

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Simpson, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, February 9, 2016

TIME: 10:00 a.m.—12:00 noon

PLACE: 301 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Brandes, Vice Chair; Senators Abruzzo, Bradley, Dean, Diaz de la Portilla, Hutson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1602 Regulated Industries / Galvano (Similar CS/H 1289)	Elevators; Creating the "Maxwell Erik 'Max' Grablin Act"; providing clearance requirements for elevators installed in private residences; requiring certain doors and gates to withstand a specified amount of force; requiring certain doors to reject a sphere of a specified size under certain circumstances, etc. RI 01/27/2016 Fav/CS CA 02/09/2016 Fav/CS FP	Fav/CS Yeas 7 Nays 0
2	CS/SB 768 Regulated Industries / Flores (Similar CS/H 779)	Alarm System Registration; Providing a uniform process for the registration of home and business alarm systems under certain circumstances; requiring the owner, lessee, or occupant, or an authorized representative thereof, of a property to register an alarm system within 20 days after occupancy or after installation of the alarm system; authorizing the applicable local governmental entity to assess or impose fines or penalties for a failure to register an alarm system or for excessive false alarms; providing for written consent to an alarm system monitoring company to contact a law enforcement agency, etc. RI 01/27/2016 Fav/CS CA 02/09/2016 Fav/CS FP	Fav/CS Yeas 7 Nays 0
3	SB 620 Grimsley (Similar CS/H 315)	Medical Examiners; Providing that a member of the public may not be charged for certain examinations, investigations, or autopsies; authorizing a county to charge a medical examiner approval fee under certain circumstances, etc. HP 02/01/2016 Favorable CA 02/09/2016 Favorable FP	Favorable Yeas 7 Nays 0
4	CS/SB 1288 Military and Veterans Affairs, Space, and Domestic Security / Richter (Similar H 1169)	Emergency Management; Defining the term "activate" for purposes of part I of ch. 252, F.S., etc. MS 01/26/2016 Fav/CS CA 02/09/2016 Favorable RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, February 9, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 660 Hays (Similar H 735)	Local Governments; Authorizing the use of impact fees to construct new capital facilities or to improve, alter, or expand existing capital facilities; authorizing a county or municipality to impose a surcharge on documents taxable under provisions for the purpose of funding certain capital improvements and capital facilities in lieu of imposing impact fees; restricting the amount of the surcharge; prohibiting a county or municipality that imposes a surcharge for an authorized purpose from also imposing an impact fee for the same purpose, etc. CA 02/09/2016 Fav/CS FT FP	Fav/CS Yeas 6 Nays 1
6	SB 44 Garcia (Similar CS/H 3509)	Relief of Susana Castillo by the City of Hialeah; Providing for the relief of Susana Castillo, as personal representative of the Estate of Andrea Castillo; providing for an appropriation to compensate the Estate of Andrea Castillo for her death as a result of the negligence of the City of Hialeah; providing a limitation on the payment of fees and costs; providing that the amounts awarded are intended to provide the sole compensation for all present and future claims related to the wrongful death of Andrea Castillo, etc. SM JU 01/26/2016 Favorable CA 02/09/2016 Fav/CS FP	Fav/CS Yeas 7 Nays 0
7	SB 22 Montford (Identical H 3511)	Relief of Angela Sanford by Leon County; Providing for the relief of Angela Sanford by Leon County; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of an employee of Leon County; providing that certain payments and the appropriation satisfy all present and future claims related to the negligent act; providing a limitation on the payment of compensation, fees, and costs, etc. SM JU 01/26/2016 Favorable CA 02/09/2016 Favorable FP	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, February 9, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 110 Bean (Identical H 43)	Churches or Religious Organizations; Providing that churches or religious organizations, related organizations, or certain individuals may not be required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for related purposes if such action would violate a sincerely held religious belief; prohibiting certain legal actions, penalties, or governmental sanctions against such individuals or entities, etc. JU 01/26/2016 Favorable CA 02/09/2016 Favorable RC	Favorable Yeas 6 Nays 1
9	SB 550 Dean (Similar H 255)	Volunteer Rural Firefighting; Authorizing the Division of State Fire Marshal within the Department of Financial Services to award a Volunteer Rural Firefighter Certificate of Completion; requiring the division to establish by rule courses and course examinations to provide training required to obtain the certificate; revising the circumstances under which a fire service provider may retain the services of a volunteer firefighter, etc. BI 02/01/2016 Favorable CA 02/09/2016 Favorable FP	Favorable Yeas 7 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 Community Affairs

BILL: CS/CS/SB 1602

INTRODUCER: Community Affairs Committee; Regulated Industries Committee; and Senator Galvano

SUBJECT: Elevators

DATE: February 3, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Caldwell</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1602 requires that elevators in a private residence meet minimum clearances between the inner and outer doors or gates and the landing. The bill requires that new elevators installed in a private residence must provide a distance between the hoistway face of the hoistway doors and the hoistway edge of the landing sill that may not exceed 3/4 inch for swinging doors and 2 1/4 inches for sliding doors. The bill also requires that the car doors must be designed and installed to withstand a force of 75 pounds using a 4-inch-diameter sphere without permanent deformation or displacing the door from its guides or track. The bill provides standards for different types of elevator car and hoistway doors, including manual and power-operated horizontal sliding doors, folding doors, and swing doors.

The bill also requires that all elevators in a private residence be equipped with a device that stops the downward motion of the elevator car within 2 inches if the platform of the elevator is interrupted anywhere on its underside in its downward motion. The force required to operate the device must not exceed 15 pounds. The elevator could only resume its descent after the elevator has been manually reset.

The bill provides that this provision may be cited as the "Maxwell Erik 'Max' Grablin Act." Max Grablin was a 12-year-old boy who was crushed to death by an elevator in his three-story home while he was in the elevator shaft searching for his pet hamster.

II. Present Situation:

Elevator Regulation

Chapter 399, F.S., which may be cited as the “Elevator Safety Act,”¹ establishes minimum standards for elevator safety. The Bureau of Elevator Safety (bureau) of the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (department) is the agency charged with enforcing the provisions of ch. 399, F.S. The department has rulemaking authority to enforce the provisions of ch. 399, F.S.² The Elevator Safety and Technical Advisory Council (advisory council) within the department provides technical assistance to the division.³ The advisory council makes recommendations regarding the rules for the operation, maintenance, servicing, construction, alteration, installation, and inspection of vertical conveyances.⁴

The bureau has authority over all elevators, including those in private residences. However, such authority does not include inspections.

The term “elevator” includes a wide variety of mechanical devices, including escalators, dumbwaiters, moving walks, inclined stairway lifts, and inclined or vertical wheelchair lifts.⁵ According to the division, there were approximately 51,070 active elevator accounts in Florida as of August 1, 2015.⁶ This number includes approximately 25,000 elevators in the five contracted jurisdictions for which the division has secondary oversight responsibility.⁷

Section 399.125, F.S., requires certificate of operation holders to report any accident occurring in or upon any elevator within 5 days. The section provides that the division may impose an administrative fine not to exceed \$1,000 for failing to timely report the accident.

Elevator Safety Code

Section 399.02(1), F.S., requires the Elevator Safety Code to be the same as or similar to the American Society of Mechanical Engineers (ASME),⁸ which provides minimum model standards for the installation, operation, and maintenance of elevators. The ASME codes are intended to be adopted by the state and local agencies with jurisdiction over elevator safety.

¹ See s. 399.001, F.S.

² See s. 399.10, F.S.

³ See s. 399.1061, F.S. The Elevator Safety and Technical Advisory Council consists of eight members appointed by the secretary of the department who meet the following criteria: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; one representative of labor involved in the installation, maintenance, and repair of elevators; and one representative who is a certified elevator inspector from a private inspection service.

⁴ *Id.*

⁵ Section 399.01(6), F.S.

⁶ *Annual Report, Fiscal Year 2014-2015*, Division of Hotels and Restaurants, Department of Business and Professional Regulation. A copy is available at: http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2014_15.pdf (last visited Feb. 3, 2016).

⁷ The following five local governments are under contract with the department to provide elevator inspection services: the cities of Miami and Miami Beach, Broward and Miami-Dade counties, and Reedy Creek Improvement District.

⁸ The ASME standards specified in s. 399.02(1), F.S., are ASME A17.1, A17.3, and A18.1.

Standard ASME A17 serves as the basis for the Florida Elevator Safety Act and Florida Elevator Safety Code.⁹

Standard ASME A17 establishes minimum safety requirements for the benefit of the general public and the operation of conveyances. For example:

- ASME A17.1 (2004), provides requirements related to the installation, alteration, maintenance, repair, inspections, and testing to ensure the minimum safety requirements for new and existing elevators.
- ASME A17.2 (2004), provides a guide for the inspection of elevators, escalators, and moving walks.¹⁰
- ASME A17.3 (1996), is a code for existing elevators to ensure rider safety. The code provision specifically states that it is intended to guide retroactive requirements for existing elevators.

The Elevator Safety Code requires that any alteration, relocation, or reclassification of an existing elevator must be in compliance with the edition of the Florida Building Code that is in effect at the time of receipt of the construction permit application to alter, relocate, or change classification.¹¹ Specifically ASME A17.3, requires owners of existing elevators to retrofit elevators to comply with revisions or updates to the Elevator Safety Code.

Elevator Inspections

The owner of the elevator is responsible for the safe operation, proper maintenance, inspection, and correction of code deficiencies of the elevator.¹² Elevators must have a certificate of operation before they may be operated.¹³ Certificates of operation are valid for 2 years and expire at the end of the period unless revoked.¹⁴ The certificates can only be renewed for vertical conveyances that have a current satisfactory inspection.¹⁵

Section 399.061, F.S., requires an annual inspection of elevators by a certified elevator inspector.¹⁶ The certified elevator inspector may be a private elevator inspector, a state-employed elevator inspector, or an inspector for a municipality or county under contract with the department.¹⁷ The privatization of elevator inspections has helped to increase the number of

⁹ The bureau's rules indirectly adopt the ASME standards for the maintenance and installation of elevators. Instead of specifically referencing the ASME standards, the bureau adopted ch. 30 of the 2004 Florida Building Code, including the 2006 supplements, which relates to elevators. The Florida Building Code adopts the ASME standards, including part 8 of ASME A17.1 and ASME A17.3. It also delegates the regulation and enforcement of the ASME elevator codes to the bureau. *See* Chapter 30, ss. 3001.1 and 3001.2, Florida Building Code.

¹⁰ ASME A17.2 (2004). The bureau has adopted and incorporated by reference in rule 61C-5.001(1)(b), F.A.C.

¹¹ Rule 9B-3.047, F.A.C., which incorporates the Florida Building Code, including ASME A17.1 and A17.3, into the Elevator Safety Code, and requires that existing elevators be maintained according to the current safety standards in the Florida Building Code and the Florida Elevator Safety Code.

¹² Section 399.02(5)(b), F.S.

¹³ Section 399.07(5), F.S.

¹⁴ Section 399.07(1), F.S.

¹⁵ *Id.*

¹⁶ In 2001, the Legislature amended s. 399.061, F.S., to increase the frequency of elevator inspections from once every 2 years to annual inspections. *See* s. 10, ch. 2001-186, L.O.F.

¹⁷ *See* s. 399.061, F.S. In 2000, the Legislature amended s. 399.061, F.S., (s. 4, ch. 2000-356, L.O.F.) to provide for the use of private elevator inspectors.

licensed inspectors and has helped the bureau increase the number of inspections conducted each year, as mandated by the annual inspection requirement.¹⁸

An elevator inspection is not required if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract that remains in effect.¹⁹ A statement verifying the existence and performance of each service maintenance contract must be filed at least annually with the division, and if the service maintenance contract is cancelled, the cancellation must be reported to the division.²⁰

Municipalities and counties under contract with the department may choose to require that the inspections be performed by their own inspectors or by private certified elevator inspectors.²¹ The department may inspect elevators in the municipality and county to determine whether the provisions of ch. 399, F.S., are being met.²² The department may cancel its contract with any municipality or county that it finds has failed to comply with the contract or ch. 399, F.S.²³ The department may initiate a disciplinary action against a private inspector and suspend or revoke the inspector's certification at the request of a county or municipality, but a county or municipality may not initiate such actions by itself.²⁴

Section 399.02(6)(b), F.S., provides that the division may enter and have reasonable access to all buildings and rooms or spaces in which an existing or newly installed conveyance and equipment are located.

Section 399.02(8), F.S., authorizes the division to grant variances for undue hardship pursuant to s. 120.542, F.S., and the rules adopted under that section.²⁵ However, the division may not grant a variance that adversely affects public safety.²⁶

Section 399.07(6), F.S., authorizes the bureau to suspend a certificate of operation if it finds that the elevator is not in compliance with ch. 399, F.S., or the rules adopted pursuant to its authority. Subsection (6) further provides that the suspension remains in effect until the department receives satisfactory results of an inspection performed by a certified elevator inspector indicating that the elevator has been brought into compliance.

Section 399.105(1), F.S., authorizes an administrative fine of not more than \$1,000 against any person who fails to respond to reasonable requests of the department to determine whether the provisions of a service maintenance contract and its implementation ensure safe elevator operation.

¹⁸ *Privatization Has Helped Improve Elevator Safety: Additional State Oversight is Needed*, Report No. 08-18, Office of Program Policy Analysis & Governmental Accountability, Florida Legislature, April 2008.

¹⁹ Section 399.061(1), F.S.

²⁰ *Id.*

²¹ Section 399.13(1), F.S.

²² Section 399.13(2), F.S.

²³ *Id.*

²⁴ Section 399.13(1), F.S.

²⁵ Rule 61C-5.018, F.A.C., provides the division's process for variance requests.

²⁶ Section 399.02(8), F.S.

Section 399.105(3), F.S., provides that an elevator owner who continues to operate an elevator after notice to discontinue its use or after it has been sealed by the department is subject to an administrative fine not greater than \$1,000 for each day the elevator has been operated after the service of the notice or sealing by the department, in addition to any other penalty provided by law.

Section 339.105(4), F.S., requires that elevator owners correct violations within 90 days after the issuance of an order to correct.

Section 399.11, F.S., provides second degree misdemeanors for violations of ch. 399, F.S., and rules adopted under this chapter.

Private Residences

A certificate of operation is not required for vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.²⁷

Elevators are generally required to have a pre-use inspection by a certified elevator inspector who is not employed, associated, or having a conflict of interest with the elevator construction permit holder or elevator owner and who is certified as meeting the safety provisions of the Florida Building Code, including the performance of all required safety tests.²⁸ However, this requirement does not apply to elevators in a private residence.

Section 399.01(9), F.S., defines the term “private residence” to mean a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

Safety Concerns with Private Elevators

There are multiple reports of injuries or fatalities involving children and elevators in private residences.²⁹

Safety advocates filed a petition with the Consumer Product Safety Commission (commission) requesting mandatory safety standards for the design and installation of residential elevators to reduce the space between the interior elevator doors (elevator car/gate) and the exterior doors (hoistway or swing doors).³⁰ The petition is based on concerns related to injuries and fatalities to children caused when children gain access to the space between the interior and exterior door. Injuries occur when a child is trapped between the doors or between a door and the landing. If the elevator is called, the child is carried along and crushed when the child’s body meets the sill.

²⁷ Section 399.03(5), F.S.

²⁸ *Id.*

²⁹ See The Safety Institute, *Safety Advocates Petition CPSC for Mandatory Residential Elevator Standard Citing Numerous at Deaths* <http://www.thesafetyinstitute.org/safety-advocates-petition-cpsc-for-mandatory-residential-elevator-standard-citing-numerous-deaths/> (last visited Feb. 3, 2016), and CBS News, *In-home elevator accidents causing catastrophic harm to kids* at <http://www.cbsnews.com/news/in-home-elevator-accidents-causing-catastrophic-harm-to-kids/> (last visited Feb. 3, 2016).

³⁰ Petition for Recall to Repair/Retrofit and Rulemaking by petitioners The Safety Institute, Carol Pollack-Nelson, Ph.D., and Cash, Krugler and Fredricks, L.L.C., filed with the United States Consumer Products Safety Commission on November 13, 2014. A copy of the petition is available at: <http://www.thesafetyinstitute.org/wp-content/uploads/2014/11/20141110-Elevator-Petition-For-Recall-To-Repair-and-Mandatory-Rulemaking.pdf> (Feb. 3, 2016).

The ASME standard for residential elevators requires a 5-inch clearance between interior and exterior doors. ASME A17.1, s. 5.3.1.7.2, provides:

Clearance Between Hoistway Doors or Gates and Landing Sills and Car Doors or Gates. The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 75 mm (3 in.). The distance between the hoistway face of the landing door or gate and the car door or gate shall not exceed 125 mm (5 in.).

The petition noted that some states have enacted standards that are more stringent than required by ASME. The petition also noted that the Massachusetts elevator code restricts any gaps between the hoistway doors and the car doors or gates to 3 inches.³¹

The commission invited written comments concerning the petition but has not taken further action.³²

Maxwell Erik Grablin, of Bradenton, Florida, was crushed by an elevator in his three-story home searching for his pet hamster while in the elevator shaft. Reports indicate that the elevator did not have a sensor. A sensor would have stopped the elevator when it detected his presence, e.g., a sensor similar in function to the sensor on garage doors that stops and reverses the descent of the door when faced with an obstruction.³³

III. Effect of Proposed Changes:

Section 1 creates s. 399.031, F.S., to provide clearance and safety device requirements for elevators in private residences.

