

**SPB 7022** by **GO**; Individuals With Disabilities

**SB 7002** by **CM**; Renaming Workforce Florida, Inc.

**CS/SB 144** by **HP, Bean**; (Similar to H 0141) Public Records/Impaired Practitioner Consultants

**SB 7000** by **CA**; OGSR/Public Transit Provider

871830 PCS S RCS GO 02/03 11:23 AM

**SB 224** by **Simpson (CO-INTRODUCERS) Margolis, Gibson, Hays**; (Identical to H 0163) Public Records/Public Agency Contracts

479722 D S RCS GO, Latvala Delete everything after 02/03 11:23 AM

**SB 136** by **Hays (CO-INTRODUCERS) Latvala**; (Similar to H 0039) Florida Retirement System

218244 PCS S RCS GO 02/03 11:23 AM  
519514 PCS:A S RCS GO, Hays btw L.180 - 181: 02/03 11:23 AM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY**  
**Senator Ring, Chair**  
**Senator Hays, Vice Chair**

**MEETING DATE:** Tuesday, February 3, 2015  
**TIME:** 10:00 a.m.—12:00 noon  
**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

**MEMBERS:** Senator Ring, Chair; Senator Hays, Vice Chair; Senators Bullard, Latvala, and Legg

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
1	<b>SPB 7022</b>	Individuals With Disabilities; Revising definitions and defining the term "individual who has a disability"; revising the state's equal employment opportunity policy to include individuals who have a disability; requiring each executive agency to annually report to the Department of Management Services regarding the agency's progress in increasing employment among certain underrepresented groups; requiring the department to develop and implement certain programs geared toward individuals who have a disability, etc.	Submitted as Committee Bill Yeas 5 Nays 0
<b>(Preliminary Draft Available - final draft will be made available at least 48 hours prior to the meeting)</b>			
2	<b>SB 7002</b> Commerce and Tourism	Renaming Workforce Florida, Inc.; Renaming Workforce Florida, Inc., as CareerSource Florida, Inc., etc.  GO FP	Favorable Yeas 5 Nays 0
3	<b>CS/SB 144</b> Health Policy / Bean (Similar H 141)	Public Records/Impaired Practitioner Consultants; Creating an exemption from public records requirements for certain identifying and location information of current or former impaired practitioner consultants retained by an agency or certain current or former employees of an impaired practitioner consultant and the spouses and children of such consultants or employees, under specified circumstances; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc.  HP 01/06/2015 Fav/CS GO FP	Favorable Yeas 5 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Governmental Oversight and Accountability

Tuesday, February 3, 2015, 10:00 a.m.—12:00 noon

---

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 7000</b> Community Affairs	OGSR/Public Transit Provider; Amending provisions relating to an exemption from public record requirements for personal identifying information held by a public transit provider to facilitate the prepayment of transit fares or the acquisition of prepaid transit fare cards; saving the exemption from repeal under the Open Government Sunset Review Act, etc.  GO RC	Fav/CS Yeas 5 Nays 0
5	<b>SB 224</b> Simpson (Identical H 163)	Public Records/Public Agency Contracts; Defining the term "acting on behalf of a public agency"; requiring that a public agency contract for services include a statement providing the name and telephone number of the public agency's custodian of records; specifying circumstances under which a court may assess and award reasonable costs of enforcement against a public agency or contractor, etc.  GO JU FP	Fav/CS Yeas 5 Nays 0
<b>A proposed committee substitute</b> for the following bill (SB 136) is expected to be considered:			
6	<b>SB 136</b> Hays (Similar H 39)	Florida Retirement System; Specifying eligibility of a monthly death benefit payment to the surviving spouse, child, or parent of a law enforcement officer or firefighter employed by the state, etc.  GO CA AP	Fav/CS Yeas 5 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:** SPB 7022

**INTRODUCER:** Governmental Oversight and Accountability Committee

**SUBJECT:** Individuals with Disabilities

**DATE:** February 3, 2015      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	<b>GO Submitted as Committee Bill</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

**I. Summary:**

SPB 7022 modifies the State of Florida’s employment policy to provide enhanced opportunities for persons who have a disability to be employed by executive branch agencies. Specifically, the bill requires each executive agency to:

- Establish annual goals in its affirmative action plan that ensures full utilization of underrepresented groups in agency’s workforce, including individuals who have a disability
- Annually report its progress toward increasing employment of individuals who have a disability; and
- By Jan. 1, 2016, develop agency-specific plan on promoting employment opportunities for individuals who have a disability.

Additionally, the bill directs the Department of Management Services to:

- Develop and implement programs geared toward individuals who have a disability in consultation with Agency for Persons with Disabilities, Division of Vocational Rehabilitation of the Department of Education, Department of Economic Opportunity, and Executive Office of the Governor;
- Develop mandatory training programs for human resources personnel and hiring managers of executive agencies that support the employment of individuals who have a disability;
- Assist executive agencies with implementing the agency-specific plans and strategies for retaining employees who have a disability;
- Compile data on hiring practices of executive agencies regarding hiring of individuals who have a disability and post this information on agency website; and
- Adopt rules relating to forms providing for voluntary self-identification of individuals who have a disability who are employed by executive agency.

The bill provides for an effective date of July 1, 2015.

## II. Present Situation:

Section 110.112, F.S., declares that the policy of the state is to afford equal employment opportunities through programs of affirmative and positive action allowing for the full utilization of women and minorities.

Each executive agency is required to develop and implement an affirmative action plan;<sup>1</sup> establish annual goals in its affirmative action plan for ensuring full utilization of groups underrepresented in the agency's workforce as compared to relevant labor market;<sup>2</sup> and appoint an affirmative action-equal employment opportunity officer.<sup>3</sup>

DMS is required to issue an annual workforce report<sup>4</sup> and provide training to all supervisory personnel of executive agencies.<sup>5</sup>

Presently, s. 110.112, F.S., does not contain a definition of the term "individual who has a disability" and does not specifically address equal employment opportunity and affirmative action for this group.

## III. Effect of Proposed Changes:

**Section 1** reorders, amends and revises definitions contained in s. 110.107, Florida Statutes, and defines the term "individual who has a disability".

The definition of "individual who has a disability" mirrors the federal definition of "disability" contained in the American with Disabilities Act (ADA),<sup>6</sup> with the exceptions of the following:

- The federal term "mental impairment"<sup>7</sup> is replaced with "intellectual impairment"; and
- The federal phrase "being regarded"<sup>8</sup> is replaced with "who is perceived by others".

**Section 2** amends s. 110.112, Florida Statutes, and revises and broadens the state's equal employment opportunity policy to include individuals who have a disability.

Executive agencies are required to:

---

<sup>1</sup> Section 110.112(2) (a), F.S.

<sup>2</sup> Section 110.112(2) (b), F.S.

<sup>3</sup> Section 110.112(2)(c), F.S., provides that the duties of the affirmative action-equal employment opportunity officer include determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action.

<sup>4</sup> Section 110.112(2) (d), F.S., provides that the DMS annual workforce report shall include information relating to implementation, continuance, and updating the results of each executive agency's affirmative action plan for the previous fiscal year.

<sup>5</sup> Section 110.112(2)(e), F.S., provides that the training will be in the principals of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and establishment of annual affirmative action goals.

<sup>6</sup> 42 U.S.C. s. 12102(2).

<sup>7</sup> *Id.*

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

- Set annual goals in its affirmative action plan to ensure the full utilization of underrepresented groups, to specifically include individuals who have a disability as compared to the relevant labor market;
- Report annually to DMS on the agency's progress toward increasing employment of individuals who have a disability; and
- Develop an agency-specific plan by Jan. 1, 2016, addressing how to promote employment opportunities for individuals who have a disability.

DMS is required to:

- Include data for each executive agency related to employment levels among women, minorities, and individuals who have a disability in its annual workforce report;
- Develop and implement programs specifically geared toward individuals who have a disability in consultation with Agency for Persons with Disabilities, Division of Vocational Rehabilitation of the Department of Education, Department of Economic Opportunity, and Executive Office of the Governor;<sup>9</sup>
- Develop mandatory training programs by Jan. 1, 2016, for human resources personnel and hiring managers of executive agencies that support the employment of individuals who have a disability;
- Assist executive agencies in implementing agency-specific plans; and identifying and implementing strategies for retaining employees who have a disability.<sup>10</sup>
- Biannually report on the progress of executive agencies in implementing their plans to the Governor, the President of the Senate, and the Speaker of the House of Representatives;
- Compile data regarding the hiring practices of executive agencies in regards to individuals who have a disability and make this data available on its website; and
- Adopt rules regarding forms that provide for voluntary self-identification of individuals who have a disability who are employed by an executive agency.

SPB 7022 also contains a provision that specifically states that no substantive or procedural right or benefit enforceable at law or in equity against the state is created by this legislation.

The bill applies to the State Personnel System comprised of positions in the Career Service, Selected Exempt Service, or Senior Management Service within all executive branch agencies. This bill is not applicable to the personnel systems of the State University System, the Florida Lottery, the Legislature, the Justice Administration System, or the State Courts System.

**Section 3** provides an effective date of July 1, 2015.

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

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

None.

<sup>9</sup> These programs may incorporate internships, mentoring, on-the-job training, unpaid work experience, situational assessments, and other innovative strategies.

<sup>10</sup> Some of these strategies include training programs, funding reasonable accommodations, increasing access to technologies, and ensuring accessibility of physical and virtual workplaces.

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.

C. Government Sector Impact:

DMS has noted that additional positions and funds are necessary to implement the requirements of this legislation. DMS has suggested that it needs at least two additional full-time positions to implement the additional responsibilities created by SPB 7022. The total costs for these two positions will be roughly \$145,000.

DMS has also suggested the People First system, the state's human resource information system, may need to be enhanced to add an "individual who has a disability" indicator to fully implement the reporting requirements of this legislation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

DMS uses data from the Equal Employment Opportunity (EEO) Tabulation that is published by the U.S. Census Bureau for information on women and minorities. The EEO Tabulation provides detailed occupational statistics by race, ethnicity and sex in the labor market by location-based geography. The state's data center, the Department of Economic Opportunity, has informed DMS that data for individuals who have a disability is not available at the occupational level. Data is only available in broad categories (employed/unemployed, full-time/less than full-time). Accordingly, it might be difficult for agencies to establish numerical goals on such limited data.

**VIII. Statutes Affected:**

This bill substantially amends the sections 110.107 and 110.112 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

---

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

---

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

585-01403A-15

20157022pb

1 A bill to be entitled  
 2 An act relating to individuals with disabilities;  
 3 reordering and amending s. 110.107, F.S.; revising  
 4 definitions and defining the term "individual who has  
 5 a disability"; amending s. 110.112, F.S.; revising the  
 6 state's equal employment opportunity policy to include  
 7 individuals who have a disability; requiring each  
 8 executive agency to annually report to the Department  
 9 of Management Services regarding the agency's progress  
 10 in increasing employment among certain  
 11 underrepresented groups; revising the required content  
 12 of the department's annual workforce report; requiring  
 13 the department to develop and implement certain  
 14 programs geared toward individuals who have a  
 15 disability; requiring the department to develop  
 16 training programs by a specified date; requiring each  
 17 executive agency to develop a plan regarding the  
 18 employment of individuals who have a disability by a  
 19 specified date; requiring the department to report to  
 20 the Governor and the Legislature regarding  
 21 implementation; requiring the department to compile  
 22 and post data regarding the hiring practices of  
 23 executive agencies regarding the employment of  
 24 individuals who have a disability; requiring the  
 25 department to assist executive agencies in identifying  
 26 strategies to retain employees who have a disability;  
 27 requiring the department to adopt certain rules;  
 28 specifying that the act does not create any  
 29 enforceable right or benefit; providing an effective

Page 1 of 9

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

585-01403A-15

20157022pb

30 date.  
 31  
 32 Be It Enacted by the Legislature of the State of Florida:  
 33  
 34 Section 1. Section 110.107, Florida Statutes, is reordered  
 35 and amended to read:  
 36 110.107 Definitions.—As used in this chapter, the term:  
 37 (5)(1) "Department" means the Department of Management  
 38 Services.  
 39 (28)(2) "Secretary" means the Secretary of Management  
 40 Services.  
 41 (11)(3) "Furlough" means a temporary reduction in the  
 42 regular hours of employment in a pay period, or temporary leave  
 43 without pay for one or more pay periods, with a commensurate  
 44 reduction in pay, which is necessitated by a projected deficit  
 45 in any fund that supports salary and benefit appropriations. The  
 46 deficit must be projected by the Revenue Estimating Conference  
 47 pursuant to s. 216.136(3).  
 48 (30)(4) "State agency" or "agency" means any official,  
 49 officer, commission, board, authority, council, committee, or  
 50 department of the executive branch or the judicial branch of  
 51 state government as defined in chapter 216.  
 52 (21)(5) "Position" means the work, consisting of duties and  
 53 responsibilities, assigned to be performed by an officer or  
 54 employee.  
 55 (10)(6) "Full-time position" means a position authorized  
 56 for the entire normally established work period, whether daily,  
 57 weekly, monthly, or annually.  
 58 (18)(7) "Part-time position" means a position authorized

Page 2 of 9

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

585-01403A-15

20157022pb

59 for less than the entire normally established work period,  
 60 whether daily, weekly, monthly, or annually.

61 ~~(16)-(9)~~ "Occupation" means all positions that which are  
 62 sufficiently similar in knowledge, skills, ~~and~~ abilities, and  
 63 ~~the sufficiently similar as to~~ kind or subject matter of work.

64 ~~(17)-(9)~~ "Occupational group" means a group of occupations  
 65 that which are sufficiently similar in the kind of work  
 66 performed to warrant the use of the same performance factors in  
 67 determining the level of complexity for all occupations in that  
 68 occupational group.

69 ~~(3)-(10)~~ "Classification plan" means a formal description of  
 70 the concepts, rules, job family definitions, occupational group  
 71 characteristics, and occupational profiles used in the  
 72 classification of positions.

73 ~~(20)-(11)~~ "Pay plan" means a formal description of the  
 74 philosophy, methods, procedures, and salary schedules for  
 75 competitively compensating employees at market-based rates for  
 76 work performed.

77 ~~(27)-(12)~~ "Salary schedule" means an official document that  
 78 ~~which~~ contains a complete list of occupation titles, broadband  
 79 level codes, and pay bands.

80 ~~(1)-(13)~~ "Authorized position" means a position included in  
 81 an approved budget. In counting the number of authorized  
 82 positions, part-time positions may be converted to full-time  
 83 equivalents.

84 ~~(8)-(14)~~ "Established position" means an authorized position  
 85 that which has been classified in accordance with a  
 86 classification and pay plan as provided by law.

87 ~~(22)-(15)~~ "Position number" means the identification number

585-01403A-15

20157022pb

88 assigned to an established position.

89 ~~(26)-(16)~~ "Reclassification" means the changing of an  
 90 established position in one broadband level in an occupational  
 91 group to a higher or lower broadband level in the same  
 92 occupational group or to a broadband level in a different  
 93 occupational group.

94 ~~(24)-(17)~~ "Promotion" means the changing of the  
 95 classification of an employee to a broadband level having a  
 96 higher maximum salary; or the changing of the classification of  
 97 an employee to a broadband level having the same or a lower  
 98 maximum salary but a higher level of responsibility.

99 ~~(4)-(18)~~ "Demotion" means the changing of the classification  
 100 of an employee to a broadband level having a lower maximum  
 101 salary; or the changing of the classification of an employee to  
 102 a broadband level having the same or a higher maximum salary but  
 103 a lower level of responsibility.

104 ~~(32)-(19)~~ "Transfer" means moving an employee from one  
 105 geographic location of the state to a different geographic  
 106 location more than in excess of 50 miles from the employee's  
 107 current work location.

108 ~~(25)-(20)~~ "Reassignment" means moving an employee from a  
 109 position in one broadband level to a different position in the  
 110 same broadband level or to a different broadband level having  
 111 the same maximum salary.

112 ~~(6)-(21)~~ "Dismissal" means a disciplinary action taken by an  
 113 agency pursuant to s. 110.227 against an employee which results  
 114 ~~resulting in the~~ termination of his or her employment.

115 ~~(31)-(22)~~ "Suspension" means a disciplinary action taken by  
 116 an agency pursuant to s. 110.227 against an employee which ~~to~~

585-01403A-15

20157022pb

117 temporarily relieves ~~relieve~~ the employee of his or her duties  
118 and places ~~place~~ him or her on leave without pay.

119 ~~(15)-(23)~~ "Layoff" means termination of employment due to a  
120 shortage of funds or work, or a material change in the duties or  
121 organization of an agency, including the outsourcing or  
122 privatization of an activity or function previously performed by  
123 career service employees.

124 ~~(7)-(24)~~ "Employing agency" means any agency authorized to  
125 employ personnel to carry out the responsibilities of the agency  
126 under the provisions of chapter 20 or other law ~~statutory~~  
127 ~~authority~~.

128 ~~(29)-(25)~~ "Shared employment" means part-time career  
129 employment in which ~~whereby~~ the duties and responsibilities of a  
130 full-time position in the career service are divided among part-  
131 time employees who are eligible for the position and who receive  
132 career service benefits and wages pro rata. The term ~~In no case~~  
133 ~~shall~~ "shared employment" does not include the employment of  
134 persons paid from other-personal-services funds.

135 ~~(9)-(26)~~ "Firefighter" means a firefighter certified under  
136 chapter 633.

137 ~~(14)-(27)~~ "Law enforcement or correctional officer" means a  
138 law enforcement officer, special agent, correctional officer,  
139 correctional probation officer, or institutional security  
140 specialist ~~required to be~~ certified under chapter 943.

141 ~~(23)-(28)~~ "Professional health care provider" means  
142 registered nurses, physician's assistants, dentists,  
143 psychologists, nutritionists or dietitians, pharmacists,  
144 psychological specialists, physical therapists, and speech and  
145 hearing therapists.

585-01403A-15

20157022pb

146 ~~(13)-(29)~~ "Job family" means a defined grouping of one or  
147 more occupational groups.

148 ~~(19)-(30)~~ "Pay band" means the minimum salary, the maximum  
149 salary, and intermediate rates that ~~which~~ are payable for work  
150 in a specific broadband level.

151 ~~(2)-(31)~~ "Broadband level" means all positions that ~~which~~  
152 are sufficiently similar in knowledge, skills, and abilities;  
153 ~~the, and sufficiently similar as to~~ kind or subject matter of  
154 work; ~~the,~~ level of difficulty of ~~or~~ responsibilities; and ~~the~~  
155 qualification requirements of the work so as to warrant the same  
156 treatment with respect ~~as~~ to title, pay band, and other  
157 personnel transactions.

158 (12) "Individual who has a disability" means a person who  
159 has a physical or intellectual impairment that substantially  
160 limits one or more major life activities; a person who has a  
161 history or record of such an impairment; or a person who is  
162 perceived by others as having such an impairment.

163 Section 2. Subsections (1) and (2) of section 110.112,  
164 Florida Statutes, are amended, present subsections (3) through  
165 (6) of that section are redesignated as subsections (4) through  
166 (7), respectively, and a new subsection (3) is added to that  
167 section, to read:

168 110.112 Affirmative action; equal employment opportunity.—

169 (1) It is ~~shall be~~ the policy of this ~~the~~ state to assist  
170 in providing the assurance of equal employment opportunity  
171 through programs of affirmative and positive action that will  
172 allow full utilization of women, and minorities, and individuals  
173 who have a disability.

174 (2) (a) The head of each executive agency shall develop and

585-01403A-15

20157022pb

175 implement an affirmative action plan in accordance with rules  
176 adopted by the department and approved by a majority vote of the  
177 Administration Commission before their adoption.

178 (b) Each executive agency shall establish annual goals for  
179 ensuring full utilization of groups underrepresented in the  
180 agency's ~~its~~ workforce, including women, minorities, and  
181 individuals who have a disability, as compared to the relevant  
182 labor market, as defined by the agency. Each executive agency  
183 shall design its affirmative action plan to meet its established  
184 goals.

185 (c) Each executive agency shall annually report to the  
186 department regarding the agency's progress toward increasing  
187 employment among women, minorities, and individuals who have a  
188 disability.

189 (d) ~~(e)~~ An affirmative action-equal employment opportunity  
190 officer shall be appointed by the head of each executive agency.  
191 The affirmative action-equal employment opportunity officer's  
192 responsibilities must include determining annual goals,  
193 monitoring agency compliance, and providing consultation to  
194 managers regarding progress, deficiencies, and appropriate  
195 corrective action.

196 (e) ~~(d)~~ The department shall report information in its  
197 annual workforce report relating to the implementation,  
198 continuance, updating, and results of each executive agency's  
199 affirmative action plan for the previous fiscal year. The annual  
200 workforce report must also include data for each executive  
201 agency relating to employment levels among women, minorities,  
202 and individuals who have a disability.

203 (f) ~~(e)~~ The department shall provide to all supervisory

585-01403A-15

20157022pb

204 personnel of the executive agencies training in the principles  
205 of equal employment opportunity and affirmative action, the  
206 development and implementation of affirmative action plans, and  
207 the establishment of annual affirmative action goals. The  
208 department may contract for training services, and each  
209 participating agency shall reimburse the department for costs  
210 incurred through such contract. After the department approves  
211 the contents of the training program for the agencies, the  
212 department may delegate this training to the executive agencies.

213 (3) (a) The department, in consultation with the Agency for  
214 Persons with Disabilities, the Division of Vocational  
215 Rehabilitation of the Department of Education, the Department of  
216 Economic Opportunity, and the Executive Office of the Governor,  
217 shall develop and implement programs that incorporate  
218 internships, mentoring, on-the-job training, unpaid work  
219 experience, situational assessments, and other innovative  
220 strategies that are specifically geared toward individuals who  
221 have a disability.

222 (b) By January 1, 2016, the department shall develop  
223 mandatory training programs for human resources personnel and  
224 hiring managers of executive agencies which support the  
225 employment of individuals who have a disability.

226 (c) 1. By January 1, 2016, each executive agency shall  
227 develop an agency-specific plan that addresses how to promote  
228 employment opportunities for individuals who have a disability.

229 2. The department shall assist executive agencies in the  
230 implementation of agency-specific plans. The department shall  
231 regularly report to the Governor, the President of the Senate,  
232 and the Speaker of the House of Representatives the progress of

585-01403A-15

20157022pb

233 executive agencies in implementing these plans. Such reports  
234 shall be made at least biannually.

235 (d) The department shall compile data regarding the hiring  
236 practices of executive agencies with regard to individuals who  
237 have a disability and make such data available on its website.

238 (e) The department shall assist executive agencies in  
239 identifying and implementing strategies for retaining employees  
240 who have a disability which include, but are not limited to,  
241 training programs, funding reasonable accommodations, increasing  
242 access to appropriate technologies, and ensuring accessibility  
243 of physical and virtual workplaces.

244 (f) The department shall adopt rules relating to forms that  
245 provide for the voluntary self-identification of individuals who  
246 a disability who are employed by an executive agency.

247 (g) This subsection does not create any substantive or  
248 procedural right or benefit enforceable at law or in equity  
249 against the state or a state agency, or an officer, employee, or  
250 agent thereof.

251 Section 3. This act shall take effect July 1, 2015.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

7022

Bill Number (if applicable)

Meeting Date

Topic Disabled

Amendment Barcode (if applicable)

Name Susan Goldstein

Job Title Parent / Lobbyist

Address 3158 Inverness

Phone 954 830 6300

Street

Weston FL 33332

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida ARF Dan Marino Foundation, ARC, Broward

Sandra DeLuca CR  
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)

2/3/15  
Meeting Date

SB 7022  
Bill Number (if applicable)

Topic Support

Amendment Barcode (if applicable)

Name Ryland Mucrite

Job Title Executive Director - Respect of FL

Address 228-B Weatherline Way

Phone 550-933-9689

Tallahassee FL 32301

Email \_\_\_\_\_

City State Zip

Speaking:  For  Against  Information

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

Representing Respect of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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

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

---

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

---

BILL: SB 7002

INTRODUCER: Commerce and Tourism Committee

SUBJECT: Renaming Workforce Florida, Inc.

DATE: February 3, 2015      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Siples</u>	<u>McKay</u>		<b>CM SPB 7002 as introduced</b>
1.	<u>Peacock</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
2.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

---

**I. Summary:**

SB 7002 replaces all references currently made in the Florida Statutes to Workforce Florida, Inc., with its new name, CareerSource Florida, Inc.

**II. Present Situation:**

**Florida's Workforce System**

The Legislature passed the Workforce Investment Act of 2000 in an effort to better connect the state's economic development strategies with its workforce development system.<sup>1</sup> The act established a three-tier system for the delivery of workforce services.<sup>2</sup>

The Department of Economic Opportunity (DEO) is Florida's lead state workforce agency.<sup>3</sup> However, Workforce Florida, Inc., (WFI) sets the state's workforce development policy and guidance.<sup>4</sup> WFI is a nonprofit corporation that provides state-level policy, planning, performance evaluation, and oversight to the DEO and the 24 regional workforce boards (RWB) which directly provide workforce services through nearly 100 One-Stop Career Centers around the state.<sup>5</sup> The DEO manages the performance-based contract with WFI for the statewide administration and coordination of workforce services. The DEO assists WFI in developing and disseminating policies, providing technical assistance, and monitoring a variety of workforce programs.

---

<sup>1</sup> Ch. 2000-165, Laws of Fla.

<sup>2</sup> See ch. 445, F.S.

<sup>3</sup> Primarily through the Division of Workforce Services.

<sup>4</sup> WFI is Florida's state workforce investment board. See 29 U.S.C. 2821.

<sup>5</sup> Section 445.004, F.S.

The DEO is the state agency which receives the federal funds for employment-related programs, such as Temporary Assistance to Needy Families and the Workforce Investment Act, and distributes these funds to the state's 24 RWBs. The DEO is responsible for financial and performance reports which are provided to the U.S. Department of Labor and other federal organizations.

Each RWB develops a local plan for using the funds provided by the DEO and oversees workforce development activities in the region. The boards also select contractors to operate local One-Stop Career Centers. The One-Stop Career Centers deliver employment services to job seekers and employers. Services include job placement and recruitment assistance as well as funding for skills training.<sup>6</sup>

Each RWB operates under a charter approved by WFI; they also enter into performance-based memorandums of understanding for program support services provided by the DEO.<sup>7</sup> The DEO monitors the RWB and One-Stop Career Center activities to ensure that they comply with federal and state requirements. The DEO provides One-Stop Program Support services (workforce program information, guidance, training, and technical assistance) to the RWBs.

### **Workforce System's Statewide Brand**

In 2012, the Legislature passed the Regional Workforce Boards Accountability Act to direct WFI to evaluate a means to establish a single, statewide brand for the state's workforce system.<sup>8</sup> At the time of passage, each of the 24 RWBs maintained individual names, logos, and branding for each of their respective boards and the nearly 100 One-Stop Centers. The lack of a unified brand contributed to confusion among job seekers and employers who could have benefitted from the services being offered.<sup>9</sup>

WFI, in collaboration with the DEO, began the process of establishing single, statewide brand and identity.<sup>10</sup> Statewide surveys of stakeholders were conducted to assess awareness and perceptions of the workforce system and to test proposed brand names and logos.<sup>11</sup> CareerSource Florida was strongly preferred by those surveyed,<sup>12</sup> and in May 2013, the WFI Board of Directors approved the new brand name, logo, and unified brand charter.<sup>13</sup> Each RWB was allotted funding, based on its size, to assist with the brand transition. The board of directors also approved additional incentive funding for RWBs that met certain branding achievements within specified time frames.<sup>14</sup>

---

<sup>6</sup> Sections 445.007 and 445.009, F.S.

<sup>7</sup> Section 445.009(3), F.S.

<sup>8</sup> Ch. 2012-29, s. 2, Laws of Fla.

<sup>9</sup> Florida Dep't of Economic Opportunity, *Brand Implementation Guidelines* (October 31, 2013), available at <http://www.floridajobs.org/PDG/guidancepapers/BrandImplementationGuidelinesFinal.pdf> (last visited Dec. 15, 2014).

<sup>10</sup> CareerSource Florida, Inc., *Statewide Brand Implementation Plan* (October 21, 2013) (on file with the Senate Committee on Commerce and Tourism).

<sup>11</sup> *Id.* at 30. The process engaged more than 1,500 business leaders, workforce professionals, employers, and job seekers.

<sup>12</sup> DEO, *Brand Implementation Guidelines*.

<sup>13</sup> CareerSource Florida, *Statewide Brand Implementation* at 7.

<sup>14</sup> DEO, *Brand Implementation Guidelines* at 6-8.

On February 10, 2014, WFI launched the new statewide brand, CareerSource Florida.<sup>15</sup> With this launch, Florida became the first state to achieve a unified brand and logo for its workforce system. CareerSource Florida, Inc., was officially established with the Department of State on July 10, 2014.<sup>16</sup>

### III. Effect of Proposed Changes:

**Sections 1-3 and sections 5-59** amend ss. 11.45, 20.60., 216.136, 288.047, 288.0656, 288.1252, 288.901, 288.903, 295.22, 320.20, 331.3051, 331.369, 403.973, 409.1451, 413.405, 413.407, 414.045, 414.105, 414.106, 414.295, 414.55, 420.622, 443.091, 443.171, 443.181, 445.003, 445.004, 445.006, 445.007, 445.0071, 445.008, 445.009, 445.011, 445.014, 445.016, 445.021, 445.022, 445.024, 445.026, 445.028, 445.030, 445.033, 445.035, 445.038, 445.045, 445.048, 445.051, 445.055, 446.41, 446.50, 1003.491, 1003.492, 1003.493, 1003.51, 1003.52, 1004.015, 1011.80, and 1011.801, F.S., respectively, to replace all references to Workforce Florida, Inc., with its new name, CareerSource Florida, Inc.

**Sections 5, 7 – 11, 14, 16, 18, 19, 21, 23 – 28, 32, 38, 46, 50 – 53** make editorial and technical changes to ss. 288.047, 288.1252, 288.901, 288.903, 295.22, 320.20, 403.973, 413.405, 414.045, 414.105, 414.295, 420.622, 443.091, 443.171, 443.181, 445.003, 445.004, 445.008, 445.022, 445.045, 446.41, 446.50, 1003.491, and 1003.492, F.S., respectively,

**Section 4** amends s. 218.077, F.S., to delete obsolete language.

**Section 60** provides the act shall take effect on July 1, 2015.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

<sup>15</sup> Press Release, CareerSource Florida, Inc., *Florida Activates New Unified Workforce Brand* (Feb. 10, 2014), available at <http://careersourceflorida.com/wp-content/uploads/2014/01/CareerSourceFloridaLaunchRelease.pdf> (last visited Dec. 15, 2014).

<sup>16</sup> See <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail/EntityName/domnp-n14000006475-9e28c17f-a4d7-4a12-83d9-54bc7f3467c2/careersource%20florida/Page1>

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

None.

**B. Private Sector Impact:**

To the extent that a private organization refers to Workforce Florida, Inc. (WFI), in any literature it produces, the private organization may incur minimal costs associated with updating the literature with WFI's new name, CareerSource Florida, Inc.

**C. Government Sector Impact:**

Governmental organizations that refer to Workforce Florida, Inc. (WFI), in any literature that they produce, may incur costs associated with updating the literature with WFI's new name, CareerSource Florida, Inc.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 11.45, 20.60, 216.136, 218.077, 288.047, 288.0656, 288.1252, 288.901, 288.903, 295.22, 320.20, 331.3051, 331.369, 403.973, 409.1451, 413.405, 413.407, 414.045, 414.105, 414.106, 414.295, 414.55, 420.622, 443.091, 443.171, 443.181, 445.003, 445.004, 445.006, 445.007, 445.0071, 445.008, 445.009, 445.011, 445.014, 445.016, 445.021, 445.022, 445.024, 445.026, 445.028, 445.030, 445.033, 445.035, 445.038, 445.045, 445.048, 445.051, 445.055, 446.41, 446.50, 1003.491, 1003.492, 1003.493, 1003.51, 1003.52, 1004.015, 1011.80, and 1011.801.

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

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

None.

**B. Amendments:**

None.

By the Committee on Commerce and Tourism

577-00545-15

20157002\_\_

A bill to be entitled

An act relating to renaming Workforce Florida, Inc.; renaming Workforce Florida, Inc., as CareerSource Florida, Inc.; amending ss. 11.45, 20.60, 216.136, 218.077, 288.047, 288.0656, 288.1252, 288.901, 288.903, 295.22, 320.20, 331.3051, 331.369, 403.973, 409.1451, 413.405, 413.407, 414.045, 414.105, 414.106, 414.295, 414.55, 420.622, 443.091, 443.171, 443.181, 445.003, 445.004, 445.006, 445.007, 445.0071, 445.008, 445.009, 445.011, 445.014, 445.016, 445.021, 445.022, 445.024, 445.026, 445.028, 445.030, 445.033, 445.035, 445.038, 445.045, 445.048, 445.051, 445.055, 446.41, 446.50, 1003.491, 1003.492, 1003.493, 1003.51, 1003.52, 1004.015, 1011.80, and 1011.801, F.S.; conforming provisions to changes made by the act; making technical changes; providing an effective date.

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

Section 1. Paragraph (q) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(q) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, or the programs or entities created by CareerSource Florida, Inc.

Page 1 of 102

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

577-00545-15

20157002\_\_

~~Workforce Florida, Inc.~~, created pursuant to s. 445.004.

Section 2. Paragraphs (a) and (c) of subsection (5) and subsections (6) and (11) of section 20.60, Florida Statutes, are amended to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(5) The divisions within the department have specific responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(a) The Division of Strategic Business Development shall:

1. Analyze and evaluate business prospects identified by the Governor, the executive director of the department, and Enterprise Florida, Inc.

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, the department may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to the department by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s.

Page 2 of 102

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

577-00545-15 20157002\_\_

59 216.177. The approved performance measures, standards, and  
60 sanctions shall be included and made a part of the strategic  
61 plan for contracts entered into for delivery of programs  
62 authorized by this section.

63 4. Develop a 5-year statewide strategic plan. The strategic  
64 plan must include, but need not be limited to:

65 a. Strategies for the promotion of business formation,  
66 expansion, recruitment, and retention through aggressive  
67 marketing, international development, and export assistance,  
68 which lead to more and better jobs and higher wages for all  
69 geographic regions, disadvantaged communities, and populations  
70 of the state, including rural areas, minority businesses, and  
71 urban core areas.

72 b. The development of realistic policies and programs to  
73 further the economic diversity of the state, its regions, and  
74 their associated industrial clusters.

75 c. Specific provisions for the stimulation of economic  
76 development and job creation in rural areas and midsize cities  
77 and counties of the state, including strategies for rural  
78 marketing and the development of infrastructure in rural areas.

79 d. Provisions for the promotion of the successful long-term  
80 economic development of the state with increased emphasis in  
81 market research and information.

82 e. Plans for the generation of foreign investment in the  
83 state which create jobs paying above-average wages and which  
84 result in reverse investment in the state, including programs  
85 that establish viable overseas markets, assist in meeting the  
86 financing requirements of export-ready firms, broaden  
87 opportunities for international joint venture relationships, use

577-00545-15 20157002\_\_

88 the resources of academic and other institutions, coordinate  
89 trade assistance and facilitation services, and facilitate  
90 availability of and access to education and training programs  
91 that assure requisite skills and competencies necessary to  
92 compete successfully in the global marketplace.

93 f. The identification of business sectors that are of  
94 current or future importance to the state's economy and to the  
95 state's global business image, and development of specific  
96 strategies to promote the development of such sectors.

97 g. Strategies for talent development necessary in the state  
98 to encourage economic development growth, taking into account  
99 factors such as the state's talent supply chain, education and  
100 training opportunities, and available workforce.

101 5. Update the strategic plan every 5 years.

102 6. Involve Enterprise Florida, Inc.; CareerSource Florida,  
103 Inc. ~~Workforce Florida, Inc.~~; local governments; the general  
104 public; local and regional economic development organizations;  
105 other local, state, and federal economic, international, and  
106 workforce development entities; the business community; and  
107 educational institutions to assist with the strategic plan.

108 (c) The Division of Workforce Services shall:

109 1. Prepare and submit a unified budget request for  
110 workforce development in accordance with chapter 216 for, and in  
111 conjunction with, CareerSource Florida, Inc. ~~Workforce Florida,~~  
112 ~~Inc.~~, and its board.

113 2. Ensure that the state appropriately administers federal  
114 and state workforce funding by administering plans and policies  
115 of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, under  
116 contract with CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

577-00545-15 20157002\_\_

117 The operating budget and midyear amendments thereto must be part  
 118 of such contract.

119 a. All program and fiscal instructions to regional  
 120 workforce boards shall emanate from the Department of Economic  
 121 Opportunity pursuant to plans and policies of CareerSource  
 122 Florida, Inc. ~~Workforce Florida, Inc.~~, which shall be  
 123 responsible for all policy directions to the regional workforce  
 124 boards.

125 b. Unless otherwise provided by agreement with CareerSource  
 126 Florida, Inc. ~~Workforce Florida, Inc.~~, administrative and  
 127 personnel policies of the Department of Economic Opportunity  
 128 shall apply.

129 3. Implement the state's reemployment assistance program.  
 130 The Department of Economic Opportunity shall ensure that the  
 131 state appropriately administers the reemployment assistance  
 132 program pursuant to state and federal law.

133 4. Assist in developing the 5-year statewide strategic plan  
 134 required by this section.

135 (6) (a) The Department of Economic Opportunity is the  
 136 administrative agency designated for receipt of federal  
 137 workforce development grants and other federal funds. The  
 138 department shall administer the duties and responsibilities  
 139 assigned by the Governor under each federal grant assigned to  
 140 the department. The department shall expend each revenue source  
 141 as provided by federal and state law and as provided in plans  
 142 developed by and agreements with CareerSource Florida, Inc.  
 143 ~~Workforce Florida, Inc.~~ The department may serve as the contract  
 144 administrator for contracts entered into by CareerSource  
 145 Florida, Inc. ~~Workforce Florida, Inc.~~, pursuant to s.

577-00545-15 20157002\_\_

146 445.004(5), as directed by CareerSource Florida, Inc. ~~Workforce~~  
 147 ~~Florida, Inc.~~

148 (b) The Department of Economic Opportunity shall serve as  
 149 the designated agency for purposes of each federal workforce  
 150 development grant assigned to it for administration. The  
 151 department shall carry out the duties assigned to it by the  
 152 Governor, under the terms and conditions of each grant. The  
 153 department shall have the level of authority and autonomy  
 154 necessary to be the designated recipient of each federal grant  
 155 assigned to it, and shall disburse such grants pursuant to the  
 156 plans and policies of CareerSource Florida, Inc. ~~Workforce~~  
 157 ~~Florida, Inc.~~ The executive director may, upon delegation from  
 158 the Governor and pursuant to agreement with CareerSource  
 159 Florida, Inc. ~~Workforce Florida, Inc.~~, sign contracts, grants,  
 160 and other instruments as necessary to execute functions assigned  
 161 to the department. Notwithstanding other provisions of law, the  
 162 department shall administer other programs funded by federal or  
 163 state appropriations, as determined by the Legislature in the  
 164 General Appropriations Act or other ~~by~~ law.

165 (11) The department shall establish annual performance  
 166 standards for Enterprise Florida, Inc., CareerSource Florida,  
 167 Inc. ~~Workforce Florida, Inc.~~, the Florida Tourism Industry  
 168 Marketing Corporation, and Space Florida and report annually on  
 169 how these performance measures are being met in the annual  
 170 report required under subsection (10).

171 Section 3. Paragraph (b) of subsection (7) of section  
 172 216.136, Florida Statutes, is amended to read:  
 173 216.136 Consensus estimating conferences; duties and  
 174 principals.-

577-00545-15

20157002\_\_

175 (7) WORKFORCE ESTIMATING CONFERENCE.—  
 176 (b) The Workforce Estimating Conference shall review data  
 177 concerning the local and regional demands for short-term and  
 178 long-term employment in High-Skills/High-Wage Program jobs, as  
 179 well as other jobs, which data is generated through surveys  
 180 conducted as part of the state's Internet-based job matching and  
 181 labor market information system authorized under s. 445.011. The  
 182 conference shall consider this such data in developing its  
 183 forecasts for statewide employment demand, including reviewing  
 184 the local and regional data for common trends and conditions  
 185 among localities or regions which may warrant inclusion of a  
 186 particular occupation on the statewide occupational forecasting  
 187 list developed by the conference. Based upon its review of such  
 188 survey data, the conference shall also make recommendations  
 189 semiannually to CareerSource Florida, Inc. Workforce Florida,  
 190 Inc., on additions or deletions to lists of locally targeted  
 191 occupations approved by CareerSource Florida, Inc. Workforce  
 192 Florida, Inc.

