

CS/CS/SB 242 by JU, CM, Detert; (Similar to CS/H 0151) Security of a Protected Consumer's Information

171494	A	S	RCS	GO, Simmons	Delete L.242 - 246:	02/20 11:03 AM
354110	A	S	RCS	GO, Simmons	Delete L.248:	02/20 11:03 AM

SB 256 by Garcia; (Similar to H 0111) Public Records/Forensic Behavioral Health Evaluation

751818	A	S		GO, Bradley	Delete L.17:	02/19 08:42 AM
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SPB 7034 by GO; Citizen Support and Direct-support Organizations

707368	A	S	FAV	GO, Ring	Delete L.237 - 245:	02/20 11:03 AM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Ring, Chair
Senator Hays, Vice Chair

MEETING DATE: Thursday, February 20, 2014
TIME: 9:00 —11:00 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Ring, Chair; Senator Hays, Vice Chair; Senators Bean, Benacquisto, Bradley, Hukill, Montford, Simmons, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 242 Judiciary / Commerce and Tourism / Detert (Similar CS/H 151)	Security of a Protected Consumer's Information; Citing this act as the "Keeping I.D. Safe (KIDS) Act"; authorizing the representative of a protected consumer to place a security freeze on a protected consumer's consumer report or record; prohibiting a consumer reporting agency from stating or implying that a security freeze reflects a negative credit history or rating; requiring a consumer reporting agency to remove a security freeze under specified conditions, etc. CM 11/04/2013 Fav/CS JU 01/14/2014 Fav/CS GO 02/20/2014 Fav/CS	Fav/CS Yeas 8 Nays 0
2	SB 256 Garcia (Similar H 111)	Public Records/Forensic Behavioral Health Evaluation; Creating an exemption from public records requirements for a forensic behavioral health evaluation filed with a court; providing a statement of public necessity, etc. CJ 12/09/2013 Favorable GO 01/16/2014 Temporarily Postponed GO 02/20/2014 Not Considered RC	Not Considered
Consideration of proposed committee bill:			
3	SPB 7034	Citizen Support and Direct-support Organizations; Providing for future review and repeal of provisions authorizing the Florida Commission on Community Service to establish and operate a direct-support organization; providing for future review and repeal of the direct-support organization established within the Department of Legal Affairs; requiring citizen support and direct-support organizations to annually submit certain information to the appropriate agency; requiring each agency receiving such information to post submissions on the agency's website, etc.	Submitted as Committee Bill Yeas 8 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/CS/SB 242

INTRODUCER: Governmental Oversight and Accountability Committee; Judiciary Committee;
Commerce and Tourism Committee; and Senator Detert

SUBJECT: Security of a Protected Consumer's Information

DATE: February 20, 2014 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Malcolm</u>	<u>Hrdlicka</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Cibula</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	<u>McKay</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 242, the Keeping I.D. Safe (KIDS) Act, enables a guardian or other advocate for a protected consumer to place a security freeze on the protected consumer's consumer report. A protected consumer includes a child who is younger than 16 and others who are represented by a guardian or other advocate, often as the result of mental incapacity. A security freeze generally prohibits a consumer reporting agency from releasing information in a consumer report to a third party without express authorization. A security freeze may prevent an unauthorized person from opening lines of credit in a protected consumer's name and engaging in identity theft.

Under the bill, a guardian or advocate who seeks a security freeze must submit a request to the consumer reporting agency along with proof of authority and identification and a fee of up to \$10. The fee is waived if the representative submits a copy of a valid police report about the unlawful use of the protected consumer's identifying information.

The Department of Agriculture and Consumer Services must investigate complaints concerning violations of these consumer information provisions, and may impose an administrative penalty of \$500 for each violation. A person who obtains a consumer report or record under false pretenses or knowingly without a permissible purpose is liable for damages to the protected consumer and the credit reporting agency for at least \$1,000 each. The bill also requires consumer reporting agencies to provide written notice of the availability of a security freezes for protected consumers.

II. Present Situation:

Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) governs the collection, assembly, and use of consumer report information and establishes the framework for the credit reporting system in the United States.¹ The FCRA was enacted to (1) prevent the misuse of sensitive consumer information by limiting access to those with a legitimate need for the information; (2) improve the accuracy and integrity of consumer reports; and (3) promote the efficiency of the nation's banking and consumer credit systems.²

Most significantly, the FCRA regulates the use and dissemination of consumer reports. Consumer reports are used by financial institutions, insurance companies, employers, and other entities in determining a consumer's eligibility for certain products and services.³ Information included in consumer reports may include a consumer's credit and payment history, demographic and identifying information, and public record information (e.g., arrests, judgments, and bankruptcies).⁴

In 2003, the Fair and Accurate Credit Transactions Act of 2003 (FACT Act) amended the FCRA.⁵ The FACT Act added a number of provisions to help consumers and businesses combat identity theft and reduce the damage when identity theft occurs. Among these provisions, the FACT Act established a national fraud alert system, required federal agencies to adopt rules for the disposition of consumer report information and how companies should respond to the "red flag" indicators of identity theft, and required that information placed on a consumer report due to identity theft be blocked from the report.⁶

The FCRA (as amended by the FACT Act) also states that a consumer or the consumer's representative may assert a good-faith suspicion to a consumer reporting agency that he or she has been the victim of identity theft.⁷ This requires the agency to place an initial fraud alert on the consumer report for at least 90 days at no charge to the consumer.⁸ Consumers can also file for an extended fraud alert that lasts up to 7 years.⁹

Security Freezes

In response to concerns regarding identity theft, 49 states, including Florida, have adopted laws that allow a consumer to freeze access to his or her consumer report and prevent anyone from

¹ 15 U.S.C. s. 1681 *et seq.*

² Federal Trade Commission, *40 Years of Experience with the Fair Credit Reporting Act: An FTC Staff Report with Summary of Interpretations*, 1 (July 2011), available at <http://www.ftc.gov/sites/default/files/documents/reports/40-years-experience-fair-credit-reporting-act-ftc-staff-report-summary-interpretations/110720fcrrreport.pdf>.

³ *Id.*

⁴ *Id.*

⁵ P.L. 108-159, H.R. 2622, 108th Cong. (December 4, 2003).

⁶ *Id.* at s. 112-152. Fraud alerts do not prevent a potential creditor from obtaining the consumer report and may not prevent new credit accounts. *See* 15 U.S.C. s. 1681c-1 and s. 1681m(e).

⁷ 15 U.S.C. s. 1681c-1.

⁸ *Id.* s. 1681c-1(a)(1).

⁹ *Id.* s. 1681c-1(b).

trying to open a new account or new credit.¹⁰ A security freeze restricts a consumer reporting agency from releasing a consumer report or any information from the report without authorization from the consumer. A freeze also requires authorization to change information—such as the consumer’s name, date of birth, Social Security number, and address—in a consumer report. A security freeze remains on a consumer report until the consumer removes it. Generally, a person can temporarily remove the freeze to open a new credit account or apply for a loan. To do this, a consumer provides the consumer reporting agency with a unique personal identifying number to verify the consumer’s identity. States have created exemptions for specified organizations that still can access consumer report information even if a freeze is in place. Typically, these organizations include law enforcement agencies, child support enforcement entities, insurance companies, and subsidiaries and affiliates of companies that have existing accounts with the consumer.¹¹

Florida Statutes Relating to Security Freezes

Section 501.005(2), F.S., allows a consumer to place a “security freeze” on his or her consumer report by sending a written request by certified mail to a consumer reporting agency. Generally, the security freeze prohibits the consumer reporting agency from releasing the consumer’s consumer report or any information contained within the report without the consumer’s authorization.¹² A consumer reporting agency may charge a fee up to \$10 when a consumer elects to place, temporarily lift, or remove a security freeze.¹³ However, the law prohibits a consumer reporting agency from charging a fee to a consumer 65 years or older or to a victim of identity theft for the placement or removal of a security freeze.¹⁴ Any disclosure by a consumer reporting agency to a resident of this state must include a written summary of all rights the consumer has, including the right to place a security freeze on his or her consumer report.¹⁵

In addition to any other penalties or remedies provided under law, a person who is aggrieved by a violation of the provisions of s. 501.005, F.S., may bring a civil action as follows:

- Any person who willfully fails to comply with any requirement imposed under s. 501.005, F.S., is liable to the consumer for actual damages of at least \$100 and not more than \$1,000, plus the costs and attorney’s fees.¹⁶
- Any person who is negligent in failing to comply with any requirement imposed under s. 501.005, F.S., is liable to the consumer for any actual damages of at least \$100 and not more than \$1,000.¹⁷

¹⁰ Consumers Union, *Consumers Union’s Guide to Security Freeze Protection* (December 31, 2011), <http://defendyourdollars.org/document/guide-to-security-freeze-protection> (last visited January 9, 2014).

¹¹ *See, e.g.*, MISS. CODE ANN. s. 75-24-209 (2013); MONT. CODE ANN. s. 30-14-1734 (2013).

¹² Section 501.005(12), F.S., allows for the release of information otherwise protected by a security freeze to the existing creditors of the consumer, persons who have been granted access to the information according to law, state agencies acting within their lawful investigatory or regulatory authority, law enforcement agencies, persons maintaining credit monitoring services or who provide consumer reports to consumers on their request, persons designated by court order, for credit prescreening or insurance underwriting purposes, and to certain other specified entities.

¹³ Section 501.005(13)(a), F.S.

¹⁴ Section 501.005(13)(b), F.S.

¹⁵ Section 501.005(17), F.S.

¹⁶ Section 501.005(16)(a), F.S.

¹⁷ Section 501.005(16)(d), F.S.

Additionally, any individual who obtains a consumer report under false pretenses or knowingly without a permissible purpose is liable to the consumer for actual damages sustained by the consumer of at least \$100 and not more than \$1,000, whichever is greater.¹⁸ Any person who obtains a consumer report from a consumer reporting agency under false pretenses or knowingly without a permissible purpose is also liable to the agency for actual damages sustained by the agency or \$1,000, whichever is greater.¹⁹ Punitive damages may be assessed for willful violations of s. 501.005, F.S.²⁰ Lastly, if a court finds an unsuccessful pleading or motion was filed in bad faith or for purposes of harassment, the court must award to the prevailing party attorney's fees incurred for the work performed in responding to the pleading or motion.²¹

Child Identity Theft

Although, reliable estimates on the extent of identity theft against minors have not been thoroughly determined, recent studies have begun to shed light on the problem. A 2012 study by AllClear ID found, based on a review of the credit files of 27,000 American children, that more than 10 percent of children are victims of identity theft.²² Similarly, a 2011 study estimated that 140,000 instances of identity fraud are perpetrated on minors in the United States each year.²³ A recent, Florida-specific analysis of identity theft against minors estimated that approximately 52,000 children in Florida will be victims of identity theft.²⁴

While parents typically apply for a Social Security number for their child shortly after birth, credit reporting agencies do not create credit files until an individual uses his or her Social Security number to apply for credit for the first time - usually in the late teenage years.²⁵ When a credit file is first created, the credit bureaus and lenders do not check the validity of the name and date of birth on a new credit application, only that the Social Security number was issued by the Social Security Administration.²⁶ Consequently, a child's unused Social Security number is valuable to a thief because it typically lacks a previous credit history and can be paired with any name and birth date. If the thief is able to provide a valid Social Security number (one that has been issued and is not reported as belonging to a deceased person) and the minimal identification documentation required by that lender, then he or she is approved for the transaction and the fraudulent account is added to the credit file.²⁷ Because parents typically do not monitor their child's credit, a child's identity can be used to obtain goods and services over many years

¹⁸ Section 501.005(16)(b), F.S.

¹⁹ *Id.*

²⁰ Section 501.005(16)(c), F.S.

