

**SB 2036 by RC; Outsourcing or Privatization of Agency Functions**

791130	A	S	RCS	RC, Gardiner	Delete L.78:	01/23 07:45 PM
559958	A	S	RCS	RC, Alexander	Delete L.94 - 101:	01/23 07:45 PM
189588	AA	S	RE	RC, Bullard	Delete L.14:	01/23 07:45 PM

**SB 2038 by RC; Privatization of Correctional Facilities**

406430	A	S	RCS	RC, Alexander	Delete L.148:	01/23 07:54 PM
219186	A	S	RCS	RC, Gardiner	Delete L.170 - 175:	01/23 07:54 PM

**SB 894 by Thrasher; (Identical to H 7005) Official Florida Statutes**

**SB 896 by Thrasher; (Identical to H 7007) Florida Statutes**

**SB 898 by Thrasher; (Identical to H 7009) Florida Statutes**

**SB 900 by Thrasher; (Identical to H 7011) Florida Statutes**

**CS/SB 206 by EE, Negron (CO-INTRODUCERS) Gaetz, Evers; (Similar to H 0355) Public Meetings**

803518	D	S	RCS	RC, Negron	Delete everything after	01/23 08:30 PM
676418	AA	S	RCS	RC, Negron	Delete L.53 - 72:	01/23 08:30 PM
258500	AA	S		RC, Negron	Delete L.69 - 71:	01/23 08:46 AM

**CS/SB 98 by JU, Siplin (CO-INTRODUCERS) Evers, Storms; (Similar to H 0317) Education**

**SPB 7178 by RC; Office of Legislative Services**

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

**RULES**  
**Senator Thrasher, Chair**  
**Senator Alexander, Vice Chair**

**MEETING DATE:** Monday, January 23, 2012

**TIME:** 1:00 —4:45 p.m.

**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Thrasher, Chair; Senator Alexander, Vice Chair; Senators Bullard, Flores, Gaetz, Gardiner, Jones, Lynn, Margolis, Negron, Richter, Siplin, Smith, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 2036</b> Rules (Compare S 2038)	Outsourcing or Privatization of Agency Functions; Providing that certain information relating to the outsourcing or privatization of an agency function that is expressly required by law is not required to be included in the agency's legislative budget request until after the contract for such functions is executed; providing that procurements for outsourcing or privatizing agency functions that are expressly required by law are exempt from the requirement that they be evaluated for feasibility, cost-effectiveness, and efficiency; providing that certain requirements that apply to Department of Corrections' contracts do not apply to contracts for outsourcing or privatizing the operation and maintenance of correctional facilities which are expressly required by law, etc.  RC      01/23/2012 Fav/CS	Fav/CS Yeas 9 Nays 5
2	<b>SB 2038</b> Rules (Compare S 2036)	Privatization of Correctional Facilities; Requiring that the Department of Corrections privatize the management and operation of certain correctional facilities and assigned correctional units; requiring that the department determine the costs incurred for the 2010-2011 fiscal year for each correctional facility and assigned correctional unit according to a specified formula; limiting the costs to be incurred by the state in the second or subsequent contract years; repealing provisions relating to the adoption of rules by the Department of Corrections regarding contractual arrangements and standards for the operation of correctional facilities by private vendors, etc.  RC      01/23/2012 Fav/CS	Fav/CS Yeas 10 Nays 4

**COMMITTEE MEETING EXPANDED AGENDA**

Rules

Monday, January 23, 2012, 1:00 —4:45 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 894</b> Thrasher (Identical H 7005)	Official Florida Statutes; Adopting the Florida Statutes 2012 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2012 shall be effective immediately upon publication; providing that general laws enacted during the 2011 regular session and prior thereto and not included in the Florida Statutes 2012 are repealed; providing that general laws enacted during the 2012 regular session are not repealed by this adoption act, etc.  RC 01/23/2012 Not Considered	Not Considered
4	<b>SB 896</b> Thrasher (Identical H 7007)	Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process, etc.  RC 01/23/2012 Not Considered	Not Considered
5	<b>SB 898</b> Thrasher (Identical H 7009)	Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2012 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc.  RC 01/23/2012 Not Considered	Not Considered
6	<b>SB 900</b> Thrasher (Identical H 7011)	Florida Statutes; Conforming to the directive of the Legislature in section 12 of chapter 2011-56, Laws of Florida, to prepare a reviser's bill for introduction at a subsequent session of the Legislature which replaces all statutory references to the Division of Forestry with the term "Florida Forest Service", etc.  RC 01/23/2012 Not Considered	Not Considered

**COMMITTEE MEETING EXPANDED AGENDA**

Rules

Monday, January 23, 2012, 1:00 —4:45 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>CS/SB 206</b> Rules Subcommittee on Ethics and Elections / Negron (Similar H 355)	Public Meetings; Requiring that a member of the public be given an opportunity to be heard before a board or commission takes official action on an item of significant interest to the public under certain circumstances; providing exceptions; requiring that a board or commission adopt rules or policies, etc.  EE 01/11/2012 Fav/CS RC 01/23/2012 Fav/CS GO	Fav/CS Yeas 14 Nays 0
8	<b>CS/SB 98</b> Judiciary / Siplin (Similar H 317)	Education; Authorizing district school boards to adopt resolutions that allow inspirational messages, including, but not limited to, prayers of invocation or benediction, at secondary school events, etc.  ED 11/02/2011 Fav/1 Amendment JU 01/12/2012 Fav/CS RC 01/23/2012 Favorable	Favorable Yeas 12 Nays 2
Consideration of proposed committee bill:			
9	<b>SPB 7178</b>	Office of Legislative Services; Providing for duties related to the registration and reporting of legislative lobbyists to be conducted by the office rather than the Division of Legislative Information Services within the office; providing that the certain content relating to the published edition of the Florida Statutes be determined by the office rather than the Division of Statutory Revision within the office; requiring that the office, rather than the Division of Statutory Revision, certify to the Legislature public records and public meetings exemptions that are scheduled for repeal, etc.	Submitted as Committee Bill
Other Related Meeting Documents			

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

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

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Prepared By: The Professional Staff of the Rules Committee

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BILL: CS/SB 2036

INTRODUCER: Rules Committee

SUBJECT: Outsourcing or Privatization of Agency Functions

DATE: January 23, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sneed	Phelps	RC	Fav/CS
2.				
3.				
4.				
5.				
6.				

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

- |                              |  |   |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>                   | Technical amendments were recommended   |
|                              | <input type="checkbox"/>                   | Amendments were recommended             |
|                              | <input type="checkbox"/>                   | Significant amendments were recommended |

**I. Summary:**

This bill amends s. 216.023, F.S., as it relates to the outsourcing or privatization of agency functions. It provides additional time to meet certain requirements to provide information and analyses in an agency's legislative budget request (LBR) when the information pertains to outsourcing or privatization of an agency function that is expressly required by the General Appropriations Act or any other law. These information and analysis requirements include provision of cost-benefit analyses, business case analyses, performance contracting procedures, and impacts on performance standards.

The bill amends s. 287.0571, F.S., to provide that it does not apply to contracts for the outsourcing or privatization of agency functions when the outsourcing or privatization is expressly directed by the General Appropriation Act or any other law, except in new s. 944.7115, F.S., created in SPB 7172. This statute deals generally with outsourcing and privatization .

The bill also amends s. 945.105, F.S., to provide that it does not apply to contracts for the outsourcing or privatization of correctional facilities when the outsourcing or privatization is expressly directed by the General Appropriation Act or any other law. Section 945.105, F.S.,

provides requirements for the operation and maintenance of correctional facilities by private entities.

This bill would amend various Florida Statutes cited in Baiardi v. Tucker, (Fla. 2<sup>nd</sup> Circ Ct), Case No. 2011-CA-68 (2011), the case which declared unconstitutional a proviso in the 2011-2012 General Appropriations Act (Chapter 2011-69, Laws of Florida). There, the court found certain statutes required the Department of Corrections to initiate a privatization and submit a legislative budget request before the Legislature could direct the privatization of specified correctional facilities. This bill makes clear that the Legislature may direct privatization of an agency function itself, without any agency request. In Baiardi, the circuit court said, “if it is the will of the Legislature to initiate privatization of Florida prisons, the Legislature must do so by general law. . . .” See, Final Declaratory and Injunctive Judgment in Baiardi, p. 2.

## **II. Present Situation:**

### **Legislative Budget Request Requirements**

Section 216.023, F.S., outlines the processes each agency must follow in developing its LBR. The law requires the LBR to include, among other items, information on expenditures for three fiscal years, details on trust funds and fees, and an issue narrative justifying changes in amounts and positions requested. In addition, the LBR must include supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions. The cost-benefit and business case analyses must include an assessment of the impact on each affected activity.

For projects that exceed \$10 million in total cost, the LBR must include the statutory reference for the existing policy or the proposed substantive policy that establishes and defines the project’s governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes.

### **Requirements for a Business Case**

Section 287.0571(4), F.S., requires an agency to complete a business case for any project that has an expected cost in excess of \$10 million within a single fiscal year and lists the components that need to be included the business case for outsourcing or privatizing services. The business case must be included as supporting documentation for the agency’s LBR and be made available as part of the solicitation, but is not subject to challenge. The statute requires a number of components to be contained in the business case, including the following:

- A description of the service to be outsourced and any supporting legal authority for outsourcing.
- A description and analysis of the agency’s current performance if the agency is currently performing the service or activity.
- The desired goals to be achieved by outsourcing and the rationale for those goals.
- Citation to existing or proposed legal authorization for the outsourcing.

- Options for achieving the desired goals or objectives along with the advantages or disadvantages of each, including at least one option for the agency to continue providing the service.
- A description of the current market for the services to be outsourced.
- A cost-benefit analysis.
- Current and expected performance standards.
- Key benchmarks and timeframes.
- A contingency plan in the event of contractor nonperformance.
- An agency transition plan.

Section 287.0571(5), F.S., provides specific elements that must be addressed in a contract for outsourcing or privatization, including:

- Each of the services and deliverables.
- Quantifiable service requirements and performance objectives.
- Provisions to identify costs, payment terms and schedules.
- A transition plan.
- Performance standards.
- Monitoring and reporting requirements.
- Any penalties for failure to meet performance standards.

#### **Requirements in Section 944.105, F.S., for Privatization of Corrections Activities**

Section 944.105, F.S., authorizes the Department of Corrections to enter contracts with private vendors for the operation and maintenance of correctional facilities and includes the following provisions concerning contracts with private vendors for the operation of correctional facilities:

- A prohibition against entering into such a contract unless:
  1. The contract offers a substantial savings to the department, as determined by the department in consultation with the Auditor General. The cost savings calculation must include all cost components that contribute to the inmate per diem, including administrative costs associated with central and regional office administration;
  2. The Contract provides for the same quality of services as that offered by the department; and,
  3. The legislature has made a specific appropriation for the resulting contract.<sup>1</sup>
- A requirement that the contractor is be liable in tort with respect to the care and custody of inmates under its supervision.<sup>2</sup>
- A provision that an inmate's willful failure to remain within the supervisory control of the private contractor constitutes an escape punishable under s. 944.40, F.S.,<sup>3</sup> which prohibits escape of prisoners. This provision is also incorporated in s. 944.40, F.S., itself.
- Provisions regarding authorized use of force, training in the use of force and use of firearms, and qualifications and certification of private correctional officers.<sup>4</sup>

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<sup>1</sup> Section 944.105(1), F.S.

<sup>2</sup> Section 944.105(2), F.S.

<sup>3</sup> Section 944.105(3), F.S.

<sup>4</sup> Sections 944.105(4), (5) and (7), F.S.

- A requirement for the department to comply with s. 216.311, F.S., concerning unauthorized contracts in excess of appropriations, and with s. 287.057, F.S. concerning competitive solicitations for contractual services.<sup>5</sup>
- A requirement for the department to promulgate rules pursuant to chapter 120 specifying criteria for such contractual arrangements.<sup>6</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 216.023(4)(a), F.S., to provide that subparagraphs 7, 8, and 10 do not apply to the outsourcing or privatization of agency functions expressly required by the General Appropriation Act or any other law until submission of the agency's first LBR after execution of the contract for outsourcing or privatization. The bill also amends subparagraph 7 to apply only to agency requests to outsource or privatize an agency function, and amends subparagraph 10 to apply only to projects requested by an agency.

- Subparagraph 7 requires the LBR pertaining to any outsourcing or privatization of agency functions to contain supporting information that includes applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards. In addition, it requires the cost-benefit and business case analyses to include an assessment of the impact on each affected activity, and performance standards to include standards for each affected activity.
- Subparagraph 8 requires the LBR to include an evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years that have aggregate expenditures exceeding \$10 million during the term of the contract. This evaluation must include: (1) an assessment of contractor performance; (2) a comparison of anticipated service levels to actual service levels; and (3) a comparison of estimated savings to actual savings achieved.
- Subparagraph 10 applies to projects that exceed \$10 million in total cost. For these projects, the LBR must include the statutory reference of the existing policy or the proposed substantive policy that establishes and defines the project's governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes. Certain information technology budget requests are exempted from the requirement.

**Section 2** amends s. 287.0571, F.S., to create an exception from applicability of the business case requirement for outsourcing or privatization of state agency functions when the outsourcing or privatization is expressly directed by the General Appropriation Act or any other law, except s. 944.7115, F.S. Section 944.7115, F.S., is a proposed new statute created by SPB 7172 that directs privatization of the operation and management of correctional facilities in eighteen counties in the Southern Florida Region of the Department of Corrections

**Section 3** amends s. 944.105, F.S., to provide that it does not apply to a contract for the outsourcing or privatization of correctional facilities when the outsourcing or privatization is expressly directed by the General Appropriation Act or any other law.

**Section 4** provides an effective date of July 1, 2012.

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<sup>5</sup> Section 944.105(6), F.S.

<sup>6</sup> Ibid.



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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

On line 55, the word “and” should be changed to “or” to be consistent with phrasing used earlier in the amended portion of the subparagraph.

**VII. Related Issues:**

CS/SB 2036 creates a new statute that is referenced in Section 2 of this bill.

**VIII. Additional Information:**

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

**CS by Rules Committee on January 23, 2012:**

The committee substitute makes the following changes:

- Deletes amendments to s. 287.0571, F.S., to provide that the statute does not apply to outsourcing and privatization expressly directed in the General Appropriations Act or any other law, except new s. 944.7115, F.S.
- Requires that a business case under s. 287.0571(4), F.S., must be prepared for all privatizations – including those expressly required by law – prior to the issuance of any competitive solicitation and that the business case must be posted on the agency website, rather than be included in the procurement solicitation.
- Corrects grammar in s. 216.023(4)(a)10., F.S.

- B. **Amendments:**

None.



791130

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Rules (Gardiner) recommended the following:

**Senate Amendment**

Delete line 78  
and insert:  
10. For projects that are requested by an agency and that  
exceed



559958

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Rules (Alexander) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 94 - 101

and insert:

Section 2. Subsection (4) of section 287.0571, Florida Statutes, is amended to read:

287.0571 Business case to outsource; applicability.—

(4) An agency must ~~shall~~ complete a business case for any outsourcing project that has an expected cost in excess of \$10 million within a single fiscal year. The business case shall be submitted pursuant to s. 216.023. The business case shall be prepared and made publicly available on the agency's website before the issuance ~~as part~~ of the solicitation but is not



559958

subject to challenge and must shall include ~~the following~~:

(a) A detailed description of the service or activity for which the outsourcing is proposed.

(b) A description and analysis of the state agency's current performance, based on existing performance metrics if the state agency is currently performing the service or activity.

(c) The goals desired to be achieved through the proposed outsourcing and the rationale for such goals.

(d) A citation to the existing or proposed legal authority for outsourcing the service or activity.

(e) A description of available options for achieving the goals. If state employees are currently performing the service or activity, at least one option involving maintaining state provision of the service or activity must ~~shall~~ be included.

(f) An analysis of the advantages and disadvantages of each option, including, at a minimum, potential performance improvements and risks.

(g) A description of the current market for the contractual services that are under consideration for outsourcing.

(h) A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options. Such analysis must specify the schedule that, at a minimum, must be adhered to in order to achieve the estimated savings. All elements of cost must be clearly identified in the cost-benefit analysis, described in the business case, and supported by applicable records and reports. The state agency head shall



559958

attest that, based on the data and information underlying the business case, to the best of his or her knowledge, all projected costs, savings, and benefits are valid and achievable. As used in this section, the term "cost" means the reasonable, relevant, and verifiable cost, which may include, but is not limited to, elements such as personnel, materials and supplies, services, equipment, capital depreciation, rent, maintenance and repairs, utilities, insurance, personnel travel, overhead, and interim and final payments. The appropriate elements ~~shall~~ depend on the nature of the specific initiative. As used in this paragraph, the term "savings" means the difference between the direct and indirect actual annual baseline costs compared to the projected annual cost for the contracted functions or responsibilities in any succeeding state fiscal year during the term of the contract.

(i) A description of differences among current state agency policies and processes and, as appropriate, a discussion of options for or a plan to standardize, consolidate, or revise current policies and processes, if any, to reduce the customization of any proposed solution that would otherwise be required.

(j) A description of the specific performance standards that ~~must~~, at a minimum, must be met to ensure adequate performance.

(k) The projected timeframe for key events from the beginning of the procurement process through the expiration of a contract.

(l) A plan to ensure compliance with the public records law.



559958

(m) A specific and feasible contingency plan addressing contractor nonperformance and a description of the tasks involved in and costs required for its implementation.

(n) A state agency's transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communication with affected stakeholders, such as agency clients and the public. The transition plan must contain a reemployment and retraining assistance plan for employees who are not retained by the state agency or employed by the contractor.

(o) A plan for ensuring access by persons with disabilities in compliance with applicable state and federal law.

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

And the title is amended as follows:

Delete lines 9 - 13  
and insert:

executed; amending s. 287.0571, F.S.; requiring an agency to publicly publish the business case prepared for an outsourcing project on the agency's website;



189588

LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
01/23/2012	.	
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The Committee on Rules (Bullard) recommended the following:

**Senate Amendment to Amendment (559958)**

Delete line 14  
and insert:  
subject to challenge and must ~~shall~~ include ~~the following~~:



By the Committee on Rules

595-01993-12

20122036

A bill to be entitled

An act relating to the outsourcing or privatization of agency functions; amending s. 216.023, F.S.; providing that certain information relating to the outsourcing or privatization of an agency function that is expressly required by law is not required to be included in the agency's legislative budget request until after the contract for such functions is executed; amending s. 287.0571, F.S.; providing that procurements for outsourcing or privatizing agency functions that are expressly required by law are exempt from the requirement that they be evaluated for feasibility, cost-effectiveness, and efficiency; amending s. 944.105, F.S.; providing that certain requirements that apply to Department of Corrections' contracts do not apply to contracts for outsourcing or privatizing the operation and maintenance of correctional facilities which are expressly required by law; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) of section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(4) (a) The legislative budget request ~~must contain~~ for each program must contain:

1. The constitutional or statutory authority for a program,

595-01993-12

20122036

a brief purpose statement, and approved program components.

2. Information on expenditures for 3 fiscal years (actual prior-year expenditures, current-year estimated expenditures, and agency budget requested expenditures for the next fiscal year) by appropriation category.

3. Details on trust funds and fees.

4. The total number of positions (authorized, fixed, and requested).

5. An issue narrative describing and justifying changes in amounts and positions requested for current and proposed programs for the next fiscal year.

6. Information resource requests.

7. Supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any agency request to outsource or privatize agency functions. The cost-benefit and business case analyses must include an assessment of the impact on each affected activity from those identified in accordance with paragraph (b). Performance standards must include standards for each affected activity and be expressed in terms of the associated unit of activity. This subparagraph does not apply to the outsourcing or privatization of agency functions expressly required by the General Appropriation Act or any other law until the first legislative budget request submitted by the agency after the contract for the outsourcing and privatization has been executed.

