parental rights.-

(1) Each district school board shall, in consultation with parents, teachers, and administrators, develop and adopt a policy to promote parental involvement in the public school system. Such policy must include:

(a) A plan, pursuant to s. 1002.23, for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.

(b) A procedure, pursuant to s. 1002.20(19)(b), for a

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parent to learn about his or her minor child's course of study,
including the source of any supplemental education materials.

(c) Procedures for a parent to object to instructional materials, including all classroom materials and school activities, pursuant to s. 1006.28(2)(a)2., and a process for withdrawing his or her minor child from the activity, class, or program in which such materials or activities are used. Such objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials or activities are harmful. The term "instructional materials" includes, but is not limited to, textbooks, workbooks and worksheets, handouts, software, applications, Internet courses, and any and all digital media available to students pursuant to their role as a student in public school.

(d) Procedures, pursuant to s. 1002.20(3)(d), for a parent to withdraw his or her minor child from any portion of the school district's comprehensive health education required under s. 1003.42(2)(n) that relates to sex education or instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality if the parent provides a written objection to his or her minor child's participation. Such procedures must provide for a parent to be notified in advance of such course content so that he or she may withdraw his or her minor child from those portions of the course.

(e) Procedures, pursuant to s. 1006.195(1)(a), for a parent to learn about the nature and purpose of clubs and activities offered at his or her minor child's school, including those that are extracurricular or part of the school curriculum.

(f) Procedures for a parent to learn about parental rights

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and responsibilities under general law, including all of the following:

1. Pursuant to s. 1002.20(3)(d), the right to opt his or her minor child out of any portion of the school district's comprehensive health education required under s. 1003.42(2)(n) that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.

2. A plan to disseminate information, pursuant to s. 1002.20(6), about school choice options, including open enrollment.

3. In accordance with s. 1002.20(3)(b), the right of a parent to exempt his or her minor child from immunizations.

4. In accordance with s. 1008.22, the right of a parent to review statewide, standardized assessment results.

5. In accordance with s. 1003.57, the right of a parent to enroll his or her minor child in gifted or special education programs.

6. In accordance with s. 1006.28(2)(a)1., the right of a parent to inspect school district instructional materials.

7. In accordance with s. 1008.25, the right of a parent to access information relating to the school district's policies for promotion or retention, including high school graduation requirements.

8. In accordance with s. 1002.20(14), the right of a parent to receive a school report card and be informed of his or her minor child's attendance requirements.

9. In accordance with s. 1002.23, the right of a parent to access information relating to the state public education

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system, state standards, report card requirements, attendance requirements, and instructional materials requirements.

10. In accordance with s. 1002.23(4), the right of a parent to participate in parent-teacher associations and organizations that are sanctioned by a district school board or the Department of Education.

11. In accordance with s. 1002.222(1)(a), the right of a parent to opt out of any district-level data collection relating to his or her minor child not required by law.

(2) A district school board may provide the information required in this section electronically or post such information on its website.

(3) A parent may request, in writing, from the district school superintendent the information required under this section. Within 10 days, the district school superintendent must provide such information to the parent. If the district school superintendent denies a parent's request for information or does not respond to the parent's request within 10 days, the parent may appeal the denial to the district school board. The district school board must place a parent's appeal on the agenda for its next public meeting. If it is too late for a parent's appeal to appear on the next agenda, the appeal must be included on the agenda for the subsequent meeting.

Section 7. Section 1014.06, Florida Statutes, is created to read:

1014.06 Parental consent for health care services.—

(1)(a) Except as otherwise provided by law, a health care practitioner, as defined in s. 456.001, may not provide or solicit or arrange to provide health care services or prescribe

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medicinal drugs to a minor child without first obtaining written parental consent.

(b) Except as otherwise provided by law, a person, as defined in s. 1.01, or an individual employed by such person may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.

(2) Except as otherwise provided by law or a court order, a provider, as defined in s. 408.803, may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.

(3) This section does not apply to an abortion, which is governed by chapter 390.

(4) A health care practitioner or other person who violates this section is subject to disciplinary action pursuant to s. 408.813 or s. 456.072, as applicable, and commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Paragraph (f) is added to subsection (3) of section 408.813, Florida Statutes, to read:

408.813 Administrative fines; violations.—As a penalty for any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

(3) The agency may impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine may not exceed \$500 for each violation. Unclassified violations include:

(f) Violating the parental consent requirements of s.

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291 1014.06.

292 Section 9. Paragraph (pp) is added to subsection (1) of
293 section 456.072, Florida Statutes, to read:

294 456.072 Grounds for discipline; penalties; enforcement.—

295 (1) The following acts shall constitute grounds for which
296 the disciplinary actions specified in subsection (2) may be
297 taken:

298 (pp) Failure to comply with the parental consent
299 requirements of s. 1014.06.

300 Section 10. This act shall take effect July 1, 2020.

COMMITTEE: Judiciary
ITEM: SB 1634
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S01634

GENERAL BILL by Stargel; (Identical H 01059)

Parental Rights. EFFECTIVE DATE: 07/01/2020.

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S Favorable by Judiciary; YEAS 4 NAYS 2; Now in Education



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Education, *Chair*
Appropriations
Education
Ethics and Elections
Finance and Tax
Judiciary
Rules

JOINT COMMITTEE:
Joint Select Committee on Collective Bargaining

SENATOR KELLI STARGEL
22nd District

January 17, 2020

The Honorable David Simmons
Senate Committee on Judiciary Chair
404 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simmons:

I respectfully request that SB 1634, related to *Parental Rights* be placed on the Judiciary meeting agenda at your earliest convenience.

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

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

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
- ☐ 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

1634

THE FLORIDA SENATE

APPEARANCE RECORD

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

02/04/20

Meeting Date

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Bella Elwell

Job Title Student

Address 10335 Summer Azule Dr.

Phone 813 756 9178

Street

Riverview

City

FL

State

33578

Zip

Email isabellareelwell@gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/2020

Meeting Date

1634

Bill Number (if applicable)

Topic

Parental Rights

Amendment Barcode (if applicable)

Name

Ron Watson

Job Title

Lobbyist

Address

3738 Menden Way

Phone

850 567-1202

Street

Tallahassee

FL

32309

City

State

Zip

Email

Watson.Strategies@comcast.net

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Florida Freedom Alliance

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

Feb. 4, 2020
Meeting Date

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

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Debbie Wine

Job Title Student

Address 6974 Alt Bal Pk Rd

Phone 863-205-3997

Street

Barton

City

FL

State

33830

Zip

Email Winedebbie1 at g mail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC/River

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.