²¹ Section 501.005(16)(e), F.S.

²² AllClear ID Alert Network, *Child Identity Theft: Report 2012*, <https://www.allclearid.com/themes/allclearid/docs/ChildIDTheftReport2012.pdf>.

²³ ID Analytics, *More than 140,000 Children Could be Victims of Identity Fraud Each Year* (July 12, 2011), available at <http://www.idanalytics.com/news-and-events/news-releases/2011/7-12-2011.php> (last visited January 9, 2014).

²⁴ Department of Agriculture and Consumer Services, *Child Identity Fraud in Florida: An Analysis of the Extent of the Crime and Potential Effectiveness of Proposed Policies*, 2 (October 8, 2013) (on file with the Senate Committee on Commerce and Tourism).

²⁵ AllClear ID Alert Network, *supra* note 22.

²⁶ *Id.* at 9.

²⁷ *Id.*

without the parents' knowledge. The identity theft may not be detected until the child becomes an adult, seeks employment, or applies for student or car loans.

Current statutory security freezes only apply to existing consumer reports. Because minors generally do not have credit history they do not have consumer reports and thus cannot get a security freeze.²⁸ A credit history can be established for a minor through a parent adding the minor as a joint account holder. According to Experian, the agency does not knowingly disclose a minor's credit history; however, minors may request a copy of their consumer report after the age of 14.²⁹ Parents or legal guardians may request a consumer report for their minor by providing documentation that they are the parent or guardian. When a minor reaches the age of 18, the consumer report becomes available for access by authorized persons.

In addition to the penalties and remedies under s. 501.005, F.S., relating to consumer reports and security freezes for adults, s. 817.568, F.S., addresses criminal penalties for the unauthorized use of personal identification information. In regards to minors, s. 817.568, F.S., makes it a second-degree felony for:

- Any person to willfully and fraudulently use personal identification information concerning an individual who is less than 18 years of age without first obtaining the consent of that individual or legal guardian.
- Any person who is a parent or legal guardian, or who otherwise exercises custodial authority over an individual who is less than 18 years of age, to willfully and fraudulently use personal identification information of that individual.

III. Effect of Proposed Changes:

Section 1 identifies the bill as the "Keeping I.D. Safe (KIDS) Act."

Section 2 creates s. 501.0051, F.S., to establish a process by which a security freeze on a consumer report may be undertaken for a person younger than 16 years of age, or a person represented by a guardian or other advocate.

Definitions for the terms "consumer reporting agency" and "consumer report" are identical to the definitions in s. 501.005, F.S. The term "protected consumer" means a person younger than 16 years of age or a person represented by a guardian or other advocate pursuant to ch. 39,³⁰ ch. 393,³¹ ch. 744,³² or ch. 914,³³ F.S. A "record" is defined as a compilation of information that identifies a protected consumer and that is created if a consumer does not have a consumer report. The definition of security freeze is similar to the current definition found in s. 501.005,

²⁸ A spokesman for TransUnion and Equifax has explained that a security freeze "applies to a credit file, not a social security number." Carns, Ann, *Why It's Not Easy to Freeze Your Child's Credit File*, THE NEW YORK TIMES, (September 21, 2011), available at <http://bucks.blogs.nytimes.com/2011/09/21/why-its-not-easy-to-freeze-your-childs-credit-file/>.

²⁹ See Experian, Credit Reports not Established Based on Age (September 14, 2011), <http://www.experian.com/ask-experian/20110914-credit-reports-not-established-based-on-age.html>.

³⁰ Chapter 39, F.S., pertains to proceedings relating to children.

³¹ Chapter 393, F.S., relates to developmental disabilities.

³² Chapter 744, F.S., relates to guardianships.

³³ Chapter 914, F.S., relates to witnesses and criminal proceedings, including guardians ad litem.

F.S., and also includes a notice placed on the protected consumer's record that prohibits the consumer reporting agency from releasing the record except as provided in s. 501.0051, F.S.

Security Freeze

The bill authorizes the representative of a protected consumer to place a security freeze on a protected consumer's consumer report or record by submitting a request to the consumer reporting agency, providing sufficient proof of authority and identification, and paying the agency a maximum fee of \$10. The representative must submit a request to a consumer reporting agency in the manner prescribed by the agency. The fee must be waived if the representative submits a copy of a valid investigative report, incident report, or complaint with law enforcement about the unlawful use of the protected consumer's identifying information.

If a consumer report does not exist for a protected consumer, the consumer reporting agency is required to create a consumer record. The consumer reporting agency is required to place a security freeze on a consumer report or record within 30 days³⁴ after confirming the request and must send a written confirmation of the security freeze within 10 business days after creating the security freeze. Once the security freeze is in effect, a consumer reporting agency cannot change the name, address, date of birth, or Social Security number without sending written confirmation to the consumer within 30 days after the change is posted to the consumer report or record. The consumer reporting agency is also required to provide instructions and a unique personal identifier for removing the security freeze. The consumer reporting agency is authorized to charge a fee not to exceed \$10 if the representative loses the personal identifier and a new one must be issued.

The bill also delineates the procedures and documents required of the representative or protected consumer for the removal of the security freeze. A representative must provide sufficient proof of authority and identification, the unique personal identifier, and payment of the \$10 fee. A protected consumer can also request removal of the security freeze by providing proof of identification, payment of the \$10 fee, as well as documentation that the authority for the representative to act on behalf of the protected consumer is no longer valid. The consumer reporting agency must remove the security freeze within 30 days.

Once a security freeze has been created, the consumer reporting agency cannot state or imply to any person that the security freeze reflects a negative credit score, a negative credit history, or a negative credit rating. Certain persons and entities, for specified reasons, are allowed to access a consumer report or record subject to a security freeze. These exemptions are similar to the exemptions found in s. 501.005, F.S. However, the bill also allows access and use of a consumer report or record for personal insurance policy information and noncredit information used for insurance purposes.

The bill requires a consumer reporting agency that violates a security freeze by releasing information without proper authorization to notify the representative of the protected consumer within 5 business days after the discovery or notification of the release. If the security freeze was

³⁴ The bill does not indicate whether these are calendar days or business days. However, because any time period in the bill less than 30 days is specifically identified as "business" days, it is assumed that the 30-day time periods in the bill are calendar days. This reasoning is consistent with the time periods provided in s. 501.005, F.S.

created due to a material misrepresentation, the consumer reporting agency must provide written notification to the representative and protected consumer before removing the security freeze.

Penalties and Remedies

A consumer reporting agency that willfully fails to comply with the statutory requirements may be subject to an administrative fine of \$500 per violation, imposed by the Department of Agriculture and Consumer Services, which must investigate complaints concerning the provisions in this bill. The bill provides a private right of action for certain violations. A person who obtains a consumer report or record under false pretenses or knowingly without a permissible purpose is liable to the representative and protected consumer for the greater of \$1,000 or the actual damages sustained. A person who obtains a consumer report or record under false pretenses or knowingly without a permissible purpose is liable to the consumer reporting agency for actual damages sustained by the agency or \$1,000, whichever is greater.

Written Disclosures

The bill requires consumer reporting agencies to provide a written disclosure of the availability of security freezes for protected consumers. The disclosure provides notice that if a person is a custodial parent or legal guardian of a minor younger than 16 years of age or a guardian or advocate of an incapacitated, disabled, or protected person under ch. 39, ch. 393, ch. 744, or ch. 914, F.S., he or she has the right to place a security freeze on the consumer report of the person in his or her care. If there is no consumer report, the parent, guardian, or advocate may request the creation of a consumer record and the placement of a security freeze on that record. The disclosure warns that using a security freeze may delay or prohibit access to credit, insurance, employment, or other services, and it explains that a security freeze does not apply to entities with which the protected consumer has an existing account. The disclosure provides the procedure for removing the security freeze and releasing the consumer record or report. It also provides notice of the right to bring a civil action.

Section 3 provides that the bill will take effect September 1, 2014.

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:

Credit reporting agencies may incur additional costs to establish security freezes for minors and other individuals covered under the bill. However, the credit reporting agencies are permitted to charge up to a \$10 fee in most cases to create a security freeze. Receipt of the fee will help minimize costs to the credit reporting agencies.

With the increasing incidence of child identity theft, the creation of security freezes for consumer reports and records of minors under age 16 and other persons represented by a guardian or advocate may provide additional safeguards against identity theft.³⁵

C. Government Sector Impact:

The Department of Agriculture and Consumer Services believes the bill will have no fiscal impact on the department.³⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill and s. 501.005, F.S., differ in a number of ways. The bill does not contain the same remedies and penalties found in s. 501.005, F.S., related to adult security freezes. Section 501.005(16)(c), F.S., authorizes the assessment of punitive damages for willful violations of that section. Section 501.005(16)(d), F.S., provides that any person who is negligent in failing to comply with the provisions of that section is liable to the consumer for any actual damages sustained by the consumer because of the failure of at least \$100 and not more than \$1,000. Section 501.005(16)(e), F.S., also allows the court to award reasonable attorney's fees to the prevailing party in an action that is filed in bad faith or for purposes of harassment. The bill does not contain any similar provisions.

The bill provides that a consumer reporting agency has up to 30 days to remove a security freeze following a request for removal by the protected consumer or representative, rather than 3 business days as required for security freezes under s. 501.005, F.S. Additionally, unlike s. 501.005(6), F.S., which allows for temporary holds of a security freeze upon the consumer's request, the bill does not contain a similar provision for temporary holds. The extended time period for removing a security freeze and the lack of temporary hold provision in the bill could

³⁵ Department of Agriculture and Consumer Services, *Senate Bill 242 Agency Analysis* (October 23, 2013) (on file with the Senate Committee on Commerce and Tourism).

³⁶ *Id.*

result in a significant delay for a teenager applying for a car loan, seeking employment, or applying for an apartment lease, even if the parents are co-signing for the loan or lease.

Like s. 501.005, F.S., the bill exempts certain transactions from the security freeze, thereby allowing access to information contained in a consumer report. However, unlike s. 501.005, F.S., the bill also allows the use of the protected consumer report or record by a consumer reporting agency's database or file that is used exclusively for personal insurance policy information and noncredit information used for insurance purposes.

The bill also requires the consumer reporting agency to place a security freeze on a consumer report or record within 30 days after confirming the authenticity of the request. However, s. 501.005(3), F.S., requires a consumer reporting agency to place a security freeze within 5 business days after receiving a request for a security freeze.

Section 501.005(2)(a), F.S., requires a request for a security freeze be submitted in writing by certified mail to the consumer reporting agency. However, the bill provides that the representative would submit a request to a consumer reporting agency in the manner prescribed by the agency. How each consumer reporting agency will require requests for security freezes to be made is not known.

The bill gives the authority to the Department of Agriculture and Consumer Services to impose, pursuant to the administrative procedures of Ch. 120, F.S., an administrative fine of \$500 on "a consumer reporting agency that willfully fails to comply with any requirement imposed under" the substantive requirements of the bill. In order to impose this penalty, the department will therefore need to be able to prove "willful" noncompliance. As written, the department may have the discretion to impose one fine for multiple violations of a requirement; if the Legislature wants the administrative penalty to attach to each incident of a violation, it should so specify.

VIII. Statutes Affected:

This bill creates section 501.0051, Florida Statutes.

IX. Additional Information:

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

CS/CS/CS by Governmental Oversight and Accountability on February 20, 2014:

The committee substitute makes a clarifying technical change, and requires the Department of Agriculture and Consumer Services to investigate complaints of violations of the bill provisions. The department may impose an administrative penalty of \$500 per violation, and must deposit any collected penalties in the General Inspection Trust Fund.

CS/CS by Judiciary on January 14, 2014:

The committee substitute:

- Allows a parent of a protected consumer to establish his or her authority to act on behalf of the protected consumer by providing a copy of the protected consumer's birth certificate.