8. An evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years having

595-01993-12 20122036  
 59 aggregate expenditures exceeding \$10 million during the term of  
 60 the contract. The evaluation ~~must~~ shall include an assessment of  
 61 contractor performance, a comparison of anticipated service  
 62 levels to actual service levels, and a comparison of estimated  
 63 savings to actual savings achieved. Consolidated reports issued  
 64 by the Department of Management Services may be used to satisfy  
 65 this requirement. This subparagraph does not apply to the  
 66 outsourcing or privatization of agency functions expressly  
 67 required by the General Appropriation Act or any other law until  
 68 the first legislative budget request submitted by the agency  
 69 after the contract for the outsourcing and privatization has  
 70 been executed.

71 9. Supporting information for any proposed consolidated  
 72 financing of deferred-payment commodity contracts including  
 73 guaranteed energy performance savings contracts. Supporting  
 74 information must also include narrative describing and  
 75 justifying the need, baseline for current costs, estimated cost  
 76 savings, projected equipment purchases, estimated contract  
 77 costs, and return on investment calculation.

78 10. For projects requested by an agency which ~~that~~ exceed  
 79 \$10 million in total cost, the statutory reference of the  
 80 existing policy or the proposed substantive policy that  
 81 establishes and defines the project's governance structure,  
 82 planned scope, main business objectives that must be achieved,  
 83 and estimated completion timeframes. Information technology  
 84 budget requests for the continuance of existing hardware and  
 85 software maintenance agreements, renewal of existing software  
 86 licensing agreements, or the replacement of desktop units with  
 87 new technology that is similar to the technology currently in

595-01993-12 20122036  
 88 use are exempt from this requirement. This subparagraph does not  
 89 apply to the outsourcing or privatization of agency functions  
 90 expressly required by the General Appropriation Act or any other  
 91 law until the first legislative budget request submitted by the  
 92 agency after the contract for the outsourcing and privatization  
 93 has been executed.

94 Section 2. Paragraph (e) is added to subsection (3) of  
 95 section 287.0571, Florida Statutes, to read:

96 287.0571 Business case to outsource; applicability.—

97 (3) This section does not apply to:

98 (e) A procurement for the outsourcing or privatization of  
 99 agency functions expressly directed to be outsourced or  
 100 privatized by the General Appropriation Act or any other law,  
 101 except s. 944.7115.

102 Section 3. Subsection (9) is added to section 944.105,  
 103 Florida Statutes, to read:

104 944.105 Contractual arrangements with private entities for  
 105 operation and maintenance of correctional facilities and  
 106 supervision of inmates.—

107 (9) This section does not apply to a contract for the  
 108 outsourcing or privatization of the operation and maintenance of  
 109 correctional facilities expressly directed to be outsourced or  
 110 privatized by the General Appropriation Act or any other law.

111 Section 4. This act shall take effect July 1, 2012.

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

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

1/23/2012  
Meeting Date

Topic Privatization 20

Bill Number 2036/2038  
(if applicable)

Name Henry Kelley

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

Job Title \_\_\_\_\_

Address 344 OAKLAND CIR  
Street

Phone 850 371 0089

FWB FL 32548  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

Representing FWB FORT WALTON BEACH TEA PARTY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/12

Meeting Date

Topic OUTSOURCING PRIVATIZATION

Name ROBERT SUAREZ

Job Title VICE PRESIDENT

Address 345 MADISON STREET

Street

TALAHASSEE

City

FL

State

32308

Zip

Bill Number SB 2036 + SB 2038  
(if applicable)

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

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing FLORIDA PROFESSIONAL FIREFIGHTERS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/23/12  
Meeting Date

Topic Privatization

Bill Number SB 2036 + 2038  
(if applicable)

Name Doug Martin

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

Job Title Legislative Director

Address 3064 Highland Oaks Terr.  
Tallahassee, FL 32301  
City State Zip

Phone (850) 212-7447

E-mail dmartin@afscme.org

Speaking: ☐ For ☒ Against ☐ Information

Representing AFSCME Florida Council 79

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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*Meeting Date* \_\_\_\_\_

Topic Privatization Bill Number (2036) / 2038  
Name Mark Harris Amendment Barcode \_\_\_\_\_  
Job Title ~~242 Office Plaza Dr~~ Police Officer (if applicable)  
Address 242 Office Plaza Dr Phone 850-656-9881  
Tallahassee FL 32301 E-mail \_\_\_\_\_  
*Street City State Zip*

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

*Meeting Date*

Topic Privatization

Bill Number 2036/2038  
(if applicable)

Name Matt Williams

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

Job Title Deputy

Address 242 Office Plaza Dr

Phone 850-656-9881

Tallahassee FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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1/23/12  
Meeting Date

Topic Privatization

Bill Number SB 2036 / 2038  
(if applicable)

Name Rich Templin

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

Job Title \_\_\_\_\_

Address 135 S. Monroe  
Street

Phone 850 - 224 - 6926

Tallahassee FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida AFL-CIO

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)



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

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

1 / 23 / 2012

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 2036  
*(if applicable)*

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH  
*Street*

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705  
*City State Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☒ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1/23/2012

*Meeting Date*

Topic Privatization

Bill Number 2036  
*(if applicable)*

Name Matt Rickett

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

Job Title Lobbyist

Address 300 East Brevard Street

Phone 850-222-3329

*Street*

Tallahassee FL 32301

*City*

*State*

*Zip*

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida Police Benevolent Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

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

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

1/23/2012  
Meeting Date

Topic OUTSOURCING

Bill Number 2036  
(if applicable)

Name GAIL MARIE PERRY

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

Job Title CHAIR

Address Po Box 1766  
Street DOMINIC Bch  
PANAMA City FL State 33061 Zip

Phone 954/850 4055

E-mail workingfolk  
1@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing COMMUNICATIONS WORKERS of AMERICA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
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*Meeting Date* \_\_\_\_\_

Topic Privatization

Bill Number 2036  
*(if applicable)*

Name Lisa Henning

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

Job Title Director Legislative Affairs

Address 242 Office Plaza Dr  
*Street*  
Tallahassee FL 32301  
*City State Zip*

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
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1/23/12  
Meeting Date

Topic OUTSOURCING

Bill Number SB 2036  
(if applicable)

Name GLYNDA LINTON

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

Job Title SELF - AUTHOR

Address 1 SW 58 Ave  
Street  
Plantation, FL 33317  
City State Zip

Phone 954-648-5571

E-mail glynda.linton@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

23 Jan 2012  
Meeting Date

Topic SB 2036

Bill Number 2036  
(if applicable)

Name TS Williams

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

Job Title mechanical contractor

Address 291 OLD HAWTHORNE RD  
Street

Phone \_\_\_\_\_

Hawthorne FL 32640  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

                      
*Meeting Date*

Topic SB 2036

Bill Number SB 2036  
*(if applicable)*

Name Butch Cromwell

Amendment Barcode                       
*(if applicable)*

Job Title Retired

Address 12313 NE 7<sup>th</sup> Ave  
*Street*  
Gainesville FL 32641  
*City State Zip*

Phone 352 372 2490

E-mail                     

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic Outsourcing of Privatization of Agency Functions

Bill Number 2036  
(if applicable)

Name Frank L Young

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

Job Title city bus operator privatization

Address 9109 Jennifer Blvd  
Street

Phone 904-535-0197

Jacksonville FL 32227  
City State Zip

E-mail Frank1Young1962@yahoo.com  
~~(904) 535-0197~~

Speaking: ☐ For ☒ Against ☐ Information

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



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

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

1-23-12  
Meeting Date

Topic OUTSOURCING OR PRIVATIZATION

Bill Number 2036  
(if applicable)

Name Charles A. Kohn

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

Job Title PRIVATIZATION

Address 715 PLAZA DR  
Street

Phone \_\_\_\_\_

ATLANTIC BCH, FL 32233-3907  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic SB 2036 OUTSOURCING Bill Number SB 2036  
(if applicable)

Name ANTHONY MARCIANO Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title SERGEANT BROWARD SHERIFF'S OFFICE

Address 1351 NW 27 AVE POMPANO BEACH Phone 954 831 7401  
Street  
POMPANO BEACH FL 33069 E-mail \_\_\_\_\_  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

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

1-23-12

Meeting Date

Topic Outsourcing

Bill Number SB 2036  
(if applicable)

Name Gayle Roberts

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

Job Title Food & Nutrition Manager

Address 2265 S.W. 33<sup>rd</sup> Way  
Street

Phone 954-683-7312

Ft. Lauderdale, Florida 33312  
City State Zip

E-mail gayle.roberts@broward  
schools.com

Speaking: ☐ For ☒ Against ☐ Information

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)

1-23-12

*Meeting Date*

Topic Privatization

Bill Number 2036

*(if applicable)*

Name Shea Harris

Amendment Barcode \_\_\_\_\_

*(if applicable)*

Job Title \_\_\_\_\_

Address 1456 Cane Rd

*Street*

Tallahassee

*City*

FL

*State*

32305

*Zip*

Phone 850-216-2943

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing My self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

**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 Rules Committee

BILL: CS/SB 2038

INTRODUCER: Rules Committee

SUBJECT: Privatization of Correctional Facilities

DATE: January 23, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sneed	Phelps	RC	Fav/CS
2.				
3.				
4.				
5.				
6.				

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

- |                              |  |   |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>                   | Technical amendments were recommended   |
|                              | <input type="checkbox"/>                   | Amendments were recommended             |
|                              | <input type="checkbox"/>                   | Significant amendments were recommended |

**I. Summary:**

This bill directs the Department of Corrections (DOC or department) to competitively procure the services of a contractor(s) for the management and operation of all correctional facilities and satellite facilities currently operated by the department in 18 counties located in the Southern Florida Region of the state (formerly Region IV). The bill requires DOC to issue one or multiple requests for proposals (RFP) within a specified timeframe. The bill directs the department to include certain requirements in the RFP(s), including a cost savings requirement of at least 7 percent for the first year of the contract(s) and contractor performance measures. The bill states that the cost savings requirement in the bid specifications is not subject to challenge in any protest of the specifications of the RFP. The bill requires that DOC, after awarding a contract(s) and resolving any bid disputes and negotiating a proposed contract, submit a budget amendment to the Legislative Budget Commission (LBC) which revises the department's operating budget and demonstrates the required 7 percent savings. DOC shall enter into a contract(s) with the successful vendor or vendors after approval by the Legislative Budget Commission. Any contract resulting from the RFP must comply with all federal, state, and local laws and all rules of the Department of Corrections.

This bill creates s. 744.7115 and repeals s. 944.719(1), Florida Statutes.

This bill would create by general law a requirement for the privatization of existing correctional facilities similar to the proviso in the 2011-2012 General Appropriations Act (Chapter 2011-69, Laws of Florida) which was declared unconstitutional in Baiardi v. Tucker, (Fla. 2<sup>nd</sup> Circ Ct), Case No. 2011-CA-68 (2011).

## **II. Present Situation:**

The Florida Department of Corrections (DOC or department) operates the third largest state prison system in the nation. DOC, with a budget of \$2.18 billion for the 2011-2012 fiscal year and 27,589 full-time equivalent positions, three-quarters of which are certified correctional officers and probation officers, is one of Florida's largest state agencies.

The department is responsible for providing care and custody for nearly 101,000 inmates and another 112,800 offenders on active community supervision. During incarceration, medical care and other health and welfare services are provided to inmates. DOC inmates are also involved in work assignments, as well as education, training, and substance abuse treatment to promote employability, literacy, sobriety, and accountability to crime victims.

The state's inmate population on January 1, 2012, totaled 100,606. DOC operates 62 major prison facilities, including 7 privately operated facilities, 46 work or forestry camps, 33 work release centers, a medical treatment center, and 5 road prisons. A total of 10,128 inmates, or 10 percent of DOC's population, are housed in private prisons.<sup>1</sup>

### **Correctional Facilities in Region IV (operated by the Department of Corrections)**

During the months of July through September, 2011, DOC consolidated its four regional administrative offices into two regions. Prior to this realignment, the department's Region IV included correctional facilities in Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, Desoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade, and Monroe Counties. These counties and facilities are now part of the department's Southern Florida Region.

DOC operates 29 correctional facilities, housing more than 14,500 inmates, including 11 major institutions, work camps, reentry centers and road prisons in the region formerly referred to as Region IV. The DOC has approximately 3,800 employees in this region, with total operating costs of about \$268 million per year.<sup>2</sup> Each facility in Region IV is listed below, together with the type of inmates housed in each, the general custody level served, and the 2010-2011 reported average inmate population for each facility.<sup>3</sup>

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<sup>1</sup> State of Florida correctional facilities constructed and operated by vendors are generally referred to as "private prisons" and operated under contracts between the Department of Management Services (DMS) and private providers.

<sup>2</sup> Total operating costs excludes inmate medical and pharmaceutical costs and DOC classification costs. Total operating costs have been further reduced for a 3 percent state employee retirement contribution. Additional adjustments in total operating costs may be necessary if any correctional facilities are closed in this region. DOC has issued a request for proposals to privatize inmate medical services statewide.

<sup>3</sup> Inmate population totals changed in the 2011-12 fiscal year. Two examples include the 3,000+ inmate transfers that resulted from closing Hendry Correctional Institution in June 30, 2011 and Glades Correctional Institution in Dec 1, 2011.

**Correctional Institutions (includes annexes)**

- Broward Correctional Institution (female; close custody; 701 inmates)
- Charlotte Correctional Institution (male; close custody; 838 inmates)
- Dade Correctional Institution (male; close custody; 1,526 inmates)
- Desoto Correctional Institution (male; close custody; 1,844 inmates)
- Everglades Correctional Institution (male; close custody; 1,593 inmates)
- Hardee Correctional Institution (male; close custody; 1,889 inmates)
- Homestead Correctional Institution (female; close custody; 672 inmates)
- Indian River Correctional Institution (male youth; close custody; 489 inmates)
- Martin Correctional Institution (male; close custody; 1,496 inmates)
- Okeechobee Correctional Institution (male; close custody; 1,619 inmates)

**Reception Centers**

- South Florida Reception Center (male; close custody; 1,398 inmates)
- South Florida Reception Center South Unit (elderly male; close custody; 665 inmates)

**Work Release Centers**

- Atlantic WRC (female youth; community custody; 43 inmates)
- Ft. Pierce WRC (male youth; community custody; 81 inmates)
- Hollywood WRC (female pre-release; community custody; 115 inmates)
- Miami North WRC (male youth; community custody; 179 inmates)
- Opa Locka WRC (male youth; community custody; 140 inmates)
- West Palm Beach WRC (male youth; community custody; 146 inmates)

**Re-Entry Centers**

- Sago Palm Re-Entry Center (male; medium security; 384 inmates)

**Other Correctional Facilities**

- Arcadia Road Prison (male; minimum custody; 68 inmates)
- Big Pine Key Road Prison (male; minimum custody; 45 inmates)
- Desoto Work Camp (male; medium custody; 196 inmates)
- Ft. Myers Work Camp (male; minimum custody; 78 inmates)
- Glades Work Camp (male; medium custody; 196 inmates)
- Hardee Work Camp (male; medium custody; 196 inmates)
- Hendry Work Camp (male; medium custody; 192 inmates)
- Loxahatchee Road Prison (male; minimum custody; 62 inmates)
- Martin Work Camp (male; medium custody; 180 inmates)
- Martin Unit Treatment Center (male; minimum custody, 80 inmates)

**Privately Operated Prisons (overseen by the Department of Management Services)**

The Florida Legislature first authorized the construction and operation of privately operated correctional facilities in 1989. Bay Correctional Institution opened in March 1995. Today, Chapter 957, Florida Statutes, charges the Bureau of Private Prison Monitoring in the Department of Management Services (DMS) with the responsibility for entering into contracts for the design, construction, and operation of privately-operated correctional facilities. Section 957.07, F.S., requires DMS to determine that a contract for a private facility will result in a cost savings to the state of at least 7 percent over similar public facility costs before DMS can enter into such a contract. DMS currently oversees the prison management/operations contracts for the 7 following correctional facilities:

- Bay Correctional Institution (male; medium custody; 985 inmates)
- Blackwater Correctional Institution (male; medium custody; 2,000 inmates)
- Gadsden Correctional Institution (female; medium custody; 1,520 inmates)
- Graceville Correctional Institution (male; medium custody; 1,884 inmates)
- Lake City Correctional Institution (male youth; medium custody; 893 inmates)
- Moore Haven Correctional Institution (male; medium custody; 985 inmates)
- South Bay Correctional Institution (male; close custody; 1,861 inmates)

**Benefits of Privatization**

In addition to Florida, other states have found that prison privatization has resulted in cost savings. For example, the Texas Legislative Budget Board's (LBB) biannual cost comparison study of public and private sector prison operations demonstrated that average per diem costs in state operated prisons have ranged been between 7 percent to 26 percent higher than the average costs of private facility operation since 1997, or approximately 15 percent per year on average. According to the LBB analysis, the average daily cost of operation in privately operated prisons has never exceeded the average costs in government-run prisons since 1997. In 2010, operating costs per inmate per day in public and private sector prisons in Texas were \$44.12 and \$37.47, respectively, representing cost savings of over 15 percent that year in private facilities.<sup>4</sup>

A 2002 Reason Foundation study reviewed 28 academic and government studies on privatization and found that private corrections companies saved up to 23 percent in daily operating costs over comparable government-run systems. The studies reviewed support a conservative estimate that private facilities offer cost savings of between 10 percent and 15 percent over their public sector counterparts. A 2009 Avondale Partners survey of 30 state correctional agencies found that in states currently using private sector services, the average daily savings for partnership prisons was 28 percent.<sup>5</sup>

Florida's 7 existing private prisons contracts and former contracts were procured for their ability to achieve and maintain costs at least 7 percent below DOC's average per diem cost. Florida law requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate private vendors' performance in operating the state's privately operated prisons. The

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<sup>4</sup> The Reason Foundation. *Annual Privatization Report 2010: Corrections*, March 2011.

<sup>5</sup> *Id*



inclusion of private prisons within Florida's correctional system provides a comparison for evaluations of the quality and cost of public corrections.

For those vendors contracted by DMS, s. 957.11, F.S., directs OPPAGA to evaluate the performance of the private contractor at the end of the contract, and make recommendations to the Legislature on whether to continue the contract.

By comparison, s. 944.714, F.S., sets no specified percentage, but requires facilities contracted by the Department of Corrections to be operated at a "substantial savings." Similarly, for those vendors contracted by the Department of Corrections, s. 944.719, F.S., requires OPPAGA to conduct a performance audit of the private vendor and report to the Legislature the third year following the contract award.

In a study conducted by OPPAGA in 2010<sup>6</sup> on the performance of the contracts for Bay, Moore Haven, Graceville, and Gadsden private prisons, each with contract terms expiring on June 30, 2010, OPPAGA noted the following cost savings:

- Bay Correctional Institution – 7.5 percent
- Moore Haven Correctional Institution – 12.8 percent
- Graceville Correctional Institution – 22.1 percent
- Gadsden Correctional Institution – 28.3 percent

In the OPPAGA study conducted in 2009<sup>7</sup> on contract performance for South Bay and Lake City private prisons, the following cost savings were reported:

- South Bay Correctional Institution – 14 percent
- Lake City Correctional Institution – 11 percent

In each of the OPPAGA studies on the private prisons, contract performance was determined to be satisfactory. Both reports noted three areas that contributed to the cost savings achieved by the private prisons: reduced retirement benefits paid to private correctional officers, lower administrative costs, and lower costs for inmate rehabilitative programs such as adult education, vocational training and substance abuse treatment.

### **General Requirements for Bid Proposals and Contracts for Privatization**

Section 287.057, F.S., describes the process for agencies to procure commodities or contractual services in excess of \$35,000. It requires the use of competitive solicitation processes as described in the section, provides exceptions to their use, and details other requirements relating to contracting.