THE FLORIDA SENATE

APPEARANCE RECORD

2-4-2020

Meeting Date

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

SB-1634

Bill Number (if applicable)

Topic PARENTAL RIGHTS

Amendment Barcode (if applicable)

Name Michae

Job Title Self

Address 1811 Sterling Palms Ct

Phone 336-262-1715

Street

BRANDON FL, 33511

Email Michae77@gmail

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/4/20
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Peter Simmons

Job Title Student

Address 2105 Aztec Palms Pl
Street

Phone 912 602 3101

Brandon FL 33510
City State Zip

Email pbsimmons85@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC / River Church

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)

01-04-

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Vernandah Brathwaite

Job Title Minister

Address 1333 Peters Dr.
Street

Phone 352-396-6108

Leesburg FL 34748
City State Zip

Email Brathwaite@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian ^{Family} Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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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)

02/04/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Geraldine Martinez

Job Title _____

Address 5706 N Elmer St
Street

Phone 978-375-8379

Tampa FL 33612
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Temple Elias - Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020
Meeting Date

1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Job Title _____

Address 104 S. Monroe Street
Street

Phone 850-425-1344

Tallahassee FL 32301
City State Zip

Email TcgLobby@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ACLU FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02.04.2020

Meeting Date

SB 1634

*Bill Number (if applicable)*Topic Senate Bill 1634*Amendment Barcode (if applicable)*Name David BarkeyJob Title Senior & Southeastern Area CounselAddress 5295 Town Center Road, Ste. 300Phone 561-988-2912*Street*Boca RatonFL33486Email dbarkey@adl.org*City**State**Zip*Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
*(The Chair will read this information into the record.)*Representing ADL (Anti-Defamation League)Appearing at request of Chair: ☐ Yes ☐ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Kim Porteous

Job Title President

Address 6016 Crenshaw Dr

Street

Phone 706-669-8192

Orlando

City

FL

State

32835

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing F.L. National Organization For Women

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20
Meeting Date

1634
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Grnnville Pestano

Job Title Attorney

Address 226 W. George St.

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-28

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Frankie Petrie

Job Title Psychologist

Address 1113 Victory Garden DR.

Street

Phone 352-325-0030

Tallahassee

City

FL

State

32301

Zip

Email fhpetrie@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Parents and Children

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

2/4/2020

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

1634

Meeting Date

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Sierra Hampton

Job Title Student

Address 7131e Forest Mere Drive

Phone (360) 850-9405

Street

Riverview

FL

33578

City

State

Zip

Email snami2000@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The River Church

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

02-04-20

Meeting Date

1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Alexia Morales

Job Title Canvasser

Address 4068 Sabal Park Dr Apt 301
Street

Phone 812 391 5248

Tampa
City

FL
State

33610
Zip

Email lexi-marie1950@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The River Church + Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

02/04/2020
Meeting Date

1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Eileen Rivera

Job Title 1102 Pine Ridge Cir W Delivery Driver

Address 1102 Pine Ridge Cir W
Street
Brandon FL 33511
City State Zip

Phone 484-474-6061

Email veileen094@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The River Church + Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Mark Cabrera

Job Title Pastor

Address 12617 Adventure Drive

Phone 813 - 900-6969

Street

Riverview FL

33579

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Kaitlyn Cabrera

Job Title Student

Address 12617 Adventure Drive
Street

Phone (813)-858-5647

Riverview
City

Florida
State

33529
Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

02/04/2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Lucia Scatamachia

Job Title Republican National Hispanic Assembly FL Vice chairwoman

Address 9372 SW 154th Avenue
Street

Phone 786 209 9221

Miami FL 33196
City State Zip

Email lucia@rnhafl.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Republican National Hispanic Assembly

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic

Parent Court

Amendment Barcode (if applicable)

Name

ED Maldonado

Job Title

Pol Father, Social Worker

Address

5119 New Luke

Phone

34/352-1810

Street

Bay to Beach Fla 33412

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

RHVC/CFC

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

5B1634

Bill Number (if applicable)

Topic

Porto Cement

Amendment Barcode (if applicable)

Name

Lydia Maldona

Job Title

Case manager

Address

519 Mirror Lake

Phone

861-252-1010

Street

Bayton Beach

Fla

33472

City

State

Zip

Email

lmalmon2421@gmail

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

RHNC/CFC

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.

THE FLORIDA SENATE
APPEARANCE RECORD

2-4-2020

Meeting Date

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

SB 1634

Bill Number (if applicable)

Topic PARENTAL RIGHTS

Amendment Barcode (if applicable)

Name Minister Linda Lou JOHNSON

Job Title Minister And Author

Address 13168 NE 19TH LN

Street

Phone 352-342-0312

Silver Springs FL

City

State

34488

Zip

Email kelezwgle@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CHRISTIAN Family Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Derrick Miller

Job Title Unemployed

Address 1933 Lake Chapman Dr. unit 201

Phone 574-971-0997

Street

Brandon

City

FL

State

33510

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

02-04-2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Alyce Davis

Job Title _____

Address 132 Azalea Trl.
Street
Leesburg Fl. 34748
City State Zip

Phone 352-639-3137

Email ajdavis26@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-4-20

Meeting Date

SB 1634

~~HB 737~~

Bill Number (if applicable)

Topic Parental Consent
Barry MacFarlane

Amendment Barcode (if applicable)

Name Barry MacFarlane

Job Title Security Officer

Address 2450 Dunken Dunes Pl Apt 104

Phone 727-310-7079

Street

Tampa

City

FL

State

33618

Zip

Email Brymae00770bma7

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic PARENTAL RIGHTS

Amendment Barcode (if applicable)

Name WILLIAM RICHART

Job Title RETIRED

Address 9300 SW 85TH TERR
Street

Phone 260-315-0543

OCALA FL 34481
City State Zip

Email sohears46774@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb 4, 2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Cheryl Baker

Job Title Rev.

Address 36651 Sky Crest Blvd.
Street

Phone 352.207.9081

Fruitland Park Fla. 34731
City State Zip

Email CherylBaker777@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing C.F.C.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb. 4, 2020

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Lynette Gee

Job Title ~~1447~~ Pelican Path

Address 1447 Pelican Path

Street

The Villages

City

FL

State

32162

Zip

Phone (424) 229-4926

Email Lynettehanley@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

1634

Bill Number (if applicable)

Topic parental Bill of Wrongs

Amendment Barcode (if applicable)

Name Charo Valero

Job Title policy director

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Latina Institute

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020
Meeting Date

1634
Bill Number (if applicable)

Topic parental bill of wrongs

Amendment Barcode (if applicable)

Name Laura Hernandez

Job Title Legislative Manager

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Alliance of Planned Parenthood

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Lois Valdivieso

Job Title Student

Address 7703 Jackson Springs Rd
Street

Phone 813 4612376

City

State

Zip

Email loisvaldivieso@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

02/4/2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Moment of Silence

Amendment Barcode (if applicable)