The bill requires that elevators installed in a private residence provide a distance between the hoistway face of the hoistway doors and the hoistway edge of the landing sill that may not exceed 3/4 inch for swinging doors and 2 1/4 inches for sliding doors.

The bill also requires that horizontal sliding car doors and folding car doors be designed and installed to withstand a force of 75 pounds using a 4-inch-diameter sphere without permanent deformation or displacing the door from its guides or track. According to an elevator inspector, this provision relates to the rigidity of the elevator doors. Rigidity standards may prevent a child from warping the door in order to fit in the space provided.

The bill provides these standards for different types of elevator car and hoistway doors, including manual and power-operated horizontal sliding doors, folding doors, and swinging doors.

³¹ *Id.*

³² See <https://www.federalregister.gov/articles/2015/01/22/2015-00907/petition-requesting-rulemaking-on-residential-elevators> (last visited Feb. 3, 2016).

³³ See Irby, Kate, *After Florida boy suffocates in elevator shaft chasing pet hamster, his parents on safety mission*, The Miami Herald, January 18, 2016 at <http://www.miamiherald.com/news/state/florida/article55252190.html> (last visited Feb. 3, 2016).

The bill also requires that all elevators in a private residence be equipped with a device that stops the downward motion of the elevator car within 2 inches if the platform of the elevator is interrupted anywhere on its underside in its downward motion.³⁴ The force required to operate the device must not exceed 15 pounds. The elevator could only resume its descent after the elevator has been manually reset.

The bill applies to all new elevators installed in a private residence.

The bill provides this section may be cited as the “Maxwell Erik ‘Max’ Grablin Act.”

Section 2 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The department did not submit a fiscal analysis for the impact on the agency.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³⁴ ASME 5.3.1.1.1 requires a stopping distance of 75 mm (3 inches) in private residence elevators.

VIII. Statutes Affected:

This bill creates section 399.031 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/CS by Community Affairs on February 9, 2016:

Changes the phrase “residential dwelling” to “private residence” in line 83 to maintain consistent term usage.

CS by Regulated Industries on January 27, 2016:

- Increases the maximum permissible distance for the spaces between the edge of the landing sill, the hoistway doors, and the car doors to 4 inches.
 - Requires that horizontal sliding car doors and folding car doors must be designed to withstand a force of 75 pounds under specified conditions.
 - Provides these standards for different types of elevator car and hoistway doors.
- Requires that all elevators in a private residence be equipped with a device that stops the elevator car’s downward motion within 2 inches if the platform of the elevator is interrupted anywhere on its underside in its downward motion, and provides additional requirements for operation of the device.
- Removes a definition of the term “private residence.”
- Limits the application of the bill to all new elevators in a private residence, and does not apply to existing elevators.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
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	.	
	.	

The Committee on Community Affairs (Brandes) recommended the following:

- 1 **Senate Amendment**
- 2
- 3 Delete line 83
- 4 and insert:
- 5 private residence.

By the Committee on Regulated Industries; and Senator Galvano

580-02678-16

20161602c1

1 A bill to be entitled
2 An act relating to elevators; creating s. 399.031,
3 F.S.; providing a short title; providing clearance
4 requirements for elevators installed in private
5 residences; requiring certain doors and gates to
6 withstand a specified amount of force; requiring
7 certain doors to reject a sphere of a specified size
8 under certain circumstances; requiring all such
9 elevators to be equipped with a certain device;
10 providing requirements for the device; providing
11 applicability; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 399.031, Florida Statutes, is created to
16 read:

17 399.031 Clearance requirements between elevator doors for
18 elevators inside a private residence.-

19 (1) This section may be cited as the "Maxwell Erik 'Max'
20 Grablin Act."

21 (2) For elevators installed in a private residence:

22 (a) The distance between the hoistway face of the hoistway
23 doors and the hoistway edge of the landing sill may not exceed
24 3/4 inch for swinging doors and 2 1/4 inches for sliding doors.

25 (b)1. Horizontal sliding car doors and gates shall be
26 designed and installed to withstand a force of 75 pounds applied
27 horizontally on an area 4 inches by 4 inches at right angles to
28 and at any location on the car door without permanent
29 deformation. The deflection may not exceed 3/4 inch and may not
30 displace the door from its guides or tracks. The force must be
31 applied while the door is in the fully closed position.

32 2. Folding car doors shall be designed and installed to

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33 withstand a force of 75 pounds applied horizontally using a 4-
34 inch-diameter sphere at any location within the folds on the car
35 door without permanent deformation. The deflection may not
36 exceed 3/4 inch and may not displace the door from its guides or
37 tracks. The force must be applied while the door is in the fully
38 closed position.

39 (c) The distance between the hoistway face of the landing
40 door and the hoistway face of the car door or gate shall conform
41 to one of the following:

42 1. If a power-operated horizontally sliding hoistway and
43 car doors are used, the measurement between the leading edge of
44 the doors or sight guard, if provided, may not exceed 4 inches.
45 If it is possible for a user to detach or disconnect either door
46 from the operator and such detachment or disconnection allows
47 the user to operate the door manually, the requirement in
48 subparagraph 5. applies.

49 2. If swinging hoistway doors and folding car doors are
50 used and both doors are in the fully closed position, the space
51 between the hoistway door and the folding door must reject a 4-
52 inch-diameter sphere at all points.

53 3. If swinging hoistway doors and car gates are used, the
54 space between the hoistway door and the car gate must reject a
55 4-inch-diameter sphere at all points.

56 4. If the car doors are powered and arranged so that they
57 cannot be closed until after the hoistway door is closed, and
58 the car doors automatically open when the car is at a landing
59 and the hoistway door is opened, the measurement between the
60 hoistway face of the hoistway door and the hoistway face of the
61 car door at its leading edge may not exceed 4 inches. If it is

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62 possible for a user to detach or disconnect either door from the
63 operator and such detachment or disconnection allows the user to
64 operate the door manually, the requirement in subparagraph 5.
65 applies.

66 5. If swinging or horizontally sliding hoistway doors and
67 manual horizontally sliding car doors are used and both doors
68 are in the fully closed position, the space between the swinging
69 or horizontally sliding hoistway door and the manual
70 horizontally sliding car doors must reject a 4-inch-diameter
71 sphere at all points.

72 (3) The underside of the platform of an elevator car shall
73 be equipped with a device that, if the platform of the elevator
74 car is obstructed anywhere on its underside in its downward
75 travel, interrupts the electric power to the driving machine
76 motor and brake, if provided, and stops the elevator car's
77 downward motion within 2 inches. The stroke of the device may
78 not be less than the stopping distance of the platform of the
79 elevator car. The force required to operate the device may not
80 exceed 15 pounds. Downward motion shall be permitted to resume
81 only after the elevator has been manually reset.

82 (4) This section applies to all new elevators in a
83 residential dwelling.

84 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Reapportionment, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Education
Education Pre-K - 12
Health Policy
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR BILL GALVANO

Majority Leader
26th District

January 27, 2016

Senator Wilton Simpson
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simpson:

I respectfully request that CS/SB 1602 Elevators, be scheduled for a hearing in the Committee on Community Affairs at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me. Thank you for your consideration of this matter.

Sincerely,



Bill Galvano

cc: Tom Yeatman
Ann Whittaker

REPLY TO:

- 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205 (941) 741-3401
- 330 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

Senate's Website: 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 Community Affairs

BILL: CS/CS/SB 768

INTRODUCER: Community Affairs Committee; Regulated Industries Committee; and Senator Flores

SUBJECT: Alarm Systems

DATE: February 8, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Caldwell</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 768 creates a uniform process and application form for registration of home and business alarm systems. Any applicable local governmental entity that is responsible for handling alarm system registrations must use the new process if registration of alarm systems is required by a local ordinance, regulation, or rule.

Alarm systems are electrical devices or signaling devices used to detect a burglary, fire, robbery, or medical emergency. A low-voltage alarm system is hardwired and operates at low voltage (with or without home-automation equipment, thermostats, and video cameras). Wireless alarm systems are burglar alarm systems or smoke detectors that are not hardwired.

In addition to setting forth a uniform application for registration of alarm systems, the bill establishes a maximum fee of \$25 that may be charged by a local governmental entity for registration of an alarm system. The application must be filed within 20 days of installation or activation of an alarm system or occupancy of a property with an activated alarm system.

Registrations are valid for as long as the registrant occupies the property. However, upon transfer of possession of the property, a registration application must be filed by the new occupant. The local governmental entity must be notified within 30 days by the owner, lessee, or occupant or their authorized representative, of any change to the information previously submitted on a registration application.

The bill creates an obligation for licensed electrical and alarm system contractors to advise consumers that there may be an obligation to register the system with the local governmental entity when an alarm system is installed.

The bill provides that penalties and fines for failure to register an alarm system or for excessive false alarms are the responsibility of the owner, lessee, or occupant of the property. Further, a local ordinance, regulation, or rule may not impose penalties or fines for excessive false alarms against an alarm contractor or alarm monitoring company.

The bill provides that a customer of an alarm monitoring company may authorize the company to immediately contact a law enforcement agency when an alarm signal is received. The customer is liable for any penalties for false alarms signals.

The bill provides an exemption for a person who performs only sales or installations of wireless alarm systems, other than fire alarm systems, in a single-family residence from the initial training requirements for burglar alarm system agents.

II. Present Situation:

Part II of ch. 489, F.S., regulates electrical and alarm system contracting. An alarm system is any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.¹ Licensure of electrical and alarm systems contractors is required, and applicants must have sufficient technical experience and be tested on technical and business matters.²

Section 489.505, F.S., contains references to various types of contractors that may lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An alarm system contractor means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to conduct all alarm services for compensation, for all types of alarm systems for all purposes.³ The term also means any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract or that undertakes, offers to undertake, or submits a bid to engage in the business of alarm contracting.⁴

An alarm system contractor whose business includes all types of alarm systems for all purposes is designated as an alarm system contractor I (contractor I); the business of an alarm system contractor II (contractor II) is identical except that it does not include fire alarm systems.⁵

Alarm system contractors may also hold certificates of competency from the Department of Business and Professional Regulation (department), which are geographically unlimited.⁶ Holders of those certificates are certified alarm system contractors, and the scope of certification

¹ See Section 489.505(1), F.S.

² *Id.*

³ See Section 489.505(2), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ See Sections 489.505(4) and 489.505(5), F.S.

is limited to specific alarm circuits and equipment.⁷ There is no mandatory licensure requirement created by the availability of certification.⁸

A certified electrical contractor, a certified fire alarm system contractor, a registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, or an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, is not required to complete the training required for fire alarm system agents, and a registered electrical contractor is not required to complete that training, provided he or she is only doing electrical work up to the alarm panel.⁹

Part IV of ch. 553, F.S., constitutes the Florida Building Codes Act (act). The act provides a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of the Florida Building Code, consisting of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities, and to the enforcement of such requirements, for effective and reasonable protection for public safety, health, and general welfare at the most reasonable cost to the consumer.¹⁰

Pursuant to s. 553.88, F.S., the current edition of the following standards are in effect for the purpose of establishing minimum electrical and alarm standards in Florida:

- National Electrical Code, NFPA11 No. 70;
- Underwriters' Laboratories, Inc. (UL), Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps, UL 57 and UL 153;
- Underwriters' Laboratories, Inc., Standard for Electric Signs, UL 48;
- The provisions of the following which prescribe minimum electrical and alarm standards:
 - NFPA No. 56A, Inhalation Anesthetics;
 - NFPA No. 56B, Respiratory Therapy;
 - NFPA No. 56C, Laboratories in Health-related Institutions;
 - NFPA No. 56D, Hyperbaric Facilities;
 - NFPA No. 56F, Nonflammable Medical Gas Systems;
 - NFPA No. 72, National Fire Alarm Code;
 - NFPA No. 76A, Essential Electrical Systems for Health Care Facilities;

⁷ Section 489.505(7), F.S., describes the limitations as those circuits originating in alarm control panels, equipment governed by the Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition, as well as the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks.

⁸ *Id.*

⁹ See Section 489.5185(2), F.S.

¹⁰ See Section 553.72(1), F.S.

¹¹ NFPA is the acronym for the National Fire Protection Association, which is an international nonprofit organization established in 1896. Its mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes, standards, research, training and education. NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks. See <http://www.nfpa.org/about-nfpa> (last visited Feb. 4, 2016).

- The rules and regulations of the Department of Health, entitled “Nursing Homes and Related Facilities Licensure; and
- The minimum standards for grounding of portable electric equipment, ch. 8C-27, F.A.C., as recommended by the Division of Workers’ Compensation, Department of Financial Services.

Section 553.71(5), F.S., provides that a local enforcement agency¹² is an agency with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

A number of local governments require permitting or registration of burglar alarm systems, often to address the volume of false alarms reported to law enforcement. According to a recent Internet search, these local governments were identified as requiring permits for burglar alarm systems:

- Counties of Alachua, Lee, Martin, Palm Beach, and St. Lucie; and
- Cities of Boca Raton, Cape Coral, Clearwater, Cutler Bay, Deerfield Beach, Doral, Gainesville, Hollywood, Largo, Miami, Miami Beach, Miami Gardens, Miramar, North Lauderdale, North Miami Beach, Palatka, Palm Bay, Pembroke Pines, Plantation, Pompano Beach, Riviera Beach, St. Petersburg, Sarasota, Sunny Isles, and West Palm Beach.

Many of these local governments require a permit to be submitted to the local law enforcement agency. For example, the County of Palm Beach requires a permit to be submitted to the Palm Beach County Sheriff’s Office with a \$25 application fee.¹³ The permit must be renewed annually. Failure to submit an application for a permit results in a “no response” to the alarm system and a fine of \$250.00 per “incident.”¹⁴ Palm Beach County provides the following explanation for the permitting process:

In concert with the county sheriff’s office commitment to problem solving policing, the purpose of this article is to prevent false alarm activations that require the sheriff’s office to respond. Deputies responding to false alarms are more wisely utilized preventing crime and solving neighborhood crime problems. This article is a cooperative effort among the board of county commissioners, the Alarm Association of Florida and the county sheriff’s office to prevent false alarm activations in the most effective manner.¹⁵

¹² Section 553.71(5), F.S., of the Florida Building Codes Act defines local enforcement agency as an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

¹³ See http://www.pbso.org/documents/Burglar_Alarm_Permit_Form.pdf (last visited Feb. 4, 2016) and Palm Beach County Ordinance 2008-038, codified at art. III, s. 16-51 et seq., Code of Ordinances, Palm Beach County, at https://www.municode.com/library/fl/palm_beach_county/codes/code_of_ordinances?searchRequest=%7B%22searchText%22:%22part%20III,%20section%2016%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:%5B%22CODES%22%5D,%22productIds%22:%5B%22%5D%22&nodeId=PABECOCO_CH16LAEN_ARTIII (last visited Feb. 4, 2016).

¹⁴ *Id.*

¹⁵ Section 16-52, Purpose, Code of Ordinances, Palm Beach County.

After July 1, 2015, the maximum charge that may be imposed by any local enforcement agency for a permit to install or replace a new or existing alarm system is \$40.¹⁶

Burglar Alarm System Agents

A licensed electrical or alarm system contractor may hire a burglar alarm system agent to perform elements of alarm system contracting. A burglar alarm system agent is defined as a person:

- Who is employed by a licensed alarm system contractor or licensed electrical contractor;
- Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and
- Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.¹⁷

A licensed electrical or alarm system contractor may not employ a person as a burglar alarm system agent unless that person:

- Is at least 18 years old;
- Has completed a minimum of 14 hours of specific training from a board-approved provider;
- Has not been convicted within the previous 3 years of a crime directly related to the employment; and
- Has not been committed for controlled substance abuse or been found guilty of a crime under ch. 893, F.S., within the previous 3 years.¹⁸

Each burglar alarm system agent must receive 6 hours of continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of training and through a board-approved training course.¹⁹

The department has not had any disciplinary cases brought against burglar alarm agents during the 2012-2015 fiscal years.²⁰

III. Effect of Proposed Changes:

Section 1 amends s. 489.518, F.S., to provide an exemption for a person who performs only sales or installations of wireless alarm systems, other than fire alarm systems, in a single-family residence from the initial training requirements for burglar alarm system agents.

Section 2 amends s. 489.529, F.S., to provide that a customer of an alarm monitoring company may authorize the company to immediately contact a law enforcement agency when an alarm signal is received. The customer is liable for any penalties for false alarms signals.

¹⁶ See s. 553.793(4), F.S.

¹⁷ Section 489.505(25), F.S.

¹⁸ Section 489.518(1), F.S.

¹⁹ Section 489.518(5), F.S.

²⁰ Department of Business and Professional Regulation, *Eliminating Duplicative and Excessive Regulation* (October, 2015).

Section 3 creates s. 553.7931, F.S., to provide a uniform process and application form for registration of home and business alarm systems. Any applicable local governmental entity that is responsible for handling alarm system registrations must use the new process if registration of alarm systems is required by a local ordinance, regulation, or rule. “Applicable local governmental entity” is defined as a local enforcement agency or a local law enforcement agency responsible for the administration of alarm system registration in a jurisdiction. A local enforcement agency is the entity that is responsible for building inspections and code enforcement.