*Types of competitive solicitations:* The preferred method of competitive solicitation under s. 287.057, F.S., is the invitation to bid (ITB). An ITB must be used when the agency can specifically define the scope of work for which the service.

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<sup>6</sup> Office of Program Policy Analysis and Government Accountability *Research Memorandum: Private Prisons Exceed Savings Requirements*, April 20, 2010.

<sup>7</sup> Office of Program Policy Analysis and Government Accountability *Research Memorandum: Private Prisons Exceed Savings Requirements; Need to Improve Prison Security and Inmate Family Contact Practices*, April 17, 2009.

If it is not practicable to use an ITB, an agency can issue a request for proposals (RFP) to procure the commodity or service. The agency must use an RFP if the purposes and uses for which the commodity or service being sought can be specifically defined and necessary deliverables can be identified. Unlike an ITB, vendors responding to an RFP may propose various combinations or versions of commodities or services to meet the requested specifications. All RFPs must include a description of the contractual services sought. The relative importance of price and other evaluation criteria, and a statement that the agency contemplates renewal if applicable.<sup>8</sup> Criteria for evaluation of proposals must include the bidder's price for the base contract, its price for each year of any contemplated renewals, and the total cost for each year including renewals.

The third type of competitive solicitation described in s. 287.057, F.S., is the invitation to negotiate (ITN). An ITN is used by an agency to determine the best method for achieving a specific goal or solving a particular problem. In using an ITN, the agency identifies one or more vendors with which it can negotiate for the best value. An ITN cannot be used if unless it is not practicable to use either an ITB or an RFP.

An agency may negotiate on the best terms and conditions if less than two responsive bids, proposals, or replies to a solicitation are received.<sup>9</sup>

*Extensions and renewals:* A contract can be renewed for the longer of 3 years or the length of the original contract, subject to the same terms and conditions as the original contract.<sup>10</sup> An agency must submit a written report concerning contract performance to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before execution of the renewal or amendment to a contract that has an original term value of more than \$10 million for the outsourcing of a service or activity, if a contract amendment resulted in a longer term or increased payments.<sup>11</sup>

*Other requirements:* Section 287.057 also sets forth a number of other requirements including minority business enterprise participation goals;<sup>12</sup> appointment of contract managers and contract administrators;<sup>13</sup> designation of and qualifications for personnel conducting evaluations and negotiations for contracts in excess of \$195,000;<sup>14</sup> avoidance of conflicts of interest;<sup>15</sup> and prohibition of unauthorized contact by a vendor with any employee or officer of the executive or legislative branch concerning any aspect of the solicitation during the procurement process.<sup>16</sup>

### **Specific Requirements for Privatization of Corrections Activities**

Chapter 944, F.S., has a number of provisions concerning contracts with private vendors for the operation of correctional facilities.

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<sup>8</sup> Section 287.057(1)(b)2., F.S.

<sup>9</sup> Section 287.057(5), F.S.

<sup>10</sup> Section 287.057(12), F.S.

<sup>11</sup> Section 287.057(13), F.S.

<sup>12</sup> Sections 287.057(5) – (8) and (11), F.S.

<sup>13</sup> Sections 287.057(14) and (15), F.S.

<sup>14</sup> Section 287.057(16), F.S.

<sup>15</sup> Sections 287.057(17) and (19), F.S.

<sup>16</sup> Section 287.057(23), F.S.

Section 944.105, F.S., authorizes the Department of Corrections to enter contracts with private vendors for the operation and maintenance of correctional facilities and includes the following:

- A prohibition against entering into such a contract unless it:
  1. Offers a substantial savings to the department, as determined by the department in consultation with the Auditor General. The cost savings calculation must include all cost components that contribute to the inmate per diem, including administrative costs associated with central and regional office administration;
  2. Provides for the same quality of services as that offered by the department; and,
  3. The legislature has made a specific appropriation for the contract.<sup>17</sup>
- A requirement that the contractor be liable in tort with respect to the care and custody of inmates under its supervision. Section 944.713, F.S., requires the contractor to carry adequate liability insurance.<sup>18</sup>
- A provision that an inmate's willful failure to remain within the supervisory control of the private contractor constitutes an escape punishable under s. 944.40, F.S.,<sup>19</sup> which prohibits escape of prisoners. This provision is also incorporated in s. 944.40, F.S., itself.
- Provisions regarding authorized use of force, training in the use of force and use of firearms, and qualifications and certification of private correctional officers.<sup>20</sup>
- A requirement for the department to comply with s. 216.311, F.S., concerning unauthorized contracts in excess of appropriations, and with s. 287.057, F.S..<sup>21</sup>
- A requirement for the department to promulgate rules pursuant to Chapter 120 specifying criteria for such contractual arrangements.<sup>22</sup>

Sections 944.712 through 944.718, F.S., prohibit DOC from awarding a contract to a private contractor that fails to meet any of the following requirements:

- Possession of the qualifications, management experience, and financial ability to carry out the terms of the contract.<sup>23</sup>
- Provision for adequate liability insurance, including liability for violations of an inmate's civil rights. The contractor must indemnify the state for all claims, and is responsible for paying any claim or judgment up to \$100,000 per individual or \$200,000 per occurrence.<sup>24</sup>
- Provision of a level and quality of programs that is at least equal to programs provided at similar facilities operated by DOC for similar types of inmates, and that are provided at a cost that offers substantial savings for the state.<sup>25</sup>
- Employment of private correctional officers who are certified at the contractor's expense as having met the minimum qualifications for correctional officers set forth in s. 943.13, F.S..<sup>26</sup>
- Operation of the correctional facility in accordance with or higher than standards established by the American Correctional Association and approved by the department at the time of the

<sup>17</sup> Section 944.105(1), F.S.

<sup>18</sup> Section 944.105(2), F.S.

<sup>19</sup> Section 944.105(3), F.S.

<sup>20</sup> Sections 944.105(4), (5) and (7), F.S.

<sup>21</sup> Section 944.105(6), F.S.

<sup>22</sup> Ibid.

<sup>23</sup> Section 944.712, F.S.

<sup>24</sup> Section 944.713, F.S.

<sup>25</sup> Section 944.714(1), F.S.

<sup>26</sup> Section 944.714(2), F.S.

contract, or any higher standard mandated in the settlement of litigation challenging the constitutional conditions of confinement to which the department is a named defendant. The contractor must also comply with all federal and state constitutional requirements, federal, state, and local laws, department rules, and all court orders.<sup>27</sup>

- Incarceration of all inmates assigned by the department as specified in the contract, with all inmates remaining in the legal custody of the department. The department is prohibited from exceeding the maximum capacity designated for the facility in the contract.<sup>28</sup>
- Providing the department with a detailed plan for assuming control of the facility upon termination of the contract or in the event of bankruptcy or financial insolvency.<sup>29</sup>

Section 944.717, F.S., prohibits conflicts of interest by the contractor and solicitation of a benefit from the contractor by employees or agents of the department or any other agency that exercises any functions or responsibilities in the review or approval of a private correctional facility contract or the operation of a private correctional facility

Section 944.718, F.S., permits the department to withdraw a request for proposals to privatize operations of corrections facilities at any time and for any reason.

Section 944.719, F.S., requires the department to adopt rules for contracting for and operating private correctional facilities. It also requires the appointment of contract monitors by the department and provides for the contractor to allocate a work area for the contract monitor and provide access to necessary documents and materials. Finally, it requires OPPAGA to conduct a performance audit and to review the financial audit of the private entity and report its findings to the legislature by February 1 of the third year following the contract award.

### **Requirements for a Business Case**

Section 287.0571(4), F.S., requires an agency to complete a business case for any outsourcing or privatization project that has an expected cost in excess of \$10 million within a single fiscal year and lists the components that need to be included the business case for outsourcing or privatizing services. The business case must be included as supporting documentation for the agency's legislative budget request (LBR) for the proposed privatization and be made available as part of the solicitation, but is not subject to challenge. The statute requires a number of components to be contained in the business case, including the following:

- A description of the service to be outsourced and any supporting legal authority for outsourcing.
- A description and analysis of the agency's current performance, if the agency is currently performing the service or activity.
- The desired goals to be achieved by outsourcing and the rationale for those goals.
- Citation to existing or proposed legal authorization for the outsourcing.

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<sup>27</sup> Section 944.714(3), F.S.

<sup>28</sup> Section 944.715, F.S.

<sup>29</sup> Section 944.716, F.S.

- Options for achieving the desired goals or objectives along with the advantages or disadvantages of each, including at least one option for the agency to continue providing the service.
- A description of the current market for the services to be outsourced.
- A cost-benefit analysis.
- Current and expected performance standards.
- Key benchmarks and timeframes.
- A contingency plan in the event of contractor nonperformance.
- An agency transition plan.

Section 287.0571(5), F.S., provides specific elements that must be addressed in a contract with a vendor for an outsourcing or privatization, including:

- Each of the services and deliverables.
- Quantifiable service requirements and performance objectives.
- Provisions to identify costs, payment terms and schedules.
- A transition plan.
- Performance standards.
- Monitoring and reporting requirements.
- Any penalties for failure to meet performance standards.

### **Legislative Budget Request Requirements**

Section 216.023, F.S., outlines the processes each agency must follow in developing its LBR. The law requires the LBR to include, among other items, information on expenditures for three fiscal years, details on trust funds and fees, and an issue narrative justifying changes in amounts and positions requested. In addition, the LBR must include supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions. The cost-benefit and business case analyses must include an assessment of the impact on each affected activity.

For projects that exceed \$10 million in total cost, the LBR must include the statutory reference for the existing policy or the proposed substantive policy that establishes and defines the project's governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes.

### **2011 Privatization Efforts**

On May 26, 2011, Governor Scott signed into law the 2011-2012 General Appropriations Act Appropriations Act (Chapter 2011-69, Laws of Florida), which included proviso language requiring DOC to issue one or more RFPs for the management and operation of the correctional facilities and assigned correctional units, including annexes, work camps, road prisons and work release centers operated by the department, in Region IV. Two Region IV facilities, Glades Correctional Institution and Hendry Correctional Institution were designated for closure, and therefore excluded from the procurement.

The department released the RFP on July 25, 2011. Although the proviso required a contract commencement date of no later than January 1, 2012, several events affected the RFP timeline.

Prior to the RFP's release, the Florida Police Benevolent Association (FPBA) and several correctional officers filed a complaint for declarative judgment and injunctive relief in the Second Judicial Circuit<sup>30</sup>. The complaint sought to stop the department from proceeding with the procurement process. Generally, the plaintiffs alleged that the proviso required DOC to conduct the procurement process to privatize the operation and maintenance of correctional facilities in Region IV in violation of existing statutes. The plaintiffs further maintained that the Florida Constitution requires such direction to be given through passage of a general law, rather than by means of proviso in an appropriations act.

On September 8, 2011, the plaintiffs filed a motion for summary judgment.<sup>31</sup> The circuit court held a hearing on the motion, and subsequently entered a judgment declaring the proviso to be unconstitutional under Article III, Section 6 (which limits all laws to a single subject) and Article III, Section 12 (which prohibits amendments or changes to substantive law on subjects unrelated to appropriations) of the Florida Constitution. In doing so, the court noted that the proviso:

[C] hanges the statutory process for privatizing prison facilities and directs DOC to replace state employees at particular prisons with private operators, and is not rationally related to the appropriations for DOC generally.

The circuit court made it clear at the outset that:

[T] he issue before it is not whether the prisons in Florida may be privatized. The answer to that question is yes, and was already answered by the enactment of Section 944.105, F.S., which gives the Department of Corrections (DOC) the authority to initiate and enter into contracts with private vendors for the operation and maintenance of correctional facilities and the supervision of inmates.

The court, citing *Dickinson v. Stone*, 251 So.2d 268 at 273 (Fla. 1971), also noted that:

[I] f it is the will of the Legislature to itself initiate privatization of Florida prisons, as opposed to DOC, the Legislature must do so by general law, rather than 'using the hidden recesses of the General Appropriations Act.

The Attorney General filed a Notice of Appeal on October 31, 2011, which had the effect of automatically staying the circuit court's order.<sup>32</sup> The department resumed the procurement process. However, the circuit judge issued an order vacating the automatic stay on November 5, and required DOC to discontinue any further procurement activities relating to Region IV

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<sup>30</sup> *Baiardi v. Tucker*, Case No. 2011-CA-68 (Fla 2<sup>nd</sup> Circ. Ct.) (2011).

<sup>31</sup> A motion for summary judgment must be granted if the court determines that "the pleadings and summary judgment evidence on file show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 1.510(c), Florida Rules of Civil Procedure.

<sup>32</sup> Rule 9.310(b)(2), Florida Rules of Appellate Procedure.

pursuant to the provisions in the General Appropriations Act. At present, the appeal of the order declaring the proviso unconstitutional is pending in the First District Court of Appeals.

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

SPB 7172 creates a new s. 944.7115, F.S., that requires the department to issue one or more requests for proposals (RFP) to privatize the management and operation of all correctional facilities that are operated by the department in the 18 southernmost counties within the DOC's Southern Florida Region. The designated area includes Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, Desoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade, and Monroe counties. The requirement does not include any correctional facilities within the area that are already privately operated, and also excludes any facility that has been closed or scheduled for closure before June 30, 2012.

In requiring the department to conduct the procurement through use of the RFP process, the bill exempts the department from the requirement in s. 287.057(1)(b)1., F.S., that requires an agency to determine and specify in writing the reasons that procurement by invitation to bid is not practicable; the remaining provisions of s. 287.057, F.S., would apply.

The bill specifies it is effective upon becoming a law and requires the department to issue the RFP or RFPs within 30 days after the effective date. Responsive proposals must be submitted no later than 30 days after issuance of the RFP or RFPs.

#### **Requirement for Cost Savings**

Any RFP issued pursuant to the bill must include a requirement that the total cost of a responsive proposal during the first year of the contract must result in actual savings of 7 percent or more to the state over the costs that were incurred by the state for provision of services at the included correctional facilities during Fiscal Year 2010-2011. The department must determine the baseline costs by using the average daily population (ADP) and the direct and distributed inmate per diem cost for each correctional facility and assigned correctional unit during FY 2010-2011. However, the bill provides that this number must be adjusted to remove the following components:

- The amount of the 3 percent retirement contribution that is now required of state employees under Chapter 121, F.S. The state was required to pay that amount during FY 2010-2011, but would not be required to do so if it continued to operate the facilities.
- Inmate medical costs, because inmate medical services are to be provided pursuant to a separate contract.
- Direct and personnel costs associated with inmate classification, because the bill requires activities relating to classification to remain under the department's supervision and direction as required by law.

This requirement for a 7 percent cost savings is more specific than the current requirement for "substantial savings" that is currently required by s. 944.105(1)(a), F.S. However, it is consistent with the 7 percent savings requirement in s. 957.07, F.S., that is required of private facilities that are operated under contract with the Department of Management Services and the proviso in the 2011-2012 General Appropriations Act pertaining to the privatization of facilities in Region IV. Also, s. 944.714, F.S., still requires that the level and quality of programs provided by a privately

operated correctional facility must be at least equal to programs offered by the department at a similar facility, and that it must offer a substantial savings as determined by a private accounting firm selected by the department.

The bill permits the department to include a provision for an increase in the total cost in subsequent years of the contract of not more than the percentage increase in the Consumer Price Index, contingent upon legislative appropriation. The bill also provides that provisions of the RFP relating to the cost savings required by the bill are not subject to challenge in a protest of the RFP specifications, notwithstanding the provisions of s. 120.57(3), F.S., regarding bid protests.

Each selected contractor must operate each correctional facility and assigned correctional unit at capacities set forth in s. 944.023, F.S., which is an existing statute that includes certain space and occupational requirements. Furthermore, each facility's ADP and medical and psychological grade population percentages are to remain substantially unchanged from the ADP for FY 2010-2011.

The bill requires the department to prepare and submit proposed budget revisions demonstrating the required 7% savings to the Legislative Budget Commission after the department has issued its notice of intent to award a contract, resolved any bid protests, and concluded negotiation of a contract with the successful bidder or bidders. After approval by the Legislative Budget Commission, the department must enter into a contract with the winning bidder or bidders.

The department is not required to comply with s. 216.023, F.S., which relates to LBRs, until after it is required to submit its LBR for the first fiscal year that begins after the privatization required by the bill is completely implemented. This exemption only applies with respect to services required to be privatized by the bill.

The bill provides that funds from canteens, subsistence payments, and other participating accounts at the correctional facilities must be remitted to the General Revenue Fund. This is the existing process for facilities that are operated by the department. However, in currently operating private facilities, these funds are required to be remitted to the Privately Operated Institutions Inmate Welfare Trust Fund pursuant to ss. 944.72 and 945.215, F.S. The bill specifies that those statutes will not apply to facilities operated pursuant to the requirements of the bill.

### **Additional Exceptions to Current Statutes**

In addition to the exceptions previously addressed in this analysis, the bill makes the following existing statutes inapplicable to the RFP or RFPs or any contract that is authorized by its provisions:

- Section 944.105(1), F.S., authorizes the Department of Corrections to enter contracts with private vendors for the operation and maintenance of correctional facilities. This statute provides that contracts with private vendors for the operation and maintenance of correctional facilities must:
  - (a) Offer a substantial savings as determined by the department, with the calculation determined by certain factors set forth in the statute and calculated by the department in



- consultation with the Auditor General. As previously discussed, the bill requires a 7 percent cost savings and specifies the basis for calculating costs.
- (b) Provide for the same quality of services as that offered by the department.  
Section 944.714(1), F.S., which would still be applicable, requires that the services must be at least equal to those provided by the department.
  - (c) Have a specific appropriation from the legislature.
  - Section 944.105(6), F.S., which:
    - (a) Specifies that the provisions of ss. 216.311 and 287.057, F.S. apply to all contracts between the department and any private vendor operating and managing correctional facilities. It is not necessary to state that these statutes apply because they apply to all procurements and contracts entered into by state agencies unless a specific exemption applies.
    - (b) Requires the department to promulgate rules pursuant to chapter 120 specifying criteria for such contracts. The bill gives the department the authority to make rules that are necessary to administer the provisions of the bill, but the department retains the discretion to determine whether its existing rules are adequate. In accordance with this approach, Section 2 of the bill repeals s. 944.719(1), F.S., which requires the department to adopt rules relating to privately operated correctional institutions.
  - Section 944.105(7), F.S., which relates to the certification and qualifications of correctional officers at privately operated correctional institutions. However, s. 944.714(2), F.S., would apply and requires all private correctional officers employed by a private vendor to be certified at the vendor's expense as having met the minimum qualifications for correctional officers that are set forth in s. 943.13, F.S.

### **Specified Contract Terms**

The bill specifies certain terms that must be included in any contract resulting from the RFP. These are:

- A requirement for compliance with all applicable federal, state, and local laws and all rules adopted by the department.
- The requirement for 7% cost savings.
- Performance measures and levels of expected performance for the contractor. These are set forth in the bill, are the same as those currently used by the department for evaluation of its own operations and the same as the performance measures included in the proviso in the 2011-2012 General Appropriations Act. The contract must require the contractor to provide the department with information concerning each performance measure for each separate correctional facility and assigned correctional unit for each month, calendar quarter, and year during the contract term, in a format specified by the department. The bill includes performance measures that apply to all facilities, and specific, additional performance measures applicable only to work release centers. Also, the department can add other performance measures to those specified in the bill.

### **Additional Requirements**

The bill requires the department to provide reports regarding contractor performance to the chairs of the legislative appropriations committees.