Name Manuel Perez Hernandez

Job Title Student

Address 1821 E 139th Ave
Street

Phone 813 847 2445

Tampa
City

FL
State

33613
Zip

Email hmanuel251@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

02/04/2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Luis Maldonado

Job Title Student

Address 3527 High Hampton

Phone (717) 510 3329

Street

Tampa FL 33610

City

State

Zip

Email luis.maldonado84@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/2020
Meeting Date

SB 1634
HB 946
Bill Number (if applicable)

Topic Parental consent

Amendment Barcode (if applicable)

Name Caleb Blocker

Job Title Student

Address 3454 High Hampton Cir
Street

Phone (817) 673-9377

Tampa FL 33616
City State Zip

Email caleb@verizon

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/2020

Meeting Date

~~HB-737~~ SB936
Bill Number (if applicable)

Topic Moment of Silence

Amendment Barcode (if applicable)

Name Caleb Blocker

Job Title Student

Address 3454 High Hampton Cir
Street

Phone (717) 673-9377

Tampa
City

FL
State

33610
Zip

Email calabub@verizon.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Vaneshca Rivas Rivera

Job Title Student

Address 8023 Dreher park lane Apt. 103
Street

Phone 813-475-1064

Tampa FL 33610
City State Zip

Email vaneshcawithgod@gmail

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/4/20

Meeting Date

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

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Vanessa Rivera

Job Title Student

Address 8023 Dreher Park Lane Apt 103

Street

Phone 813-735-3782

Tampa

City

FL

State

33610

Zip

Email vanessatati2014.vr@gmail

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

02/04/20

Meeting Date

SB1634

Bill Number (if applicable)

Topic ~~Parental Consent~~ Parental Consent

Amendment Barcode (if applicable)

Name Jefferson Donaster

Job Title Student

Address 3720 Vanu Way Drive

Phone 561-920-8145

Tampa
City

FL
State

33610
Zip

Email DonasterJefferson@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB1634

Bill Number (if applicable)

Topic "~~Parental Consent~~ of Silence" Parental Consent

Amendment Barcode (if applicable)

Name Kevin Pan

Job Title Student

Address 2606 Bermuda Lake Dr

Phone _____

Street

Bonita

FL

33510

City

State

Zip

Email pkavin051@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

02-04-20

Meeting Date

SB1634

Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Winnie Andy

Job Title Student

Address 3464 High Hampton Circle

Street

Phone 812 909 8449

Tampa

City

FL

State

33610

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

<u>Meeting Date</u>		<u>SB 1631</u> Bill Number (if applicable)	
Topic	<u>Parents Bill of Rights</u>	<u>Amendment Barcode (if applicable)</u>	
Name	<u>Pam Skene</u>		
Job Title	<u>Director</u>		
Address	<u>5805 Oalleon Way</u>	Phone	<u>612 812 1284</u>
<small>Street</small>		Email	<u>pamskene281@gmail.com</u>
<u>Tampa</u> <small>City</small>	<u>FL</u> <small>State</small>	<u>33615</u> <small>Zip</small>	
Speaking: <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> Information		Waive Speaking: <input checked="" type="checkbox"/> In Support <input type="checkbox"/> Against (The Chair will read this information into the record.)	
Representing <u>Community Pregnancy Clinics, Inc</u>			
Appearing at request of Chair: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Lobbyist registered with Legislature: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

2/4/2020
Meeting Date

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

SB 1634
Bill Number (if applicable)

Topic Parents Bill of Rights
Name PG Schafer

Amendment Barcode (if applicable)

Job Title RN

Address 2015 SW 43rd Place
Street
Ocala FL 34471
City State Zip

Phone 352 362 3023

Email pgschafer7@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Community Pregnancy Clinics, Inc

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/20
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Sandra Gulchand

Job Title ~~HW Ave~~ Tennessee

Address 111 W Tennessee Ave Seffner
Street

Phone 727-585-6483

Fl 33584
City State Zip

Email gulcsandi53@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC / River

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)

02/04/20
Meeting/Date

SB 1634
Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Nathanael Afewerk

Job Title Student

Address 8350 Emily Wood Circle
Street

Phone (813) 528-5058

Tampa FL 33647
City State Zip

Email nafeworkgca@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

02/04/20

Meeting Date

SB-1634

Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Beruke Yozlef

Job Title Student

Address 1802 Sterling Palm Ct

Street

Brandon

FL

33511

City

State

Zip

Phone 678-789-4478

Email beruke.y@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing CFC/River Church

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

SB-1634

02/04/20

Meeting Date

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

946

Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Aaliyah Muhammad

Job Title _____

Address 5423 Sweet Birch Dr.

Street

Phone 813-500-9004

Riverview

City

FL

State

33570

Zip

Email aaliyah2@mail.usf.edu

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-2020

Meeting Date

SB 631

Bill Number (if applicable)

Topic parental consent

Amendment Barcode (if applicable)

Name Noah Gadsden

Job Title Student

Address _____

Street

Phone 813-531-5312

City

State

Zip

Email noah.gadsden02@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

02/4/2020

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Moment of Silence

Amendment Barcode (if applicable)

Name Manuel Perez Hernandez

Job Title Student

Address 1821 E 139th Ave
Street

Phone 813 847 2445

Tampa FL
City

State

33613
Zip

Email manuel25@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

11634

Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Lauren Gallo

Job Title Lobbyist

Address 106 E College Ave Suite 640

Phone 407 797 7796

Street

Tallahassee

FL

32301

City

State

Zip

Email lgallo@gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/20
Meeting Date

SB1634
Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Zaylie Zulek

Job Title Student

Address _____

Phone 978 799 1398

Seffner FL
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SR- 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Michael Mantello

Job Title Student

Address 8512 Island Breeze Ln

Phone 813 451 4562

Street

Temple Terrace

FL

33637

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian family coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Jordan Seery

Job Title Student

Address 11107 Lakewood Pointe Dr

Street

Phone 412-535-3057

Seffner

City

FL

State

33584

Zip

Email jordanseery116@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

2-4-20
Meeting Date

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

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Ingrid Ford

Job Title Higher Education Counselor

Address 3805 Cambela Cir N

Phone 954-547-6480

Street Coconut Creek, FL 33066
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition (CFC)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

02/04/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Philip Ndorom

Job Title Student

Address 10706 E Broadway Ave
Street

Phone 401-999-1404

Tampa FL 33610
City State Zip

Email Philip.Ndorom@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Elizabeth Davenport

Job Title Student

Address 1417 Rastling Oaks Dr
Street

Phone 863 308 6942

Brandon FL 33510
City State Zip

Email davenportelizabeth97@yahoo

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Jose Lopez

Job Title Students

Address River international Ave
Street

Phone (305) 842-0246

Tampa
City

FL
State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing (CFC)

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 1634
Bill Number (if applicable)

Meeting Date _____

Topic Parental Rights

Amendment Barcode (if applicable) _____

Name Dr. Asonia Smith

Job Title Pastor

Address 521 S 21st Ave

Phone 954-394-4544

Street 1611 Wood State FL Zip 33020

City _____

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/2020

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name William Paul

Job Title Student

Address 7606 Bermuda Lake Dr

Phone _____

Tampa
City

FL
State

33510
Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Carlos Rivas Riveras

Job Title student

Address 4023 Dreher Park lane Apt 103

Phone 813-735-3782

Street

Tampa

City

FL

State

33610

Zip

Email Carloschandel777@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB1634

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Kaelynn Marshall

Job Title Student

Address 1417 Banker Hall Dr.