- Removes provisions from the underlying committee substitute which authorized the representative of a protected consumer to obtain the consumer report of the protected consumer during a security freeze.
- Makes technical and grammatical changes.

CS by Commerce and Tourism on November 4, 2013:

The committee substitute:

- Identifies the act as the “Keeping I.D. Safe (KIDS) Act;”
- Removes language that would have allowed a consumer report to be created after a security freeze was initiated;
- Clarifies that when a protected consumer requests to remove a security freeze, he or she must pay a fee not to exceed \$10 to the consumer reporting agency; and
- Clarifies the notice that must be provided to representatives regarding their right to pursue civil remedies for violations of the Act.

B. Amendments:

None.



171494

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2014	.	
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The Committee on Governmental Oversight and Accountability
(Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 242 - 246

and insert:

(12) The Department of Agriculture and Consumer Services shall investigate any complaints received concerning violations of this section. If, after investigating any complaint, the department finds that there has been a violation of this section, the department may bring an action to impose an administrative penalty. A consumer reporting agency that



171494

11 willfully fails to comply with any requirement imposed under
12 this section is subject to an administrative penalty in the
13 amount of \$500 for each violation, imposed by the department. An
14 administrative proceeding that could result in the entry of an
15 order imposing an administrative penalty must be conducted in
16 accordance with chapter 120. The administrative penalty shall be
17 deposited in the General Inspection Trust Fund.

18
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete lines 30 - 31

22 and insert:

23 violates a security freeze; requiring the Department
24 of Agriculture and Consumer Services to investigate
25 complaints regarding the violation of a security
26 freeze; providing penalties and civil remedies for the
27 violation of a security freeze; providing written
28 disclosure



354110

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2014	.	
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	.	
	.	

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

Senate Amendment

Delete line 248
and insert:
provided under law, persons who are aggrieved by a

By the Committees on Judiciary; and Commerce and Tourism; and
Senator Detert

590-01071-14

2014242c2

1 A bill to be entitled
2 An act relating to the security of a protected
3 consumer's information; providing a short title;
4 creating s. 501.0051, F.S.; providing definitions;
5 authorizing the representative of a protected consumer
6 to place a security freeze on a protected consumer's
7 consumer report or record; specifying the procedure to
8 request a security freeze; requiring a consumer
9 reporting agency to establish a record if the
10 protected consumer does not have an existing consumer
11 report; prohibiting the use of a consumer record for
12 certain purposes; requiring a consumer reporting
13 agency to place, and to provide written confirmation
14 of, a security freeze within a specified period;
15 prohibiting a consumer reporting agency from stating
16 or implying that a security freeze reflects a negative
17 credit history or rating; requiring a consumer
18 reporting agency to remove a security freeze under
19 specified conditions; specifying the procedure to
20 remove a security freeze; providing applicability;
21 authorizing a consumer reporting agency to charge a
22 fee for placing or removing a security freeze and for
23 reissuing a unique personal identifier; prohibiting a
24 fee under certain circumstances; requiring written
25 notification upon the change of specified information
26 in a protected consumer's consumer report or record;
27 providing exceptions; requiring a consumer reporting
28 agency to notify a representative and provide
29 specified information if the consumer reporting agency

Page 1 of 11

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

590-01071-14

2014242c2

30 violates a security freeze; providing penalties and
31 civil remedies; providing written disclosure
32 requirements for consumer reporting agencies relating
33 to a protected consumer's security freeze; providing
34 an effective date.
35
36 Be It Enacted by the Legislature of the State of Florida:
37
38 Section 1. This act may be cited as the "Keeping I.D. Safe
39 (KIDS) Act."
40 Section 2. Section 501.0051, Florida Statutes, is created
41 to read:
42 501.0051 Protected consumer report security freeze.-
43 (1) As used in this section, the term:
44 (a) "Consumer report" has the same meaning as provided in
45 15 U.S.C. s. 1681a(d).
46 (b) "Consumer reporting agency" has the same meaning as
47 provided in 15 U.S.C. s. 1681a(f).
48 (c) "Protected consumer" means a person younger than 16
49 years of age at the time a security freeze request is made or a
50 person represented by a guardian or other advocate pursuant to
51 chapter 39, chapter 393, chapter 744, or chapter 914.
52 (d) "Record" means a compilation of information that:
53 1. Identifies a protected consumer; and
54 2. Is created by a consumer reporting agency exclusively
55 for the purpose of complying with this section.
56 (e) "Representative" means the parent or legal guardian of
57 a protected consumer, including a guardian appointed pursuant to
58 s. 914.17.

Page 2 of 11

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590-01071-14

2014242c2

59 (f) "Security freeze" means:

60 1. A notice placed on a protected consumer's consumer
 61 report which prohibits a consumer reporting agency from
 62 releasing the consumer report, the credit score, or any
 63 information contained within the consumer report to a third
 64 party without the express authorization of the representative;
 65 or

66 2. If a consumer reporting agency does not have a consumer
 67 report pertaining to a protected consumer, a notice placed on a
 68 protected consumer's record which prohibits the consumer
 69 reporting agency from releasing the protected consumer's record
 70 except as provided in this section.

71 (g) "Sufficient proof of authority" means documentation
 72 showing that a representative has authority to act on behalf of
 73 a protected consumer. The term includes, but is not limited to,
 74 a court order, a copy of a valid power of attorney, or a written
 75 notarized statement signed by the representative which expressly
 76 describes the authority of the representative to act on behalf
 77 of the protected consumer. A representative who is a parent may
 78 establish sufficient proof of authority by providing a certified
 79 or official copy of the protected consumer's birth certificate.

80 (h) "Sufficient proof of identification" means
 81 documentation identifying a protected consumer or a
 82 representative. The term includes, but is not limited to, a copy
 83 of a social security card, a certified or official copy of a
 84 birth certificate, a copy of a valid driver license, or a copy
 85 of a government-issued photo identification.

86 (2) A representative may place a security freeze on a
 87 protected consumer's consumer report by:

Page 3 of 11

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590-01071-14

2014242c2

88 (a) Submitting a request to a consumer reporting agency in
 89 the manner prescribed by that agency;

90 (b) Providing the agency with sufficient proof of authority
 91 and sufficient proof of identification of the representative;
 92 and

93 (c) Paying the agency a fee as authorized under this
 94 section.

95 (3) If a consumer reporting agency does not have a consumer
 96 report pertaining to a protected consumer when the consumer
 97 reporting agency receives a request for a security freeze under
 98 subsection (2), the consumer reporting agency shall create a
 99 record for the protected consumer and place a security freeze on
 100 the record. A record may not be created or used to consider the
 101 protected consumer's credit worthiness, credit standing, credit
 102 capacity, character, general reputation, personal
 103 characteristics, or eligibility for other financial services.

104 (4) A consumer reporting agency shall place a security
 105 freeze on a consumer report or record within 30 days after
 106 confirming the authenticity of a security freeze request made in
 107 accordance with this section.

108 (5) The consumer reporting agency shall send a written
 109 confirmation of the security freeze to the representative within
 110 10 business days after instituting the security freeze on the
 111 consumer report or record and shall provide the representative
 112 with instructions for removing the security freeze and a unique
 113 personal identifier to be used by the representative when
 114 providing authorization for removal of the security freeze.

115 (6) A consumer reporting agency may not state or imply to
 116 any person that a security freeze reflects a negative credit

Page 4 of 11

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590-01071-14

2014242c2

117 score, a negative credit history, or a negative credit rating.

118 (7) A consumer reporting agency shall remove a security
 119 freeze from a protected consumer's consumer report or record
 120 only under either of the following circumstances:

121 (a) Upon the request of a representative or a protected
 122 consumer. A consumer reporting agency shall remove a security
 123 freeze within 30 days after receiving a request for removal from
 124 a protected consumer or his or her representative.

125 1. A representative submitting a request for removal must
 126 provide all of the following:

127 a. Sufficient proof of identification of the representative
 128 and sufficient proof of authority as determined by the consumer
 129 reporting agency.

130 b. The unique personal identifier provided by the consumer
 131 reporting agency pursuant to subsection (5).

132 c. A fee as authorized under this section.

133 2. A protected consumer submitting a request for removal
 134 must provide all of the following:

135 a. Sufficient proof of identification of the protected
 136 consumer as determined by the consumer reporting agency.

137 b. Documentation that the sufficient proof of authority of
 138 the protected consumer's representative to act on behalf of the
 139 protected consumer is no longer valid.

140 c. A fee as authorized under this section.

141 (b) If the security freeze was instituted due to a material
 142 misrepresentation of fact. A consumer reporting agency that
 143 intends to remove a security freeze under this paragraph shall
 144 notify the representative and protected consumer in writing
 145 before removing the security freeze.

590-01071-14

2014242c2

146 (8) This section does not apply to the use of a protected
 147 consumer's consumer report or record by the following persons or
 148 for the following reasons:

149 (a) A state agency acting within its lawful investigative
 150 or regulatory authority.

151 (b) A state or local law enforcement agency investigating a
 152 crime or conducting a criminal background check.

153 (c) A person administering a credit file monitoring
 154 subscription service to which the protected consumer or the
 155 representative, on behalf of the protected consumer, has
 156 subscribed.

157 (d) A person providing the protected consumer's consumer
 158 report or record to the protected consumer or representative
 159 upon the request of the protected consumer or representative.

160 (e) Pursuant to a court order lawfully entered.

161 (f) An insurance company for use in setting or adjusting a
 162 rate, adjusting a claim, or underwriting for insurance purposes.

163 (g) A consumer reporting agency's database or file that
 164 consists entirely of information concerning, and used
 165 exclusively for, one or more of the following:

166 1. Criminal record information.

167 2. Personal loss history information.

168 3. Fraud prevention or detection.

169 4. Tenant screening.

170 5. Employment screening.

171 6. Personal insurance policy information.

172 7. Noncredit information used for insurance purposes.

173 (h) A check services company issuing authorizations for the
 174 purpose of approving or processing negotiable instruments,

590-01071-14

2014242c2

175 electronic funds transfers, or similar methods of payment.
 176 (i) A deposit account information service company issuing
 177 reports regarding account closures due to fraud, substantial
 178 overdrafts, automatic teller machine abuse, or similar negative
 179 information regarding a protected consumer to an inquiring
 180 financial institution, as defined in s. 655.005 or in federal
 181 law, for use only in reviewing a representative's request for a
 182 deposit account for the protected consumer at the inquiring
 183 financial institution.
 184 (j) A consumer reporting agency that acts only as a
 185 reseller of credit information by assembling and merging
 186 information contained in the database of another consumer
 187 reporting agency or multiple consumer reporting agencies and
 188 that does not maintain a permanent database of credit
 189 information from which new consumer reports are produced.
 190 However, such consumer reporting agency shall honor any security
 191 freeze placed or removed by another consumer reporting agency.
 192 (k) A fraud prevention services company issuing reports to
 193 prevent or investigate fraud.
 194 (l) A person or entity, or its affiliates, or a collection
 195 agency acting on behalf of the person or entity, with which the
 196 protected consumer has an existing account, requesting
 197 information in the protected consumer's consumer report or
 198 record for the purposes of reviewing or collecting the account.
 199 Reviewing the account includes activities related to account
 200 maintenance, monitoring, credit line increases, and account
 201 upgrades and enhancements.
 202 (9) (a) A consumer reporting agency may charge a reasonable
 203 fee, not to exceed \$10, to place or remove a security freeze.