Alarm systems are electrical devices or signaling devices used to detect a burglary, fire, robbery, or medical emergency. A low-voltage alarm system is hardwired and operates at low voltage (with or without home-automation equipment, thermostats, and video cameras).²¹ Wireless alarm systems are burglar alarm systems or smoke detectors that are not hardwired.²²

The bill requires that the uniform registration application contain substantially the following information:

- Name, address, telephone number and e-mail address of the owner, lessee, or occupant;
- Date of occupancy of the property;
- Name, telephone number, and Florida license number of the alarm contractor;
- Name, telephone number, and Florida license number of the alarm monitoring company;
- Emergency contact information (name, address, and telephone number); and
- Signature of the owner, lessee, occupant, or their authorized representative, certifying that the information in the application is true and accurate.

In addition to setting forth a uniform application for registration of alarm systems, the bill establishes a maximum fee of \$25 that may be charged by the applicable local government entity for registration of an alarm system. The application must be filed within 20 days after the installation or activation of an alarm system or occupancy of a property with an activated alarm system.

Registrations are valid for as long as the registrant occupies the property. However, upon transfer of possession of the property, a registration application must be filed by the new occupant. The applicable local government entity must be notified within 30 days by the owner, lessee, or occupant or their authorized representative, of any change to the information previously submitted on a registration application.

The bill creates an obligation for licensed electrical and alarm system contractors to advise consumers that there may be an obligation to register the system with the applicable local government entity when an alarm system is installed.

The bill provides that penalties and fines for failure to register an alarm system or for excessive false alarms are the responsibility of the owner, lessee, or occupant of the property. Further, a local ordinance, regulation, or rule may not impose penalties or fines for excessive false alarms against an alarm contractor or alarm monitoring company.

²¹ See s. 553.793(1)(b), F.S.

²² Section 553.793(1)(c), F.S.

Section 4 provides an effective date of October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, subsection 18(b) of the Florida Constitution prohibits the legislature from enacting a general law that reduces the authority that municipalities or counties have to raise revenues in the aggregate, unless each chamber of the Legislature enacts such law by two-thirds vote or unless an exemption applies. Subsection 18(d) provides an exemption for laws determined to have an “insignificant fiscal impact.” The fiscal impact of this bill is indeterminate, but it is likely to have an insignificant impact. If the insignificant threshold is exceeded, the bill will require a two-thirds vote of the membership of each house.

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:

The bill provides that the maximum fee for registration of a home or business alarm system with the applicable local government entity is \$25. Costs associated with the registration of alarm systems in jurisdictions that currently require registration of these systems may be reduced. Local government entities will no longer be authorized to impose penalties and fees for excessive false alarms against alarm contractors and alarm monitoring companies.

The property owner, lessee, or occupant is responsible for any fines or penalties for failure to register an alarm system or excessive false alarms. The procedure for alarm verification calls is modified to allow customers to authorize alarm monitoring companies to immediately contact a law enforcement agency when an alarm signal is received. Customers providing such authorization are liable for any penalties for false alarms signals.

Persons who perform only sales or installations of wireless alarm systems, other than fire alarm systems, in a single-family residence may see cost savings because they no longer

need to complete the 14-hour initial training requirements for burglar alarm system agents.

C. **Government Sector Impact:**

Revenues of local governmental entities may be impacted by imposition of a maximum fee of \$25 for registration of alarm systems, and by the requirement that they impose penalties and fines for excessive false alarms only against owners, lessees, and occupants, rather than against alarm contractors and alarm monitoring companies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 489.529 of the Florida Statutes.

This bill creates section 553.7931 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/CS by Community Affairs on February 9, 2016:

Exempts a person who performs only sales or installations of wireless alarm systems, other than fire alarm systems, in a single-family residence from the initial training requirements for burglar alarm system agents.

CS by Regulated Industries on January 27, 2016:

- Information to be provided in the uniform application for registration of alarm systems must also include the Florida license numbers for the alarm contractor and the alarm monitoring company.
- The bill amends s. 489.529, F.S., to provide that a customer of an alarm monitoring company may authorize the company to immediately contact a law enforcement agency when an alarm signal is received. The customer is liable for any penalties for false alarms signals.

B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
	.	
	.	
	.	

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Before line 29

insert:

Section 1. Present paragraphs (a) through (e) of subsection (2) of section 489.518, Florida Statutes, are redesignated as paragraphs (b) through (f), respectively, and a new paragraph (a) is added to that subsection, to read:

489.518 Alarm system agents.—

(2) (a) A person who performs only sales or installations of



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11 wireless alarm systems, other than fire alarm systems, in a
12 single-family residence is not required to complete the initial
13 training required for burglar alarm system agents.
14
15

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

17 And the title is amended as follows:

18 Delete line 2

19 and insert:

20 An act relating to alarm system registration; amending
21 s. 489.518, F.S.; exempting certain persons from
22 initial training for burglar alarm system agents;
23 creating

By the Committee on Regulated Industries; and Senator Flores

580-02680-16

2016768c1

1 A bill to be entitled
2 An act relating to alarm system registration; creating
3 s. 553.7931, F.S.; defining the term "applicable local
4 governmental entity"; providing a uniform process for
5 the registration of home and business alarm systems
6 under certain circumstances; requiring the owner,
7 lessee, or occupant, or an authorized representative
8 thereof, of a property to register an alarm system
9 within 20 days after occupancy or after installation
10 of the alarm system; authorizing the applicable local
11 governmental entity to charge a registration fee;
12 specifying the requirements of the application form;
13 requiring the owner, lessee, or occupant, or an
14 authorized representative thereof, to notify the
15 applicable local governmental agency of a change in
16 the information provided in the application form
17 within 30 days; authorizing the applicable local
18 governmental entity to assess or impose fines or
19 penalties for a failure to register an alarm system or
20 for excessive false alarms; providing that fines and
21 penalties are the responsibility of the owner, lessee,
22 or occupant of the property; amending s. 489.529,
23 F.S.; providing for written consent to an alarm system
24 monitoring company to contact a law enforcement
25 agency; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 553.7931, Florida Statutes, is created
30 to read:

31 553.7931 Uniform alarm registration process.—

32 (1) As used in this section, the term "applicable local

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33 governmental entity” means the local enforcement agency or local
34 law enforcement agency responsible for the administration of
35 alarm system registration in a jurisdiction.

36 (2) This section creates a uniform process for the
37 registration of a home or business alarm system and applies only
38 if such registration is required by a local ordinance,
39 regulation, or rule.

40 (a) The owner, lessee, or occupant, or an authorized
41 representative thereof, of a property must file a uniform alarm
42 registration application with the applicable local governmental
43 entity that requires registration within 20 days after the
44 installation or activation of an alarm system or occupancy of a
45 property with an activated alarm system. During the intervening
46 period, local first responders shall respond to a dispatch
47 request. The application may be submitted electronically, or by
48 facsimile, if signed by the owner, lessee, or occupant, or an
49 authorized representative thereof.

50 (b) The applicable local governmental entity may charge the
51 owner, lessee, or occupant an alarm registration fee of up to
52 \$25. The registration is valid for as long as the registrant
53 occupies the property. If possession of the property is
54 transferred, the new occupant must file an application pursuant
55 to paragraph (a).

56 (c) The uniform alarm registration application must contain
57 substantially the following information:

58
59 UNIFORM ALARM REGISTRATION APPLICATION

60
61 Owner, Lessee, or Occupant Name.....

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62 Owner, Lessee, or Occupant Address.....
63 City.....
64 State.... Zip....
65 Phone Number.....
66 E-mail Address.....
67 Date of Occupancy.....
68 Name of Alarm Contractor.....
69 Phone Number of Alarm Contractor.....
70 Florida License Number of Alarm Contractor.....
71 Name of Alarm Monitoring Company.....
72 Phone Number of Alarm Monitoring Company.....
73 Florida License Number of Alarm Monitoring Company.....
74
75 Emergency Contact Information:
76 Name.....
77 Address.....
78 City.....
79 State.... Zip....
80 Phone Number.....
81
82 I certify that the foregoing information is true and accurate.
83 ...(Date)...
84 ...(Signature of Owner, Lessee, or Occupant, or Authorized
85 Representative)...
86
87 (d) The owner, lessee, or occupant, or an authorized
88 representative thereof, shall notify the applicable local
89 governmental entity within 30 days after any change in the
90 information submitted pursuant to paragraph (c). A contractor,

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91 as defined in s. 553.793, must advise an owner, a lessee, an
92 occupant, or an authorized representative thereof, at the time
93 of an alarm system installation that an obligation to register
94 the system may exist.

95 (3) Civil penalties and fines assessed or imposed by the
96 applicable local governmental entity for a failure to register
97 an alarm system as required under subsection (1) or for
98 excessive false alarms shall be the responsibility of the owner,
99 lessee, or occupant of the property. A local ordinance,
100 regulation, or rule may not impose a civil penalty or fine
101 against an alarm contractor or alarm monitoring company for
102 excessive false alarms.

103 Section 2. Section 489.529, Florida Statutes, is amended to
104 read

105 489.529 (1) Alarm verification calls required.—All
106 residential or commercial intrusion/burglary alarms that have
107 central monitoring must have a central monitoring verification
108 call made to the premises generating the alarm signal, prior to
109 alarm monitor personnel contacting a law enforcement agency for
110 alarm dispatch. The central monitoring station must employ call-
111 verification methods for the premises generating the alarm
112 signal if the first call is not answered. However, if the
113 intrusion/burglary alarms have properly operating visual or
114 auditory sensors that enable the monitoring personnel to verify
115 the alarm signal, or upon authorization as provided in
116 subsection (2), verification calling is not required.

117 (2) A residential or commercial intrusion/burglary alarm
118 customer may give written authorization to the central
119 monitoring alarm system company to contact a law enforcement

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2016768c1

120 agency immediately upon receiving an alarm signal. The customer
121 giving the authorization is responsible for any penalties
122 resulting from any false alarm signals.

123 Section 3. This act shall take effect October 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/12

Meeting Date

768

Bill Number (if applicable)

Topic ALARM system Registration

Amendment Barcode (if applicable)

Name CASEY REED

Job Title DIRECTOR, LEGISLATIVE AFFAIRS, ATT

Address 150 SOUTH MONROE STREET

Phone 850-577-5503

Street

TALLAH

FL

City

State

Zip

Email CR82430@att.com

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

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

Representing ATT

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)

2-9-16

Meeting Date

SB 768

Bill Number (if applicable)

Topic ALARM SYSTEM REGISTRATION

Amendment Barcode (if applicable)

Name BOB NEELEY

Job Title EXECUTIVE DIRECTOR ALARM ASSOC OF FLA.

Address 1830 N. UNIVERSITY DR. H329

Phone 954-648-4454

Street

PLANTATION FL 33322

City

State

Zip

Email BNEELEY@FLA-ALARMS.ORG

Speaking: For Against Information

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

Representing ALARM ASSOC OF FLA INC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

2/9/2016

Meeting Date

SB 768

Bill Number (if applicable)

Topic Alarm System Registration

Amendment Barcode (if applicable)

Name Larry Krantz

Job Title Chief of Police

Address 4195 S. U.S. Hwy 17-92

Phone 407-262-7

Street

Casselberry

City

FL

State

32707

Zip

Email lkrantz@casselberry.org

Speaking: For Against Information

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

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 28, 2016

I respectfully request that **Senate Bill #768**, relating to Alarm System Registration, be placed on the:

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

Anitere Flores

Senator Anitere Flores
Florida Senate, District 37

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: CS/SB 768
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 9, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	2/09/2016 Amendment 577710					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

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

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 Community Affairs

BILL: SB 620

INTRODUCER: Senator Grimsley

SUBJECT: Medical Examiners

DATE: February 9, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	Favorable
2.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 620 restricts counties and district medical examiners from charging a fee for an examination, investigation, or autopsy to determine the cause of death of a decedent except that the bill allows counties, by resolution or ordinance, to charge a fee of up to \$50 for the medical examiner's approval of the cremation, burial at sea, or dissection of a body. The county may not charge this fee if the death falls under the jurisdiction of the medical examiner and involves certain suspicious circumstances.

II. Present Situation:

Medical Examiners Act

Part I of ch. 406, F.S., is titled the "Medical Examiners Act"¹ (act) and lays out minimum and uniform requirements for statewide medical examiner services. Among other things, the act establishes the Medical Examiners Commission² (commission) with duties including initiating cooperative policies with any agencies of the state; investigating, suspending, and removing medical examiners for violations of the act; overseeing the distribution of state funds for the medical examiner districts; and making any necessary agreements and contracts in order to effect the provisions of the act, subject to the approval of the Executive Director of the Florida Department of Law Enforcement (FDLE).³ The act also requires the commission to establish medical examiner districts each of which is served by a medical examiner who is appointed by the Governor.⁴ Currently, there are 24 medical examiner districts.⁵

¹ Section 406.01, F.S.

² The Medical Examiners Commission consists of seven members appointed by the Governor, one member appointed by the State Attorney General, and one member appointed by the State Surgeon General.

³ Section 406.02, F.S.

⁴ Sections 406.05 and 406.06, F.S.

⁵ Florida Medical Examiner Districts, available at <http://myfloridamedicalexaminer.com/> (last visited on February 3, 2016).

Section 406.11(1), F.S., requires district medical examiners to determine the cause of death of a decedent who died or was found dead in their district:

- If the person died:
 - Of criminal violence;
 - By accident;
 - By suicide;
 - Suddenly, when in apparent good health;
 - Unattended by a practicing physician or other recognized practitioner;
 - In any prison or penal institution;
 - In police custody;
 - In any suspicious or unusual circumstance;
 - By criminal abortion;
 - By poison;
 - By disease constituting a threat to public health; or
 - By disease, injury, or toxic agent resulting from employment.
- If the dead body was brought into the state without proper medical certification; or
- If the dead body is to be cremated, dissected, or buried at sea.^{6,7}

Subsections (1) and (2)(a) of s. 406.11, F.S., require and grant authority to the medical examiner to make or have performed any examinations, investigations, and autopsies he or she deems necessary or that are requested by the state attorney for the purpose of determining the cause of death. Subsection (2) also restricts the medical examiners from retaining or furnishing any body part for any purpose other than those authorized in statute⁸ without notifying the next of kin and grant rulemaking authority to the commission to adopt rules for such notifications.

Medical Examiner Fees

Section 406.06(3), F.S., entitles district and associate medical examiners to “compensation and such reasonable salary and fees as are established by the board of county commissioners in the respective districts.” Presently, as required in s. 406.08, F.S., district medical examiners submit an annual budget to the board of county commissioners which includes fees, salaries, and expenses for their office. Medical examiner office budgets that are established through contract with county governments⁹ are often based on a fee-for-service schedule.¹⁰ Each specific fee is approved by the board of county commissioners in each county within the district, and the fee

⁶ The medical examiner must approve the cremation of a dead body through a consent process that differs from one district to another. Some medical examiner districts require written consent while others may allow telephone approval. Approval will not be written in the death record margin or in such a way as to deface the record. See Vital Records Registration Handbook, February 2015 Revision, p. 67, available at <http://www.floridahealth.gov/certificates/certificates/documents/HB2015v2.pdf> (last visited on February 3, 2016).

⁷ In 2014, 44,540 dead bodies were buried, 116,642 were cremated, 1,547 were donated, and 11 were buried at sea. See Florida Death Count Query System, available at <http://www.floridacharts.com/FLQUERY/Death/DeathCount.aspx> (last visited on February 3, 2016).

⁸ In ch. 406, F.S., relating to medical examiners and the disposition of human remains; Part V of ch. 765, F.S., relating to the granting of anatomical gifts; and ch. 873, F.S., relating to the sale of anatomical matter.

⁹ Medical examiner services are provided by private contract in districts 1, 2, 5, 6, 8, 10, 12, 14, 16, 20, 21, and 22. See Revised FDLE bill analysis for HB 315 (2016), December 14, 2015, (on file with the Senate Committee on Health Policy).

¹⁰ *Id.*

may vary from county to county. In some districts, fees for a specific type of service are paid directly to the medical examiner's office, while in other districts, such fees go directly to the county's general revenue fund.¹¹ The fees charged by district medical examiner's offices for the services provided pursuant to s. 406.11, F.S., vary from district to district. For example, according to the Medical Examiners Commission, for cremation services three districts (14, 20, and 22) charge no fee while the other 21 districts fees vary, with district 11 (Miami-Dade County) charging the highest fee at \$63. Other than district 11, only district 17 (Broward County with a \$54 charge) charges fees higher than \$50.¹² The total amount of revenue generated by cremation service fees in 2014 was approximately \$3.98 million.¹³ It is unclear whether counties have statutory authority to collect a user fee for determination of cause of death performed when a body is to be cremated, dissected, or buried at sea pursuant to s. 406.11(1)(c), F.S.¹⁴

III. Effect of Proposed Changes:

SB 620 amends s. 382.011, F.S., to restrict counties and district medical examiners from charging members of the public a fee for an examination, investigation, or autopsy performed to determine the cause of death involving circumstances listed in s. 406.11(1), F.S. Notwithstanding the restriction, the bill allows counties, by resolution or ordinance, to charge a fee of up to \$50 for medical examiner approval for the cremation, burial at sea, or dissection of a body so long as the death is not under the jurisdiction of the medical examiner involving circumstances listed in s. 406.11(1)(a), F.S. The bill also makes other technical and conforming changes to clarify that the list for when a medical examiner must determine a person's cause of death is based on the circumstances surrounding the death, rather than the causes or conditions of the death.