Phone (225) 512-4576

Street

Tampa

City

Rustling Oaks

FL

State

33510

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE

APPEARANCE RECORD

2-4-2020

Meeting Date

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

SB ~~110~~ 34

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Teresa A O'Hara

Job Title _____

Address 3201 Carleton Place

Phone 863-397-3955

Street

Lakeland FL 33803

Email tladychara@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

02/04/20

Meeting Date

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

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Daniel ISAÍ Plunk

Job Title Students

Address 1312 Lake Lucerne Way
Street

Phone 813-5772200

Brandon FL 33511
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing CFC

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Ree'an Rudd

Job Title Student

Address 3570 High Hampton Cir

Phone 218-329-4707

Street

Tampa

City

FL

State

33610

Zip

Email Ree'anRudd990@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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/19 2020
Meeting Date

SB 1034
~~SB 1034~~
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Shannon Mason

Job Title student

Address 3466 High Hampton Circle
Street

Phone 724-825-1742

Tampa FL 33610
City State Zip

Email shannonmason27@gmail.com

NO ☒ 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name David Barton

Job Title Student

Address 1422 Creseent Place

Street

Lakeland, FL 33801

City

State

Zip

Phone 863-255-0432

Email dfcbible1934@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental consent

Amendment Barcode (if applicable)

Name Nompiliso Katangana

Job Title _____

Address 3809 Valley Tree Drive
Street
Tampa Florida 33610
City State Zip

Phone 8134109081

Email mpilococonnor@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-20

Meeting Date

SB 1634
~~HB 1634~~
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Paulette Rasmussen

Job Title Student

Address 10206 Douglas Oaks Circle Apt. 104
Street

Phone 218-820-8073

Tampa
City

FL
State

33610
~~3310~~
Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-2020

Meeting Date

SB1634

SB1634

Bill Number (if applicable)

SB1634

Amendment Barcode (if applicable)

Topic _____

Name James A. Rasmussen

Job Title Student

Address 10206 Douglas Oaks Circle
Street

Phone 218-820-8093

Tampa FL 33610
City State Zip

Email Soulwinner888@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFC

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

04/4/20

Meeting Date

SP 1634

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JACOB Yohannes

Job Title ~~LOBBYIST~~ CAMPAIGNER

Address 5720 Valley Tree Drive

Phone 813-330-8668

Street

Lampa

FL

33560

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The river church

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)

02/04/20

Meeting Date

SR 1634

Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Joseph Toner

Job Title Student

Address 14701 Evans Ranch Rd

Street

Phone 417-251-1218

Lakeland

City

FL

State

33809

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-4-2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name Ivy E. Lindsey

Job Title _____

Address 3710 Wm Lind Cir.
Street

Phone 224-944-1422

Tampa
City

FL
State

33610
Zip

Email IvyLindsey98@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Consent

Amendment Barcode (if applicable)

Name H. Ritoe

Job Title Student

Address 3750 Williams Landing Cir.
Street

Phone 013 525 0565

Tampa
City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CHRISTIAN FAMILY COALITION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/2020
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Karen Gushta

Job Title retired teacher

Address 5030 SW 1st Circle
Street

Phone 954-977-7270

Margate FL 33068
City State Zip

Email kgushta@comcast.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Chr. Family Coalition and Florida Citizens Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

2-4-2020

Meeting Date

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

SB 1634

Bill Number (if applicable)

Topic Paternal Rights

Amendment Barcode (if applicable)

Name Joann Robest

Job Title Home Health Aide

Address 1621 N.W. 15th Ave

Street

Phone 754-367-4837

Fort Lauderdale

Fla

33311

City

State

Zip

Email joannrobestas@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition (CFC)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name James Shannon

Job Title _____

Address 11107 Lakewood Pointe Dr

Street

Phone (727) 278-1926

Sellers

City

FL

State

33584

Zip

Email James.Shannon32@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

2/4/2020 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date

1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Public Policy

Address 126 N. Mills Ave

Phone _____

Street

Orlando

FL

32801

Email _____

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Organize Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/2020
Meeting Date

1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Chao Valero

Job Title Public Policy

Address

Phone

Street

Miami

FL

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Latina Advocacy Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20
Meeting Date

SB 1634
Bill Number (if applicable)

Topic PARENTAL RIGHTS

Amendment Barcode (if applicable)

Name BARBARA DEVANE

Job Title LOBBYIST

Address 625 E BREVARD ST
Street

Phone _____

TAMAHASSEE FL 32308
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA NOW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

2/4/20

Meeting Date

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

SB 1634

Bill Number (if applicable)

Topic

Parental Rights

Amendment Barcode (if applicable)

Name

Renate Marie Ferrante, RN, BSN

Job Title

Parent

Address

9166 Estero River Circle

Phone 239-272-5092

Street

Estero, FL 33928

Email RenateCCAP@gmail.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

myself as a parent & an RN

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

1634
Bill Number (if applicable)

Topic Parents Bill of Rights

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Former School Board Member

Address 8526 96th Ave

Phone 772 584 1454

Street

Vero Beach

City

FL

State

32967

Zip

Email Frost@ShawnFrost.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

2-4-2020 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date

1634
~~1364~~
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Bex Kilmer

Job Title Parent = Freedom Speaks

Address 2849 H.O. Palachee Trl
Street

Phone 850-933-6476

Marianna
City State Zip

Email bfree@freedomSpeaks.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Freedom Speaks - Families

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.