Page 7 of 11

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590-01071-14

2014242c2

204 (b) A consumer reporting agency may also charge a
 205 reasonable fee, not to exceed \$10, if the representative fails
 206 to retain the original unique personal identifier provided by
 207 the consumer reporting agency and the agency must reissue the
 208 unique personal identifier or provide a new unique personal
 209 identifier to the representative.
 210 (c) A consumer reporting agency may not charge a fee under
 211 this section to the representative of a protected consumer who
 212 is a victim of identity theft if the representative submits, at
 213 the time the security freeze is requested, a copy of a valid
 214 investigative report, an incident report, or a complaint with a
 215 law enforcement agency about the unlawful use of the protected
 216 consumer's identifying information by another person.
 217 (10) If a security freeze is in effect, a consumer
 218 reporting agency must send written confirmation to a protected
 219 consumer's representative of a change to any of the following
 220 official information in the protected consumer's consumer report
 221 or record within 30 days after the change is posted:
 222 (a) The protected consumer's name.
 223 (b) The protected consumer's address.
 224 (c) The protected consumer's date of birth.
 225 (d) The protected consumer's social security number.
 226
 227 Written confirmation is not required for technical corrections
 228 of a protected consumer's official information, including name
 229 and street abbreviations, complete spellings, or transposition
 230 of numbers or letters. In the case of an address change, the
 231 written confirmation must be sent to the representative and to
 232 the protected consumer's new address and former address.

Page 8 of 11

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590-01071-14

2014242c2

233 (11) If a consumer reporting agency violates a security
 234 freeze placed in accordance with this section by releasing
 235 information subject to a security freeze without proper
 236 authorization, the consumer reporting agency shall, within 5
 237 business days after discovering or being notified of the release
 238 of information, notify the representative of the protected
 239 consumer in writing. The notice must state the specific
 240 information released and provide the name, address, and other
 241 contact information of the recipient of the information.

242 (12) A consumer reporting agency that willfully fails to
 243 comply with any requirement imposed under this section is
 244 subject to an administrative fine in the amount of \$500, imposed
 245 by the Department of Agriculture and Consumer Services pursuant
 246 to the administrative procedures established in chapter 120.

247 (13) In addition to any other penalties or remedies
 248 provided under law, the following persons who are aggrieved by a
 249 violation of this section may bring a civil action as follows:

250 (a) A person who obtains a protected consumer's consumer
 251 report or record from a consumer reporting agency under false
 252 pretenses or who knowingly obtains a protected consumer's
 253 consumer report or record without a permissible purpose is
 254 liable to the representative and protected consumer for actual
 255 damages sustained by the protected consumer or \$1,000, whichever
 256 is greater.

257 (b) A person who obtains a protected consumer's consumer
 258 report or record from a consumer reporting agency under false
 259 pretenses or who knowingly obtains a protected consumer's
 260 consumer report or record without a permissible purpose is
 261 liable to the consumer reporting agency for actual damages

590-01071-14

2014242c2

262 sustained by the consumer reporting agency or \$1,000, whichever
 263 is greater.

264 (14) A written disclosure by a consumer reporting agency,
 265 pursuant to 15 U.S.C. s. 1681g, to a representative and
 266 protected consumer residing in this state must include a written
 267 summary of all rights that the representative and protected
 268 consumer have under this section and, in the case of a consumer
 269 reporting agency that compiles and maintains records on a
 270 nationwide basis, a toll-free telephone number that the
 271 representative can use to communicate with the consumer
 272 reporting agency. The information provided in paragraph (b) must
 273 be in at least 12-point boldfaced type. The written summary of
 274 rights required under this section is sufficient if it is
 275 substantially in the following form:

276 (a) If you are the parent or legal guardian of a minor
 277 younger than 16 years of age or a guardian or advocate of an
 278 incapacitated, disabled, or protected person under chapter 39,
 279 chapter 393, chapter 744, or chapter 914, Florida Statutes, you
 280 have the right to place a security freeze on the consumer report
 281 of the person you are legally authorized to care for. If no
 282 consumer report exists, you have the right to request that a
 283 record be created and a security freeze be placed on the record.
 284 A record with a security freeze is intended to prevent the
 285 opening of credit accounts until the security freeze is removed.

286 (b) YOU SHOULD BE AWARE THAT USING A SECURITY FREEZE TO
 287 CONTROL ACCESS TO THE PERSONAL AND FINANCIAL INFORMATION IN A
 288 CONSUMER REPORT OR RECORD MAY DELAY, INTERFERE WITH, OR PROHIBIT
 289 THE TIMELY APPROVAL OF ANY SUBSEQUENT REQUEST OR APPLICATION
 290 REGARDING A NEW LOAN, CREDIT, MORTGAGE, INSURANCE, GOVERNMENT

590-01071-14

2014242c2

291 SERVICES OR PAYMENTS, RENTAL HOUSING, EMPLOYMENT, INVESTMENT,
292 LICENSE, CELLULAR PHONE, UTILITIES, DIGITAL SIGNATURE, INTERNET
293 CREDIT CARD TRANSACTION, OR OTHER SERVICES, INCLUDING AN
294 EXTENSION OF CREDIT AT POINT OF SALE.

295 (c) To remove the security freeze on the protected
296 consumer's record or report, you must contact the consumer
297 reporting agency and provide all of the following:

298 1. Proof of identification as required by the consumer
299 reporting agency.

300 2. Proof of authority over the protected consumer as
301 required by the consumer reporting agency.

302 3. The unique personal identifier provided by the consumer
303 reporting agency.

304 4. Payment of a fee.

305 (d) A consumer reporting agency must, within 30 days after
306 receiving the above information, authorize the removal of the
307 security freeze.

308 (e) A security freeze does not apply to a person or entity,
309 or its affiliates, or a collection agency acting on behalf of
310 the person or entity, with which the protected consumer has an
311 existing account, which requests information in the protected
312 consumer's consumer report or record for the purposes of
313 reviewing or collecting the account. Reviewing the account
314 includes activities related to account maintenance, monitoring,
315 credit line increases, and account upgrades and enhancements.

316 (f) You have the right to bring a civil action as
317 authorized by section 501.0051, Florida Statutes, which governs
318 the security of protected consumer information.

319 Section 3. This act shall take effect September 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/2014

Meeting Date

Topic _____

Bill Number 242

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title Trustee

Address 1119 Newton Ave. S.

Street

Phone 727/897-9291

St Petersburg

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/14

Meeting/Date

Topic Security of Protected Info.

Bill Number 242
(if applicable)

Name JARED ROSS

Amendment Barcode _____
(if applicable)

Job Title Senior Vice President of Governmental Affairs

Address 3692 Coolidge Ct.
Street

Phone (850) 322-6956

Tallahassee, FL 32311
City State Zip

E-mail jared.ross@lscv.coop

Speaking: For Against Information

Representing Florida Credit Union Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/14

Meeting Date

Topic Bill

Bill Number 242

Name Anthony DiMarco

(if applicable)

Job Title BVP

Amendment Barcode

(if applicable)

Address 1001 Thomasville Rd

Phone 224-2265-

Street

Tall FL 32703

City

State

Zip

E-mail admarco@florida.bankers.assoc.com

Speaking: For Against Information

Representing Florida Bankers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/14

Meeting Date

Topic Security of a protected consumer

Bill Number SB 242
(if applicable)

Name Aimee Diaz Lyon

Amendment Barcode _____
(if applicable)

Job Title _____

Address 215 South Monroe Street #505

Phone 850-205-9000

Street

Tallahassee FL 32301

E-mail aimee.diazlyon@metzlaw.com

City

State

Zip

Speaking: For Against Information

Representing Consumer Data Industry Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/14

Meeting Date

Topic Security of a Protected Consumer's Information Bill Number SB 242
(if applicable)

Name Grace Lovett Amendment Barcode _____
(if applicable)

Job Title Director of Legislative Affairs

Address 400 South Monroe St. Phone (850) 617-7700
Street

Tallahassee FL 32399
City State Zip

E-mail Grace.Lovett@FreshFromFlorida.com

Speaking: For Against Information

Representing Florida Department of Agriculture and Consumer Services

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)

2/20/14
Meeting Date

Topic Security of a Protected Consumer's Information

Bill Number SB 242
(if applicable)

Name ALAN ABRAMOWITZ

Amendment Barcode N/A
(if applicable)

Job Title Executive Director, GUARDIAN AD LITEM PROGRAM

Address 400 Calhoun St.

Phone 850.241.3232

Tallahassee FLORIDA
City State Zip

E-mail Alan.Abramowitz@gal.fl.gov

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.



The Florida Senate

Committee Agenda Request

To: Senator Jeremy Ring, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: February 5, 2014

I respectfully request that **Senate Bill #242**, relating to Security of a Protected Consumer's Information, be placed on the:

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

A handwritten signature in black ink, reading "Nancy C. Detert".

Senator Nancy C. Detert
Florida Senate, District 28

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 256

INTRODUCER: Senator Garcia

SUBJECT: Public Records/Forensic Behavioral Health Evaluation

DATE: January 13, 2014

REVISED: 02/18/14

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable
2.	Kim	McVaney	GO	Pre-meeting
3.			RC	

I. Summary:

SB 256 makes forensic behavioral health evaluations filed with the court pursuant to ch. 916, F.S., confidential and exempt from public records requirements.

The bill provides a statement of public necessity for the exemption as required by the State Constitution. Because the exemption applies only to court records, the Open Government Sunset Review Act does not apply.

This bill requires a two-thirds vote of the members present and voting in each house of the Legislature for passage.

II. Present Situation:

Section 24 of the Florida Constitution provides the public the right to access records created or received in connection with governmental duties, including records kept by Florida courts.¹ The State Constitution provides that the Legislature may create an exemption to public records requirements.² Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.³ Furthermore, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁴ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁵

¹ FLA. CONST., art. I, s. 24

² FLA. CONST., art. I, s. 24(c).

³ FLA. CONST., art. I, s. 24(c).

⁴ The bill may, however, contain multiple exemptions that relate to one subject.

⁵ FLA. CONST., art. I, s. 24(c).

In the Forensic Client Services Act, Chapter 916, F.S., the Legislature addressed the needs of criminal defendants “who have been found to be incompetent to proceed due to their mental illness, intellectual disability, or autism, or who have been acquitted of a felony by reason of insanity” and have been committed to the Department of Children and Families (DCF) or to the Agency for Persons with Disabilities (ADP).⁶ Court appointed mental health experts perform evaluations to determine if a defendant has a mental illness and whether a defendant is competent to proceed.⁷

While the clinical records of a forensic client⁸ (defendants who have been committed to the DCF or ADP) are currently confidential and exempt from being disclosed as public records,⁹ most mental health records filed with court are neither confidential nor exempt from public disclosure.¹⁰ In most cases, mental health records filed with the court only become confidential after a party (or an affected nonparty) makes a motion and the court holds a hearing and issues an order.¹¹ A general public records exemption for forensic behavioral health evaluations filed with the court can only be created by the Legislature.^{12 13}

III. Effect of Proposed Changes:

This bill creates s. 916.1065, F.S., which would make forensic behavioral health evaluations filed with the court pursuant to ch. 916, F.S., confidential and exempt from public records disclosure requirements. The term “forensic behavioral health evaluation” is defined in the bill as meaning:

[A]ny record, including supporting documentation, derived from a competency, substance abuse, psychosexual, psychological, psychiatric, psychosocial, cognitive impairment, sanity, or other mental health evaluation of an individual.

⁶ Section 916.105(1), F.S.

⁷ Section 916.12(1), F.S.

⁸ Section 916.106(9), F.S., defines “forensic client” to mean a criminal defendant who has been committed to the Department of Children and Families or to the Agency for Persons with Disabilities because he or she has been:

- Adjudicated incompetent,
- Adjudicated not guilty by reason of insanity, or
- Determined to be incompetent to proceed.

⁹ Section 916.107(8), F.S. This statutory exemption was then included into Florida Rules of Judicial Administration 2.420(d)(B)(x), which provides “[c]linical records of criminal defendants found incompetent to proceed or acquitted by reason of insanity” are confidential.