193 Section 4. Subsections (5) and (6) of section 218.077,  
 194 Florida Statutes, are amended to read:

195 218.077 Wage and employment benefits requirements by  
 196 political subdivisions; restrictions.—

197 ~~(5)(a) There is created the Employer-Sponsored Benefits~~  
 198 ~~Study Task Force. Workforce Florida, Inc., shall provide~~  
 199 ~~administrative and staff support services relating to the~~  
 200 ~~functions of the task force. The task force shall organize by~~  
 201 ~~September 1, 2013. The task force shall be composed of 11~~  
 202 ~~members. The President of Workforce Florida, Inc., shall serve~~  
 203 ~~as a member and chair of the task force. The Speaker of the~~

Page 7 of 102

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

577-00545-15

20157002\_\_

204 ~~House of Representatives shall appoint one member who is an~~  
 205 ~~economist with a background in business economics. The President~~  
 206 ~~of the Senate shall appoint one member who is a physician~~  
 207 ~~licensed under chapter 458 or chapter 459 with at least 5 years~~  
 208 ~~of experience in the active practice of medicine. In addition,~~  
 209 ~~the President of the Senate and the Speaker of the House of~~  
 210 ~~Representatives shall each appoint four additional members to~~  
 211 ~~the task force. The four appointments from the President of the~~  
 212 ~~Senate and the four appointments from the Speaker of the House~~  
 213 ~~of Representatives must each include:~~

- 214 1. A member of the Legislature.
- 215 2. An owner of a business in this state which employs fewer  
 216 than 50 people.
- 217 3. An owner or representative of a business in this state  
 218 which employs more than 50 people.
- 219 4. A representative of an organization who represents the  
 220 nonmanagement employees of a business.

221 ~~(b) Members of the task force shall serve without~~  
 222 ~~compensation, but are entitled to reimbursement for per diem and~~  
 223 ~~travel expenses in accordance with s. 112.061.~~

224 ~~(c) The purpose of the task force is to analyze employment~~  
 225 ~~benefits and the impact of state preemption of the regulation of~~  
 226 ~~such benefits. The task force shall develop a report that~~  
 227 ~~includes its findings and recommendations for legislative action~~  
 228 ~~regarding the regulation of employment benefits. The task force~~  
 229 ~~shall submit the report to the Governor, the President of the~~  
 230 ~~Senate, and the Speaker of the House of Representatives by~~  
 231 ~~January 15, 2014.~~

232 ~~(d) This subsection is repealed June 30, 2014.~~

Page 8 of 102

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

577-00545-15

20157002\_\_

233 ~~(5)(6)~~ This section does not prohibit a federally  
 234 authorized and recognized tribal government from requiring  
 235 employment benefits for a person employed within a territory  
 236 over which the tribe has jurisdiction.

237 Section 5. Section 288.047, Florida Statutes, is amended to  
 238 read:

239 288.047 Quick-response training for economic development.—

240 (1) The Quick-Response Training Program is created to meet  
 241 the workforce-skill needs of existing, new, and expanding  
 242 industries. The program shall be administered by CareerSource  
 243 Florida, Inc. ~~Workforce Florida, Inc.~~, in conjunction with  
 244 Enterprise Florida, Inc., and the Department of Education.  
 245 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall adopt  
 246 guidelines for the administration of this program, ~~Workforce~~  
 247 ~~Florida, Inc.~~, shall provide technical services, and shall  
 248 identify businesses that seek services through the program.  
 249 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may contract  
 250 with Enterprise Florida, Inc., or administer this program  
 251 directly, if it is determined that such an arrangement maximizes  
 252 the amount of the Quick Response grant going to direct services.

253 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 254 shall ensure that instruction funded pursuant to this section is  
 255 not available through the local community college or school  
 256 district and that the instruction promotes economic development  
 257 by providing specialized training to new workers or retraining  
 258 for current employees to meet changing skill requirements caused  
 259 by new technology or new product lines and to prevent potential  
 260 layoffs. Such funds may not be expended to provide training for  
 261 instruction related to retail businesses or to reimburse

577-00545-15

20157002\_\_

262 businesses for trainee wages. Funds made available pursuant to  
 263 this section may not be expended in connection with the  
 264 relocation of a business from one community to another ~~community~~  
 265 ~~in this state~~ unless CareerSource Florida, Inc. ~~Workforce~~  
 266 ~~Florida, Inc.~~, determines that, in the absence of ~~without~~ such  
 267 relocation, the business will move outside this state or  
 268 ~~determines~~ that the business has a compelling economic rationale  
 269 for the relocation which creates additional jobs.

270 (3) Requests for funding may be submitted to ~~through~~ the  
 271 Quick-Response Training Program by ~~may be produced through~~  
 272 ~~inquiries from~~ a specific business or industry, through  
 273 ~~inquiries from~~ a school district director of career education or  
 274 community college occupational dean on behalf of a business or  
 275 industry, or through official state or local economic  
 276 development efforts. In allocating funds for the purposes of the  
 277 program, CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 278 shall establish criteria for approval of requests for funding  
 279 and shall select the entity that provides the most efficient,  
 280 cost-effective instruction meeting such criteria. Program funds  
 281 may be allocated to a ~~any~~ career center, community college, or  
 282 state university. Program funds may be allocated to private  
 283 postsecondary institutions only after ~~upon~~ a review that  
 284 includes, but is not limited to, accreditation and licensure  
 285 documentation and prior approval by CareerSource Florida, Inc.  
 286 ~~Workforce Florida, Inc.~~ Instruction funded through the program  
 287 must terminate when participants demonstrate competence at the  
 288 level specified in the request; however, the grant term may not  
 289 exceed 24 months. Costs and expenditures for the Quick-Response  
 290 Training Program must be documented and separated from those

577-00545-15

20157002\_\_

291 incurred by the training provider.

292 (4) For the first 6 months of each fiscal year,  
 293 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall set  
 294 aside 30 percent of the amount appropriated by the Legislature  
 295 for the Quick-Response Training Program ~~by the Legislature~~ to  
 296 fund instructional programs for businesses located in an  
 297 enterprise zone or brownfield area. Any unencumbered funds  
 298 remaining undisbursed from this set-aside at the end of the 6-  
 299 month period may be used to provide funding for a any program  
 300 that qualifies ~~qualifying~~ for funding pursuant to this section.

301 (5) Prior to the allocation of funds for a any request made  
 302 pursuant to this section, CareerSource Florida, Inc. ~~Workforce~~  
 303 ~~Florida, Inc.~~, shall prepare a grant agreement between the  
 304 business or industry requesting funds, the educational  
 305 institution receiving funding through the program, and  
 306 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~ Such  
 307 agreement must include, but is not limited to:

308 (a) An identification of the personnel necessary to conduct  
 309 the instructional program, the qualifications of such personnel,  
 310 and the respective responsibilities of the parties for paying  
 311 costs associated with the employment of such personnel.

312 (b) An identification of the estimated length of the  
 313 instructional program.

314 (c) An identification of all direct, training-related  
 315 costs, including tuition and fees, curriculum development, books  
 316 and classroom materials, and overhead or indirect costs, not to  
 317 exceed 5 percent of the grant amount.

318 (d) An identification of special program requirements that  
 319 are not addressed otherwise in the agreement.

577-00545-15

20157002\_\_

320 (e) Permission to access information specific to the wages  
 321 and performance of participants upon the completion of  
 322 instruction for evaluation purposes. Information which, if  
 323 released, would disclose the identity of the person to whom the  
 324 information pertains or disclose the identity of the person's  
 325 employer is confidential and exempt from the provisions of s.  
 326 119.07(1). The agreement must specify that any evaluations  
 327 published subsequent to the instruction may not identify the  
 328 employer or any individual participant.

329 (6) For ~~the~~ purposes of this section, CareerSource Florida,  
 330 Inc. ~~Workforce Florida, Inc.~~, may accept grants of money,  
 331 materials, services, or property of any kind from any agency,  
 332 corporation, or individual.

333 (7) In providing instruction pursuant to this section,  
 334 materials that relate to methods of manufacture or production,  
 335 potential trade secrets, business transactions, or proprietary  
 336 information received, produced, ascertained, or discovered by  
 337 employees of the respective departments, district school boards,  
 338 community college district boards of trustees, or other  
 339 personnel employed for the purposes of this section is  
 340 confidential and exempt from the provisions of s. 119.07(1). The  
 341 state may seek copyright protection for ~~all~~ instructional  
 342 materials and ancillary written documents developed wholly or  
 343 partially with state funds as a result of instruction provided  
 344 pursuant to this section, except for materials that are  
 345 confidential and exempt from the provisions of s. 119.07(1).

346 (8) ~~The~~ ~~There is created a~~ Quick-Response Training Program  
 347 is created to provide assistance to ~~for~~ participants in the  
 348 welfare transition program. CareerSource Florida, Inc. ~~Workforce~~

577-00545-15

20157002\_\_

349 ~~Florida, Inc.~~, may award quick-response training grants and  
 350 develop applicable guidelines for the training of participants  
 351 in the welfare transition program. In addition to a local  
 352 economic development organization, grants must be endorsed by  
 353 the applicable regional workforce board.

354 (a) Training funded pursuant to this subsection may not  
 355 exceed 12 months, and may be provided by the local community  
 356 college, school district, regional workforce board, or the  
 357 business employing the participant, including on-the-job  
 358 training. Training will provide entry-level skills to new  
 359 workers, including those employed in retail, who are  
 360 participants in the welfare transition program.

361 (b) Participants trained pursuant to this subsection must  
 362 be employed at a job paying at least ~~wage not less than~~ \$6 per  
 363 hour.

364 (c) Funds made available pursuant to this subsection may be  
 365 expended in connection with the relocation of a business from  
 366 one community to another ~~community~~ if approved by CareerSource  
 367 Florida, Inc. ~~Workforce Florida, Inc.~~

368 (9) Notwithstanding any other provision of law, eligible  
 369 matching contributions received under this section from the  
 370 Quick-Response Training Program ~~under this section~~ may be  
 371 counted toward the private sector support of Enterprise Florida,  
 372 Inc., under s. 288.904.

373 (10) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 374 and Enterprise Florida, Inc., shall coordinate and cooperate  
 375 ~~ensure maximum coordination and cooperation~~ in administering  
 376 this section ~~so, in such a manner~~ that any division of  
 377 responsibility between the two organizations which relates to

577-00545-15

20157002\_\_

378 marketing or administering the Quick-Response Training Program  
 379 is not apparent to a business that inquires about or applies for  
 380 funding under this section. A business shall be provided with a  
 381 single point of contact for information and assistance.

382 Section 6. Paragraph (a) of subsection (6) of section  
 383 288.0656, Florida Statutes, is amended to read:

384 288.0656 Rural Economic Development Initiative.—

385 (6) (a) By August 1 of each year, the head of each of the  
 386 following agencies and organizations shall designate a deputy  
 387 secretary or higher-level staff person from within the agency or  
 388 organization to serve as the REDI representative for the agency  
 389 or organization:

- 390 1. The Department of Transportation.
- 391 2. The Department of Environmental Protection.
- 392 3. The Department of Agriculture and Consumer Services.
- 393 4. The Department of State.
- 394 5. The Department of Health.
- 395 6. The Department of Children and Families.
- 396 7. The Department of Corrections.
- 397 8. The Department of Education.
- 398 9. The Department of Juvenile Justice.
- 399 10. The Fish and Wildlife Conservation Commission.
- 400 11. Each water management district.
- 401 12. Enterprise Florida, Inc.
- 402 13. CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~
- 403 14. VISIT Florida.
- 404 15. The Florida Regional Planning Council Association.
- 405 16. The Agency for Health Care Administration.
- 406 17. The Institute of Food and Agricultural Sciences (IFAS).

577-00545-15

20157002\_\_

407  
408 An alternate for each designee shall also be chosen, and the  
409 names of the designees and alternates shall be sent to the  
410 executive director of the department.

411 Section 7. Paragraph (e) of subsection (3) of section  
412 288.1252, Florida Statutes, is amended to read:

413 288.1252 Florida Film and Entertainment Advisory Council;  
414 creation; purpose; membership; powers and duties.—

415 (3) MEMBERSHIP.—

416 (e) In addition to the 17 appointed members of the council,  
417 one A representative from each of Enterprise Florida, Inc.,  
418 CareerSource Florida, Inc. a representative of Workforce  
419 Florida, Inc., and a representative of VISIT Florida shall serve  
420 as ex officio, nonvoting members of the council, and shall be in  
421 addition to the 17 appointed members of the council.

422 Section 8. Paragraph (a) of subsection (5) of section  
423 288.901, Florida Statutes, is amended to read:

424 288.901 Enterprise Florida, Inc.—

425 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

426 (a) In addition to the Governor or his or her the  
427 Governor's designee, the board of directors shall consist of the  
428 following appointed members:

429 1. The Commissioner of Education or his or her the  
430 commissioner's designee.

431 2. The Chief Financial Officer or his or her designee.

432 3. The Attorney General or his or her designee.

433 4. The Commissioner of Agriculture or his or her designee.

434 5. The chairperson of the board of directors of  
435 CareerSource Florida, Inc. Workforce Florida, Inc.

577-00545-15

20157002\_\_

436 6. The Secretary of State or his or her the secretary's  
437 designee.

438 7. Twelve members from the private sector, six of whom  
439 shall be appointed by the Governor, three of whom shall be  
440 appointed by the President of the Senate, and three of whom  
441 shall be appointed by the Speaker of the House of  
442 Representatives. Members appointed by the Governor are subject  
443 to Senate confirmation.

444 Section 9. Subsection (6) of section 288.903, Florida  
445 Statutes, is amended to read:

446 288.903 Duties of Enterprise Florida, Inc.—Enterprise  
447 Florida, Inc., shall have the following duties:

448 (6) In coordination with CareerSource Florida, Inc.  
449 Workforce Florida, Inc., identify education and training  
450 programs that will ensure that Florida businesses have access to  
451 a skilled and competent workforce necessary to compete  
452 successfully in the domestic and global marketplace.

453 Section 10. Paragraph (d) of subsection (3) of section  
454 295.22, Florida Statutes, is amended to read:

455 295.22 Veterans Employment and Training Services Program.—

456 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall  
457 administer the Veterans Employment and Training Services Program  
458 and perform all of the following functions:

459 (d) Create a grant program to provide funding to assist  
460 veterans in meeting the workforce-skill needs of businesses  
461 seeking to hire veterans, establish criteria for approval of  
462 requests for funding, and maximize the use of funding for this  
463 program. Grant funds may be used only in the absence of  
464 available veteran-specific federally funded programs. Grants may

577-00545-15

20157002\_\_

465 fund specialized training specific to a particular business.

466 1. Grant funds may be allocated to any training provider  
467 selected by the business, including a career center, a Florida  
468 College System institution, a state university, or an in-house  
469 training provider of the business. If grant funds are used to  
470 provide a technical certificate, a licensure, or a degree, funds  
471 may be allocated only upon a review that includes, but is not  
472 limited to, documentation of accreditation and licensure  
473 ~~documentation~~. Instruction funded through the program terminates  
474 ~~must terminate~~ when participants demonstrate competence at the  
475 level specified in the request but; however, the grant term may  
476 not exceed 48 months. Preference shall be given to target  
477 industry businesses, as defined in s. 288.106, and to businesses  
478 in the defense supply, cloud virtualization, or commercial  
479 aviation manufacturing industries.

480 2. Costs and expenditures for the grant program must be  
481 documented and separated from those incurred by the training  
482 provider. Costs and expenditures shall be limited to \$8,000 per  
483 veteran trainee. Eligible costs and expenditures include:

- 484 a. Tuition and fees.
- 485 b. Curriculum development.
- 486 c. Books and classroom materials.
- 487 d. Rental fees for facilities at public colleges and  
488 universities, including virtual training labs.
- 489 e. Overhead or indirect costs not to exceed 5 percent of  
490 the grant amount.

491 3. Before funds are allocated for a request pursuant to  
492 this section, the corporation shall prepare a grant agreement  
493 between the business requesting funds, the educational

577-00545-15

20157002\_\_

494 institution or training provider receiving funding through the  
495 program, and the corporation. Such agreement must include, but  
496 need not be limited to:

497 a. Identification of the personnel necessary to conduct the  
498 instructional program, the qualifications of such personnel, and  
499 the respective responsibilities of the parties for paying costs  
500 associated with the employment of such personnel.

501 b. Identification of the match provided by the business,  
502 including cash and in-kind contributions, equal to at least 50  
503 percent of the total grant amount.

504 c. Identification of the estimated duration of the  
505 instructional program.

506 d. Identification of all direct, training-related costs.

507 e. Identification of special program requirements that are  
508 not otherwise addressed in the agreement.

509 f. Permission to access aggregate information specific to  
510 the wages and performance of participants upon the completion of  
511 instruction for evaluation purposes. The agreement must specify  
512 that any evaluation published subsequent to the instruction may  
513 not identify the employer or any individual participant.

514 4. A business may receive a grant under the Quick-Response  
515 Training Program created under s. 288.047 and a grant under this  
516 section for the same veteran trainee. If a business receives  
517 funds under both programs, one grant agreement may be entered  
518 into with CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, as  
519 the grant administrator.

520 Section 11. Subsection (4) of section 320.20, Florida  
521 Statutes, is amended to read:

522 320.20 Disposition of license tax moneys.—The revenue

577-00545-15 20157002\_\_

523 derived from the registration of motor vehicles, including any  
 524 delinquent fees and excluding those revenues collected and  
 525 distributed under the provisions of s. 320.081, must be  
 526 distributed monthly, as collected, as follows:

527 (4) Notwithstanding any other provision of law except  
 528 subsections (1), (2), and (3), \$10 million shall be deposited  
 529 annually into the State Transportation Trust Fund solely for the  
 530 purposes of funding the Florida Seaport Transportation and  
 531 Economic Development Program as provided in chapter 311 and for  
 532 funding seaport intermodal access projects of statewide  
 533 significance as provided in s. 341.053. Such revenues shall be  
 534 distributed to any port listed in s. 311.09(1), to be used for  
 535 funding projects as follows:

536 (a) For any seaport intermodal access projects that are  
 537 identified in the 1997-1998 Tentative Work Program of the  
 538 Department of Transportation, up to the amounts needed to offset  
 539 the funding requirements of this section.

540 (b) For seaport intermodal access projects as described in  
 541 s. 341.053(6) which are identified in the 5-year Florida Seaport  
 542 Mission Plan as provided in s. 311.09(3). Funding for such  
 543 projects shall be on a matching basis as mutually determined by  
 544 the Florida Seaport Transportation and Economic Development  
 545 Council and the Department of Transportation if a minimum of 25  
 546 percent of total project funds come from any port funds, local  
 547 funds, private funds, or specifically earmarked federal funds.

548 (c) On a 50-50 matching basis for projects as described in  
 549 s. 311.07(3) (b).

550 (d) For seaport intermodal access projects that involve the  
 551 dredging or deepening of channels, turning basins, or harbors;

577-00545-15 20157002\_\_

552 or the rehabilitation of wharves, docks, or similar structures.  
 553 Funding for such projects requires a 25 percent match of the  
 554 funds received pursuant to this subsection. Matching funds must  
 555 come from ~~any~~ port funds, federal funds, local funds, or private  
 556 funds.

557  
 558 Such revenues may be assigned, pledged, or set aside as a trust  
 559 for the payment of principal or interest on bonds, tax  
 560 anticipation certificates, or other form of indebtedness issued  
 561 by an individual port or appropriate local government having  
 562 jurisdiction thereof, or collectively by interlocal agreement  
 563 among any of the ports, or used to purchase credit support to  
 564 permit such borrowings. However, such debt is not a general  
 565 obligation of the state. This state covenants with holders of  
 566 such revenue bonds or other instruments of indebtedness issued  
 567 hereunder that it will not repeal, ~~or~~ impair, or amend this  
 568 subsection in a any manner that will materially and adversely  
 569 affect the rights of holders while so long as bonds authorized  
 570 by this subsection remain ~~are~~ outstanding. ~~Any~~ Revenues that are  
 571 not pledged to the repayment of bonds as authorized by this  
 572 section may be used for purposes authorized under the Florida  
 573 Seaport Transportation and Economic Development Program. This  
 574 revenue source is in addition to any amounts provided for and  
 575 appropriated in accordance with s. 311.07 and subsection (3).  
 576 The Florida Seaport Transportation and Economic Development  
 577 Council shall approve distribution of funds to ports for  
 578 projects that have been approved pursuant to s. 311.09(5)-(8),  
 579 or for seaport intermodal access projects identified in the 5-  
 580 year Florida Seaport Mission Plan as provided in s. 311.09(3)

577-00545-15

20157002\_\_

581 and mutually agreed upon by the Florida Seaport Transportation  
 582 and Economic Development Council and the Department of  
 583 Transportation. All contracts for actual construction of  
 584 projects authorized by this subsection must include a provision  
 585 encouraging employment of participants in the welfare transition  
 586 program. The goal for such employment is 25 percent of all new  
 587 employees employed specifically for the project, unless the  
 588 Department of Transportation and the Florida Seaport  
 589 Transportation and Economic Development Council demonstrate that  
 590 such a requirement would severely hamper the successful  
 591 completion of the project. In such an instance, CareerSource  
 592 Florida, Inc. ~~Workforce Florida, Inc.~~, shall establish an  
 593 appropriate percentage of employees who are participants in the  
 594 welfare transition program. The council and the Department of  
 595 Transportation may perform such acts as are required to  
 596 facilitate and implement the provisions of this subsection. To  
 597 better enable the ports to cooperate to their mutual advantage,  
 598 the governing body of each port may exercise powers provided to  
 599 municipalities or counties in s. 163.01(7)(d) subject to the  
 600 provisions of chapter 311 and special acts, if any, pertaining  
 601 to a port. The use of funds provided pursuant to this subsection  
 602 is limited to eligible projects listed in this subsection. The  
 603 revenues available under this subsection may not be pledged to  
 604 the payment of any bonds other than the Florida Ports Financing  
 605 Commission Series 1996 and Series 1999 Bonds currently  
 606 outstanding; however, such revenues may be pledged to secure  
 607 payment of refunding bonds to refinance the Florida Ports  
 608 Financing Commission Series 1996 and Series 1999 Bonds.  
 609 Refunding bonds secured by revenues available under this

Page 21 of 102

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

577-00545-15

20157002\_\_

610 subsection may not be issued with a final maturity later than  
 611 the final maturity of the Florida Ports Financing Commission  
 612 Series 1996 and Series 1999 Bonds and may not ~~or which~~ provide  
 613 for higher debt service in any year than is currently payable on  
 614 such bonds. Any revenue bonds or other indebtedness issued after  
 615 July 1, 2000, other than refunding bonds shall be issued by the  
 616 Division of Bond Finance at the request of the Department of  
 617 Transportation pursuant to the State Bond Act.

618 Section 12. Subsections (2) and (9) of section 331.3051,  
 619 Florida Statutes, are amended to read:

620 331.3051 Duties of Space Florida.—Space Florida shall:

621 (2) Enter into agreement with the Department of Education,  
 622 the Department of Transportation, Enterprise Florida, Inc., and  
 623 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, for the  
 624 purpose of implementing this act.

625 (9) Carry out its responsibility for workforce development  
 626 by coordinating with CareerSource Florida, Inc. ~~Workforce~~  
 627 ~~Florida, Inc.~~, community colleges, colleges, public and private  
 628 universities, and other public and private partners to develop a  
 629 plan to retain, train, and retrain workers, from entry-level  
 630 skills training through to technician-level, and 4-year degrees  
 631 and higher, with the skills most relevant to aerospace  
 632 employers.

633 Section 13. Subsections (2), (4), and (5) of section  
 634 331.369, Florida Statutes, are amended to read:

635 331.369 Space Industry Workforce Initiative.—

636 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 637 shall coordinate development of a Space Industry Workforce  
 638 Initiative in partnership with Space Florida, public and private

Page 22 of 102

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

577-00545-15 20157002\_\_

639 universities, community colleges, and other training providers  
640 approved by the board. The purpose of the initiative is to use  
641 or revise existing programs and to develop innovative new  
642 programs to address the workforce needs of the aerospace  
643 industry.

644 (4) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
645 with the assistance of Space Florida, shall convene  
646 representatives from the aerospace industry to identify the  
647 priority training and education needs of the industry and to  
648 appoint a team to design programs to meet the priority needs.

649 (5) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, as  
650 part of its statutorily prescribed annual report to the  
651 Legislature, shall provide recommendations for policies,  
652 programs, and funding to enhance the workforce needs of the  
653 aerospace industry.

654 Section 14. Paragraph (c) of subsection (3) of section  
655 403.973, Florida Statutes, is amended to read:

656 403.973 Expedited permitting; amendments to comprehensive  
657 plans.—

658 (3)

659 (c) At the request of a county or municipal government, the  
660 Department of Economic Opportunity or a Quick Permitting County  
661 may certify projects located in counties where the ratio of new  
662 jobs per participant in the welfare transition program, as  
663 determined by CareerSource Florida, Inc. ~~Workforce Florida,  
664 Inc.~~, is less than one or otherwise critical, as eligible for  
665 the expedited permitting process. Such projects must meet the  
666 numerical ~~job creation~~ criteria for job creation specified in ~~of~~  
667 this subsection, but the jobs created by the project do not have

577-00545-15 20157002\_\_

668 to be high-wage jobs that diversify the state's economy.

669 Section 15. Paragraph (c) of subsection (7) of section  
670 409.1451, Florida Statutes, is amended to read:

671 409.1451 The Road-to-Independence Program.—

672 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The  
673 secretary shall establish the Independent Living Services  
674 Advisory Council for the purpose of reviewing and making  
675 recommendations concerning the implementation and operation of  
676 the provisions of s. 39.6251 and the Road-to-Independence  
677 Program. The advisory council shall function as specified in  
678 this subsection until the Legislature determines that the  
679 advisory council can no longer provide a valuable contribution  
680 to the department's efforts to achieve the goals of the services  
681 designed to enable a young adult to live independently.

682 (c) Members of the advisory council shall be appointed by  
683 the secretary of the department. The membership of the advisory  
684 council must include, at a minimum, representatives from the  
685 headquarters and regional offices of the Department of Children  
686 and Families, community-based care lead agencies, the Department  
687 of Juvenile Justice, the Department of Economic Opportunity, the  
688 Department of Education, the Agency for Health Care  
689 Administration, the State Youth Advisory Board, CareerSource  
690 Florida, Inc. ~~Workforce Florida, Inc.~~, the Statewide Guardian Ad  
691 Litem Office, foster parents, recipients of services and funding  
692 through the Road-to-Independence Program, and advocates for  
693 children in care. The secretary shall determine the length of  
694 the term to be served by each member appointed to the advisory  
695 council, which may not exceed 4 years.

696 Section 16. Paragraph (k) of subsection (1) and subsection

577-00545-15 20157002\_\_

697 (9) of section 413.405, Florida Statutes, are amended to read:  
 698 413.405 Florida Rehabilitation Council.—There is created  
 699 the Florida Rehabilitation Council to assist the division in the  
 700 planning and development of statewide rehabilitation programs  
 701 and services, to recommend improvements to such programs and  
 702 services, and to perform the functions listed in this section.  
 703 (1) The council shall be composed of:  
 704 (k) At least one representative of the board of directors  
 705 of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~  
 706 (9) In addition to the other functions specified in this  
 707 section, the council shall, after consulting with the board of  
 708 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.:~~  
 709 (a) Review, analyze, and advise the division regarding the  
 710 performance of the responsibilities of the division under Title  
 711 I of the act, particularly responsibilities relating to:  
 712 1. Eligibility, including order of selection.  
 713 2. The extent, scope, and effectiveness of services  
 714 provided.  
 715 3. Functions performed by state agencies which ~~that~~ affect  
 716 or potentially affect the ability of individuals with  
 717 disabilities to achieve ~~in achieving~~ employment outcomes under  
 718 Title I.  
 719 (b) In partnership with the division:  
 720 1. Develop, agree to, and review state goals and priorities  
 721 in accordance with 34 C.F.R. s. 361.29(c); and  
 722 2. Evaluate the effectiveness of the vocational  
 723 rehabilitation program and submit reports of progress to the  
 724 Governor, the President of the Senate, the Speaker of the House  
 725 of Representatives, and the United States Secretary of Education

577-00545-15 20157002\_\_

726 in accordance with 34 C.F.R. s. 361.29(e).  
 727 (c) Advise the department and the division and assist in  
 728 the preparation of the state plan and amendments to the plan,  
 729 applications, reports, needs assessments, and evaluations  
 730 required by Title I.  
 731 (d) To the extent feasible, conduct a review and analysis  
 732 of the effectiveness of, and consumer satisfaction with:  
 733 1. The functions performed by state agencies and other  
 734 public and private entities responsible for performing functions  
 735 for individuals who have disabilities.  
 736 2. Vocational rehabilitation services:  
 737 a. Provided or paid for from funds made available under the  
 738 act or through other public or private sources.  
 739 b. Provided by state agencies and other public and private  
 740 entities responsible for providing vocational rehabilitation  
 741 services to individuals who have disabilities.  
 742 3. The employment outcomes achieved by eligible individuals  
 743 receiving services under this part, including the availability  
 744 of health or other employment benefits in connection with those  
 745 employment outcomes.  
 746 (e) Prepare and submit an annual report on the status of  
 747 vocational rehabilitation programs in the state to the Governor,  
 748 the President of the Senate, the Speaker of the House of  
 749 Representatives, and the United States Secretary of Education  
 750 and make the report available to the public.  
 751 (f) Coordinate with other councils within Florida,  
 752 including the Florida Independent Living Council, the advisory  
 753 panel established under s. 612(a)(21) of the Individuals with  
 754 Disabilities Education Act, 20 U.S.C. s. 1412(a)(21), the State

577-00545-15 20157002\_\_

755 Planning Council described in s. 124 of the Developmental  
756 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.  
757 15024, the state mental health planning council established  
758 under s. 1914 of the Public Health Service Act, 42 U.S.C. s.  
759 300x-3, and the board of directors of CareerSource Florida, Inc.  
760 ~~Workforce Florida, Inc.~~

761 (g) Advise the department and division and provide for  
762 coordination and the establishment of working relationships  
763 among the department, the division, the Florida Independent  
764 Living Council, and centers for independent living in the state.

765 (h) Perform other functions that are consistent with the  
766 duties and responsibilities of the council under this section.

767 Section 17. Paragraph (a) of subsection (1) of section  
768 413.407, Florida Statutes, is amended to read:

769 413.407 Assistive Technology Advisory Council.—There is  
770 created the Assistive Technology Advisory Council, responsible  
771 for ensuring consumer involvement in the creation, application,  
772 and distribution of technology-related assistance to and for  
773 persons who have disabilities. The council shall fulfill its  
774 responsibilities through statewide policy development, both  
775 state and federal legislative initiatives, advocacy at both the  
776 state and federal level, planning of statewide resource  
777 allocations, policy-level management, reviews of both consumer  
778 responsiveness and the adequacy of program service delivery, and  
779 by performing the functions listed in this section.

780 (1) (a) The council shall be composed of:

781 1. Individuals who have disabilities and who are assistive  
782 technology consumers or family members or guardians of those  
783 individuals.

Page 27 of 102

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

577-00545-15 20157002\_\_

784 2. Representatives of consumer organizations concerned with  
785 assistive technology.

786 3. Representatives of business and industry, including the  
787 insurance industry, concerned with assistive technology.

788 4. A representative of the Division of Vocational  
789 Rehabilitation.

790 5. A representative of the Division of Blind Services.

791 6. A representative of the Florida Independent Living  
792 Council.

793 7. A representative of CareerSource Florida, Inc. ~~Workforce~~  
794 ~~Florida, Inc.~~

795 8. A representative of the Department of Education.

796 9. Representatives of other state agencies that provide or  
797 coordinate services for persons with disabilities.

798  
799 Total membership on the council may ~~shall~~ not exceed 27 at any  
800 one time. A majority of the members shall be appointed in  
801 accordance with subparagraph 1.

802 Section 18. Section 414.045, Florida Statutes, is amended  
803 to read:

804 414.045 Cash assistance program.—Cash assistance families  
805 include any families receiving cash assistance payments from the  
806 state program for temporary assistance for needy families as  
807 defined in federal law, whether such funds are from federal  
808 funds, state funds, or commingled federal and state funds. Cash  
809 assistance families may also include families receiving cash  
810 assistance through a program defined as a separate state  
811 program.

812 (1) For reporting purposes, families receiving cash

Page 28 of 102

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

577-00545-15

20157002\_\_

813 assistance shall be grouped into the following categories. The  
814 department may develop additional groupings in order to comply  
815 with federal reporting requirements, to comply with the data-  
816 reporting needs of the board of directors of CareerSource  
817 Florida, Inc. ~~Workforce Florida, Inc.~~, or to better inform the  
818 public of program progress.

819 (a) ~~Work-eligible cases.~~—Work-eligible cases shall include:

820 1. Families containing an adult or a teen head of  
821 household, as defined by federal law. These cases are generally  
822 subject to the work activity requirements provided in s. 445.024  
823 and the time limitations on benefits provided in s. 414.105.

824 2. Families with a parent where the parent's needs have  
825 been removed from the case due to sanction or disqualification  
826 shall be considered work-eligible cases to the extent that such  
827 cases are considered in the calculation of federal participation  
828 rates or would be counted in such calculation in future months.

829 3. Families participating in transition assistance  
830 programs.

831 4. Families otherwise eligible for temporary cash  
832 assistance which ~~that~~ receive diversion services, a severance  
833 payment, or participate in the relocation program.

834 (b) ~~Child-only cases.~~—Child-only cases include cases that  
835 do not have an adult or teen head of household as defined in  
836 federal law. Such cases include:

837 1. Children in the care of caretaker relatives, if ~~where~~  
838 the caretaker relatives choose to have their needs excluded in  
839 the calculation of the amount of cash assistance.

840 2. Families in the Relative Caregiver Program as provided  
841 in s. 39.5085.

577-00545-15

20157002\_\_

842 3. Families in which the only parent in a single-parent  
843 family or both parents in a two-parent family receive  
844 supplemental security income (SSI) benefits under Title XVI of  
845 the Social Security Act, as amended. To the extent permitted by  
846 federal law, individuals receiving SSI shall be excluded as  
847 household members in determining the amount of cash assistance,  
848 and such cases shall not be considered families containing an  
849 adult. Parents or caretaker relatives who are excluded from the  
850 cash assistance group due to receipt of SSI may choose to  
851 participate in work activities. An individual whose ability to  
852 participate in work activities is limited who volunteers to  
853 participate in work activities ~~activity~~ but whose ~~ability to~~  
854 ~~participate in work activities is limited~~ shall be assigned to  
855 work activities consistent with such limitations. An individual  
856 who volunteers to participate in a work activity may receive  
857 child care or support services consistent with such  
858 participation.

859 4. Families in which ~~where~~ the only parent in a single-  
860 parent family or both parents in a two-parent family are not  
861 eligible for cash assistance due to immigration status or other  
862 limitation of federal law. To the extent required by federal  
863 law, such cases shall not be considered families containing an  
864 adult.

865 5. To the extent permitted by federal law and subject to  
866 appropriations, special needs children who have been adopted  
867 pursuant to s. 409.166 and whose adopting family qualifies as a  
868 needy family under the state program for temporary assistance  
869 for needy families. Notwithstanding any provision to the  
870 contrary in s. 414.075, s. 414.085, or s. 414.095, a family

577-00545-15

20157002\_\_

871 shall be considered a needy family if:

872 a. The family is determined by the department to have an  
873 income below 200 percent of the federal poverty level;

874 b. The family meets the requirements of s. 414.095(2) and  
875 (3) related to residence, citizenship, or eligible noncitizen  
876 status; and

877 c. The family provides any information that may be  
878 necessary to meet federal reporting requirements specified under  
879 Part A of Title IV of the Social Security Act.

880

881 Families described in subparagraph 1., subparagraph 2., or  
882 subparagraph 3. may receive child care assistance or other  
883 supports or services so that the children may continue to be  
884 cared for in their own homes or in the homes of relatives. Such  
885 assistance or services may be funded from the temporary  
886 assistance for needy families block grant to the extent  
887 permitted under federal law and to the extent funds have been  
888 provided in the General Appropriations Act.

889 (2) Oversight by the board of directors of CareerSource  
890 Florida, Inc. ~~Workforce Florida, Inc.~~, and the service delivery  
891 and financial planning responsibilities of the regional  
892 workforce boards ~~shall~~ apply to the families defined as work-  
893 eligible cases in paragraph (1)(a). The department shall be  
894 responsible for program administration related to families in  
895 groups defined in paragraph (1)(b), and the department shall  
896 coordinate such administration with the board of directors of  
897 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, to the  
898 extent needed for operation of the program.

899 Section 19. Subsections (1) and (3) of section 414.105,

Page 31 of 102

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

577-00545-15

20157002\_\_

900 Florida Statutes, are amended to read:

901 414.105 Time limitations of temporary cash assistance.—  
902 Except as otherwise provided in this section, an applicant or  
903 current participant shall receive temporary cash assistance for  
904 no more than a lifetime cumulative total of 48 months, unless  
905 otherwise provided by law.

906 (1) Hardship exemptions from ~~to~~ the time limitations  
907 provided in this section may not exceed ~~shall be limited to~~ 20  
908 percent of the average monthly caseload, as determined by the  
909 department in cooperation with CareerSource Florida, Inc.  
910 ~~Workforce Florida, Inc.~~ Criteria for hardship exemptions  
911 include:

912 (a) Diligent participation in activities, combined with  
913 inability to obtain employment.

914 (b) Diligent participation in activities, combined with  
915 extraordinary barriers to employment, including the conditions  
916 which may result in an exemption to work requirements.

917 (c) Significant barriers to employment, combined with a  
918 need for additional time.

919 (d) Diligent participation in activities and a need by teen  
920 parents for an exemption in order to have 24 months of  
921 eligibility beyond receipt of the high school diploma or  
922 equivalent.

923 (e) A recommendation of extension for a minor child of a  
924 participating family that has reached the end of the eligibility  
925 period for temporary cash assistance. The recommendation must be  
926 the result of a review that ~~which~~ determines that the  
927 termination of the child's temporary cash assistance would be  
928 likely to result in the child being placed into emergency

Page 32 of 102

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

577-00545-15

20157002\_\_

929 shelter or foster care.

930 (3) The department, in cooperation with CareerSource  
 931 Florida, Inc. ~~Workforce Florida, Inc.~~, shall establish a  
 932 procedure for approving hardship exemptions and for reviewing  
 933 hardship cases at least once every 2 years. Regional workforce  
 934 boards may assist in making these determinations.

935 Section 20. Section 414.106, Florida Statutes, is amended  
 936 to read:

937 414.106 Exemption from public meetings law.—That portion of  
 938 a meeting held by the department, CareerSource Florida, Inc.  
 939 ~~Workforce Florida, Inc.~~, or a regional workforce board or local  
 940 committee created pursuant to s. 445.007 at which personal  
 941 identifying information contained in records relating to  
 942 temporary cash assistance is discussed is exempt from s. 286.011  
 943 and s. 24(b), Art. I of the State Constitution if the  
 944 information identifies a participant, a participant's family, or  
 945 a participant's family or household member.

946 Section 21. Subsection (1) of section 414.295, Florida  
 947 Statutes, is amended to read:

948 414.295 Temporary cash assistance programs; public records  
 949 exemption.—

950 (1) Personal identifying information of a temporary cash  
 951 assistance program participant, a participant's family, or a  
 952 participant's family or household member, except for information  
 953 identifying a parent who does not live in the same home as the  
 954 child, which is held by the department, the Office of Early  
 955 Learning, CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 956 the Department of Health, the Department of Revenue, the  
 957 Department of Education, or a regional workforce board or local

Page 33 of 102

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

577-00545-15

20157002\_\_

958 committee created pursuant to s. 445.007 is confidential and  
 959 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 960 Constitution. Such confidential and exempt information may be  
 961 released for purposes directly connected with:

962 (a) The administration of the temporary assistance for  
 963 needy families plan under Title IV-A of the Social Security Act,  
 964 as amended, by the department, the Office of Early Learning,  
 965 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, the  
 966 Department of Military Affairs, the Department of Health, the  
 967 Department of Revenue, the Department of Education, a regional  
 968 workforce board or local committee created pursuant to s.  
 969 445.007, or a school district.