The bill establishes an effective date of October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, subsection 18(b) of the Florida Constitution prohibits the legislature from enacting a general law that reduces the authority that municipalities or counties have to raise revenues in the aggregate, unless each chamber of the Legislature enacts such law by two-thirds vote or unless an exemption applies. Subsection 18(d) provides an exemption for laws determined to have an "insignificant fiscal impact." The fiscal impact of this bill is indeterminate, but it is likely to have an insignificant impact. If the insignificant threshold is exceeded, the bill will require a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Op. Atty Gen. Fla. 2003-57 (2003).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 620 may have a positive fiscal impact on those in the private sector who would have been charged a fee that is reduced or prohibited by the bill.

C. Government Sector Impact:

Local governments may incur a loss in revenue if they currently charge fees to cover costs of operations which would be reduced or prohibited by the changes in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 382.011 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.



637382

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/09/2016	.	
	.	
	.	
	.	

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 382.011, Florida
Statutes, is amended to read:

382.011 Medical examiner determination of cause of death.-

(1) In the case of any death or fetal death involving the
circumstances due to causes or conditions listed in s. 406.11(1)
~~s. 406.11~~, any death that occurred more than 12 months after the



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11 decedent was last treated by a primary or attending physician as
12 defined in s. 382.008(3), or any death for which there is reason
13 to believe that the death may have been due to an unlawful act
14 or neglect, the funeral director or other person to whose
15 attention the death may come shall refer the case to the
16 district medical examiner of the county in which the death
17 occurred or the body was found for investigation and
18 determination of the cause of death.

19 Section 2. Subsection (3) of section 406.06, Florida
20 Statutes, is amended to read:

21 406.06 District medical examiners; associates; suspension
22 of medical examiners.-

23 (3) District medical examiners and associate medical
24 examiners shall be entitled to compensation and such reasonable
25 salary and fees as are established by the board of county
26 commissioners in the respective districts. However, a medical
27 examiner or a county may not charge a member of the public a fee
28 for an examination, investigation, or autopsy performed pursuant
29 to s. 406.11.

30 Section 3. This act shall take effect October 1, 2016.

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete everything before the enacting clause
35 and insert:

36 A bill to be entitled
37 An act relating to medical examiners; amending s.
38 382.011, F.S.; clarifying the circumstances under
39 which a case must be referred to the district medical



637382

40 examiner for investigation and determination of the
41 cause of death; amending s. 406.06, F.S.; prohibiting
42 a medical examiner or a county from charging a fee for
43 specified services; providing an effective date.

By Senator Grimsley

21-00634-16

2016620__

1 A bill to be entitled
2 An act relating to medical examiners; amending s.
3 382.011, F.S.; providing that a member of the public
4 may not be charged for certain examinations,
5 investigations, or autopsies; authorizing a county to
6 charge a medical examiner approval fee under certain
7 circumstances; providing an effective date.
8

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

11 Section 1. Subsection (1) of section 382.011, Florida
12 Statutes, is amended to read:

13 382.011 Medical examiner determination of cause of death.—

14 (1) In the case of any death or fetal death involving the
15 circumstances ~~due to causes or conditions~~ listed in s. 406.11(1)
16 ~~s. 406.11~~, any death that occurred more than 12 months after the
17 decedent was last treated by a primary or attending physician as
18 defined in s. 382.008(3), or any death for which there is reason
19 to believe that the death may have been due to an unlawful act
20 or neglect, the funeral director or other person to whose
21 attention the death may come shall refer the case to the
22 district medical examiner of the county in which the death
23 occurred or the body was found for investigation and
24 determination of the cause of death. A county or district
25 medical examiner may not charge a member of the public a fee for
26 an examination, investigation, or autopsy performed to determine
27 the cause of death involving the circumstances listed in s.
28 406.11(1). However, a county, by resolution or ordinance of the
29 board of county commissioners, may charge a member of the public

21-00634-16

2016620__

30 a fee for medical examiner approval not to exceed \$50 when a
31 body is to be cremated, buried at sea, or dissected, provided
32 the fee is not charged for a death under the jurisdiction of the
33 medical examiner when such death involves the circumstances
34 listed in s. 406.11(1)(a).

35 Section 2. This act shall take effect October 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/2016
Meeting Date

620
Bill Number (if applicable)

637382
Amendment Barcode (if applicable)

Topic Medical Examiner Bill

Name Georgina McKown

Job Title President, GA McKown & Assoc

Address 113 E College Ave #303

Tallahassee, FL
Street City State Zip

Phone 904 303 1611

Email georgina@ga.mckown.com

Speaking: For Against Information

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

Representing FLORIDA CEMETERY, CREMATION & FUNERAL ASSOC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9

Meeting Date

620

Bill Number (if applicable)

637382

Amendment Barcode (if applicable)

Topic MEDICAL EXAMINERS

Name TODD BON LARRON

Job Title LEGISLATIVE AFFAIRS DIRECTOR

Address 301 N. OLIVE AVE

Street

Phone (561) 355-3151

WEST PALM BEACH FL

City

State

33405

Zip

Email tbonlarr@leg.state.fl.us

Speaking: For Against Information

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

Representing PALM BEACH COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-9-16

Meeting Date

620

Bill Number (if applicable)

637382

Amendment Barcode (if applicable)

Topic Medical Examiners

Name Marty Cassini

Job Title Legislative Counsel

Address 115 S. Andrews Ave

Street

Fort Lauderdale

City

FL

State

33301

Zip

Phone 954-357-7575

Email mcassini@broward.org

Speaking: For Against Information

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

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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BRANDES Amendment

TO

620

Bill Number (if applicable)

637382

Amendment Barcode (if applicable)

2/9/16

Meeting Date

Topic REPEAL OF DEATH TAX

Name JERRY PAUL

Job Title

Address Street

City State Zip

Phone 850-386-5267

Email

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

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

Representing TRUST 100

Appearing at request of Chair: [] Yes [] 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/9/16
Meeting Date

620

Bill Number (if applicable)

637382

Amendment Barcode (if applicable)

Topic ME Fees

Name Arlene Smith

Job Title Legislative Affairs

Address 123 E Indiana

Street

DeLand, FL

City

State

Zip

Phone 386-8405-1552

Email: asmith@volusia.org

Speaking: For Against Information

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

Representing Volusia County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

620

Bill Number (if applicable)

637382

Amendment Barcode (if applicable)

Topic Medical Examiners

Name Susan Harbin

Job Title Legislative Advocate

Address 100 S. Monroe
Street

Tallahassee FL 32301
City State Zip

Phone 770 546 8845

Email sharbin@fl-counties

Speaking: For Against Information

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

Representing Florida Association of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

Brandes Amm

2-9-16

Meeting Date

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

620

Bill Number (if applicable)

637382

Amendment Barcode (if applicable)

Topic Medical Exam TAX

Name Sohan Mixon

Job Title Consultant

Address 119 E Park Ave

Street

Phone _____

City Tall

State FL

Zip 32301

Email _____

Speaking: For Against Information

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

Representing Independent Funeral Dir Assn

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-9-16
Meeting Date

620
Bill Number (if applicable)

Topic _____

Name Richard Pinsky

Amendment Barcode (if applicable)

Job Title _____

Address 106 E. College #1200
Street

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing Miami-Dade County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16
Meeting Date

620
Bill Number (if applicable)

Topic SB 620 Relating to Medical Examiners

Name Corinne Mixon

Amendment Barcode (if applicable)

Job Title Lobbyist

Address 119 E Park Ave

Phone (850) 222-2591

Tallahassee FL 32301

Email CorinneMixonandassociates.com

Speaking: For Against Information

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

Representing Independent Funeral Directors 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16

Meeting Date

SB620

Bill Number (if applicable)

Topic Medical Examiners

Name James Wylie

Amendment Barcode (if applicable)

Job Title

Address 5359 Pembroke Pl

Street

Phone 850-567-1705

Tallahassee

FL

32309

City

State

Zip

Email James.Wylie@gmail.com

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

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

Representing Florida Women Cemetery & Consumer Advocacy

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-9-16

Meeting Date

620

Bill Number (if applicable)

Strike-all Amendment

Amendment Barcode (if applicable)

Topic _____

Name Richard Pinsky

Job Title _____

Address 106 E College # 1200

Street

Tallahassee Fl. 32301

City

State

Zip

Phone _____

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: February 2, 2016

I respectfully request that **Senate Bill #620**, relating to Medical Examiners, be placed on the:

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

A handwritten signature in cursive script that reads "Denise Grimsley".

Senator Denise Grimsley
Florida Senate, District 21

cc: Tom Yeatman, Staff Director
Ann Whittaker, Committee Administrative Assistant



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Communications, Energy, and Public Utilities, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Health
and Human Services
Health Policy
Transportation

JOINT COMMITTEES:

Joint Administrative Procedures Committee,
Alternating Chair
Joint Legislative Budget Commission

SENATOR DENISE GRIMSLEY

Deputy Majority Leader
21st District

February 5, 2016

The Honorable Wilton Simpson
Chairman
Committee on Community Affairs
315 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Simpson:

I have a bill up in your committee on Tuesday, February 9th, SB 620 relating to Medical Examiners. I respectfully request permission for Representative Kenneth L. "Ken" Roberson to present on my behalf. I will be in Health Policy Committee during this time.

Sincerely,

A handwritten signature in cursive script that reads "Denise Grimsley".

Denise Grimsley
State Senate, District 21

cc: Tom Yeatman, Staff Director
Ann Whittaker, Committee Administrative Assistant

REPLY TO:

- 205 South Commerce Avenue, Suite A, Sebring, Florida 33870 (863) 386-6016
- 212 East Stuart Avenue, Lake Wales, Florida 33853 (863) 679-4847
- 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: 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 Community Affairs

BILL: CS/SB 1288

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Richter

SUBJECT: Emergency Management

DATE: February 9, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1288 defines the term “activate” to mean the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from an emergency or disaster pursuant to ch. 252, F.S., and the State Comprehensive Emergency Management Plan.

II. Present Situation:

Florida Division of Emergency Management

Florida’s Division of Emergency Management (FDEM) administers programs to rapidly apply all available aid to impacted communities stricken by emergency.¹ The FDEM is responsible for maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. In doing so, the FDEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.²

¹ Section 14.2016, F.S.

² Section 252.35(1), F.S.

The State Comprehensive Emergency Management Plan

The FDEM is required by s. 252.35, F.S., to prepare a State Comprehensive Emergency Management Plan (CEMP) to be integrated into and coordinated with the emergency management plans and programs of the federal government. The CEMP must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters.³ The CEMP designates the State Emergency Operations Center (SEOC) as the permanent location in which the State Emergency Response Team (SERT) carries out the coordination and completion of response and recovery activities.⁴ The SERT is comprised of FDEM staff, other state agencies, and private volunteer organizations and non-governmental agencies and serves as the primary operational mechanism through which state assistance to local governments is managed. Members of the SERT are organized into sections, branches, and Emergency Support Functions (ESF).⁵

The CEMP states that the SEOC will be activated at a level necessary to effectively monitor or respond to threats or emergency situations. The SEOC operates 24 hours a day, 7 days a week, but the level of staffing varies with the activation level.⁶ There are three levels of activation:

- Level 3: Normal conditions.
- Level 2: The SERT is activated, but may not require activation of every section, branch, or ESF.
- Level 1: The SERT has activated all sections, branches, and ESFs to conduct response and recovery operations.⁷

The SEOC maintains at a Level 3 activation at all times.

Emergency Management Powers of the Governor

The Governor is responsible for meeting the dangers presented to this state and its people by emergencies.⁸ In the event of an emergency beyond local control, the Governor, or his or her designee, may assume direct operational control over all or any part of the emergency management functions within this state.⁹ As part of the Governor's power, he or she may by executive order or proclamation declare a state of emergency. A state of emergency has the force and effect of law and assists in the management of an emergency by activating the emergency mitigation, response, and recovery aspects of the state, local, and interjurisdictional emergency management plans applicable to the political subdivision or area in question.¹⁰ A state of emergency may be declared if the Governor finds that an emergency has occurred or is imminent.

³ Section 252.35(2)(a), F.S.

⁴ Florida Division of Emergency Management, *Comprehensive Emergency Management Plan* (Feb. 2014), available at <http://floridadisaster.org/cemp.htm> (last visited February 4, 2016).

⁵ *Id.* at 5.

⁶ *Id.* at 30.

⁷ *Id.* at 31.

⁸ Section 252.36(1)(a), F.S.

⁹ *Id.*

¹⁰ Section 252.36, F.S.

The Federal Declaration Process

The Robert T. Stafford Disaster Relief and Emergency Assistance Act¹¹ states in part that all requests for an emergency or major disaster declaration by the President shall be made by the Governor of the affected state.¹²

The Governor must provide to the Federal Emergency Management Agency (FEMA) in its request for an emergency declaration the following information:

- Findings that the situation is of such severity and magnitude that effective response is beyond the capability of the state and the affected local government(s) and that federal emergency assistance is needed to save lives and to protect property, public health and safety, or to lessen or avert the threat of a disaster;
- Confirmation that the Governor has taken appropriate action under state law and directed the execution of the state emergency plan;
- A description of the state and local government efforts and resources utilized to alleviate the emergency;
- A description of other federal agency efforts and resources utilized in response to the emergency; and
- A description of the type and extent of additional federal assistance required.¹³

The Governor must provide to FEMA in its request for a major disaster declaration the following information:

- Findings that the situation is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments and that federal assistance is necessary to supplement the efforts and available resources of the state, local governments, disaster relief organizations, and compensation by insurance for disaster-related losses;
- Confirmation that the Governor has taken appropriate action under state law and directed the execution of the state emergency plan;
- An estimate of the amount and severity of damages and losses stating the impact of the disaster on the public and private sector;
- A description of the state and local government efforts and resources utilized to alleviate the disaster;
- Preliminary assessments of the types and amount of Stafford Act assistance needed; and
- Certification by the Governor that state and local governments will comply with all applicable cost sharing requirements of the Stafford Act.¹⁴

Upon receipt of the request, FEMA will evaluate the information and provide a recommendation to the President on whether to issue an emergency declaration, major disaster declaration, or deny the state's request. Should a request from the state be denied or modified the Governor has one opportunity and 30 days to appeal the President's decision.¹⁵

¹¹ 42 U.S.C. 5121 et seq.

¹² Federal Emergency Management Agency, *Declaration Process Fact Sheet* (Nov. 13, 2015), available at <https://www.fema.gov/declaration-process-fact-sheet> (last visited February 4, 2016).

¹³ 44 C.F.R. s. 206.35.

¹⁴ 44 C.F.R. s. 206.36.

¹⁵ 44 C.F.R. s. 206.40.

According to the FDEM, FEMA has in the past also considered the activation level of the SEOC in its recommendation to the President in addition to the criteria listed above. During the 2013 July Panhandle Flooding and 2015 Central Florida Flooding events FEMA claimed that there was insufficient evidence to prove that the SEOC remains activated at all times, despite maintaining a Level 3 activation. FEMA denied Florida's request for a major disaster declaration for both of the flooding events in 2013 and 2015. However, Florida later won an appeal to FEMA in 2013 and was granted a major disaster declaration for the 2013 Panhandle Flooding event.¹⁶

III. Effect of Proposed Changes:

CS/SB 1288 amends s. 252.34, F.S., to define the term "activate" to mean the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from an emergency or disaster pursuant to ch. 252, F.S., and the State Comprehensive Emergency Management Plan.

The bill also updates cross-references in ss. 163.360, 474.2125, and 627.659, F.S., to conform to the bill.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁶ Senate Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Julie Roberts, External Affairs Director, Florida Division of Emergency Management (Jan. 22, 2016).

C. Government Sector Impact:

None

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 252.34, 163.360, 474.2125, and 627.659.

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 Military and Veterans Affairs, Space, and Domestic Security on January 26, 2016:

Modifies the definition of the term “activate” to clarify that a state of emergency or disaster declaration is not required in order to execute the state’s emergency plans.

B. Amendments:

None.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Richter

583-02601-16

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1 A bill to be entitled

2 An act relating to emergency management; amending s.
3 252.34, F.S.; defining the term "activate" for
4 purposes of part I of ch. 252, F.S.; amending ss.
5 163.360, 474.2125, and 627.659, F.S.; conforming
6 cross-references; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Present subsections (1) through (9) of section
11 252.34, Florida Statutes, are renumbered as subsections (2)
12 through (10), respectively, and a new subsection (1) is added to
13 that section, to read:

14 252.34 Definitions.—As used in this part, the term:

15 (1) "Activate" means the execution and implementation of
16 the necessary plans and activities required to mitigate, respond
17 to, or recover from an emergency or disaster pursuant to this
18 chapter and the state comprehensive emergency management plan.

19 Section 2. Subsection (10) of section 163.360, Florida
20 Statutes, is amended to read:

21 163.360 Community redevelopment plans.—

22 (10) Notwithstanding any other provisions of this part,
23 when the governing body certifies that an area is in need of
24 redevelopment or rehabilitation as a result of an emergency
25 under s. 252.34(4) ~~s. 252.34(3)~~, with respect to which the
26 Governor has certified the need for emergency assistance under
27 federal law, that area may be certified as a "blighted area,"
28 and the governing body may approve a community redevelopment
29 plan and community redevelopment with respect to such area
30 without regard to the provisions of this section requiring a
31 general plan for the county or municipality and a public hearing

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20161288c1

32 on the community redevelopment.