THE FLORIDA SENATE
APPEARANCE RECORD

Feb 4 2020

Meeting Date

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

1634

Bill Number (if applicable)

Topic

Parental Rights

Amendment Barcode (if applicable)

Name

RICK STEVENS

Job Title

Florida Citizens Alliance, Managing Director

Address

2127 NE 2ND PL

Street

Phone

239.849.3775

City

Cape Coral

State

FL

Zip

33909

Email

ricks@diplomatchurch.org

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Florida Citizens Alliance

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 1634
Bill Number (if applicable)

Meeting Date _____

Topic Parental Rights

Amendment Barcode (if applicable) _____

Name Wendy Bustin

Job Title Pastor

Address 5200 SE 145th ST

Phone _____

Street

Summerfield

FL

39491

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing CFC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20
Meeting Date

SB-1634
Bill Number (if applicable)

Topic Florida Parental Rights

Amendment Barcode (if applicable)

Name Anthony Verdego

Job Title Ex. Dir. Christian Family Coalition

Address 6850 SW 24th St Phone _____
Street

Miami FL 33155 Email _____
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/4/20

Meeting Date

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

SB-1634

Bill Number (if applicable)

Topic Florida Parental Rights

Amendment Barcode (if applicable)

Name Noah Omorgie

Job Title _____

Address 10413 Goshawk DR

Phone 813-503-5793

Street

Brentwood

FL

33578

City

State

Zip

Email OmorgieNoah

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SR-1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Marshall Belland

Job Title Partner Driver

Address 3544 Collier Dr

Phone 662-397-9361

Street

Lakeland

FL

33810

City

State

Zip

Email marshallbelland@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing N/A

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)

02/04/20
Meeting Date

SB 1634
Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name GILBERTO RODRIGUEZ

Job Title Pastor - Vekran

Address 30653 Lanesborough Cir
Street

Phone 813 701-8403

Wesley Chapel, FL 33543
City State Zip

Email templeelias@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing "Temple Elias" Christian Family Coalition -
Assumes of God

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)

02/04/20

Meeting Date

1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Jayson S. Williams

Job Title Pastor

Address 3409 High Hampton Cir.
Street

Phone 202-600-6116

Tampa FL 33616
City State Zip

Email JaysonW@revival.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-20

Meeting Date

1634

Bill Number (if applicable)

Topic

Parental Rights

Amendment Barcode (if applicable)

Name

Andy Dubois

Job Title

Address

22011 Breezy Oak Drive

Street

Phone

3528745084

Howey in the Hills FL

City

State

Zip

34737

Email

andy@libertycitizen.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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

1634

Bill Number (if applicable)

Topic

Parental Rights

Amendment Barcode (if applicable)

Name

MARIE DUBOIS

Job Title

Address

22011 Breezy Oak Dr

Street

Phone

352-874-5458

Email

marie@libertycitizen.com

City

State

Zip

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

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

Representing

Appearing at request of Chair:



Yes



No

Lobbyist registered with Legislature:



Yes



No

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/3/2020

Meeting Date

1634
SB 4364

Bill Number (if applicable)

Topic "PARENTAL RIGHTS"

Amendment Barcode (if applicable)

Name LAKEY LOVE

Job Title

Address 1511 MELVIN STREET

Street

Phone 1-850-345-0018

TALLAHASSEE, FL 32301

City

State

Zip

Email lakey@lovejustwork.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLORIDA COMMISSION FOR TRANS LIBERATION

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

4 Feb 2020

Meeting Date

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

1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Melina Rayna Svanhild Farley Barratt

Job Title Legislative Director

Address 8689 SE 69 Ter

Street

Phone 352-226-7477

Trenton

City

FL

State

32693

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FL NOW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/2020

Meeting Date

SB 1364

Bill Number (if applicable)

Topic "PARENTAL RIGHTS"

Amendment Barcode (if applicable)

Name LAKY LOVE

Job Title PRESIDENT

Address 6616 Crenshaw DR
Street

Phone 1-706-664-8192

Orlando FL
City State Zip

Email Kim4Flnow@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLORIDA NATIONAL ORGANIZATION FOR WOMEN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Job Title Public Policy Dir.

Address 201 E Park Ave., Ste. 200

Street

Phone 850 681 0980

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Equality Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

THE FLORIDA SENATE

APPEARANCE RECORD

2/4/2020

Meeting Date

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

1634

Bill Number (if applicable)

Topic

Parents' Bill of Rights

Amendment Barcode (if applicable)

Name

Barbara Berry

Job Title

Spokesperson

Address

Street

2622 Noble Drive

Phone

850-728-3805

City

Tallahassee

State

FL

Zip

32308

Email

hakataga171@

outlook.com

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Parental Rights.org

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Megan Petty

Job Title Student

Address 4108 S Kings Ave

Phone 406-291-4567

Brandon FL 33511

Email glorymtn@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing CFC/RIVER

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

02-04-2020

Meeting Date

SB 1634

Bill Number (if applicable)

Topic Parental Rights Bill

Amendment Barcode (if applicable)

Name Kathryn E. Brightbill

Job Title Legislative Policy Analyst

Address 1106 40th St W

Phone 941-524-0489

Street

Bradenton

FL

34205

Email kathrynb@responsiblehomeschooling.org

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Coalition for Responsible Home Education

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
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 1582

INTRODUCER: Senator Simmons

SUBJECT: Asbestos Trust Claims

DATE: January 29, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Elsesser	Cibula	JU	Favorable
2. _____	_____	CM	_____
3. _____	_____	RC	_____

I. Summary:

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

II. Present Situation:

In 2005, the Legislature passed the Asbestos and Silica Compensation Fairness Act, with the purpose of giving “priority to true victims of asbestos and silica, claimants who can demonstrate actual physical impairment caused by exposure to asbestos or silica;” fully preserving “the rights of claimants who were exposed to asbestos or silica to pursue compensation if they become impaired in the future as a result of the exposure;” enhancing “the ability of the judicial system to supervise and control asbestos and silica litigation;” and conserving “the scarce resources of the defendants to allow compensation to cancer victims and others who are physically impaired by exposure to asbestos or silica while securing the right to similar compensation for those who may suffer physical impairment in the future.”¹ “These statements demonstrate that the Act is intended to reverse years of common law precedent ... holding that a diagnosis of **asbestos**-related disease and injury, without regard to any particular threshold level of impairment suffered, constitutes an accrued cause of action that provides citizens vested rights to file actions based on the injuries.”²

¹ Section 774.202(1-4), F.S.

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

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

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

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

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

The act bars punitive damage awards for asbestos claims.

III. Effect of Proposed Changes:

The bill governs the actions of plaintiffs who have filed an asbestos lawsuit and have filed or are preparing to file a separate claim against an asbestos trust. The bill states that, within 30 days after filing an asbestos lawsuit⁷, a plaintiff shall provide all parties with a sworn statement identifying all claims the plaintiff has made to an “asbestos trust.” The bill also requires a plaintiff to make such a disclosure within 30 days if he or she files an additional trust claim, supplements an existing claim, or receives additional information related to the trust claim.

The bill permits the asbestos defendant to seek discovery materials from an asbestos trust if a plaintiff has made a claim to that trust. These materials include proof that a plaintiff filed a claim with the trust and supplemental materials such as an affidavit, a deposition or trial testimony, work history, an exposure allegation, medical records, documents showing the status of a claim against the trust, and any document related to the settlement of a trust claim. The bill bars an

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

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

⁵ *Spiewak*, 73 So. 3d at 127.