970 (b) The administration of the state's plan or program  
 971 approved under Title IV-B, Title IV-D, or Title IV-E of the  
 972 Social Security Act, as amended, or under Title I, Title X,  
 973 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
 974 Social Security Act, as amended.

975 (c) An ~~Any~~ investigation, prosecution, or ~~any~~ criminal,  
 976 civil, or administrative proceeding conducted in connection with  
 977 the administration of any of the plans or programs specified in  
 978 paragraph (a) or paragraph (b) by a federal, state, or local  
 979 governmental entity, upon request by that entity, if when such  
 980 request is made pursuant to the proper exercise of that entity's  
 981 duties and responsibilities.

982 (d) The administration of any other state, federal, or  
 983 federally assisted program that provides assistance or services  
 984 on the basis of need, in cash or in kind, directly to a  
 985 participant.

986 (e) An ~~Any~~ audit or similar activity, such as a review of

Page 34 of 102

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

577-00545-15

20157002\_\_

987 expenditure reports or financial review, conducted in connection  
 988 with the administration of ~~any of the~~ plans or programs  
 989 specified in paragraph (a) or paragraph (b) by a governmental  
 990 entity authorized by law to conduct such audit or activity.

991 (f) The administration of the reemployment assistance  
 992 program.

993 (g) The reporting to the appropriate agency or official of  
 994 information about known or suspected instances of physical or  
 995 mental injury, sexual abuse or exploitation, or negligent  
 996 treatment or maltreatment of a child or elderly person receiving  
 997 assistance, if circumstances indicate that the health or welfare  
 998 of the child or elderly person is threatened.

999 (h) The administration of services to elderly persons under  
 1000 ss. 430.601-430.606.

1001 Section 22. Section 414.55, Florida Statutes, is amended to  
 1002 read:

1003 414.55 Implementation of community work program.—The  
 1004 Governor shall minimize the liability of the state by opting out  
 1005 of the special provision related to community work, as described  
 1006 in s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by  
 1007 Pub. L. No. 104-193. The department and CareerSource Florida,  
 1008 Inc. Workforce Florida, Inc., shall implement the community work  
 1009 program in accordance with s. 445.024.

1010 Section 23. Subsection (2) of section 420.622, Florida  
 1011 Statutes, is amended to read:

1012 420.622 State Office on Homelessness; Council on  
 1013 Homelessness.—

1014 (2) The Council on Homelessness is created to consist of 17  
 1015 representatives ~~a 17-member council~~ of public and private

Page 35 of 102

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

577-00545-15

20157002\_\_

1016 agencies ~~agency representatives~~ who shall develop policy and  
 1017 advise the State Office on Homelessness. The council members  
 1018 shall be: the Secretary of Children and Families, or his or her  
 1019 designee; the executive director of the Department of Economic  
 1020 Opportunity, or his or her designee, who shall ~~to~~ advise the  
 1021 council on issues related to rural development; the State  
 1022 Surgeon General, or his or her designee; the Executive Director  
 1023 of Veterans' Affairs, or his or her designee; the Secretary of  
 1024 Corrections, or his or her designee; the Secretary of Health  
 1025 Care Administration, or his or her designee; the Commissioner of  
 1026 Education, or his or her designee; the Director of CareerSource  
 1027 Florida, Inc. Workforce Florida, Inc., or his or her designee;  
 1028 one representative of the Florida Association of Counties; one  
 1029 representative of ~~from~~ the Florida League of Cities; one  
 1030 representative of the Florida Supportive Housing Coalition; the  
 1031 Executive Director of the Florida Housing Finance Corporation,  
 1032 or his or her designee; one representative of the Florida  
 1033 Coalition for the Homeless; and four members appointed by the  
 1034 Governor. The council members shall be nonpaid volunteers  
 1035 ~~volunteer, nonpaid persons~~ and shall be reimbursed only for  
 1036 travel expenses ~~only~~. The appointed members of the council shall  
 1037 be appointed to staggered 2-year terms, and the council shall  
 1038 meet at least four times per year. The importance of minority,  
 1039 gender, and geographic representation shall ~~must~~ be considered  
 1040 in ~~when~~ appointing members to the council.

1041 Section 24. Paragraph (c) of subsection (1) of section  
 1042 443.091, Florida Statutes, is amended to read:

1043 443.091 Benefit eligibility conditions.—

1044 (1) An unemployed individual is eligible to receive

Page 36 of 102

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

577-00545-15

20157002\_\_

1045 benefits for any week only if the Department of Economic  
1046 Opportunity finds that:

1047 (c) To make continued claims for benefits, she or he is  
1048 reporting to the department in accordance with this paragraph  
1049 and department rules. Department rules may not conflict with s.  
1050 443.111(1)(b), which requires that each claimant continue to  
1051 report regardless of any pending appeal relating to her or his  
1052 eligibility or disqualification for benefits.

1053 1. For each week of unemployment claimed, each report must,  
1054 at a minimum, include the name, address, and telephone number of  
1055 each prospective employer contacted, or the date the claimant  
1056 reported to a one-stop career center, pursuant to paragraph (d).

1057 2. The department shall ~~must~~ offer an online assessment  
1058 aimed at identifying ~~that serves to identify~~ an individual's  
1059 skills, abilities, and career aptitude. The skills assessment  
1060 must be voluntary, and the department shall ~~must~~ allow a  
1061 claimant to choose whether to take the skills assessment. The  
1062 online assessment shall be made available to any person seeking  
1063 services from a regional workforce board or a one-stop career  
1064 center.

1065 a. If the claimant chooses to take the online assessment,  
1066 the outcome of the assessment shall ~~must~~ be made available to  
1067 the claimant, regional workforce board, and one-stop career  
1068 center. The department, workforce board, or one-stop career  
1069 center shall use the assessment to develop a plan for referring  
1070 individuals to training and employment opportunities. Aggregate  
1071 data on assessment outcomes may be made available to  
1072 CareerSource Florida, Inc. Workforce Florida, Inc., and  
1073 Enterprise Florida, Inc., for use in the development of policies

Page 37 of 102

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

577-00545-15

20157002\_\_

1074 related to education and training programs that will ensure that  
1075 businesses in this state have access to a skilled and competent  
1076 workforce.

1077 b. Individuals shall be informed of and offered services  
1078 through the one-stop delivery system, including career  
1079 counseling, the provision of skill match and job market  
1080 information, and skills upgrade and other training  
1081 opportunities, and shall be encouraged to participate in such  
1082 services at no cost to the individuals. The department shall  
1083 coordinate with CareerSource Florida, Inc. Workforce Florida,  
1084 ~~Inc.,~~ the workforce boards, and the one-stop career centers to  
1085 identify, develop, and use best practices for improving the  
1086 skills of individuals who choose to participate in skills  
1087 upgrade and other training opportunities. The department may  
1088 contract with an entity to create the online assessment in  
1089 accordance with the competitive bidding requirements in s.  
1090 287.057. The online assessment must work seamlessly with the  
1091 Reemployment Assistance Claims and Benefits Information System.

1092 Section 25. Subsections (1) and (4) of section 443.171,  
1093 Florida Statutes, are amended to read:

1094 443.171 Department of Economic Opportunity and commission;  
1095 powers and duties; records and reports; proceedings; state-  
1096 federal cooperation.—

1097 (1) POWERS AND DUTIES.—The Department of Economic  
1098 Opportunity shall administer this chapter. The department may  
1099 employ ~~these~~ persons, make expenditures, require reports,  
1100 conduct investigations, and take other action necessary or  
1101 suitable to administer this chapter. The department shall  
1102 annually submit information to CareerSource Florida, Inc.

Page 38 of 102

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

577-00545-15

20157002\_\_

1103 ~~Workforce Florida, Inc.~~, covering the administration and  
 1104 operation of this chapter during the preceding calendar year for  
 1105 inclusion in the strategic plan under s. 445.006 and may make  
 1106 recommendations for amendment to this chapter.

1107 (4) EMPLOYMENT STABILIZATION.—The Department of Economic  
 1108 Opportunity, under the direction of CareerSource Florida, Inc.  
 1109 ~~Workforce Florida, Inc.~~, shall take all appropriate steps to  
 1110 reduce and prevent unemployment; to encourage and assist in the  
 1111 adoption of practical methods of career training, retraining,  
 1112 and career guidance; to investigate, recommend, advise, and  
 1113 assist municipalities, counties, school districts, and the state  
 1114 in the establishment and operation, by municipalities, counties,  
 1115 school districts, and the state, of reserves for public works to  
 1116 be used in times of business depression and unemployment; to  
 1117 promote the reemployment of ~~the~~ unemployed workers throughout  
 1118 the state in every other way that may be feasible; to refer a  
 1119 any claimant entitled to extended benefits to suitable work that  
 1120 ~~which~~ meets the criteria of this chapter; and, to these ends, to  
 1121 carry on and publish the results of investigations and research  
 1122 studies.

1123 Section 26. Subsection (1) of section 443.181, Florida  
 1124 Statutes, is amended to read:

1125 443.181 Public employment service.—

1126 (1) The one-stop delivery system established under s.  
 1127 445.009 is this state's public employment service as part of the  
 1128 national system of public employment offices established under  
 1129 29 U.S.C. s. 49. The Department of Economic Opportunity, under  
 1130 policy direction from CareerSource Florida, Inc. ~~Workforce~~  
 1131 ~~Florida, Inc.~~, shall cooperate with any official or agency of

Page 39 of 102

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

577-00545-15

20157002\_\_

1132 the United States having power or duties under 29 U.S.C. ss. 49-  
 1133 491-1 and shall perform those duties necessary to secure to this  
 1134 state the funds provided under federal law for the promotion and  
 1135 maintenance of the state's public employment service. In  
 1136 accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C.  
 1137 ss. 49-491-1. The department is designated the state agency  
 1138 responsible for cooperating with the United States Secretary of  
 1139 Labor under 29 U.S.C. s. 49c. The department shall appoint  
 1140 sufficient employees to administer this section. The department  
 1141 may cooperate with or enter into agreements with the Railroad  
 1142 Retirement Board for the establishment, maintenance, and use of  
 1143 one-stop career centers.

1144 Section 27. Section 445.003, Florida Statutes, is amended  
 1145 to read:

1146 445.003 Implementation of the federal Workforce Investment  
 1147 Act of 1998.—

1148 (1) WORKFORCE INVESTMENT ACT PRINCIPLES.—The state's  
 1149 approach to implementing the federal Workforce Investment Act of  
 1150 1998, Pub. L. No. 105-220, should have six elements:

1151 (a) *Streamlining Services*.—Florida's employment and  
 1152 training programs must be coordinated and consolidated at  
 1153 locally managed one-stop delivery system centers.

1154 (b) *Empowering Individuals*.—Eligible participants will make  
 1155 informed decisions, choosing the qualified training program that  
 1156 best meets their needs.

1157 (c) *Universal Access*.—Through a one-stop delivery system,  
 1158 every Floridian will have access to employment services.

1159 (d) *Increased Accountability*.—The state, localities, and  
 1160 training providers will be held accountable for their

Page 40 of 102

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

577-00545-15 20157002\_\_

1161 performance.

1162 (e) *Local Board and Private Sector Leadership.*—Local boards  
1163 will focus on strategic planning, policy development, and  
1164 oversight of the local system, choosing local managers to direct  
1165 the operational details of their one-stop delivery system  
1166 centers.

1167 (f) *Local Flexibility and Integration.*—Localities will have  
1168 exceptional flexibility to build on existing reforms. Unified  
1169 planning will free local groups from conflicting  
1170 micromanagement, while waivers and WorkFlex will allow local  
1171 innovations.

1172 (2) FIVE-YEAR PLAN.—CareerSource Florida, Inc. Workforce  
1173 Florida, Inc., shall prepare and submit a 5-year plan, which  
1174 must include ~~includes~~ secondary career education, to fulfill the  
1175 early implementation requirements of Pub. L. No. 105-220 and  
1176 applicable state statutes. Mandatory and optional federal  
1177 ~~partners and optional federal partners~~ shall be fully involved  
1178 in designing the plan's one-stop delivery system strategy. The  
1179 plan shall ~~detail a process to~~ clearly define each program's  
1180 statewide duties and role relating to the system. Any optional  
1181 federal partner may immediately choose to fully integrate its  
1182 program's plan with this plan, which shall, notwithstanding any  
1183 other state provisions, fulfill all their state planning and  
1184 reporting requirements as they relate to the one-stop delivery  
1185 system. The plan must ~~shall~~ detail a process that would fully  
1186 integrate all federally mandated and optional partners by the  
1187 second year of the plan. All optional federal program partners  
1188 in the planning process shall be mandatory participants in the  
1189 second year of the plan.

Page 41 of 102

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

577-00545-15 20157002\_\_

1190 (3) FUNDING.—

1191 (a) Title I, Workforce Investment Act of 1998 funds;  
1192 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended  
1193 based on the 5-year plan of CareerSource Florida, Inc. Workforce  
1194 Florida, Inc. The plan shall outline and direct the method used  
1195 to administer and coordinate various funds and programs that are  
1196 operated by various agencies. The following provisions ~~shall~~  
1197 ~~also~~ apply to these funds:

1198 1. At least 50 percent of the Title I funds for Adults and  
1199 Dislocated Workers which ~~that~~ are passed through to regional  
1200 workforce boards shall be allocated to and expended on  
1201 Individual Training Accounts unless a regional workforce board  
1202 obtains a waiver from CareerSource Florida, Inc. Workforce  
1203 Florida, Inc. Tuition, books, and fees of training providers and  
1204 other training services prescribed and authorized by the  
1205 Workforce Investment Act of 1998 qualify as Individual Training  
1206 Account expenditures.

1207 2. Fifteen percent of Title I funding shall be retained at  
1208 the state level and ~~shall be~~ dedicated to state administration  
1209 and shall be used to design, develop, induce, and fund  
1210 innovative Individual Training Account pilots, demonstrations,  
1211 and programs. Of such funds retained at the state level, \$2  
1212 million shall be reserved for the Incumbent Worker Training  
1213 Program, created under subparagraph 3. Eligible state  
1214 administration costs include the costs of: funding for the board  
1215 and staff of CareerSource Florida, Inc. Workforce Florida, Inc.;  
1216 operating fiscal, compliance, and management accountability  
1217 systems through CareerSource Florida, Inc. Workforce Florida,  
1218 ~~Inc.~~; conducting evaluation and research on workforce

Page 42 of 102

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

577-00545-15

20157002\_\_

1219 development activities; and providing technical and capacity  
 1220 building assistance to regions at the direction of CareerSource  
 1221 Florida, Inc. ~~Workforce Florida, Inc.~~ Notwithstanding s.  
 1222 445.004, such administrative costs ~~may shall~~ not exceed 25  
 1223 percent of these funds. An amount not to exceed 75 percent of  
 1224 these funds shall be allocated to Individual Training Accounts  
 1225 and other workforce development strategies for other training  
 1226 designed and tailored by CareerSource Florida, Inc. ~~Workforce~~  
 1227 ~~Florida, Inc.~~, including, but not limited to, programs for  
 1228 incumbent workers, displaced homemakers, nontraditional  
 1229 employment, and enterprise zones. CareerSource Florida, Inc.  
 1230 ~~Workforce Florida, Inc.~~, shall design, adopt, and fund  
 1231 Individual Training Accounts for distressed urban and rural  
 1232 communities.

1233 3. The Incumbent Worker Training Program is created for the  
 1234 purpose of providing grant funding for continuing education and  
 1235 training of incumbent employees at existing Florida businesses.  
 1236 The program will provide reimbursement grants to businesses that  
 1237 pay for preapproved, direct, training-related costs.

1238 a. The Incumbent Worker Training Program will be  
 1239 administered by CareerSource Florida, Inc. ~~Workforce Florida,~~  
 1240 ~~Inc. Workforce Florida, Inc.~~, which may, at its discretion, may  
 1241 contract with a private business organization to serve as grant  
 1242 administrator.

1243 b. To be eligible for the program's grant funding, a  
 1244 business must have been in operation in Florida for a minimum of  
 1245 1 year prior to the application for grant funding; have at least  
 1246 one full-time employee; demonstrate financial viability; and be  
 1247 current on all state tax obligations. Priority for funding shall

577-00545-15

20157002\_\_

1248 be given to businesses with 25 employees or fewer, businesses in  
 1249 rural areas, businesses in distressed inner-city areas,  
 1250 businesses in a qualified targeted industry, businesses whose  
 1251 grant proposals represent a significant upgrade in employee  
 1252 skills, or businesses whose grant proposals represent a  
 1253 significant layoff avoidance strategy.

1254 c. All costs reimbursed by the program must be preapproved  
 1255 by CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, or the  
 1256 grant administrator. The program may will not reimburse  
 1257 businesses for trainee wages, the purchase of capital equipment,  
 1258 or the purchase of any item or service that may possibly be used  
 1259 outside the training project. A business approved for a grant  
 1260 may be reimbursed for preapproved, direct, training-related  
 1261 costs including tuition, + fees, + books and training materials, +  
 1262 and overhead or indirect costs not to exceed 5 percent of the  
 1263 grant amount.

1264 d. A business that is selected to receive grant funding  
 1265 must provide a matching contribution to the training project,  
 1266 including, but not limited to, wages paid to trainees or the  
 1267 purchase of capital equipment used in the training project; must  
 1268 sign an agreement with CareerSource Florida, Inc. ~~Workforce~~  
 1269 ~~Florida, Inc.~~, or the grant administrator to complete the  
 1270 training project as proposed in the application; must keep  
 1271 accurate records of the project's implementation process; and  
 1272 must submit monthly or quarterly reimbursement requests with  
 1273 required documentation.

1274 e. All Incumbent Worker Training Program grant projects  
 1275 shall be performance-based with specific measurable performance  
 1276 outcomes, including completion of the training project and job

577-00545-15

20157002\_\_

1277 retention. CareerSource Florida, Inc. Workforce Florida, Inc.,  
 1278 or the grant administrator shall withhold the final payment to  
 1279 the grantee until a final grant report is submitted and all  
 1280 performance criteria specified in the grant contract have been  
 1281 achieved.

1282 f. CareerSource Florida, Inc. Workforce Florida, Inc., may  
 1283 establish guidelines necessary to implement the Incumbent Worker  
 1284 Training Program.

1285 g. No more than 10 percent of the Incumbent Worker Training  
 1286 Program's total appropriation may be used for overhead or  
 1287 indirect purposes.

1288 4. At least 50 percent of Rapid Response funding shall be  
 1289 dedicated to Intensive Services Accounts and Individual Training  
 1290 Accounts for dislocated workers and incumbent workers who are at  
 1291 risk of dislocation. CareerSource Florida, Inc. Workforce  
 1292 Florida, Inc., shall also maintain an Emergency Preparedness  
 1293 Fund from Rapid Response funds, which will immediately issue  
 1294 Intensive Service Accounts, and Individual Training Accounts,  
 1295 and as well as other federally authorized assistance to eligible  
 1296 victims of natural or other disasters. At the direction of the  
 1297 Governor, ~~for events that qualify under federal law~~, these Rapid  
 1298 Response funds shall be released to regional workforce boards  
 1299 for immediate use after events that qualify under federal law.  
 1300 Funding shall also be dedicated to maintain a unit at the state  
 1301 level to respond to Rapid Response emergencies and around the  
 1302 state, to work with state emergency management officials, ~~and to~~  
 1303 ~~work with~~ regional workforce boards. All Rapid Response funds  
 1304 must be expended based on a plan developed by CareerSource  
 1305 Florida, Inc. Workforce Florida, Inc., and approved by the

Page 45 of 102

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

577-00545-15

20157002\_\_

1306 Governor.

1307 (b) The administrative entity for Title I, Workforce  
 1308 Investment Act of 1998 funds, and Rapid Response activities is,  
 1309 ~~shall be~~ the Department of Economic Opportunity, which shall  
 1310 provide direction to regional workforce boards regarding Title I  
 1311 programs and Rapid Response activities pursuant to the direction  
 1312 of CareerSource Florida, Inc. Workforce Florida, Inc.

1313 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED  
 1314 MODIFICATIONS.—

1315 (a) CareerSource Florida, Inc. Workforce Florida, Inc., may  
 1316 provide indemnification from audit liabilities to regional  
 1317 workforce boards that act in full compliance with state law and  
 1318 board policy the board's policies.

1319 (b) CareerSource Florida, Inc. Workforce Florida, Inc., may  
 1320 negotiate and settle all outstanding issues with the United  
 1321 States Department of Labor relating to decisions made by  
 1322 CareerSource Florida, Inc. Workforce Florida, Inc., any  
 1323 predecessor workforce organization, and the Legislature with  
 1324 regard to the Job Training Partnership Act, making settlements  
 1325 and closing out all JTPA program year grants.

1326 (c) CareerSource Florida, Inc. Workforce Florida, Inc., may  
 1327 make modifications to the state's plan, policies, and procedures  
 1328 to comply with federally mandated requirements that in its  
 1329 judgment must be complied with to maintain funding provided  
 1330 pursuant to Pub. L. No. 105-220. The board shall provide written  
 1331 notice to notify in writing the Governor, the President of the  
 1332 Senate, and the Speaker of the House of Representatives within  
 1333 30 days after any such changes or modifications.

1334 (5) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.—

Page 46 of 102

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

577-00545-15 20157002\_\_

1335 CareerSource Florida, Inc. Workforce Florida, Inc., may  
 1336 recommend workforce-related divisions, bureaus, units, programs,  
 1337 duties, commissions, boards, and councils for elimination,  
 1338 consolidation, or privatization that can be eliminated,  
 1339 consolidated, or privatized.

1340 Section 28. Section 445.004, Florida Statutes, is amended  
 1341 to read:

1342 445.004 CareerSource Florida, Inc. Workforce Florida, Inc.;  
 1343 creation; purpose; membership; duties and powers.—

1344 (1) CareerSource Florida, Inc., There is created as a not-  
 1345 for-profit corporation, ~~to be known as "Workforce Florida,~~  
 1346 ~~Inc.,"~~ which shall be registered, incorporated, organized, and  
 1347 operated in compliance with chapter 617. CareerSource Florida,  
 1348 Inc., is not, and which shall not be a unit or entity of state  
 1349 government and is shall be exempt from chapters 120 and 287.  
 1350 CareerSource Florida, Inc. Workforce Florida, Inc., shall apply  
 1351 the procurement and expenditure procedures required by federal  
 1352 law for the expenditure of federal funds. CareerSource Florida,  
 1353 Inc. Workforce Florida, Inc., shall be administratively housed  
 1354 within the Department of Economic Opportunity; however,  
 1355 CareerSource Florida, Inc., is not Workforce Florida, Inc.,  
 1356 ~~shall not be~~ subject to control, supervision, or direction by  
 1357 the department in any manner. The Legislature finds determines,  
 1358 ~~however,~~ that public policy dictates that CareerSource Florida,  
 1359 Inc. Workforce Florida, Inc., operate in the most open and  
 1360 accessible manner consistent with its public purpose. To this  
 1361 end, the Legislature specifically declares that CareerSource  
 1362 Florida, Inc. Workforce Florida, Inc., its board, councils, and  
 1363 any advisory committees or similar groups created by

Page 47 of 102

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

577-00545-15 20157002\_\_

1364 CareerSource Florida, Inc. Workforce Florida, Inc., are subject  
 1365 to the provisions of chapter 119 relating to public records, and  
 1366 those provisions of chapter 286 relating to public meetings.

1367 (2) CareerSource Florida, Inc. Workforce Florida, Inc., is  
 1368 the principal workforce policy organization for the state. The  
 1369 purpose of CareerSource Florida, Inc. Workforce Florida, Inc.,  
 1370 is to design and implement strategies that help Floridians  
 1371 enter, remain in, and advance in the workplace, so that they may  
 1372 become ~~becoming~~ more highly skilled and successful, which  
 1373 benefits ~~benefiting~~ these Floridians, Florida businesses, and  
 1374 the entire state, and fosters the development of ~~to assist in~~  
 1375 developing the state's business climate.

1376 (3) (a) CareerSource Florida, Inc. Workforce Florida, Inc.,  
 1377 shall be governed by a board of directors, ~~the number of~~  
 1378 ~~directors to be determined by the Governor,~~ whose membership and  
 1379 appointment must be consistent with Pub. L. No. 105-220, Title  
 1380 I, s. 111(b). Members described in Pub. L. No. 105-220, Title I,  
 1381 s. 111(b) (1) (C) (vi) shall be nonvoting members. The number of  
 1382 directors shall be determined by the Governor, who shall  
 1383 consider the importance of minority, gender, and geographic  
 1384 representation in ~~shall be considered when~~ making appointments  
 1385 to the board. ~~The Governor,~~ When the Governor is in attendance,  
 1386 he or she shall preside at all meetings of the board of  
 1387 directors.

1388 (b) The board of directors of CareerSource Florida, Inc.  
 1389 ~~Workforce Florida, Inc.~~, shall be chaired by a board member  
 1390 designated by the Governor pursuant to Pub. L. No. 105-220. A  
 1391 member may not and shall ~~serve no~~ more than two terms.

1392 (c) Members appointed by the Governor may serve no more

Page 48 of 102

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

577-00545-15

20157002\_\_

1393 than two terms and must be appointed for 3-year terms. However,  
 1394 in order to establish staggered terms for board members, the  
 1395 Governor shall appoint or reappoint one-third of the board  
 1396 members for 1-year terms, one-third of the board members for 2-  
 1397 year terms, and one-third of the board members for 3-year terms  
 1398 beginning July 1, 2005. Subsequent appointments or  
 1399 reappointments shall be ~~Following that date, the Governor shall~~  
 1400 ~~appoint or reappoint board members~~ for 3-year terms ~~exclusively,~~  
 1401 except that, ~~when a board member~~ appointed to fill a vacancy on  
 1402 the board is replaced before the end of a 3-year term, the  
 1403 ~~replacement~~ shall be appointed to serve only the remainder of  
 1404 ~~the that term of the member whom he or she is replacing, and,~~  
 1405 ~~after which the replacement may be appointed for a subsequent~~  
 1406 ~~full 3-year term.~~ Private sector representatives of businesses,  
 1407 appointed by the Governor pursuant to Pub. L. No. 105-220, shall  
 1408 constitute a majority of the membership of the board. Private  
 1409 sector representatives shall be appointed from nominations  
 1410 received by the Governor, including, but not limited to, those  
 1411 nominations made by the President of the Senate and the Speaker  
 1412 of the House of Representatives. Private sector appointments to  
 1413 the board must ~~shall~~ be representative of the business community  
 1414 of this state; no fewer than one-half of the appointments ~~to the~~  
 1415 ~~board~~ must be representative of small businesses, and at least  
 1416 five members must have economic development experience. Members  
 1417 appointed by the Governor serve at the pleasure of the Governor  
 1418 and are eligible for reappointment.

1419 (d) A member of the board of directors of CareerSource  
 1420 Florida, Inc. ~~Workforce Florida, Inc.,~~ may be removed by the  
 1421 Governor for cause. Absence from three consecutive meetings

Page 49 of 102

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

577-00545-15

20157002\_\_

1422 results in automatic removal. The chair of CareerSource Florida,  
 1423 Inc. ~~Workforce Florida, Inc.,~~ shall notify the Governor of such  
 1424 absences.

1425 (e) Representatives of businesses appointed to the board of  
 1426 directors may not include providers of workforce services.

1427 (4) (a) The president of CareerSource Florida, Inc.  
 1428 ~~Workforce Florida, Inc.,~~ shall be hired by the board of  
 1429 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~  
 1430 and shall serve at the pleasure of the Governor in the capacity  
 1431 of an executive director and secretary of CareerSource Florida,  
 1432 Inc. ~~Workforce Florida, Inc.~~

1433 (b) The board of directors of CareerSource Florida, Inc.  
 1434 ~~Workforce Florida, Inc.,~~ shall meet at least quarterly and at  
 1435 other times upon the call of its chair. The board and its  
 1436 committees, subcommittees, or other subdivisions may use any  
 1437 method of telecommunications to conduct meetings, including  
 1438 establishing a quorum through telecommunications, if provided  
 1439 ~~that~~ the public is given proper notice of the telecommunications  
 1440 meeting and is given reasonable access to observe and, if when  
 1441 appropriate, participate.

1442 (c) A majority of the total current membership of the board  
 1443 of directors of CareerSource Florida, Inc., constitutes  
 1444 ~~Workforce Florida, Inc.,~~ comprises a quorum ~~of the board.~~

1445 (d) A majority of those voting is required to organize and  
 1446 conduct the business of the board, except that a majority of the  
 1447 entire board of directors is required to adopt or amend the  
 1448 bylaws.

1449 (e) Except as delegated or authorized by the board of  
 1450 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~

Page 50 of 102

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

577-00545-15

20157002\_\_

1451 individual members have no authority to control or direct the  
 1452 operations of CareerSource Florida, Inc. ~~Workforce Florida,~~  
 1453 ~~Inc.~~, or the actions of its officers and employees, including  
 1454 the president.

1455 (f) Members of the board of directors of CareerSource  
 1456 Florida, Inc. ~~Workforce Florida, Inc.~~, and its committees shall  
 1457 serve without compensation, but these members, the president,  
 1458 and the all employees of CareerSource Florida, Inc. ~~Workforce~~  
 1459 ~~Florida, Inc.~~, may be reimbursed for all reasonable, necessary,  
 1460 and actual expenses pursuant to s. 112.061.

1461 (g) The board of directors of CareerSource Florida, Inc.  
 1462 ~~Workforce Florida, Inc.~~, may establish an executive committee  
 1463 consisting of the chair and at least six additional board  
 1464 members selected by the chair, one of whom must be a  
 1465 representative of organized labor. The executive committee and  
 1466 the president shall have such authority as the board delegates  
 1467 to them ~~it~~, except that the board of directors may not delegate  
 1468 to the executive committee authority to take action that  
 1469 requires approval by a majority of the entire board of  
 1470 directors.

1471 (h) The chair may appoint committees to fulfill the board's  
 1472 ~~its~~ responsibilities, to comply with federal requirements, or to  
 1473 obtain technical assistance, and must incorporate members of  
 1474 regional workforce development boards into its structure.

1475 (i) Each member of the board of directors who is not  
 1476 otherwise required to file a financial disclosure pursuant to s.  
 1477 8, Art. II of the State Constitution or s. 112.3144 must file  
 1478 disclosure of financial interests pursuant to s. 112.3145.

1479 (5) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,

Page 51 of 102

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

577-00545-15

20157002\_\_

1480 shall have all the powers and authority, not explicitly  
 1481 prohibited by statute ~~which are~~, necessary or convenient to  
 1482 carry out and effectuate ~~its the~~ purposes as determined by  
 1483 statute, Pub. L. No. 105-220, and the Governor, as well as its  
 1484 functions, duties, and responsibilities, including, but not  
 1485 limited to, the following:

1486 (a) Serving as the state's Workforce Investment Board  
 1487 pursuant to Pub. L. No. 105-220. Unless otherwise required by  
 1488 federal law, at least 90 percent of ~~the~~ workforce development  
 1489 funding must go toward ~~into~~ direct customer service ~~costs~~.

1490 (b) Providing oversight and policy direction to ensure that  
 1491 the following programs are administered by the department in  
 1492 compliance with approved plans and under contract with  
 1493 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~:

1494 1. Programs authorized under Title I of the Workforce  
 1495 Investment Act of 1998, Pub. L. No. 105-220, with the exception  
 1496 of programs funded directly by the United States Department of  
 1497 Labor under Title I, s. 167.

1498 2. Programs authorized under the Wagner-Peyser Act of 1933,  
 1499 as amended, 29 U.S.C. ss. 49 et seq.

1500 3. Activities authorized under Title II of the Trade Act of  
 1501 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
 1502 Adjustment Assistance Program.

1503 4. Activities authorized under 38 U.S.C., chapter 41,  
 1504 including job counseling, training, and placement for veterans.

1505 5. Employment and training activities carried out under  
 1506 funds awarded to this state by the United States Department of  
 1507 Housing and Urban Development.

1508 6. Welfare transition services funded by the Temporary

Page 52 of 102

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

577-00545-15 20157002\_\_

1509 Assistance for Needy Families Program, created under the  
 1510 Personal Responsibility and Work Opportunity Reconciliation Act  
 1511 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
 1512 of the Social Security Act, as amended.

1513 7. Displaced homemaker programs, provided under s. 446.50.

1514 8. The Florida Bonding Program, provided under Pub. L. No.  
 1515 97-300, s. 164(a)(1).

1516 9. The Food Assistance Employment and Training Program,  
 1517 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
 1518 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
 1519 and the Hunger Prevention Act, Pub. L. No. 100-435.

1520 10. The Quick-Response Training Program, provided under ss.  
 1521 288.046-288.047. Matching funds and in-kind contributions that  
 1522 are provided by clients of the Quick-Response Training Program  
 1523 shall count toward the requirements of s. 288.904, pertaining to  
 1524 the return on investment from activities of Enterprise Florida,  
 1525 Inc.

1526 11. The Work Opportunity Tax Credit, provided under the Tax  
 1527 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and  
 1528 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

1529 12. Offender placement services, provided under ss.  
 1530 944.707-944.708.

1531 (c) The department may adopt rules necessary to administer  
 1532 the provisions of this chapter which relate to implementing and  
 1533 administering the programs listed in paragraph (b) as well as  
 1534 rules related to eligible training providers and auditing and  
 1535 monitoring subrecipients of the workforce system grant funds.

1536 (d) Contracting with public and private entities as  
 1537 necessary to further the directives of this section. All

577-00545-15 20157002\_\_

1538 contracts executed by CareerSource Florida, Inc. Workforce  
 1539 ~~Florida, Inc.~~, must include specific performance expectations  
 1540 and deliverables. All CareerSource Florida, Inc. Workforce  
 1541 ~~Florida, Inc.~~, contracts, including those solicited, managed, or  
 1542 paid by the department pursuant to s. 20.60(5)(c) are exempt  
 1543 from s. 112.061, but shall be governed by subsection (1).

1544 (e) Notifying the Governor, the President of the Senate,  
 1545 and the Speaker of the House of Representatives of noncompliance  
 1546 by the department or other agencies or obstruction of the  
 1547 board's efforts by such agencies. Upon such notification, the  
 1548 Executive Office of the Governor shall assist agencies to bring  
 1549 them into compliance with board objectives.

1550 (f) Ensuring that the state does not waste valuable  
 1551 training resources. ~~Thus,~~ The board shall direct that all  
 1552 resources, including equipment purchased for training Workforce  
 1553 Investment Act clients, be available for use at all times by  
 1554 eligible populations as first priority users. At times when  
 1555 eligible populations are not available, such resources shall be  
 1556 used for any other state-authorized ~~state-authorized~~ education  
 1557 and training purpose. CareerSource Florida, Inc. Workforce  
 1558 ~~Florida, Inc.~~, may authorize expenditures to award suitable  
 1559 framed certificates, pins, or other tokens of recognition for  
 1560 performance by a regional workforce board, its committees and  
 1561 subdivisions, and other units of the workforce system.

1562 CareerSource Florida, Inc. Workforce ~~Florida, Inc.~~, may also  
 1563 authorize expenditures for promotional items, such as t-shirts,  
 1564 hats, or pens printed with messages promoting the state's  
 1565 workforce system to employers, job seekers, and program  
 1566 participants. However, such expenditures are subject to federal

577-00545-15

20157002\_\_

1567 regulations applicable to the expenditure of federal funds.

1568 (g) ~~Establishing~~ Establish a dispute resolution process for

1569 all memoranda of understanding or other contracts or agreements

1570 entered into between the department and regional workforce

1571 boards.

1572 (h) Archiving records with the Bureau of Archives and

1573 Records Management of the Division of Library and Information

1574 Services of the Department of State.

1575 (6) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may

1576 take action that it deems necessary to achieve the purposes of

1577 this section, including, but not limited to:

1578 (a) Creating a state employment, education, and training

1579 policy that ensures that programs to prepare workers are

1580 responsive to present and future business and industry needs and

1581 complement the initiatives of Enterprise Florida, Inc.

1582 (b) Establishing policy direction for a funding system that

1583 provides incentives to improve the outcomes of career education,

1584 ~~programs, and of~~ registered apprenticeship, and work-based

1585 learning programs, and that focuses resources on occupations

1586 related to new or emerging industries that add greatly to the

1587 value of the state's economy.

1588 (c) Establishing a comprehensive policy related to the

1589 education and training of target populations such as those who

1590 have disabilities, are economically disadvantaged, receive

1591 public assistance, are not proficient in English, or are

1592 dislocated workers. This approach should ensure the effective

1593 use of federal, state, local, and private resources in reducing

1594 the need for public assistance.

1595 (d) Designating Institutes of Applied Technology composed

Page 55 of 102

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

577-00545-15

20157002\_\_

1596 of public and private postsecondary institutions working

1597 together with business and industry to ensure that career

1598 education programs use the most advanced technology and

1599 instructional methods available and respond to the changing

1600 needs of business and industry.

1601 (e) Providing policy direction for a system to project and

1602 evaluate labor market supply and demand using the results of the

1603 Workforce Estimating Conference created in s. 216.136 and the

1604 career education performance standards identified under s.

1605 1008.43.

1606 (f) Reviewing the performance of public programs that are

1607 responsible for economic development, education, employment, and

1608 training. The review must include an analysis of the return on

1609 investment of these programs.

1610 (g) Expanding the occupations identified by the Workforce

1611 Estimating Conference to meet needs created by local emergencies

1612 or plant closings or to capture occupations within emerging

1613 industries.

1614 (7) By December 1 of each year, CareerSource Florida, Inc.

1615 ~~Workforce Florida, Inc.~~, shall submit to the Governor, the

1616 President of the Senate, the Speaker of the House of

1617 Representatives, the Senate Minority Leader, and the House

1618 Minority Leader a complete and detailed annual report setting

1619 forth:

1620 (a) All audits, including any ~~the~~ audit conducted under ~~in~~

1621 subsection (8), ~~if conducted~~.

1622 (b) The operations and accomplishments of the board,

1623 including the programs or entities specified ~~listed~~ in

1624 subsection (6).

Page 56 of 102

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

577-00545-15

20157002\_\_

1625 (8) ~~The Auditor General may,~~ Pursuant to his or her own  
 1626 authority or at the direction of the Legislative Auditing  
 1627 Committee, the Auditor General may conduct an audit of  
 1628 CareerSource Florida, Inc. Workforce Florida, Inc., or the  
 1629 programs or entities created by CareerSource Florida, Inc.  
 1630 ~~Workforce Florida, Inc.~~ The Office of Program Policy Analysis  
 1631 and Government Accountability, pursuant to its authority or at  
 1632 the direction of the Legislative Auditing Committee, may review  
 1633 the systems and controls related to performance outcomes and  
 1634 quality of services of CareerSource Florida, Inc. Workforce  
 1635 ~~Florida, Inc.~~

1636 (9) CareerSource Florida, Inc. Workforce Florida, Inc., in  
 1637 collaboration with the regional workforce boards and appropriate  
 1638 state agencies and local public and private service providers,  
 1639 and in consultation with the Office of Program Policy Analysis  
 1640 and Government Accountability, shall establish uniform measures  
 1641 and standards to gauge the performance of the workforce  
 1642 development strategy. These measures and standards must be  
 1643 organized into three outcome tiers.

1644 (a) The first tier of measures must be organized to provide  
 1645 benchmarks for systemwide outcomes. CareerSource Florida, Inc.  
 1646 ~~Workforce Florida, Inc., shall must,~~ in collaboration with the  
 1647 Office of Program Policy Analysis and Government Accountability,  
 1648 establish goals for the tier-one outcomes. Systemwide outcomes  
 1649 may include employment in occupations demonstrating continued  
 1650 growth in wages; continued employment after 3, 6, 12, and 24  
 1651 months; reduction in and elimination of public assistance  
 1652 reliance; job placement; employer satisfaction; and positive  
 1653 return on investment of public resources.