33 Section 3. Subsection (1) of section 474.2125, Florida
34 Statutes, is amended to read:

35 474.2125 Temporary license.—

36 (1) The board shall adopt rules providing for the issuance
37 of a temporary license to a licensed veterinarian of another
38 state for the purpose of enabling her or him to provide
39 veterinary medical services in this state for the animals of a
40 specific owner or, as may be needed in an emergency as defined
41 in s. 252.34(4) ~~s. 252.34(3)~~, for the animals of multiple
42 owners, provided the applicant would qualify for licensure by
43 endorsement under s. 474.217. No temporary license shall be
44 valid for more than 30 days after its issuance, and no license
45 shall cover more than the treatment of the animals of one owner
46 except in an emergency as defined in s. 252.34(4) ~~s. 252.34(3)~~.
47 After the expiration of 30 days, a new license is required.

48 Section 4. Subsection (4) of section 627.659, Florida
49 Statutes, is amended to read:

50 627.659 Blanket health insurance; eligible groups.—Blanket
51 health insurance is that form of health insurance which covers
52 special groups of individuals as enumerated in one of the
53 following subsections:

54 (4) Under a policy or contract issued in the name of a
55 volunteer fire department, first aid group, local emergency
56 management agency as defined in s. 252.34(6) ~~s. 252.34(5)~~, or
57 other group of first responders as defined in s. 112.1815, which
58 is deemed the policyholder, covering all or any grouping of the
59 members or employees of the policyholder or covering all or any
60 participants in an activity or operation sponsored or supervised

583-02601-16

20161288c1

61 by the policyholder.

62 Section 5. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Ethics and Elections, *Chair*
Banking and Insurance, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Regulated Industries
Rules

SENATOR GARRETT RICHTER

President Pro Tempore
23rd District

January 26, 2016

The Honorable Wilton Simpson, Chair
Senate Committee on Community Affairs
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simpson:

Senate Bill 1288, relating to Emergency Management, has been referred to the Committee on Community Affairs. I would appreciate the placing of this bill on the committee's agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Tom Yeatman, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Ethics and Elections, *Chair*
Banking and Insurance, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Regulated Industries
Rules

SENATOR GARRETT RICHTER

President Pro Tempore
23rd District

February 5, 2016

The Honorable Wilton Simpson, Chair
Senate Committee on Community Affairs
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simpson:

Thank you for placing CS/Senate Bill 1288, relating to Emergency Management, on your agenda. Unfortunately, I will not be able to present this bill personally and request that my aide, Michael Nachef, be allowed to present this bill to your committee.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Tom Yeatman, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
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Senate's Website: 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 Community Affairs

BILL: CS/SB 660

INTRODUCER: Community Affairs Committee and Senator Hays

SUBJECT: Local Governments

DATE: February 8, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.			FT	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 660 authorizes the use of existing impact fees to construct new capital facilities or to improve, alter, or replace existing capital facilities. The bill authorizes counties and municipalities to impose a surcharge on documents taxable under s. 201.02, F.S., in lieu of imposing an impact fee. The proceeds from the documentary surcharge must be used to fund certain capital improvements. The bill places a limit on the total amount of surcharges that may be levied under this section. The bill provides procedural and reporting requirements and mandates that funds from a documentary surcharge be deposited in a separate trust fund.

II. Present Situation:

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹ Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.² Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.³

¹ FLA. CONST. art VIII, s. 1(f).

² FLA. CONST. art VIII, s. 1(g).

³ FLA. CONST. art VIII, s. 2(b). See also s. 166.021(1), F.S.

The Florida Statutes enumerate the powers and duties of all county governments, unless preempted on a particular subject by general or special law.⁴ Those powers include the provision of fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.⁵ Article VIII, Section 2 of the State Constitution and s. 166.021, F.S., grant municipalities broad home rule powers.

Given these constitutional and statutory powers, local governments may use a variety of revenue sources to fund services and improvements without express statutory authorization.⁶ Special assessments, impact fees, franchise fees, and user fees or service charges are examples of these home rule revenue sources.⁷

Impact Fees

Impact fees are enacted by local ordinance. These fees are tailored to pay the cost of additional infrastructure necessitated by new development. As a result, impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Statutory Authority for Impact Fees

In 2006, the Legislature enacted s. 163.31801, F.S., to provide requirements and procedures to be followed by a county, municipality, or special district when it adopts an impact fee. An impact fee ordinance adopted by local government must:

- Require that the calculation of the impact fee be based on the most recent and localized data.
- Provide for accounting and reporting of impact fee collections and expenditures. If a local government imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund.
- Limit administrative charges for the collection of impact fees to actual costs.
- Require that notice be provided at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee.⁸

⁴ Section 125.01, F.S.

⁵ *Id.*

⁶ The exercise of home rule powers by local governments is constrained by whether an inconsistent provision or outright prohibition exists in the constitution or a general law or special law regarding the power at issue. Article VII, s. 1 of the State Constitution prohibits counties and municipalities from levying a tax without express statutory authorization. However, local governments may levy special assessments and a variety of fees absent any general law prohibition, provided such home rule funding source meets the relevant legal sufficiency tests.

⁷ For a catalogue of such revenue sources, see the most recent editions of the Florida Legislature's *Local Government Financial Information Handbook* and the *Florida Tax Handbook*.

⁸ Section 163.31801, F.S. Other sections of law also address the ability of local governments or special districts to levy impact fees. See ss. 163.3202(3), 191.009(4), and 380.06, F.S.

The Dual Rational Nexus Test

Impact fees have their roots in the common law. A number of court decisions have addressed challenges to the legality of impact fees.⁹ In *Hollywood, Inc. v. Broward County*,¹⁰ the Fourth District Court of Appeal addressed the validity of a county ordinance that required a developer, as a condition of plat approval, to dedicate land or pay a fee for the expansion of the county level park system to accommodate the new residents of the proposed development. The court found that a reasonable dedication or impact fee requirement is permissible if (1) it offsets reasonable needs that are sufficiently attributable to the new development and (2) the fees collected are adequately earmarked for the acquisition of capital assets that will benefit the residents of the new development.¹¹ These two requirements are called the dual rational nexus test. In order to show the impact fee meets those requirements, the local government must demonstrate a rational relationship between the need for additional capital facilities and the proposed development. In addition, the local government must show the funds are earmarked for the provision of public facilities to benefit the new residents.¹²

In *Volusia County v. Aberdeen at Ormond Beach*, the Florida Supreme Court ruled that when a residential development has no potential to increase school enrollment, public school impact fees may not be imposed.¹³ The county in that case had imposed a school impact fee on a deed-restricted community for adults 55 years old and older. In *City of Zephyrhills v. Wood*, the Second District Court of Appeal upheld an impact fee on a recently purchased and renovated building, finding that structural changes had corresponding impacts on the city's water and sewer system.¹⁴

As developed under case law, an impact fee must have the following characteristics to be legal:

- The fee is levied on new development, the expansion of existing development, or a change in land use that requires additional capacity for public facilities;
- The fee represents a proportionate share of the cost of public facilities needed to serve new development;
- The fee is earmarked and expended for the benefit of those in the new development who have paid the fee;
- The fee is a one-time charge, although collection may be spread over a period of time;
- The fee is earmarked for capital outlay only and is not expended for operating costs; and
- The fee-payers receive credit for the contributions toward the cost of the increased capacity for public facilities.¹⁵

⁹ See, e.g., *Contractors & Builders Ass'n v. City of Dunedin*, 329 So.2d 314 (Fla. 1976); *Home Builders and Contractors' Association v. Board of County Commissioners of Palm Beach County*, 446 So.2d 140 (Fla. 4th DCA 1983).

¹⁰ *Hollywood, Inc. v. Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983).

¹¹ *Id.* at 611.

¹² *Id.* at 611-12.

¹³ *Volusia County v. Aberdeen at Ormond Beach*, 760 So.2d 126, 134 (Fla. 2000).

¹⁴ *City of Zephyrhills v. Wood*, 831 So.2d 223, 225 (Fla. 2d DCA 2002).

¹⁵ The Florida Senate, Issue Brief 2010-310, 4 (Sept. 2009), available at http://archive.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-310ca.pdf (last visited Feb. 2, 2016).

The Documentary Stamp Tax

Section 201.02, F.S., levies a tax on deeds and other instruments relating to real property or interests in real property. The tax is due when the deed or other paper is delivered, regardless of when the sale occurs.¹⁶ When a deed is deposited in escrow the tax is not due until its delivery to the grantee. The tax must be paid on all taxable conveyances, regardless of where the document was made, executed, or delivered.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 163.31801, F.S., to provide that an existing impact fee may be used by a county, municipality, or special district to construct new capital facilities or to improve, alter, or replace existing capital facilities. Capital facilities include, but are not limited to transportation facilities, utilities, water and sewer systems, park and recreational facilities, libraries, educational facilities, and health systems and facilities.

Section 2 creates s. 201.032, F.S., to authorize a county or municipality to impose a discretionary surcharge on documents taxable under s. 201.02, F.S.,¹⁸ in lieu of imposing an impact fee. The surcharge on documents must be for the purpose of financing capital improvements and facilities.

A county or municipality may impose more than one surcharge under this bill. However, no single surcharge may exceed the rate of \$1 for each \$100, or fractional part thereof.

A local government that enacts and implements a discretionary surcharge in lieu of imposing an impact fee must provide credits on a dollar-for-dollar basis for impact fees, mobility fees, or other exactions previously paid by the entity under a developer agreement, proportionate share agreement, or development order.

A discretionary surcharge imposed pursuant to this section must be established by ordinance. The bill provides procedural requirements for adoption of the ordinance. The purpose of the surcharge must be expressed prior to its enactment and the proceeds of the surcharge must be restricted to that purpose.

The Department of Revenue (DOR) is directed to pay to the governing authority of a county or municipality that imposes such a surcharge all moneys, penalties, and interest collected under this section, minus any administrative costs.

The revenue from the surcharge must be deposited in a trust fund created solely for that purpose. Revenues from individual surcharges must be deposited in separate trust funds, except revenues from surcharges levied for the same purpose which may be deposited into the same trust fund. The county or municipality is required to include information showing the revenues and expenses of each such trust fund for the fiscal year in the financial report that it must submit pursuant to s. 218.32, F.S.

¹⁶ Fla. Admin. Code R. 12B-4.011(1).

¹⁷ Fla. Admin. Code R. 12B-4.011(2).

¹⁸ Section 201.02, F.S., applies to deeds and other instruments relating to real property or interests in real property.

Revenue in the trust funds may be transferred to the local school district pursuant to an interlocal agreement, which must govern the authorized use of the funds and the required financial reporting. A school district receiving such funds must prepare and submit an annual report to the governing authority of the county detailing the expenditure of the funds.

A county or municipality that imposes a discretionary surcharge on documents may not also assess an impact fee for the same purpose while the surcharge is in effect.

All provisions of ch. 201, F.S., apply to a discretionary surcharge under this bill except for s. 201.15, F.S.¹⁹

The bill provides that the imposition of a discretionary surcharge pursuant to this section shall be construed as being authorized by general law in accordance with Art. VII, ss. 1 and 9 of the State Constitution.

Section 3 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The bill authorizes the use of impact fees for constructing new capital facilities or improving, altering, or replacing existing capital facilities. However, as discussed above, Florida courts have ruled that impact fees must be used to pay for infrastructure improvements necessitated by the new development. Furthermore, they must be used specifically to benefit the citizens subject to the tax and cannot be used to provide a benefit that instead goes to the general public, even though the general public includes those citizens required to pay the impact fee.

¹⁹ Section 201.15, F.S., relates to the distribution of taxes collected.

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

The documentary stamp tax on deeds and other documents related to real property is at the rate of 70 cents per \$100²⁰ for a total revenue of \$1.35 billion in FY 2014-15.²¹ Using the average rate for 1 cent per \$100 based upon such data, the estimated rate for this bill's maximum of \$1 per \$100 documentary tax stamp tax is \$1.93 billion. However, in 2013, the total of all reported impact fees for counties, municipalities, and school districts was approximately \$620 million, so the total estimated fiscal impact may be overstated.²²

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOR bill analysis states that the agency will be charged a nonrecurring fee of \$30,000 in Fiscal Year 2016-2017 by the outside e-services vendor to update the web applications to facilitate collection of the new documentary stamp tax.²³

The DOR analysis states that implementation of the bill will require 230 contractor hours at a cost of \$21,390 and 213 in-house hours to provide necessary modifications to the DOR System for Unified Taxation.²⁴

The DOR also opines that a "significant amount of administrative time will need to be allocated to tracking of ordinances at the city level."²⁵ However, the costs associated with this duty will be absorbed by the DOR.²⁶

The bill is estimated to have a total negative impact of \$51,390 impact on the agency.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DOR suggested that the phrase "final adoption of the ordinance" in line 80 be changed to "formal adoption of the ordinance" to maintain consistent term usage and avoid confusion.²⁷

²⁰ Section 201.02, F.S.

²¹ Data was provided by the Office of Economic and Demographic Research.

²² Data was provided by the Office of Economic and Demographic Research, available at <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm> (Last visited Feb. 9, 2016). No recent data is available on independent special districts. However, in 2004, the reported total revenue for independent special districts was \$20.5 million.

²³ Dep't of Revenue, *Fiscal Impact Analysis of SB 660*, at 2 (2016).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Dep't of Revenue, *Legislative Bill Analysis of SB 660*, at 4 (2016)

VIII. Statutes Affected:

This bill substantially amends section 163.31801 of the Florida Statutes.

This bill creates section 201.032 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 Community Affairs on February 9, 2016:

Raises the maximum amount for the discretionary document surcharge from a maximum combined total of \$1 for each \$100 for all surcharges by a county and the municipalities within such county to a maximum rate of \$1 for each \$100 for each individual county or municipality.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
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	.	

The Committee on Community Affairs (Dean) recommended the following:

Senate Amendment

Delete lines 56 - 58
and insert:
pursuant to this section; however, no single surcharge imposed
by a county or a municipality within such county may exceed the
rate of \$1 for each \$100, or

By Senator Hays

11-00234B-16

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1 A bill to be entitled
2 An act relating to local governments; amending s.
3 163.31801, F.S.; authorizing the use of impact fees to
4 construct new capital facilities or to improve, alter,
5 or expand existing capital facilities; creating s.
6 201.032, F.S.; authorizing a county or municipality to
7 impose a surcharge on documents taxable under s.
8 201.02, F.S., for the purpose of funding certain
9 capital improvements and capital facilities in lieu of
10 imposing impact fees; restricting the amount of the
11 surcharge; specifying procedures to enact an ordinance
12 to impose the surcharge and specifying the effective
13 date and termination date of such ordinance;
14 specifying requirements for a county to notify the
15 Department of Revenue when adopting certain ordinances
16 relating to the surcharge; requiring the department to
17 pay certain moneys to a county or municipality that
18 imposes the surcharge; requiring a county or
19 municipality to deposit revenues from the surcharge
20 into a special trust fund and to annually provide
21 certain information about such fund to the department;
22 specifying authorized uses of surcharge revenues;
23 prohibiting a county or municipality that imposes a
24 surcharge for an authorized purpose from also imposing
25 an impact fee for the same purpose; providing
26 applicability; providing for construction; providing
27 an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsections (4) and (5) of section 163.31801, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.—

(4) Notwithstanding any other provision of law, charter, or ordinance, if such county, municipality, or special district has existing impact fees, such impact fees may be used by the county, municipality, or special district to construct new capital facilities or to improve, alter, or replace existing capital facilities to meet required levels of service requirements. Capital facilities include, but are not limited to, transportation facilities, utilities, water and sewer systems, parks and recreational facilities, libraries, educational facilities, and health systems and facilities.

Section 2. Section 201.032, Florida Statutes, is created to read:

201.032 Discretionary surcharge on deeds and other instruments in lieu of impact fees.—

(1) In lieu of imposing an impact fee, a county or municipality may impose a discretionary surcharge on documents taxable under s. 201.02 for the purpose of financing capital improvements and facilities authorized under subsection (6). A county or municipality may impose more than one surcharge pursuant to this section; however, the combined total of all surcharges imposed by a county and each municipality within such county may not exceed the rate of \$1 for each \$100, or

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59 fractional part thereof, of the consideration for the real
60 property interest transferred.

61 (2) A local government that enacts and implements a
62 discretionary surcharge in lieu of imposing an impact fee shall
63 provide credits on a dollar-for-dollar basis for impact fees,
64 mobility fees, or other exactions previously paid by the entity
65 under a developer agreement, proportionate share agreement, or
66 development order.

67 (3) A discretionary surcharge imposed pursuant to this
68 section must be established by ordinance. The ordinance must be
69 proposed at a regular meeting of the governing authority of the
70 county or municipality at least 2 weeks before formal adoption,
71 must explicitly state the purpose under subsection (6) for which
72 the surcharge is imposed, and must restrict the use of the
73 revenues of the surcharge, including penalties and accrued
74 interest thereon, for such purpose. Formal adoption of such
75 ordinance is not effective unless approved on a final vote by a
76 majority of the total membership of the governing authority of
77 the county or municipality. The ordinance may take effect only
78 on January 1 of any given year and may terminate only on
79 December 31 of any given year. The county shall notify the
80 department within 10 days after final adoption of the ordinance
81 imposing, terminating, or changing the rate of a surcharge, but
82 no later than September 1 prior to the effective date.