The bill also requires that current DOC employees at the correctional facilities being privatized be given first preference for continued employment by the contractor(s) selected as a result of the RFP(s) and the DOC must make reasonable efforts to find suitable job placements for those employees who wish to continue to be employed by the state. A similar provision is included in s. 287.0571(5), which applies to the privatization proposed in the bill and applied under the proviso contained in the 2011-2012 General Appropriations Act.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Approximately 3,800 correctional officers and other staff are employed by DOC in Region IV. As these facilities are turned over to a private company, it is likely that many of these employees will be hired by the company(s) awarded the contract(s). However, these positions are unlikely to have the same level of benefits as the current state positions. Correctional officers that seek to remain state employees may have opportunities to be reassigned to positions in other regions of the state.

C. Government Sector Impact:

The annual operating costs for the Region IV correctional facilities total approximately \$268 million. A 7 percent annual cost savings would generate over \$18 million in annual recurring savings. However, based on reported savings on the State's other private prison contracts, savings could be greater.

#### **VI. Technical Deficiencies:**

Lines 170 and 172 each include an extraneous "are" that should be deleted.

Lines 205-206 establish a performance measure for compliance by individuals “without contact orders.” This should be reworded to indicate that it measures compliance by individuals with “no-contact orders”.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**CS by the Rules Committee on January 23, 2012:**

The committee substitute makes the following changes when compared to the bill as filed:

- Requires certification by FDLE of private correctional officers at the contractor’s expense under s. 943.1395, F.S., in accordance with the minimum qualifications for corrections officers established in s. 943.13, F.S. In addition, this change requires that all other employees of the contractor receive same quality and quantity of training provided to employees at state operated correctional facilities and that the training be provided at the contractor’s expense. This amendment inserts the text of s. 944.105(7), F.S., as a requirement for the contract between a private contractor and DOC.
- Corrects grammar with respect to several of the performance measures required to be included in a contract between the DOC and a contractor.
- Corrects technical deficiencies.

- B. Amendments:

None.



406430

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Rules (Alexander) recommended the following:

**Senate Amendment**

Delete line 148

and insert:

(c) Require the certification of private correctional officers pursuant to s. 943.1395 at the contractor's expense, and all such officers must meet the minimum qualifications established in s. 943.13. All other employees of the contractor who perform their duties at the private correctional facility shall, at a minimum, receive the same quality and quantity of training required by the state for employees of state-operated correctional facilities. All training expenses are the responsibility of the contractor. The department shall be the



406430

contributor and recipient of all criminal background information  
necessary for certification by the Criminal Justice Standards  
and Training Commission.

(d) Include specific performance measures and levels of



219186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Rules (Gardiner) recommended the following:

**Senate Amendment**

Delete lines 170 - 175

and insert:

g. The number of transition plans completed for inmates who are released from prison;

h. The number of release plans completed for inmates who are released from prison;

i. The percentage of release plans completed for inmates who are released from prison;

Delete line 205

and insert:



219186

14

d. Compliance by supervised individuals with no-contact

By the Committee on Rules

595-01994-12

20122038\_\_

1 A bill to be entitled  
 2 An act relating to the privatization of correctional  
 3 facilities; creating s. 944.7115, F.S.; requiring that  
 4 the Department of Corrections privatize the management  
 5 and operation of certain correctional facilities and  
 6 assigned correctional units; requiring that the  
 7 department issue one or more requests for proposals;  
 8 providing a timeframe for proposals submitted in  
 9 response to a request for proposals; providing certain  
 10 cost-saving requirements for a request for proposals;  
 11 requiring that the department determine the costs  
 12 incurred for the 2010-2011 fiscal year for each  
 13 correctional facility and assigned correctional unit  
 14 according to a specified formula; limiting the costs  
 15 to be incurred by the state in the second or  
 16 subsequent contract years; providing that the  
 17 provisions in a request for proposals which relate to  
 18 cost savings are not subject to challenge in any  
 19 protest of the specifications of a request for  
 20 proposals; requiring that each contractor selected as  
 21 a result of a request for proposals manage and operate  
 22 the correctional facilities and all assigned  
 23 correctional units at certain capacities; requiring  
 24 that all activities regarding the classification of  
 25 inmates remain under the department's supervision and  
 26 direction; requiring that each facility's average  
 27 daily population and medical and psychological grade  
 28 population percentages remain unchanged from the  
 29 average daily population calculated for the 2010-2011

Page 1 of 9

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

595-01994-12

20122038\_\_

30 fiscal year; requiring that certain participating  
 31 accounts associated with the correctional facilities  
 32 and assigned correctional units continue to be  
 33 remitted to the General Revenue Fund; providing that  
 34 certain statutory provisions regarding contractual  
 35 arrangements with private entities for the operation  
 36 and maintenance of correctional facilities and the  
 37 certification of private correctional officers do not  
 38 apply to a request for proposals or a contract  
 39 authorized by the act; providing that s. 216.023,  
 40 F.S., regarding legislative budget requests furnished  
 41 to the Legislature, does not initially apply to the  
 42 department with respect to the services required to be  
 43 privatized under the act; providing requirements for a  
 44 contract that results from a request for proposals;  
 45 requiring that the department provide reports to the  
 46 legislative appropriations committees regarding the  
 47 performance of each contractor; requiring that the  
 48 department prepare and submit to the Legislative  
 49 Budget Commission proposed revisions to its operating  
 50 budget; requiring that the department enter into a  
 51 contract with one or more winning bidders after  
 52 approval by the Legislative Budget Commission;  
 53 requiring that current employees at each designated  
 54 correctional facility and assigned correctional unit  
 55 be given first preference for continued employment;  
 56 requiring that the department make reasonable efforts  
 57 for finding job placements for employees who wish to  
 58 continue to be employed by the state; authorizing the

Page 2 of 9

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



595-01994-12 20122038

department to adopt rules; repealing s. 944.719(1),  
F.S., relating to the adoption of rules by the  
Department of Corrections regarding contractual  
arrangements and standards for the operation of  
correctional facilities by private vendors; providing  
an effective date.

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

Section 1. Section 944.7115, Florida Statutes, is created  
to read:

944.7115 Department of Corrections; Southern Florida  
Region; privatization of correctional facilities.-

(1) Notwithstanding s. 287.057(1)(b)1., the department  
shall, through the issuance of one or more requests for  
proposals, privatize the management and operation of all  
correctional facilities and assigned correctional units,  
including prisons, annexes, work camps, road prisons, and work  
release centers, which are operated by the department in the  
Southern Florida Region and located in Manatee, Hardee, Indian  
River, Okeechobee, Highlands, St. Lucie, DeSoto, Sarasota,  
Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier,  
Broward, Miami-Dade, and Monroe Counties, excluding any  
correctional facility or assigned correctional unit that has  
been closed or scheduled for closure before June 30, 2012.

(2) The department shall issue its request for proposals no  
later than 30 days after the effective date of this act. The  
department shall require that any proposal submitted in response  
to a request for proposals be submitted no later than 30 days

595-01994-12 20122038

after the issuance of the request for proposals.

(3) Each request for proposals which is issued by the  
department must provide that the total cost of a responsive  
proposal to the department during the first year of the contract  
must result in actual cost savings to the state of at least 7  
percent of the costs incurred by the state for the 2010-2011  
fiscal year for the provision of the services at the  
correctional facilities and assigned correctional units included  
in the request for proposals. For each correctional facility and  
assigned correctional unit included in a request for proposals,  
the department shall determine the costs incurred by the state  
for the 2010-2011 fiscal year using the average daily population  
of each correctional facility and assigned correctional unit  
during the 2010-2011 fiscal year and the direct and distributed  
inmate per diem cost for each correctional facility and assigned  
correctional unit during the 2010-2011 fiscal year, reduced for  
the 3 percent retirement contribution now required by state  
employees under chapter 121, by inmate medical costs, and by the  
department's direct and personnel costs associated with inmate  
classification. The total costs to be incurred by the state in  
the second or subsequent years of the contract resulting from  
the request for proposals may increase by not more than the  
percentage increase in the Consumer Price Index; however, any  
such increase is contingent upon appropriation by the  
Legislature. Notwithstanding s. 120.57(3), the provisions in a  
request for proposals which relate to the cost savings required  
under this subsection are not subject to challenge in any  
protest of the specifications of the request for proposals.

(4) Each contractor selected as a result of a request for

595-01994-12 20122038  
 117 proposals must manage and operate each correctional facility and  
 118 the assigned correctional unit at capacities set forth in s.  
 119 944.023.

120 (5) All activities regarding the classification of inmates  
 121 shall remain under the department's supervision and direction as  
 122 required by law. Each facility's average daily population, as  
 123 well as medical and psychological grade population percentages,  
 124 shall remain substantially unchanged from the average daily  
 125 population calculated for the 2010-2011 fiscal year.

126 (6) Notwithstanding ss. 944.72 and 945.215, funds from  
 127 canteens, subsistence payments, and any other participating  
 128 accounts associated with or located at the correctional  
 129 facilities and all assigned correctional units shall continue to  
 130 be remitted to the General Revenue Fund.

131 (7) The provisions of s. 944.105(1), (6), and (7) do not  
 132 apply to any request for proposals or contract authorized by  
 133 this section. Section 216.023 does not apply to the department  
 134 with respect to the services required to be privatized under  
 135 this section until the department is required to submit its  
 136 legislative budget request for the first fiscal year that begins  
 137 after the department completely implements the privatization  
 138 required under this section.

139 (8) Any contract resulting from a request for proposals  
 140 must:

141 (a) Require compliance with all applicable federal, state,  
 142 and local laws and all rules adopted by the department.

143 (b) Require actual cost savings to the state of at least 7  
 144 percent of the costs incurred by the state for the 2010-2011  
 145 fiscal year for the provision of the required services at the

595-01994-12 20122038  
 146 correctional facilities and assigned correctional units included  
 147 in the request for proposals.

148 (c) Include specific performance measures and levels of  
 149 expected performance for the contractor in order to ensure  
 150 contractor performance and accountability, and require the  
 151 contractor to provide the department with information concerning  
 152 each performance measure for each separate correctional facility  
 153 and assigned correctional unit for each month, calendar quarter,  
 154 and year during the term of the contract, in the format  
 155 specified by the department.

156 1. The required performance measures must include, but are  
 157 not limited to:

158 a. The number of batteries committed by inmates on one or  
 159 more persons per 1,000 inmates;

160 b. The number of inmates receiving major disciplinary  
 161 reports per 1,000 inmates;

162 c. The percentage of random inmate drug tests that are  
 163 negative;

164 d. The percentage of reported criminal incidents  
 165 investigated by the proper authorities;

166 e. The number of escapes from the secure perimeter of major  
 167 institutions;

168 f. The percentage of inmates placed in a facility that  
 169 provides at least one of the inmate's primary program needs;

170 g. The number of transition plans completed for inmates are  
 171 released from prison;

172 h. The number of release plans completed for inmates are  
 173 released from prison;

174 i. The percentage of release plans completed for inmates

595-01994-12 20122038

175 released from prison;

176 j. The percentage of inmates who successfully complete drug

177 abuse education or treatment programs;

178 k. The number of inmates who are receiving substance abuse

179 services;

180 l. The percentage of inmates who complete mandatory

181 literacy programs and who score at or above the 6th grade level

182 on Tests of Adult Basic Education;

183 m. The percentage of inmates who successfully complete

184 mandatory literacy programs;

185 n. The percentage of inmates who successfully complete

186 education programs for the General Education Development (GED)

187 test preparation;

188 o. The percentage of inmates needing special education

189 programs who participate in special education programs in

190 accordance with federal law;

191 p. The percentage of inmates who successfully complete

192 vocational education programs;

193 g. The average increase in grade level achieved by inmates

194 participating in education programs every 3-month instructional

195 period; and

196 r. The percentage of inmates who successfully complete

197 transition, rehabilitation, or support programs without

198 subsequent recommitment to community supervision or prison for

199 24 months after release.

200 2. For work release centers, the required performance

201 measures must also include, but are not limited to:

202 a. The percent of employment of supervised individuals;

203 b. The illegal substance use by supervised individuals;

595-01994-12 20122038

204 c. The victim restitution paid by supervised individuals;

205 d. Compliance by supervised individuals without contact

206 orders;

207 e. The number of serious incidents occurring at the

208 facility; and

209 f. The number of absconders.

210 (9) The department shall provide reports to each chair of

211 the legislative appropriations committees regarding the

212 performance of each contractor which include, but are not

213 limited to, information regarding each required performance

214 measure in each contract resulting from the request for

215 proposals for each contractor and for each correctional facility

216 and assigned correctional unit.

217 (10) After the department has issued its notice of intent

218 to award a contract, resolved any bid protests, and concluded

219 negotiation of a contract resulting from the request for

220 proposals, the department must prepare and submit to the

221 Legislative Budget Commission proposed revisions to its

222 operating budget which demonstrate the 7 percent savings

223 required under subsection (3), which must be attained during the

224 first year of the term of the contract.

225 (11) After approval by the Legislative Budget Commission,

226 the department shall enter into a contract with one or more

227 winning bidders.

228 (12) Each current department employee at the designated

229 correctional facility and assigned correctional unit who is

230 affected by the privatization must be given first preference for

231 continued employment by the contractor selected as a result of a

232 request for proposals. The department shall make reasonable

595-01994-12 20122038

233 efforts to find suitable job placements for employees who wish  
234 to continue to be employed by the state.

235 (13) The department may adopt rules as necessary to  
236 administer this section.

237 Section 2. Subsection (1) of section 944.719, Florida  
238 Statutes, is repealed.

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

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

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

1-23-2012

*Meeting Date*

Topic Prison Privatization - Escapes from private facilities

Bill Number 2038  
*(if applicable)*

Name TIM CANNON

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

Job Title Asst. Secretary of Institutions

Address Calhoun Street  
*Street*  
Tallahassee, FL  
*City State Zip*

Phone 850-717-3030

E-mail \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

Representing Department of Corrections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/23/2012  
Meeting Date

Topic Privatization 20

Bill Number 2036/2038  
(if applicable)

Name Henry Kelley

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

Job Title \_\_\_\_\_

Address 344 OAKLAND CIR  
Street

Phone 850 371 0089

FWB FL 32548  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

Representing FWB FORT WALTON BEACH TEA PARTY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
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1/23/2012

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 2038  
*(if applicable)*

Name Leticia M. Adams

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

Job Title Director of Infrastructure Policy

Address 136 South Bronough Street  
*Street*

Phone 850-521-1279

Tallahassee FL 32301  
*City State Zip*

E-mail ladams@flchamber.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

1/23/12

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

Meeting Date

Topic OUTSOURCING PRIVATIZATION

Bill Number SB2036 + SB2038  
(if applicable)

Name ROBERT SUAREZ

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

Job Title VICE PRESIDENT

Address 345 MADISON STREET

Phone \_\_\_\_\_

Street

TALAHASSEE

FL

3

City

State

Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing FLORIDA PROFESSIONAL FIREFIGHTERS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)



THE FLORIDA SENATE  
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1/23/12  
Meeting Date

Topic Privatization

Bill Number SB 2036 + 2038  
(if applicable)

Name Doug Martin

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

Job Title Legislative Director

Address 3064 Highland Oaks Terr. Phone (850) 212-7447

Tallahassee, FL 32301  
City State Zip

E-mail dmartin@afscme100

Speaking: ☐ For ☒ Against ☐ Information

Representing AFSCME Florida Council 79

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

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

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

Meeting Date \_\_\_\_\_

Topic Privatization Bill Number 2036 / 2038  
(if applicable)

Name Mark Harris Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title ~~242 Office Plaza Dr~~ Police Officer

Address 242 Office Plaza Dr Phone 850-656-9881  
Tallahassee FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

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

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S-001 (10/20/11)

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

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

*Meeting Date*

Topic Privatization

Bill Number 2036 12038  
(if applicable)

Name Matt Williams

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

Job Title Deputy

Address 242 Office Plaza Dr

Phone 850-656-9881

Tallahassee FL 32301  
*City State Zip*

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1 / 23 / 2012

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 2038 ~~2036~~  
*(if applicable)*

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

*Street*

SAINT PETERSBURG

FLORIDA

33705

*City*

*State*

*Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☒ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

3/23/12

Meeting Date

Topic Privatization

Bill Number SB 2036 § 2038  
(if applicable)

Name Rich Templin

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

Job Title \_\_\_\_\_

Address 135 S. Monroe  
Street

Phone 850-224-6926

Tallahassee FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida AFL-CIO

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic Prison Privatization Bill Number 2038  
Name Bill Curtis Amendment Barcode \_\_\_\_\_  
Job Title Correctional Officer DOC (if applicable)

Address 18173 OHARA DR Phone (941) 6252128  
Port Charlotte, FL 33948  
City State Zip E-mail Bill1026@CenturyLink.net

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic PRIVITIZATION - PRISONS

Bill Number 2038  
(if applicable)

Name RON SILVER

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

Job Title \_\_\_\_\_

Address 2031 ME 2095  
Street

Phone 305-502-1199

MIAMI  
City

FL  
State

33179  
Zip

E-mail RSILVER 378

Speaking: ☐ For ☒ Against ☐ Information

Representing TEAMSTERS JOINT COUNCIL 75

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
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1/23/2012  
Meeting Date

Topic PRIVATIZING

Bill Number 2038  
(if applicable)

Name GAIL MARIE FERRY

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

Job Title CHAIR

Address PO BOX 1766

Phone 954 850 4055

Pompano Beach FL 33061  
City State Zip

E-mail workmgdork  
@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing COMMUNICATIONS WORKERS OF AMERICA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)



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

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

1-23-12

*Meeting Date*

Topic Privitization

Bill Number 2038  
*(if applicable)*

Name Cheryl Reed

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

Job Title Correctional Officer

Address 1775 76th Terrace SW #8

Phone 772-646-1118

*Street*

Vero Beach Florida 32968

*City*

*State*

*Zip*

E-mail runzws12zcrs@yahoo

Speaking: ☐ For ☒ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

Jan 23, 2012  
Meeting Date

Topic Prison Privatization

Bill Number 2038  
(if applicable)

Name Glynn Reeder

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

Job Title Correctional Officer Sergeant

Address 2847 SE 113<sup>th</sup> Way  
Street

Phone 904-449-4770

Stark,  
City

FL  
State

32091  
Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

Meeting Date

Topic Privatization Bill Number 2038  
(if applicable)

Name Lisa Henning Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Director of Legislative Affairs

Address 242 Office Plaza Dr Phone \_\_\_\_\_  
Tallahassee, FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/23/12  
Meeting Date

Topic PRIVATIZATION

Bill Number SB 2038  
(if applicable)

Name GLYNDA LINTON

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

Job Title SELF - Author

Address 1 SW 58 Ave,  
Street  
Plantation, FL 33317  
City State Zip

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

January 23, 2013  
*Meeting Date*

Topic Prison Privatization  
~~Prison Privatization~~

Bill Number 2038  
*(if applicable)*

Name DEEDRA JACKSON

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

Job Title Correctional Officer

Address 4306 Mariners Cove Ct Apt #104  
*Street*  
Tampa FL 33610  
*City State Zip*

Phone 813 270 4312

E-mail deedradj@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12

*Meeting Date*

Topic Prison Privatization

Bill Number 2038  
*(if applicable)*

Name Christopher Rogers

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

Job Title Correctional Officer

Address 11103 Mahin Ln.  
*Street*

Phone 813-671-1278

River view Fl. 33578  
*City State Zip*

E-mail chr.rogers1980@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

23 Jan 2012

*Meeting Date*

Topic 2038

Bill Number 2038  
*(if applicable)*

Name TS Williams

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

Job Title Mech Contractor

Address 281 OLD HAWTHORNE RD

*Street*

Hawthorne

*City*

FL

*State*

32640

*Zip*

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

                      
*Meeting Date*

Topic SB 2038

Bill Number SB 2038  
*(if applicable)*

Name Butch Cromwell

Amendment Barcode                       
*(if applicable)*

Job Title Retired

Address 12313 NE 7<sup>th</sup> Ave  
*Street*  
Gainesville FL 32641  
*City State Zip*

Phone 352 372 2490

E-mail                     

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



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

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

1-23-12  
Meeting Date

Topic PRISON PRIVATIZATION

Bill Number 2038  
(if applicable)