Page 57 of 102

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

577-00545-15

20157002\_\_

1654 (b) The second tier of measures must be organized to  
 1655 provide a set of benchmark outcomes for the strategic components  
 1656 of the workforce development strategy. Cost per entered  
 1657 employment, earnings at placement, retention in employment, job  
 1658 placement, and entered employment rate must be included among  
 1659 the performance outcome measures.

1660 (c) The third tier of measures must be the operational  
 1661 output measures to be used by the agency implementing programs,  
 1662 which and it may be specific to federal requirements. The tier-  
 1663 three measures must be developed by the agencies implementing  
 1664 programs, which and Workforce Florida, Inc., may consult with  
 1665 CareerSource Florida, Inc., ~~be consulted~~ in this effort. Such  
 1666 measures must be reported to CareerSource Florida, Inc.  
 1667 ~~Workforce Florida, Inc.,~~ by the appropriate implementing agency.

1668 (d) Regional differences must be reflected in the  
 1669 establishment of performance goals and may include job  
 1670 availability, unemployment rates, average worker wage, and  
 1671 available employable population.

1672 (e) Job placement must be reported pursuant to s. 1008.39.  
 1673 Positive outcomes for providers of education and training must  
 1674 be consistent with ss. 1008.42 and 1008.43.

1675 (f) The uniform measures of success that are adopted by  
 1676 CareerSource Florida, Inc. Workforce Florida, Inc., or the  
 1677 regional workforce boards must be developed in a manner that  
 1678 provides for an equitable comparison of the relative success or  
 1679 failure of any service provider in terms of positive outcomes.

1680 (g) By December 1 of each year, CareerSource Florida, Inc.  
 1681 ~~Workforce Florida, Inc.,~~ shall provide the Legislature with a  
 1682 report detailing the performance of Florida's workforce

Page 58 of 102

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

577-00545-15 20157002\_\_

1683 development system, as reflected in the three-tier measurement  
 1684 system. ~~The Additionally, this report~~ also must benchmark  
 1685 Florida outcomes ~~for, at all tiers as compared with, against~~  
 1686 other states that collect data similarly.

1687 (10) The workforce development strategy for the state shall  
 1688 be designed by CareerSource Florida, Inc. ~~Workforce Florida,~~  
 1689 ~~Inc.~~ The strategy must include efforts that enlist business,  
 1690 education, and community support for students to achieve long-  
 1691 term career goals, ensuring that young people have the academic  
 1692 and occupational skills required to succeed in the workplace.  
 1693 The strategy must also assist employers in upgrading or updating  
 1694 the skills of their employees and assisting workers to acquire  
 1695 the education or training needed to secure a better job with  
 1696 better wages. The strategy must assist the state's efforts to  
 1697 attract and expand job-creating businesses offering high-paying,  
 1698 high-demand occupations.

1699 (11) The workforce development system must ~~shall~~ use a  
 1700 charter-process approach aimed at encouraging local design and  
 1701 control of service delivery and targeted activities.  
 1702 CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~ shall be  
 1703 responsible for granting charters to regional workforce boards  
 1704 that have a membership consistent with the requirements of  
 1705 federal and state law and ~~that~~ have developed a plan consistent  
 1706 with the state's workforce development strategy. The plan must  
 1707 specify methods for allocating the resources and programs in a  
 1708 manner that eliminates unwarranted duplication, minimizes  
 1709 administrative costs, meets the existing job market demands and  
 1710 the job market demands resulting from successful economic  
 1711 development activities, ensures access to quality workforce

Page 59 of 102

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

577-00545-15 20157002\_\_

1712 development services for all Floridians, allows for pro rata or  
 1713 partial distribution of benefits and services, prohibits the  
 1714 creation of a waiting list or other indication of an unserved  
 1715 population, serves as many individuals as possible within  
 1716 available resources, and maximizes successful outcomes. As part  
 1717 of the charter process, CareerSource Florida, Inc. ~~Workforce~~  
 1718 ~~Florida, Inc.,~~ shall establish incentives for effective  
 1719 coordination of federal and state programs, outline rewards for  
 1720 successful job placements, and institute collaborative  
 1721 approaches among local service providers. Local decisionmaking  
 1722 and control shall be important components for inclusion in this  
 1723 charter application.

1724 (12) CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~  
 1725 shall enter into agreement with Space Florida and collaborate  
 1726 with vocational institutes, community colleges, colleges, and  
 1727 universities in this state, to develop a workforce development  
 1728 strategy to implement the workforce provisions of s. 331.3051.

1729 Section 29. Subsections (1) and (2), paragraph (g) of  
 1730 subsection (3), and paragraph (a) of subsection (6) of section  
 1731 445.006, Florida Statutes, are amended to read:

1732 445.006 Strategic and operational plans for workforce  
 1733 development.—

1734 (1) CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~ in  
 1735 conjunction with state and local partners in the workforce  
 1736 system, shall develop a strategic plan that produces skilled  
 1737 employees for employers in the state. The strategic plan shall  
 1738 be updated or modified by January 1 of each year. The plan must  
 1739 include, but need not be limited to, strategies for:

1740 (a) Fulfilling the workforce system goals and strategies

Page 60 of 102

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

577-00545-15 20157002\_\_

1741 prescribed in s. 445.004;

1742 (b) Aggregating, integrating, and leveraging workforce

1743 system resources;

1744 (c) Coordinating the activities of federal, state, and

1745 local workforce system partners;

1746 (d) Addressing the workforce needs of small businesses; and

1747 (e) Fostering the participation of rural communities and

1748 distressed urban cores in the workforce system.

1749 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,

1750 shall establish an operational plan to implement the state

1751 strategic plan. The operational plan shall be submitted to the

1752 Governor and the Legislature along with the strategic plan and

1753 must reflect the allocation of resources as appropriated in law. As a

1754 Legislature to specific responsibilities enumerated in law. As a

1755 component of the operational plan required under this section,

1756 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall

1757 develop a workforce marketing plan, with the goal of educating

1758 individuals inside and outside the state about the employment

1759 market and employment conditions in the state. The marketing

1760 plan must include, but need not be limited to, strategies for:

1761 (a) Distributing information to secondary and postsecondary

1762 education institutions about the diversity of businesses in the

1763 state, specific clusters of businesses or business sectors in

1764 the state, and occupations by industry which are in demand by

1765 employers in the state;

1766 (b) Distributing information about and promoting use of the

1767 Internet-based job matching and labor market information system

1768 authorized under s. 445.011; and

1769 (c) Coordinating with Enterprise Florida, Inc., to ensure

Page 61 of 102

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

577-00545-15 20157002\_\_

1770 that workforce marketing efforts complement the economic

1771 development marketing efforts of the state.

1772 (3) The operational plan must include performance measures,

1773 standards, measurement criteria, and contract guidelines in the

1774 following areas with respect to participants in the welfare

1775 transition program:

1776 (g) Other issues identified by the board of directors of

1777 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

1778 (6) (a) The operational plan must include strategies that

1779 are designed to prevent or reduce the need for a person to

1780 receive public assistance, including:

1781 1. A teen pregnancy prevention component that includes, but

1782 is not limited to, a plan for implementing the Teen Pregnancy

1783 Prevention Community Initiative within each county of the

1784 services area in which the teen birth rate is higher than the

1785 state average;

1786 2. A component that encourages community-based welfare

1787 prevention and reduction initiatives that increase support

1788 provided by noncustodial parents to their welfare-dependent

1789 children and are consistent with program and financial

1790 guidelines developed by CareerSource Florida, Inc. ~~Workforce~~

1791 ~~Florida, Inc.~~, and the Commission on Responsible Fatherhood.

1792 These initiatives may include improved paternity establishment,

1793 work activities for noncustodial parents, programs aimed at

1794 decreasing out-of-wedlock pregnancies, encouraging involvement

1795 of fathers with their children which includes court-ordered

1796 supervised visitation, and increasing child support payments;

1797 3. A component that encourages formation and maintenance of

1798 two-parent families through, among other things, court-ordered

Page 62 of 102

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

577-00545-15 20157002\_\_

1799 supervised visitation;

1800 4. A component that fosters responsible fatherhood in

1801 families receiving assistance; and

1802 5. A component that fosters the provision of services that

1803 reduce the incidence and effects of domestic violence on women

1804 and children in families receiving assistance.

1805 Section 30. Subsections (3), (4), (5), (6), (7), (9), (10),

1806 (11), and (12) of section 445.007, Florida Statutes, are amended

1807 to read:

1808 445.007 Regional workforce boards.—

1809 (3) The Department of Economic Opportunity, under the

1810 direction of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,

1811 shall assign staff to meet with each regional workforce board

1812 annually to review the board's performance and to certify that

1813 the board is in compliance with applicable state and federal

1814 law.

1815 (4) In addition to the duties and functions specified by

1816 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and by the

1817 interlocal agreement approved by the local county or city

1818 governing bodies, the regional workforce board shall have the

1819 following responsibilities:

1820 (a) Develop, submit, ratify, or amend the local plan

1821 pursuant to Pub. L. No. 105-220, Title I, s. 118, and the

1822 provisions of this act.

1823 (b) Conclude agreements necessary to designate the fiscal

1824 agent and administrative entity. A public or private entity,

1825 including an entity established pursuant to s. 163.01, which

1826 makes a majority of the appointments to a regional workforce

1827 board may serve as the board's administrative entity if approved

577-00545-15 20157002\_\_

1828 by CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, based

1829 upon a showing that a fair and competitive process was used to

1830 select the administrative entity.

1831 (c) Complete assurances required for the charter process of

1832 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and provide

1833 ongoing oversight related to administrative costs, duplicated

1834 services, career counseling, economic development, equal access,

1835 compliance and accountability, and performance outcomes.

1836 (d) Oversee the one-stop delivery system in its local area.

1837 (5) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,

1838 shall implement a training program for the regional workforce

1839 boards to familiarize board members with the state's workforce

1840 development goals and strategies.

1841 (6) The regional workforce board shall designate all local

1842 service providers and may not transfer this authority to a third

1843 party. Consistent with the intent of the Workforce Investment

1844 Act, regional workforce boards should provide the greatest

1845 possible choice of training providers to those who qualify for

1846 training services. A regional workforce board may not restrict

1847 the choice of training providers based upon cost, location, or

1848 historical training arrangements. However, a board may restrict

1849 the amount of training resources available to any one client.

1850 Such restrictions may vary based upon the cost of training in

1851 the client's chosen occupational area. The regional workforce

1852 board may be designated as a one-stop operator and direct

1853 provider of intake, assessment, eligibility determinations, or

1854 other direct provider services except training services. Such

1855 designation may occur only with the agreement of the chief

1856 elected official and the Governor as specified in 29 U.S.C. s.

577-00545-15 20157002\_\_

1857 2832(f)(2). CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 1858 shall establish procedures by which a regional workforce board  
 1859 may request permission to operate under this section and the  
 1860 criteria under which such permission may be granted. The  
 1861 criteria shall include, but need not be limited to, a reduction  
 1862 in the cost of providing the permitted services. Such permission  
 1863 shall be granted for a period not to exceed 3 years for any  
 1864 single request submitted by the regional workforce board.

1865 (7) Regional workforce boards shall adopt a committee  
 1866 structure consistent with applicable federal law and state  
 1867 policies established by CareerSource Florida, Inc. ~~Workforce~~  
 1868 ~~Florida, Inc.~~

1869 (9) For purposes of procurement, regional workforce boards  
 1870 and their administrative entities are not state agencies and are  
 1871 exempt from chapters 120 and 287. The regional workforce boards  
 1872 shall apply the procurement and expenditure procedures required  
 1873 by federal law and policies of the Department of Economic  
 1874 Opportunity and CareerSource Florida, Inc. ~~Workforce Florida,~~  
 1875 ~~Inc.~~, for the expenditure of federal, state, and nonpass-through  
 1876 funds. The making or approval of smaller, multiple payments for  
 1877 a single purchase with the intent to avoid or evade the monetary  
 1878 thresholds and procedures established by federal law and  
 1879 policies of the Department of Economic Opportunity and  
 1880 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, is grounds  
 1881 for removal for cause. Regional workforce boards, their  
 1882 administrative entities, committees, and subcommittees, and  
 1883 other workforce units may authorize expenditures to award  
 1884 suitable framed certificates, pins, or other tokens of  
 1885 recognition for performance by units of the workforce system.

Page 65 of 102

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

577-00545-15 20157002\_\_

1886 Regional workforce boards; their administrative entities,  
 1887 committees, and subcommittees; and other workforce units may  
 1888 authorize expenditures for promotional items, such as t-shirts,  
 1889 hats, or pens printed with messages promoting Florida's  
 1890 workforce system to employers, job seekers, and program  
 1891 participants. However, such expenditures are subject to federal  
 1892 regulations applicable to the expenditure of federal funds. All  
 1893 contracts executed by regional workforce boards must include  
 1894 specific performance expectations and deliverables.

1895 (10) State and federal funds provided to the regional  
 1896 workforce boards may not be used directly or indirectly to pay  
 1897 for meals, food, or beverages for board members, staff, or  
 1898 employees of regional workforce boards, CareerSource Florida,  
 1899 Inc. ~~Workforce Florida, Inc.~~, or the Department of Economic  
 1900 Opportunity except as expressly authorized by state law.  
 1901 Preapproved, reasonable, and necessary per diem allowances and  
 1902 travel expenses may be reimbursed. Such reimbursement shall be  
 1903 at the standard travel reimbursement rates established in s.  
 1904 112.061 and shall be in compliance with all applicable federal  
 1905 and state requirements. CareerSource Florida, Inc. ~~Workforce~~  
 1906 ~~Florida, Inc.~~, shall develop a statewide fiscal policy  
 1907 applicable to the state board and all regional workforce boards,  
 1908 to hold both the state and regional boards strictly accountable  
 1909 for adherence to the policy and subject to regular and periodic  
 1910 monitoring by the Department of Economic Opportunity, the  
 1911 administrative entity for CareerSource Florida, Inc. ~~Workforce~~  
 1912 ~~Florida, Inc.~~ Boards are prohibited from expending state or  
 1913 federal funds for entertainment costs and recreational  
 1914 activities for board members and employees as these terms are

Page 66 of 102

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

577-00545-15

20157002\_\_

1915 defined by 2 C.F.R. part 230.

1916 (11) To increase transparency and accountability, a  
 1917 regional workforce board must comply with the requirements of  
 1918 this section before contracting with a member of the board or a  
 1919 relative, as defined in s. 112.3143(1)(c), of a board member or  
 1920 of an employee of the board. Such contracts may not be executed  
 1921 before or without the approval of CareerSource Florida, Inc.  
 1922 ~~Workforce Florida, Inc.~~ Such contracts, as well as documentation  
 1923 demonstrating adherence to this section as specified by  
 1924 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, must be  
 1925 submitted to the Department of Economic Opportunity for review  
 1926 and recommendation according to criteria to be determined by  
 1927 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~ Such a  
 1928 contract must be approved by a two-thirds vote of the board, a  
 1929 quorum having been established; all conflicts of interest must  
 1930 be disclosed before the vote; and any member who may benefit  
 1931 from the contract, or whose relative may benefit from the  
 1932 contract, must abstain from the vote. A contract under \$25,000  
 1933 between a regional workforce board and a member of that board or  
 1934 between a relative, as defined in s. 112.3143(1)(c), of a board  
 1935 member or of an employee of the board is not required to have  
 1936 the prior approval of CareerSource Florida, Inc. ~~Workforce~~  
 1937 ~~Florida, Inc.~~, but must be approved by a two-thirds vote of the  
 1938 board, a quorum having been established, and must be reported to  
 1939 the Department of Economic Opportunity and CareerSource Florida,  
 1940 Inc. ~~Workforce Florida, Inc.~~, within 30 days after approval. If  
 1941 a contract cannot be approved by CareerSource Florida, Inc.  
 1942 ~~Workforce Florida, Inc.~~, a review of the decision to disapprove  
 1943 the contract may be requested by the regional workforce board or

Page 67 of 102

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

577-00545-15

20157002\_\_

1944 other parties to the disapproved contract.

1945 (12) Each regional workforce board shall develop a budget  
 1946 for the purpose of carrying out the duties of the board under  
 1947 this section, subject to the approval of the chief elected  
 1948 official. Each regional workforce board shall submit its annual  
 1949 budget for review to CareerSource Florida, Inc. ~~Workforce~~  
 1950 ~~Florida, Inc.~~, no later than 2 weeks after the chair approves  
 1951 the budget.

1952 Section 31. Subsections (1) and (4) of section 445.0071,  
 1953 Florida Statutes, are amended to read:

1954 445.0071 Florida Youth Summer Jobs Pilot Program.—

1955 (1) CREATION.—Contingent upon appropriations, there is  
 1956 created the Florida Youth Summer Jobs Pilot Program within  
 1957 workforce development district 22 served by the Broward  
 1958 Workforce Development Board. The board shall, in consultation  
 1959 with CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, provide  
 1960 a program offering at-risk and disadvantaged children summer  
 1961 jobs in partnership with local communities and public employers.

1962 (4) GOVERNANCE.—

1963 (a) The pilot program shall be administered by the regional  
 1964 workforce board in consultation with CareerSource Florida, Inc.  
 1965 ~~Workforce Florida, Inc.~~

1966 (b) The regional workforce board shall report to  
 1967 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, the number  
 1968 of at-risk and disadvantaged children who enter the program, the  
 1969 types of work activities they participate in, and the number of  
 1970 children who return to school, go on to postsecondary school, or  
 1971 enter the workforce full time at the end of the program.  
 1972 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall report

Page 68 of 102

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

577-00545-15 20157002\_\_

1973 to the Legislature by November 1 of each year on the performance  
1974 of the program.

1975 Section 32. Section 445.008, Florida Statutes, is amended  
1976 to read:

1977 445.008 Workforce Training Institute.—

1978 (1) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may  
1979 create the Workforce Training Institute, which shall be a  
1980 comprehensive program of workforce training courses designed to  
1981 meet the unique needs of, and shall include Internet-based  
1982 training modules suitable for and made available to,  
1983 professionals integral to the workforce system, including  
1984 advisors and counselors in educational institutions.

1985 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may  
1986 enter into a contract for the provision of administrative  
1987 support services for the institute and. ~~Workforce Florida, Inc.~~,  
1988 shall adopt policies for the administration and operation of the  
1989 institute and establish admission fees in an amount which, in  
1990 the aggregate, does not exceed the cost of the program.

1991 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may accept  
1992 donations or grants of any type for any function or purpose of  
1993 the institute.

1994 (3) All moneys, fees, donations, or grants collected by  
1995 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, under this  
1996 section shall be applied to cover all costs incurred in  
1997 establishing and conducting the workforce training programs  
1998 authorized under this section, including, but not limited to,  
1999 salaries for instructors and costs of materials connected to  
2000 such programs.

2001 Section 33. Subsections (2) and (4), paragraph (b) of

577-00545-15 20157002\_\_

2002 subsection (6), subsection (7), paragraphs (a), (c), and (d) of  
2003 subsection (8), and subsection (9) of section 445.009, Florida  
2004 Statutes, are amended to read:

2005 445.009 One-stop delivery system.—

2006 (2) (a) Subject to a process designed by CareerSource  
2007 Florida, Inc. ~~Workforce Florida, Inc.~~, and in compliance with  
2008 Pub. L. No. 105-220, regional workforce boards shall designate  
2009 one-stop delivery system operators.

2010 (b) A regional workforce board may designate as its one-  
2011 stop delivery system operator any public or private entity that  
2012 is eligible to provide services under any state or federal  
2013 workforce program that is a mandatory or discretionary partner  
2014 in the region's one-stop delivery system if approved by  
2015 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, upon a  
2016 showing by the regional workforce board that a fair and  
2017 competitive process was used in the selection. As a condition of  
2018 authorizing a regional workforce board to designate such an  
2019 entity as its one-stop delivery system operator, CareerSource  
2020 Florida, Inc. ~~Workforce Florida, Inc.~~, must require the regional  
2021 workforce board to demonstrate that safeguards are in place to  
2022 ensure that the one-stop delivery system operator will not  
2023 exercise an unfair competitive advantage or unfairly refer or  
2024 direct customers of the one-stop delivery system to services  
2025 provided by that one-stop delivery system operator. A regional  
2026 workforce board may retain its current One-Stop Career Center  
2027 operator without further procurement action if where the board  
2028 has an established ~~a~~ One-Stop Career Center that has complied  
2029 with federal and state law.

2030 (4) One-stop delivery system partners shall enter into a

577-00545-15 20157002\_\_

2031 memorandum of understanding pursuant to Pub. L. No. 105-220,  
 2032 Title I, s. 121, with the regional workforce board. Failure of a  
 2033 local partner to participate cannot unilaterally block the  
 2034 majority of partners from moving forward with their one-stop  
 2035 delivery system, and CareerSource Florida, Inc. ~~Workforce~~  
 2036 ~~Florida, Inc.~~, pursuant to s. 445.004(5)(e), may make  
 2037 notification of a local partner that fails to participate.

2038 (6)

2039 (b) To expand electronic capabilities, CareerSource  
 2040 Florida, Inc. ~~Workforce Florida, Inc.~~, working with regional  
 2041 workforce boards, shall develop a centralized help center to  
 2042 assist regional workforce boards in fulfilling core services,  
 2043 minimizing the need for fixed-site one-stop delivery system  
 2044 centers.

2045 (7) Intensive services and training provided pursuant to  
 2046 Pub. L. No. 105-220, shall be provided to individuals through  
 2047 Intensive Service Accounts and Individual Training Accounts.  
 2048 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall  
 2049 develop an implementation plan, including identification of  
 2050 initially eligible training providers, transition guidelines,  
 2051 and criteria for use of these accounts. Individual Training  
 2052 Accounts must be compatible with Individual Development Accounts  
 2053 for education allowed in federal and state welfare reform  
 2054 statutes.

2055 (8) (a) Individual Training Accounts must be expended on  
 2056 programs that prepare people to enter high-wage occupations  
 2057 identified by the Workforce Estimating Conference created by s.  
 2058 216.136, and on other programs as approved by CareerSource  
 2059 Florida, Inc. ~~Workforce Florida, Inc.~~

577-00545-15 20157002\_\_

2060 (c) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2061 shall periodically review Individual Training Account pricing  
 2062 schedules developed by regional workforce boards and present  
 2063 findings and recommendations for process improvement to the  
 2064 President of the Senate and the Speaker of the House of  
 2065 Representatives.

2066 (d) To the maximum extent possible, training providers  
 2067 shall use funding sources other than the funding provided under  
 2068 Pub. L. No. 105-220. CareerSource Florida, Inc. ~~Workforce~~  
 2069 ~~Florida, Inc.~~, shall develop a system to encourage the  
 2070 leveraging of appropriated resources for the workforce system  
 2071 and shall report on such efforts as part of the required annual  
 2072 report.

2073 (9) (a) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2074 working with the department, shall coordinate among the agencies  
 2075 a plan for a One-Stop Electronic Network made up of one-stop  
 2076 delivery system centers and other partner agencies that are  
 2077 operated by authorized public or private for-profit or not-for-  
 2078 profit agents. The plan shall identify resources within existing  
 2079 revenues to establish and support this electronic network for  
 2080 service delivery that includes Government Services Direct. If  
 2081 necessary, the plan shall identify additional funding needed to  
 2082 achieve the provisions of this subsection.

2083 (b) The network shall assure that a uniform method is used  
 2084 to determine eligibility for and management of services provided  
 2085 by agencies that conduct workforce development activities. The  
 2086 Department of Management Services shall develop strategies to  
 2087 allow access to the databases and information management systems  
 2088 of the following systems in order to link information in those

577-00545-15 20157002\_\_

2089 databases with the one-stop delivery system:

2090 1. The Reemployment Assistance Program under chapter 443.

2091 2. The public employment service described in s. 443.181.

2092 3. The FLORIDA System and the components related to

2093 temporary cash assistance, food assistance, and Medicaid

2094 eligibility.

2095 4. The Student Financial Assistance System of the

2096 Department of Education.

2097 5. Enrollment in the public postsecondary education system.

2098 6. Other information systems determined appropriate by

2099 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

2100 Section 34. Section 445.011, Florida Statutes, is amended

2101 to read:

2102 445.011 Workforce information systems.—

2103 (1) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,

2104 shall implement, subject to legislative appropriation, automated

2105 information systems that are necessary for the efficient and

2106 effective operation and management of the workforce development

2107 system. These information systems shall include, but need not be

2108 limited to, the following:

2109 (a) An integrated management system for the one-stop

2110 service delivery system, which includes, at a minimum, common

2111 registration and intake, screening for needs and benefits, case

2112 planning and tracking, training benefits management, service and

2113 training provider management, performance reporting, executive

2114 information and reporting, and customer-satisfaction tracking

2115 and reporting.

2116 1. The system should report current budgeting, expenditure,

2117 and performance information for assessing performance related to

577-00545-15 20157002\_\_

2118 outcomes, service delivery, and financial administration for

2119 workforce programs pursuant to s. 445.004(5) and (9).

2120 2. The information system should include auditable systems

2121 and controls to ensure financial integrity and valid and

2122 reliable performance information.

2123 3. The system should support service integration and case

2124 management by providing for case tracking for participants in

2125 welfare transition programs.

2126 (b) An automated job-matching information system that is

2127 accessible to employers, job seekers, and other users via the

2128 Internet, and that includes, at a minimum:

2129 1. Skill match information, including skill gap analysis;

2130 resume creation; job order creation; skill tests; job search by

2131 area, employer type, and employer name; and training provider

2132 linkage;

2133 2. Job market information based on surveys, including

2134 local, state, regional, national, and international occupational

2135 and job availability information; and

2136 3. Service provider information, including education and

2137 training providers, child care facilities and related

2138 information, health and social service agencies, and other

2139 providers of services that would be useful to job seekers.

2140 (2) In procuring workforce information systems,

2141 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall employ

2142 competitive processes, including requests for proposals,

2143 competitive negotiation, and other competitive processes to

2144 ensure that the procurement results in the most cost-effective

2145 investment of state funds.

2146 (3) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may

577-00545-15 20157002\_\_

2147 procure independent verification and validation services  
 2148 associated with developing and implementing any workforce  
 2149 information system.

2150 (4) ~~CareerSource Florida, Inc. Workforce Florida, Inc.~~,  
 2151 shall coordinate development and implementation of workforce  
 2152 information systems with the executive director of the Agency  
 2153 for State Technology to ensure compatibility with the state's  
 2154 information system strategy and enterprise architecture.

2155 Section 35. Subsections (1) and (3) of section 445.014,  
 2156 Florida Statutes, are amended to read:

2157 445.014 Small business workforce service initiative.—

2158 (1) Subject to legislative appropriation, CareerSource  
 2159 Florida, Inc. Workforce Florida, Inc., shall establish a program  
 2160 to encourage regional workforce development boards to establish  
 2161 one-stop delivery systems that maximize the provision of  
 2162 workforce and human-resource support services to small  
 2163 businesses. Under the program, a regional workforce board may  
 2164 apply, on a competitive basis, for funds to support the  
 2165 provision of such services to small businesses through the  
 2166 region's one-stop delivery system.

2167 (3) ~~CareerSource Florida, Inc. Workforce Florida, Inc.~~,  
 2168 shall establish guidelines governing the administration of this  
 2169 program and shall establish criteria to be used in evaluating  
 2170 applications for funding. Such criteria must include, but need  
 2171 not be limited to, a showing that the regional board has in  
 2172 place a detailed plan for establishing a one-stop delivery  
 2173 system designed to meet the workforce needs of small businesses  
 2174 and for leveraging other funding sources in support of such  
 2175 activities.

Page 75 of 102

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

577-00545-15 20157002\_\_

2176 Section 36. Subsection (5) of section 445.016, Florida  
 2177 Statutes, is amended to read:

2178 445.016 Untried Worker Placement and Employment Incentive  
 2179 Act.—

2180 (5) Incentives must be paid according to the incentive  
 2181 schedule developed by CareerSource Florida, Inc. Workforce  
 2182 ~~Florida, Inc.~~, the Department of Economic Opportunity, and the  
 2183 Department of Children and Families which costs the state less  
 2184 per placement than the state's 12-month expenditure on a welfare  
 2185 recipient.

2186 Section 37. Subsections (2) and (4) of section 445.021,  
 2187 Florida Statutes, are amended to read:

2188 445.021 Relocation assistance program.—

2189 (2) The relocation assistance program shall involve five  
 2190 steps by the regional workforce board, in cooperation with the  
 2191 Department of Children and Families:

2192 (a) A determination that the family is receiving temporary  
 2193 cash assistance or that all requirements of eligibility for  
 2194 diversion services would likely be met.

2195 (b) A determination that there is a basis for believing  
 2196 that relocation will contribute to the ability of the applicant  
 2197 to achieve self-sufficiency. For example, the applicant:

2198 1. Is unlikely to achieve economic self-sufficiency at the  
 2199 current community of residence;

2200 2. Has secured a job that provides an increased salary or  
 2201 improved benefits and that requires relocation to another  
 2202 community;

2203 3. Has a family support network that will contribute to job  
 2204 retention in another community;

Page 76 of 102

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

577-00545-15

20157002\_\_

2205 4. Is determined, pursuant to criteria or procedures  
 2206 established by the board of directors of CareerSource Florida,  
 2207 ~~Inc. Workforce Florida, Inc.~~, to be a victim of domestic  
 2208 violence who would experience reduced probability of further  
 2209 incidents through relocation; or

2210 5. Must relocate in order to receive education or training  
 2211 that is directly related to the applicant's employment or career  
 2212 advancement.

2213 (c) Establishment of a relocation plan that includes such  
 2214 requirements as are necessary to prevent abuse of the benefit  
 2215 and provisions to protect the safety of victims of domestic  
 2216 violence and avoid provisions that place them in anticipated  
 2217 danger. The payment to defray relocation expenses shall be  
 2218 determined based on criteria approved by the board of directors  
 2219 of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~  
 2220 Participants in the relocation program shall be eligible for  
 2221 diversion or transitional benefits.

2222 (d) A determination, pursuant to criteria adopted by the  
 2223 board of directors of CareerSource Florida, Inc. ~~Workforce~~  
 2224 ~~Florida, Inc.~~, that a community receiving a relocated family has  
 2225 the capacity to provide needed services and employment  
 2226 opportunities.

2227 (e) Monitoring the relocation.

2228 (4) The board of directors of CareerSource Florida, Inc.  
 2229 ~~Workforce Florida, Inc.~~, may establish criteria for developing  
 2230 and implementing relocation plans and for drafting agreements to  
 2231 restrict a family from applying for temporary cash assistance  
 2232 for a specified period after receiving a relocation assistance  
 2233 payment.

Page 77 of 102

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

577-00545-15

20157002\_\_

2234 Section 38. Section 445.022, Florida Statutes, is amended  
 2235 to read:

2236 445.022 Retention Incentive Training Accounts.—To promote  
 2237 job retention and to enable upward job advancement into higher  
 2238 skilled, higher paying employment, the board of directors of  
 2239 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and the  
 2240 regional workforce boards may assemble, ~~from postsecondary~~  
 2241 ~~education institutions,~~ a list of programs and courses offered  
 2242 by postsecondary educational institutions which may be available  
 2243 to ~~for~~ participants who have become employed to ~~which~~ promote  
 2244 job retention and advancement.

2245 (1) The board of directors of CareerSource Florida, Inc.  
 2246 ~~Workforce Florida, Inc.~~, may establish Retention Incentive  
 2247 Training Accounts (RITAs) to use. ~~RITAs shall utilize~~ Temporary  
 2248 Assistance to Needy Families (TANF) block grant funds  
 2249 specifically appropriated for this purpose. RITAs must  
 2250 complement the Individual Training Account required by the  
 2251 federal Workforce Investment Act of 1998, Pub. L. No. 105-220.

2252 (2) RITAs may pay for tuition, fees, educational materials,  
 2253 coaching and mentoring, performance incentives, transportation  
 2254 to and from courses, child care costs during education courses,  
 2255 and other such costs as the regional workforce boards determine  
 2256 are necessary to effect successful job retention and  
 2257 advancement.

2258 (3) Regional workforce boards shall retain only those  
 2259 courses that continue to meet their performance standards as  
 2260 established in their local plan.

2261 (4) Regional workforce boards shall report annually to the  
 2262 Legislature on the measurable retention and advancement success

Page 78 of 102

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

577-00545-15 20157002\_\_

2263 of each program provider and the effectiveness of RITAs, making  
 2264 recommendations for any needed changes or modifications.

2265 Section 39. Paragraph (e) of subsection (5) of section  
 2266 445.024, Florida Statutes, is amended to read:

2267 445.024 Work requirements.—

2268 (5) USE OF CONTRACTS.—Regional workforce boards shall  
 2269 provide work activities, training, and other services, as  
 2270 appropriate, through contracts. In contracting for work  
 2271 activities, training, or services, the following applies:

2272 (e) The administrative costs associated with a contract for  
 2273 services provided under this section may not exceed the  
 2274 applicable administrative cost ceiling established in federal  
 2275 law. An agency or entity that is awarded a contract under this  
 2276 section may not charge more than 7 percent of the value of the  
 2277 contract for administration, unless an exception is approved by  
 2278 the regional workforce board. A list of any exceptions approved  
 2279 must be submitted to the board of directors of CareerSource  
 2280 Florida, Inc. ~~Workforce Florida, Inc.~~, for review, and the board  
 2281 may rescind approval of the exception.

2282 Section 40. Subsection (6) of section 445.026, Florida  
 2283 Statutes, is amended to read:

2284 445.026 Cash assistance severance benefit.—An individual  
 2285 who meets the criteria listed in this section may choose to  
 2286 receive a lump-sum payment in lieu of ongoing cash assistance  
 2287 payments, provided the individual:

2288 (6) Signs an agreement not to apply for or accept cash  
 2289 assistance for 6 months after receipt of the one-time payment.  
 2290 In the event of an emergency, such agreement shall provide for  
 2291 an exception to this restriction, provided that the one-time

Page 79 of 102

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

577-00545-15 20157002\_\_

2292 payment shall be deducted from any cash assistance for which the  
 2293 family subsequently is approved. This deduction may be prorated  
 2294 over an 8-month period. The board of directors of CareerSource  
 2295 Florida, Inc. ~~Workforce Florida, Inc.~~, shall adopt criteria  
 2296 defining the conditions under which a family may receive cash  
 2297 assistance due to such emergency.

2298

2299 Such individual may choose to accept a one-time, lump-sum  
 2300 payment of \$1,000 in lieu of receiving ongoing cash assistance.  
 2301 Such payment shall only count toward the time limitation for the  
 2302 month in which the payment is made in lieu of cash assistance. A  
 2303 participant choosing to accept such payment shall be terminated  
 2304 from cash assistance. However, eligibility for Medicaid, food  
 2305 assistance, or child care shall continue, subject to the  
 2306 eligibility requirements of those programs.

2307 Section 41. Section 445.028, Florida Statutes, is amended  
 2308 to read:

2309 445.028 Transitional benefits and services.—In cooperation  
 2310 with CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, the  
 2311 Department of Children and Families shall develop procedures to  
 2312 ensure that families leaving the temporary cash assistance  
 2313 program receive transitional benefits and services that will  
 2314 assist the family in moving toward self-sufficiency. At a  
 2315 minimum, such procedures must include, but are not limited to,  
 2316 the following:

2317 (1) Each recipient of cash assistance who is determined  
 2318 ineligible for cash assistance for a reason other than a work  
 2319 activity sanction shall be contacted by the workforce system  
 2320 case manager and provided information about the availability of

Page 80 of 102

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

577-00545-15

20157002\_\_

2321 transitional benefits and services. Such contact shall be  
2322 attempted prior to closure of the case management file.

2323 (2) Each recipient of temporary cash assistance who is  
2324 determined ineligible for cash assistance due to noncompliance  
2325 with the work activity requirements shall be contacted and  
2326 provided information in accordance with s. 414.065(1).

2327 (3) The department, in consultation with the board of  
2328 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
2329 shall develop informational material, including posters and  
2330 brochures, to better inform families about the availability of  
2331 transitional benefits and services.

2332 (4) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, in  
2333 cooperation with the Department of Children and Families shall,  
2334 to the extent permitted by federal law, develop procedures to  
2335 maximize the utilization of transitional Medicaid by families  
2336 who leave the temporary cash assistance program.

2337 Section 42. Section 445.030, Florida Statutes, is amended  
2338 to read:

2339 445.030 Transitional education and training.—In order to  
2340 assist former recipients of temporary cash assistance who are  
2341 working or actively seeking employment in continuing their  
2342 training and upgrading their skills, education, or training,  
2343 support services may be provided for up to 2 years after the  
2344 family is no longer receiving temporary cash assistance. This  
2345 section does not constitute an entitlement to transitional  
2346 education and training. If funds are not sufficient to provide  
2347 services under this section, the board of directors of  
2348 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may limit or  
2349 otherwise prioritize transitional education and training.

Page 81 of 102

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

577-00545-15

20157002\_\_

2350 (1) Education or training resources available in the  
2351 community at no additional cost shall be used whenever possible.

2352 (2) Regional workforce boards may authorize child care or  
2353 other support services in addition to services provided in  
2354 conjunction with employment. For example, a participant who is  
2355 employed full time may receive child care services related to  
2356 that employment and may also receive additional child care  
2357 services in conjunction with training to upgrade the  
2358 participant's skills.

2359 (3) Transitional education or training must be job-related,  
2360 but may include training to improve job skills in a  
2361 participant's existing area of employment or may include  
2362 training to prepare a participant for employment in another  
2363 occupation.

2364 (4) A regional workforce board may enter into an agreement  
2365 with an employer to share the costs relating to upgrading the  
2366 skills of participants hired by the employer. For example, a  
2367 regional workforce board may agree to provide support services  
2368 such as transportation or a wage subsidy in conjunction with  
2369 training opportunities provided by the employer.

2370 Section 43. Section 445.033, Florida Statutes, is amended  
2371 to read:

2372 445.033 Evaluation.—The board of directors of CareerSource  
2373 Florida, Inc. ~~Workforce Florida, Inc.~~, and the Department of  
2374 Children and Families shall arrange for evaluation of TANF-  
2375 funded programs operated under this chapter, as follows:

2376 (1) If required by federal waivers or other federal  
2377 requirements, the board of directors of CareerSource Florida,  
2378 Inc. ~~Workforce Florida, Inc.~~, and the department may provide for

Page 82 of 102

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

577-00545-15

20157002\_\_

2379 evaluation according to these requirements.

2380 (2) The board of directors of CareerSource Florida, Inc.  
 2381 ~~Workforce Florida, Inc.~~, and the department shall participate in  
 2382 the evaluation of this program in conjunction with evaluation of  
 2383 the state's workforce development programs or similar activities  
 2384 aimed at evaluating program outcomes, cost-effectiveness, or  
 2385 return on investment, and the impact of time limits, sanctions,  
 2386 and other welfare reform measures set out in this chapter.  
 2387 Evaluation shall also contain information on the number of  
 2388 participants in work experience assignments who obtain  
 2389 unsubsidized employment, including, but not limited to, the  
 2390 length of time the unsubsidized job is retained, wages, and the  
 2391 public benefits, if any, received by such families while in  
 2392 unsubsidized employment. The evaluation must ~~shall~~ solicit the  
 2393 input of consumers, community-based organizations, service  
 2394 providers, employers, and the general public, and must ~~shall~~  
 2395 publicize, especially in low-income communities, the process for  
 2396 submitting comments.

2397 (3) The board of directors of CareerSource Florida, Inc.  
 2398 ~~Workforce Florida, Inc.~~, and the department may share  
 2399 information with and develop protocols for information exchange  
 2400 with the Florida Education and Training Placement Information  
 2401 Program.

2402 (4) The board of directors of CareerSource Florida, Inc.  
 2403 ~~Workforce Florida, Inc.~~, and the department may initiate or  
 2404 participate in additional evaluation or assessment activities  
 2405 that will further the systematic study of issues related to  
 2406 program goals and outcomes.

2407 (5) In providing for evaluation activities, the board of

Page 83 of 102

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

577-00545-15

20157002\_\_

2408 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2409 and the department shall safeguard the use or disclosure of  
 2410 information obtained from program participants consistent with  
 2411 federal or state requirements. Evaluation methodologies may be  
 2412 used which are appropriate for evaluation of program activities,  
 2413 including random assignment of recipients or participants into  
 2414 program groups or control groups. To the extent necessary or  
 2415 appropriate, evaluation data shall provide information with  
 2416 respect to the state, district, or county, or other substate  
 2417 area.