83 (4) The Department of Revenue shall pay to the governing
84 authority of a county or municipality that imposes a
85 discretionary surcharge all moneys, penalties, and interest
86 collected under this section, less any administrative costs.

87 (5) The county or municipality shall deposit revenues from

11-00234B-16

2016660__

88 the imposition of a discretionary surcharge into a trust fund
89 created solely for that purpose. Revenues from each individual
90 discretionary surcharge must be deposited into a separate trust
91 fund, except revenues from the imposition of surcharges for the
92 same purpose which may be deposited into one trust fund. The
93 county or municipality shall include in the financial report
94 required under s. 218.32 information showing the revenues and
95 expenses of each trust fund of a discretionary surcharge for the
96 fiscal year.

97 (6) The revenues of a discretionary surcharge imposed
98 pursuant to this section, including penalties and accrued
99 interest thereon, may be used only to provide, construct,
100 improve, repair, alter, or replace any of the following:

101 (a) Utilities and water and sewer systems.

102 (b) Transportation facilities.

103 (c) Park, recreational, library, and health system
104 facilities.

105 (d) Educational facilities.

106 1. Funds from the surcharge revenues trust fund may be
107 transferred to the local school district pursuant to an
108 interlocal agreement, which shall govern the authorized use of
109 the funds and required financial reporting.

110 2. A school district receiving funds pursuant to this
111 section shall prepare and submit an annual report to the
112 governing authority of the county detailing the expenditure of
113 funds transferred to the school district pursuant to this
114 section.

115 (7) A county or municipality that imposes a discretionary
116 surcharge on documents pursuant to this section for a purpose

11-00234B-16

2016660__

117 authorized under subsection (6) may not also impose an impact
118 fee for the same purpose while the surcharge is in effect.

119 (8) All provisions of this chapter, except s. 201.15, apply
120 to a discretionary surcharge imposed pursuant to this section.

121 (9) The imposition of a discretionary surcharge pursuant to
122 this section shall be construed as being authorized by general
123 law in accordance with ss. 1 and 9, Art. VII of the State
124 Constitution.

125 Section 3. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16

Meeting Date

660

Bill Number (if applicable)

Topic Impact fees

Amendment Barcode (if applicable)

Name CHARLES PATTISON

Job Title POLICY DIRECTOR

Address 308 N. MONROE

Phone 222-6277

Street

City

TALLAHASSEE

State

Zip

32301

Email cpattison@1000FOF.org

Speaking: For [] Against [x] Information []

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

Representing 1000 FRIENDS OF FLORIDA

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

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

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

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)

2-9-18

Meeting Date

660

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Shelley Stewart

Job Title President - Southern Title

Address 1335 Breville Road
Street

Phone 386-760-9800

Daytona Beach FL 32119
City State Zip

Email SStewart@stitle.com

Speaking: For Against Information

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

Representing Southern Title

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)

2/9/15
Meeting Date

SB 660
Bill Number (if applicable)

Topic Impact Alternative

Amendment Barcode (if applicable)

Name Ray Pozzietto

Job Title President Florida Home Builders Assoc.

Address _____ Phone 561-718-9167

Street Palm Beach
City _____ State _____ Zip _____

Email ray@pozzi.td.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs
CC: Tom Yeatman
Ann Whitaker

Subject: Committee Agenda Request

Date: November 12, 2015

I respectfully request that **Senate Bill # 660**, relating to Local Government- Transaction Fees in Lieu of Impact Fees, be placed on the:

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

A handwritten signature in cursive script that reads "D. Alan Hays" followed by a flourish.

Senator Alan Hays
Florida Senate, District 11

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 660
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 9, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	2/09/2016 Amendment 372784 ¹					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
		Thompson						
	X	Brandes, VICE CHAIR						
X		Simpson, CHAIR						
6	1	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

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



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
302 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
1/08/16	SM	Favorable
01/22/16	JU	Favorable
02/09/16	CA	Fav/CS
	FP	

January 8, 2016

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 44** – Community Affairs Committee and Senator Garcia
HB 3509 – Representative Nunez
Relief of Susana Castillo by the City of Hialeah

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR \$455,000 BASED ON A SETTLEMENT AGREEMENT WITH THE CITY OF HIALEAH FOR THE DEATH OF ANDREA CASTILLO DUE TO THE NEGLIGENT OPERATION OF A PATROL VEHICLE BY ONE OF ITS POLICE OFFICERS.

FINDINGS OF FACT:

At about 9:45 p.m. on October 19, 2012, Marco Barrios (Barrios) stopped his 2012 Jeep Compass facing north at the stop sign on E. 9th Court that intersects with E. 49th Street in Hialeah, FL, waiting to turn left to go westbound on E. 49th Street after purchasing gas. Twenty-one year old Andrea Castillo was seated in the front passenger seat of the vehicle being operated by her boyfriend, Barrios.

At the same time, Officer Raul Somarriba (Officer Somarriba), an on-duty patrolman with the Hialeah Police Department, was traveling between 20 and 22 miles an hour over the posted speed limit of 40 miles per hour eastbound on E. 49th Street, Hialeah, FL toward the intersection of E. 9th Court in an unmarked patrol car. Officer Somarriba had activated the car's emergency visor lights, but he had not activated the emergency siren.

After stopping and then proceeding into the intersection of E. 49th Street and E. 9th Court, Hialeah, FL, the Barrios vehicle was struck on the driver's side by the City of Hialeah patrol car being driven by Officer Somarriba as Barrios was crossing the eastbound lanes of E. 49th Street. There was no evidence that Officer Somarriba applied his brakes or took any evasive action prior to the impact with Barrios' vehicle.

The severe impact of the collision caused Barrios' vehicle to flip repeatedly and collide with several vehicles parked at an adjacent car dealership before coming to rest on its side.

The impact of the crash was so great that Marco Barrios was severely injured and Andrea Castillo was internally ejected from her seat and later discovered in the back hatch area of the vehicle with massive blunt trauma injuries to her head and torso. On October 21, 2012, Andrea Castillo died as a result of her injuries.

A witness confirmed that Officer Somarriba's siren was not activated prior to the crash with the Barrios vehicle.

The City of Hialeah's Traffic Homicide Investigation Report and an investigation by the Office of the State Attorney, Eleventh Judicial Circuit, established that Officer Somarriba was traveling at approximately 62 miles per hour over posted speed limit of 40 miles per hour at the time of the crash.

General Order No. 17.06 of the City of Hialeah Police Department Vehicle Pursuit Protocol (City Pursuit Protocol) establishes policy and guidelines for emergency vehicle pursuits.

The definition of the term "emergency equipment" contained in Section I (Definitions) of the City Pursuit Protocol means "siren and flashing or revolving red and/or blue lights" on vehicles.

The definition of the term "emergency response" contained in Section I (Definitions) of the City Pursuit Protocol provides, in part, that "vehicles involved in an emergency response shall have in operation all emergency equipment including emergency lights (light bar), siren, and headlights. Emergency vehicle operations and response codes are governed under General Order 22.04."

The definition of the term “vehicle pursuit” contained in Section I (Definitions) of the City Pursuit Protocol provides, in part, that the “authorized police vehicle [is] utilizing flashing emergency lights, siren, and headlights to apprehend the occupant(s) of another moving vehicle . . .”

Section II (Decision to Pursue) of the City Pursuit Protocol dictates that officers “may engage in pursuits when they have a reasonable belief that the fleeing suspect has committed or attempted to commit a forcible felony.”

Section III (Vehicle Pursuit Procedures) of the City Pursuit Protocol, dictates that the decision to initiate a pursuit must be based on the officer’s or supervisor’s conclusion that “the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.”

Section III (Vehicle Pursuit Procedures) of the City Pursuit Protocol, Also requires that the officer “shall be required to activate their vehicle headlights (no constant high beams) and all emergency equipment prior to beginning the pursuit.”

Section III of the City Pursuit Protocol further requires the “officer initiating a pursuit will, in all cases, immediately notify the Communications Dispatcher, via radio, that a pursuit is underway and provide the following, if possible:

- Unit number;
- Location, direction of travel, and estimated speed;
- Description of vehicle being pursued, including tag number, and number of occupants, if known;
- Number and description of occupants, if identifiable; and
- Specific reason(s) for the pursuit.

There was no evidence from witnesses that Officer Somarriba was in pursuit of a fleeing suspect engaged in a felony. Officer Somarriba did not recall being in hot pursuit of any suspect or vehicle at the time of the collision with the Barrios vehicle, and records and dispatch communications do not indicate otherwise. No call was ever placed to dispatch by Officer Somarriba indicating that he was initiating a pursuit, nor did Officer Somarriba run a vehicle tag in the minutes before the crash.

Officer Somarriba violated Section III of the City Pursuit Protocol by:

- Failing to activate all of the vehicle's emergency equipment before the pursuit was initiated. The officer did not activate the siren before or during the pursuit. Only the emergency lights were activated; and
- Failing to immediately contact the Communications Dispatcher that a pursuit was underway and provide his location, direction of travel, estimated speed, description of vehicle being pursued, including tag number, number and description of occupants, and the specific reason for the pursuit. There was no evidence that Officer Somarriba contacted dispatch communications prior to the crash.

Additionally, General Order No. 22.04 of the City of Hialeah Police Department Emergency Vehicle Operation and Response Code Protocol (City Emergency Vehicle Operation Protocol) requires that an officer in pursuit must:

- Notify the Communications Dispatcher, as soon as possible, of having responded in an emergency mode and that a pursuit is underway;
- Activate all emergency equipment, including both siren and flashing or revolving red and blue lights;
- Refrain from exceeding the posted speed limit by more than 10 miles per hour for a code "2" call (situations involving felonies in progress, potential dangers to citizens, and conditions which indicates there probably are individuals injured or will be injured);
- Refrain from exceeding the posted speed limit by more than 20 miles per hour for a code "3" call (situations involving imminent loss of life or physical suffering requiring immediate response); and
- Terminate the pursuit if it is determined to be solely for a traffic infraction (like speeding).

Officer Somarriba violated the City Emergency Vehicle Operations Protocol by:

- Failing to notify the Communications Dispatcher that a pursuit was underway;
- Failing to activate all of the vehicle's emergency equipment before the pursuit was initiated. The officer

did not activate the siren before or during the pursuit. Only the emergency lights were activated;

- Exceeding the posted speed limit of 40 miles per hour by more than 10 miles an hour for a code “2” call. Officer Somarriba was traveling at 62 miles per hour at the time of impact with Barrios’ vehicle, and he exceeded the speed limit by 22 miles per hour; and
- Exceeding the posted speed limit of 40 miles per hour by more than 20 miles an hour for a code “3” call; Officer Somarriba was traveling at 62 miles per hour at the time of impact with Barrios’ vehicle, and he exceeded the speed limit by 22 miles per hour.

Even if there was some evidence that Officer Somarriba was engaged in an emergency pursuit of either a code 2 or code 3 emergency call, he violated the City Pursuit Protocol and the City Emergency Vehicle Operations Protocol as to how to initiate and safely conduct such a pursuit.

At the conclusion of the traffic homicide investigation into the death of Andrea Castillo conducted by the City of Hialeah Police Department and a companion investigation conducted by the Office of the State Attorney, Eleventh Judicial Circuit, the Hialeah Police Department and Office of the State Attorney concluded that Marco Barrios duly observed the stop sign at the intersection of E. 49th Street and E. 49th Court and that Officer Somarriba’s speed was a contributing factor in the fatal crash.

A toxicology test conducted during the course of the investigation determined that Marco Barrios was not impaired by alcohol or any other substance at the time of the crash. There was no evidence of toxicology for Officer Somarriba.

Andrea Castillo is survived by her mother, Susana Castillo, with whom she lived. She is also survived by her younger twenty-year-old brother Kevin Castillo. At the time of her death, Andrea Castillo was enrolled in college to obtain a degree in education to follow in the footsteps of her grandmother who was a teacher and her mother who serves on the Miami-Dade County School Board.

In 2013, the Claimant, Susana Castillo, as the Personal Representative of the Estate of Andrea Castillo, deceased,

filed a wrongful death claim in the 11th Judicial Circuit in and for Miami-Dade County, Florida against the City of Hialeah and Raul Somarriba, individually. In a related case, Marco Barrios, individually, filed suit against the City of Hialeah for injuries sustained in the October 19, 2012 accident.

On June 9, 2015, Susana Castillo, as the Personal Representative of the Estate of Andrea Castillo, and Marco Barrios entered into a settlement agreement that was approved by the Hialeah City Council. The settlement agreement required the parties to dismiss their cases with prejudice and provide a full release of liability to the City of Hialeah and its employees, in exchange for payments by the City of Hialeah, totaling \$750,000.

The City of Hialeah has already paid \$295,000 for this incident (\$150,000 of which was paid to Marco Barrios for his injuries and \$145,000 to the Estate of Andrea Castillo), leaving an unpaid balance of \$455,000. Claimant's attorneys received \$37,500 in attorney fees, and the Estate of Andrea Castillo was charged \$48,879.29 for costs and expenses.

As part of the settlement agreement, the City of Hialeah agreed to support the passage of a claim bill and to pay the remaining balance of \$455,000 in annual installments of \$150,000 in 2016, \$150,000 in 2017, and \$155,000 in 2018. As noted in the Settlement Agreement and General Release, along with the incorporated Terms of Settlement, the Estate of Andrea Castillo and Marco Barrios entered into a separate agreement regarding the allotment of the \$750,000 to be paid by the City of Hialeah. The remaining balance of the \$455,000 settlement from the City of Hialeah will be paid to the Estate of Andrea Castillo as outlined herein upon passage of the instant claim bill.

CONCLUSIONS OF LAW:

The claim bill hearing was a *de novo* proceeding to determine whether the City of Hialeah is liable in negligence for damages suffered by the Claimant and, if so, whether the amount of the claim is reasonable. This report is based on the evidence presented to the Special Master prior to and during the hearing.

Officer Somarriba had a duty to operate his vehicle at all times with consideration for the safety of other drivers. See City of

Pinellas Park v. Brown, 604 So. 2d 1222, 1226 (Fla. 1992) (holding officers conducting a high-speed chase of a man who ran a red light had a duty to reasonably safeguard surrounding motorists); Brown v. Miami-Dade Cnty., 837 So. 2d 414, 417 (Fla. 3d DCA 2001) ("Florida courts have found that police officers do owe a duty to exercise reasonable care to protect innocent bystanders . . . when their law enforcement activities create a foreseeable zone of risk").

General Order No. 17.06 of the City of Hialeah Police Department (City Pursuit Protocol) and General Order No. 22.04 (City Emergency Vehicle Operations Protocol) require officers to activate all emergency equipment (siren and flashing or revolving red and/or blue lights) before initiating a pursuit, to contact the Communications Dispatcher that a pursuit was underway and provide specified information, and to refrain from exceeding the posted speed limit by more than 10 or 20 miles per hour in accordance with applicable response codes. These protocols established the standard of care for police officers of the City of Hialeah.

Officer Somarriba had a duty to operate his vehicle with consideration for the safety of other drivers and in compliance with the City Pursuit Protocol and the City Emergency Vehicle Operations Protocol. It was entirely foreseeable that injuries to motorists, such as Andrea Castillo, resulting in death could occur when Officer Somarriba violating these duties by entering an intersection at a high rate of speed over the posted speed limit, without slowing, and without his siren activated. Officer Somarriba breached his duty of care, and the breach was the proximate cause of the death of Andrea Castillo.

Officer Somarriba was acting within the course and scope of his employment with the City of Hialeah at the time of the crash. The City of Hialeah, as Officer Somarriba's employer, is liable for his negligent act. Mercury Motors Express v. Smith, 393 So. 2d 545, 549 (Fla. 1981) (holding that an employer is vicariously liable for compensatory damages resulting from the negligent acts of employees committed within the scope of their employment);

After considering all of the factors in this case, I conclude that the amount of this claims bill is appropriate.

SPECIAL MASTER'S FINAL REPORT – CS/SB 44

January 8, 2016

Page 8

ATTORNEYS FEES:

The Claimant's attorneys have agreed to limit their fees to 25 percent of any amount awarded by the Legislature in compliance with s. 768.28(8), Florida Statutes. No lobbyist fees will be paid.

RECOMMENDATIONS:

For the reasons set forth above, I recommend that Senate Bill 44 (2016) be reported FAVORABLY.

Respectfully submitted,

John Ashley Peacock
Senate Special Master

cc: Debbie Brown, Secretary of the Senate

CS by Community Affairs:

Amends the title with technical updates that reflect the events of the accident.



655372

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
	.	
	.	
	.	