¹⁰ Office of the State Courts Administrator, 2013 Judicial Impact Statement dated March 15, 2013 (on file with the Senate Governmental Oversight and Accountability Committee).

¹¹ Florida Rules of Judicial Administration 2.420.

¹² See FLA. CONST., art. I, s. 24(c) and *In re Amendments to Florida Rule of Judicial Administration 2.420*, 68 So.3d 228 (Fla. 2011).

¹³ The Supreme Court “declined to suspend application of rule 2.420(d) in criminal cases until the Legislature can address the issue of confidentiality of mental health evaluations and reports, as suggested by the Task Force [on Substance Abuse and Mental Health Issues in the Court].” *In re Amendments to Florida Rule of Judicial Admin. 2.420*, 68 So. 3d 225, 229 (2011). The Supreme Court adopted the Task Force’s reasoning “that the Legislature would have to expressly make mental health evaluations filed with the court exempt from public access before those evaluations can properly be added” to the list of documents treated as confidential under Rule 2.420(d)(1)(B) by the clerk of court. *In re Amendments to Florida Rule of Judicial Admin. 2.420*, 68 So. 3d 225, 229 (2011).

This bill would increase judicial economy by reducing the number of motion hearings necessary when defendants' mental health records were filed with the court.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c), of the State Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly-created public records exemption. Because this bill creates new public records exemptions, the bill requires a two-thirds vote of each house of the Legislature for passage.

Public Necessity Statement

Article I, s. 24(c), of the State Constitution requires a public necessity statement for a newly created public records exemption. Because this bill creates new public records exemptions, it includes a public necessity statement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Office of the State Courts Administrator (OSCA) anticipates that this bill will help to reduce court workload related to disposing of defense motions and the necessity for a hearing to protect forensic behavioral health evaluation information records. OSCA is unable to quantify the fiscal impact resulting from the workload reduction due to the

unavailability of data.¹⁴ OSCA predicts that Supreme Court will amend the Rules of Judicial Administration so that forensic behavioral health evaluations could be made exempt from public records.¹⁵

VI. Technical Deficiencies:

Section 916.1065(1), Florida Statutes, makes forensic behavioral health evaluations filed with the court “confidential and exempt” and does not provide for conditions for when these records may be released.¹⁶ It is not clear if this bill would make a forensic behavioral health evaluation confidential and exempt from disclosure (even to other agencies or courts) once a forensic behavioral health evaluation is filed with a court. This problem could also potentially be remedied by making the records simply “exempt” (rather than “confidential and exempt”) or by the addition of conditions under which those records may be released.

It is also unclear if these forensic behavioral health evaluations would be exempt from public disclosure if they are not filed with the court, but are held by other entities, such as the public defender or the prosecutor.

Finally, this bill does not include a reference to Chapter 119, Florida Statutes, which is where most of the state’s public records laws are concentrated. Non-judicial administrators, such as the clerks of court or possibly other agencies, will encounter forensic behavioral health evaluations during the course of executing their duties. The addition of section 119.071, F.S., will afford more protection from public inspection when forensic behavioral health evaluations are being created or stored.

VII. Related Issues:

Florida’s courts are generally open to the public.¹⁷ While this bill makes the actual behavioral health evaluation filed with the court exempt from public disclosure, this bill does not keep members of the public outside of the courtroom when the subject matter contained in the behavioral health evaluations are being heard by the court.

VIII. Statutes Affected:

This bill creates section 916.1065 of the Florida Statutes.

¹⁴ Office of the State Courts Administrator 2014 Judicial Impact Statement, December 3, 2013 (on file with the Senate Committee on Governmental Oversight and Accountability).

¹⁵ Office of the State Courts Administrator 2014 Judicial Impact Statement, December 3, 2013 (on file with the Senate Committee on Governmental Oversight and Accountability).

¹⁶ In *WFTV, Inc. v. School Bd. Of Seminole*, 876 So.2d 48, 53 (2004), the Fifth District Court of Appeals stated: “there is a difference between records the Legislature has determined to be exempt from the Florida Public Records Act and those which the Legislature has determined to be exempt from the Florida Public Records Act and confidential. If the information is made confidential in the statutes, the information is not subject to inspection by the public and may only be released to the persons or organizations designated in the statute.”

¹⁷ *Barron v. Florida Freedom Newspapers, Inc.*, 531 So.2d 113 (1988).

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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



751818

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

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

Senate Amendment

Delete line 17
and insert:
court under this chapter is confidential and exempt from s.
119.07(1) and s.

By Senator Garcia

38-00335-14

2014256__

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 916.1065, F.S.; creating an exemption from public
 4 records requirements for a forensic behavioral health
 5 evaluation filed with a court; providing a definition
 6 for the term "forensic behavioral health evaluation";
 7 providing a statement of public necessity; providing
 8 an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Section 916.1065, Florida Statutes, is created
 13 to read:
 14 916.1065 Confidentiality of forensic behavioral health
 15 evaluations.
 16 (1) A forensic behavioral health evaluation filed with the
 17 court under this chapter is confidential and exempt from s.
 18 24(a), Art. I of the State Constitution.
 19 (2) As used in this section, the term "forensic behavioral
 20 health evaluation" means any record, including supporting
 21 documentation, derived from a competency, substance abuse,
 22 psychosexual, psychological, psychiatric, psychosocial,
 23 cognitive impairment, sanity, or other mental health evaluation
 24 of an individual.
 25 Section 2. The Legislature finds that it is a public
 26 necessity that forensic behavioral health evaluations filed with
 27 the court pursuant to chapter 916, Florida Statutes, be
 28 confidential and exempt from disclosure under s. 24(a), Article
 29 I of the State Constitution. The personal health of an

Page 1 of 2

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30 individual and any treatment that he or she receives is an
 31 intensely private matter. An individual's forensic behavioral
 32 health evaluation should not be made public merely because it is
 33 filed with the court. Protecting forensic behavioral health
 34 evaluations is necessary to ensure the health care privacy
 35 rights of all individuals. Making these evaluations confidential
 36 and exempt will protect information of a sensitive personal
 37 nature, the release of which could cause unwarranted damage to
 38 the reputation of an individual. Further, the knowledge that
 39 sensitive personal information is subject to disclosure could
 40 have a chilling effect on mental health experts who conduct the
 41 evaluations for use by the court. Therefore, making these
 42 evaluations confidential and exempt allows courts to effectively
 43 and efficiently make decisions relating to the competency of
 44 individuals who interact with the state courts system.
 45 Section 3. This act shall take effect July 1, 2014.

Page 2 of 2

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Communications, Energy, and Public Utilities, Vice
Chair
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Health and Human
Services
Transportation
Health Policy
Agriculture
Transportation

JOINT COMMITTEE:

Joint Committee on Administrative Procedures, Chair

SENATOR RENE GARCIA

38th District

December 19, 2013

The Honorable Jeremy Ring
Chair, Government Oversight and Accountability Committee
405 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Ring:

This letter should serve as a request to have my bill *SB 256 Public Records/Forensic Behavioral Health Evaluation* heard at the next possible committee meeting. If there is any other information needed please do not hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "René García".

State Senator René García
District 38
RG:dm

CC: Joe McVaney, Staff Director

REPLY TO:

- 1490 West 68 St., Suite 201 Hialeah, FL 33014 (305) 364-3100
- 310 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5038

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Communications, Energy, and Public Utilities, Vice
Chair
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Health and Human
Services
Transportation
Health Policy
Agriculture
Transportation

JOINT COMMITTEE:

Joint Committee on Administrative Procedures

SENATOR RENE GARCIA

38th District

February 19, 2014

The Honorable Jeremy Ring
Chair, Governmental Oversight and Accountability Committee
525 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Ring:

Due to a scheduling conflict, I will not be able to present my bill *SB 256 Forensic Behavioral Health Evaluation*, at your committee meeting on Thursday, February 19, 2014. I ask that you allow a member of my staff *AJ D'Amico* to present the bill on my behalf. If there is any other information needed please do not hesitate to contact me.
Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "René García".

State Senator René García
District 38
RG:dm

CC: Joe McVaney, Staff Director

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SPB 7034

INTRODUCER: For consideration by the Governmental Oversight and Accountability Committee

SUBJECT: Citizen Support and Direct-support Organizations

DATE: February 17, 2014 REVISED: 2/20/13

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McKay</u>	<u>McVaney</u>		GO Submitted as Committee Bill

I. Summary:

SPB 7034 creates new reporting and transparency requirements for each citizen support organization (CSO) and direct support organization (DSO) that is adjunct to an executive agency. The bill requires CSOs and DSOs to report annually to the agencies to which the organizations are related information relating to organization, mission, and finances. The agencies must make the reported information available on agency websites and must make annual recommendations to the Legislature and Governor on the efficacy of the organizations. Agencies must terminate the contracts of any organization that does not comply with the reporting requirements.

The bill also requires that laws creating CSOs or DSOs must provide for a repeal date five years after creation, unless the organization is reviewed and reenacted by the Legislature. The bill also provides repeal dates for existing CSOs and DSOs.

II. Present Situation:

Citizen Support Organizations and Direct Support Organizations

Citizen support organizations and direct support organizations are private entities created to assist or support governmental entities in carrying out their duties. Florida law contains no general statutory definitions of such entities, and though they are often created with similar organizational and reporting requirements, that is not always the case. The Legislature has created or authorized numerous DSOs and CSOs in law; some of those associated with the executive branch are identified below.

The Florida Commission on Community Service is assigned to the Executive Office of the Governor to serve as an advisory board on matters relating to volunteerism and community service. Pursuant to s. 14.29(9), F.S., the commission may establish a DSO.

The Council on the Social Status of Black Men and Boys is established within the Department of Legal Affairs (DLA) to make a systematic study of the conditions affecting black men and boys.

Pursuant to s. 16.616, F.S., DLA is required to create a DSO that supports the council and develops funding initiatives.

Section 20.2551, F.S., permits the Department of Environmental Protection or units of the department to contract with citizen support organizations.

The Office of Adoption and Child Protection in the Executive Office of the Governor may establish a DSO pursuant to s. 39.0011, F.S., to assist the state in carrying out its purposes and responsibilities regarding the promotion of adoption, support of adoptive families, and prevention of child abuse.

Within the Justice Administrative Commission, the Statewide Guardian Ad Litem Office, which has oversight responsibilities for and provides technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits, is authorized to create a direct-support organization pursuant to s. 39.8298, F.S.

Section 250.115, F.S., provides for the creation of a DSO for the Department of Military Affairs; s. 250.116, F.S., specifies that the DSO is to provide assistance in the operation of the Soldiers and Airmen Assistance Program, which provides financial assistance and services to eligible servicemembers of the Florida National Guard and eligible members of their families.

Section 257.43, F.S., allows the Division of Library and Information Services of the Department of State to support the establishment of a CSO to provide assistance, funding, and promotional support for the library, archives, and records management programs of the division.

Section 258.015, F.S., allows the Division of Recreation and Parks of the Department of Environmental Protection to permit CSOs to operate for the direct or indirect benefit of the state park system or individual units of the state park system.

Section 259.10521, F.S., permits the creation of a CSO for the benefit of the Babcock Ranch preserve, to assist the Fish and Wildlife Conservation Commission and the Florida Forest Service within the Department of Agriculture and Consumer Services. This CSO does not appear to be active.

Section 265.703, F.S., permits the Division of Cultural Affairs of the Department of State to support the establishment of citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, and museum programs of the division.

Section 267.17, F.S., allows the Division of Historical Resources of the Department of State to support the establishment of CSOs to provide assistance, funding, and promotional support for the archaeology, museum, folklife, and historic preservation programs of the division.