2418 (6) The board of directors of CareerSource Florida, Inc.  
 2419 ~~Workforce Florida, Inc.~~, and the department may contract with a  
 2420 qualified organization for evaluations conducted under this  
 2421 section.

2422 Section 44. Section 445.035, Florida Statutes, is amended  
 2423 to read:

2424 445.035 Data collection and reporting.—The Department of  
 2425 Children and Families and the board of directors of CareerSource  
 2426 Florida, Inc. ~~Workforce Florida, Inc.~~, shall collect data  
 2427 necessary to administer this chapter and make the reports  
 2428 required under federal law to the United States Department of  
 2429 Health and Human Services and the United States Department of  
 2430 Agriculture.

2431 Section 45. Section 445.038, Florida Statutes, is amended  
 2432 to read:

2433 445.038 Digital media; job training.—CareerSource Florida,  
 2434 Inc. ~~Workforce Florida, Inc.~~, through the Department of Economic  
 2435 Opportunity, may use funds dedicated for incumbent worker  
 2436 training for the digital media industry. Training may be

Page 84 of 102

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

577-00545-15 20157002\_\_  
 2437 provided by public or private training providers for broadband  
 2438 digital media jobs listed on the targeted occupations list  
 2439 developed by the Workforce Estimating Conference or CareerSource  
 2440 Florida, Inc. ~~Workforce Florida, Inc.~~ Programs that operate  
 2441 outside the normal semester time periods and coordinate the use  
 2442 of industry and public resources should be given priority status  
 2443 for funding.

2444 Section 46. Section 445.045, Florida Statutes, is amended  
 2445 to read:

2446 445.045 Development of an Internet-based system for  
 2447 information technology industry promotion and workforce  
 2448 recruitment.—

2449 (1) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, is  
 2450 responsible for directing the development and maintenance of a  
 2451 website that promotes and markets the information technology  
 2452 industry in this state. The website shall be designed to inform  
 2453 the public concerning the scope of the information technology  
 2454 industry in the state and shall also be designed to address the  
 2455 workforce needs of the industry. The website must ~~shall~~ include,  
 2456 through links or actual content, information concerning  
 2457 information technology businesses in this state, including links  
 2458 to such businesses; information concerning employment available  
 2459 at these businesses; and the means by which a job seeker may  
 2460 post a resume on the website.

2461 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2462 shall coordinate with the Agency for State Technology and the  
 2463 Department of Economic Opportunity to ensure links, as where  
 2464 feasible and appropriate, to existing job information websites  
 2465 maintained by the state and state agencies and to ensure that

577-00545-15 20157002\_\_  
 2466 information technology positions offered by the state and state  
 2467 agencies are posted on the information technology website.

2468 (3) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2469 shall ensure that the website developed and maintained under  
 2470 this section is consistent, compatible, and coordinated with the  
 2471 workforce information systems required under s. 445.011,  
 2472 including, but not limited to, the automated job-matching  
 2473 information system for employers, job seekers, and other users.

2474 (4) (a) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2475 shall coordinate development and maintenance of the website  
 2476 under this section with the executive director of the Agency for  
 2477 State Technology to ensure compatibility with the state's  
 2478 information system strategy and enterprise architecture.

2479 (b) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may  
 2480 enter into an agreement with the Agency for State Technology,  
 2481 the Department of Economic Opportunity, or any other public  
 2482 agency with the requisite information technology expertise for  
 2483 the provision of design, operating, or other technological  
 2484 services necessary to develop and maintain the website.

2485 (c) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may  
 2486 procure services necessary to implement this section, if it  
 2487 employs competitive processes, including requests for proposals,  
 2488 competitive negotiation, and other competitive processes to  
 2489 ensure that the procurement results in the most cost-effective  
 2490 investment of state funds.

2491 (5) In furtherance of the requirements of this section that  
 2492 the website promote and market the information technology  
 2493 industry by communicating information on the scope of the  
 2494 industry in this state, CareerSource Florida, Inc. ~~Workforce~~

577-00545-15 20157002\_\_  
 2495 ~~Florida, Inc.~~, shall coordinate its efforts with the high-  
 2496 technology industry marketing efforts of Enterprise Florida,  
 2497 Inc., under s. 288.911. Through links or actual content, the  
 2498 website developed under this section shall serve as a forum for  
 2499 distributing the marketing campaign developed by Enterprise  
 2500 Florida, Inc., under s. 288.911. In addition, CareerSource  
 2501 Florida, Inc. ~~Workforce Florida, Inc.~~, shall solicit input from  
 2502 the not-for-profit corporation created to advocate on behalf of  
 2503 the information technology industry as an outgrowth of the  
 2504 Information Service Technology Development Task Force created  
 2505 under chapter 99-354, Laws of Florida.

(6) In fulfilling its responsibilities under this section,  
 2507 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may enlist  
 2508 the assistance of and act through the Department of Economic  
 2509 Opportunity. The department is authorized and directed to  
 2510 provide the services that CareerSource Florida, Inc. ~~Workforce~~  
 2511 ~~Florida, Inc.~~, and the department consider necessary to  
 2512 implement this section.

2513 Section 47. Section 445.048, Florida Statutes, is amended  
 2514 to read:

445.048 Passport to Economic Progress program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary,  
 2517 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, in  
 2518 conjunction with the Department of Children and Families and the  
 2519 Department of Economic Opportunity, shall implement a Passport  
 2520 to Economic Progress program consistent with the provisions of  
 2521 this section. CareerSource Florida, Inc. ~~Workforce Florida,~~  
 2522 ~~Inc.~~, may designate regional workforce boards to participate in  
 2523 the program. Expenses for the program may come from appropriated

577-00545-15 20157002\_\_  
 2524 revenues or from funds otherwise available to a regional  
 2525 workforce board which may be legally used for such purposes.  
 2526 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, must consult  
 2527 with the applicable regional workforce boards and the applicable  
 2528 local offices of the Department of Children and Families which  
 2529 serve the program areas and must encourage community input into  
 2530 the implementation process.

(2) WAIVERS.—If CareerSource Florida, Inc. ~~Workforce~~  
 2532 ~~Florida, Inc.~~, in consultation with the Department of Children  
 2533 and Families, finds that federal waivers would facilitate  
 2534 implementation of the program, the department shall immediately  
 2535 request such waivers, and CareerSource Florida, Inc. ~~Workforce~~  
 2536 ~~Florida, Inc.~~, shall report to the Governor, the President of  
 2537 the Senate, and the Speaker of the House of Representatives if  
 2538 any refusal of the federal government to grant such waivers  
 2539 prevents the implementation of the program. If CareerSource  
 2540 Florida, Inc. ~~Workforce Florida, Inc.~~, finds that federal  
 2541 waivers to provisions of the Food Assistance Program would  
 2542 facilitate implementation of the program, the Department of  
 2543 Children and Families shall immediately request such waivers in  
 2544 accordance with s. 414.175.

(3) TRANSITIONAL BENEFITS AND SERVICES.—In order to assist  
 2546 them in making the transition to economic self-sufficiency,  
 2547 former recipients of temporary cash assistance participating in  
 2548 the passport program shall be eligible for the following  
 2549 benefits and services:

(a) Notwithstanding the time period specified in s.  
 2551 445.030, transitional education and training support services as  
 2552 specified in s. 445.030 for up to 4 years after the family is no

577-00545-15

20157002\_\_

2553 longer receiving temporary cash assistance;

2554 (b) Notwithstanding the time period specified in s.  
2555 445.031, transitional transportation support services as  
2556 specified in s. 445.031 for up to 4 years after the family is no  
2557 longer receiving temporary cash assistance; and

2558 (c) Notwithstanding the time period specified in s.  
2559 445.032, transitional child care as specified in s. 445.032 for  
2560 up to 4 years after the family is no longer receiving temporary  
2561 cash assistance.

2562  
2563 All other provisions of ss. 445.030, 445.031, and 445.032 ~~shall~~  
2564 apply to such individuals, as appropriate. This subsection does  
2565 not constitute an entitlement to transitional benefits and  
2566 services. If funds are insufficient to provide benefits and  
2567 services under this subsection, the board of directors of  
2568 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, or its  
2569 agent, may limit such benefits and services or otherwise  
2570 establish priorities for the provisions of such benefits and  
2571 services.

2572 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

2573 (a) The Legislature finds that:

2574 1. There are former recipients of temporary cash assistance  
2575 and families who are eligible for temporary assistance for needy  
2576 families who are working full time but whose incomes are below  
2577 200 percent of the federal poverty level.

2578 2. Having incomes below 200 percent of the federal poverty  
2579 level makes such individuals particularly vulnerable to reliance  
2580 on public assistance despite their best efforts to achieve or  
2581 maintain economic independence through employment.

Page 89 of 102

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

577-00545-15

20157002\_\_

2582 3. It is necessary to implement a performance-based program  
2583 that defines economic incentives for achieving specific  
2584 benchmarks toward self-sufficiency while the individual is  
2585 working full time.

2586 (b) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, in  
2587 cooperation with the Department of Children and Families and the  
2588 Department of Economic Opportunity, shall offer performance-  
2589 based incentive bonuses as a component of the Passport to  
2590 Economic Progress program. The bonuses do not represent a  
2591 program entitlement and are ~~shall be~~ contingent on achieving  
2592 specific benchmarks prescribed in the self-sufficiency plan. If  
2593 the funds appropriated for this purpose are insufficient to  
2594 provide this financial incentive, the board of directors of  
2595 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may reduce  
2596 or suspend the bonuses in order not to exceed the appropriation  
2597 or may direct the regional boards to use resources otherwise  
2598 given to the regional workforce to pay such bonuses if such  
2599 payments comply with applicable state and federal laws.

2600 (c) To be eligible for an incentive bonus under this  
2601 subsection, an individual must:

2602 1. Be a former recipient of temporary cash assistance who  
2603 last received such assistance on or after January 1, 2000, or be  
2604 part of a family that is eligible for temporary assistance for  
2605 needy families;

2606 2. Be employed full time, which for the purposes of this  
2607 subsection means employment averaging at least 32 hours per  
2608 week, until the United States Congress enacts legislation  
2609 reauthorizing the Temporary Assistance for Needy Families block  
2610 grant and, after the reauthorization, means employment complying

Page 90 of 102

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

577-00545-15

20157002\_\_

2611 with the employment requirements of the reauthorization; and  
 2612 3. Have an average family income for the 6 months preceding  
 2613 the date of application for an incentive bonus which is less  
 2614 than 200 percent of the federal poverty level.

2615 (5) EVALUATIONS AND RECOMMENDATIONS.—CareerSource Florida,  
 2616 Inc. Workforce Florida, Inc., in conjunction with the Department  
 2617 of Children and Families, the Department of Economic  
 2618 Opportunity, and the regional workforce boards, shall conduct a  
 2619 comprehensive evaluation of the effectiveness of the program  
 2620 operated under this section. Evaluations and recommendations for  
 2621 the program shall be submitted by CareerSource Florida, Inc.  
 2622 Workforce Florida, Inc., as part of its annual report to the  
 2623 Legislature.

2624 (6) CONFLICTS.—If there is a conflict between the  
 2625 implementation procedures described in this section and federal  
 2626 requirements and regulations, federal requirements and  
 2627 regulations shall control.

2628 Section 48. Subsections (6), (8), (11), and (13) of section  
 2629 445.051, Florida Statutes, are amended to read:

2630 445.051 Individual development accounts.—

2631 (6) CareerSource Florida, Inc. ~~The Workforce Florida, Inc.~~,  
 2632 shall establish procedures for regional workforce boards to  
 2633 include in their annual program and financial plan an  
 2634 application to offer an individual development account program  
 2635 as part of their TANF allocation. These procedures must ~~shall~~  
 2636 include, but need not be limited to, administrative costs  
 2637 permitted for the fiduciary organization and policies relative  
 2638 to identifying the match ratio and limits on the deposits for  
 2639 which the match will be provided in the application process.

Page 91 of 102

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

577-00545-15

20157002\_\_

2640 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall  
 2641 establish policies and procedures ~~that are~~ necessary to ensure  
 2642 that funds held in an individual development account are not  
 2643 withdrawn except for one or more of the qualified purposes  
 2644 described in this section.

2645 (8) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2646 shall establish procedures for controlling the withdrawal of  
 2647 funds for uses other than qualified purposes, including  
 2648 specifying conditions under which an account must be closed.

2649 (11) Financial institutions approved by CareerSource  
 2650 Florida, Inc. ~~Workforce Florida, Inc.~~, may establish individual  
 2651 development accounts pursuant to this section. A financial  
 2652 institution shall certify the establishment of the individual  
 2653 development accounts in accordance with the forms,  
 2654 documentation, and requirements prescribed by CareerSource  
 2655 Florida, Inc. ~~Workforce Florida, Inc.~~

2656 (13) Pursuant to policy direction by CareerSource Florida,  
 2657 Inc. ~~Workforce Florida, Inc.~~, the Department of Economic  
 2658 Opportunity shall adopt such rules as are necessary to implement  
 2659 this act.

2660 Section 49. Subsection (2), paragraph (e) of subsection  
 2661 (3), and subsection (4) of section 445.055, Florida Statutes,  
 2662 are amended to read:

2663 445.055 Employment advocacy and assistance program  
 2664 targeting military spouses and dependents.—

2665 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2666 shall establish an employment advocacy and assistance program  
 2667 targeting military spouses and dependents. This program shall  
 2668 deliver employment assistance services through military family

Page 92 of 102

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

577-00545-15 20157002\_\_

2669 employment advocates colocated within selected one-stop career  
 2670 centers. Persons eligible for assistance through this program  
 2671 ~~shall~~ include spouses and dependents of active duty military  
 2672 personnel, Florida National Guard members, and military  
 2673 reservists.

2674 (3) Military family employment advocates are responsible  
 2675 for providing the following services and activities:

2676 (e) Other employment assistance services CareerSource  
 2677 Florida, Inc. Workforce Florida, Inc., deems necessary.

2678 (4) CareerSource Florida, Inc. Workforce Florida, Inc., may  
 2679 enter into agreements with public and private entities to  
 2680 provide services authorized under this section.

2681 Section 50. Section 446.41, Florida Statutes, is amended to  
 2682 read:

2683 446.41 Legislative intent with respect to rural workforce  
 2684 training and development; establishment of Rural Workforce  
 2685 Services Program.—In order that the state may achieve its full  
 2686 economic and social potential, consideration must be given to  
 2687 rural workforce training and development to enable those living  
 2688 in its rural areas ~~citizens as well as urban citizens~~ to develop  
 2689 their maximum capacities and participate productively in ~~our~~  
 2690 society. It is, therefore, the policy of the state to make  
 2691 available those services needed to assist individuals and  
 2692 communities in rural areas to improve their quality of life. It  
 2693 is with a great sense of urgency that a Rural Workforce Services  
 2694 Program is established within the Department of Economic  
 2695 Opportunity, under the direction of CareerSource Florida, Inc.  
 2696 ~~Workforce Florida, Inc.~~, to provide equal access to all manpower  
 2697 training programs available to rural as well as urban areas.

577-00545-15 20157002\_\_

2698 Section 51. Paragraph (a) of subsection (3) of section  
 2699 446.50, Florida Statutes, is amended to read:

2700 446.50 Displaced homemakers; multiservice programs; report  
 2701 to the Legislature; Displaced Homemaker Trust Fund created.—

2702 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
 2703 OPPORTUNITY.—

2704 (a) The Department of Economic Opportunity, under plans  
 2705 established by CareerSource Florida, Inc. Workforce Florida,  
 2706 ~~Inc.~~, shall establish, or contract for the establishment of,  
 2707 programs for displaced homemakers which shall include:

2708 1. Job counseling, by professionals and peers, specifically  
 2709 designed for a person entering the job market after a number of  
 2710 years as a homemaker.

2711 2. Job training and placement services, including:

2712 a. Training programs for available jobs in the public and  
 2713 private sectors, taking into account the skills and job  
 2714 experiences of a homemaker and developed by working with public  
 2715 and private employers.

2716 b. Assistance in locating available employment for  
 2717 displaced homemakers, some of whom could be employed in existing  
 2718 job training and placement programs.

2719 c. Utilization of the services of the state employment  
 2720 service in locating employment opportunities.

2721 3. Financial management services providing information and  
 2722 assistance with respect to insurance, including, but not limited  
 2723 to, life, health, home, and automobile insurance, and taxes,  
 2724 estate and probate problems, mortgages, loans, and other related  
 2725 financial matters.

2726 4. Educational services, including high school equivalency

577-00545-15

20157002\_\_

2727 degree and such other courses that ~~as~~ the department determines  
2728 would be of interest and benefit to displaced homemakers.

2729 5. Outreach and information services with respect to  
2730 federal and state employment, education, health, and  
2731 reemployment assistance programs that the department determines  
2732 would be of interest and benefit to displaced homemakers.

2733 Section 52. Paragraph (a) of subsection (4) of section  
2734 1003.491, Florida Statutes, is amended to read:

2735 1003.491 Florida Career and Professional Education Act.—The  
2736 Florida Career and Professional Education Act is created to  
2737 provide a statewide planning partnership between the business  
2738 and education communities in order to attract, expand, and  
2739 retain targeted, high-value industry and to sustain a strong,  
2740 knowledge-based economy.

2741 (4) The State Board of Education shall establish a process  
2742 for the continual and uninterrupted review of newly proposed  
2743 core secondary courses and existing courses requested to be  
2744 considered as core courses to ensure that sufficient rigor and  
2745 relevance is provided for workforce skills and postsecondary  
2746 education and aligned to state curriculum standards.

2747 (a) The review of newly proposed core secondary courses  
2748 shall be the responsibility of a curriculum review committee  
2749 whose membership is approved by CareerSource Florida, Inc. The  
2750 membership of the committee ~~Workforce Florida, Inc.,~~ and shall  
2751 include:

2752 1. Three certified high school counselors recommended by  
2753 the Florida Association of Student Services Administrators.

2754 2. Three assistant superintendents for curriculum and  
2755 instruction, recommended by the Florida Association of District

577-00545-15

20157002\_\_

2756 School Superintendents, ~~and~~ who serve in districts that operate  
2757 successful career and professional academies pursuant to s.  
2758 1003.492 or a successful series of courses that lead to industry  
2759 certification. Committee members in this category shall employ  
2760 the expertise of appropriate subject area specialists in the  
2761 review of proposed courses.

2762 3. Three workforce representatives recommended by the  
2763 Department of Economic Opportunity.

2764 4. Three admissions directors of postsecondary institutions  
2765 accredited by the Southern Association of Colleges and Schools,  
2766 representing both public and private institutions.

2767 5. The Commissioner of Education, or his or her designee,  
2768 who is responsible for K-12 curriculum and instruction ~~and. The~~  
2769 ~~commissioner~~ shall employ the expertise of appropriate subject  
2770 area specialists in the review of proposed courses.

2771 Section 53. Subsections (3), (4), and (5) of section  
2772 1003.492, Florida Statutes, are amended to read:

2773 1003.492 Industry-certified career education programs.—

2774 (3) The State Board of Education shall use the expertise of  
2775 CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~ and the  
2776 Department of Agriculture and Consumer Services to develop and  
2777 adopt rules pursuant to ss. 120.536(1) and 120.54 for  
2778 implementing an industry certification process.

2779 (a) For nonfarm occupations, industry certification must  
2780 ~~shall~~ be based upon the highest available national standards for  
2781 specific industry certification to ensure student skill  
2782 proficiency and to address emerging labor market and industry  
2783 trends. A regional workforce board or a school principal may  
2784 apply to CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~ to

577-00545-15 20157002\_\_

2785 request additions to the approved list of industry  
 2786 certifications based on high-skill, high-wage, and high-demand  
 2787 job requirements in the regional economy.

2788 (b) For farm occupations submitted pursuant to s. 570.07,  
 2789 industry certification ~~must shall~~ demonstrate student skill  
 2790 proficiency and be based upon the best available data to address  
 2791 critical local or statewide economic needs.

2792 (4) The list of industry certifications approved by  
 2793 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, the  
 2794 Department of Agriculture and Consumer Services, and the  
 2795 Department of Education shall be published and updated annually  
 2796 by a date certain, to be included in the adopted rule.

2797 (5) The Department of Education shall collect student  
 2798 achievement and performance data in industry-certified career  
 2799 education programs and career-themed courses and shall work with  
 2800 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and the  
 2801 Department of Agriculture and Consumer Services in the analysis  
 2802 of collected data. The data collection and analyses shall  
 2803 examine the performance of participating students over time.  
 2804 Performance factors ~~must shall~~ include, but need not be limited  
 2805 to, graduation rates, retention rates, Florida Bright Futures  
 2806 Scholarship awards, additional educational attainment,  
 2807 employment records, earnings, industry certification, return on  
 2808 investment, and employer satisfaction. The results of this study  
 2809 shall be submitted to the President of the Senate and the  
 2810 Speaker of the House of Representatives annually by December 31.

2811 Section 54. Subsection (6) of section 1003.493, Florida  
 2812 Statutes, is amended to read:  
 2813 1003.493 Career and professional academies and career-

577-00545-15 20157002\_\_

2814 themed courses.-

2815 (6) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,  
 2816 shall serve in an advisory role and offer technical assistance  
 2817 in the development and deployment of newly established career  
 2818 and professional academies and career-themed courses.

2819 Section 55. Paragraph (b) of subsection (2) of section  
 2820 1003.51, Florida Statutes, is amended to read:  
 2821 1003.51 Other public educational services.-

2822 (2) The State Board of Education shall adopt rules  
 2823 articulating expectations for effective education programs for  
 2824 students in Department of Juvenile Justice programs, including,  
 2825 but not limited to, education programs in juvenile justice  
 2826 prevention, day treatment, residential, and detention programs.  
 2827 The rule shall establish policies and standards for education  
 2828 programs for students in Department of Juvenile Justice programs  
 2829 and shall include the following:

2830 (b) The responsibilities of the Department of Education,  
 2831 the Department of Juvenile Justice, CareerSource Florida, Inc.  
 2832 ~~Workforce Florida, Inc.~~, district school boards, and providers  
 2833 of education services to students in Department of Juvenile  
 2834 Justice programs.

2835 Section 56. Subsection (23) of section 1003.52, Florida  
 2836 Statutes, is amended to read:  
 2837 1003.52 Educational services in Department of Juvenile  
 2838 Justice programs.-

2839 (23) The Department of Juvenile Justice and the Department  
 2840 of Education, in consultation with CareerSource Florida, Inc.  
 2841 ~~Workforce Florida, Inc.~~, the statewide Workforce Development  
 2842 Youth Council, district school boards, Florida College System

577-00545-15 20157002\_\_

2843 institutions, providers, and others, shall jointly develop a  
 2844 multiagency plan for CAPE which describes the funding,  
 2845 curriculum, transfer of credits, goals, and outcome measures for  
 2846 career education programming in juvenile commitment facilities,  
 2847 pursuant to s. 985.622. The plan must be reviewed annually.

2848 Section 57. Paragraph (g) of subsection (2) of section  
 2849 1004.015, Florida Statutes, is amended to read:

2850 1004.015 Higher Education Coordinating Council.—

2851 (2) Members of the council shall include:

2852 (g) The president of CareerSource Florida, Inc. ~~Workforce~~  
 2853 ~~Florida, Inc.~~, or his or her designee.

2854 Section 58. Subsection (8) of section 1011.80, Florida  
 2855 Statutes, is amended to read:

2856 1011.80 Funds for operation of workforce education  
 2857 programs.—

2858 (8) The State Board of Education and CareerSource Florida,  
 2859 Inc. ~~Workforce Florida, Inc.~~, shall provide the Legislature with  
 2860 recommended formulas, criteria, timeframes, and mechanisms for  
 2861 distributing performance funds. The commissioner shall  
 2862 consolidate the recommendations and develop a consensus proposal  
 2863 for funding. The Legislature shall adopt a formula and  
 2864 distribute the performance funds to the State Board of Education  
 2865 for Florida College System institutions and school districts  
 2866 through the General Appropriations Act. These recommendations  
 2867 shall be based on formulas that would discourage low-performing  
 2868 or low-demand programs and encourage through performance-funding  
 2869 awards:

2870 (a) Programs that prepare people to enter high-wage  
 2871 occupations identified by the Workforce Estimating Conference

577-00545-15 20157002\_\_

2872 created by s. 216.136 and other programs as approved by  
 2873 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~ At a minimum,  
 2874 performance incentives shall be calculated for adults who reach  
 2875 completion points or complete programs that lead to specified  
 2876 high-wage employment and to their placement in that employment.

2877 (b) Programs that successfully prepare adults who are  
 2878 eligible for public assistance, economically disadvantaged,  
 2879 disabled, not proficient in English, or dislocated workers for  
 2880 high-wage occupations. At a minimum, performance incentives  
 2881 shall be calculated at an enhanced value for the completion of  
 2882 adults identified in this paragraph and job placement of such  
 2883 adults upon completion. In addition, adjustments may be made in  
 2884 payments for job placements for areas of high unemployment.

2885 (c) Programs that are specifically designed to be  
 2886 consistent with the workforce needs of private enterprise and  
 2887 regional economic development strategies, as defined in  
 2888 guidelines set by CareerSource Florida, Inc. ~~Workforce Florida,~~  
 2889 ~~Inc.~~ CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall  
 2890 develop guidelines to identify such needs and strategies based  
 2891 on localized research of private employers and economic  
 2892 development practitioners.

2893 (d) Programs identified by CareerSource Florida, Inc.  
 2894 ~~Workforce Florida, Inc.~~, as increasing the effectiveness and  
 2895 cost efficiency of education.

2896 Section 59. Subsections (2) and (3) of section 1011.801,  
 2897 Florida Statutes, are amended to read:

2898 1011.801 Workforce Development Capitalization Incentive  
 2899 Grant Program.—The Legislature recognizes that the need for  
 2900 school districts and Florida College System institutions to be

577-00545-15 20157002\_\_

2901 able to respond to emerging local or statewide economic  
 2902 development needs is critical to the workforce development  
 2903 system. The Workforce Development Capitalization Incentive Grant  
 2904 Program is created to provide grants to school districts and  
 2905 Florida College System institutions on a competitive basis to  
 2906 fund some or all of the costs associated with the creation or  
 2907 expansion of workforce development programs that serve specific  
 2908 employment workforce needs.

2909 (2) The State Board of Education shall accept applications  
 2910 from school districts or Florida College System institutions for  
 2911 workforce development capitalization incentive grants.  
 2912 Applications from school districts or Florida College System  
 2913 institutions shall contain projected enrollments and projected  
 2914 costs for the new or expanded workforce development program. The  
 2915 State Board of Education, in consultation with CareerSource  
 2916 Florida, Inc. ~~the Workforce Florida, Inc.~~, shall review and rank  
 2917 each application for a grant according to subsection (3) and  
 2918 shall submit to the Legislature a list in priority order of  
 2919 applications recommended for a grant award.

2920 (3) The State Board of Education shall give highest  
 2921 priority to programs that train people to enter high-skill,  
 2922 high-wage occupations identified by the Workforce Estimating  
 2923 Conference and other programs approved by CareerSource Florida,  
 2924 Inc. ~~Workforce Florida, Inc.~~; programs that train people to  
 2925 enter occupations under the welfare transition program; or  
 2926 programs that train for the workforce adults who are eligible  
 2927 for public assistance, economically disadvantaged, disabled, not  
 2928 proficient in English, or dislocated workers. The State Board of  
 2929 Education shall consider the statewide geographic dispersion of

Page 101 of 102

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

577-00545-15 20157002\_\_

2930 grant funds in ranking the applications and shall give priority  
 2931 to applications from education agencies that are making maximum  
 2932 use of their workforce development funding by offering high-  
 2933 performing, high-demand programs.

2934 Section 60. This act shall take effect July 1, 2015.

Page 102 of 102

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

# APPEARANCE RECORD

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

2/3/2015

Meeting Date

Topic \_\_\_\_\_

Bill Number 7002  
*(if applicable)*

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

*Street*

SAINT PETERSBURG

FLORIDA

33705

E-mail JUSTICE2JESUS@YAHOO.COM

*City*

*State*

*Zip*

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**  
**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/SB 144

INTRODUCER: Health Policy Committee and Senator Bean

SUBJECT: Public Records/Impaired Practitioner Consultants/Department of Health

DATE: February 3, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peterson</u>	<u>Stovall</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 144 proposes to enhance the safety of impaired practitioner consultants and specified employees, and the spouses and children of both, by creating a public records exemption for certain of their personal identification and location information. The impaired practitioner program assists the Department of Health and the Department of Business and Professional Regulation in determining whether licensees who have experienced a substance abuse or mental or physical health impairment are safe to practice. Currently, there are two impaired practitioner consultants retained by the Department of Health and the Department of Business and Professional Regulation to provide services.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature.

The bill contains a public necessity statement as required by the Florida Constitution.

Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each house of the Legislature is required for passage.

## II. Present Situation:

### Public Records Laws

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.<sup>1</sup> The records of the legislative, executive, and judicial branches are specifically included.<sup>2</sup>

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act<sup>3</sup> guarantees every person's right to inspect and copy any state or local government public record<sup>4</sup> at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>5</sup>

Only the Legislature may create an exemption to public records requirements.<sup>6</sup> Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>7</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>8</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>9</sup>

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly-created or substantially-amended public records or open meetings exemptions.<sup>10</sup> It requires the automatic repeal of such exemption on October 2 of the fifth year after creation or

---

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

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

<sup>3</sup> Chapter 119, F.S.

<sup>4</sup> Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)). *But see* s. 11.0431, F.S. (Providing public access to records of the Senate and the House of Representatives, subject to specified exemptions.)

<sup>5</sup> Section 119.07(1)(a), F.S.

<sup>6</sup> FLA. CONST. art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and* exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*See WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, the record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see* Attorney General Opinion 85-62, August 1, 1985).

<sup>7</sup> FLA. CONST. art. I, s. 24(c).

<sup>8</sup> The bill may, however, contain multiple exemptions that relate to one subject.

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

<sup>10</sup> Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

substantial amendment, unless the Legislature reenacts the exemption.<sup>11</sup> The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.<sup>12</sup>

### **Public Records Exemptions for Agency Personnel Identification and Location Information**

Current law provides public records exemptions for identification and location information of certain current or former agency personnel and their spouses and children.<sup>13</sup> Categories of personnel covered by these exemptions include:

- Law enforcement, including correctional, and specified investigatory personnel;<sup>14</sup>
- Firefighters;<sup>15</sup>
- Justices and judges;<sup>16</sup>
- Local and statewide prosecuting attorneys;<sup>17</sup>
- Magistrates, administrative law judges, and child support hearing officers;<sup>18</sup>
- Local government agency and water management district human resources administrators;<sup>19</sup>
- Code enforcement officers;<sup>20</sup>
- Guardians ad litem;<sup>21</sup>
- Specified Department of Juvenile Justice personnel;<sup>22</sup>
- Public defenders and criminal conflict and civil regional counsel;<sup>23</sup>
- Investigators or inspectors of the Department of Business and Professional Regulation;<sup>24</sup>
- County tax collectors;<sup>25</sup> and,
- Specified personnel of the Department of Health.<sup>26</sup>

Although the types of exempt information vary, the following information is exempt<sup>27</sup> from public records requirements for all personnel listed above:

<sup>11</sup> Section 119.15(3), F.S.

<sup>12</sup> Section 119.15(6)(b), F.S.

<sup>13</sup> See s. 119.071(4)(d), F.S.

<sup>14</sup> See s. 119.071(4)(d)2.a., F.S.

<sup>15</sup> See s. 119.071(4)(d)2.b., F.S.

<sup>16</sup> See s. 119.071(4)(d)2.c., F.S.

<sup>17</sup> See s. 119.071(4)(d)2.d., F.S.

<sup>18</sup> See s. 119.071(4)(d)2.e., F.S. This exemption applies only if the magistrate, administrative law judge, or child support hearing officer provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.

<sup>19</sup> See s. 119.071(4)(d)2.f., F.S.

<sup>20</sup> See s. 119.071(4)(d)2.g., F.S.

<sup>21</sup> See s. 119.071(4)(d)2.h., F.S. This exemption applies only if the guardian ad litem provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public. A guardian ad litem may be a public employee, volunteer, or contract or appointed attorney. See s. 39.820(1), F.S.

<sup>22</sup> See s. 119.071(4)(d)2.i., F.S.

<sup>23</sup> See s. 119.071(4)(d)2.j., F.S.

<sup>24</sup> See s. 119.071(4)(d)2.k., F.S.

<sup>25</sup> See s. 119.071(4)(d)2.l., F.S.

<sup>26</sup> See s. 119.071(4)(d)2.m., F.S. This exemption applies only if the person claiming the exemption has made reasonable efforts to protect such information from being accessible through other means available to the public.

<sup>27</sup> See *supra* note 6.

- Home addresses and telephone numbers<sup>28</sup> of the named personnel;
- Home addresses, telephone numbers, and places of employment of the spouses and their children; and,
- Names and locations of schools and day care facilities attended by their children.

If exempt information is held by an agency<sup>29</sup> that is not the employer of the protected person, he or she must submit a written request to that agency to maintain the public records exemption.<sup>30</sup>

### **Regulation of Health Professions**

The DOH is responsible for licensing and regulating health care practitioners in order to preserve the health, safety, and welfare of the public.<sup>31</sup> Practitioner regulation is conducted by the Division of Medical Quality Assurance and includes the following professions:

- Emergency Medical Technicians and Paramedics (part III of ch. 401, F.S.)
- Acupuncture (ch. 457, F.S.)
- Allopathic Medicine, (ch. 458, F.S.)
- Osteopathic Medicine, (ch. 459, F.S.)
- Chiropractic Medicine, (ch. 460, F.S.)
- Podiatric Medicine (ch. 461, F.S.)
- Naturopathy (ch. 462, F.S.)
- Optometry (ch. 463, F.S.)
- Nursing, including Certified Nursing Assistants (ch. 464, F.S.)
- Pharmacy (ch. 465, F.S.)
- Dentistry (ch. 466, F.S.)
- Midwifery (ch. 467, F.S.)
- Speech-Language Pathology and Audiology (part I of ch. 468, F.S.)
- Nursing Home Administration (part II of ch. 468, F.S.)
- Occupational Therapy (part III of ch. 468, F.S.)
- Radiology (part IV of ch. 468, F.S.)
- Respiratory Therapy (part V of ch. 468, F.S.)
- Dietetics and Nutrition (part X of ch. 468, F.S.)
- Athletic Training (part XIII of ch. 468, F.S.)
- Orthotics, Prosthetics, and Pedorthics (part XIV of ch. 468, F.S.)
- Electrolysis (ch. 478, F.S.)
- Massage Therapy, (ch. 480, F.S.)
- Clinical Laboratory Personnel (part III of ch. 483, F.S.)
- Medical Physicists (part IV of ch. 483, F.S.)
- Opticianry (part I of ch. 484, F.S.)
- Hearing Aid Specialists (part II of ch. 484, F.S.)

<sup>28</sup> The term “telephone numbers” includes home, personal cellular, and personal pager telephone numbers, and telephone numbers associated with personal communications devices. *See* s. 119.071(4)(d)1., F.S.

<sup>29</sup> Section 119.011(2), F.S., defines “agency” to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

<sup>30</sup> Section 119.071(4)(d)3., F.S.

<sup>31</sup> Section 20.43(1)(g), F.S.

- Physical Therapy Practice (ch. 486, F.S.)
- Psychology (ch. 490, F.S.)
- Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (ch. 491, F.S.)

As part of its enforcement responsibilities, the DOH investigates complaints against health care practitioners. It must investigate any complaint that is written, signed by the complainant,<sup>32</sup> and legally sufficient,<sup>33</sup> and may initiate an investigation if it believes a violation of law or rule has occurred. Such an investigation may result in an administrative case against the health care practitioner's license.<sup>34</sup>

## **Treatment Programs for Impaired Practitioners**

### ***Department of Health***

The DOH administers the impaired practitioner treatment program to ensure that licensed health care practitioners, applicants for licensure, and students enrolled in prelicensure education programs who are impaired and may pose a threat to the public if allowed to obtain or retain a license are evaluated and referred for treatment. Impairment can result from the use or misuse of drugs or alcohol, or both, or due to a mental or physical condition that could affect the person's ability to practice with skill and safety.<sup>35</sup> By entering and successfully completing the impaired practitioner treatment program, a practitioner may avoid formal disciplinary action, if the only violation of the licensing statute under which the practitioner is regulated is the impairment. Participation is voluntary, but requires the licensee either to withdraw from practice or limit the scope of his or her practice until he or she successfully completes the treatment required by the program.<sup>36</sup>

Section 456.076, F.S., authorizes the DOH to contract with one or more impaired practitioner consultants who manage and coordinate services. The consultant, who must be a licensed physician, a licensed nurse, or an entity with a licensed physician or nurse as its medical director, assists the DOH in determining if the practitioner is actually impaired, connects the practitioner to appropriate resources for treatment of the impairment, and monitors his or her progress. The consultant does not provide medical treatment or render decisions relating to licensure of a particular practitioner. However, the consultant is required to make recommendations to the probable cause panel, or the DOH when there is no board, regarding a practitioner's ability to practice safely.

---

<sup>32</sup> The DOH may investigate an anonymous complaint or a complaint by a confidential informant if the alleged violation of law or rule is substantial and the DOH has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. *See* s. 456.073(1), F.S.

<sup>33</sup> A complaint is legally sufficient if it contains ultimate facts that show a violation of ch. 456, F.S., of any of the practice acts relating to the professions regulated by the DOH, or of any rule adopted by the DOH or one of its regulatory boards has occurred. *See* s. 456.073(1), F.S.

<sup>34</sup> Upon completion of an investigation, the DOH must submit a report to the probable cause panel of the appropriate regulatory board. *See* s. 456.073(2), F.S. If the probable cause panel finds that probable cause exists, it must direct the DOH to file a formal administrative complaint against the licensee. If the DOH declines to prosecute the complaint because it finds that probable cause has been improvidently found by the panel, the regulatory board may still pursue and prosecute an administrative complaint. *See* s. 456.073(4), F.S.

<sup>35</sup> *Id.* *See also* ss. 456.073(3) and (4), F.S.

<sup>36</sup> Section 456.076(4), F.S.

There are two impaired practitioner consultants currently retained by the DOH: the Intervention Project for Nurses (IPN) and the Professionals Resource Network (PRN) for other health care professions. According to the DOH, there are approximately 2,449 participants enrolled in the programs: 1,461 in the IPN and 988 in the PRN.<sup>37</sup>

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

The Board of Veterinary Medicine and the Board of Pilot Commissioners, within the Department of Business and Professional Regulation (DBPR), provide impaired practitioner treatment programs for their licensees.<sup>38</sup> The DBPR has implemented these programs by contract with the Professionals Resource Network. According to the DBPR, there are currently 21 licensees in the programs: all veterinarians.<sup>39</sup>

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

The bill expands the current public records exemptions for identification and location information of certain agency personnel to include current or former impaired practitioner consultants who are retained by an agency, current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice, and the spouses and children of both. Currently, the contracted consultants are corporate entities. Thus, the immediate effect of the bill is to exempt the personal identifying information of their 41 employees and that of their families.

The bill makes the following information exempt from public records requirements:

- The home addresses, telephone numbers, dates of birth, and photographs of the consultants and such employees;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of their spouses and children; and
- The names and locations of schools and day care facilities attended by the children of the consultants and such employees.

The bill provides that the exemption may be maintained only if the consultant or employee has made reasonable efforts to protect such information from being accessible through other means available to the public.

The exemption is subject to an existing general requirement that if exempt information is held by an agency that is not the employer of the protected agency personnel, then the protected agency personnel must submit to that agency a written request to maintain the public records exemption.

The bill provides for repeal of the exemption pursuant to the Open Government Sunset Review Act on October 2, 2020, unless reviewed and reenacted by the Legislature.

---

<sup>37</sup> E-mail from Paul Runk, Fla. Dept. of Health, (Dec. 23, 2014) (on file with the Senate Committee on Health Policy).

<sup>38</sup> See ss. 474.221 and 310.102, F.S.

<sup>39</sup> Conversation with David Mica, Fla. Dept. of Business and Professional Regulation, (Dec. 23, 2014).