The Committee on Community Affairs (Diaz de la Portilla) recommended the following:

Senate Amendment

In title, delete lines 20 - 60
and insert:
between 20 and 22 miles per hour over the posted speed limit of
40 miles per hour eastbound on E 49th Street toward the
intersection of E 9th Court in an unmarked patrol car, and

WHEREAS, Officer Somarriba activated the emergency lights,
but he did not activate the emergency siren, and

WHEREAS, Officer Somarriba does not recall being in pursuit



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11 of any suspect or vehicle, and records do not indicate that he
12 contacted dispatch communications, and,

13 WHEREAS, by traveling at least 20 miles per hour over the
14 posted speed limit and by failing to activate his emergency
15 siren and to contact dispatch communications, Officer Somarriba
16 violated General Order No. 22.04 of the City of Hialeah Police
17 Department Emergency Vehicle Operation and Response Code
18 Protocol and General Order No. 17.06 of the City of Hialeah
19 Police Department Vehicle Pursuit Protocol, and

20 WHEREAS, Officer Somarriba, while traveling significantly
21 over the speed limit and without his emergency siren activated,
22 crashed into the driver's side of the Jeep Compass driven by
23 Marco Barrios while the Jeep was crossing the eastbound lanes of
24 E 49th Street, and

25 WHEREAS, the severe impact of the collision forced the Jeep
26 to flip repeatedly and collide with several vehicles parked at
27 an adjacent car dealership before coming to rest on its side,
28 and

29 WHEREAS, the force of the crash was so great that Marco
30 Barrios was gravely injured and Andrea Castillo was ejected from
31 her seat and landed in the back hatch area of the vehicle with
32 massive blunt trauma injuries to her head and torso, and

33 WHEREAS, Andrea Castillo died as a result of her injuries
34 within days of the crash, and

35 WHEREAS, at the conclusion of the traffic homicide
36 investigation into the death of Andrea Castillo and a companion
37 investigation by the state attorney, the Hialeah Police
38 Department and other investigating agencies concluded that Marco
39 Barrios duly observed the stop sign at the intersection of E



655372

40 49th Street and E 9th Court and that Officer Somarriba's speed
41 was a contributing factor to the fatal crash, and

42 WHEREAS, a toxicology test conducted in the course of the
43 homicide investigation determined that Marco Barrios was not
44 impaired by alcohol or any other substance at the time of the
45 crash, and

46 WHEREAS, there was no toxicology report for Officer
47 Somarriba, and

By Senator Garcia

38-00168A-16

201644__

1 A bill to be entitled

2 An act for the relief of Susana Castillo, as personal
3 representative of the Estate of Andrea Castillo;
4 providing for an appropriation to compensate the
5 Estate of Andrea Castillo for her death as a result of
6 the negligence of the City of Hialeah; providing a
7 limitation on the payment of fees and costs; providing
8 that the amounts awarded are intended to provide the
9 sole compensation for all present and future claims
10 related to the wrongful death of Andrea Castillo;
11 providing an effective date.
12

13 WHEREAS, on October 19, 2012, at about 9:45 p.m., 21-year-
14 old Andrea Castillo was traveling as a passenger in a 2012 Jeep
15 Compass being operated by her boyfriend, Marco Barrios, at or
16 near the intersection of E 49th Street and E 9th Court in the
17 City of Hialeah, and

18 WHEREAS, at the same time Officer Raul Somarriba, an on-
19 duty patrolman with the Hialeah Police Department was traveling
20 more than 20 miles per hour over the posted speed limit of 40
21 miles per hour eastbound on E 49th Street toward the
22 intersection of E 9th Court in an unmarked patrol car, and

23 WHEREAS, Officer Somarriba does not recall being in pursuit
24 of any suspect or vehicle, and records and dispatch
25 communications do not indicate otherwise, and, in any case, the
26 speed at which he was traveling violated General Order No. 17.06
27 of the City of Hialeah Police Department Vehicle Pursuit
28 Protocols, which governs authorized pursuit, and

29 WHEREAS, Officer Somarriba did not activate the emergency

38-00168A-16

201644__

30 lights or siren and, while traveling significantly over the
31 speed limit, crashed into the driver's side of the Jeep Compass
32 driven by Marco Barrios while it was crossing the eastbound
33 lanes of E 49th Street, and

34 WHEREAS, the severe impact of the collision forced the Jeep
35 to flip repeatedly and collide with several vehicles parked at
36 an adjacent car dealership before coming to rest on its side,
37 and

38 WHEREAS, the force of the crash was so great that Marco
39 Barrios was gravely injured and Andrea Castillo was internally
40 ejected from her seat and discovered in the back hatch area of
41 the vehicle with massive blunt trauma injuries to her head and
42 torso, and

43 WHEREAS, Andrea Castillo died as a result of her injuries
44 within days of the crash, and

45 WHEREAS, at the conclusion of the traffic homicide
46 investigation into the death of Andrea Castillo and a companion
47 investigation by the state attorney, the Hialeah Police
48 Department and other investigating agencies concluded that Marco
49 Barrios duly observed the stop sign at the intersection of E
50 49th Street and E 9th Court and that Officer Somarriba's speed
51 was a contributing factor to the fatal crash, and

52 WHEREAS, a toxicology test conducted in the course of the
53 homicide investigation determined that Marco Barrios was not
54 impaired by alcohol or any other substance at the time of the
55 crash, and

56 WHEREAS, the Hialeah Police Department failed to seek or
57 request preservation of Officer Somarriba's blood samples within
58 the 6-day preservation period protocol observed by Ryder Trauma

38-00168A-16

201644__

59 Center for the retention of such samples, thereby losing the
60 opportunity to test Officer Somarriba for intoxicants, and

61 WHEREAS, Andrea Castillo was the only daughter of Susana
62 and Osvaldo Castillo and is survived by them, her younger
63 brother, Kevin Castillo, and her grandparents, all of whom were
64 emotionally dependent upon her and loved her dearly, and

65 WHEREAS, at the time of her death, Andrea Castillo was
66 enrolled in college to obtain her degree in education in order
67 to follow in the footsteps of her grandmother, May Garcia-
68 Clissent, who served as a teacher in Cuba and, for 35 years,
69 with the Miami-Dade County Public Schools, and her mother,
70 Susana Castillo, who serves on the Miami-Dade County School
71 Board, and

72 WHEREAS, the Andrea Castillo Foundation has been created in
73 Andrea's honor in order to raise funds for students who do not
74 have the financial means to pursue a degree in education, and

75 WHEREAS, in 2012, Susana Castillo, individually and as
76 personal representative of the Estate of Andrea Castillo, filed
77 a wrongful death lawsuit in the 11th Judicial Circuit Court in
78 and for Miami-Dade County, *Susana Vicaria Castillo, as personal*
79 *representative of the Estate of Andrea Nicole Castillo,*
80 *deceased, v. City of Hialeah, Florida, a municipality and*
81 *subdivision of the State of Florida, and Raul Somarriba,*
82 *individually, Case No. 13-16278 CA 10, and*

83 WHEREAS, in 2012, Marco Barrios filed a lawsuit in the 11th
84 Judicial Circuit Court in and for Miami-Dade County, *Marco*
85 *Barrios, individually, v. City of Hialeah, Florida, a Florida*
86 *municipal governmental entity, Case No. 13-15659 CA 10, and*

87 WHEREAS, following litigation and mediation of their

38-00168A-16

201644__

88 disputes, the parties to such actions on June 9, 2015, entered
89 into a settlement agreement, which agreement was approved by the
90 Hialeah City Council, and

91 WHEREAS, the terms of the settlement agreement required the
92 claimants, Marco Barrios and the Estate of Andrea Castillo, to
93 dismiss their cases with prejudice and provide a full release of
94 liability to the City of Hialeah and its employees, which the
95 claimants have done, in exchange for payments by the City of
96 Hialeah totaling \$750,000, inclusive of all claimants, and

97 WHEREAS, pursuant to the settlement agreement, the City of
98 Hialeah has paid \$295,000 to the claimants, leaving an unpaid
99 balance of \$455,000, and

100 WHEREAS, as part of the terms of the settlement agreement
101 and general release, the City of Hialeah has agreed to support
102 the passage of a claim bill and to pay the remaining balance of
103 \$455,000 in installments, with the last payment to be made on
104 May 1, 2018, NOW, THEREFORE,

105

106

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

108

109 Section 1. The facts stated in the preamble to this act are
110 found and declared to be true.

111 Section 2. The City of Hialeah is authorized and directed
112 to appropriate from funds of the city not otherwise appropriated
113 and to draw warrants totaling the amount of \$455,000, payable to
114 the law firm of Silva & Silva, P.A., Trust Account for the
115 benefit of Susana Castillo, as personal representative of the
116 Estate of Andrea Nicole Castillo, as compensation for injuries

38-00168A-16

201644__

117 and damages sustained as a result of the death of Andrea
118 Castillo. The amount of \$150,000 shall be paid on May 1, 2016,
119 the amount of \$150,000 shall be paid on May 1, 2017, and the
120 final payment amount of \$155,000 shall be paid on May 1, 2018.

121 Section 3. The total amount paid for attorney fees,
122 lobbying fees, costs, and other similar expenses relating to the
123 claims may not exceed 25 percent of the total amount awarded
124 under this act.

125 Section 4. The amounts awarded pursuant to the waiver of
126 sovereign immunity under s. 768.28, Florida Statutes, and under
127 this act are intended to provide the sole compensation for all
128 present and future claims arising out of the factual situation
129 described in the preamble to this act which resulted in the
130 death of Andrea Castillo.

131 Section 5. This act shall take effect upon becoming a law.

The Florida Senate
State Senator René García
38th District

†District Office:
1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

January 27, 2016

The Honorable Wilton Simpson
Chairman, Community Affairs
315 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Simpson:

Please have this letter serve as my formal request to have **SB 44: Relief of Susan Castillo by the City of Hialeah**, be heard in the next possible Community Affairs Committee Meeting. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,



State Senator René García
District 38
RG:AD

CC: Tom Yeatman, Ann Whittaker

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 44
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 9, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	2/09/2016 1 Amendment 655372					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

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



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
302 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/22/15	SM	Favorable
01/26/16	JU	Favorable
02/09/16	CA	Favorable
	FP	

December 22, 2015

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 22** – Senator Bill Montford
HB 3511 – Representative Halsey Beshears
Relief of Angela Sanford by Leon County

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED CLAIM IN THE AMOUNT OF \$1.15 MILLION AGAINST LEON COUNTY FOR INJURIES AND DAMAGES SUFFERED BY ANGELA SANFORD WHEN THE VEHICLE SHE WAS TRAVELING IN WAS STRUCK BY A LEON COUNTY AMBLUANCE ON SEPTEMBER 5, 2013.

FINDINGS OF FACT:

This matter arises out of a motor vehicle crash that occurred on September 5, 2013, in Tallahassee, Florida, at the intersection of North Martin Luther King Jr. Boulevard (MLK Blvd.) and West Tharpe Street. The intersection of North MLK Blvd. and West Tharpe Street is four way intersection controlled by an overhead traffic signal. Both North MLK Blvd. and West Tharpe Street are four-lane highways. On the southeast corner of the intersection there are several trees that could obstruct the view of westbound traffic on West Tharpe Street from the northbound traffic on North MLK Blvd. At the time of the accident there was also at least one advertisement sign hung on the fence leading up the intersection that could obstruct the view of northbound traffic on North MLK Blvd. of any westbound traffic on West Tharpe Street.

The Accident

At approximately 11:28 pm Patrick Sanford was driving north on North MLK Blvd in a 2011 Buick Enclave. Mr. Sanford's wife, Angela Sanford, was in the front passenger seat and friend, Daniel McNair, was behind Mrs. Sanford, in the rear passenger seat. The posted speed limit on North MLK Blvd. was 30 mph. At the time of the crash Mr. Sanford was traveling at 42 mph. The light at North MLK Blvd. was green for Mr. Sanford as he approached the intersection of North MLK Blvd. and West Tharpe Street, when he entered the intersection, and when the crash occurred.

Also at approximately 11:28 pm a Leon County Emergency Medical Services (LCEMS) Ambulance, owned by Leon County, was traveling westbound on West Tharpe Street. Benjamin Hunter was working for LCEMS that night and driving the ambulance. Christina Wagner was also working for LCEMS that night and was the front seat passenger. The posted speed limit on West Tharpe Street was 35 mph.

The camera on the ambulance recorded what occurred before, during, and after the crash. The ambulance was first traveling at approximately 29 mph down West Tharpe Street with only its emergency lights activated. Approximately 4 seconds before the crash, and 277 feet from entering the intersection, the ambulance's siren was activated. At this time the ambulance was traveling at approximately 40 mph. When the crash occurred the ambulance was traveling at approximately 44 mph. The video footage shows that the ambulance had a red light as it approached the intersection, when the ambulance entered the intersection and when the crash occurred.

The computer system in Mr. Sanford's Buick noted that the brake was engaged two seconds before the crash. Mr. Sanford admits that he did not hear or see the ambulance's lights or sirens before the collision. However, he recalls seeing the ambulance once he had already entered the intersection.

The ambulance hit the front right passenger side of the Buick. As a result, the Buick spun and collided with a concrete pole at on the northwest corner of the intersection.

The crash was witnessed by a number of individuals. The first witness, Ms. Nix, was traveling south on MLK Blvd., the

opposite direction of Mr. Sanford. Ms. Nix heard the sirens from the ambulance and stopped at the intersection of MLK Blvd. and West Tharpe Street because she did not know where the sirens were coming from. Ms. Nix then saw the ambulance traveling west down West Tharpe Street and the Buick traveling north on North MLK Blvd. Ms. Nix said that neither the Buick nor the ambulance stopped before entering the intersection. Ms. Nix acknowledged that she had a green light at time she reached the intersection of MLK Blvd. and West Tharpe Street but stopped because she heard the sirens.

Another witness, Mr. Fernbach, was traveling behind Mr. Sanford's Buick on North MLK Blvd. Mr. Fernbach also confirmed that the light was green as he and the Buick approached the intersection of North MLK Blvd. and West Tharpe Street. Mr. Fernbach acknowledged hearing the sirens before reaching the intersection, however he was unable to determine where the sirens were coming from.

Ms. Wagner, the passenger of the ambulance, stated that the ambulance was headed to an accident with injuries on West Tharpe Street with only its emergency lights on. Prior to reaching the intersection of North MLK Blvd. and West Tharpe Street, she and Mr. Hunter were advised to upgrade, meaning turn on both the lights and sirens, as they traveled to the accident. Mr. Hunter then turned on the sirens of the ambulance. As Ms. Wagner was attempting to look up the report of the call they were traveling to, the crash occurred.

Mrs. Sanford and Mr. McNair do not have any memory of the crash.

All occupants of both vehicles were restrained in safety belts.

Injuries

After the crash Mr. Hunter and Ms. Wagner were able to exit the ambulance and render aid to occupants of the Buick. Mr. Hunter and Ms. Wagner were not injured in the crash.

All of the occupants of the Buick, Mr. Sanford, Mrs. Sanford, and Mr. McNair were injured. Mr. Sanford sustained a bulging disc to disc # 4 in his back and disc #5 in his back was blown. Mr. Sanford underwent surgery to repair his back injuries. Mr.

McNair suffered a cut to his right hand, a broken bone in his left hand, and a bone chip in his left wrist.

Mrs. Sanford sustained the most severe injuries from the crash. When she arrived at Tallahassee Memorial Hospital, she was in a coma. The totality of her injuries include:

- A traumatic brain injury (subdural and intracranial bleeding);
- A collapsed lung;
- A ruptured bladder (requiring two surgical repairs);
- A lacerated liver;
- 13 fractured ribs;
- Four lumbar spine fractures;
- Two cervical spine fractures;
- A fractured clavicle;
- A fractured sternum;
- A fractured fibula;
- A fractured knee;
- A fractured scapula (requiring surgical hardware insertion);
- A fractured pelvis (requiring surgical hardware insertion);
- A fractured hip sockets (requiring surgical hardware insertions);
- A fractured sacroiliac joints (requiring surgical hardware insertions);
- A fracture femur (requiring surgical hardware insertion);
- Double vision from an injured cranial nerve;
- Drop foot from an injured peroneal nerve;
- Bursitis and pain from the injured hip; and
- Cognitive and problem-solving deficits due to the brain injury.

Mrs. Sanford spent 25 days in the intensive care unit, and during the first two weeks in the hospital she was kept in a medically induced coma. Afterwards, she was transferred to inpatient rehabilitation in Jacksonville, Florida where she spent 31 days. Mrs. Sanford then continued her rehabilitation back in Tallahassee.

Before the accident, Mrs. Sanford was an active stay-at-home mother of three. She was considering returning to work as a

teacher when her youngest child was old enough to attend school.

Since the accident, Mrs. Sanford has made a remarkable recovery and is now able to drive during the day. She can care for her kids and her house. However, Mrs. Sanford still has some ongoing effects from the accident. She is experiencing foot drop in her right foot and double vision when she looks down. Because of the injuries sustained in the collision, Mrs. Sanford will likely need a hip replacement in the future, have issues with posttraumatic arthritis, and possibly experience further cognitive issues as a result of her traumatic brain injury.

Before the Accident

In the 24 hour period before the crash Mr. and Mrs. Sanford and Mr. McNair, the occupants of the Buick, attended a concert at the Leon County Civic Center. The day before the crash, Mr. Sanford worked the evening of September 4, 2013, and returned home at an unknown hour on September 5, 2013. Mr. Sanford believes he had only 3 hours of sleep after coming home from work on September 5, 2013.

Before the concert, Mr. Sanford had one beer at the house with Mr. McNair. Mr. Sanford admits to bringing and finishing the beer in the car on the way to the restaurant. An empty Bud Light Lime Beer bottle was found in the Buick after the collision. Mr. Sanford also admits to having one beer at the restaurant where he also ate some appetizers while waiting for the food to arrive. The food never came and they all left the restaurant without eating dinner. Once arriving at the concert, Mr. Sanford had another beer and some food because he hadn't eaten dinner at the restaurant.