The Florida Tourism Industry Marketing Corporation is a direct-support organization of Enterprise Florida, Inc., intended to perform duties necessary to carry out the 4-year marketing plan of Enterprise Florida, pursuant to s. 288.1226, F.S.

The Florida Intergovernmental Relations Foundation is a DSO authorized in s. 288.809, F.S., related to the duties of the state protocol officer. The specific statutory duties of the DSO are not clearly ascertainable.

Section 292.055, F.S., permits the Department of Veterans' Affairs to establish a direct-support organization to provide assistance, funding, and support for the department in carrying out its mission.

Section 379.223, F.S., permits the Fish and Wildlife Conservation Commission to authorize the establishment of CSOs to provide assistance, funding, and promotional support for the programs of the commission.

Section 413.0111, F.S., authorizes the Division of Blind Services to incorporate a direct-support organization to conduct programs and activities, initiate developmental projects, raise funds, and make expenditures to or for the direct or indirect benefit of the state and for blind persons in Florida.

Section 413.615, F.S., creates the Florida Endowment Foundation for Vocational Rehabilitation as a DSO of the Division of Vocational Rehabilitation within the Department of Education, to encourage public and private support to enhance vocational rehabilitation and employment of citizens who are disabled.

Section 430.82, F.S., permits the Department of Elderly Affairs to establish a direct-support organization to provide assistance, funding, and support for the department in carrying out its mission.

Section 570.903, F.S., permits the Department of Agriculture and Consumer Services to authorize the establishment of direct-support organizations to provide assistance, funding, and promotional support for the museums and other programs of the department.

Section 570.9135, F.S., creates the Florida Beef Council, Inc., as a DSO of the Department of Agriculture and Consumer Services to conduct programs of promotion, research, and consumer information designed to strengthen the cattle industry's market position. The council may impose an assessment of not more than \$1 on each head of cattle sold in the state in order to fund its activities.

Section 626.9895, F.S., permits the Division of Insurance Fraud of the Department of Financial Services to establish a DSO, to be known as the Automobile Insurance Fraud Strike Force, whose purpose is to support the prosecution, investigation, and prevention of motor vehicle insurance fraud.

Section 683.231, F.S., allows the Department of Law Enforcement to establish a CSO to provide assistance, funding, and promotional support for activities authorized for Florida Missing Children's Day, designated each year in remembrance of Florida's past and present missing children and in recognition of continued efforts to protect the safety of children through prevention, education, and community involvement.

Section 744.7082, F.S., specifies the organizational requirements for a DSO to support the Statewide Public Guardianship Office within the Department of Elderly Affairs.

Section 893.055, F.S., permits the Department of Health to establish a DSO to provide assistance, funding, and promotional support for the activities of the prescription drug monitoring program.

Section 944.802, F.S., specifies the organizational requirements and duties for a DSO to support the Department of Corrections.

Section 960.002, F.S., permits the Governor to authorize a DSO to assist in addressing the needs of victims of adult and juvenile crime; the DSO must under contract with the Executive Office of the Governor. This DSO does not appear to be active.

Section 985.672, F.S., specifies the organizational requirements and duties for a DSO to support the Department of Juvenile Justice.

Section 1009.983, F.S., allows the Florida Prepaid College Board, which administers the Florida College Savings Program, to establish a DSO to administer the Florida Prepaid Tuition Scholarship Program, which provides economically disadvantaged youth with prepaid postsecondary tuition scholarships.

Audits of state agency DSOs and CSOs

Section 215.891, F.S., provides that each DSO and CSO with annual expenditures in excess of \$100,000, created or authorized pursuant to law, and created, approved, or administered by a state agency, other than universities, community colleges, or district school boards, must provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General. The audit report must be submitted within 9 months after the end of the fiscal year to the Auditor General and to the state agency responsible for creation, administration, or approval of the direct-support organization or citizen support organization.

Notwithstanding the above, DSOs and CSOs for the Department of Environmental Protection or the Department of Agriculture and Consumer Services that are not for profit and that have annual expenditures of less than \$300,000 are not required to have an independent audit. Those departments establish accounting and financial management guidelines for those organizations under its jurisdiction, and conduct operational and financial reviews of a selected number of DSOs and CSOs that fall below the \$300,000 threshold.

III. Effect of Proposed Changes:

Section 3 of the bill creates s. 20.058, F.S., to specify operational requirements for citizen support organizations and direct support organizations.

Yearly, a CSO or DSO created or authorized pursuant to law or executive order and created, approved, or administered by an agency, must submit the following to the appropriate agency:

- The name, mailing address, telephone number, and website address of the organization.
- The statutory authority or executive order pursuant to which the organization was created.
- A brief description of the mission and results obtained by the organization.
- A brief description of the plans of the organization for the next 3 fiscal years.
- A copy of the organization's code of ethics.
- A copy of the organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).
- For the prior, current, and the next fiscal year:
 - The amount and source of revenue generated or projected to be generated by the organization;
 - The amounts and purposes of expenditures or projected expenditures by the organization, including specific amounts, if any, spent or projected to be incurred to lobby the executive or legislative branch of state government and specific amounts, if any, spent or projected to be incurred for travel or entertainment expenses for state or local public officers and employees;
 - The value of capital improvements made, if any, to state property which has been funded or projected to be funded by the organization;
 - The amount, if any, of any state or federal funds provided to the organization; and
 - The names of, and compensation for, the organization's officers, directors, employees, and independent contractors.

Each agency receiving the above information from a CSO or DSO must make the information available to the public through the agency's website. If the organization maintains a website, the agency's website must provide a link to the organization's website. Yearly, each agency must report the above required information to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each organization. Any contract between an agency and a CSO or DSO must be contingent upon the organization's submitting and posting the required yearly information. If an organization fails to submit the required information for 2 consecutive years, the agency head must terminate any contract between the agency and the organization.

A law creating or authorizing the creation of a CSO or DSO must be repealed on October 1 of the 5th year after enactment, unless reviewed and saved from repeal through reenactment by the Legislature. A law creating or authorizing the creation of a CSO or DSO that is in existence on July 1, 2014, must be repealed on October 1, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill requires that existing statutory CSOs and DSOs be reviewed and saved from repeal by the Legislature by certain dates. If the Legislature does not act to review and save existing CSOs and DSOs from repeal, the organizations would be repealed as follows:

Bill Section	Statutory Cite	Organization	Repealed October 1 of:
5	39.0011	Office of Adoption and Child Protection DSO (Executive Office of Governor)	2017
7	250.115	Department of Military Affairs DSO	2017
16	292.055	Department of Veterans' Affairs DSO	2017
18	413.0111	Blind Services DSO	2017
19	413.615	Florida Endowment for Vocational Rehabilitation (DSO of Department of Education)	2017
20	430.82	Department of Elderly Affairs DSO	2017
26	893.055	Prescription drug monitoring program DSO	2017
30	1009.983	Florida Prepaid College Board DSO	2017
1	14.29	Florida Commission on Community Service DSO	2018
2	16.616	Council on Social Status of Black Men and Boys DSO	2018
6	39.8298	Guardian Ad Litem DSO	2018
24	683.231	Florida Missing Children's Day CSO	2018
25	744.7082	Statewide Public Guardianship Office DSO	2018
27	944.802	Department of Corrections DSO	2018
28	960.002	DSO to assist victims of crime	2018
29	985.672	Department of State DSO	2018
4	20.2551	Department of Environmental Protection DSO	2019
8	257.43	Division of Library and Information Services of the Department of State CSO	2019
9	258.015	Division of Recreation and Parks of the Department of Environmental Protection CSOs	2019
10	259.10521	Babcock Ranch CSO	2019
11	265.703	Department of State CSO	2019
12	267.17	Division of Historical Resources of the Department of State CSOs	2019
13	288.1226	Florida Tourism Industry Marketing Corporation (DSO of Enterprise Florida, Inc.)	2019
14	288.809	Florida Intergovernmental Relations Foundation (DSO of the Executive Office of the Governor)	2019
15	288.923	Duties of the Division of Tourism Marketing	2019
17	379.223	Fish and Wildlife Conservation Commission CSOs	2019
21	570.903	Department of Agriculture and Consumer Services DSO	2019
22	570.9135	Florida Beef Council (DSO of the Department of Agriculture and Consumer Services)	2019
23	626.9895	Motor vehicle insurance fraud DSO	2019

The bill takes effect upon becoming law.

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:

Indeterminate. Staff time might be required in order to comply with the new reporting requirements for DSOs and CSOs.

C. Government Sector Impact:

Indeterminate. The bill does not directly repeal any DSOs or CSOs, but if the statutory authority for any such organizations is repealed by future action of the Legislature, the agency program supported by the organization could be affected financially.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 15 of the bill specifies a repeal date for s. 288.923, F.S., which creates a Division of Tourism Marketing within Enterprise Florida, Inc., and provides duties for the division and duties related to the DSO established in s. 288.1226, F.S., the Florida Tourism Industry Marketing Corporation. Section 13 of this bill provides a repeal date for s. 288.1226, F.S. The repeal date in section 15 of the bill would also repeal substantive provisions unrelated to the DSO, which may not be the intent of the Legislature.

The bill does not address how funds or property would be distributed upon the repeal of the statutory authority creating a DSO or CSO.

The bill does not specify how the Legislature will conduct its review and reenactment of CSOs and DSOs; the Senate President and Speaker of the House will determine that process for their respective chambers.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 14.29, 16.616, 20.2551, 39.0011, 39.8298, 250.115, 257.43, 258.015, 259.10521, 265.703, 267.17, 288.1226, 288.809, 288.923, 292.055, 379.223, 413.0111, 413.615, 430.82, 570.903, 570.9135, 626.9895, 683.231, 744.7082, 893.055, 944.802, 960.002, 985.672, and 1009.983.

This bill creates section 20.058 of the Florida Statutes.

IX. Additional Information:

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

None.

B. **Amendments:**

None.



707368

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/20/2014	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 237 - 245
and insert:

(5) A law creating, or authorizing the creation of, a
citizen support organization or a direct-support organization
must state that the creation of or authorization for the
organization is repealed on October 1 of the 5th year after



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10 reenactment, unless reviewed and saved from repeal through
11 reenactment by the Legislature. Citizen support organizations
12 and direct-support organizations in existence on July 1, 2014,
13 must be reviewed by the Legislature by July 1, 2019.

14 Section 4. Subsection (4) is added to section 257.43,
15 Florida Statutes, to read:

16 257.43 Citizen support organization; use of state
17 administrative services and property; audit.—

18 (4) REPEAL.—This section is repealed October 1, 2019,
19 unless reviewed and saved from repeal by the Legislature.

20 Section 5. Subsection (4) is added to section 258.015,
21 Florida Statutes, to read:

22 258.015 Citizen support organizations; use of property;
23 audit.—

24 (4) REPEAL.—This section is repealed October 1, 2019,
25 unless reviewed and saved from repeal by the Legislature.

26 Section 6. Subsection (4) is added to section 267.17,
27 Florida Statutes, to read:

28 267.17 Citizen support organizations; use of state
29 administrative services and property; audit.—

30 (4) REPEAL.—This section is repealed October 1, 2019,
31 unless reviewed and saved from repeal by the Legislature.

32 Section 7. Subsection (4) is added to section 379.223,
33 Florida Statutes, to read:

34 379.223 Citizen support organizations; use of state
35 property; audit.—

36 (4) This section is repealed October 1, 2019, unless
37 reviewed and saved from repeal by the Legislature.