The bill provides a public necessity statement, which is required by the Florida Constitution. Specifically, the statement indicates that the exemption is needed to protect the consultants and the specified employees from the risk of physical or emotional harm or of being stalked by a practitioner who is angered by a recommendation or conclusion of a consultant or a consultant's employee.

The bill takes effect upon becoming a law.

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

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

None.

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

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

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

###### **Public Necessity Statement**

Article I, s. 24(c) of the Florida Constitution requires a public necessity statement for a newly-created or expanded public records or public meetings exemption. This bill creates a new public records exemption; therefore, 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:**

CS/SB 144 may create a minimal fiscal impact on agencies for costs associated with training staff on the new public records exemption, and administrative costs to comply with the new public records exemption.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.071 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Health Policy on January 6, 2015:**

The CS:

- Limits the employees who are covered by the exemption to those employees whose duties result in a determination of a person's skill and safety to practice a licensed profession;
- Expands the exemption to include current and former consultants or covered employees and to exempt photographs and dates of birth of consultants, consistent with similar exemptions; and
- Enhances the statement of necessity.

- B. **Amendments:**

None.

By the Committee on Health Policy; and Senator Bean

588-00563A-15

2015144c1

1 A bill to be entitled  
 2 An act relating to public records; amending s.  
 3 119.071, F.S.; creating an exemption from public  
 4 records requirements for certain identifying and  
 5 location information of current or former impaired  
 6 practitioner consultants retained by an agency or  
 7 certain current or former employees of an impaired  
 8 practitioner consultant and the spouses and children  
 9 of such consultants or employees, under specified  
 10 circumstances; providing for future legislative review  
 11 and repeal of the exemption under the Open Government  
 12 Sunset Review Act; providing a statement of public  
 13 necessity; providing an effective date.  
 14  
 15 Be It Enacted by the Legislature of the State of Florida:  
 16  
 17 Section 1. Paragraph (d) of subsection (4) of section  
 18 119.071, Florida Statutes, is amended to read:  
 19 119.071 General exemptions from inspection or copying of  
 20 public records.—  
 21 (4) AGENCY PERSONNEL INFORMATION.—  
 22 (d)1. For purposes of this paragraph, the term “telephone  
 23 numbers” includes home telephone numbers, personal cellular  
 24 telephone numbers, personal pager telephone numbers, and  
 25 telephone numbers associated with personal communications  
 26 devices.  
 27 2.a.(I) The home addresses, telephone numbers, social  
 28 security numbers, dates of birth, and photographs of active or  
 29 former sworn or civilian law enforcement personnel, including

Page 1 of 11

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

588-00563A-15

2015144c1

30 correctional and correctional probation officers, personnel of  
 31 the Department of Children and Families whose duties include the  
 32 investigation of abuse, neglect, exploitation, fraud, theft, or  
 33 other criminal activities, personnel of the Department of Health  
 34 whose duties are to support the investigation of child abuse or  
 35 neglect, and personnel of the Department of Revenue or local  
 36 governments whose responsibilities include revenue collection  
 37 and enforcement or child support enforcement; the home  
 38 addresses, telephone numbers, social security numbers,  
 39 photographs, dates of birth, and places of employment of the  
 40 spouses and children of such personnel; and the names and  
 41 locations of schools and day care facilities attended by the  
 42 children of such personnel are exempt from s. 119.07(1).  
 43 (II) The names of the spouses and children of active or  
 44 former sworn or civilian law enforcement personnel and the other  
 45 specified agency personnel identified in sub-sub-subparagraph  
 46 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
 47 State Constitution.  
 48 (III) Sub-sub-subparagraph (II) is subject to the Open  
 49 Government Sunset Review Act in accordance with s. 119.15, and  
 50 shall stand repealed on October 2, 2018, unless reviewed and  
 51 saved from repeal through reenactment by the Legislature.  
 52 b. The home addresses, telephone numbers, dates of birth,  
 53 and photographs of firefighters certified in compliance with s.  
 54 633.408; the home addresses, telephone numbers, photographs,  
 55 dates of birth, and places of employment of the spouses and  
 56 children of such firefighters; and the names and locations of  
 57 schools and day care facilities attended by the children of such  
 58 firefighters are exempt from s. 119.07(1).

Page 2 of 11

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

588-00563A-15

2015144c1

59 c. The home addresses, dates of birth, and telephone  
60 numbers of current or former justices of the Supreme Court,  
61 district court of appeal judges, circuit court judges, and  
62 county court judges; the home addresses, telephone numbers,  
63 dates of birth, and places of employment of the spouses and  
64 children of current or former justices and judges; and the names  
65 and locations of schools and day care facilities attended by the  
66 children of current or former justices and judges are exempt  
67 from s. 119.07(1).

68 d. (I) The home addresses, telephone numbers, social  
69 security numbers, dates of birth, and photographs of current or  
70 former state attorneys, assistant state attorneys, statewide  
71 prosecutors, or assistant statewide prosecutors; the home  
72 addresses, telephone numbers, social security numbers,  
73 photographs, dates of birth, and places of employment of the  
74 spouses and children of current or former state attorneys,  
75 assistant state attorneys, statewide prosecutors, or assistant  
76 statewide prosecutors; and the names and locations of schools  
77 and day care facilities attended by the children of current or  
78 former state attorneys, assistant state attorneys, statewide  
79 prosecutors, or assistant statewide prosecutors are exempt from  
80 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

81 (II) The names of the spouses and children of current or  
82 former state attorneys, assistant state attorneys, statewide  
83 prosecutors, or assistant statewide prosecutors are exempt from  
84 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

85 (III) Sub-sub-subparagraph (II) is subject to the Open  
86 Government Sunset Review Act in accordance with s. 119.15, and  
87 shall stand repealed on October 2, 2018, unless reviewed and

588-00563A-15

2015144c1

88 saved from repeal through reenactment by the Legislature.

89 e. The home addresses, dates of birth, and telephone  
90 numbers of general magistrates, special magistrates, judges of  
91 compensation claims, administrative law judges of the Division  
92 of Administrative Hearings, and child support enforcement  
93 hearing officers; the home addresses, telephone numbers, dates  
94 of birth, and places of employment of the spouses and children  
95 of general magistrates, special magistrates, judges of  
96 compensation claims, administrative law judges of the Division  
97 of Administrative Hearings, and child support enforcement  
98 hearing officers; and the names and locations of schools and day  
99 care facilities attended by the children of general magistrates,  
100 special magistrates, judges of compensation claims,  
101 administrative law judges of the Division of Administrative  
102 Hearings, and child support enforcement hearing officers are  
103 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
104 Constitution if the general magistrate, special magistrate,  
105 judge of compensation claims, administrative law judge of the  
106 Division of Administrative Hearings, or child support hearing  
107 officer provides a written statement that the general  
108 magistrate, special magistrate, judge of compensation claims,  
109 administrative law judge of the Division of Administrative  
110 Hearings, or child support hearing officer has made reasonable  
111 efforts to protect such information from being accessible  
112 through other means available to the public.

113 f. The home addresses, telephone numbers, dates of birth,  
114 and photographs of current or former human resource, labor  
115 relations, or employee relations directors, assistant directors,  
116 managers, or assistant managers of any local government agency

588-00563A-15

2015144c1

117 or water management district whose duties include hiring and  
 118 firing employees, labor contract negotiation, administration, or  
 119 other personnel-related duties; the names, home addresses,  
 120 telephone numbers, dates of birth, and places of employment of  
 121 the spouses and children of such personnel; and the names and  
 122 locations of schools and day care facilities attended by the  
 123 children of such personnel are exempt from s. 119.07(1) and s.  
 124 24(a), Art. I of the State Constitution.

125 g. The home addresses, telephone numbers, dates of birth,  
 126 and photographs of current or former code enforcement officers;  
 127 the names, home addresses, telephone numbers, dates of birth,  
 128 and places of employment of the spouses and children of such  
 129 personnel; and the names and locations of schools and day care  
 130 facilities attended by the children of such personnel are exempt  
 131 from s. 119.07(1) and s. 24(a), Art. I of the State  
 132 Constitution.

133 h. The home addresses, telephone numbers, places of  
 134 employment, dates of birth, and photographs of current or former  
 135 guardians ad litem, as defined in s. 39.820; the names, home  
 136 addresses, telephone numbers, dates of birth, and places of  
 137 employment of the spouses and children of such persons; and the  
 138 names and locations of schools and day care facilities attended  
 139 by the children of such persons are exempt from s. 119.07(1) and  
 140 s. 24(a), Art. I of the State Constitution, if the guardian ad  
 141 litem provides a written statement that the guardian ad litem  
 142 has made reasonable efforts to protect such information from  
 143 being accessible through other means available to the public.

144 i. The home addresses, telephone numbers, dates of birth,  
 145 and photographs of current or former juvenile probation

Page 5 of 11

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

588-00563A-15

2015144c1

146 officers, juvenile probation supervisors, detention  
 147 superintendents, assistant detention superintendents, juvenile  
 148 justice detention officers I and II, juvenile justice detention  
 149 officer supervisors, juvenile justice residential officers,  
 150 juvenile justice residential officer supervisors I and II,  
 151 juvenile justice counselors, juvenile justice counselor  
 152 supervisors, human services counselor administrators, senior  
 153 human services counselor administrators, rehabilitation  
 154 therapists, and social services counselors of the Department of  
 155 Juvenile Justice; the names, home addresses, telephone numbers,  
 156 dates of birth, and places of employment of spouses and children  
 157 of such personnel; and the names and locations of schools and  
 158 day care facilities attended by the children of such personnel  
 159 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 160 Constitution.

161 j.(I) The home addresses, telephone numbers, dates of  
 162 birth, and photographs of current or former public defenders,  
 163 assistant public defenders, criminal conflict and civil regional  
 164 counsel, and assistant criminal conflict and civil regional  
 165 counsel; the home addresses, telephone numbers, dates of birth,  
 166 and places of employment of the spouses and children of such  
 167 defenders or counsel; and the names and locations of schools and  
 168 day care facilities attended by the children of such defenders  
 169 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 170 the State Constitution.

171 (II) The names of the spouses and children of the specified  
 172 agency personnel identified in sub-sub-subparagraph (I) are  
 173 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 174 Constitution. This sub-sub-subparagraph is subject to the Open

Page 6 of 11

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

588-00563A-15

2015144c1

175 Government Sunset Review Act in accordance with s. 119.15 and  
 176 shall stand repealed on October 2, 2019, unless reviewed and  
 177 saved from repeal through reenactment by the Legislature.

178 k. The home addresses, telephone numbers, and photographs  
 179 of current or former investigators or inspectors of the  
 180 Department of Business and Professional Regulation; the names,  
 181 home addresses, telephone numbers, and places of employment of  
 182 the spouses and children of such current or former investigators  
 183 and inspectors; and the names and locations of schools and day  
 184 care facilities attended by the children of such current or  
 185 former investigators and inspectors are exempt from s. 119.07(1)  
 186 and s. 24(a), Art. I of the State Constitution if the  
 187 investigator or inspector has made reasonable efforts to protect  
 188 such information from being accessible through other means  
 189 available to the public. This sub-subparagraph is subject to the  
 190 Open Government Sunset Review Act in accordance with s. 119.15  
 191 and shall stand repealed on October 2, 2017, unless reviewed and  
 192 saved from repeal through reenactment by the Legislature.

193 1. The home addresses and telephone numbers of county tax  
 194 collectors; the names, home addresses, telephone numbers, and  
 195 places of employment of the spouses and children of such tax  
 196 collectors; and the names and locations of schools and day care  
 197 facilities attended by the children of such tax collectors are  
 198 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 199 Constitution if the county tax collector has made reasonable  
 200 efforts to protect such information from being accessible  
 201 through other means available to the public. This sub-  
 202 subparagraph is subject to the Open Government Sunset Review Act  
 203 in accordance with s. 119.15 and shall stand repealed on October

Page 7 of 11

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

588-00563A-15

2015144c1

204 2, 2017, unless reviewed and saved from repeal through  
 205 reenactment by the Legislature.

206 m. The home addresses, telephone numbers, dates of birth,  
 207 and photographs of current or former personnel of the Department  
 208 of Health whose duties include, or result in, the determination  
 209 or adjudication of eligibility for social security disability  
 210 benefits, the investigation or prosecution of complaints filed  
 211 against health care practitioners, or the inspection of health  
 212 care practitioners or health care facilities licensed by the  
 213 Department of Health; the names, home addresses, telephone  
 214 numbers, dates of birth, and places of employment of the spouses  
 215 and children of such personnel; and the names and locations of  
 216 schools and day care facilities attended by the children of such  
 217 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 218 the State Constitution if the personnel have made reasonable  
 219 efforts to protect such information from being accessible  
 220 through other means available to the public. This sub-  
 221 subparagraph is subject to the Open Government Sunset Review Act  
 222 in accordance with s. 119.15 and shall stand repealed on October  
 223 2, 2019, unless reviewed and saved from repeal through  
 224 reenactment by the Legislature.

225 n. The home addresses, telephone numbers, dates of birth,  
 226 and photographs of current or former impaired practitioner  
 227 consultants who are retained by an agency or current or former  
 228 employees of an impaired practitioner consultant whose duties  
 229 result in a determination of a person's skill and safety to  
 230 practice a licensed profession; the names, home addresses,  
 231 telephone numbers, dates of birth, and places of employment of  
 232 the spouses and children of such consultants or their employees;

Page 8 of 11

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

588-00563A-15

2015144c1

233 and the names and locations of schools and day care facilities  
 234 attended by the children of such consultants or employees are  
 235 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 236 Constitution if a consultant or employee has made reasonable  
 237 efforts to protect such information from being accessible  
 238 through other means available to the public. This sub-  
 239 paragraph is subject to the Open Government Sunset Review Act  
 240 in accordance with s. 119.15 and shall stand repealed on October  
 241 2, 2020, unless reviewed and saved from repeal through  
 242 reenactment by the Legislature.

243 3. An agency that is the custodian of the information  
 244 specified in subparagraph 2. and that is not the employer of the  
 245 officer, employee, justice, judge, or other person specified in  
 246 subparagraph 2. shall maintain the exempt status of that  
 247 information only if the officer, employee, justice, judge, other  
 248 person, or employing agency of the designated employee submits a  
 249 written request for maintenance of the exemption to the  
 250 custodial agency.

251 4. The exemptions in this paragraph apply to information  
 252 held by an agency before, on, or after the effective date of the  
 253 exemption.

254 5. Except as otherwise expressly provided in this  
 255 paragraph, this paragraph is subject to the Open Government  
 256 Sunset Review Act in accordance with s. 119.15, and shall stand  
 257 repealed on October 2, 2017, unless reviewed and saved from  
 258 repeal through reenactment by the Legislature.

259 Section 2. The Legislature finds that it is a public  
 260 necessity that the home addresses, telephone numbers, dates of  
 261 birth, and photographs of current or former impaired

588-00563A-15

2015144c1

262 practitioner consultants who are retained by an agency or  
 263 current or former employees of an impaired practitioner  
 264 consultant whose duties result in a determination of a person's  
 265 skill and safety to practice a licensed profession; that the  
 266 names, home addresses, telephone numbers, and places of  
 267 employment of the spouses and children of such consultants and  
 268 their employees; and that the names and locations of schools and  
 269 day care facilities attended by the children of such consultant  
 270 and employees be exempt from public records requirements if the  
 271 consultant or employee has made reasonable efforts to protect  
 272 such information from being accessible through other means  
 273 available to the public. An impaired practitioner consultant  
 274 assists the state and its regulatory boards in implementing an  
 275 impaired practitioner treatment program. The consultant provides  
 276 the necessary resources to evaluate and monitor program  
 277 compliance of licensees, applicants for licensure, and students  
 278 enrolled in prelicensure education programs who could be  
 279 impaired and, as a result, unable to practice with reasonable  
 280 skill and safety to the public. A person who is referred to the  
 281 program, but who, in the opinion of the consultant, based on  
 282 treatment and compliance monitoring information, fails to  
 283 successfully complete its requirements or is an immediate,  
 284 serious threat to public safety is at risk of failing to obtain  
 285 or losing the license that is necessary to engage in his or her  
 286 chosen profession. In 2013, a program participant with a history  
 287 of alcohol abuse and cocaine dependence traveled 250 miles  
 288 across the state to confront his compliance monitor in the  
 289 driveway of her home. Another program participant threatened a  
 290 bomb attack on a program office and physical harm to its

588-00563A-15

2015144c1

291 employees. As a result of these incidents and other telephone  
292 threats, the Legislature finds that release of identifying and  
293 location information could place an impaired practitioner  
294 consultant or an employee of a consultant whose duties result in  
295 a determination of a person's skill and safety to practice a  
296 licensed profession, or the spouses and children of such  
297 consultants or their employees in danger of being physically or  
298 emotionally harmed or stalked by a person who has a hostile  
299 reaction to a recommendation, report, or conclusion provided by  
300 a consultant or an employee of a consultant in the determination  
301 of whether the practitioner is impaired. The Legislature further  
302 finds that the harm that may result from the release of such  
303 identifying and location information outweighs any public  
304 benefit that may be derived from the disclosure of the  
305 information.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/15  
Meeting Date

144  
Bill Number (if applicable)

Topic Public Record Exception IPN

Amendment Barcode (if applicable)

Name Linda Smith

Job Title CEO

Address Po Box 49130  
Street

Phone 904 270-1620

Jacksonville Beach, FL 32240-9130  
City State Zip

Email Lsmith@ipnf1.org

Speaking:  For  Against  Information

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

Representing Impaired Practitioner Programs

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)

2/3/15

Meeting Date

SB 144

Bill Number (if applicable)

Topic Public Records - Impaired Practitioners

Amendment Barcode (if applicable)

Name Holly Miller

Job Title Govt Affairs Counsel

Address 1430 E Redwood Drive

Phone

Street

Email hmillers@fmedial.com

City

State

Zip

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

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

Representing FEMA

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

Lobbyist registered with Legislature: [X] 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.

# APPEARANCE RECORD

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

2 / 3 / 2015

Meeting Date

Topic \_\_\_\_\_

Bill Number 194  
*(if applicable)*

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

*Street*

SAINT PETERSBURG                      FLORIDA                      33705

E-mail JUSTICE2JESUS@YAHOO.COM

*City*

*State*

*Zip*

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)

2-3-15

Meeting Date

CS/SB 144

Bill Number (if applicable)

Topic Public Records Exemption CS/SB 144

Amendment Barcode (if applicable)

Name Dr. Martha Brown

Job Title Associate Medical Director, PRN

Address P.O. Box 16510

Phone 904-277-8004

Street

Fernandina Beach

State

FL

32035

Zip

Email drbrown@flprn.org

Speaking:  For  Against  Information

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

Representing PRN

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)

2/3/2015  
Meeting Date

144  
Bill Number (if applicable)

Topic Public Records exemption

Amendment Barcode (if applicable)

Name Tom Crabb

Job Title General Counsel, Professionals Resource Network

Address 301 S. Bronough St. #200

Phone 850-425-6654

Tallahassee, FL 32301

Email tcrabb@quadeylaw.com

City State Zip

Speaking:  For  Against  Information

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

Representing Professionals Resource Network

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**

WAIVE TIME  
IN SUPPORT

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

2-3-2015

Meeting Date

Topic IMPAIRED PRACTITIONER

Bill Number SB 144  
*(if applicable)*

Name STEPHEN R. WINN

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

Job Title EXECUTIVE DIRECTOR FOMA

Address 2001 APALACHOE PARKWAY

Phone 878-7364

TALLAHASSEE FL 32301  
*Street City State Zip*

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

Speaking:  For  Against  Information

Representing FLORIDA OSTEOPATHIC MEDICAL 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**

*waive in support*

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

2/3/15  
Meeting Date

144  
Bill Number (if applicable)

Topic IPN consultants

Amendment Barcode (if applicable)

Name Alisa Lapolt

Job Title Lobbyist

Address PO

Phone 850-443-1319

Tallahassee, FL 32302  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida Nurses 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

## Committee Agenda Request

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

**Subject:** Committee Agenda Request

**Date:** January 13, 2015

---

I respectfully request that **Senate Bill # 144**, relating to Public Records/Impaired Practitioner Consultants, be placed on the:

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

A handwritten signature in blue ink that reads "Aaron Bean".

---

Senator Aaron Bean  
Florida Senate, District 4

**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: PCS/SB 7000 (871830)

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: OGSR/Public Transit Provider

DATE: February 2, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Stearns	Yeatman		<b>CA SPB 7000 as introduced</b>
1.	Kim	McVaney	GO	<b>Pre-meeting</b>
2.			RC	

---

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

COMMITTEE SUBSTITUTE - Technical Changes

---

**I. Summary:**

PCS/SB 7000 reenacts an exemption from the public records access requirements of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., for personal identifying information held by public transit providers<sup>1</sup> for the purpose of prepaying transit fares or acquiring a prepaid transit fare card. The bill deletes the requirement that the exemption be reviewed pursuant to the Open Government Sunset Review Act.

The PCS makes technical changes by transferring and renumbering s. 341.3026, F.S., to s. 341.0521, F.S., and deleting a cross-reference to a definition.

**II. Present Situation:**

**Public Records and Open Meetings Requirements**

The Florida Constitution provides that the public has the right to access government records and meetings. The public may inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.<sup>2</sup> The public also has a right to be afforded notice and access to meetings of any collegial public body of the executive branch of state government or of any local government.<sup>3</sup>

---

<sup>1</sup> As defined in s. 341.031, F.S.

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

<sup>3</sup> FLA. CONST., art. I, s. 24(b).

The Legislature's meetings must also be open and noticed to the public, unless there is an exception provided by the Constitution.<sup>4</sup>

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act<sup>5</sup> guarantees every person's right to inspect and copy any state or local government public record.<sup>6</sup> The Sunshine Law<sup>7</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.<sup>8</sup>

The Legislature may create an exemption to public records or open meetings requirements.<sup>9</sup> An exemption must specifically state the public necessity justifying the exemption<sup>10</sup> and must be tailored to accomplish the stated purpose of the law.<sup>11</sup>

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

The Open Government Sunset Review Act (referred to hereafter as the "OGSR") prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>12</sup> The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.<sup>13</sup>

---

<sup>4</sup> FLA. CONST., art. I, s. 24(b).

<sup>5</sup> Chapter 119, F.S.

<sup>6</sup> Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992). The Legislature's records are public pursuant to s. 11.0431, F.S.

<sup>7</sup> Section 286.011, F.S.

<sup>8</sup> Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, s. 4(e) of the Florida Constitution provides that legislative committee meetings must be open and noticed to the public. In addition, prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

<sup>9</sup> FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential* and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

<sup>10</sup> FLA. CONST., art. I, s. 24(c).

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

<sup>12</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

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

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>14</sup> An exemption serves an identifiable purpose if it meets one of the following criteria:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>15</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>16</sup> or
- It protects trade or business secrets.<sup>17</sup>

In addition, the Legislature must find that the identifiable public purpose is compelling enough to override Florida's open government public policy and that the purpose of the exemption cannot be accomplished without the exemption.<sup>18</sup>

The OGSR also requires specified questions to be considered during the review process.<sup>19</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>20</sup> If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>21</sup>

### **Personal Identifying Information Held by a Public Transit Provider**

Section 341.3026, F.S., provides a public records exemption for personal identifying information held by a public transit provider<sup>22</sup> for the purpose of facilitating the prepayment of transit fares or the acquisition of a prepaid transit fare card or similar device. According to survey responses<sup>23</sup> from public transit providers obtained by the Community Affairs Committee, such information frequently includes the full names of transit riders, their personal or business addresses, phone

---

<sup>14</sup> Section 119.15(6)(b), F.S.

<sup>15</sup> Section 119.15(6)(b)1., F.S.

<sup>16</sup> Section 119.15(6)(b)2., F.S.

<sup>17</sup> Section 119.15(6)(b)3., F.S.

<sup>18</sup> Section 119.15(6)(b), F.S.

<sup>19</sup> Section 119.15(6)(a), F.S. The specified questions are:

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

<sup>20</sup> FLA. CONST., art. I, s. 24(c).

<sup>21</sup> Section 119.15(7), F.S.

<sup>22</sup> As defined in s. 341.031, F.S., which states that "public transit provider" means a public agency providing public transit service, including rail authorities created in Chapter 343, F.S.

<sup>23</sup> Survey results are on file with the Senate Community Affairs Committee.

numbers, email addresses, Social Security numbers, credit card information, driver's license numbers, and dates of birth.

Of those entities that responded to the survey, none recommended that the exemption be repealed.

The current exemption will expire on October 2, 2015, pursuant to the OGSR, unless saved by the Legislature through reenactment.

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

**Section 1** transfers s. 341.3026, F.S., and renumbers it as s. 341.0521, F.S. By relocating the exemption, the definition of "public transit provider" will be applicable.<sup>24</sup> Thus, the cross-reference to "s. 341.031" will no longer be necessary.

This section also deletes the scheduled repeal of the public records exemption. As a result, the covered records will remain exempt from disclosure.

**Section 2** provides the act shall take effect on October 1, 2015.

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

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

None.

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption. The bill does not create or expand a public records exemption, therefore it does not require a two-thirds vote for final passage.

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

None.

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

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

None.

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

None.

---

<sup>24</sup> Section 341.031, F.S., provides that definitions relating to the Florida Public Transit Act are limited to s. 341.011, F.S. through s. 341.061, F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 341.3026 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.)

**PCS (871830) by Governmental Oversight and Accountability**

PCS/SB 7000 makes several technical changes to s. 341.3026, F.S., by renumbering this section as s. 341.0521, F.S. By relocating the exemption, the definition of “public transit provider” will be applicable. As a result, the cross-reference to “s. 341.031” will no longer be necessary.

B. Amendments:

None.



871830

585-01413-15

Proposed Committee Substitute by the Committee on Governmental  
Oversight and Accountability

A bill to be entitled

An act relating to a review under the Open Government  
Sunset Review Act; transferring, renumbering, and  
amending s. 341.3026, F.S., relating to an exemption  
from public record requirements for certain  
information held by a public transit provider;  
removing superfluous language; removing the scheduled  
repeal of the exemption; providing an effective date.

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

Section 1. Section 341.3026, Florida Statutes, is  
transferred, renumbered as section 341.0521, Florida Statutes,  
and amended to read:

341.0521 ~~341.3026~~ Public records exemption.—

~~(1)~~ Personal identifying information held by a public  
transit provider, as defined in s. ~~341.031~~, for the purpose of  
facilitating the prepayment of transit fares or the acquisition  
of a prepaid transit fare card or similar device is exempt from  
s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(2) This section is subject to the Open Government Sunset  
Review Act in accordance with s. 119.15 and shall stand repealed  
on October 2, 2015, unless reviewed and saved from repeal  
through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2015.

**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/SB 7000

INTRODUCER: Governmental Oversight and Accountability Committee and Community Affairs Committee

SUBJECT: OGSR/Public Transit Provider

DATE: February 3, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Stearns	Yeatman		<b>CA SPB 7000 as introduced</b>
1.	Kim	McVaney	GO	<b>Fav/CS</b>
2.			RC	

---

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

COMMITTEE SUBSTITUTE - Technical Changes

---

**I. Summary:**

CS/SB 7000 reenacts an exemption from the public records access requirements of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., for personal identifying information held by public transit providers<sup>1</sup> for the purpose of prepaying transit fares or acquiring a prepaid transit fare card. The bill deletes the requirement that the exemption be reviewed pursuant to the Open Government Sunset Review Act.

The CS makes technical changes by transferring and renumbering s. 341.3026, F.S., to s. 341.0521, F.S., and deleting a cross-reference to a definition.

**II. Present Situation:**

**Public Records and Open Meetings Requirements**

The Florida Constitution provides that the public has the right to access government records and meetings. The public may inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.<sup>2</sup> The public also has a right to be afforded notice and access to meetings of any

---

<sup>1</sup> As defined in s. 341.031, F.S.

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

collegial public body of the executive branch of state government or of any local government.<sup>3</sup> The Legislature's meetings must also be open and noticed to the public, unless there is an exception provided by the Constitution.<sup>4</sup>

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act<sup>5</sup> guarantees every person's right to inspect and copy any state or local government public record.<sup>6</sup> The Sunshine Law<sup>7</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.<sup>8</sup>

The Legislature may create an exemption to public records or open meetings requirements.<sup>9</sup> An exemption must specifically state the public necessity justifying the exemption<sup>10</sup> and must be tailored to accomplish the stated purpose of the law.<sup>11</sup>

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

The Open Government Sunset Review Act (referred to hereafter as the "OGSR") prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>12</sup> The OGSR provides that an exemption automatically repeals on October

---

<sup>3</sup> FLA. CONST., art. I, s. 24(b).

<sup>4</sup> FLA. CONST., art. I, s. 24(b).

<sup>5</sup> Chapter 119, F.S.

<sup>6</sup> Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992). The Legislature's records are public pursuant to s. 11.0431, F.S.

<sup>7</sup> Section 286.011, F.S.

<sup>8</sup> Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, s. 4(e) of the Florida Constitution provides that legislative committee meetings must be open and noticed to the public. In addition, prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

<sup>9</sup> FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential* and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

<sup>10</sup> FLA. CONST., art. I, s. 24(c).

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

<sup>12</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.<sup>13</sup>

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>14</sup> An exemption serves an identifiable purpose if it meets one of the following criteria:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>15</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>16</sup> or
- It protects trade or business secrets.<sup>17</sup>

In addition, the Legislature must find that the identifiable public purpose is compelling enough to override Florida's open government public policy and that the purpose of the exemption cannot be accomplished without the exemption.<sup>18</sup>

The OGSR also requires specified questions to be considered during the review process.<sup>19</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>20</sup> If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>21</sup>

### **Personal Identifying Information Held by a Public Transit Provider**

Section 341.3026, F.S., provides a public records exemption for personal identifying information held by a public transit provider<sup>22</sup> for the purpose of facilitating the prepayment of transit fares or

---

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

<sup>14</sup> Section 119.15(6)(b), F.S.

<sup>15</sup> Section 119.15(6)(b)1., F.S.

<sup>16</sup> Section 119.15(6)(b)2., F.S.

<sup>17</sup> Section 119.15(6)(b)3., F.S.

<sup>18</sup> Section 119.15(6)(b), F.S.

<sup>19</sup> Section 119.15(6)(a), F.S. The specified questions are:

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

<sup>20</sup> FLA. CONST., art. I, s. 24(c).

<sup>21</sup> Section 119.15(7), F.S.

<sup>22</sup> As defined in s. 341.031, F.S., which states that "public transit provider" means a public agency providing public transit service, including rail authorities created in Chapter 343, F.S.

the acquisition of a prepaid transit fare card or similar device. According to survey responses<sup>23</sup> from public transit providers obtained by the Community Affairs Committee, such information frequently includes the full names of transit riders, their personal or business addresses, phone numbers, email addresses, Social Security numbers, credit card information, driver's license numbers, and dates of birth.

Of those entities that responded to the survey, none recommended that the exemption be repealed.

The current exemption will expire on October 2, 2015, pursuant to the OGSR, unless saved by the Legislature through reenactment.

### III. Effect of Proposed Changes:

**Section 1** transfers s. 341.3026, F.S., and renumbers it as s. 341.0521, F.S. By relocating the exemption, the definition of "public transit provider" will be applicable.<sup>24</sup> Thus, the cross-reference to "s. 341.031" will no longer be necessary.

This section also deletes the scheduled repeal of the public records exemption. As a result, the covered records will remain exempt from disclosure.

**Section 2** provides the act shall take effect on October 1, 2015.

### IV. Constitutional Issues:

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

None.

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption. The bill does not create or expand a public records exemption, therefore it does not require a two-thirds vote for final passage.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

---

<sup>23</sup> Survey results are on file with the Senate Community Affairs Committee.

<sup>24</sup> Section 341.031, F.S., provides that definitions relating to the Florida Public Transit Act are limited to s. 341.011, F.S. through s. 341.061, F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 341.3026 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.)

**CS/SB 7000 by Governmental Oversight and Accountability:**

CS/SB 7000 makes several technical changes to s. 341.3026, F.S., by renumbering this section as s. 341.0521, F.S. By relocating the exemption, the definition of “public transit provider” will be applicable. As a result, the cross-reference to “s. 341.031” will no longer be necessary.

B. Amendments:

None.

By the Committee on Community Affairs

578-00565-15

20157000\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

A bill to be entitled

An act relating to a review under the Open Government  
Sunset Review Act; amending s. 341.3026, F.S.,  
relating to an exemption from public record  
requirements for personal identifying information held  
by a public transit provider to facilitate the  
prepayment of transit fares or the acquisition of  
prepaid transit fare cards; saving the exemption from  
repeal under the Open Government Sunset Review Act;  
providing an effective date.

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

Section 1. Section 341.3026, Florida Statutes, is amended  
to read:

341.3026 Public records exemption.—

~~(1)~~ Personal identifying information held by a public  
transit provider, as defined in s. 341.031, for the purpose of  
facilitating the prepayment of transit fares or the acquisition  
of a prepaid transit fare card or similar device is exempt from  
s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(2) This section is subject to the Open Government Sunset  
Review Act in accordance with s. 119.15 and shall stand repealed  
on October 2, 2015, unless reviewed and saved from repeal  
through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

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

02.03.15

Meeting Date

7000

Bill Number (if applicable)

Topic TRANSIT RIDER PRIVACY

Amendment Barcode (if applicable)

Name VICKI WOODRIDGE

Job Title GOV. AFFRS. MGR.

Address 800 NW 33rd St.

Phone 954-213-8690

POMPANO BEACH FL 33064

Email

City State Zip

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

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

Representing SPECTRA / TRE-RAIL

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

Lobbyist registered with Legislature: [X] 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)

2/3/15

Meeting Date

7000

Bill Number (if applicable)

Topic PUBLIC TRANSIT PROVIDER

Amendment Barcode (if applicable)

Name Lisa Beckett

Job Title Executive Director

Address PO Box 10168

Phone 850-878-0853

Talley FL 32317

Email lbeckett@floridapublictransit.org

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

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

Representing Florida Public Transportation Association

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

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

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

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

S-001 (10/14/14)

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

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

---

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

---

**BILL:** CS/SB 224

**INTRODUCER:** Governmental Oversight and Accountability Committee; and Senator Simpson

**SUBJECT:** Public Records/Public Agency Contracts

**DATE:** February 5, 2015      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 224 amends s. 119.0701, F.S., which governs public records maintained by private contractors performing services for a public agency.

The bill requires each public agency contract for services to include the contact information of the agency's public records custodian. The contract must state that the requirements of s. 119.0701, F.S., apply to the contractor unless the agency has determined otherwise. The contract must also state that the contractor must provide access to public records, but only upon the request of the agency's public records custodian. The bill also repeals a requirement that the contract state that records must be transferred to the public agency upon termination of the contract. Under the bill, a former contractor may retain public records. The bill amends a current provision which provides that all electronically stored records must be transferred to the agency upon termination of the contract and makes the transfer of those records conditional upon the agency's request.

The bill requires the public to make all public records requests regarding contracts for services directly to the agency rather than to the contractor. A contractor who fails to provide requested records to an agency within a reasonable time may be subject to criminal penalties.

The bill provides that costs and attorney fees will not be assessed in a public records enforcement lawsuit relating to a public agency's contract for services unless the plaintiff sent a certified letter

to the responsible public agency's records custodian or a contractor at least three days before filing suit.

## II. Present Situation:

### Public Records and Open Meetings Requirements

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.<sup>1</sup> This includes the records of the legislative, executive, and judicial branches.<sup>2</sup> The Florida Constitution also requires all meetings of any collegial public body of the executive branch of state government or of any local government, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.<sup>3</sup>

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act<sup>4</sup> guarantees every person's right to inspect and copy any state or local government public record<sup>5</sup> at any reasonable time, under reasonable conditions, and under the supervision of the public records custodian.<sup>6</sup> The Sunshine Law<sup>7</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.<sup>8</sup>

---

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

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

<sup>3</sup> FLA. CONST., art. I, s. 24(b).

<sup>4</sup> Chapter 119, F.S.

<sup>5</sup> Section 119.011(12), F.S. (2014), defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S. (2014), defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

<sup>6</sup> Section 119.07(1), F.S.

<sup>7</sup> Section 286.011, F.S.

<sup>8</sup> Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in Art. III, s. 4(e) of the Florida Constitution. That section requires the rules of procedure of each house to provide that:

- All legislative committee and subcommittee meetings of each house and of joint conference committee meetings must be open and noticed to the public; and
- All prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

## Enforcing Public Records Laws and Attorney Fees

If a public agency unlawfully fails to provide a public record, the person making the public records request may sue to have the request enforced.<sup>9</sup> If the court finds that the agency unlawfully refused access to a public record, the court will order the public agency to pay for the requestor's costs and attorney fees.<sup>10</sup> A court will not take into consideration whether a records custodian intended to violate public records laws or was simply inept,<sup>11</sup> and it is immaterial if a records custodian did not willfully refuse to provide a public record.<sup>12</sup>

Enforcement lawsuits are composed of two parts: the request for production of a record and the assessment of fees. The assessment of attorney fees is considered a legal consequence that is independent of the public records request.<sup>13</sup> Once an enforcement action has been filed, a public agency can be held liable for attorney fees even after the public agency has produced the requested records.<sup>14</sup>

The public policy behind awarding attorney fees is to encourage people to pursue their right to access government records after an initial denial.<sup>15</sup> Granting attorney fees also makes it more likely that public agencies will comply with public records laws and deter improper denials of requests.<sup>16</sup>

## Public Records and Private Contractors

Public agencies, which include local and statewide governmental entities, as well as municipal officers, are permitted to hire contractors to provide services or act on behalf of the public agency.<sup>17</sup> Contractors can be individuals or business entities.<sup>18</sup> Currently, private contractors who act on behalf of a public agency are required by the law and the terms of their contracts to comply with public records laws in the same manner as a public agency.<sup>19</sup> These duties include keeping public records, providing the public an opportunity to inspect or copy a public record, and redacting exempt information.<sup>20</sup> A public agency is required to enforce the terms of its contract if a contractor fails to abide by public records laws.<sup>21</sup>

Currently, contracts for services must provide, at the completion of the contract, for the transfer of public records from the contractor to the public agency at no cost to the public agency. The

---

<sup>9</sup> Section 119.11, F.S.

<sup>10</sup> Section 119.12, F.S.

<sup>11</sup> *Barfield v. Town of Eatonville*, 675 So.2d 223, 225, (Fla. 5th DCA 1996).

<sup>12</sup> *Lilker v. Suwannee Valley Transit Authority*, 133 So.3d 654 (Fla. 1st DCA 2014).

<sup>13</sup> *Id.*

<sup>14</sup> *Mazer v. Orange County*, 811 So.2d 857, 860 (Fla. 5th DCA 2002). *Barfield v. Town of Eatonville*, 675 So.2d (Fla. 5th DCA 1996). *Althouse v. Palm Beach County Sheriff's Office*, 92 So.3d 899, 902 (Fla. 4th DCA 2012).

<sup>15</sup> *New York Times Co. v. PHH Mental Health Services, Inc.*, 616 So.2d 27, 29 (Fla. 1993).

<sup>16</sup> *New York Times Co. v. PHH Mental Health Services, Inc.*, 616 So.2d 27, 29 (Fla. 1993).

<sup>17</sup> Section 119.0701(1)(a)-(b), F.S. *News and Sun-Sentinel Co. v. Schwab, Twitty and Hanser Architectural Group, Inc.*, 596 So.2d 1029 (Fla. 1992). Op. Att'y Gen. Fla. Informal Opinion dated December 31, 2014.

<sup>18</sup> Section 119.0701(1)(a), F.S.

<sup>19</sup> Section 119.0701, F.S. *News and Sun-Sentinel Co. v. Schwab, Twitty and Hanser Architectural Group, Inc.*, 596 So.2d 1029 (Fla. 1992).

<sup>20</sup> Section 119.0701(1)-(2), F.S.

<sup>21</sup> Section 119.0701(3), F.S.

contractor is not permitted to retain any public records that are confidential and exempt or exempt from public records disclosure. Records that are stored electronically must be transferred to the public agency in a format that is compatible with the public agency's information technology systems.

Although certain contractors are obligated to abide by Florida's public records laws, some contractors fail to do so. At times, contractors unlawfully place conditions on the release of records, refuse to provide public records, or unlawfully delay in providing records.