⁶ *Id.*

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

asbestos plaintiff from claiming that these materials are privileged and requires the plaintiff to provide consent to the trust to release the discovery materials. The bill states that the admissibility at trial of these materials is still subject Florida Evidence Code.

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

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

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 774.301, 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 Simmons

9-01163A-20

20201582__

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

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

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

774.301 Asbestos trust claim disclosures.—

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

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

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

9-01163A-20

20201582__

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

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

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

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

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

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

9-01163A-20

20201582__

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

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

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

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

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

COMMITTEE: Judiciary
ITEM: SB 1582
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 4, 2020
TIME: 12:30—2:30 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

S01582

GENERAL BILL by Simmons; (Similar CS/H 00741)

Asbestos Trust Claims. EFFECTIVE DATE: 07/01/2020.

01/30/20 S On Committee agenda-- Judiciary, 02/04/20, 12:30 pm, 110 Senate Building

02/04/20 S Favorable by Judiciary; YEAS 6 NAYS 0; Now in Commerce and Tourism

THE FLORIDA SENATE
APPEARANCE RECORD

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

24 20

Meeting Date

1582

Bill Number (if applicable)

Topic ASBESTOS CLAIMS

Amendment Barcode (if applicable)

Name Greg Pruitt

Job Title Volunteer Tallahassee Veterans Legal Collaborative

Address 2616 Mission RD Apt 173

Phone 850/322-9682

Street

Tallahassee

FL

32304

City

State

Zip

Email Pruitt021@gmail

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Tallahassee Veterans Legal Collaborative

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

02.04.20

Meeting Date

1582

Bill Number (if applicable)

Topic Asbestos Trust Claims

Amendment Barcode (if applicable)

Name William Large

Job Title

Address 210 South Monroe Street

Phone 850-222-0170

Street

Tallahassee

FL

32301

City

State

Zip

Email William@fljustice.org

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

Representing Florida Justice Reform Institute

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-3-2022
Meeting Date

SB-1582
Bill Number (if applicable)

Topic ASBESTOS

Amendment Barcode (if applicable)

Name JOHN HAYNES

Job Title PURPLE HEART

Address 424 HIAWATHA FARMS RD
Street

Phone 850-443-3451

MONTICELLO, FL
City State Zip

Email john

Speaking: ☒ For ☐ Against ☐ Information

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

Representing MILITARY ORDER OF THE PURPLE HEART

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

1582

Bill Number (if applicable)

Topic Asbestos Trust Claims

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Police Director

Address 134 S Bronough St

Phone 521-1200

Street

Tallahassee

FL

32301

Email _____

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/20
Meeting Date

1582
Bill Number (if applicable)

Topic Veterans

Amendment Barcode (if applicable)

Name Bill Helmick

Job Title _____

Address 120 S. Monroe St
Street
Tallahassee FL 32301
City State Zip

Phone 850 251 3116

Email _____

Speaking: ☐ For ☐ Against ☒ Information

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

Representing VFW / American Legion

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20

Meeting Date

1582

Bill Number (if applicable)

Topic VETERANS

Amendment Barcode (if applicable)

Name ERIC KING

Job Title DISTRICT COMMANDER VFW

Address 6119 OXBOTTOM MNR.

Street

Phone 750.445.1077

TAL FL 32312

City

State

Zip

Email erickking@comcast.net

Speaking: ☐ For ☐ Against ☒ Information

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

Representing VETERANS OF FOREIGN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 4 20

Meeting Date

1582

Bill Number (if applicable)

Topic ASBESTOS CLAIMS

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title president Tallahassee Veterans Legal Collaborative

Address PO Box 1201

Phone 850/570-1967

Street

Tallahassee

FL

32302

Email danbhendrickson@comcast.net

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4
Meeting Date

1582
Bill Number (if applicable)

Topic Asbestos Trust Claims

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior VP

Address 516 W Adams St
Street

Phone 224-7173

TLH FL 33301
City State Zip

Email _____

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

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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)

FEB 4, 2020
Meeting Date

1582
Bill Number (if applicable)

Topic Asbestos Litigation

Amendment Barcode (if applicable)

Name Jim Ferraro

Job Title Attorney

Address 600 Brickell Avenue #3800
Street

Phone 305 3750111

Miami FL 33131
City State Zip

Email JLF@FerraroLaw.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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)

Feb 4/2020
Meeting Date

1582
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable) _____

Name TIM MEENAN

Job Title _____

Address 300 South Duval St.

Phone _____

Street

Tallahassee

State

FL

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Insurance Council

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2-4-20

Meeting Date

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

1582

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Mary Margaret Gay

Job Title ~~200 East Capitol~~

Address 200 East Capitol Street

Phone _____

Street

Jackson

MS

39211

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

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

Representing US chamber Institute for Legal Reform

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 Judiciary Committee

Judge:

Started: 2/4/2020 12:30:08 PM

Ends: 2/4/2020 2:29:57 PM **Length:** 01:59:50

12:32:19 PM Meeting called to order by Chair Simmons
12:33:19 PM Roll call by AA Joyce Butler
12:33:26 PM Quorum present
12:33:42 PM Comments from Chair Simmons
12:34:29 PM Introduction of Tab 5 by Chair Simmons
12:34:38 PM Explanation of SB 1354, Statewide Voter Registration Application by Senator Brandes
12:35:32 PM Rodney Statham, Florida Rights Restoration Coalition waives in support
12:35:39 PM Dan Hendrickson waives in support
12:36:04 PM Closure waived
12:36:08 PM Roll call by AA
12:36:15 PM SB 1354 reported favorably
12:36:28 PM Introduction of Tab 4 by Chair Simmons
12:36:41 PM Explanation of CS/SB 914, Contingency Risk Multipliers by Senator Brandes
12:37:27 PM Introduction of Late-filed Amendment Barcode No. 292098 by Chair Simmons
12:37:43 PM Explanation of Late-filed Amendment by Senator Rodriguez
12:39:08 PM Question from Senator Stargel
12:39:21 PM Response from Senator Rodriguez
12:41:42 PM Speaker Bryan Gowdy, Attorney, Florida Justice Association in support
12:44:28 PM Senator Rodriguez withdraws Amendment
12:45:11 PM Brewster Bevis, Associated Industries of Florida waives in support
12:45:25 PM Cory Guzzo, Florida Insurance Council waives in support
12:45:34 PM Carolyn Johnson, Florida Chamber of Commerce waives in support
12:45:50 PM Speaker Ron Haynes, Christopher Ligor & Associates in opposition
12:48:50 PM Speaker Andrew Fuxa, Geyer, Fuxa, Tyler, PLLC in opposition
12:52:23 PM Kyle Ulrich, Florida Association of Insurance Agents waives in support
12:52:37 PM Speaker Aram Megerian, Florida Justice Reform Institute in support
12:54:41 PM Bryan Gowdy, Florida Justice Association waives in opposition
12:55:01 PM Michael Carlson, Personal Insurance Federation of Florida waives in support
12:55:31 PM Candace Bunker, Citizens Property Insurance Corporation waives in support
12:55:46 PM Monte Stevens, American Property & Casualty Insurance Association waives in support
12:56:13 PM Senator Gibson in debate
12:56:33 PM Response from Senator Brandes
12:57:47 PM Closure waived
12:57:50 PM Roll call by AA
12:57:56 PM CS/SB 914 reported favorably
12:58:17 PM Introduction of Tab 1 by Chair Simmons
12:58:41 PM Explanation of SB 290, School Bus Safety by Senator Hooper
12:59:51 PM Question from Senator Gibson
1:00:08 PM Response from Senator Hooper
1:02:04 PM Introduction of Amendment Barcode No. 294244 by Chair Simmons
1:02:17 PM Explanation of Amendment by Senator Hooper
1:03:10 PM Closure waived