Name William Harman

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

Job Title SEN. DOC

Address 5509 E. JASMINE LA.  
Street

Phone 352-697-2984

INVERNESS  
City State Zip

E-mail billharman@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic PRISON Privatization / closings

Bill Number 2038  
(if applicable)

Name LINDA S. MILLI

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

Job Title Correctionsal officer

Address 1104 King ARTHUR COURT  
Street

Phone (813) 385-0102

Valrico FL 33594  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

Meeting Date \_\_\_\_\_

Topic Prison Privatization

Bill Number 2030  
(if applicable)

Name L. CASANO

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

Job Title SGT

Address 90304  
141001  
Street

Phone \_\_\_\_\_

Gainesville  
City

FL  
State

32614  
Zip

E-mail LCASANO123@Embassy.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

1/23/2012

*Meeting Date*

Topic PRISON PRIVITIZATION

Bill Number 2038  
*(if applicable)*

Name TIFFANY KENNEDY

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

Job Title CORRECTIONAL OFFICER

Address 14219 SW 48TH AVE RD  
*Street*

Phone 352-426-3662

Ocala  
*City*

FL  
*State*

34473  
*Zip*

E-mail TKENNEDY62@Yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

1-23-12

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

*Meeting Date*

Topic Prison Privatization

Bill Number 2034  
*(if applicable)*

Name John Riley

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

Job Title \_\_\_\_\_

Address 123 Hoover road  
*Street*

Phone 386-878-7403

Hollister ~~FL~~ FL 32147  
*City State Zip*

E-mail jm Riley 1994@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing self & parents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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1/23/12  
Meeting Date

Topic PRISON PRIVATIZATION

Bill Number 2038  
(if applicable)

Name Thomas Johnson

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

Job Title Sergeant

Address PO Box 518  
Street

Phone 352 840 0499

Sparr FL 32192  
City State Zip

E-mail Tom3375@earthlink.net

Speaking: ☐ For ☒ Against ☐ Information

Representing ~~Florida Department of Corrections~~ ~~Prison Ctr.~~ Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1/23/12

Meeting Date

Topic \_\_\_\_\_

Bill Number 2038  
(if applicable)

Name Kyle Carpenter

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

Job Title Rep Rad Sgt Carpenter

Address 1030 SE 28TH ST  
Street

Phone 352-857-6506

Ocala  
City

FL  
State

34477  
Zip

E-mail B.McMann X2

Speaking: ☐ For ☒ Against ☐ Information

Representing Self / Father

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

1-23-12

*Meeting Date*

Topic Princetonization

Bill Number SB 2038  
*(if applicable)*

Name Brett Pruett

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

Job Title Correctional Officer

Address 6415 Ashborough Ct. Apt. D.  
*Street*

Phone (850) 313-6682

Milton, FL 32570  
*City State Zip*

E-mail brettpruett@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



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

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1-23-12

Meeting Date

Topic PRIVATIZATION

Bill Number SB 2038  
(if applicable)

Name JAMES DEZMAN

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

Job Title C/O Sergeant

Address 5433 DeLona Rd

Phone 850 623 1473

Street

MILTON FL 32583

City

State

Zip

E-mail jmed60@live.com

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/23/12  
Meeting Date

Topic Privatization / closure

Bill Number 2038  
(if applicable)

Name Andrew Rios

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

Job Title Supporter

Address 6191 W River Cir  
Street

Phone 904 626 2009

Macedonny Fl 32063  
City State Zip

E-mail AndrewbullRios@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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1/23/12  
Meeting Date

Topic Privatization / closure

Bill Number 2038  
(if applicable)

Name Jessica Smith

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

Job Title Supporter

Address 1423 SE Canale St  
Street

Phone 386-466-9601

Lake city FL 32025  
City State Zip

E-mail JLSmith\_25@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12

*Meeting Date*

Topic Privatization / Closure

Bill Number 2038  
*(if applicable)*

Name Brian W. Cliffin, Jr.

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

Job Title Correctional Officer Sergeant

Address 13544 NE 254th Ln  
*Street*

Phone (386) 983-9661

Balford Fl. 32083  
*City State Zip*

E-mail briancliffin@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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1-23-12

Meeting Date

Topic PRIVATIZATION / closure

Bill Number 2038  
(if applicable)

Name DANA CRAFT

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

Job Title CORRECTIONAL OFFICER

Address P.O. Box 254 NE 136 PATH  
Street

Phone 352-494-8845

Railord FL 32083  
City State Zip

E-mail countrychristian5740@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
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*Meeting Date* \_\_\_\_\_

Topic Privatization of Correctional Facilities Bill Number 2038  
Name Steve Solak (if applicable)  
Job Title Teacher Amendment Barcode \_\_\_\_\_ (if applicable)  
Address 7146 S. Brentwood Rd Phone 239 292 8039  
*Street* Ft. Myers FL 33919 E-mail Stevsolak@aol.com  
*City* *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information

Representing a citizen of Ft Myers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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1/23/12

Meeting Date

Topic Privatization / Closure

Bill Number 2038  
(if applicable)

Name Lillie Clark

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

Job Title Captain - New River CI

Address P.O. Box 662

Phone 904-263-2604

Starke FL 32091  
City State Zip

E-mail sillylillie01@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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1-23-12  
Meeting Date

Topic Privatizing

Bill Number 2038  
(if applicable)

Name Miguel Gonzalez

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

Job Title Organizer

Address 15822 Glenard Dr  
Street

Phone (813) 990-9128

Tampa FL 33618  
City State Zip

E-mail TerminsterMAG@Gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



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

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1-23-12  
Meeting Date

Topic Privitizing Prisons

Bill Number 2038  
(if applicable)

Name Melina Bair

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

Job Title Corrections Officer

Address 863 Greenleaf Circle

Phone 772-563-8044

Street

Vero Beach,  
City

FL  
State

32960  
Zip

E-mail Melinadee@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1/23/2012  
Meeting Date

Topic Privatization

Bill Number 2038  
(if applicable)

Name Mark Williams

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

Job Title Correctional Officer

Address 11626 SW 163 Avenue  
Street

Phone 352 317 2871

Brooker FL 32622  
City State Zip

E-mail mark38090@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

                      
*Meeting Date*

Topic Correction Privatization

Bill Number SB 2038  
*(if applicable)*

Name TIM MARSETT

Amendment Barcode                       
*(if applicable)*

Job Title CORRECTIONS OFFICER

Address 180 SW MELON CT  
*Street*

Phone 386 754-1465

LAKE CITY FL  
*City State Zip*

E-mail TIMJ69@BELLSOUTH.NET

Speaking: ☐ For ☒ Against ☐ Information

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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**THE FLORIDA SENATE**  
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1-23-12  
Meeting Date

Topic Privatization

Bill Number 2038  
(if applicable)

Name Penny REEDER

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

Job Title Co FLA. STATE PRISON

Address 2847 S.E. 113TH WAY  
Street

Phone 904-364-6340

STARKE FL 32091  
City State Zip

E-mail mvelpuppy4950@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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1-23-12

Meeting Date

Topic privatization

Bill Number B 2038  
(if applicable)

Name William Hicks

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

Job Title Correctional Officer Sergeant

Address 1050 Big Joe Rd.  
Street

Phone 342-0500  
850-997-5719

Monticello Fla  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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1-23-2012  
Meeting Date

Topic Privatization (Prison)

Bill Number 2038  
(if applicable)

Name Nancy Nipper

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

Job Title \_\_\_\_\_

Address 14539 SW 79<sup>th</sup> Way  
Street

Phone 352-792-5783

Lake Butler  
City

FL  
State

32054  
Zip

E-mail nippgator@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

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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S-001 (10/20/11)

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

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1-23-12

Meeting Date

Topic Porter Bill

Bill Number SB 2038  
(if applicable)

Name John Brock

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

Job Title CO Capt.

Address 105 East Federal Drive  
Street

Phone 352-443-1570

Sanford FLA 32460  
City State Zip

E-mail convictguard@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

1-23-12

*Meeting Date*

Topic Prison Privatization

Bill Number SB 2038  
*(if applicable)*

Name Michael Riley

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

Job Title Correctional Officer Captain

Address 123 Hoover Rd  
*Street*

Phone 352-235-6323

Hollister Fl 32147  
*City State Zip*

E-mail mikeriley1970

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



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

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

1/23/12  
Meeting Date

Topic Privatization / Closure

Bill Number 2038  
(if applicable)

Name Melissa Black

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

Job Title Correctional officer

Address 13510 NE 253 LN Rd

Phone 904 364 3952

Street

Raiford

City

FL

State

32083

Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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1-23-12

Meeting Date

Topic Privatization of Correctional Facilities

Bill Number 2038  
(if applicable)

Name Frank L Young

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

Job Title ~~city bus operator~~ privatization

Address 9109 Jennifer Blvd  
Street

Phone 904-535-0199

Jacksonville, FL 32222  
City State Zip

E-mail FrankLYoung1962@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

*Meeting Date* \_\_\_\_\_

Topic Prison Privatization

Bill Number 2038  
*(if applicable)*

Name Jim. Suttles

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

Job Title DOC

Address 13583 NE 253<sup>rd</sup> Lane

Phone \_\_\_\_\_

*Street*

Reiford

FL

32083

*City*

*State*

*Zip*

E-mail sparkyncc@windstream.net

Speaking: ☐ For ☒ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

1/23/12  
Meeting Date

Topic Privatization

Bill Number 2038  
(if applicable)

Name TARA REXROAT

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

Job Title CORRECTIONAL OFFICER

Address 637 NE 9th AVE  
Street

Phone 352)219-7051

TRENTON FL 32693  
City State Zip

E-mail FLGATORGRRL300@YAHOO

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12

*Meeting Date*

Topic Prison Privization

Bill Number 2038  
*(if applicable)*

Name Shannon Hughes

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

Job Title Cosmetologist Suporter

Address 16341 SE 95th St  
*Street*

Phone 352-792-5542

Hampton FL 32044  
*City State Zip*

E-mail shanniedlynn@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1-23-12  
Meeting Date

Topic Privatization

Bill Number 2038  
(if applicable)

Name Sam Flowers

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

Job Title Retired

Address 437 Dills Rd  
Street

Phone 850 997-5437

Monticello, FL  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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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S-001 (10/20/11)

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

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

01-23-2017

*Meeting Date*

Topic PRISON PRIVATIZATION / CLOSURE

Bill Number SB2038  
*(if applicable)*

Name Hector Paul

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

Job Title Correction Officer

Address 13964 U.S HWY 90  
*Street*

Phone 904 409 0019

SANDERSON FL 32087  
*City State Zip*

E-mail gzzole39@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Myself & Family

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

*Meeting Date* \_\_\_\_\_

Topic Privatization/Closures (Prison) Bill Number SB2038  
Name Brenda Clark Amendment Barcode \_\_\_\_\_  
Job Title CO Sergeant (if applicable)

Address 18108 NE CR 1471 Phone 352 215-2552  
*Street*  
Hampton FL 32044  
*City* *State* *Zip*  
E-mail bbclark01@yahoo

Speaking: ☐ For ☒ Against ☐ Information

Representing My self and my family

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



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

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

1-23-2012  
Meeting Date

Topic Prison Privatization / Closures

Bill Number SB 2038  
(if applicable)

Name Darlene Craig

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

Job Title Correctional Officer

Address 242 SE Fox Hall Ct  
Street

Phone 386-365-2765

Lake City, FL 32025  
City State Zip

E-mail darlene.gleason@rocketmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Myself and Family

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12

Meeting Date

Topic Prison Privatization / Closures

Bill Number 2038  
(if applicable)

Name Jennifer Cook

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

Job Title ~~Law~~ Correctional Officer

Address 25335 NE 137th Trail  
Street

Phone 386-623-4437

Rainford FL 32083  
City State Zip

E-mail soccermom328@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Myself and family

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**



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

*Meeting Date* \_\_\_\_\_

Topic 2038

Bill Number 2038  
*(if applicable)*

Name Aaron Cobb

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

Job Title Correctional Officer

Address 1847 SW Jim Witt Rd  
*Street*

Phone \_\_\_\_\_

Lake City FL 32025  
*City State Zip*

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic Prison closures + privatization

Bill Number SB 2038  
(if applicable)

Name Ann Hamilton

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

Job Title Correctional Officer Sergeant

Address 23226 NW 31st Ave  
Street

Phone 904 364 9074

Lawtey, FL 32058  
City State Zip

E-mail beth.hamilton@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing My self and My family

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1/23/12

*Meeting Date*

Topic Prison Privatization Bill Number 2038  
*(if applicable)*

Name Sandra Martinez Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Senior Mental Health Clinician / Senior Behavioral Analyst

Address 2008 NW 142 Avenue Phone He (609) 218-2166  
*Street*

Gainesville, FL 32609  
*City State Zip*

E-mail Sean.mccoy.consulting@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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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S-001 (10/20/11)

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

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

1/23/12  
Meeting Date

Topic Privatization

Bill Number 2038  
(if applicable)

Name Mike Malone

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

Job Title Mental Health Specialist

Address 192 Afton Lane  
Street

Phone 904-945-4593

Jacksonville F 32259  
City State Zip

E-mail mmalone71@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1/23/2012

*Meeting Date*

Topic Privatization

Bill Number SB 2038  
*(if applicable)*

Name Jennifer Sagie, M.Ed.

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

Job Title Mental Health Specialist

Address 13701 NE 261st Circle  
*Street*

Phone (904) 386-0376

Raiford FL 32083  
*City State Zip*

E-mail runnerjenny26@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic Privatization

Bill Number 2038  
(if applicable)

Name Allen Napper

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

Job Title Correctional

Address 14539 SW 79th Way  
Street

Phone 386-246-6160

Lake Butler FL 32054  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



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

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

1-23-12  
Meeting Date

Topic Prison Closings

Bill Number 2038  
(if applicable)

Name Ciara Nipper

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

Job Title Student

Address 14539 SW 79<sup>th</sup> Way  
Street  
Lake Butler FL 32054  
City State Zip

Phone (352) 792-5783 - mom's

E-mail nipperciara@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1/23/12  
Meeting Date

Topic PRIVATIZATION

Bill Number 2038  
(if applicable)

Name STEVE MEARS

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

Job Title CITIZEN FORMER CORRECTIONAL OFFICER

Address P.O. Box 961

Phone 813 956 3875

Blountstown FL 32424  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic Privatization of Prisons

Bill Number 2038  
(if applicable)

Name Amanda Abers

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

Job Title Certified Correctional Officer

Address 6015 7th Place  
Street

Phone \_\_\_\_\_

Vero Beach FL 32968  
City State Zip

E-mail amandaabers@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

*Meeting Date* \_\_\_\_\_

Topic Prison Privatization/closures

Bill Number 2038  
*(if applicable)*

Name Jeff Allen

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

Job Title D.O.C

Address \_\_\_\_\_  
*Street*

Phone \_\_\_\_\_

Raiford FL. 32083  
*City State Zip*

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

                      
*Meeting Date*

Topic PRISON PRIVATIZATION

Bill Number 2038  
*(if applicable)*

Name THOMAS RICE

Amendment Barcode                       
*(if applicable)*

Job Title CORRECTIONAL OFFICER SERGEANT

Address 4087 NW CR 125  
*Street*

Phone (904) 769-9175

LA WTPY FL 32058  
*City State Zip*

E-mail druidlogan@embarrmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing SELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

1-23-12

*Meeting Date*

Topic Prison Privatization

Bill Number 2038  
*(if applicable)*

Name David Donahue

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

Job Title Correction Office

Address 9570 N. Colonial Way

Phone 352-489-0092

Citrus Spring FL 34434  
*City State Zip*

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic PRIVATIZATION OF CORRECTIONAL FACILITIES Bill Number 2038  
(if applicable)

Name CHARLES A KOHN Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title PRIVATIZATION

Address 715 PLAZA DR Phone 904-859-3852  
Street

ATLANTIC BEACH, FL 32233-3907 E-mail Charles.Kohn3@yahoo.com  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic SB 2038 PRIVATIZATION Bill Number SB 2038  
(if applicable)

Name ANTHONY MARCIANO Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title SERGEANT BROWARD SHERIFF'S OFFICE

Address 1351 NW 27 AVE Phone 954-831-3401  
Street  
POMPANO BEACH, FL. 33069  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



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

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

                      
*Meeting Date*

Topic Priso Privatization

Bill Number 2038  
*(if applicable)*

Name Mark Reynolds

Amendment Barcode                       
*(if applicable)*

Job Title Correctional Officer Lt.

Address 2516 Gotham Way  
*Street*

Phone 813-967-6052

Valrico FL 33596  
*City State Zip*

E-mail                     

Speaking: ☐ For ☒ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

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

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

1/23/2012

Meeting Date

Topic Against Prison Privatization

Bill Number 2038

(if applicable)

Name John Ratliff

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title Public Policy Coordinator, SEIU 1991

Address 18441 NW 2d Ave, #502

Phone 305620 6555

Street

Miami Gardens

FL

33169

City

State

Zip

E-mail john@seiu1991.org

Speaking: ☐ For ☒ Against ☐ Information

Representing SEIU Healthcare Florida Local 1991

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12

Meeting Date

Topic Privatization of Correctional Facilities Bill Number SB 2036  
Name Gayle Roberts Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Food & Nutrition Manager  
Address 2265 S.W. 33<sup>rd</sup> Way Phone 954-683-7312  
H. Lauderdale, Florida 33312 E-mail gayle.roberts@broward  
City State Zip schools.com

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

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

1-23-12

*Meeting Date*

Topic Privatization

Bill Number 2038  
*(if applicable)*

Name Jane Harris

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

Job Title \_\_\_\_\_

Address 1456 Cane Rd.  
*Street*

Phone 850-216-2943

Tallahassee FL 32305  
*City State Zip*

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

**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 Rules Committee

---

BILL: SB 894

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: October 4, 2011

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Stat. Rev.)	Phelps	RC	<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

This bill is drafted by the Division of Statutory Revision of the Office of Legislative Services to adopt the Florida Statutes 2012 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

**II. Present Situation:**

The adoption act is enacted annually during each regular session. It prospectively adopts as an official document the edition of the Florida Statutes to be published following that session and provides a 1-year curing period for any possible errors in statutory material before it becomes the best evidence of the law. Currently, all statutes material passed through the 2010 Regular Session and printed in the 2011 edition has been adopted.

**III. Effect of Proposed Changes:**

The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law. The 2012 adoption act adopts as the official statute law of the state those portions of the 2012 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2011). Portions carried forward from the 2011

edition are the official law of the state and, therefore, constitute the best evidence of the law. The portions resulting from sessions occurring subsequent to the publication of the 2011 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2011 Florida Statutes that does not appear in the 2012 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes. *See National Bank v. Williams*, 28 Fla. 305, 20 So. 931 (1896).

The 2012 adoption act will adopt all statutes material passed through the 2011 Regular Session and printed in the 2012 edition. Material passed in a session occurring since publication of the 2011 edition must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

**Other Potential Implications:**

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

**B. Amendments:**

None.

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

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By Senator Thrasher

8-00869-12

2012894

A bill to be entitled

An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2012 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2012 shall be effective immediately upon publication; providing that general laws enacted during the 2011 regular session and prior thereto and not included in the Florida Statutes 2012 are repealed; providing that general laws enacted during the 2012 regular session are not repealed by this adoption act; providing an effective date.

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

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2012 ~~2011~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 2012 ~~2011~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 2012 ~~2011~~ enacted in additional reviser's bill or bills by the 2012 ~~2011~~ Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 2012 ~~2011~~" and shall take effect

Page 1 of 2

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

8-00869-12

2012894

immediately upon publication. Said statutes may be cited as "Florida Statutes 2012 ~~2011~~," "Florida Statutes," or "F.S. 2012 ~~2011~~."

Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the 2011 ~~2010~~ regular legislative session, and every part of such statute, not included in Florida Statutes 2012 ~~2011~~, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted at the 2012 ~~November 16, 2010, special session and the 2011~~ regular session are not repealed by the adoption and enactment of the Florida Statutes 2012 ~~2011~~ by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 2012 ~~2011~~, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Section 5. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Page 2 of 2

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



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

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

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Prepared By: The Professional Staff of the Rules Committee

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BILL: SB 896

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: October 4, 2011

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Stat. Rev.)	Phelps	RC	<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

This is a general reviser's bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; and confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process. A reviser's bill cannot be amended except to delete a bill section.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 11.45, 24.113, 25.077, 98.093, 106.011, 106.07, 106.0703, 106.08, 106.143, 120.745, 121.021, 121.0515, 121.4501, 163.06, 163.3184, 163.3213, 163.3245, 163.3248, 189.421, 196.012, 212.096, 213.24, 215.198, 215.425, 218.39, 255.21, 260.0142, 287.042, 287.0947, 288.106, 288.1226, 288.706, 288.7102, 290.0401, 290.0411, 290.042, 290.044, 290.048, 311.09, 311.105, 316.302, 373.414, 376.3072, 376.86, 379.2255, 381.026, 409.9122, 409.966, 409.972, 409.973, 409.974, 409.975, 409.983, 409.984, 409.985, 420.602, 427.012, 440.45, 443.036, 443.1216, 468.841, 474.203, 474.2125, 493.6402, 499.012, 514.0315, 514.072, 526.207, 538.09, 538.25, 553.79, 590.33, 604.50, 627.0628, 627.351, 627.3511, 658.48, 667.003, 681.108, 753.03,

766.1065, 794.056, 847.0141, 893.055, 893.138, 943.25, 984.03, 985.0301, 985.14, 985.441, 1002.33, 1003.498, 1004.41, 1007.28, 1010.82, 1011.71, 1011.81, 1013.33, 1013.36, and 1013.51, F.S.; reenacts and amends s. 288.1089, F.S.

## **II. Present Situation:**

The Division of Statutory Revision, under the authority and requirements of s. 11.242, Florida Statutes, submits reviser's bills to the rules committees of both houses as needed. General reviser's bills to clean up obsolete language, update cross-references, and correct grammatical and typographical errors and the like are submitted every year.

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

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will clean up grammatical and similar errors in the Florida Statutes.

### **Other Potential Implications:**

## **IV. Constitutional Issues:**

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

None.

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

None.

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

None.

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

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

None.

### **B. Private Sector Impact:**

None.

### **C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

**B. Amendments:**

None.

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

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

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

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Prepared By: The Professional Staff of the Rules Committee

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BILL: SB 898

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: October 4, 2011

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Stat. Rev.)	Phelps	RC	<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

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**I. Summary:**

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. A reviser's bill cannot be amended except to delete a bill section.

This bill deletes statutes provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2010, by the 2009 Regular Session of the Legislature).

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 373.079 and 1004.648, F.S.; repeals: ss. 216.292(5)(b), 255.503(7)(b), 288.1088(4), 339.08(1)(n) and (p), 339.135(7)(a) and (b), 341.102(1), 403.1651(3), 445.007(10) and (11), 921.0019, 1001.451(2)(c), and 1004.226, F.S.

**II. Present Situation:**

The Division of Statutory Revision, under the authority and requirements of s. 11.242(5)(b) and (i), Florida Statutes, must remove repealed statutory provisions from the statutes text where the repeal was voted by the Legislature sitting in the current year; sections effectively repealed but

where that repeal was passed by a past-year session of the Legislature can only be omitted from the statutes text through a reviser's bill pursuant to s. 11.242(5)(i).

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

This bill will delete sections that have already been repealed by the Legislature by substantive legislation that the Division of Statutory Revision could not remove from the statutes text without the required inclusion in a reviser's bill.

#### **Other Potential Implications:**

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

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

None.

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

None.

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

None.

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

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

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

None.

### **VI. Technical Deficiencies:**

None.

### **VII. Related Issues:**

None.

**VIII. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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

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

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Prepared By: The Professional Staff of the Rules Committee

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BILL: SB 900

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: October 4, 2011

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Stat. Rev.)	Phelps	RC	<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. Responses to directives from the Legislature to make specific changes in the statutes, such as renaming a department, are also submitted to the Legislature via reviser's bills.

The Division of Statutory Revision was directed by the Legislature, in s. 12, ch. 2011-56, Laws of Florida, to replace all statutory references to the Division of Forestry with the term "Florida Forest Service."

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 121.0515, 125.27, 253.036, 258.501, 259.035, 259.036, 259.037, 259.101, 259.105, 259.10521, 260.0142, 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591, 379.226, 403.7071, 479.16, 581.1843, 589.01, 589.011, 589.012, 589.04, 589.06, 589.07, 589.071, 589.08, 589.081, 589.09, 589.10, 589.101, 589.11, 589.12, 589.13, 589.14, 589.15, 589.16, 589.18, 589.19, 589.20, 589.21, 589.26, 589.27, 589.275, 589.277, 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, 589.34, 590.01, 590.015, 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, 590.25, 590.33, 590.34, 590.35, 590.42, 591.17, 591.18, 591.19, 591.20, 591.24, 591.25, 633.115, 633.821, and 790.15, F.S.

**II. Present Situation:**

Section 12, ch. 2011-56, Laws of Florida, directed the Division of Statutory Revision to replace all statutory references to the Division of Forestry with references to the Florida Forest Service. The change conforms to the renaming of the division as the Florida Forest Service in s. 570.548, F.S., by s. 9, ch. 2011-56.

**III. Effect of Proposed Changes:**

The bill revises Florida Statutes text to conform to the directive in s. 12, ch. 2011-56, Laws of Florida, to replace statutory references to the Division of Forestry with references to the Florida Forest Service.

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.



**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

**B. Amendments:**

None.

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

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**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 Rules Committee

BILL: CS/CS/SB 206

INTRODUCER: Rules Committee; Rules Subcommittee on Ethics and Elections; Senator Negron and others

SUBJECT: Public Meetings

DATE: January 23, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	<b>Fav/CS</b>
2.	Carlton	Phelps	RC	<b>Fav/CS</b>
3.			GO	
4.				
5.				
6.				

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

- A. COMMITTEE SUBSTITUTE..... ☒ Statement of Substantial Changes  
B. AMENDMENTS..... ☐ Technical amendments were recommended  
☐ Amendments were recommended  
☐ Significant amendments were recommended

**I. Summary:**

CS/CS/SB 206 requires boards or commissions of state executive agencies or authorities and local agencies or authorities to provide members of the public a reasonable opportunity to be heard on items of significant interest at, or proximately before, meetings where official action is taken, with certain exceptions. It authorizes, and in some cases requires, the boards or commissions to adopt rules or policies to ensure the orderly conduct of public meetings.

This bill creates s. 286.0114, F.S.

**II. Present Situation:**

The Florida Constitution provides that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public. The Florida Constitution is silent concerning whether citizens who are not a party to the proceedings have a right to be heard at a meeting.

Section 286.011, F.S., also known as “the Sunshine law,” governs public meetings and records. The Sunshine law requires that all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken be open to the public at all times, unless otherwise provided in the Florida Constitution. The board or commission must provide reasonable notice of all public meetings. Public meetings may not be held in certain locations that discriminate on the basis of sex, age, race, creed, color, origin or economic status of which operates in a manner that unreasonably restricts the public’s access to the facility. Minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and be open to public inspection. The Florida Statutes are silent concerning whether citizens who are not a party to the proceedings have a right to be heard at a meeting.

To date, Florida courts have heard two cases concerning whether a member of the public has a right to be heard at a meeting when he or she is not a party to the proceedings. In *Keesler v. Community Maritime Park Associates, Inc.*, the plaintiffs sued the Community Maritime Park Associates, Inc., (“CMPA”) alleging that the CMPA violated the Sunshine law by not providing them the opportunity to speak at a meeting concerning the development of certain waterfront property. The plaintiffs argued that the phrase “open to the public” granted citizens the right to speak at public meetings. The First District Court of Appeal held:

Relying on the language in *Marston*, the trial court determined that, although the Sunshine Law requires that meetings be open to the public, the law does not give the public the right to speak at the meetings. Appellants have failed to point to any case construing the phrase “open to the public” to grant the public the right to speak, and in light of the clear and unambiguous language in *Marston* (albeit dicta), we are not inclined to broadly construe the phrase as granting such a right here.

The second case, *Kennedy v. St. Johns Water Management District*, was argued before Florida’s Fifth District Court of Appeal on October 13, 2011. At a particularly large meeting of the St. Johns Water Management District (“the District”), the overflow crowd was put in other rooms and provided a video feed of the meeting. Additionally, the District limited participation in the meeting by members of a group called “The St. Johns Riverkeeper.” Only the St. Johns Riverkeeper representative and attorney were allowed to address the District board. Mr. Kennedy, who wanted to participate in the discussion, sued arguing that the Sunshine law requires that citizens be given the opportunity to be heard. Mr. Kennedy also alleged that the St. Johns Water Management District violated the Sunshine law by failing to have a large enough facility to allow all who were interested in attending the meeting to be present in the meeting room. On October 25, 2011, the Fifth District Court of Appeal affirmed the trial court’s ruling that the District did not violate the Sunshine law as alleged.

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

CS/CS/SB 206 provides that members of the public shall be given a reasonable opportunity to be heard on a proposition before the board or commission. The opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action if the

opportunity occurs at a meeting that meets the same notice requirements as the meeting at which the board or commission will take official action on the item. Also, the opportunity to be heard must be during the decision-making process and within reasonable proximity before the meeting at which the board or commission takes official action. The Committee Substitute provides that a resolution, rule, or formal action is not binding unless the board or committee complies with the opportunity to be heard.

The opportunity to be heard is not required when a board or commission is considering:

- An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, when compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
- An official act involving no more than a ministerial act; or
- A meeting in which the board or commission is acting in a quasi-judicial capacity with respect to the rights or interests of a person, except as otherwise provided in law.

A committee or board is permitted to enact reasonable rules or policies to ensure the orderly conduct of public meetings. However, the Committee Substitute requires boards or commissions subject to the Administrative Procedures Act to adopt rules governing the opportunity to be heard. Rules or policies of a board or commission that is subject to the Administrative Procedures Act must be limited to rules or policies that:

- Limit the time that an individual has to address the board or commission;
- Require, at meetings in which a large number of individuals wish to be heard, that a representative of a group or faction on an item, rather than all of the members of the group or faction, address the board or commission; or
- Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard, to indicate his or her support, opposition, or neutrality on a proposition, and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses.

If a board or commission adopts rules or policies in compliance with the law and follows the rules or policies when providing an opportunity for the public to be heard, it is presumed that the board or commission is acting in compliance with the requirement that citizens be given the opportunity to be heard. The Committee Substitute does not create a new crime or civil penalty for failing to provide the opportunity to be heard.

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

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

None.

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

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Governmental entities may incur additional meeting related expenses because longer meetings may be required when considering items of great public interests. The amount of those potential expenses is indeterminate and will vary depending on the magnitude of each issue and the specific associated meeting requirements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS/CS by Rules Committee on January 23, 2012:**

The Committee Substitute differs from CS/SB 206 in that it: requires a reasonable opportunity to be heard; clarifies that the opportunity to be heard must occur before the agency takes action; and clarifies that there are no civil or criminal penalties for denying the opportunity to be heard on a proposition.

**CS by Rules Subcommittee on Ethics and Elections on January 11, 2012:**

The Committee Substitute differs from the original bill in that it: requires only an opportunity to be heard; clarifies that the opportunity to be heard must occur at a meeting that meets the same notice requirements as the meeting at which the board or commission will be taking action; provides that a board or commission that is subject to the Administrative Procedures Act must promulgate only rules or policies that: limit the amount of time an individual has to address the board or commission, require designation of a representative of groups or factions to address the board or commission, and allow the board or commission to adopt forms or procedures by which a member of the public

can indicate his desire to be heard, to indicate his position on the proposition, and to designate a representative for himself or his group.

**B. Amendments:**

None.

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

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803518

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Rules (Negron) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 286.0114, Florida Statutes, is created  
to read:

286.0114 Public meetings; reasonable opportunity to be  
heard; attorney fees.-

(1) Members of the public shall be given a reasonable  
opportunity to be heard on a proposition before a board or  
commission. The opportunity to be heard need not occur at the  
same meeting at which the board or commission takes official  
action on the item, if the opportunity occurs at a meeting that



803518

14 meets the same notice requirements as the meeting at which the  
15 board or commission takes official action on the item, occurs at  
16 a meeting that is during the decisionmaking process, and is  
17 within reasonable proximity before the meeting at which the  
18 board or commission takes the official action. The opportunity  
19 to be heard is subject to reasonable rules or policies adopted  
20 by the board or commission to ensure the orderly conduct of a  
21 public meeting, as provided in subsection (3).

22 (2) The requirements in subsection (1) do not apply to:

23 (a) An official act that must be taken to deal with an  
24 emergency situation affecting the public health, welfare, or  
25 safety, when compliance with the requirements would cause an  
26 unreasonable delay in the ability of the board or commission to  
27 act;

28 (b) An official act involving no more than a ministerial  
29 act; or

30 (c) A meeting in which the board or commission is acting in  
31 a quasi-judicial capacity with respect to the rights or  
32 interests of a person. This paragraph does not affect the right  
33 of a person to be heard as otherwise provided by law.

34 (3) Rules or policies of a board or commission adopted  
35 under subsection (6) must be limited to rules or policies that:

36 (a) Limit the time an individual has to address the board  
37 or commission;

38 (b) Require, at meetings in which a large number of  
39 individuals wish to be heard, that representatives of groups or  
40 factions on an item, rather than all of the members of the  
41 groups or factions, address the board or commission; or

42 (c) Prescribe procedures or forms for an individual to use





803518

43 in order to inform the board or commission of a desire to be  
44 heard, to indicate his or her support, opposition, or neutrality  
45 on a proposition, and to indicate his or her designation of a  
46 representative to speak for him or her or his or her group on a  
47 proposition if he or she so chooses.

48 (4) If a board or commission adopts rules or policies in  
49 compliance with this section and follows such rules or policies  
50 when providing an opportunity for members of the public to be  
51 heard, it is presumed that the board or commission is acting in  
52 compliance with this section.

53 (5) Whenever an action is filed against a board or  
54 commission of any state agency or authority or any agency or  
55 authority of a county, municipal corporation, or political  
56 subdivision to enforce the provisions of this section or to  
57 invalidate the actions of any such board, commission, agency, or  
58 authority which were taken in violation of this section, the  
59 court shall assess reasonable attorney fees against such agency  
60 or authority if the court determines that the defendant to such  
61 action acted in violation of this section. The court may assess  
62 reasonable attorney fees against the individual filing such an  
63 action if the court finds that the action was filed in bad faith  
64 or was frivolous. Fees may be assessed against an individual  
65 member or members of the board or commission of the agency or  
66 authority; however, if the board or commission seeks the advice  
67 of its attorney and such advice is followed, fees may not be  
68 assessed against the individual member or members of the board  
69 or commission. This subsection does not apply to a state  
70 attorney or his or her duly authorized assistants or any officer  
71 charged with enforcing the provisions of this section.



803518

(6) Each board or commission that is subject to chapter 120 shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 2. This act shall take effect July 1, 2012.

===== 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 public meetings; creating s.  
286.0114, F.S.; requiring that a member of the public  
be given a reasonable opportunity to be heard before a  
board or commission takes official action on a  
proposition before the board or commission; providing  
that the opportunity to be heard is subject to rules  
or policies adopted by the board or commission;  
specifying certain exceptions; providing requirements  
for rules or policies governing the opportunity to be  
heard; providing that compliance with the requirements  
of the act is presumed under certain circumstances;  
providing for attorney fees if an action is filed  
against a board or commission; specifying certain  
exceptions; requiring that a board or commission that  
is subject to ch. 120, F.S., adopt rules; providing an  
effective date.



676418

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Rules (Negron) recommended the following:

**Senate Amendment to Amendment (803518) (with title amendment)**

Delete lines 53 - 72  
and insert:

(5) Each board or commission that is subject to chapter 120

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

And the title is amended as follows:

Delete lines 93 - 95  
and insert:  
requiring that a board or commission that



258500

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Negron) recommended the following:

**Senate Amendment to Amendment (803518)**

Delete lines 69 - 71  
and insert:  
or commission.

By the Committee on Rules Subcommittee on Ethics and Elections;  
and Senators Negron, Gaetz, and Evers

582-01810A-12

2012206c1

A bill to be entitled  
An act relating to public meetings; amending s.  
112.3215, F.S.; conforming a cross-reference; amending  
s. 286.011, F.S.; requiring that a member of the  
public be given an opportunity to be heard before a  
board or commission takes official action on an item  
of significant interest to the public under certain  
circumstances; providing exceptions; requiring that a  
board or commission adopt rules or policies; providing  
an effective date.

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

Section 1. Paragraph (b) of subsection (8) of section  
112.3215, Florida Statutes, is amended to read:

112.3215 Lobbying before the executive branch or the  
Constitution Revision Commission; registration and reporting;  
investigation by commission.—

(8)

(b) All proceedings, the complaint, and other records  
relating to the investigation are confidential and exempt from  
the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
Constitution, and any meetings held pursuant to an investigation  
are exempt from the provisions of s. 286.011~~(4)~~ and s. 24(b),  
Art. I of the State Constitution either until the alleged  
violator requests in writing that such investigation and  
associated records and meetings be made public or until the  
commission determines, based on the investigation, whether  
probable cause exists to believe that a violation has occurred.

582-01810A-12

2012206c1

Section 2. Section 286.011, Florida Statutes, is amended to  
read:

286.011 Public meetings and records; opportunity to be  
heard; public inspection; criminal and civil penalties.—

(1) (a) All meetings of any board or commission of any state  
agency or authority or of any agency or authority of any county,  
municipal corporation, or political subdivision, except as  
otherwise provided in the Constitution, at which official acts  
are to be taken are declared to be public meetings open to the  
public at all times, and no resolution, rule, or formal action  
shall be considered binding except as taken or made at such  
meeting. The board or commission must provide reasonable notice  
of all such meetings.

(b)1. Members of the public shall be given an opportunity  
to be heard on a proposition before the board or commission. The  
opportunity to be heard need not occur at the same meeting at  
which the board or commission takes official action on the item,  
if the opportunity occurs at a meeting that meets the same  
notice requirements as the meeting at which the board or  
commission takes official action on the item, occurs at a  
meeting that is during the decisionmaking process, and is within  
reasonable proximity to the meeting at which the board or  
commission takes the official action. The opportunity to be  
heard is subject to reasonable rules or policies adopted by the  
board or commission to ensure the orderly conduct of a public  
meeting, as provided in subparagraph 3. A resolution, rule, or  
formal action is not binding unless taken or made in compliance  
with this paragraph.

2. The requirements in subparagraph 1. do not apply to:

582-01810A-12

2012206c1

59 a. An official act that must be taken to deal with an  
 60 emergency situation affecting the public health, welfare, or  
 61 safety, when compliance with the requirements would cause an  
 62 unreasonable delay in the ability of the board or commission to  
 63 act;

64 b. An official act involving no more than a ministerial  
 65 act; or

66 c. A meeting in which the board or commission is acting in  
 67 a quasi-judicial capacity with respect to the rights or  
 68 interests of a person. This sub-subparagraph does not affect the  
 69 right of a person to be heard as otherwise provided by law.

70 3. Rules or policies of a board or commission adopted under  
 71 subparagraph 5. must be limited to rules or policies that:

72 a. Limit the time an individual has to address the board or  
 73 commission;

74 b. Require, at meetings in which a large number of  
 75 individuals wish to be heard, that representatives of groups or  
 76 factions on an item, rather than all of the members of the  
 77 groups or factions, address the board or commission; or

78 c. Prescribe procedures or forms for an individual to use  
 79 in order to inform the board or commission of a desire to be  
 80 heard, to indicate his or her support, opposition, or neutrality  
 81 on a proposition, and to indicate his or her designation of a  
 82 representative to speak for him or her or his or her group on a  
 83 proposition if he or she so chooses.