If a contractor fails to comply with a public records request, the requestor may sue the contractor to enforce his or her rights to have access to records.<sup>22</sup> If a court determines that the contractor unlawfully withheld public records, the court must order the contractor to pay for the cost of the enforcement lawsuit and the requestor's attorney fees in the same manner that a public agency would be liable.<sup>23</sup> Therefore, once a lawsuit is filed, a contractor may also be held liable for attorney fees even after it has provided the requested records. The fees provision, however, "was not intended to force private entities to comply with the inspection requirements of [the Public Records Act] by threatening to award attorney's fees against them."<sup>24</sup>

### Recent Litigation

On December 1, 2014, a circuit court judge in Duval County denied relief to a plaintiff in a lawsuit to enforce a public records request and for assessment of attorney fees.<sup>25</sup> According to the court order, the plaintiff made two separate requests for public records to a nonprofit organization under contract to provide social services for the Department of Children and Families. The contract manager refused to provide a document because the contract manager believed that the document was not a public record. The court found that the manner in which the plaintiff (and his companions) made the request ensured that "they obtained exactly what they wanted, namely, an initial denial of an unreasonable and bogus request."<sup>26</sup>

The court found that the plaintiff's method of requesting public records was an abuse of the public records laws and "nothing more than a scam."<sup>27</sup> The Final Order stated that the plaintiff and his attorney, who had an arrangement to split his attorney fees with the plaintiff, had "a financial interest in assuring that his requests for public records [were] refused."<sup>28</sup> (Generally, an attorney may not share his or her fees with someone who is not a lawyer.<sup>29</sup>) The court noted that in 2014, the plaintiff had filed 18 public records lawsuits in Duval County, and that the attorney represented the plaintiff on approximately 13 of those cases.

---

<sup>22</sup> Section 119.0701(2), F.S. *New York Times Co. v. PHH Mental Health Services, Inc.* 616 So.2d 27 (Fla. 1993).

<sup>23</sup> Section 119.12, F.S. *New York Times Co. v. PHH Mental Health Services, Inc.* 616 So.2d 27, 29 (Fla. 1993).

<sup>24</sup> *New York Times Co. v. PHH Mental Health Services, Inc.* 616 So.2d 27, 29 (Fla. 1993).

<sup>25</sup> Final Order Denying Relief Under Public Records Act, *Jeffery Marcus Gray v. Lutheran Social Services of Northeast Florida, Inc.*, No. 2014-CA-4647 (Fla. 4th Cir. Ct. Dec. 2, 2014).

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

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

<sup>28</sup> *Id.*

<sup>29</sup> Florida State Bar Rule 4-5.4.

The court opined that:

if a private entity must pay an attorney's fee every time an agent denies a needless request, the cost to the state to provide important services by contracting with private entities will increase; or private entities might discontinue bidding on these contracts. The chilling effect could be disastrous to the State. Further the [Public Records] Act was not designed to create a cottage industry for so-called "civil rights activists" or others who seek to abuse the [Public Records] Act for financial gain<sup>30</sup>

The case is currently on appeal.<sup>31</sup>

### III. Effect of Proposed Changes:

#### Changes to Contract Provisions

This bill provides that contracts for services must include a statement that:

- The requirements of s. 119.0701, F.S., apply to the contractor unless the public agency has determined that the contractor is not a contractor, (presumably, for the purposes of maintaining public records).
- Informs the contractor that it must contact the custodian of the agency's public records if the contractor has questions about the applicability of public records laws.
- Includes the name and contact information of the public agency's records custodian.

It appears that each contract for services by a public agency, regardless of whether the contractor is acting on behalf of the public agency, must include this new statement regarding the applicability of the public records laws. If the public agency has determined that the contractor is not acting on behalf of the public agency, an additional statement is required that includes an express determination by the public agency that the contractor "is not a contractor." The intent of this paragraph appears to be that the contract may provide that the contractor is not acting on behalf of the agency and is therefore, not required to keep public records; however, the language in the bill does not make this clear.

The bill requires a public agency to make a legal determination regarding the applicability of the public records laws on a particular contractor. In certain circumstances, a contractor who unlawfully denies a public records request based on a good faith belief that it was not subject to public records laws may not be held liable for paying attorney fees.<sup>32</sup> It is unclear whether a public agency that inaccurately determines whether a contractor is a public records custodian will be required to indemnify the contractor for any attorney fees or costs if the contractor has relied on that determination. This potential liability may be mitigated by other provisions of the bill that require public record requests to be made to the public agency first.

---

<sup>30</sup> Final Order Denying Relief Under Public Records Act, *Jeffery Marcus Gray v. Lutheran Social Services of Northeast Florida, Inc.*, No. 2014-CA-4647 (Fla. 4th Cir. Ct. Dec. 2, 2014).

<sup>31</sup> A Notice of Appeal was filed with the First District Court of Appeal on December 19, 2014, in *Jeff Gray vs. Lutheran Social Services of Social Services of Northeast, etc.*, Case Number 1D14-5793.

<sup>32</sup> *Stanfield v. Salvation Army*, 695 So.2d 501, 502 (Fla. 5th DCA 1997). *New York Times Co. v. PHH Mental Health Services, Inc.* 616 So.2d 27 (Fla. 1993).

It should be noted that the bill does not address what happens if the records custodian or his or her contact information changes during the term of the contract. In its bill analysis on a similar provision in the original bill, the Department of Management Services stated that staff turnover may make this provision challenging. The Department of Management Services noted that many agencies have established generic, unchanging contact information for public records requests to avoid this problem.<sup>33</sup>

The bill requires each contract for services to address whether, at the termination of the contract, the contractor will retain the public records or transfer the public records to the public agency. Unlike current law, the contractor may be permitted to retain information that is confidential and exempt or exempt from disclosure. The Legislature may wish to consider the implications of allowing former contractors to retain otherwise protected information and any restrictions on the use of such information. This bill does not impose any contractual duty upon the former contractor to maintain public records,<sup>34</sup> or their confidentiality, in the same manner as custodian of public records. A “custodian of public records” is defined as an “elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records or his or her designee.”<sup>35</sup> The bill does not delineate the legal status and duties of a former contractor who is acting as a *de facto* custodian of public records.

The bill requires each contract for services to require the contractor to provide public records to the public only upon the request of the agency’s public records custodian. With this change, a contractor will not be required to produce public records if a member of the public requests the records from the contractor. Instead, a member of the public is required to contact the public agency’s custodian first. The agency’s records custodian will be responsible for submitting the request to the contractor. This is a substantial departure from the current law which requires the contractor to provide records directly to the public.

### **Public Records Requests Made to Contractors**

The bill provides that the public must make all public records requests relating to contracts for services to the agency. (Currently, the public may request records directly from the contractor.) If the agency is not in possession of a record, the agency may request the record from the contractor. Under the bill, a contractor who fails to provide records to an agency within a reasonable amount of time is subject to s. 119.10, F.S.

Section 119.10, F.S. provides that a public officer who violates the Public Records Act may be fined up to \$500.00, subject to impeachment, or held criminally liable.<sup>36</sup> The only applicable

---

<sup>33</sup> 2014 Legislative Bill Analysis for SB 224 Public Records/Public Agency Contracts from Department of Management Services, dated January 12, 2015.

<sup>34</sup> Section 119.021, F.S.

<sup>35</sup> Section 119.011(5), F.S.

<sup>36</sup> Section 119.10, F. S. provides: Violation of chapter; penalties.—

(1) Any public officer who:

(a) Violates any provision of this chapter commits a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Knowingly violates the provisions of s. 119.07(1) is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who willfully and knowingly violates:

portion of s. 119.10, F.S., appears to be s. 119.10(2)(a), F.S., which makes a violation of public records laws a misdemeanor, or possibly s. 119.10(2)(b), F.S., which provides that using certain information from a police report for commercial purposes is a felony. It is not clear if the contractor's public records custodian or the business entity would be criminally liable.

### **Enforcement Lawsuits**

The bill provides that an enforcement lawsuit related to the public agency's contract may be filed against the agency or the contractor. A court may only award costs and attorney fees to the requestor if the requestor sends a certified letter to the public agency's records custodian at least three days before filing suit. The letter must state that the contractor has not complied with a public records request. (Although an agency may also fail to comply with a public records request, the bill does not address such a situation.) The contractor must also be noticed if it is named as named as a defendant.

If the intent of the notice requirement is to allow time for the public agency to "cure" the violation by producing the requested records and minimize the potential award of attorney fees and costs, the three day period may be too short. Mailing a certified letter three days before filing suit may not give an agency sufficient time to cure any defects in responding to a public records request, since the lawsuit could be filed before the records custodian receives the letter. Under current law, and notwithstanding the impact of the bill, the public agency will still be subject to attorney fees once the lawsuit has been filed.

## **IV. Constitutional Issues:**

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

The bill does not appear to require counties or municipalities to take an action requiring the significant 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:**

This bill substantially amends the public records law by shifting the burden to produce public records to the agency, even when records are not in the agency's possession.

The bill also makes it possible for former private contractors to become public records custodians even when the contractor is no longer acting on behalf of an agency.

---

(a) Any of the provisions of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Section 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

It is unknown at this time what the fiscal impact on the private sector will be under the bill. The provisions that may have a fiscal impact on the private sector include:

- The requirement that members of the public send certified letters before filing suit if they intend to recover attorney fees in a public records enforcement action.
- The costs incurred by the former contractor if the contractor retains the public records after termination of a contract.

C. Government Sector Impact:

Contracts for each contractor responsible for maintaining public records will have to be revised to include new language. These changes may increase legal and administrative costs.

If the contractor keeps public records upon termination of a contract, an agency may have to rely on the former contractor to provide records upon request. An agency may be liable for attorney fees because the contractor has failed to produce records in a timely manner.

VI. Technical Deficiencies:

As noted above, it appears the new requirement that the contract for services (on lines 37 through 50) include a statement regarding the applicability of s. 119.01701, F.S., applies to all contracts for services, regardless of whether the contractor is acting on behalf of the public agency. If the intent is to require such statements in all contracts for services, additional clarity may be necessary to enhance compliance with this new requirement.

The bill removes a provision in currently law which provides that that a contract state that a contractor must “meet all requirements for retaining public records.” This change removes contractor’s responsibility to keep and maintain records during the term of the contract.

The use of the phrase ‘compel production of records’ appears to limit this bill to documents which can be produced (or reproduced) and given to the requestor. Public records requests, however, can be much broader. Public records are maintained and preserved in the building in which they are ordinarily used,<sup>37</sup> and the public has a right to photograph or inspect records in

---

<sup>37</sup> Section 119.021(1), F.S.

person.<sup>38</sup> A records custodian may also permit records to be inspected and copied under reasonable conditions under the supervision.<sup>39</sup>

Notice that a public agency has failed to provide public records should be included since an agency may have failed to respond to a public records request. The notice requirement only contemplates the contractor failing to provide records.

The bill is ambiguous as to whether the scope of enforcement actions are limited to the actual four corners of the contract and documents directly related to the contract or all public records that encompass the business contemplated by the contract.

## VII. Related Issues:

It is unclear what will happen to public records if the contractor is permitted to retain the public records upon termination of a contract. If the contractor becomes a default permanent records custodian for the records after the contract has been terminated, the contractor may be subject to public records laws and laws related to the retention and disposal of public records long after the contract has terminated (and without compensation). It is also unclear what happens to public records if a terminated contractor goes out of business.

## VIII. Statutes Affected:

This bill substantially amends section 119.0701 of the Florida Statutes.

## IX. Additional Information:

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

### **CS/SB 224 by Governmental Oversight and Accountability on February 3, 2015:**

The CS differs from the original bill in the following ways:

- The CS removes the definition of contractor and “acting on behalf of a public agency.”
- The CS alters statements and terms which must be placed in each contract.
- The CS shortens the notice requirement from five days to three days.
- Removes a bad faith or willful refusal element from enforcement cases.

- B. **Amendments:**

None.

---

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

---

<sup>38</sup> Section 119.07, F.S.

<sup>39</sup> Section 119.07(1)(a), F.S.



479722

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2015	.	
	.	
	.	
	.	

---

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 119.0701, Florida Statutes, is amended  
to read:

119.0701 Contracts; public records.—

(1) For purposes of this section, the term:

(a) "Contractor" means an individual, partnership,  
corporation, or business entity that enters into a contract for



479722

11 services with a public agency and is acting on behalf of the  
12 public agency as provided under s. 119.011(2).

13 (b) "Public agency" means a state, county, district,  
14 authority, or municipal officer, or department, division, board,  
15 bureau, commission, or other separate unit of government created  
16 or established by law.

17 (2) In addition to other contract requirements provided by  
18 law, each public agency contract for services must include:

19 (a) The following statement, in substantially the following  
20 form, identifying the name and contact information of the public  
21 agency's custodian of public records in at least 14-point,  
22 boldface type:

23  
24 THE REQUIREMENTS OF SECTION 119.0701, FLORIDA STATUTES, APPLY TO  
25 THIS CONTRACT UNLESS ...(name of public agency)... HAS  
26 DETERMINED AND EXPRESSLY STATED IN THIS CONTRACT THAT ...(name  
27 of individual, partnership, corporation, or business entity)...  
28 IS NOT A CONTRACTOR. IF YOU HAVE QUESTIONS REGARDING THE  
29 APPLICATION OF SECTION 119.0701, FLORIDA STATUTES, TO YOUR DUTY  
30 TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT  
31 ...(name of custodian of public records)... AT ...(telephone  
32 number, e-mail address, and mailing address)....

33  
34 (b) A provision that requires the contractor to comply with  
35 public records laws, specifically to:

36 1.-(a) Keep and maintain public records that ordinarily and  
37 necessarily would be required by the public agency in order to  
38 perform the service.

39 2.-(b) Upon request from the public agency's custodian of



479722

40 public records, provide the public with access to public records  
41 on the same terms and conditions that the public agency would  
42 provide the records and at a cost that does not exceed the cost  
43 provided in this chapter or as otherwise provided by law.

44 ~~3.(e)~~ Ensure that public records that are exempt or  
45 confidential and exempt from public records disclosure  
46 requirements are not disclosed except as authorized by law.

47 ~~4.(d)~~ Keep and maintain public records, upon completion of  
48 the contract, which ordinarily would be required by the public  
49 agency in order to perform the service, or ~~Meet all requirements~~  
50 ~~for retaining public records and~~ transfer, at no cost, to the  
51 public agency all public records in possession of the contractor  
52 ~~upon termination of the contract~~ and destroy any duplicate  
53 public records that are exempt or confidential and exempt from  
54 public records disclosure requirements. Upon request from the  
55 public agency's custodian of public records, all records stored  
56 electronically must be provided to the public agency in a format  
57 that is compatible with the information technology systems of  
58 the public agency.

59 (3) A records request for public records relating to a  
60 public agency's contract for services must be made directly to  
61 the public agency. If the public agency does not possess the  
62 requested records, the public agency shall immediately notify  
63 the contractor of the request, and the contractor must produce  
64 the records within a reasonable time. A contractor who fails to  
65 produce the records within a reasonable time is subject to  
66 penalties under s. 119.10.

67 ~~(4)(3)~~ If a contractor does not comply with a public  
68 records request, the public agency shall enforce the contract



479722

69 provisions in accordance with the contract.

70 (5) If a civil action is filed against a public agency or a  
71 contractor who continues to possess public records to compel  
72 production of such records relating to the public agency's  
73 contract for services, the court shall assess and award against  
74 the responsible public agency or contractor the reasonable costs  
75 of enforcement, including reasonable attorney fees, if the party  
76 filing the action provided written notice of the public records  
77 request, including a statement that the contractor has not  
78 complied with the request. This notice must be sent by certified  
79 mail to the public agency's custodian of public records at least  
80 3 business days before filing the action, and must be provided  
81 to the contractor if the contractor is a named party in the  
82 action.

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

84

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

86 And the title is amended as follows:

87 Delete everything before the enacting clause  
88 and insert:

89 A bill to be entitled

90 An act relating to public records; amending s.

91 119.0701, F.S.; requiring that a public agency

92 contract for services include a statement providing

93 the name and contact information of the public

94 agency's custodian of records; prescribing the form of

95 the statement; revising required provisions in a

96 public agency contract for services regarding a

97 contractor's compliance with public records laws;



479722

98 requiring that a public records request relating to  
99 records for a public agency's contract for services be  
100 made directly to the agency; requiring a contractor to  
101 produce requested records under specified  
102 circumstances; specifying applicable penalties for a  
103 contractor who fails to produce requested records;  
104 specifying circumstances under which a court may  
105 assess and award reasonable costs of enforcement  
106 against a public agency or contractor; providing an  
107 effective date.

By Senator Simpson

18-00049D-15

2015224\_\_

1 A bill to be entitled  
 2 An act relating to public records; amending s.  
 3 119.0701, F.S.; defining the term "acting on behalf of  
 4 a public agency"; revising the definition of the term  
 5 "contractor"; requiring that a public agency contract  
 6 for services include a statement providing the name  
 7 and telephone number of the public agency's custodian  
 8 of records; prescribing the form of the statement;  
 9 revising contractual provisions in a public agency  
 10 contract for services regarding a contractor's  
 11 compliance with public records laws; specifying  
 12 circumstances under which a court may assess and award  
 13 reasonable costs of enforcement against a public  
 14 agency or contractor; providing an effective date.  
 15  
 16 Be It Enacted by the Legislature of the State of Florida:  
 17  
 18 Section 1. Section 119.0701, Florida Statutes, is amended  
 19 to read:  
 20 119.0701 Contracts; public records.—  
 21 (1) For purposes of this section, the term:  
 22 (a) "Acting on behalf of a public agency" means the  
 23 performance of a delegated function that is the responsibility  
 24 of the public agency.  
 25 (b)(a) "Contractor" means an individual, partnership,  
 26 corporation, or business entity that enters into a contract for  
 27 services with a public agency and is acting on behalf of the  
 28 public agency as provided under s. 119.011(2) or is performing a  
 29 governmental function or a function that the public agency would

Page 1 of 4

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

18-00049D-15

2015224\_\_

30 otherwise perform.  
 31 ~~(c)(b)~~ "Public agency" means a state, county, district,  
 32 authority, or municipal officer, or department, division, board,  
 33 bureau, commission, or other separate unit of government created  
 34 or established by law.  
 35 (2) In addition to other contract requirements provided by  
 36 law, each public agency contract for services must include:  
 37 (a) The following statement identifying the name and  
 38 telephone number of the public agency's custodian of public  
 39 records in at least 14-point, boldface type:  
 40  
 41 THE REQUIREMENTS OF SECTION 119.0701, FLORIDA STATUTES, MAY  
 42 APPLY TO THIS CONTRACT. IF YOU HAVE QUESTIONS REGARDING THE  
 43 APPLICATION OF SECTION 119.0701, FLORIDA STATUTES, TO YOUR DUTY  
 44 TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT  
 45 ...(name of custodian of public records)... AT ...(telephone  
 46 number)....  
 47  
 48 (b) A provision that requires the contractor to comply with  
 49 public records laws, specifically to:  
 50 1.(a) Keep and maintain public records that ordinarily and  
 51 necessarily would be required by the public agency in order to  
 52 perform the service.  
 53 2.(b) Provide the public with access to public records on  
 54 the same terms and conditions that the public agency would  
 55 provide the records and at a cost that does not exceed the cost  
 56 provided in this chapter or as otherwise provided by law.  
 57 3.(e) Ensure that public records that are exempt or  
 58 confidential and exempt from public records disclosure

Page 2 of 4

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

18-00049D-15 2015224\_\_

59 requirements are not disclosed except as authorized by law.  
 60 4.(4) Keep and maintain public records, upon completion of  
 61 the contract, which ordinarily would be required by the public  
 62 agency in order to perform the service, or ~~Meet all requirements~~  
 63 ~~for retaining public records and~~ transfer, at no cost, to the  
 64 public agency all public records in possession of the contractor  
 65 ~~upon termination of the contract~~ and destroy any duplicate  
 66 public records that are exempt or confidential and exempt from  
 67 public records disclosure requirements. Upon request from the  
 68 public agency's custodian of public records, all records stored  
 69 electronically must be provided to the public agency in a format  
 70 that is compatible with the information technology systems of  
 71 the public agency.  
 72 (3) If a contractor does not comply with a public records  
 73 request, the public agency shall enforce the contract provisions  
 74 in accordance with the contract.  
 75 (4) If a civil action is filed to compel production of  
 76 public records relating to a public agency's contract for  
 77 services against a public agency or a contractor that continues  
 78 to possess such records, the court shall assess and award  
 79 against the responsible public agency or contractor the  
 80 reasonable costs of enforcement, including reasonable attorney  
 81 fees, if:  
 82 (a) The party filing the action provided written notice of  
 83 the public records request, including a statement that the  
 84 contractor has not complied with the request, by certified mail  
 85 to the public agency's custodian of public records at least 5  
 86 business days before filing the action, and provided such notice  
 87 to the contractor if the contractor is a named party in the

Page 3 of 4

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

18-00049D-15 2015224\_\_

88 action.  
 89 (b) The court makes specific, written factual findings that  
 90 the contractor acted in bad faith or willfully disregarded  
 91 applicable law in refusing to allow a public record to be  
 92 inspected or copied.  
 93 Section 2. This act shall take effect upon becoming a law.

Page 4 of 4

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/3/15  
Meeting Date

SB224  
Bill Number (if applicable)

Topic Public Records

Amendment Barcode (if applicable)

Name Mary Marx

Job Title President + CEO

Address 1 West Adams St, Suite 301  
Street

Phone 904-253-6204

Jacksonville FL 32207  
City State Zip

Email mary.marx@pacecenter.org

Speaking:  For  Against  Information

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

Representing PACE Center for Girls

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

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

2/3/2015

Meeting Date

Topic \_\_\_\_\_

Bill Number 224  
*(if applicable)*

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

*Street*

SAINT PETERSBURG      FLORIDA      33705

E-mail JUSTICE2JESUS@YAHOO.COM

*City*

*State*

*Zip*

Speaking:     For <sup>in part</sup>     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)

2/3/2015  
Meeting Date

SB224  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Kraig Conn

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

Address 3015 S. Bronough Ste 300

Phone 222 9684

Street

Tall FL 32301

City

State

Zip

Email KConn@flcities.com

Speaking:  For  Against  Information

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

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/3/15

Meeting Date

SR 224

Bill Number (if applicable)

Topic Public Records / Public Agency Contacts

Amendment Barcode (if applicable)

Name Richard Watson

Job Title Legislative Counsel

Address P.O. Box 10638

Phone 850 222-0000

Tallahassee FL 32302

City State Zip

Email rick@rwatsonandassoc.com

Speaking:  For  Against  Information

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

Representing Associated Builders and Contractors of FL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/3/15

SB 224

Meeting Date

Bill Number (if applicable)

Topic Public Records/Public Agency Contracts

Amendment Barcode (if applicable)

Name Greg Black

Job Title Attorney

Address 215 S. Monroe Street, Suite 505

Phone 850-205-9000

Street

Tallahassee

FL

32301

Email greg.black@metzlaw.com

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information

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

Representing Florida Associated General Contractors Council

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

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

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

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

S-001 (10/14/14)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Community Affairs, *Chair*  
Environmental Preservation and Conservation,  
*Vice Chair*  
Appropriations Subcommittee on General Government  
Finance and Tax  
Judiciary  
Transportation

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

### SENATOR WILTON SIMPSON

18th District

January 29, 2015

Senator Jeremy Ring, Chair  
Committee on Governmental Operations and Accountability  
5<sup>th</sup> Floor, Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Ring,

I appreciate you including my legislation, SB 224, relating to Public Records, on the February 3<sup>rd</sup> Committee on Governmental Operations and Accountability agenda. As you are aware, I will be chairing the Committee on Community Affairs at that time. I respectfully request that you allow my Chief Legislative Assistant Rachel Perrin-Rogers to present the bill on my behalf.

Please do not hesitate to contact me if you or your staff have any questions.

Regards,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson  
State Senator, 18<sup>th</sup> District

cc: Joe McVaney, Staff Director  
Allison Rudd, Committee Administrative Assistant

#### REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

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

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Community Affairs, *Chair*  
Environmental Preservation and Conservation,  
*Vice Chair*  
Appropriations Subcommittee on General Government  
Finance and Tax  
Judiciary  
Transportation

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

### SENATOR WILTON SIMPSON

18th District

January 15, 2015

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

Chairman Ring,

Please place Senate Bill 224 relating to public records and public agency contracts, on the next Committee on Governmental Oversight and Accountability agenda.

Please contact my office with any questions. Thank you.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson  
Senator, 18<sup>th</sup> District

CC: Joe McVaney, Staff Director

#### REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

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

**ANDY GARDINER**  
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: PCS/SB 136 (218244)

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: Florida Retirement System

DATE: February 2, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	<b>Pre-meeting</b>
2.			CA	
3.			AP	

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

PCS/SB 136 amends ss. 112.19 and 112.191, F.S., to provide additional death benefits for law enforcement officers, correctional officers, correctional probation officers and firefighters who are employed by the state and are killed in the line of duty. This monthly benefit equals 50 percent of the monthly salary being received by the member at the time of death as follows:

- Payable to the surviving spouse for the lesser of the lifetime of the spouse or 300 months (25 years);
- If no surviving spouse, payable until the youngest child reaches age 21, or any child reaches age 25 if that child is a full-time student;
- If no surviving spouse or children, payable to a joint annuitant under the Florida Retirement System (FRS) for the lesser of the period the joint annuitant receives benefits under the FRS or 300 months.

The bill appropriates from the General Revenue Fund to the State Risk Management Trust Fund of the Department of Financial Services the funds necessary to cover the annual costs associated with these new benefits.

The bill authorizes local governments to offer similar benefits to law enforcement officers, correctional officers, correctional probation officers or firefighters employed by the local governments.

The fiscal impact on the State of Florida is indeterminate.

## II. Present Situation:

### In Line of Duty Death Benefits Available under Chapter 121, F.S.

#### *Pension Plan*

The Florida Retirement System (FRS) currently provides death benefits for surviving spouses and/or eligible dependents of active members of the pension plan. Death benefits may be paid for an active member of the FRS pension plan who dies before retirement due to an injury or illness.<sup>1</sup> Certain health conditions for firefighters, law enforcement, correctional and correctional probation officers are deemed accidental and suffered in the line of duty.<sup>2</sup> If the injury or illness arises out of and in the actual performance of duty required by his or her job, the member's surviving spouse and/or eligible dependent(s) are entitled to in-line-of-duty (ILOD) death benefits. There are important differences in the laws applicable to death benefits, depending on whether the death is found to be due to an injury or illness "suffered in the line of duty."

If an active FRS member (regardless of vested status) dies in the line of duty, the surviving spouse receives a monthly benefit for her lifetime equal to half the member's monthly salary at death.<sup>3</sup> If the spouse dies, the benefit continues until member's youngest child reaches 18 or is married, if earlier.<sup>4</sup> If the deceased member is entitled to a higher retirement benefit based on service credit, the higher benefit is payable to his/her spouse or eligible dependent(s).<sup>5</sup>

*Special Survivor Provisions* — For ILOD deaths, the surviving spouse or eligible dependent may purchase credit for any service, which could have been claimed by the member at the time of his/her death.<sup>6</sup> If a member dies within one year of vesting, the surviving spouse or other eligible dependent may use the member's annual, sick, or compensatory leave, or purchasable service, to purchase enough service credit to vest the member posthumously (and entitle the surviving beneficiary to a death benefit).<sup>7</sup>

*Burden of Proof* — Unless a legal presumption applies such as the one provided under section 112.18, F.S., the eligible beneficiary must show by competent evidence that the death occurred in the line of duty to qualify to receive the higher in the line of duty death benefits.

The following chart notes the Special Risk Class ILOD death benefits for the last five years for the State of Florida and the local governmental entities participating in the FRS:<sup>8</sup>

---

<sup>1</sup> Section 121.091(7), F.S.

<sup>2</sup> Section 112.18(1)(a), F.S. Any condition of health caused by tuberculosis, heart disease or hypertension for firefighters, law enforcement officers, correctional officers and correctional probation officers resulting in the total or partial disability or death shall be presumed to have been accidental and suffered in the line of duty.

<sup>3</sup> Section 121.091(7)(d), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 121.091(7)(b) and (d), F.S.

<sup>6</sup> Section 121.091(7)(e), F.S.

<sup>7</sup> Section 121.091(7)(f), F.S.

<sup>8</sup> E-mail from Department of Management Services dated Jan. 12, 2015

	2009-10	2010-11	2011-12	2012-13	2013-14	Total
<b>State Count</b>	0	2	2	1	0	5
<b>State Benefits</b>	0	\$49,928	\$37,424	\$25,862	0	\$113,214
<b>Local Count</b>	5	5	4	2	1	17
<b>Local Benefits</b>	\$146,836	\$129,389	\$97,061	\$56,932	\$30,052	\$460,270

### **Investment Plan and other state-administered defined contribution plans**

#### FRS Investment Plan

In 2000, the Legislature created the Public Employee Optional Retirement Program (Investment Plan), a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan. Benefits under the Investment Plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.

A member vests immediately in all employee contributions paid to the Investment Plan.<sup>9</sup> With respect to the employer contributions, a member vests after completing one work year with an FRS employer.<sup>10</sup> Regardless of when or how an investment plan member dies, there is no minimum death benefit payable to the surviving spouse or children. If the member dies before vesting, the accumulated member contributions are payable to the designated beneficiary. If the member is vested at the time of death, the full accumulations in the member's account are payable as a lump-sum distribution, direct rollover distribution, or periodic distribution.<sup>11</sup>

#### State University System Optional Retirement Program

On July 1, 1984, the State University Optional Retirement Program (SUSORP) was established as an optional program under the FRS for eligible State University faculty and administrators. The program was later expanded in 1988 to include the State University System Executive Service and in 1999 to include all administrative and professional personnel exempt from career service. As of June 30, 2013, there were 17,780 participants in the SUSORP.

The SUSORP is a defined contribution plan qualified under the provisions of section 403(b) of the Internal Revenue Code that provides retirement and death benefits through contracts with designated investment providers<sup>12</sup>. It provides for full and immediate vesting of all contributions submitted to the participating companies on behalf of the participant upon signing an investment contract within 90 days of employment in an eligible position. Contributions, which are invested as directed by the participant, accumulate in individual participant accounts, together with

<sup>9</sup> Section 121.4501(6)(a), F.S.

<sup>10</sup> Section 121.4501(6)(b), F.S.

<sup>11</sup> Section 121.591, F.S.

<sup>12</sup> The five approved participating companies currently available under SUSORP are: ING, TIAA-CREF, Variable Annuity Life Insurance Company, Jefferson National Life Insurance Company, and MetLife Investors USA Insurance Company.

investment earnings. At retirement, the accumulated benefits are payable to the participant or to his or her beneficiaries or estate.

There are no ILOD minimum death benefits provided to members of the SUSORP.

#### State Community College System Optional Retirement Program

In 1995, the Florida Legislature enacted provisions<sup>13</sup> allowing faculty and certain administrators with a state community college *in the FRS Regular Class* to opt out of the FRS and enroll in an optional retirement program known as the State Community College System Optional Retirement Program (SCCORP). The board of trustees of the employing agency as authorized under section 1001.64, Florida Statutes, must implement this program either individually or in consortia with other community colleges. The member is immediately vested upon signing an investment agreement with a provider company and may voluntarily contribute, by salary reduction, an amount not to exceed the percentage contributed by the employer to the member's account.

There are no ILOD minimum death benefits provided to members of SCCORP.

#### Senior Management Service Optional Annuity Program

In 1986, the Florida Legislature enacted provisions<sup>14</sup> creating the Senior Management Service Class under the FRS and also a non-integrated optional defined contribution plan under the FRS called the Senior Management Service Optional Annuity Program (SMSOAP). Under the SMSOAP, retirement and death benefits are provided through contracts with designated investment providers. The member may voluntarily contribute, by salary reduction, an amount not to exceed the percentage contributed by the employer to the member's account.

There are no ILOD death benefits provided to members of SMSOAP.

#### **Death benefits available under Chapter 112, F.S.**

Chapter 112, F.S., provides death benefits that are supplemental to the benefits afforded under ch. 121, F.S., for law enforcement officers, correctional officers, correctional probation officers, firefighters, instructional staff and school administrators under specified circumstances.<sup>15</sup> The table below shows the benefits provided. The nominal amounts cited below for law enforcement and firefighters are adjusted annually for price level changes in the Consumer Price Index since 2002.<sup>16</sup>

---

<sup>13</sup> See chapter 95-392, Laws of Florida.

<sup>14</sup> See chapter 86-149, Laws of Florida.

<sup>15</sup> Section 112.19(1)(b), F.S., the term "law enforcement, correctional, or correctional probation officer" means any officer as defined by s. 943.10(14) or any employee of the state or any political subdivision of the state, including any state attorney investigator or public defender investigator whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; and any full-time officer or employee of the state or any political subdivision of the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend a session of a circuit or county court as bailiff.

<sup>16</sup> Sections 112.19(2)(j) and 112.191(2)(i), F.S.

	Law Enforcement	Firefighters	Instructional Personnel <sup>17</sup>
Accidental Death in performance of duties	\$50,000 <sup>18</sup>	\$50,000 <sup>19</sup>	None.
Accidental Death in response to emergency	Additional \$50,000 <sup>20</sup>	Additional \$50,000 <sup>21</sup>	None.
Death by intentional act of another	\$150,000 <sup>22</sup>	\$150,000 <sup>23</sup>	\$75,000 <sup>24</sup>

Please note that the payments outlined above for accidental death in performance of duties (\$50,000), accidental death in response to emergency (\$50,000) and death by intentional act of another (\$150,000), for firefighters, law enforcement, correctional, and correctional probation officers, the law provides that such payments will be made to the beneficiary designated by the firefighter or officer in writing.<sup>25</sup> If no designation is made, payments are made to the firefighter or officer’s surviving spouse and children in equal amounts.<sup>26</sup> If there is no surviving spouse or children, payment is made to the firefighter’s or officer’s parents.<sup>27</sup> If there is no surviving spouse, child or parent, payment will be made to the firefighter’s or officer’s estate.<sup>28</sup> In regards to the payment outlined on the previous page concerning the death by intentional act of another (\$75,000) for instructional personnel, if a beneficiary is not designated, the instructional staff’s or school administrator’s estate would receive the money.<sup>29</sup>

<sup>17</sup> Section 112.1915(1)(b), F.S., provides that the term “teacher” means any instructional staff personnel as described in s. 1012.01(2). Instructional personnel includes classroom teachers, student personnel services, librarians/media specialists, other instructional staff, and education paraprofessionals.

<sup>18</sup> Section 112.19(2)(a), F.S., if the officer is accidentally killed or receives accidental bodily injury resulting in loss of the officer’s life while engaged in the performance of the officer’s duties, provided that such killing or injury is not intentionally self-inflicted.

<sup>19</sup> Section 112.191(2)(a), F.S., if the firefighter is accidentally killed or receives accidental bodily injury resulting in loss of the firefighter’s life while engaged in the performance of the firefighter’s duties, provided that such killing or injury is not intentionally self-inflicted.

<sup>20</sup> Section 112.19(2)(b), F.S., if the officer is accidentally killed while: responding to fresh pursuit or an emergency; enforcing a traffic law or ordinance; or at the scene of a traffic accident to which the officer has responded.

<sup>21</sup> Section 112.191(2)(b), F.S., if the firefighter is accidentally killed as result of firefighter’s response to emergency involving protection of life or property or the firefighter’s participation in a training exercise.

<sup>22</sup> Section 112.19(2)(c), F.S., if the officer (while engaged in the performance of the officer’s duties) is unlawfully and intentionally killed or dies as a result of an unlawful and intentional act.

<sup>23</sup> Section 112.191(2)(c), F.S., if the firefighter (while engaged in performance of the firefighter’s duties) is unlawfully or intentionally killed, is injured by an unlawful and intentional act of another and dies as a result of such injury, or dies as a result of a fire which has been determined to have been caused by an act of arson.

<sup>24</sup> Section 112.1915(2)(3)(a), F.S., if the instructional staff or school administrator is killed or injured and dies as a result of an unlawful and intentional act inflicted by another person.

<sup>25</sup> Sections 112.191(2)(d) and 112.19(2)(d), F.S.

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

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

<sup>28</sup> *Id.*

<sup>29</sup> Section 112.1915(1)(f), F.S.

Other death benefits under chapter 112, F.S., which are available to law enforcement, correctional officers, correctional probation officers, firefighters and instructional staff and school administrators who are killed in the line of duty include the following:

- Funeral and burial expenses (Full-time law enforcement, correctional, or correctional probation officer employed by a state agency under specified circumstances<sup>30</sup>; and instructional staff and school administrator employed by school district<sup>31</sup>);
- Surviving family health insurance premiums payment by political subdivision of the state and local school district (Full-time law enforcement officer or correctional officer;<sup>32</sup> full-time firefighter;<sup>33</sup> and instructional staff and school administrator<sup>34</sup>);
- Family health insurance premium payments for catastrophic injury (Full-time law enforcement, correctional, correctional probation officer,<sup>35</sup> or firefighter<sup>36</sup> employed by state or a political subdivision of state); and
- Educational expenses of surviving spouse and children (law enforcement, correctional, or correctional probation officer;<sup>37</sup> firefighter;<sup>38</sup> and instructional staff or school administrator<sup>39</sup>).

### III. Effect of Proposed Changes:

**Section 1** amends s. 112.19, F.S, to provide that the qualifying survivor of a law enforcement officer,<sup>40</sup> correctional officer or a correctional probation officer who is killed in the line of duty; is killed when off duty while acting in an official capacity to prevent injury, death, or loss of property; or otherwise killed by reason of his or her employment as an officer is eligible for the following benefits.

The new monthly benefit granted is equal to 50 percent of monthly salary at time of the law enforcement officer, correctional officer, or correctional probation officer's death. The monthly benefit is payable:

- a. For the lesser of the surviving spouse's lifetime or 300 months (25 years).
- b. If the surviving spouse dies before receiving 300 monthly payments, for the use and benefit of member's child or children until the later of the 21<sup>st</sup> birthday of member's youngest child, or until the 25<sup>th</sup> birthday of any child of the officer if such child is enrolled as full-time student.
- c. If no surviving spouse but a surviving child or children under the age of 25, for the use and benefit of member's child or children under the same terms and conditions noted above in b.
- d. If no surviving spouse or children, but a surviving joint annuitant under the Florida Retirement System, for the use and benefit of such joint annuitants until those joint annuitants no longer receive benefits under the FRS but not to exceed 300 months.

<sup>30</sup> Section 112.19(2)(f), F.S.

<sup>31</sup> Section 112.1915(3)(b), F.S.

<sup>32</sup> Section 112.19(2)(g), F.S.

<sup>33</sup> Section 112.191(2)(f), F.S.

<sup>34</sup> Section 112.1915(3)(c), F.S.

<sup>35</sup> Section 112.19(2)(h), F.S.

<sup>36</sup> Section 112.191(2)(g), F.S.

<sup>37</sup> Section 112.19(3), F.S.

<sup>38</sup> Section 112.191(3), F.S.

<sup>39</sup> Section 112.1915(3)(d), F.S., (surviving children only, not spouse)

<sup>40</sup> As this term is defined in Section 943.10(1), F.S.

Additionally, this section provides for an annual appropriation from the General Revenue Fund to the State Risk Management Trust Fund within the Department of Financial Services cover the annual costs associated with payment of the benefits authorized by this section.

This section also authorizes local governments to provide similar benefits to its law enforcement officers, correctional officers, and correctional probation officers.

**Section 2** amends s. 112.191, F.S., to provide the same new death benefits authorized in s. 112.19, F.S., to firefighters.

**Section 3** provides an effective date of July 1, 2015.

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

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

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

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

None.

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

None.

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

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

None.

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

None.

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

The fiscal impact on the State of Florida is indeterminate.

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

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends ss. 112.19 and 112.191 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.)