1:03:14 PM Amendment adopted
1:03:38 PM Monte Stephens, AAA waives in support
1:04:06 PM Dr. Danielle Thomas, Florida PTA waives in support
1:04:18 PM Chase Daniels, Pasco Sheriff's Office waives in support
1:04:31 PM Gary Hester, Florida Police Chiefs Association waives in support
1:04:50 PM Senator Gibson in debate
1:07:24 PM Senator Hooper in closure
1:07:40 PM Roll call by AA
1:08:39 PM CS/SB 290 reported favorably
1:08:50 PM Introduction of Tab 2 by Chair Simmons
1:09:14 PM Introduction of Amendment Barcode No. 413486 by Chair Simmons
1:09:47 PM Explanation of Amendment by Chair Albritton
1:11:44 PM French Brown, FPTTL Section of the Florida Bar waives in support
1:11:57 PM Deborah Lawson, NACM Improved Construction Practices Committee waives in support
1:12:17 PM Bruce Kershner, NACM Improved Construction waives in support
1:12:43 PM Closure waived
1:12:51 PM Amendment adopted
1:13:19 PM Keyna Cory, National Waste & Recycling Association - FL Chapter waives in support
1:13:29 PM Evan Power, Florida Concrete & Products Association & FICAP waives in support
1:14:10 PM Closure waived
1:14:13 PM Roll call by AA
1:14:16 PM CS/SB 868 reported favorably
1:14:35 PM Introduction of Tab 3 by Chair Simmons
1:14:47 PM Explanation of SB 1256, Telegraph Companies by Senator Albritton
1:15:47 PM Question from Senator Gibson
1:15:53 PM Response from Senator Albritton
1:16:10 PM Follow-up question from Senator Gibson
1:16:19 PM Response from Senator Albritton
1:16:55 PM Closure waived
1:17:10 PM Roll call by AA
1:17:13 PM SB 1256 reported favorably
1:17:34 PM Introduction of Tab 6 by Chair Simmons
1:17:57 PM Withdraw Amendment 840766
1:18:57 PM Explanation of SB 1044, Animal Cruelty by Senator Pizzo
1:19:25 PM Introduction of Late-filed Amendment Barcode No. 294316 by Chair Simmons
1:19:57 PM Explanation of Amendment by Senator Pizzo
1:21:05 PM Closure waived
1:21:16 PM Amendment adopted
1:21:32 PM Lt. Michael Crabb, Orange County Sheriff's Office waives in support
1:22:03 PM Closure waived
1:22:07 PM Roll call by AA
1:22:13 PM CS/SB 1044 reported favorably
1:22:29 PM Introduction of Tab 7 by Chair Simmons
1:22:39 PM Explanation of SB 656, Arrests by Senator Pizzo
1:31:02 PM Introduction of Amendment Barcode No. 220438 by Chair Simmons
1:31:15 PM Explanation of Amendment by Senator Pizzo
1:31:31 PM Question from Senator Baxley
1:31:40 PM Response from Senator Pizzo
1:33:20 PM Closure waived
1:33:26 PM Amendment adopted
1:33:53 PM Lt. Michael Crabb, Orange County Sheriff's Office waives in support
1:34:01 PM Lisa Henning, Fraternal Order of Police waives in support

1:34:22 PM Senator Hutson in debate
1:34:40 PM Senator Pizzo in closure
1:34:56 PM Roll call by AA
1:35:57 PM CS/SB 656 reported favorably
1:36:11 PM Introduction of Tab 9 by Chair Simmons
1:36:32 PM Explanation of SB 1590, Juror Sanctions by Senator Powell
1:37:29 PM Introduction of Amendment Barcode No. 487314 by Chair Simmons
1:37:59 PM Closure waived
1:38:03 PM Amendment adopted
1:38:14 PM Nancy Daniels, Florida Public Defender Association waives in support
1:38:43 PM Senator Powell in closure
1:39:07 PM Roll call by AA
1:40:06 PM CS/SB 1590 reported favorably
1:40:22 PM Introduction of Tab 11 by Chair Simmons
1:40:51 PM Explanation of SB 946, Moments of Silence in Public Schools by Senator Baxley
1:42:40 PM Question from Senator Gibson
1:43:15 PM Response from Senator Baxley
1:43:21 PM Follow-up question from Senator Gibson
1:43:30 PM Response from Senator Baxley
1:44:41 PM Pamela Burch Fort, ACLU FL waives in opposition
1:44:51 PM Peter Simmons, CFC/River Church waives in support
1:45:03 PM Megan Petty, CFC/River waives in support
1:45:14 PM Marshal Bullard waives in support
1:45:32 PM Debbie Wine waives in support
1:45:43 PM Linda Lou Johnson, Christian Family Coalition waives in support
1:45:58 PM Noah Amonegie, Christian Family Coalition waives in support
1:46:18 PM Derrick Miller waives in support
1:46:26 PM Lynette Gee waives in support
1:46:33 PM Geraldo Martinez waives in support
1:46:42 PM Gilberto Rodriquez, Temple Elijah Assemblies of God waives in support
1:47:09 PM Vernandah Brathwaite waives in support
1:47:34 PM Milah Pae waives in support
1:47:42 PM William Richhart waives in support
1:47:46 PM Cheryl Baker waives in support
1:47:52 PM Wendy Bustin waives in support
1:47:58 PM Alyce Davis waives in support
1:48:07 PM Anthony Verdago waives in support
1:48:16 PM Sierra Hampton waives in support
1:48:23 PM Alexia Morales waives in support
1:48:34 PM Bella Elwell waives in support
1:48:44 PM Eileen Rivera waives in support
1:48:54 PM Mark Cabeera waives in support
1:49:02 PM Katlyn Cabeera waives in support
1:49:12 PM Jayson Williams waives in support
1:49:20 PM Ed Maldona waives in support
1:49:29 PM Lydia Maldona waives in support
1:49:45 PM Lucia Scatamacehia, Republican National Hispanic Assembly waives in support
1:49:57 PM Barry MacFarlane waives in support
1:50:07 PM Bueruke Yosief waives in support
1:50:19 PM Aaliyah Muhammad waives in support
1:50:25 PM Noah Gadsden waives in support
1:50:30 PM Vaneshea Rivas Rivera waives in support