84 4. If a board or commission adopts rules or policies in  
 85 compliance with this paragraph and follows such rules or  
 86 policies when providing an opportunity for members of the public  
 87 to be heard, it is presumed that the board or commission is

582-01810A-12

2012206c1

88 acting in compliance with this paragraph.

89 5. Each board or commission that is subject to chapter 120  
 90 shall adopt rules under ss. 120.536(1) and 120.54 to administer  
 91 this paragraph.

92 (2) The minutes of a meeting of any such board or  
 93 commission of any such state agency or authority shall be  
 94 promptly recorded, and such records shall be open to public  
 95 inspection. The circuit courts of this state ~~shall~~ have  
 96 jurisdiction to issue injunctions to enforce the purposes of  
 97 this section upon application by any citizen of this state.

98 (3) (a) Any public officer who violates any provision of  
 99 this section commits ~~is guilty of~~ a noncriminal infraction,  
 100 punishable by fine not exceeding \$500.

101 (b) Any person who is a member of a board or commission or  
 102 of any state agency or authority of any county, municipal  
 103 corporation, or political subdivision who knowingly violates the  
 104 provisions of this section by attending a meeting not held in  
 105 accordance with the provisions of this section commits ~~hereof is~~  
 106 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
 107 provided in s. 775.082 or s. 775.083.

108 (c) Conduct occurring ~~which occurs~~ outside the state which  
 109 would constitute a knowing violation of this section is a  
 110 misdemeanor of the second degree, punishable as provided in s.  
 111 775.082 or s. 775.083.

112 (4) Whenever an action has been filed against any board or  
 113 commission of any state agency or authority or any agency or  
 114 authority of any county, municipal corporation, or political  
 115 subdivision to enforce the provisions of this section or to  
 116 invalidate the actions of any such board, commission, agency, or

582-01810A-12

2012206c1

117 authority, which action was taken in violation of this section,  
 118 and the court determines that the defendant or defendants to  
 119 such action acted in violation of this section, the court shall  
 120 assess a reasonable attorney's fee against such agency, and may  
 121 assess a reasonable attorney's fee against the individual filing  
 122 such an action if the court finds it was filed in bad faith or  
 123 was frivolous. Any fees so assessed may be assessed against the  
 124 individual member or members of such board or commission;  
 125 provided, that in any case where the board or commission seeks  
 126 the advice of its attorney and such advice is followed, no such  
 127 fees shall be assessed against the individual member or members  
 128 of the board or commission. However, this subsection does ~~shall~~  
 129 not apply to a state attorney or his or her duly authorized  
 130 assistants or any officer charged with enforcing the provisions  
 131 of this section.

132 (5) Whenever any board or commission of any state agency or  
 133 authority or any agency or authority of any county, municipal  
 134 corporation, or political subdivision appeals any court order  
 135 that which has found the ~~said~~ board, commission, agency, or  
 136 authority to have violated this section, and such order is  
 137 affirmed, the court shall assess a reasonable attorney's fee for  
 138 the appeal against such board, commission, agency, or authority.  
 139 Any fees so assessed may be assessed against the individual  
 140 member or members of such board or commission; provided, that in  
 141 any case where the board or commission seeks the advice of its  
 142 attorney and such advice is followed, no such fees shall be  
 143 assessed against the individual member or members of the board  
 144 or commission.

145 (6) All persons subject to paragraph (1)(a) ~~subsection (1)~~

582-01810A-12

2012206c1

146 are prohibited from holding meetings at any facility or location  
 147 that which ~~which~~ discriminates on the basis of sex, age, race, creed,  
 148 color, origin, or economic status or that which ~~which~~ operates in such  
 149 a manner as to unreasonably restrict public access to such a  
 150 facility.

151 (7) Whenever any member of any board or commission of any  
 152 state agency or authority or any agency or authority of any  
 153 county, municipal corporation, or political subdivision is  
 154 charged with a violation of this section and is subsequently  
 155 acquitted, the board or commission is authorized to reimburse  
 156 the said ~~the~~ member for any portion of his or her reasonable  
 157 attorney's fees.

158 (8) Notwithstanding the provisions of paragraph (1)(a)  
 159 ~~subsection (1)~~, any board or commission of any state agency or  
 160 authority or any agency or authority of any county, municipal  
 161 corporation, or political subdivision, and the chief  
 162 administrative or executive officer of the governmental entity,  
 163 may meet in private with the entity's attorney to discuss  
 164 pending litigation to which the entity is presently a party  
 165 before a court or administrative agency, provided that the  
 166 following conditions are met:

167 (a) The entity's attorney shall advise the entity at a  
 168 public meeting that he or she desires advice concerning the  
 169 litigation.

170 (b) The subject matter of the meeting shall be confined to  
 171 settlement negotiations or strategy sessions related to  
 172 litigation expenditures.

173 (c) The entire session shall be recorded by a certified  
 174 court reporter. The reporter shall record the times of

582-01810A-12

2012206c1

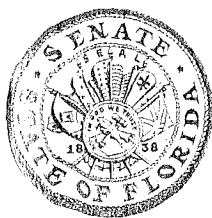
175 commencement and termination of the session, all discussion and  
176 proceedings, the names of all persons present at any time, and  
177 the names of all persons speaking. No portion of the session  
178 shall be off the record. The court reporter's notes shall be  
179 fully transcribed and filed with the entity's clerk within a  
180 reasonable time after the meeting.

181 (d) The entity shall give reasonable public notice of the  
182 time and date of the attorney-client session and the names of  
183 persons who will be attending the session. The session shall  
184 commence at an open meeting at which the persons chairing the  
185 meeting shall announce the commencement and estimated length of  
186 the attorney-client session and the names of the persons  
187 attending. At the conclusion of the attorney-client session, the  
188 meeting shall be reopened, and the person chairing the meeting  
189 shall announce the termination of the session.

190 (e) The transcript shall be made part of the public record  
191 upon conclusion of the litigation.

192 Section 3. This act shall take effect July 1, 2012.





**SENATOR JOE NEGRON**  
28th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Budget - Subcommittee on Health and Human Services  
Appropriations, *Chair*  
Budget, *Vice Chair*  
Banking and Insurance  
Communications, Energy, and Public Utilities  
Higher Education  
Reapportionment  
Rules

### SELECT COMMITTEE:

Protecting Florida's Children, *Chair*

### JOINT COMMITTEE:

Legislative Budget Commission

January 11, 2012

The Honorable John Thrasher, Chair  
Committee on Rules  
402 Senate Office Building  
404 S Monroe Street  
Tallahassee, FL 32399-1100

Re: Senate Bill 206

Dear Chairman Thrasher:

I would like to request Senate Bill 206 relating to public meetings be placed on the agenda for the next scheduled committee meeting.

Thank you, in advance, for your consideration of this request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joe Negron", enclosed within an oval shape.

Joe Negron  
State Senator  
District 28

JN/hd

c: John Phelps, Staff Director

### REPLY TO:

- ☐ 3500 SW Corporate Parkway, Suite 204, Palm City, Florida 34990 (772) 219-1665
- ☐ 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5088

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

**MIKE HARIDOPOLOS**  
President of the Senate

**MICHAEL S. "MIKE" BENNETT**  
President Pro Tempore

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

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

1/23/12  
*Meeting Date*

Topic \_\_\_\_\_

Bill Number SB 206  
*(if applicable)*

Name Kraig Conn

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

Job Title \_\_\_\_\_

Address 301 S. Branch  
*Street*  
Tall. FL. 32301  
*City State Zip*

Phone 222 9684

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

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 (10/20/11)

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

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

1-23-12  
Meeting Date

Topic PUBLIC MEETINGS Bill Number 206  
(if applicable)

Name DAVID CULLEN Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 1674 UNIVERSITY PKWY #296 Phone 941-323-2404  
Street  
SARASOTA FL 34243 E-mail cullen@seae  
City State Zip  
aol.com

Speaking: ☒ For ☐ Against ☐ Information

Representing SIERRA CLUB FLORIDA

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

I MUST BE AT A MEETING AT 3 PM PLEASE RECORD SIERRA

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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. AS WRITING IN SUPPORT S-001 (10/20/11)

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

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

1/23/12  
Meeting Date

Topic Public Meetings

Bill Number SB 206  
(if applicable)

Name CURT Kiser

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

Job Title Gen. Counsel

Address 5385 WPA Rd  
Street

Phone 850-413-6189

Lamont Fl. 32336  
City State Zip

E-mail ckiser@psc.fl.state.us

Speaking: ☐ For ☐ Against ☒ Information

Representing PSC

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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 (10/20/11)

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

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

1 / 23 / 2012

*Meeting Date*

Topic \_\_\_\_\_ Bill Number 206  
*(if applicable)*

Name BRIAN PITTS Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH Phone 727/897-9291  
*Street*

SAINT PETERSBURG FLORIDA 33705  
*City State Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☒ For ☐ Against ☒ Information  
*in part*

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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 (10/20/11)

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

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

11/23/12  
Meeting Date

Topic PUBLIC MEETINGS

Bill Number 206  
(if applicable)

Name KATHY TILL

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

Job Title COMMISSIONER

Address 120 E. MAIN ST.

Phone 407-484-3597

Street

APOKA

FL

32704

City

State

Zip

E-mail kathyspud@aol.com

Speaking: ☐ For ☐ Against ☒ Information

Representing CITY OF APOKA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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 (10/20/11)

**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 Rules Committee

BILL: CS/SB 98

INTRODUCER: Judiciary Committee and Senator Siplin

SUBJECT: Education

DATE: January 19, 2012

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brown</u>	<u>deMarsh-Mathues</u>	<u>ED</u>	<b>Fav/1 amendment</b>
2. <u>O'Connor</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
3. <u>O'Connor</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

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

- |                              |  |   |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>                   | Technical amendments were recommended   |
|                              | <input type="checkbox"/>                   | Amendments were recommended             |
|                              | <input type="checkbox"/>                   | Significant amendments were recommended |

**I. Summary:**

This bill permits district school boards to adopt resolutions that allow student volunteers to deliver inspirational messages, including but not limited to, prayers of invocation or benediction, at secondary school level gatherings, such as at commencements or other noncompulsory student assemblies.

If adopted, the resolution must provide that:

- The use of an inspirational message is at the discretion of the student government;
- All inspirational messages will be given by student volunteers, and the content of any inspirational message will be at the discretion of the student volunteer; and
- School personnel may not participate in, or otherwise influence any student in determining whether to use a prayer of invocation or benediction, participate in selecting the student volunteer, or influence the content of the inspirational message.

This bill creates an undesignated section of the Florida Statutes.

## II. Present Situation:

On August 27, 2008, the American Civil Liberties Union filed a lawsuit in the United States District Court for the Northern District of Florida against the Santa Rosa County School District, alleging that prayers in school were state-sponsored and violative of the Establishment Clause and the no-aid provision of the state constitution.<sup>1</sup> On May 6, 2009, the parties entered a consent decree and the court issued an order which provided, in part, for permanent injunction against school officials from:

- Promoting, advancing, endorsing, or causing prayers in conjunction with school events;
- Planning, organizing, promoting, or sponsoring religious services;
- Holding school events at a religious venue when an alternative venue is reasonably suitable which is not a religious venue; and
- Permitting school officials to promote personal religious beliefs.

Subsequent to the issuance of the consent decree, a contempt order was issued by the court against two school officials for violation of the decree, with the possible punishment of jail time and fines.<sup>2</sup> On September 17, 2009, the court found the school officials not guilty.<sup>3</sup> Plaintiff teachers and other staff challenged the consent decree in U.S. District Court, alleging violations of their First Amendment rights.<sup>4</sup> On March 21, 2011, the court issued an order that granted, in part, a preliminary injunction enjoining the school board from enforcing school policies restricting employee participation in private religious services, including baccalaureate services. On July 5, 2011, the school board approved an agreement between the parties, which ended the case, and entered into an amended consent decree, effectively clarifying the original decree.<sup>5</sup>

The 2010 Legislature passed a bill that prohibits district school boards and administrative and instructional personnel from taking affirmative action, including entering into agreements that infringe First Amendment rights of personnel or students, unless waived in writing by any individual whose constitutional rights would be impacted.<sup>6</sup>

## III. Effect of Proposed Changes:

This bill authorizes, but does not require, district school boards to adopt resolutions that allow student volunteers to deliver inspirational messages, including but not limited to prayers of invocation or benediction, at secondary school commencement exercises or other noncompulsory student assemblies.

If adopted, the resolution must provide that:

---

<sup>1</sup> *Doe v. School Board for Santa Rosa County, Florida* (N.D. Fla. 2008) (Case Number 3:08-cv-361/MCR/EMT).

<sup>2</sup> *Florida School Officials Get Jail Time* (Sept. 17, 2009), available at [www.cnn.com/2009/CRIME/09/17/florida.school.prayer/index.html](http://www.cnn.com/2009/CRIME/09/17/florida.school.prayer/index.html) (last visited Jan. 3, 2012).

<sup>3</sup> *Lay, Freeman Not Guilty In School Prayer Case* (Sept. 17, 2009), available at <http://www.northescambia.com/?p=10943>; (last visited Jan. 3, 2012).

<sup>4</sup> *Mary E. Allen v. School Board for Santa Rosa County, Florida* (N.D. Fla. 2009) (Case Number 3:10-cv-00142-MCR-CJK).

<sup>5</sup> Settlement Agreement, Waiver and Release, filed with the court on July 1, 2011.

<sup>6</sup> Chapter 2010-214, L.O.F.; s. 1003.4505, F.S.



- The use of an inspirational message is at the discretion of the student government;
- All inspirational messages will be given by student volunteers, and the content of any inspirational message will be at the discretion of the student volunteer; and
- School personnel may not participate in, or otherwise influence any student in determining whether to use a prayer of invocation or benediction, participate in selecting the student volunteer, or influence the content of the inspirational message.

This bill identifies as its purpose the provision of the solemnization and memorialization of secondary school events and ceremonies, rather than to advance or endorse any religion or religious belief.

The bill provides an effective date of July 1, 2012.

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

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

None.

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

None.

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

None.

##### **D. Other Constitutional Issues:**

The First Amendment to the United States Constitution provides, in part:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....

This first clause is typically referred to as the Establishment Clause.

Section 3, Article I, of the State Constitution provides:

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof.... No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

In 1962, the U.S. Supreme Court indicated that evidence of direct government compulsion is not required in an Establishment Clause case (as would generally be the case for Free Exercise claims.) In *Engel v. Vitale*, the court found impermissible daily prayer in schools, regardless of whether students

were specifically and individually required to participate, on the basis that prayer in elementary and secondary schools carries particular risk of indirect coercion.<sup>7</sup>

In 1971, the U.S. Supreme Court established the seminal test for Establishment Clause cases, in *Lemon v. Kurtzman*, which requires that the following be demonstrated for constitutionality:

- The statute must contain a secular purpose;
- The statute's principal or primary effect is one that neither advances nor inhibits religion; and
- The statute must not foster excessive government entanglement with religion.<sup>8</sup>

The last prong remains the critical focus of the test.<sup>9</sup>

In 1992, however, the Supreme Court did not apply the *Lemon* test to *Lee v. Weisman*, a case involving endorsement of nonsectarian prayer and emphasized, instead, indicia of whether government actions constituted a pervasive degree of involvement, commonly referred to as the Coercion Test.<sup>10</sup> Here, that school officials decided themselves to have prayer at commencement, selected clergy, and influenced speech content by providing a pamphlet to the clergy with guidelines for nonsectarian prayer, the court determined, rose to the level of impermissible pervasive activity.<sup>11</sup> Although asserted that attendance was voluntary, the very monumental nature of a graduation made student participation mandatory.

In *Santa Fe Independent School District v. Doe*, the U.S. Supreme Court ruled that school district policy that authorized student-led, student-initiated invocations at football games did not constitute private speech.<sup>12</sup> In this case, the policy authorized student elections to determine whether invocations should be provided at games, and if so, who should deliver the invocation.<sup>13</sup> The District Court limited the policy to nonsectarian, nonproselytizing prayer. In finding the lower court's modified policy unconstitutional, the Supreme Court applied a hybrid *Lemon/Lee* test and determined that a policy that expressly authorizes prayer at all promotes religion, constitutes unlawful coercion, and is therefore facially unconstitutional:

Indeed, the only type of message that is expressly endorsed in the [policy] is an "invocation," a term which primarily describes an appeal for divine assistance.

....

<sup>7</sup> *Engel v. Vitale*, 370 U.S. 421, 430-31 (1962).

<sup>8</sup> 403 U.S. 602, 612-13 (1971).

<sup>9</sup> John P. Cronan, *A Political Process Argument for the Constitutionality of Student-Led, Student-Initiated Prayer*, 18 YALE L. & POL'Y REV. 503, 510 (2000).

<sup>10</sup> 505 U.S. 577, 587 (1992).

<sup>11</sup> *Id.* at 587-88.

<sup>12</sup> 530 U.S. 290 (2000).

<sup>13</sup> *Id.* at 297-98.

... Through its election scheme, the District has established a government mechanism that turns the school into a forum for religious debate. It further empowers the student body majority...to subject students of minority views to constitutionally improper messages.<sup>14</sup>

In 2001, in *Adler v. State*, the Eleventh Circuit Court of Appeals reviewed a Duval County school district policy that permitted a graduating student, elected by her class, to give a message unrestricted by the school,<sup>15</sup> which policy specifically stated in part:

1. The use of a brief opening and/or closing message, not to exceed two minutes, at high school graduation exercises shall rest within the discretion of the graduating senior class;
2. The opening and/or closing message shall be given by a student volunteer, in the graduating senior class, chosen by the graduating senior class as a whole;
3. If the graduating senior class chooses to use an opening and/or closing message, the content of that message shall be prepared by the student volunteer and...not be monitored or...reviewed by Duval County School Board, its officers or employees;

The purpose of these guidelines is to allow students to direct their own graduation message *without monitoring or review by school officials*.<sup>16</sup>

Here, the court held that as this policy was neutral on-its-face and did not involve any degree of state control, it was facially constitutional.<sup>17</sup>

Although it is difficult to gauge how this bill may be implemented in practice, a Duval County-type policy, which authorizes a student message to be delivered at graduation but does not mention prayer, and prohibits school review of content, likely presents the strongest case for constitutionality. At the other end of the continuum, a school district policy that allows students to decide if they want a student-led prayer to be delivered at a school event similar to *Santa Fe* may be constitutionally suspect. Less certain outcomes exist for other factual combinations. The fact that this bill references only the secondary, rather than the K-12 setting, is likely inconsequential.

## V. Fiscal Impact Statement:

### A. Tax/Fee Issues:

None.

---

<sup>14</sup> *Id.* at 306-07, 316.

<sup>15</sup> 250 F. 3d 1330 (11th Cir. 2001).

<sup>16</sup> *Id.* at 1332.

<sup>17</sup> *Id.* at 1333.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill authorizes, but does not require, school boards to adopt policies addressing inspirational messages. Therefore, any fiscal impact related to policy drafting and adoption is expected to be insignificant.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. 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 January 12, 2012**

The Committee Substitute:

- Provides that inspirational messages delivered by student volunteers may include, but are not limited to, prayers of invocation or benediction;
- Provides that the subject of the inspirational message will be at the discretion of the student volunteer;
- Removes language that the message must be nonsectarian and nonproselytizing; and
- Clarifies that school personnel may not influence the content of the inspirational message or the selection of the student volunteer.

**B. Amendments:**

None.