38



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

40 And the title is amended as follows:

41 Delete lines 26 - 29

42 and insert:

43 to legislative review and repeal; requiring that
44 citizen support organizations or direct-support
45 organizations in existence as of a certain date be
46 subject to future legislative review; amending s.
47 257.43, F.S.; providing for future review and repeal
48 of the citizen support organization of the Division of
49 Library and Information Services of the Department of
50 State; amending s. 258.015, F.S.; providing for future
51 review and repeal of provisions relating to citizen
52 support organizations under the Division of Recreation
53 and Parks of the Department of Environmental
54 Protection; amending s. 267.17, F.S.; providing for
55 future review and repeal of the citizen support
56 organization of the Division of Historical Resources
57 of the Department of State; amending s. 379.223, F.S.;
58 providing for future review and repeal of the Fish and
59 Wildlife Conservation Commission's authorization to
60 establish citizen support organizations; amending s.
61 20.2551,

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

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1 A bill to be entitled
 2 An act relating to citizen support and direct-support
 3 organizations; amending s. 14.29, F.S.; providing for
 4 future review and repeal of provisions authorizing the
 5 Florida Commission on Community Service to establish
 6 and operate a direct-support organization; amending s.
 7 16.616, F.S.; providing for future review and repeal
 8 of the direct-support organization established within
 9 the Department of Legal Affairs; creating s. 20.058,
 10 F.S.; requiring citizen support and direct-support
 11 organizations to annually submit certain information
 12 to the appropriate agency; requiring each agency
 13 receiving such information to post submissions on the
 14 agency's website; requiring each agency receiving such
 15 information to annually submit a report to the
 16 Governor, the Legislature, and the Office of Program
 17 Policy Analysis and Government Accountability;
 18 providing report requirements; requiring that a
 19 contract between an agency and a citizen support
 20 organization or direct-support organization be
 21 contingent on disclosure requirements; requiring an
 22 agency head to terminate a contract if an organization
 23 fails to meet disclosure requirements; requiring that
 24 each citizen support organization or direct-support
 25 organization created or authorized by law be subject
 26 to future review and repeal; requiring that citizen
 27 support organizations or direct-support organizations
 28 in existence as of a certain date be subject to future
 29 legislative review and repeal; amending s. 20.2551,

Page 1 of 15

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30 F.S.; providing for future review and repeal of the
 31 citizen support organization established within the
 32 Department of Environmental Protection; amending s.
 33 39.0011, F.S.; providing for future review and repeal
 34 of the direct-support organization of the Office of
 35 Adoption and Child Protection; amending s. 39.8298,
 36 F.S.; providing for future review and repeal of the
 37 Statewide Guardian Ad Litem Office's authorization to
 38 create a direct-support organization; amending s.
 39 250.115, F.S.; providing for future review and repeal
 40 of the direct-support organization of the Department
 41 of Military Affairs; amending s. 259.10521, F.S.;
 42 providing for future review and repeal of the citizen
 43 support organization benefitting the Babcock Ranch
 44 Preserve; amending s. 265.703, F.S.; providing for
 45 future review and repeal of the citizen support
 46 organization of the Division of Cultural Affairs of
 47 the Department of State; amending s. 288.1226, F.S.;
 48 providing for future review and repeal of the Florida
 49 Tourism Industry Marketing Corporation; amending s.
 50 288.809, F.S.; providing for future review and repeal
 51 of the Florida Intergovernmental Relations Foundation;
 52 amending s. 288.923, F.S.; providing for future review
 53 and repeal of the Division of Tourism Marketing of
 54 Enterprise Florida, Inc.; amending s. 292.055, F.S.;
 55 providing for future review and repeal of the direct-
 56 support organization of the Department of Veterans'
 57 Affairs; amending s. 413.0111, F.S.; providing for
 58 future review and repeal of the direct-support

Page 2 of 15

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59 organization of the Division of Blind Services of the
 60 Department of Education; amending s. 413.615, F.S.;
 61 providing for future review and repeal of the Florida
 62 Endowment Foundation for Vocational Rehabilitation;
 63 amending s. 430.82, F.S.; providing for future review
 64 and repeal of the Department of Elderly Affairs'
 65 authority to establish a direct-support organization;
 66 amending s. 570.903, F.S.; providing for future review
 67 and repeal of the Department of Agriculture and
 68 Consumer Services' authority to establish a direct-
 69 support organization; amending s. 570.9135, F.S.;
 70 providing for future review and repeal of Florida Beef
 71 Council, Inc.; amending s. 626.9895, F.S.; providing
 72 for future review and repeal of the Division of
 73 Insurance Fraud of the Department of Financial
 74 Services' authority to establish a direct-support
 75 organization; amending s. 683.231, F.S.; providing for
 76 future review and repeal of the Department of Law
 77 Enforcement's authority to establish a citizen support
 78 organization for Florida Missing Children's Day;
 79 amending s. 744.7082, F.S.; providing for future
 80 review and repeal of the direct-support organization
 81 supporting the Statewide Public Guardianship Office;
 82 amending s. 893.055, F.S.; providing for future review
 83 and repeal of the Department of Health's authority to
 84 establish a direct-support organization supporting the
 85 prescription drug monitoring program; amending s.
 86 944.802, F.S.; providing for future review and repeal
 87 of the Department of Corrections' authority to

Page 3 of 15

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88 establish a direct-support organization; amending s.
 89 960.002, F.S.; providing for future review and repeal
 90 of the Governor's authority to authorize a direct-
 91 support organization to assist victims of adult and
 92 juvenile crime; amending s. 985.672, F.S.; providing
 93 for future review and repeal of the Department of
 94 Juvenile Justice's direct-support organization;
 95 amending s. 1009.983, F.S.; providing for future
 96 review and repeal of the Florida Prepaid College
 97 Board's authority to establish a direct-support
 98 organization; providing an effective date.
 99
 100 Be It Enacted by the Legislature of the State of Florida:
 101
 102 Section 1. Subsections (9), (10), (11), (12), (13), (14),
 103 and (15) of section 14.29, Florida Statutes, are amended to
 104 read:
 105 14.29 Florida Commission on Community Service.—
 106 (9) (a) The commission may establish a direct-support
 107 organization which is:
 108 1. (a) A Florida corporation, not for profit, incorporated
 109 under the provisions of chapter 617 and approved by the
 110 Secretary of State.
 111 2. (b) Organized and operated exclusively to receive, hold,
 112 invest, and administer property and funds and to make
 113 expenditures to or for the benefit of the program.
 114 3. (c) An organization which the commission, after review,
 115 has certified to be operating in a manner consistent with the
 116 goals of the program and in the best interests of the state.

Page 4 of 15

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117 (b) ~~(10)~~ The direct-support organization shall operate under
 118 written contract with the commission. The contract must provide
 119 for:

120 1. ~~(a)~~ Approval of the articles of incorporation and bylaws
 121 of the direct-support organization by the commission.

122 2. ~~(b)~~ Submission of an annual budget for the approval of
 123 the commission. The budget must comply with rules adopted by the
 124 commission.

125 3. ~~(c)~~ Certification by the commission that the direct-
 126 support organization is complying with the terms of the contract
 127 and in a manner consistent with the goals and purposes of the
 128 commission and in the best interest of the state. Such
 129 certification must be made annually and reported in the official
 130 minutes of a meeting of the commission.

131 4. ~~(d)~~ The reversion to the commission, or the state if the
 132 commission ceases to exist, of moneys and property held in trust
 133 by the direct-support organization if the direct-support
 134 organization is no longer approved to operate for the commission
 135 or the commission ceases to exist.

136 5. ~~(e)~~ The fiscal year of the direct-support organization,
 137 to begin July 1 of each year and end June 30 of the following
 138 year.

139 6. ~~(f)~~ The disclosure of material provisions of the contract
 140 and the distinction between the board of directors and the
 141 direct-support organization to donors of gifts, contributions,
 142 or bequests, as well as on all promotional and fundraising
 143 publications.

144 (c) ~~(11)~~ The members of the direct-support organization's
 145 board of directors must include members of the commission.

Page 5 of 15

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585-01717-14

20147034__

146 (d) ~~(12)~~ The commission may authorize a direct-support
 147 organization to use its personal services, facilities, and
 148 property, ~~(except money), facilities, and personal services,~~
 149 subject to the provisions of this section. A direct-support
 150 organization that does not provide equal employment
 151 opportunities to all persons regardless of race, color,
 152 religion, sex, age, or national origin may not use the property,
 153 facilities, or personal services of the commission. For the
 154 purposes of this subsection, the term "personal services"
 155 includes full-time personnel and part-time personnel as well as
 156 payroll processing.

157 (e) ~~(13)~~ The commission shall adopt rules prescribing the
 158 procedures by which the direct-support organization is governed
 159 and any conditions with which the direct-support organization
 160 must comply to use property, facilities, or personal services of
 161 the commission.

162 (f) ~~(14)~~ Moneys of the direct-support organization may be
 163 held in a separate depository account in the name of the direct-
 164 support organization and subject to the provisions of the
 165 contract with the commission. Such moneys may include membership
 166 fees, private donations, income derived from fundraising
 167 activities, and grants applied for and received by the direct-
 168 support organization.

169 (g) ~~(15)~~ The direct-support organization shall provide for
 170 an annual financial audit in accordance with s. 215.981.

171 (h) This subsection is repealed effective October 1, 2018,
 172 unless reviewed and saved from repeal by the Legislature.

173 Section 2. Subsection (7) is added to section 16.616,
 174 Florida Statutes, to read:

Page 6 of 15

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585-01717-14

20147034__

175 16.616 Direct-support organization.-
 176 (7) This section is repealed October 1, 2018, unless
 177 reviewed and saved from repeal by the Legislature.
 178 Section 3. Section 20.058, Florida Statutes, is created to
 179 read:
 180 20.058 Citizen support and direct-support organizations.-
 181 (1) By August 1 of each year, a citizen support
 182 organization or direct-support organization created or
 183 authorized pursuant to law or executive order and created,
 184 approved, or administered by an agency, shall submit the
 185 following information to the appropriate agency:
 186 (a) The name, mailing address, telephone number, and
 187 website address of the organization.
 188 (b) The statutory authority or executive order pursuant to
 189 which the organization was created.
 190 (c) A brief description of the mission of, and results
 191 obtained by, the organization.
 192 (d) A brief description of the plans of the organization
 193 for the next 3 fiscal years.
 194 (e) A copy of the organization's code of ethics.
 195 (f) A copy of the organization's most recent federal
 196 Internal Revenue Service Return of Organization Exempt from
 197 Income Tax form (Form 990).
 198 (g) For the prior fiscal year, the current fiscal year, and
 199 the next fiscal year:
 200 1. The amount and source of revenue generated or projected
 201 to be generated by the organization;
 202 2. The amounts and purposes of expenditures or projected
 203 expenditures by the organization, including specific amounts, if

Page 7 of 15

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585-01717-14

20147034__

204 any, spent or projected to be incurred to lobby the executive or
 205 legislative branch of state government and specific amounts, if
 206 any, spent or projected to be incurred for travel or
 207 entertainment expenses for state or local public officers and
 208 employees;
 209 3. The value of capital improvements made, if any, to state
 210 property which has been funded or projected to be funded by the
 211 organization;
 212 4. The amount, if any, of any state or federal funds
 213 provided to the organization; and
 214 5. The names of, and compensation for, the organization's
 215 officers, directors, employees, and independent contractors.
 216 (2) Each agency receiving information from a citizen
 217 support organization or direct-support organization pursuant to
 218 subsection (1) shall make such information available to the
 219 public through the agency's website. If the organization
 220 maintains a website, the agency's website must provide a link to
 221 the organization's website.
 222 (3) By August 15 of each year, each agency shall report to
 223 the Governor, the President of the Senate, the Speaker of the
 224 House of Representatives, and the Office of Program Policy
 225 Analysis and Government Accountability the information provided
 226 by each citizen-support organization and direct support
 227 organization. The report must also include a recommendation by
 228 the agency, with supporting rationale, to continue, terminate,
 229 or modify the agency's association with each organization.
 230 (4) Any contract between an agency and a citizen support
 231 organization or direct-support organization must be contingent
 232 upon the organization's submission and posting of information

Page 8 of 15

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585-01717-14

20147034__

233 pursuant to subsections (1) and (2). If an organization fails to
 234 submit the required information for 2 consecutive years, the
 235 agency head shall terminate any contract between the agency and
 236 the organization.