1:50:37 PM Vanessa Rivera waives in support
1:50:41 PM Nathaniel Afewerk waives in support
1:50:47 PM Sandra Gulchand waives in support
1:50:54 PM Winnie Andy waives in support
1:51:00 PM Kevin Pan waives in support
1:51:07 PM Louis Valdivieso waives in support
1:51:16 PM Loundes Maldonano waives in support
1:51:24 PM Jefferson Deraster waives in support
1:51:40 PM Zaylie Zufelt waives in support
1:51:48 PM Helouise Rito waives in support
1:51:54 PM Ivy Lindsey waives in support
1:52:01 PM James A. Rasmussen waives in support
1:52:07 PM Paulette Rasmussen waives in support
1:52:13 PM Nompiliao Katangana waives in support
1:52:20 PM David Barton waives in support
1:52:25 PM Shannon Mason waives in support
1:52:33 PM Ree'an Rudd waives in support
1:52:37 PM Teresa Ottara waives in support
1:52:45 PM Kaelynn Marshall waives in support
1:52:56 PM Wiffman Rudd waives in support
1:53:00 PM Jordan Seery waives in support
1:53:18 PM Joseph Jones waives in support
1:53:23 PM Michael Manlello waives in support
1:53:32 PM James Shanno waives in support
1:53:39 PM Phillip Ndufon waives in support
1:53:48 PM Elizabeth Davenport waives in support
1:53:56 PM Jose Lopez waives in support
1:54:00 PM Dr. Asonia Smith waives in support
1:54:10 PM Carlos Rivas Riveras waives in support
1:54:15 PM Daniel Isai Mark waives in support
1:54:22 PM Dwayne Hobbs Larkin waives in support
1:54:33 PM Jacob Yohannes waives in support
1:54:39 PM Karen Gushta waives in support
1:54:52 PM Joann Robest waives in support
1:55:00 PM Ingrid Ford waives in support
1:55:05 PM Schneur Oirechman waives in support
1:55:20 PM Rick Stevens waives in support
1:55:41 PM Senator Gibson in debate
1:58:03 PM Senator Rodriguez in debate
1:59:42 PM Senator Baxley in closure
1:59:57 PM Roll call by AA
2:00:56 PM SB 946 reported favorably
2:01:15 PM Introduction of Tab 8 by Chair Simmons
2:01:29 PM Explanation of SB 1306, Individual Retirement Accounts by Senator Farmer
2:02:01 PM Martha Edenfield, The Real Property Probate Trust Law Section waives in support
2:02:23 PM Closure waived
2:02:28 PM Roll call by AA
2:02:30 PM SB 1306 reported favorably
2:02:51 PM Chair turned over to Senator Rodriguez
2:03:51 PM Introduction of Tab 10 by Chair Rodriguez
2:04:00 PM Explanation of SB 1766, Growth Management by Senator Simmons
2:06:12 PM Introduction of Amendment Barcode No.413412 by Chair Rodriguez

2:06:29 PM Explanation of Amendment by Senator Simmons
2:06:42 PM David Cruz, Florida League of Cities waives in support
2:07:31 PM Jonathan Webber, Florida Conservation Voters waives in support
2:07:47 PM Closure waived
2:07:51 PM Amendment adopted
2:08:00 PM Speaker Paul Owens, President, 1000 Friends of Florida in opposition
2:09:44 PM Dan Peterson, Coalition for Property Rights waives in support
2:09:54 PM Monte Stevens, Florida Realtors waives in support
2:10:05 PM Speaker David Cruz, Florida Realtors in support
2:10:52 PM Adam Basford, FL Ag Coalition waives in support
2:10:58 PM Gary Hunter, Association of Florida Community Developers waives in support
2:11:05 PM Brewster Bevis, Associated Industries of Florida waives in support
2:11:25 PM Closure waived
2:11:28 PM Roll call by AA
2:11:34 PM CS/SB 1766 reported favorably
2:11:41 PM Introduction of Tab 13 by Chair Rodriguez
2:11:57 PM Explanation of SB 1582, Asbestos Trust Claims by Senator Simmons
2:12:40 PM Mary Margaret Gay, US Chamber Institute for Legal Reform waives in support
2:12:47 PM Tim Meenan, Florida Insurance Council waives in support
2:13:02 PM Jim Ferraro, Florida Justice Association waives in support
2:13:10 PM Brewster Bevis, Associated Industries of Florida waives in support
2:13:15 PM Dan Hendrickson, Tallahassee Veterans Legal Collaborative waives in support
2:13:22 PM Eric King, Veterans of Foreign waives in support
2:13:29 PM Bill Hilmich, VFW American Legion waives in support
2:13:38 PM Carolyn Johnson, Florida Chamber of Commerce waives in support
2:13:44 PM John Haynes, Military Order of the Purple Heart waives in support
2:14:07 PM William Large, Florida Justice Reform Institute waives in support
2:14:13 PM Greg Pruitt, Tallahassee Veterans Legal Collaborative waives in support
2:14:24 PM Closure waived
2:14:27 PM Roll call by AA
2:14:30 PM SB 1582 reported favorably
2:14:37 PM Chair returned to Senator Simmons
2:14:50 PM Introduction of Tab 12 by Chair Simmons
2:15:10 PM Explanation of SB 1634, Parental Rights by Senator Stargel
2:15:55 PM Question from Senator Gibson
2:16:06 PM Response from Senator Stargel
2:18:02 PM Speaker Megan Petty, Student, CFC/River in support
2:19:46 PM Speaker Lakey Love, Florida National Organization for Women in opposition
2:22:51 PM Speaker Barbara Berry, Parental Rights Org in support
2:23:58 PM Speaker Melinda Rayna Svanchild Farley-Barratt, FL NOW in opposition
2:25:34 PM All other Appearance Cards will be filed in the record
2:26:02 PM Speaker Kathryn Brightbill, Coalition for Responsible Home Education in opposition
2:27:39 PM Time certain vote by Senator Hutson for 2:29
2:28:05 PM Senator Gibson in debate
2:29:03 PM Closure waived
2:29:06 PM Roll call by AA
2:29:11 PM SB 1634 reported favorably
2:29:22 PM Comments from Chair Simmons
2:29:37 PM Senator Rodriguez moves to adjourn, meeting adjourned