By the Committee on Judiciary; and Senators Siplin and Evers

590-01845-12

201298c1

A bill to be entitled

An act relating to education; authorizing district school boards to adopt resolutions that allow inspirational messages, including, but not limited to, prayers of invocation or benediction, at secondary school events; providing requirements to be included in the resolution; providing legislative intent; providing for severability; providing an effective date.

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

Section 1. Any district school board may adopt a resolution allowing the use of an inspirational message, including, but not limited to, prayers of invocation or benediction, at secondary school commencement exercises or any other noncompulsory student assembly. The resolution must provide that:

(1) The use of an inspirational message is at the discretion of the student government.

(2) All inspirational messages will be given by student volunteers, and the content of any inspirational message will be at the discretion of the student volunteer.

(3) School personnel may not:

(a) Participate in, or otherwise influence any student in, determining whether to use a prayer of invocation or benediction as an inspirational message;

(b) Participate in selecting which student volunteer will give an inspirational message; or

(c) Influence the content of an inspirational message.

Page 1 of 2

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

590-01845-12

201298c1

Section 2. The purpose of this act is to provide for the solemnization and memorialization of secondary school events and ceremonies, and this act is not intended to advance or endorse any religion or religious belief.

Section 3. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 4. This act shall take effect July 1, 2012.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

RECEIVED

JAN 17 2012

SENATE  
RULES COMMITTEE

**To:** Senator John Thrasher, Chair  
Committee on Rules

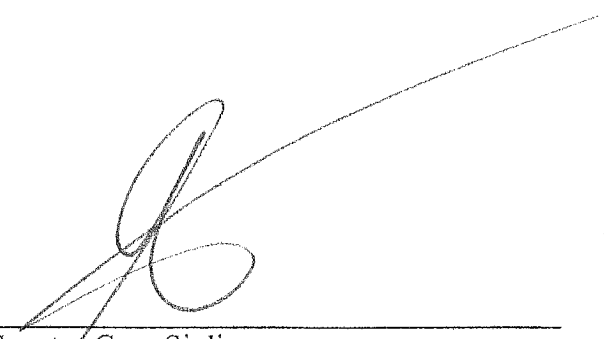
**Subject:** Committee Agenda Request

**Date:** January 17, 2012

---

I respectfully request that **Senate Bill #98**, relating to Education, be placed on the:

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



---

Senator Gary Siplin  
Florida Senate, District 19

cc: John Phelps, Staff Director

## THE FLORIDA SENATE

## APPEARANCE RECORD

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

1/23/2012  
Meeting Date

Topic \_\_\_\_\_

Bill Number SB 98

(if applicable)

Name Pamela Burch Fort

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title Legislative ConsultantAddress 104 S. Monroe

Street

Tallahassee FL 32301

City

State

Zip

Phone 850-425-1344E-mail TcgLobby@aol.comSpeaking: ☐ For ☒ Against ☐ InformationRepresenting ACHUAppearing 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 (10/20/11)

## THE FLORIDA SENATE

## APPEARANCE RECORD

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

1/23/2012

Meeting Date

Topic \_\_\_\_\_

Bill Number 98

(if applicable)

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title TRUSTEEAddress 1119 NEWTON AVENUE SOUTH

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

Phone 727/897-9291E-mail JUSTICE2JESUS@YAHOO.COMSpeaking: ☒ For ☐ Against ☒ InformationRepresenting JUSTICE-2-JESUSAppearing 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 (10/20/11)

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

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

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Prepared By: The Professional Staff of the Rules Committee

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BILL: SPB 7178

INTRODUCER: For consideration by the Committee on Rules

SUBJECT: An act relating to reorganization of divisions within the Office of Legislative Services

DATE: January 19, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton/Jenkins	Phelps	RC	<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

---

**I. Summary:**

The President of the Florida Senate and the Speaker of the Florida House of Representatives have authorized certain organizational changes within the Office of Legislative Services (“OLS”). To effect the organizational changes, SPB 7178 replaces statutory references to the Division of Legislative Information Services and the Division of Statutory Revision with references to the Office of Legislative Services.

This bill amends the following sections of the Florida Statutes: s.11.045, F.S., s. 11.0455, F.S., s. 11.242, F.S., s. 112.3148, F.S., and s. 119.15, F.S.

**II. Present Situation:**

The Office of Legislative Services (“OLS”) is a joint legislative committee responsible for providing support services that the President of the Senate and the Speaker of the House of Representatives deem to be necessary and that can be effectively and efficiently provided jointly to both houses.<sup>1</sup> OLS is created in s. 11.147, F.S., and is governed by Rule 3 of the Joint Rules of the Florida Legislature.

The President of the Senate and the Speaker of the House of Representatives have approved a reorganization of OLS as part of a streamlining and cost-saving effort. As a result of the reorganization, the two divisions would be formally merged within OLS. The merger will conform to structure used in other states, streamline functions, and eliminate overlapping duties. Efficiencies will be achieved through staff cross-training, enabling support of other work units

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<sup>1</sup> s. 11.147(1), F.S.



within the newly merged division without any loss of functionality of services and support to the House and Senate. One managerial-level position will be eliminated. In order to effect the reorganization, the following provisions of current law require amendment:

- Section 11.045, F.S., requiring legislative lobbyists to file their registration papers, cancellation notices, and compensation reports with the Division of Legislative Information Services within the Office of Legislative Services;
- Section 11.0455(2), F.S., relating to the Division of Legislative Information Services' electronic filing system for legislative lobbyist compensation reports and other information;
- Section 11.242, F.S., relating to the powers, duties, and functions of the Office of Legislative Services and the Division of Statutory Revision in the operation and maintenance of the statutory revision program;
- Section 112.3148(5)(b), F.S., requiring certain gift disclosures to be made to the Division of Legislative Information Services in the Office of Legislative Services; and,
- Section 119.15(5), F.S., requiring the Division of Statutory Revision to certify to the President of the Senate and Speaker of the House of Representatives citations of each public meeting and/or public records exemption scheduled for repeal if not reenacted during the following year.

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

SPB 7178 removes statutory references to the Division of Legislative Information Services and the Division of Statutory Revision in favor of references to the Office of Legislative Services to effect the reorganization. As a result of these changes:

- The provisions concerning lobbyist registration and compensation reports in s. 11.045, F.S., and OLS functions related thereto, would refer to the Office of Legislative Services or the "office" instead of the Division of Legislative Information Services or "division;"
- The provisions relating to the electronic filing requirements for legislative lobbyists and other information in s. 11.0455, F.S., would refer to the Office of Legislative Services or the "office" instead of the Division of Legislative Information Services or "division;"
- The provision concerning gift disclosures in s. 112.3148, F.S., certain gift reports would be filed with the Office of Legislative Services, rather than the Division of Legislative Information Services in the Office of Legislative Services; and,
- The provisions concerning legislative review of exemptions from public meetings and/or public records requirements would require the Office of Legislative Services, rather than the Division of Statutory Revision, to certify to the President of the Senate and Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal if not reenacted during the following year.

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

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

While it is possible that the reorganization will have a cost-saving effect, the amount of the potential cost-savings is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill will require conforming changes to the Joint Rules of the Florida Legislature. It may also require conforming changes to the Rules of the Florida Senate and the Rules of the Florida House of Representatives.

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

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

None.

**B. Amendments:**

None.

FOR CONSIDERATION By the Committee on Rules

595-01950B-12

20127178

A bill to be entitled

An act relating to the Office of Legislative Services; amending ss. 11.045 and 11.0455, and 112.3148, F.S.; providing for duties related to the registration and reporting of legislative lobbyists to be conducted by the office rather than the Division of Legislative Information Services within the office; amending s. 11.242, F.S.; providing that certain content relating to the published edition of the Florida Statutes be determined by the office rather than the Division of Statutory Revision within the office; amending s. 112.3148, F.S.; conforming provisions to changes made by the act; amending s. 119.15, F.S.; requiring that the office, rather than the Division of Statutory Revision, certify to the Legislature public records and public meetings exemptions that are scheduled for repeal; providing an effective date.

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

Section 1. Paragraphs (c) through (h) of subsection (1), paragraph (c) of subsection (2), and paragraphs (a), (b), and (d) of subsection (3) of section 11.045, Florida Statutes, are reordered and amended to read:

11.045 Lobbying before the Legislature; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(h)(e) "Office Division" means the Division of Legislative

595-01950B-12

20127178

~~Information Services within the~~ Office of Legislative Services.

(c)(d) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term ~~"expenditure"~~ does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

(d)(e) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter that ~~which~~ may be the subject of action by, either house of the Legislature or any committee thereof.

(e)(f) "Lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(f)(g) "Lobbying firm" means any business entity, including an individual contract lobbyist, which ~~that~~ receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(g)(h) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration,

595-01950B-12 20127178

59 for the purpose of lobbying, or a person who is principally  
60 employed for governmental affairs by another person or  
61 governmental entity to lobby on behalf of that other person or  
62 governmental entity.

63 (2) Each house of the Legislature shall provide by rule, or  
64 may provide by a joint rule adopted by both houses, for the  
65 registration of lobbyists who lobby the Legislature. The rule  
66 may provide for the payment of a registration fee. The rule may  
67 provide for exemptions from registration or registration fees.  
68 The rule shall provide that:

69 (c) A registrant shall promptly send a written statement to  
70 the office division canceling the registration for a principal  
71 upon termination of the lobbyist's representation of that  
72 principal. ~~However Notwithstanding this requirement, the office~~  
73 ~~division~~ may remove the name of a registrant from the list of  
74 registered lobbyists if the principal notifies the office that a  
75 person is no longer authorized to represent that principal.

76 (3) Each house of the Legislature shall provide ~~by rule~~ the  
77 following reporting requirements by rule:

78 (a)1. Each lobbying firm shall file a compensation report  
79 with the office division for each calendar quarter during any  
80 portion of which one or more of the firm's lobbyists were  
81 registered to represent a principal. The report must ~~shall~~  
82 include the:

83 a. Full name, business address, and telephone number of the  
84 lobbying firm;

85 b. Name of each of the firm's lobbyists; and

86 c. Total compensation provided or owed to the lobbying firm  
87 from all principals for the reporting period, reported in one of

595-01950B-12 20127178

88 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;  
89 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to  
90 \$999,999; \$1 million or more.

91 2. For each principal represented by one or more of the  
92 firm's lobbyists, the lobbying firm's compensation report must  
93 ~~shall~~ also include the:

94 a. Full name, business address, and telephone number of the  
95 principal; and

96 b. Total compensation provided or owed to the lobbying firm  
97 for the reporting period, reported in one of the following  
98 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to  
99 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or  
100 more. If the category "\$50,000 or more" is selected, the  
101 specific dollar amount of compensation must be reported, rounded  
102 up or down to the nearest \$1,000.

103 3. If the lobbying firm subcontracts work from another  
104 lobbying firm and not from the original principal:

105 a. The lobbying firm providing the work to be subcontracted  
106 shall be treated as the reporting lobbying firm's principal for  
107 reporting purposes under this paragraph; and

108 b. The reporting lobbying firm shall, for each lobbying  
109 firm identified under subparagraph 2., identify the name and  
110 address of the principal originating the lobbying work.

111 4. The senior partner, officer, or owner of the lobbying  
112 firm shall certify to the veracity and completeness of the  
113 information submitted pursuant to this paragraph.

114 (b) For each principal represented by more than one  
115 lobbying firm, the office division shall aggregate the  
116 reporting-period and calendar-year compensation reported as

595-01950B-12 20127178\_\_

117 provided or owed by the principal.

118 (d) Each house of the Legislature shall provide by rule, or

119 both houses may provide by joint rule, a procedure by which a

120 lobbying firm that fails to timely file a report shall be

121 notified and assessed fines. The rule must ~~shall~~ provide for the

122 following:

123 1. Upon determining that the report is late, the person

124 designated to review the timeliness of reports shall immediately

125 notify the lobbying firm as to the failure to timely file the

126 report and that a fine is being assessed for each late day. The

127 fine shall be \$50 per day per report for each late day, not to

128 exceed \$5,000 per report.

129 2. Upon receipt of the report, the person designated to

130 review the timeliness of reports shall determine the amount of

131 the fine due based upon the earliest of the following:

132 a. When a report is actually received by the lobbyist

133 registration and reporting office.

134 b. When the electronic receipt issued pursuant to s.

135 11.0455 is dated.

136 3. Such fine must ~~shall~~ be paid within 30 days after the

137 notice of payment due is transmitted by the Lobbyist

138 Registration Office, unless appeal is made to the office

139 ~~division~~. The moneys shall be deposited into the Legislative

140 Lobbyist Registration Trust Fund.

141 4. A fine may ~~shall~~ not be assessed against a lobbying firm

142 the first time any reports for which the lobbying firm is

143 responsible are not timely filed. However, to receive the one-

144 time fine waiver, all reports for which the lobbying firm is

145 responsible must be filed within 30 days after notice that any

595-01950B-12 20127178\_\_

146 reports have not been timely filed is transmitted by the

147 Lobbyist Registration Office. A fine shall be assessed for any

148 subsequent late-filed reports.

149 5. Any lobbying firm may appeal or dispute a fine, based

150 upon unusual circumstances surrounding the failure to file on

151 the designated due date, and may request and is ~~shall be~~

152 entitled to a hearing before the General Counsel of the Office

153 of Legislative Services, who shall recommend to the President of

154 the Senate and the Speaker of the House of Representatives, or

155 their respective designees, that the fine be waived in whole or

156 in part for good cause shown. The President of the Senate and

157 the Speaker of the House of Representatives, or their respective

158 designees, may concur in the recommendation and waive the fine

159 in whole or in part. Any such request must ~~shall~~ be made within

160 30 days after the notice of payment due is transmitted by the

161 Lobbyist Registration Office. In such case, the lobbying firm

162 shall, within the 30-day period, notify the person designated to

163 review the timeliness of reports in writing of his or her

164 intention to request a hearing.

165 6. A lobbying firm may request that the filing of a report

166 be waived upon good cause shown, based on unusual circumstances.

167 The request must be filed with the General Counsel of the Office

168 of Legislative Services, who shall make a recommendation

169 concerning the waiver request to the President of the Senate and

170 the Speaker of the House of Representatives. The President of

171 the Senate and the Speaker of the House of Representatives may

172 grant or deny the request.

173 7. All lobbyist registrations for lobbyists who are

174 partners, owners, officers, or employees of a lobbying firm that

595-01950B-12 20127178\_\_

175 fails to timely pay a fine are automatically suspended until the  
176 fine is paid or waived, and the office ~~division~~ shall promptly  
177 notify all affected principals of any suspension or  
178 reinstatement.

179 8. The person designated to review the timeliness of  
180 reports shall notify the coordinator ~~director~~ of the office  
181 ~~division~~ of the failure of a lobbying firm to file a report  
182 after notice or of the failure of a lobbying firm to pay the  
183 fine imposed.

184 Section 2. Subsections (2), (4), and (5), paragraph (a) of  
185 subsection (6), and subsection (7) of section 11.0455, Florida  
186 Statutes, are amended to read:

187 11.0455 Electronic filing of compensation reports and other  
188 information.—

189 (2) Each lobbying firm that is required to file reports  
190 with the Office ~~Division~~ of Legislative Information Services  
191 pursuant to s. 11.045 must file such reports with the office  
192 ~~division~~ by means of the office's ~~division's~~ electronic filing  
193 system.

194 (4) Each report filed pursuant to this section is deemed  
195 ~~considered~~ to meet the certification requirements of s.  
196 11.045(3)(a)4., and as such subjects the person responsible for  
197 filing and the lobbying firm to the provisions of s. 11.045(7)  
198 and (8). Persons given a secure sign-on to the electronic filing  
199 system are responsible for protecting it from disclosure and are  
200 responsible for all filings using such credentials, unless they  
201 have notified the office ~~division~~ that their credentials have  
202 been compromised.

203 (5) The electronic filing system developed by the office

595-01950B-12 20127178\_\_

204 ~~division~~ must:

205 (a) Be based on access by means of the Internet.

206 (b) Be accessible by anyone with Internet access using  
207 standard web-browsing software.

208 (c) Provide for direct entry of compensation report  
209 information as well as upload of such information from software  
210 authorized by the office ~~division~~.

211 (d) Provide a method that prevents unauthorized access to  
212 electronic filing system functions.

213 (6) Each house of the Legislature shall provide by rule, or  
214 may provide by a joint rule adopted by both houses, procedures  
215 to implement and administer this section, including, but not  
216 limited to:

217 (a) Alternate filing procedures in case the office's  
218 ~~division's~~ electronic filing system is not operable.

219 (7) Each house of the Legislature shall provide by rule  
220 that the office ~~division~~ make all the data filed available on  
221 the Internet in an easily understood and accessible format. The  
222 Internet website must ~~shall~~ also include, but not be limited to,  
223 the names and business addresses of lobbyists, lobbying firms,  
224 and principals, the affiliations between lobbyists and  
225 principals, and the classification system designated and  
226 identified by each principal pursuant to s. 11.045(2).

227 Section 3. Paragraph (d) of subsection (4) of section  
228 11.242, Florida Statutes, is amended to read:

229 11.242 Powers, duties, and functions as to statutory  
230 revision.—The powers, duties, and functions of the Office of  
231 Legislative Services in the operation and maintenance of a  
232 statutory revision program shall be as follows:

595-01950B-12 20127178

233 (4) The published edition of the Florida Statutes shall  
234 contain the following:

235 (d) Such other matters, notes, data, and other material as  
236 may be deemed necessary or admissible by the ~~Division of~~  
237 ~~Statutory Revision of the~~ Office of Legislative Services for  
238 reference, convenience, or interpretation.

239 Section 4. Paragraph (b) of subsection (5) of section  
240 112.3148, Florida Statutes, is amended to read:

241 112.3148 Reporting and prohibited receipt of gifts by  
242 individuals filing full or limited public disclosure of  
243 financial interests and by procurement employees.-

244 (5)

245 (b) However, a person who is regulated by this subsection,  
246 who is not regulated by subsection (6), and who makes, or  
247 directs another to make, an individual gift having a value in  
248 excess of \$25, but not in excess of \$100, other than a gift that  
249 ~~which~~ the donor knows will be accepted on behalf of a  
250 governmental entity or charitable organization, must file a  
251 report on the last day of each calendar quarter, for the  
252 previous calendar quarter in which a reportable gift is made.  
253 The report shall be filed with the Commission on Ethics, except  
254 with respect to gifts to reporting individuals of the  
255 legislative branch, in which case the report shall be filed with  
256 the ~~Division of Legislative Information Services in the~~ Office  
257 of Legislative Services. The report must contain a description  
258 of each gift, the monetary value thereof, the name and address  
259 of the person making such gift, the name and address of the  
260 recipient of the gift, and the date such gift is given. In  
261 addition, if ~~when~~ a gift is made which requires the filing of a

595-01950B-12 20127178

262 report under this subsection, the donor must notify the intended  
263 recipient at the time the gift is made that the donor, or  
264 another on his or her behalf, will report the gift under this  
265 subsection. Under this paragraph, a gift need not be reported by  
266 more than one person or entity.

267 Section 5. Subsection (5) of section 119.15, Florida  
268 Statutes, is amended to read:

269 119.15 Legislative review of exemptions from public meeting  
270 and public records requirements.-

271 (5) (a) By June 1 in the year before the repeal of an  
272 exemption under this section, the ~~Division of Statutory Revision~~  
273 ~~of the~~ Office of Legislative Services shall certify to the  
274 President of the Senate and the Speaker of the House of  
275 Representatives the language and statutory citation of each  
276 exemption scheduled for repeal the following year.

277 (b) An ~~Any~~ exemption that is not identified and certified  
278 to the President of the Senate and the Speaker of the House of  
279 Representatives is not subject to legislative review and repeal  
280 under this section. If the office division ~~fails to~~ certify an  
281 exemption that it subsequently determines should have been  
282 certified, it shall include the exemption in the following  
283 year's certification after that determination.

284 Section 6. This act shall take effect upon becoming a law.