**PCS (218244) by Governmental Oversight and Accountability:**

The PCS makes the following changes:

- Creates the new ILOD death benefits in chapter 112, F.S., relating to public employees rather than ch. 121, F.S., relating to the FRS. This means the benefits will not be funded through contributions to the FRS.
- Expands the employees eligible for the new benefits to include correctional officers and correctional probation officers employed by the state.
- Modifies the beneficiaries eligible to receive the death benefits to include only the surviving spouse, children up to age 21 or children up to age 25 if enrolled as full-time students, and certain joint annuitants that receive other benefits under the FRS.
- Limits the monthly benefits to 300 months (25 years)
- Authorizes local governments to provide similar benefits to their employees in the same occupations.

**B. Amendments:**

None.



519514

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2015	.	
	.	
	.	
	.	

---

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

**Senate Amendment (with title amendment)**

Between lines 180 and 181

insert:

Section 3. For the purpose of incorporating the amendment  
made by this act to section 112.19, Florida Statutes, in a  
reference thereto, Section 185.21, Florida Statutes, is  
reenacted to read

185.21 Death prior to retirement; refunds of contributions  
or payment of death benefits.—For any municipality, chapter



519514

11 plan, local law municipality, or local law plan under this  
12 chapter:

13 (1) If a police officer dies before being eligible to  
14 retire, the heirs, legatees, beneficiaries, or personal  
15 representatives of such deceased police officer shall be  
16 entitled to a refund of 100 percent, without interest, of the  
17 contributions made to the municipal police officers' retirement  
18 trust fund by such deceased police officer or, in the event an  
19 annuity or life insurance contract has been purchased by the  
20 board on such police officer, then to the death benefits  
21 available under such life insurance or annuity contract, subject  
22 to the limitations on such death benefits set forth in s.  
23 185.061 whichever amount is greater.

24 (2) If a police officer having at least 10 years of  
25 credited service dies prior to retirement, his or her  
26 beneficiary is entitled to the benefits otherwise payable to the  
27 police officer at early or normal retirement age.

28  
29 In the event that a death benefit paid by a life insurance  
30 company exceeds the limit set forth in s. 185.061(6), the excess  
31 of the death benefit over the limit shall be paid to the  
32 municipal police officers' retirement trust fund. However, death  
33 benefits as provided pursuant to s. 112.19 or any other state or  
34 federal law shall not be included in the calculation of death or  
35 retirement benefits provided under this chapter.

36 Section 4. For the purpose of incorporating the amendment  
37 made by this act to section 112.191, Florida Statutes, in a  
38 reference thereto, Section 175.201, Florida Statutes, is  
39 reenacted to read



519514

40           175.201 Death prior to retirement; refunds of  
41 contributions; death benefits.—For any municipality, special  
42 fire control district, chapter plan, local law municipality,  
43 local law special fire control district, or local law plan under  
44 this chapter:

45           (1) If a firefighter dies before being eligible to retire,  
46 the heirs, legatees, beneficiaries, or personal representatives  
47 of such deceased firefighter shall be entitled to a refund of  
48 100 percent, without interest, of the contributions made to the  
49 firefighters' pension trust fund by such deceased firefighter  
50 or, in the event an annuity or life insurance contract has been  
51 purchased by the board of trustees on such firefighter, then to  
52 the death benefits available under such life insurance or  
53 annuity contract subject to the limitations on such death  
54 benefits set forth in s. 175.081, whichever amount is greater.

55           (2) If a firefighter having at least 10 years of credited  
56 service dies prior to retirement, his or her beneficiary is  
57 entitled to the benefits otherwise payable to the firefighter at  
58 early or normal retirement age.

59  
60 In the event that the death benefit paid by a life insurance  
61 company exceeds the limit set forth in s. 175.081, the excess of  
62 the death benefit over the limit shall be paid to the  
63 firefighters' pension trust fund. However, death benefits  
64 provided pursuant to s. 112.191 or any other state or federal  
65 law shall not be included in the calculation of death or  
66 retirement benefits provided under this chapter.

67  
68 ===== T I T L E   A M E N D M E N T =====



519514

69 And the title is amended as follows:

70 Delete line 11

71 and insert:

72 benefit; reenacting s. 185.21, F.S., relating to

73 municipal police pensions, to incorporate the

74 amendment made to s. 112.19, F.S.; reenacting s.

75 175.201, F.S., relating to firefighter pensions, to

76 incorporate the amendment made to s. 112.191, F.S.;

77 providing an effective date.



585-01209A-15

Proposed Committee Substitute by the Committee on Governmental  
Oversight and Accountability

A bill to be entitled

An act relating to public officers and employees;  
amending ss. 112.19 and 112.191, F.S.; specifying  
eligibility of a monthly death benefit payment to the  
surviving spouse, child, or joint annuitant of a law  
enforcement officer, correctional officer,  
correctional probation officer, or firefighter  
employed by a state agency; providing an annual  
appropriation; specifying applicability; authorizing  
political subdivisions to offer a monthly death  
benefit; providing an effective date.

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

Section 1. Subsection (4) of section 112.19, Florida  
Statutes, is amended, present subsection (6) of that section is  
redesignated as subsection (8), and a new subsection (6) and  
subsection (7) are added to that section, to read:

112.19 Law enforcement, correctional, and correctional  
probation officers; death benefits.—

(4) (a) The employer of such law enforcement, correctional,  
or correctional probation officer is liable for the payment of  
the sums specified in subsection (2) ~~this section~~ and is deemed  
self-insured, unless it procures and maintains, or has already  
procured and maintained, insurance to secure such payments. Any  
such insurance may cover only the risks indicated in subsection  
(2) ~~this section~~, in the amounts indicated in subsection (2)



585-01209A-15

~~this section~~, or it may cover those risks and additional risks  
and may be in larger amounts. Any such insurance shall be placed  
by such employer only after public bid of such insurance  
coverage which coverage shall be awarded to the carrier making  
the lowest best bid.

(b) Payment of benefits to beneficiaries of state  
employees, or of the premiums to cover the risk, under  
subsection (2) ~~the provisions of this section~~ shall be paid from  
existing funds otherwise appropriated to the department  
employing the law enforcement, correctional, or correctional  
probation officers.

(6) (a) If a law enforcement, correctional, or correctional  
probation officer who is employed by a state agency is killed in  
the line of duty; is killed when off-duty while acting in an  
official capacity to prevent injury, death, or loss of property;  
or is otherwise killed by reason of his or her employment as a  
law enforcement, correctional, or correctional probation  
officer, the following benefits shall be paid:

1. The surviving spouse shall receive a monthly payment  
equal to 50 percent of the monthly salary received by the law  
enforcement, correctional, or correctional probation officer at  
the time of death for the lesser of the surviving spouse's  
lifetime or 300 months.

2. If the surviving spouse of the law enforcement,  
correctional, or correctional probation officer dies before  
receiving 300 monthly payments, the monthly payment that would  
have been payable to the surviving spouse had the spouse lived  
shall be paid for the use and benefit of the child or children  
of such law enforcement, correctional, or correctional probation



585-01209A-15

57 officer until the later of:

58 a. The 21st birthday of the youngest child of the law  
59 enforcement, correctional, or correctional probation officer.

60 b. The 25th birthday of any child of the law enforcement,  
61 correctional, or correctional probation officer as long as the  
62 child is enrolled for a minimum of 12 credit hours per semester  
63 or academic term at an eligible educational institution, as  
64 defined in s. 1009.97(3).

65 c. The day a child of the law enforcement, correctional, or  
66 correctional probation officer who is physically disabled or  
67 mentally disabled and incapable of self-support is no longer  
68 disabled. The Department of Management Services may require  
69 proof of disability or continued disability in the same manner  
70 as is provided for a person seeking or receiving a disability  
71 retirement benefit under s. 121.091(4).

72 3. If the law enforcement, correctional, or correctional  
73 probation officer does not have a surviving spouse but is  
74 survived by a child or children younger than 25 years of age,  
75 the benefits provided under subparagraph 1., normally payable to  
76 a surviving spouse, shall be paid for the use and benefit of the  
77 child or children of such law enforcement, correctional, or  
78 correctional probation officer under the same terms and  
79 conditions provided in subparagraph 2.

80 4. If a law enforcement, correctional, or correctional  
81 probation officer does not have a surviving spouse or surviving  
82 child but is survived by a joint annuitant receiving benefits  
83 under chapter 121, the benefits provided under subparagraph 1.,  
84 normally payable to a surviving spouse, shall be paid for the  
85 use and benefit of the joint annuitant, as defined in s.



585-01209A-15

86 121.021, of such law enforcement, correctional, or correctional  
87 probation officer for the same time period as the joint  
88 annuitant receives benefits under chapter 121, not to exceed 300  
89 months.

90 (b) There is annually appropriated from the General Revenue  
91 Fund, to be paid into the State Risk Management Trust Fund  
92 within the Department of Financial Services, an amount necessary  
93 to cover the annual costs associated with payment of the  
94 benefits authorized by this subsection.

95 (c) The benefits authorized by this subsection are in  
96 addition to all other benefits authorized by this section or  
97 chapter 121.

98 (d) The benefits shall be paid only for law enforcement,  
99 correctional, and correctional probation officers killed on or  
100 after July 1, 2015.

101 (7) A county, municipality, or other political subdivision  
102 of the state may offer, at its expense, benefits not to exceed  
103 the benefits specified in subsection (6) to law enforcement,  
104 correctional, or correctional probation officers employed by  
105 such entity.

106 Section 2. Subsection (4) of section 112.191, Florida  
107 Statutes, is amended, present subsection (5) of that section is  
108 redesignated as subsection (7), and a new subsection (5) and  
109 subsection (6) are added to that section, to read:

110 112.191 Firefighters; death benefits.—

111 (4)(a) The employer of such firefighter shall be liable for  
112 the payment of said sums specified in subsection (2) ~~this~~  
113 section and shall be deemed self-insured, unless it procures and  
114 maintains, or has already procured and maintained, insurance to



585-01209A-15

115 secure such payments. Any such insurance may cover only the  
116 risks indicated in subsection (2) this section, in the amounts  
117 indicated in subsection (2) this section, or it may cover those  
118 risks and additional risks and may be in larger amounts. Any  
119 such insurance shall be placed by such employer only after  
120 public bid of such insurance coverage which coverage shall be  
121 awarded to the carrier making the lowest best bid.

122 (b) Payment of benefits to beneficiaries of state  
123 employees, or of the premiums to cover the risk, under  
124 subsection (2) the provisions of this section, shall be paid  
125 from existing funds otherwise appropriated for the department.

126 (5) (a) If a firefighter who is employed by a state agency  
127 is killed in the line of duty; is killed when off-duty while  
128 acting in an official capacity to prevent injury, death, or loss  
129 of property; or is otherwise killed by reason of his or her  
130 employment as a firefighter, the following benefits shall be  
131 paid:

132 1. The surviving spouse shall receive a monthly payment  
133 equal to 50 percent of the monthly salary received by the  
134 firefighter at the time of death for the lesser of the surviving  
135 spouse's lifetime or 300 months.

136 2. If the surviving spouse of the firefighter dies before  
137 receiving 300 monthly payments, the monthly payment that would  
138 have been payable to the surviving spouse had the spouse lived  
139 shall be paid for the use and benefit of the child or children  
140 of such firefighter until the later of:

141 a. The 21st birthday of the youngest child of the  
142 firefighter.

143 b. The 25th birthday of any child of the firefighter as



585-01209A-15

144 long as such child is enrolled for a minimum of 12 credit hours  
145 per semester or academic term at an eligible educational  
146 institution, as defined in s. 1009.97(3).

147 c. The day a child of the firefighter who is physically  
148 disabled or mentally disabled child and incapable of self-  
149 support is no longer disabled. The Department of Management  
150 Services may require proof of disability or continued disability  
151 in the same manner as is provided for a person seeking or  
152 receiving a disability retirement benefit under s. 121.091(4).

153 3. If the firefighter does not have a surviving spouse but  
154 is survived by a child or children younger than 25 years of age,  
155 the benefits provided under subparagraph 1., normally payable to  
156 a surviving spouse, shall be paid for the use and benefit of the  
157 child or children of the firefighter under the same terms and  
158 conditions provided in subparagraph 2.

159 4. If a firefighter does not have a surviving spouse or  
160 surviving child but is survived by a joint annuitant receiving  
161 benefits under chapter 121, the benefits provided under  
162 subparagraph 1., normally payable to a surviving spouse, shall  
163 be paid for the use and benefit of the joint annuitant, as  
164 defined in s. 121.021, of such firefighter for the same time  
165 period as the joint annuitant receives benefits under chapter  
166 121, not to exceed 300 months.

167 (b) There is annually appropriated from the General Revenue  
168 Fund, to be paid into the State Risk Management Trust Fund  
169 within the Department of Financial Services, an amount necessary  
170 to cover the annual costs associated with payment of the  
171 benefits authorized by this subsection.

172 (c) The benefits authorized by this subsection are in



218244

585-01209A-15

173 addition to all other benefits authorized by this section or  
174 chapter 121.

175 (d) The benefits shall be paid only for firefighters killed  
176 on or after July 1, 2015.

177 (6) A county, municipality, or other political subdivision  
178 of the state may offer, at its expense, benefits not to exceed  
179 the benefits specified in subsection (5) to firefighters  
180 employed by such entity.

181 Section 3. This act shall take effect July 1, 2015.

**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/SB 136

**INTRODUCER:** Governmental Oversight and Accountability Committee and Senators Hays and Latvala

**SUBJECT:** Florida Retirement System

**DATE:** February 4, 2015      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	<b>Fav/CS</b>
2.			CA	
3.			AP	

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 136 amends ss. 112.19 and 112.191, F.S., to provide additional death benefits for law enforcement officers, correctional officers, correctional probation officers and firefighters who are employed by the state and are killed in the line of duty. This monthly benefit equals 50 percent of the monthly salary being received by the member at the time of death as follows:

- Payable to the surviving spouse for the lesser of the lifetime of the spouse or 300 months (25 years);
- If no surviving spouse, payable until the youngest child reaches age 21, or any child reaches age 25 if that child is a full-time student;
- If no surviving spouse or children, payable to a joint annuitant under the Florida Retirement System (FRS) for the lesser of the period the joint annuitant receives benefits under the FRS or 300 months.

The bill appropriates from the General Revenue Fund to the State Risk Management Trust Fund of the Department of Financial Services the funds necessary to cover the annual costs associated with these new benefits.

The bill authorizes local governments to offer similar benefits to law enforcement officers, correctional officers, correctional probation officers or firefighters employed by the local governments.

The bill reenacts s. 185.21, F.S., relating to municipal police pensions to incorporate amendment made to s. 112.19, F.S. The bill also reenacts s. 175.201, F.S., relating to firefighter pensions to incorporate amendment made to s. 112.191, F.S.

The fiscal impact on the State of Florida is indeterminate.

## II. Present Situation:

### In Line of Duty Death Benefits Available under Chapter 121, F.S.

#### *Pension Plan*

The Florida Retirement System (FRS) currently provides death benefits for surviving spouses and/or eligible dependents of active members of the pension plan. Death benefits may be paid for an active member of the FRS pension plan who dies before retirement due to an injury or illness.<sup>1</sup> Certain health conditions for firefighters, law enforcement, correctional and correctional probation officers are deemed accidental and suffered in the line of duty.<sup>2</sup> If the injury or illness arises out of and in the actual performance of duty required by his or her job, the member's surviving spouse and/or eligible dependent(s) are entitled to in-line-of-duty (ILOD) death benefits. There are important differences in the laws applicable to death benefits, depending on whether the death is found to be due to an injury or illness "suffered in the line of duty."

If an active FRS member (regardless of vested status) dies in the line of duty, the surviving spouse receives a monthly benefit for her lifetime equal to half the member's monthly salary at death.<sup>3</sup> If the spouse dies, the benefit continues until member's youngest child reaches 18 or is married, if earlier.<sup>4</sup> If the deceased member is entitled to a higher retirement benefit based on service credit, the higher benefit is payable to his/her spouse or eligible dependent(s).<sup>5</sup>

*Special Survivor Provisions* — For ILOD deaths, the surviving spouse or eligible dependent may purchase credit for any service, which could have been claimed by the member at the time of his/her death.<sup>6</sup> If a member dies within one year of vesting, the surviving spouse or other eligible dependent may use the member's annual, sick, or compensatory leave, or purchasable service, to purchase enough service credit to vest the member posthumously (and entitle the surviving beneficiary to a death benefit).<sup>7</sup>

*Burden of Proof* — Unless a legal presumption applies such as the one provided under section 112.18, F.S., the eligible beneficiary must show by competent evidence that the death occurred in the line of duty to qualify to receive the higher in the line of duty death benefits.

---

<sup>1</sup> Section 121.091(7), F.S.

<sup>2</sup> Section 112.18(1)(a), F.S. Any condition of health caused by tuberculosis, heart disease or hypertension for firefighters, law enforcement officers, correctional officers and correctional probation officers resulting in the total or partial disability or death shall be presumed to have been accidental and suffered in the line of duty.

<sup>3</sup> Section 121.091(7)(d), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 121.091(7)(b) and (d), F.S.

<sup>6</sup> Section 121.091(7)(e), F.S.

<sup>7</sup> Section 121.091(7)(f), F.S.

The following chart notes the Special Risk Class ILOD death benefits for the last five years for the State of Florida and the local governmental entities participating in the FRS:<sup>8</sup>

	2009-10	2010-11	2011-12	2012-13	2013-14	Total
<b>State Count</b>	0	2	2	1	0	5
<b>State Benefits</b>	0	\$49,928	\$37,424	\$25,862	0	\$113,214
<b>Local Count</b>	5	5	4	2	1	17
<b>Local Benefits</b>	\$146,836	\$129,389	\$97,061	\$56,932	\$30,052	\$460,270

**Investment Plan and other state-administered defined contribution plans**

FRS Investment Plan

In 2000, the Legislature created the Public Employee Optional Retirement Program (Investment Plan), a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan. Benefits under the Investment Plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.

A member vests immediately in all employee contributions paid to the Investment Plan.<sup>9</sup> With respect to the employer contributions, a member vests after completing one work year with an FRS employer.<sup>10</sup> Regardless of when or how an investment plan member dies, there is no minimum death benefit payable to the surviving spouse or children. If the member dies before vesting, the accumulated member contributions are payable to the designated beneficiary. If the member is vested at the time of death, the full accumulations in the member’s account are payable as a lump-sum distribution, direct rollover distribution, or periodic distribution.<sup>11</sup>

State University System Optional Retirement Program

On July 1, 1984, the State University Optional Retirement Program (SUSORP) was established as an optional program under the FRS for eligible State University faculty and administrators. The program was later expanded in 1988 to include the State University System Executive Service and in 1999 to include all administrative and professional personnel exempt from career service. As of June 30, 2013, there were 17,780 participants in the SUSORP.

The SUSORP is a defined contribution plan qualified under the provisions of section 403(b) of the Internal Revenue Code that provides retirement and death benefits through contracts with

<sup>8</sup> E-mail from Department of Management Services dated Jan. 12, 2015

<sup>9</sup> Section 121.4501(6)(a), F.S.

<sup>10</sup> Section 121.4501(6)(b), F.S.

<sup>11</sup> Section 121.591, F.S.

designated investment providers<sup>12</sup>. It provides for full and immediate vesting of all contributions submitted to the participating companies on behalf of the participant upon signing an investment contract within 90 days of employment in an eligible position. Contributions, which are invested as directed by the participant, accumulate in individual participant accounts, together with investment earnings. At retirement, the accumulated benefits are payable to the participant or to his or her beneficiaries or estate.

There are no ILOD minimum death benefits provided to members of the SUSORP.

#### State Community College System Optional Retirement Program

In 1995, the Florida Legislature enacted provisions<sup>13</sup> allowing faculty and certain administrators with a state community college *in the FRS Regular Class* to opt out of the FRS and enroll in an optional retirement program known as the State Community College System Optional Retirement Program (SCCORP). The board of trustees of the employing agency as authorized under section 1001.64, Florida Statutes, must implement this program either individually or in consortia with other community colleges. The member is immediately vested upon signing an investment agreement with a provider company and may voluntarily contribute, by salary reduction, an amount not to exceed the percentage contributed by the employer to the member's account.

There are no ILOD minimum death benefits provided to members of SCCORP.

#### Senior Management Service Optional Annuity Program

In 1986, the Florida Legislature enacted provisions<sup>14</sup> creating the Senior Management Service Class under the FRS and also a non-integrated optional defined contribution plan under the FRS called the Senior Management Service Optional Annuity Program (SMSOAP). Under the SMSOAP, retirement and death benefits are provided through contracts with designated investment providers. The member may voluntarily contribute, by salary reduction, an amount not to exceed the percentage contributed by the employer to the member's account.

There are no ILOD death benefits provided to members of SMSOAP.

#### **Death benefits available under Chapter 112, F.S.**

Chapter 112, F.S., provides death benefits that are supplemental to the benefits afforded under ch. 121, F.S., for law enforcement officers, correctional officers, correctional probation officers, firefighters, instructional staff and school administrators under specified circumstances.<sup>15</sup> The

---

<sup>12</sup> The five approved participating companies currently available under SUSORP are: ING, TIAA-CREF, Variable Annuity Life Insurance Company, Jefferson National Life Insurance Company, and MetLife Investors USA Insurance Company.

<sup>13</sup> See chapter 95-392, Laws of Florida.

<sup>14</sup> See chapter 86-149, Laws of Florida.

<sup>15</sup> Section 112.19(1)(b), F.S., the term "law enforcement, correctional, or correctional probation officer" means any officer as defined by s. 943.10(14) or any employee of the state or any political subdivision of the state, including any state attorney investigator or public defender investigator whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices;

table below shows the benefits provided. The nominal amounts cited below for law enforcement and firefighters are adjusted annually for price level changes in the Consumer Price Index since 2002.<sup>16</sup>

	Law Enforcement	Firefighters	Instructional Personnel <sup>17</sup>
Accidental Death in performance of duties	\$50,000 <sup>18</sup>	\$50,000 <sup>19</sup>	None.
Accidental Death in response to emergency	Additional \$50,000 <sup>20</sup>	Additional \$50,000 <sup>21</sup>	None.
Death by intentional act of another	\$150,000 <sup>22</sup>	\$150,000 <sup>23</sup>	\$75,000 <sup>24</sup>

Please note that the payments outlined above for accidental death in performance of duties (\$50,000), accidental death in response to emergency (\$50,000) and death by intentional act of another (\$150,000), for firefighters, law enforcement, correctional, and correctional probation officers, the law provides that such payments will be made to the beneficiary designated by the firefighter or officer in writing.<sup>25</sup> If no designation is made, payments are made to the firefighter or officer’s surviving spouse and children in equal amounts.<sup>26</sup> If there is no surviving spouse or children, payment is made to the firefighter’s or officer’s parents.<sup>27</sup> If there is no surviving spouse, child or parent, payment will be made to the firefighter’s or officer’s estate.<sup>28</sup>

and any full-time officer or employee of the state or any political subdivision of the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend a session of a circuit or county court as bailiff.

<sup>16</sup> Sections 112.19(2)(j) and 112.191(2)(i), F.S.

<sup>17</sup> Section 112.1915(1)(b), F.S., provides that the term “teacher” means any instructional staff personnel as described in s. 1012.01(2). Instructional personnel includes classroom teachers, student personnel services, librarians/media specialists, other instructional staff, and education paraprofessionals.

<sup>18</sup> Section 112.19(2)(a), F.S., if the officer is accidentally killed or receives accidental bodily injury resulting in loss of the officer’s life while engaged in the performance of the officer’s duties, provided that such killing or injury is not intentionally self-inflicted.

<sup>19</sup> Section 112.191(2)(a), F.S., if the firefighter is accidentally killed or receives accidental bodily injury resulting in loss of the firefighter’s life while engaged in the performance of the firefighter’s duties, provided that such killing or injury is not intentionally self-inflicted.

<sup>20</sup> Section 112.19(2)(b), F.S., if the officer is accidentally killed while: responding to fresh pursuit or an emergency; enforcing a traffic law or ordinance; or at the scene of a traffic accident to which the officer has responded.

<sup>21</sup> Section 112.191(2)(b), F.S., if the firefighter is accidentally killed as result of firefighter’s response to emergency involving protection of life or property or the firefighter’s participation in a training exercise.

<sup>22</sup> Section 112.19(2)(c), F.S., if the officer (while engaged in the performance of the officer’s duties) is unlawfully and intentionally killed or dies as a result of an unlawful and intentional act.

<sup>23</sup> Section 112.191(2)(c), F.S., if the firefighter (while engaged in performance of the firefighter’s duties) is unlawfully or intentionally killed, is injured by an unlawful and intentional act of another and dies as a result of such injury, or dies as a result of a fire which has been determined to have been caused by an act of arson.

<sup>24</sup> Section 112.1915(2)(3)(a), F.S., if the instructional staff or school administrator is killed or injured and dies as a result of an unlawful and intentional act inflicted by another person.

<sup>25</sup> Sections 112.191(2)(d) and 112.19(2)(d), F.S.

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

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

<sup>28</sup> *Id.*

In regards to the payment outlined on the previous page concerning the death by intentional act of another (\$75,000) for instructional personnel, if a beneficiary is not designated, the instructional staff's or school administrator's estate would receive the money.<sup>29</sup>

Other death benefits under chapter 112, F.S., which are available to law enforcement, correctional officers, correctional probation officers, firefighters and instructional staff and school administrators who are killed in the line of duty include the following:

- Funeral and burial expenses (Full-time law enforcement, correctional, or correctional probation officer employed by a state agency under specified circumstances<sup>30</sup>; and instructional staff and school administrator employed by school district<sup>31</sup>);
- Surviving family health insurance premiums payment by political subdivision of the state and local school district (Full-time law enforcement officer or correctional officer,<sup>32</sup> full-time firefighter,<sup>33</sup> and instructional staff and school administrator<sup>34</sup>);
- Family health insurance premium payments for catastrophic injury (Full-time law enforcement, correctional, correctional probation officer,<sup>35</sup> or firefighter<sup>36</sup> employed by state or a political subdivision of state); and
- Educational expenses of surviving spouse and children (law enforcement, correctional, or correctional probation officer;<sup>37</sup> firefighter,<sup>38</sup> and instructional staff or school administrator<sup>39</sup>).

#### **Death benefits available under Chapter 185, F.S.**

Chapter 175, F.S., governs municipal police pensions. If a municipal police officer dies before being eligible to retire, the officer's beneficiaries will:

- Receive a refund of all contributions made by the officer to the retirement trust fund;<sup>40</sup>
- Death benefits from life insurance or annuity contract if purchased for officer, subject to limitations;<sup>41</sup>
- Benefits payable to officer at early or normal retirement age (if officer had at least 10 years of service).<sup>42</sup>

Death benefits provided in accordance with s. 112.19, F.S., are not included in the calculation of death or retirement benefits under this chapter.<sup>43</sup>

<sup>29</sup> Section 112.1915(1)(f), F.S.

<sup>30</sup> Section 112.19(2)(f), F.S.

<sup>31</sup> Section 112.1915(3)(b), F.S.

<sup>32</sup> Section 112.19(2)(g), F.S.

<sup>33</sup> Section 112.191(2)(f), F.S.

<sup>34</sup> Section 112.1915(3)(c), F.S.

<sup>35</sup> Section 112.19(2)(h), F.S.

<sup>36</sup> Section 112.191(2)(g), F.S.

<sup>37</sup> Section 112.19(3), F.S.

<sup>38</sup> Section 112.191(3), F.S.

<sup>39</sup> Section 112.1915(3)(d), F.S., (surviving children only, not spouse)

<sup>40</sup> Section 185.21(1), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> Section 185.21(2), F.S.

<sup>43</sup> *Id.*

### **Death benefits available under Chapter 175, F.S.**

Chapter 175, F.S., governs firefighter pensions. If a firefighter dies before being eligible to retire, the officer's beneficiaries will:<sup>44</sup>

- Receive a refund of all contributions made by the firefighter to the pension trust fund;<sup>45</sup>
- Death benefits from life insurance or annuity contract if purchased for firefighter, subject to limitations;<sup>46</sup>
- Benefits payable to firefighter at early or normal retirement age (if officer had at least 10 years of service).<sup>47</sup>

Death benefits provided in accordance with s. 112.191, F.S., are not included in the calculation of death or retirement benefits under this chapter.

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

**Section 1** amends s. 112.19, F.S., to provide that the qualifying survivor of a law enforcement officer,<sup>48</sup> correctional officer or a correctional probation officer who is killed in the line of duty; is killed when off duty while acting in an official capacity to prevent injury, death, or loss of property; or otherwise killed by reason of his or her employment as an officer is eligible for the following benefits.

The new monthly benefit granted is equal to 50 percent of monthly salary at time of the law enforcement officer, correctional officer, or correctional probation officer's death. The monthly benefit is payable:

- a. For the lesser of the surviving spouse's lifetime or 300 months (25 years).
- b. If the surviving spouse dies before receiving 300 monthly payments, for the use and benefit of member's child or children until the later of the 21<sup>st</sup> birthday of member's youngest child, or until the 25<sup>th</sup> birthday of any child of the officer if such child is enrolled as full-time student.
- c. If no surviving spouse but a surviving child or children under the age of 25, for the use and benefit of member's child or children under the same terms and conditions noted above in b.
- d. If no surviving spouse or children, but a surviving joint annuitant under the Florida Retirement System, for the use and benefit of such joint annuitants until those joint annuitants no longer receive benefits under the FRS but not to exceed 300 months.

Additionally, this section provides for an annual appropriation from the General Revenue Fund to the State Risk Management Trust Fund within the Department of Financial Services cover the annual costs associated with payment of the benefits authorized by this section.

<sup>44</sup> Section 175.201, F.S., for firefighters employed by any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan.

<sup>45</sup> Section 175.201(1), F.S.

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

<sup>47</sup> Section 175.201(2), F.S.

<sup>48</sup> As this term is defined in Section 943.10(1), F.S.

This section also authorizes local governments to provide similar benefits to its law enforcement officers, correctional officers, and correctional probation officers.

**Section 2** amends s. 112.191, F.S., to provide the same new death benefits authorized in s. 112.19, F.S., to firefighters.

**Section 3** reenacts s. 185.21, F.S., relating to municipal police pensions, to incorporate the amendment made to s. 112.19, F.S.

**Section 4** reenacts s. 175.201, F.S., relating to firefighter pensions, to incorporate the amendment made to s. 112.191, F.S.

**Section 5** provides an effective date of July 1, 2015.

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

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

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

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

None.

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

None.

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

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

None.

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

None.

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

The fiscal impact on the State of Florida is indeterminate.

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

None.

## VII. Related Issues:

Article VIII, section 2, of the State Constitution authorizes the Legislature to establish or abolish municipal governments pursuant to general or special law. A municipality is a local government entity located within a county that is created to perform additional functions and services for the particular benefit of the population within the municipality. The Municipal Home Rule Powers Act, granted in Art. VIII, section 2(b), of the State Constitution, states that a municipality may provide any governmental, corporate, or proprietary powers necessary so long as: 1) it is for a municipal purpose, and 2) it is not otherwise prohibited by general or special law.<sup>49</sup> The Florida Supreme Court considers any activity that is “essential to the health, morals, protection and welfare of the municipality” to be a valid municipal purpose.<sup>50</sup> While municipalities and charter counties have constitutional home rule power, non-charter counties only have home rule powers as provided by law.

To the extent that municipalities would want to offer benefits in excess of the benefits provided herein, this bill may limit this ability.

## VIII. Statutes Affected:

This bill substantially amends ss. 112.19 and 112.191 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.)

#### **CS/SB 136 by Governmental Oversight and Accountability:**

CS/SB 136 makes the following changes:

- Creates the new death benefits in chapter 112, F.S., relating to public employees, rather than ch. 121, F.S., relating to the FRS. This means the benefits will not be funded through contributions to the FRS.
- Expands the employees eligible for the new benefits to include correctional officers and correctional probation officers employed by the state.
- Modifies the beneficiaries eligible to receive the death benefits to include only the surviving spouse, children up to age 21 or children up to age 25 if enrolled as full-time students, and certain joint annuitants that receive other benefits under the FRS.
- Limits the monthly benefits to 300 months (25 years).
- Authorizes local governments to provide similar benefits to their employees in the same occupations.
- Reenacts s. 185.21, F.S., relating to municipal police pensions, to incorporate the amendment made to s. 112.19, F.S.
- Reenacts s. 175.201, F.S., relating to firefighter pensions, to incorporate the amendment made to s. 112.191, F.S.

<sup>49</sup> *City of Boca Raton v. Gidman*, 440 So.2d 1277 (Fla. 1983) (providing money for a daycare is a valid municipal purpose that was not precluded by the city charter).

<sup>50</sup> *State v. City of Jacksonville*, 50 So.2d 532,535 (Fla. 1951) (stating that “municipal purpose” is broadly interpreted to include the maintenance and operation of a radio broadcasting system by the city).

B. Amendments:

None.

---

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

---

By Senator Hays

11-00153A-15

2015136\_\_

A bill to be entitled

An act relating to the Florida Retirement System; amending s. 121.091, F.S.; specifying eligibility of a monthly death benefit payment to the surviving spouse, child, or parent of a law enforcement officer or firefighter employed by the state; providing an annual appropriation; providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (7) of section 121.091, Florida Statutes, to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39) (a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(7) DEATH BENEFITS.—

(i)1. Notwithstanding any other provision in this chapter or chapter 112 to the contrary, a qualifying survivor of a member employed by the state as a law enforcement officer as

Page 1 of 3

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

11-00153A-15

2015136\_\_

defined in s. 943.10 or as a firefighter as defined in s. 112.191, who is killed in the line of duty; is killed when off duty while acting in an official capacity to prevent injury, death, or loss of property; or otherwise killed by reason of his or her employment as a law enforcement officer or as a firefighter, is eligible for the following minimum benefits:

a. The surviving spouse may receive a monthly payment equal to the monthly salary being received by the member at the time of death for the rest of the surviving spouse's lifetime.

b. If the surviving spouse of the member dies, the monthly payment that would have been payable to the surviving spouse had the spouse lived shall be paid for the use and benefit of such member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child, or until the end of the calendar year that the member's youngest child reaches the age of 25 if such child is enrolled as a full-time student.

c. If a member leaves no surviving spouse but is survived by a child or children under 18 years of age, the benefits provided by sub-subparagraph a., normally payable to a surviving spouse, shall be paid for the use and benefit of such member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child, or until the end of the calendar year that the member's youngest child reaches the age of 25 if such child is enrolled as a full-time student.

d. If a member leaves no surviving spouse or surviving children, but is survived by one or more parents, the benefits provided by sub-subparagraph a., normally payable to a surviving spouse or children, shall be paid for the use and benefit of

Page 2 of 3

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

11-00153A-15

2015136\_\_

59 such member's parents for a period not to exceed 5 years.

60 2. There is hereby annually appropriated from the General  
61 Revenue Fund, to be paid into the Florida Retirement System  
62 Trust Fund, an amount necessary to cover the additional costs  
63 associated with payment of the minimum benefits authorized by  
64 this paragraph to the extent that the costs of such benefits  
65 exceed other benefits authorized by law.

66 Section 2. This act shall take effect July 1, 2015.

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

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

2/3/2015

*Meeting Date*

SB 136

*Bill Number (if applicable)*

Topic Florida Retirement System

*Amendment Barcode (if applicable)*

Name Erin Hellkamp

Job Title Associate Lobbyist

Address 225 S. Adams Street, Suite 250

Phone 850.222.7718

*Street*

Tallahassee

FL 32301

Email guy@guyspearman.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/3/2015  
Meeting Date

5B136  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Kraig Conn

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

Address 301 S. Bronough Stc 300  
Street  
T-11 FL 32301  
City State Zip

Phone 222 9684

Email Kconn@flcities.com

Speaking:  For  Against  Information

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

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/3/2015

Meeting Date

SB 136

Bill Number (if applicable)

Topic Death Benefits for 1st Responders

Amendment Barcode (if applicable)

Name Matt Puckett

Job Title Lobbyist

Address 300 East Brevard Street

Phone 850-222-3329

Street

Tallahassee

FL

32301

Email

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida Police Benevolent Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2-3-15

Meeting Date

136 Amendment  
Bill Number (if applicable)

Topic Florida Retirement System

Amendment Barcode (if applicable)

Name Mike Riley

Job Title Business Agent

Address 7 Canbylover Dr  
Street

Phone 813-956-3875

Ormond Beach FL 32174  
City State Zip

Email mriley2011@outlook.com

Speaking:  For  Against  Information

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

Representing Teamsters Local 2011

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

# APPEARANCE RECORD

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

2 / 3 / 2015

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 136  
*(if applicable)*

Name BRIAN PITTS

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

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

*Street*

SAINT PETERSBURG      FLORIDA      33705

E-mail JUSTICE2JESUS@YAHOO.COM

*City*

*State*

*Zip*

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

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations Subcommittee on General Government, *Chair*  
Governmental Oversight and Accountability, *Vice Chair*  
Appropriations  
Environmental Preservation and Conservation  
Ethics and Elections  
Fiscal Policy

**JOINT COMMITTEE:**  
Joint Select Committee on Collective Bargaining, *Alternating Chair*

**SENATOR ALAN HAYS**  
11th District

# MEMORANDUM

**To:** Senator Jeremy Ring, Chair  
Governmental Oversight and Accountability Committee  
CC: Joe McVaney, Staff Director  
Allison Rudd, Committee Administrative Assistant

**From:** Senator D. Alan Hays

**Subject:** Request to agenda SB 136 – Florida Retirement System

**Date:** December 16, 2014

---

I respectfully request that you agenda the above referenced bill at your earliest convenience. If you have any questions regarding this legislation, I welcome the opportunity to meet with you one-on-one to discuss it in further detail. Thank you so much for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "D. Alan Hays" with a stylized flourish at the end.

D. Alan Hays, DMD  
State Senator, District 11

**REPLY TO:**

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

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

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** SB 401

**Case:**

**Type:**

**Caption:** Senate Governmental Oversight & Accountability Committee 10:AM

**Judge:**

**Started:** 2/3/2015 9:59:17 AM

**Ends:** 2/3/2015 10:30:45 AM

**Length:** 00:31:29

**9:59:19 AM** Meeting called to order, roll call  
**9:59:24 AM** Tab 2 - SB 7002 by Commerce and Tourism, by Senator Detert (Renaming Workforce Florida)  
**10:00:51 AM** Brian Pitts, Justice to Jesus  
**10:03:41 AM** Roll Call on SB 7002  
**10:04:00 AM** Tab 3 - CS/SB 144 Public Records/Impaired Practitioner Consultants  
**10:06:08 AM** Brian Pitts, Justice to Jesus  
**10:07:17 AM** Roll Call on CS/SB 144  
**10:07:30 AM** Tab 4 - SB 7000 by Community Affairs OGSR/Public Transit Priverider presented by Rachel Perrin Rogers  
**10:08:09 AM** PCS 871830  
**10:08:54 AM** Roll call on CS/SB 7000  
**10:09:07 AM** Tab 5 - SB 224 - Public Records/Public Agency Contracts, presented by Rachel Perrin Rogers  
**10:09:39 AM** 479722 by Sen. Latvala offered by Senator Ring  
**10:11:08 AM** Brian Pitts, Justice to Jesus  
**10:13:27 AM** Kraig Conn, Florida League of Cities  
**10:14:57 AM** Question by Sen. Hays, regarding cities and excess fees  
**10:15:29 AM** Kraig Conn, response  
**10:16:03 AM** Senator Latvala comment  
**10:16:30 AM** Roll call on CS/SB 224  
**10:17:08 AM** Tab 6 - SB 136 by Sen. Hays, Florida Retirement System  
**10:19:53 AM** PCS 218244  
**10:20:08 AM** 519514 by Sen. Hays  
**10:20:19 AM** Kraig Conn, Florida League of Cities  
**10:22:01 AM** Roll call CS/SB 136  
**10:22:21 AM** Sen. Latvala to be shown in the affirmative on a series of bills  
**10:22:53 AM** Tab 1, turn chair over to Sen. Hays, Sen. Ring to present SPB 7022 - Individ. With Disabilities  
**10:23:20 AM** Ryland Musick, Respect of Florida  
**10:24:11 AM** Susan Goldstein, Florida ARF, Dan Marino Foundation, ARC, Broward, Sandra DeLucca Ctr.  
**10:24:57 AM** Brian Pitts, Justice to Jesus  
**10:28:09 AM** Motion to submit as committee bill SPB 7022 and roll call  
**10:28:21 AM** Roll Call on SPB 7022  
**10:28:42 AM** Senator Bullard moves we rise