237 (5) A law creating, or authorizing the creation of, a
 238 citizen support organization or a direct-support organization
 239 shall be repealed on October 1 of the 5th year after enactment,
 240 unless reviewed and saved from repeal through reenactment by the
 241 Legislature. A law creating, or authorizing the creation of, a
 242 citizen support organization or direct-support organization that
 243 is in existence on July 1, 2014, shall be repealed on October 1,
 244 2019, unless reviewed and saved from repeal through reenactment
 245 by the Legislature.

246 Section 4. Subsection (6) is added to section 20.2551,
 247 Florida Statutes, to read:
 248 20.2551 Citizen support organizations; use of property;
 249 audit; public records; partnerships.-

250 (6) REPEAL.—This section is repealed October 1, 2019,
 251 unless reviewed and saved from repeal by the Legislature.

252 Section 5. Subsection (5) is added to section 39.0011,
 253 Florida Statutes, to read:

254 39.0011 Direct-support organization.-

255 (5) This section is repealed October 1, 2017, unless
 256 reviewed and saved from repeal by the Legislature.

257 Section 6. Subsection (8) is added to section 39.8298,
 258 Florida Statutes, to read:

259 39.8298 Guardian Ad Litem direct-support organization.-

260 (8) REPEAL.—This section is repealed October 1, 2018,
 261 unless reviewed and saved from repeal by the Legislature.

585-01717-14

20147034__

262 Section 7. Subsection (8) is added to section 250.115,
 263 Florida Statutes, to read:
 264 250.115 Department of Military Affairs direct-support
 265 organization.-

266 (8) REPEAL.—This section is repealed October 1, 2017,
 267 unless reviewed and saved from repeal by the Legislature.

268 Section 8. Subsection (4) is added to section 259.10521,
 269 Florida Statutes, to read:

270 259.10521 Citizen support organization; use of property.-

271 (4) REPEAL.—This section is repealed October 1, 2019,
 272 unless reviewed and saved from repeal by the Legislature.

273 Section 9. Subsection (4) is added to section 265.703,
 274 Florida Statutes, to read:

275 265.703 Citizen support organizations; use of state
 276 administrative services and property; audit.-

277 (4) REPEAL.—This section is repealed October 1, 2019,
 278 unless reviewed and saved from repeal by the Legislature.

279 Section 10. Subsections (7) and (8) of section 288.1226,
 280 Florida Statutes, are amended, and a new subsection (9) is added
 281 to that section, to read:

282 288.1226 Florida Tourism Industry Marketing Corporation;
 283 use of property; board of directors; duties; audit.-

284 (7) REPORT.—The corporation shall provide a quarterly
 285 report to Enterprise Florida, Inc., which shall:

286 (a) Measure the current vitality of the visitor industry of
 287 this state as compared to the vitality of such industry for the
 288 year to date and for comparable quarters of past years.

289 Indicators of vitality shall be determined by Enterprise
 290 Florida, Inc., and shall include, but not be limited to,

585-01717-14 20147034__

291 estimated visitor count and party size, length of stay, average
292 expenditure per party, and visitor origin and destination.

293 (b) Provide detailed, unaudited financial statements of
294 sources and uses of public and private funds.

295 (c) Measure progress towards annual goals and objectives
296 set forth in the 4-year marketing plan.

297 (d) Review all pertinent research findings.

298 (e) Provide other measures of accountability as requested
299 by Enterprise Florida, Inc.

300 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person
301 who responds to a marketing project or advertising research
302 project conducted by the corporation in the performance of its
303 duties on behalf of Enterprise Florida, Inc., or trade secrets
304 as defined by s. 812.081 obtained pursuant to such activities,
305 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
306 Constitution.

307 (9) REPEAL.—This section is repealed October 1, 2019,
308 unless reviewed and saved from repeal by the Legislature.

309 Section 11. Subsection (5) is added to section 288.809,
310 Florida Statutes, to read:

311 288.809 Florida Intergovernmental Relations Foundation; use
312 of property; board of directors; audit.—

313 (5) REPEAL.—This section is repealed October 1, 2019,
314 unless reviewed and saved from repeal by the Legislature.

315 Section 12. Subsection (6) is added to section 288.923,
316 Florida Statutes, to read:

317 288.923 Division of Tourism Marketing; definitions;
318 responsibilities.—

319 (6) This section is repealed October 1, 2019, unless

585-01717-14 20147034__

320 reviewed and saved from repeal by the Legislature.

321 Section 13. Subsection (10) is added to section 292.055,
322 Florida Statutes, to read:

323 292.055 Direct-support organization.—

324 (10) REPEAL.—This section is repealed October 1, 2017,
325 unless reviewed and saved from repeal by the Legislature.

326 Section 14. Subsection (7) is added to section 413.0111,
327 Florida Statutes, to read:

328 413.0111 Blind services direct-support organization.—

329 (7) This section is repealed October 1, 2017, unless
330 reviewed and saved from repeal by the Legislature.

331 Section 15. Subsection (14) is added to section 413.615,
332 Florida Statutes, to read:

333 413.615 Florida Endowment for Vocational Rehabilitation.—

334 (14) REPEAL.—This section is repealed October 1, 2017,
335 unless reviewed and saved from repeal by the Legislature.

336 Section 16. Subsection (9) is added to section 430.82,
337 Florida Statutes, to read:

338 430.82 Direct-support organization.—

339 (9) This section is repealed October 1, 2017, unless
340 reviewed and saved from repeal by the Legislature.

341 Section 17. Subsection (10) is added to section 570.903,
342 Florida Statutes, to read:

343 570.903 Direct-support organization.—

344 (10) This section is repealed October 1, 2019, unless
345 reviewed and saved from repeal by the Legislature.

346 Section 18. Subsection (14) is added to section 570.9135,
347 Florida Statutes, to read:

348 570.9135 Beef Market Development Act; definitions; Florida

585-01717-14 20147034__

349 Beef Council, Inc., creation, purposes, governing board, powers,
 350 and duties; referendum on assessments imposed on gross receipts
 351 from cattle sales; payments to organizations for services;
 352 collecting and refunding assessments; vote on continuing the
 353 act; council bylaws.—

354 (14) REPEAL.—This section is repealed October 1, 2019,
 355 unless reviewed and saved from repeal by the Legislature.

356 Section 19. Subsection (9) is added to section 626.9895,
 357 Florida Statutes, to read:
 358 626.9895 Motor vehicle insurance fraud direct-support
 359 organization.—

360 (9) REPEAL.—This section is repealed October 1, 2019,
 361 unless reviewed and saved from repeal by the Legislature.

362 Section 20. Subsection (8) is added to section 683.231,
 363 Florida Statutes, to read:
 364 683.231 Citizen support organization for Florida Missing
 365 Children's Day.—

366 (8) This section is repealed October 1, 2018, unless
 367 reviewed and saved from repeal by the Legislature.

368 Section 21. Subsection (9) is added to section 744.7082,
 369 Florida Statutes, to read:
 370 744.7082 Direct-support organization; definition; use of
 371 property; board of directors; audit; dissolution.—

372 (9) REPEAL.—This section is repealed October 1, 2018,
 373 unless reviewed and saved from repeal by the Legislature.

374 Section 22. Paragraph (k) is added to subsection (11) of
 375 section 893.055, Florida Statutes, to read:
 376 893.055 Prescription drug monitoring program.—
 377 (11) The department may establish a direct-support

585-01717-14 20147034__

378 organization that has a board consisting of at least five
 379 members to provide assistance, funding, and promotional support
 380 for the activities authorized for the prescription drug
 381 monitoring program.

382 (k) This subsection is repealed October 1, 2017, unless
 383 reviewed and saved from repeal by the Legislature.

384 Section 23. Subsection (4) is added to section 944.802,
 385 Florida Statutes, to read:
 386 944.802 Direct-support organization; definition; use of
 387 property; board of directors; audit.—

388 (4) REPEAL.—This section is repealed October 1, 2018,
 389 unless reviewed and saved from repeal by the Legislature.

390 Section 24. Subsection (6) is added to section 960.002,
 391 Florida Statutes, to read:
 392 960.002 Direct-support organization to assist victims of
 393 adult and juvenile crime.—

394 (6) This section is repealed October 1, 2018, unless
 395 reviewed and saved from repeal by the Legislature.

396 Section 25. Subsections (5) and (6) of section 985.672,
 397 Florida Statutes, are amended, and a new subsection (7) is added
 398 to that section, to read:
 399 985.672 Direct-support organization; definition; use of
 400 property; board of directors; audit.—

401 (5) DEPOSIT OF FUNDS.—Any moneys may be held in a separate
 402 depository account in the name of the direct-support
 403 organization and subject to the provisions of the contract with
 404 the department.

405 (6) AUDIT.—The direct-support organization shall provide
 406 for an annual financial audit in accordance with s. 215.981.

585-01717-14

20147034__

407 (7) REPEAL.—This section is repealed October 1, 2018,
408 unless reviewed and saved from repeal by the Legislature.
409 Section 26. Subsection (9) is added to section 1009.983,
410 Florida Statutes, to read:
411 1009.983 Direct-support organization; authority.—
412 (9) This section is repealed October 1, 2017, unless
413 reviewed and saved from repeal by the Legislature.
414 Section 27. 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)

2/20/2014
Meeting Date

Topic _____

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S.
Street

St Petersburg FL 33705
City State Zip

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

Bill Number 7034
(if applicable)

Amendment Barcode _____
(if applicable)

Phone 727/897-9291

E-mail justice2jesus@yahoo.com

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

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Appropriations Subcommittee on Finance and
Tax, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Commerce and Tourism
Judiciary
Rules

JOINT COMMITTEES:

Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

SENATOR JEREMY RING

29th District

February 17, 2014

President Don Gaetz
409 Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear President Gaetz,

I am requesting to be excused from all Senate Business during the afternoon of February 18th through February 21st due to conflicts that require me to return home from Tallahassee.

Thank you in advance for considering this request to be excused from all Senate business on these days due to these unforeseen conflicts. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 29

CC: Debbie Brown, Secretary of the Senate

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: KN 412

Case:

Caption: Senate Governmental Oversight and Accountability Committee

Type:

Judge:

Started: 2/20/2014 9:05:06 AM

Ends: 2/20/2014 9:16:06 AM

Length: 00:11:01

9:05:09 AM Tab 1 - CS/CS/SB 242 (Senator Detert) Security of a Protected Consumer's Information
9:06:29 AM Amend. barcode 171494
9:07:15 AM Amend. adopted
9:07:34 AM Amend. barcode 354110
9:07:48 AM Amend. adopted
9:08:15 AM Alan Abramowitz - Guardian Ad Litem Program, Exec. Director
9:08:46 AM Individuals waive in support
9:09:32 AM No debate
9:09:36 AM Close on the bill
9:09:59 AM Move to report as CS (Hukill)
9:10:10 AM Roll call
9:10:38 AM Turn chair over to Senator Benacquisto
9:10:52 AM Tab 3 - SPB 7034 presented by Senator Hays on Citizen Support and Direct Support Organizations
9:12:58 AM Amend. barcode 707368
9:14:04 AM Amend. adopted
9:15:10 AM Motion to allow staff to make technical changes
9:15:17 AM Senator Hays moves to submit SPB 7034 as committee bill and roll call
9:15:50 AM Senator Montord moves we rise