In the 24 hour period before the crash Mr. Hunter worked on the evening of September 4, 2013. Mr. Hunter got home from work in the morning of September 5, 2013, and went to sleep for approximately 8.5 hours. Mr. Hunter then ate at home before reporting to work at 5 pm on September 5, 2013.

After the Accident

After the crash Mr. Sanford went to Tallahassee Memorial Hospital to be with his injured wife. While at the hospital Deputy McCarthy from the Leon County Sheriff's Office spoke with Mr. Sanford in two different locations. He first spoke to

Mr. Sanford in the hospital garage where Deputy McCarthy smelled a slight odor of an alcoholic beverage but was unable to determine if it was coming from Mr. Sanford or some other person in the garage. Deputy McCarthy then spoke with Mr. Sanford again in a private emergency room and did not smell an odor of an alcoholic beverage. Mr. Sanford was asked to consent to a blood sample since he was driving the Buick and was involved in a collision involving serious bodily injury. Mr. Sanford refused to give a blood sample for testing.

Officer Mordica of the Tallahassee Police Department was one of the first officers on the scene of the crash and noticed that Mr. Sanford was wearing a green wrist band and she smelled the odor of an alcoholic beverage, but did not notice any other signs of impairment. Mr. Sanford stated that he was given the wrist band when he purchased the beer at the concert.

A blood sample was requested from Mr. Hunter because he was operating the ambulance that was involved in a crash involving serious bodily injury. Mr. Hunter agreed to the blood sample being taken and was transported Tallahassee Memorial Hospital for the blood draw. No drugs or alcohol were found in Mr. Hunter's blood.

The Leon County's Sheriff's Department found Mr. Hunter at fault for the crash, however the State Attorney's Office recommended that no citations should be issued. Therefore a citation was not issued against Mr. Hunter.

LCEMS disciplined Mr. Hunter and he was suspended without pay for three 12-hour shifts.

CLAIMANT'S ARGUMENTS:

Mrs. Sanford argues that Leon County is liable for the negligence of its employee, Mr. Hunter, when he failed to stop at the red light at the intersection of North MLK Blvd. and West Tharpe Street, violating s. 316.072(5)(b)2., F.S., and the LCEMS Standard Operating Guidelines.

RESPONDENT'S ARGUMENTS:

Leon County argues that the claim bill should be denied and the statutory caps enforced. Leon County believes that the statutory limits set forth in s. 768.28, F.S., serve a valuable purpose and the County is entitled to the full protections of the statute. Leon County argues that if the statutory caps are to have meaning or effect, they should be enforced.

Leon County also argues that the accident was caused by Mr. Sanford's negligence because he was speeding, tired, and had three beers before the accident.

Leon County entered into a Mediation Settlement Agreement with Mrs. Sanford for the amount of \$1.15 million. The agreement also afforded the County the right to contest any filed claim bill. A Final Judgment in favor of Mrs. Sanford for the same amount was signed and entered into the circuit court's record on April 13, 2015.

CONCLUSIONS OF LAW:

Leon County owned the ambulance driven by Mr. Hunter on September 5, 2013, and is covered by the provisions of s. 768.28, F.S. Section 768.28, F.S., generally allows injured parties to sue the state or local governments for damages caused by their negligence or the negligence of their employees by waiving the government's sovereign immunity from tort action. However, the statute limits the amount of damages that a plaintiff can collect from a judgment against or settlement with a government entity to \$200,000 per person and \$300,000 for all claims or judgments arising out of the same incident. Funds can be paid in excess of these limits only upon the approval of a claim bill by the Legislature. Thus, Mrs. Sanford will not receive the full benefit of the settlement agreement with Leon County unless the Legislature approves a claim bill authorizing the additional payment.

In a negligence action a plaintiff, bears the burden of proof to establish the four elements of negligence. These elements are duty, breach, causation, and damage. *Charron v. Birge*, 37 So.3d 292, 296 (Fla. 5th DCA 2010).

Section 768.81, F.S., Florida's comparative fault statute, allows damages in negligence cases to be apportioned against each liable party. The Florida Supreme Court has found that liability is determined by the Legislature. ~~found that liability is determined by the Legislature~~ must be apportioned among all responsible entities who contribute to an accident even though not all of them have been joined at defendants." *Nash v. Wells Fargo Guard Servs.*, 678 So.2d 1262, 1263 (Fla. 1996).

The driver of a motor vehicle has a duty to use reasonable care, in light of the attendant circumstances, to prevent injuring persons within the vehicle's path. *Gowdy v. Bell*, 993

So.2d 585, 586 (Fla. 1st DCA 2008). Reasonable care is the degree of care a reasonably careful person would have used under like circumstances. *Foster v. State*, 603 So.2d 1312, 1316 (Fla. 1st DCA 1992).

Mr. Hunter's Negligence

Section 316.072(5)(b)2., F.S., allows a driver of an ambulance, when responding to an emergency call, to proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation. Section 316.072(5)(c), F.S., reiterates that the driver of an ambulance has a duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his or her reckless disregard for the safety of others.

Mr. Hunter beached his duty to operate the ambulance with reasonable care and violated s. 316.072(5)(b)2., F.S., when he did not slow down at the red light at the intersection of North MLK Blvd. and West Tharpe Street on September 5, 2013. Mr. Hunter's negligence and breach of duty of care was a cause of the accident and the damages suffered by Mrs. Sanford.

Leon County, as the employer of Mr. Hunter, is liable for his negligent act. The long-standing doctrine of *respondeat superior* provides that an employer is liable for an employee's acts committed within the course and scope of employment. *City of Boynton Beach v. Weiss*, 120 So.3d 606, 611 (Fla. 4th DCA 2013). Florida's dangerous instrumentality imposes "vicarious liability upon the owner of a motor vehicle who voluntarily entrusts that motor vehicle to an individual whose negligent operation causes damage to another." *Aurbach v. Gallina*, 753 So.2d 60, 62 (Fla. 2000). Motor vehicles have been considered dangerous instrumentalities under Florida law for over a century. See *Anderson v. S. Cotton Oil Co.*, 74 So. 975, 978 (Fla.1917).

Florida law also provides that an employer's safety rules and procedures governing the conduct of its employees is relevant evidence of the standard of care required. *Mayo v. Publix*, 686 So.2d. 801, 802 (Fla. 4th DCA 1997). LCEMS has Standard Operating Guidelines for the safe operation of its vehicles. Specifically, the guidelines require all ambulance drivers when driving to an emergency to come to

a full and complete stop at all red lights and stop signs. Once the driver determines that all other traffic has yielded to the emergency vehicle, the ambulance may proceed through the intersection with due regard for the safety of others.

Mr. Hunter violated LCEMS Standard Operating Guidelines when he did not stop at the red light at the intersection of North MLK Blvd. and West Tharpe Street.

On September 5, 2013, Mr. Hunter, an employee of LCEMS, drove an ambulance owned by Leon County during the course of his normal workday. Therefore, Leon County is liable for the negligence of Mr. Hunter and the damages caused to Mrs. Sanford.

Mr. Sanford's Negligence

As the driver of the Buick, Mr. Sanford also had a duty to use reasonable care. Section 316.126(1)(a), F.S. provides:

Upon the immediate approach of an authorized emergency vehicle, while en route to meet an existing emergency, the driver of every other vehicle shall, when such emergency vehicle is giving audible signals by siren ... or visible signals by the use of displayed blue or red lights, yield the right-of way to the emergency vehicle and shall immediately proceed to a position of parallel to, and as close as reasonable to the closest edge of the curb of the roadway, clear of any intersection and shall stop and remain in position until the authorized emergency vehicle has passed, unless otherwise directed by a law enforcement officer.

On the day of the accident, the trees and signs could have obstructed Mr. Sanford's view of the ambulance, which was traveling westbound on West Tharpe Street. The ambulance's siren was activated 4 seconds before the collision which likely did not afford Mr. Sanford adequate time react and avoid the collision. Moreover, the evidence presented was insufficient to show that the three beers Mr. Sanford consumed in the hours before the accident or his lack of sleep contributed to the accident.

However, Mr. Sanford was traveling at 42 mph down at the time of the crash, 12 mph faster than the posted speed limit of 30 mph. Mr. Sanford breached his duty to drive with

reasonable care by failing to stop for the ambulance because of his excessive speed. Despite the fact that he had a green light at the intersection, Mr. Sanford is partially at fault for the accident.

Section 316.126(5), F.S., specifies that s. 316.126, F.S., which Mr. Sanford violated, does not relieve the Mr. Hunter of the duty to drive with due regard for the safety of all persons using the highway, which he did failed to do.

Conclusion

Florida's comparative fault statute, s. 768.81, F.S., applies to this case because Mr. Hunter and Mr. Sanford were both at fault in the accident.

Mr. Hunter is at fault for:

- Failing to operate the ambulance with reasonable care;
- Violating s. 316.072(5)(b)2., F.S., when he did not slow down at the red light; and
- Violating LCEMS Standard Operating Guidelines when he did not stop at the red light at the intersection.

Mr. Sanford is at fault for:

- Violating s. 316.126(1)(a), F.S., by failing to stop for the ambulance because of his excessive speed.

While both Mr. Hunter and Mr. Sanford were partially at fault in this matter, Mr. Hunter's negligence far outweighs Mr. Sanford's negligence.

Mrs. Sanford suffered substantial injuries as a result of Mr. Hunter's negligence and has outstanding medical bills because of these injuries. Mrs. Sanford has made a remarkable recovery but still has some ongoing effects from the accident. Mrs. Sanford experiences foot drop in her right foot and double vision when she looks down. Because of the injuries sustained in the collision, Mrs. Sanford will likely need a hip replacement in the future, have issues with posttraumatic arthritis, and possibly experience further cognitive issues as a result of her traumatic brain injury. Mrs. Sanford may have a reduced future earning capacity because of her ongoing physical impairments. She will likely have future medical expenses as a direct result of the

accident. Therefore, the undersigned finds that the damages of \$1.15 million sought by Mrs. Sanford are reasonable and justly apportionable to Leon County as a result of Mr. Hunter's negligence.

The parties participated in mediation and reached a Mediation Settlement Agreement for \$1.15 million, the same amount as the claim bill. A Final Judgment in favor of Mrs. Sanford for the \$1.15 million was signed and entered into the circuit court's record on April 13, 2015. The Mediation Settlement Agreement afforded Mrs. Sanford the right to pursue a claim bill from the legislature for \$1.15 million and also allowed Leon County the right to contest any filed claim bill.

At the Special Master Hearing attorneys for both parties agreed that all evidence and arguments presented at the hearing were also taken into consideration at mediation. The attorneys also agreed that no new evidence was presented to the undersigned at the hearing.

The undersigned finds that at mediation the parties presented all of the facts and arguments described above. The parties also took into account the fault of Mr. Hunter and Mr. Sanford as well as Mrs. Sanford's recovery and her future medical needs. Therefore, the undersigned finds that the Mediation Settlement Agreement was both reasonable and responsible.

LEGISLATIVE HISTORY:

This is the first claim bill presented to the Senate in this matter.

ATTORNEYS FEES:

Mrs. Sanford's attorney has agreed to limit his fees to 25 percent of any amount awarded by the Legislature in compliance with s. 768.28(8), F.S. The bill provides that the total amount paid for lobbying fees, costs, and other similar expenses relating to the claim are included in the 25 percent limit.

FISCAL IMPACT:

Leon County is insured and has received no indication from its insurer that the entire amount of the claim bill, if passed, will not be paid.

RECOMMENDATIONS:

For the reasons set forth above, the undersigned recommends that Senate Bill 22 (2016) be reported FAVORABLY.

SPECIAL MASTER'S FINAL REPORT – SB 22

December 22, 2015

Page 12

Respectfully submitted,

Lauren Jones
Senate Special Master

cc: Secretary of the Senate

By Senator Montford

3-00120A-16

201622__

1 A bill to be entitled

2 An act for the relief of Angela Sanford by Leon
3 County; providing for an appropriation to compensate
4 her for injuries and damages sustained as a result of
5 the negligence of an employee of Leon County;
6 providing that certain payments and the appropriation
7 satisfy all present and future claims related to the
8 negligent act; providing a limitation on the payment
9 of compensation, fees, and costs; providing an
10 effective date.

11
12 WHEREAS, on September 5, 2013, Angela Sanford was a belted
13 front-seat passenger in a car that was traveling on a green
14 light through the intersection of West Tharpe Street and North
15 Martin Luther King, Jr., Boulevard in Tallahassee, Florida, and

16 WHEREAS, at the same time, a Leon County ambulance operated
17 by Leon County employee Benjamin Hunter entered the intersection
18 despite a red light displayed on the traffic signal, which was
19 clearly visible the entire time Mr. Hunter approached the
20 intersection, and

21 WHEREAS, the ambulance broadsided the passenger's side of
22 the car in which Angela Sanford was traveling in and struck the
23 passenger side door at a speed in excess of 40 miles per hour,
24 and

25 WHEREAS, Mr. Hunter failed to operate his ambulance in a
26 reasonably safe manner and conducted himself in direct violation
27 of the Leon County Emergency Medical Services Standard Operating
28 Guideline, which specifically requires all emergency vehicles to
29 come to a full and complete stop at a red light, and

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201622__

30 WHEREAS, although Mr. Hunter later claimed that the light
31 was yellow, the video from the ambulance's onboard camera
32 clearly showed that the light was red for the entire 8 seconds
33 of the video, and

34 WHEREAS, the investigation conducted by the Leon County
35 Sheriff's Office concluded that Mr. Hunter was the sole person
36 at fault in the accident, and

37 WHEREAS, Mr. Hunter also admitted, and the evidence showed,
38 that fences, trees, and buildings at the corner of the
39 intersection blocked the other driver's view of the ambulance as
40 it approached the intersection, and

41 WHEREAS, as a result of the crash, Angela Sanford sustained
42 life-threatening injuries that left her in a coma, including a
43 traumatic brain bleed that resulted in permanent cognitive and
44 depressive disorders, a lacerated liver, a ruptured bladder, a
45 cranial nerve injury resulting in permanent double vision, a
46 fractured pelvis requiring hardware insertion, a fractured
47 clavicle requiring hardware insertion, bilateral hip socket
48 fractures requiring hardware insertion, a fractured knee, a
49 fractured shoulder blade, eleven fractured ribs, permanent
50 peroneal nerve palsy known as foot drop, and numerous other
51 injuries that have now left her totally disabled and unable to
52 ever return to her career as an elementary school teacher, and

53 WHEREAS, Angela Sanford's medical expenses at the time of
54 judgment exceeded \$744,000, and

55 WHEREAS, on April 13, 2015, a final judgment in the amount
56 of \$1.15 million was entered by the trial court for Angela
57 Sanford against Leon County, and

58 WHEREAS, Leon County carried liability insurance with

3-00120A-16

201622__

59 OneBeacon Insurance Group, Ltd., a Bermuda-domiciled company,
60 which will pay 100 percent of any appropriation up to the policy
61 limit of \$3 million, and

62 WHEREAS, Leon County has already paid out \$300,000 to other
63 persons injured in this accident in satisfaction of sovereign
64 immunity limits set forth in s. 768.28, Florida Statutes, NOW,
65 THEREFORE,

66

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

68

69 Section 1. The facts stated in the preamble to this act are
70 found and declared to be true.

71 Section 2. Leon County is authorized and directed to
72 appropriate from funds of the county not otherwise appropriated,
73 or from the county's liability insurance coverage, and to draw a
74 warrant in the sum of \$1.15 million, payable to Angela Sanford
75 as compensation for injuries and damages sustained.

76 Section 3. The amount paid by Leon County pursuant to s.
77 768.28, Florida Statutes, and the amount awarded under this act
78 are intended to provide the sole compensation for all present
79 and future claims arising out of the factual situation described
80 in this act which resulted in injuries and damages to Angela
81 Sanford. The total amount paid for attorney fees, lobbying fees,
82 costs, and similar expenses relating to this claim may not
83 exceed 25 percent of the total amount awarded under this act.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Subcommittee on Education, *Vice Chair*
Appropriations
Banking and Insurance
Education Pre-K - 12
Reapportionment
Rules

SENATOR BILL MONTFORD

3rd District

January 29, 2016

Senator Wilton Simpson, Chair
Senate Committee on Community Affairs
315 Knott Building
Tallahassee, Florida 32399-1100

Dear Senator Simpson:

I respectfully request that the following bill be placed on the next agenda for the Senate Community Affairs Committee meeting:

SB 22 Relief for Angela Sandford

Your consideration in the matter would be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William "Bill" Montford
State Senator, District 3

WM/md

REPLY TO:

- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 22
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 9, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
		Thompson						
		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
6	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 110

INTRODUCER: Senators Bean and Gaetz

SUBJECT: Churches or Religious Organizations

DATE: February 9, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 110 provides that clergy, churches and religious organizations, and their employees may not be required to solemnize¹ a marriage or provide certain services or accommodations for a marriage if the action would cause them to violate a sincerely held religious belief. A refusal to solemnize a marriage or provide certain services or accommodations may not become the basis for a civil or criminal cause of action by the state or its political subdivisions. Additionally, the refusal may not become the basis for the state or its subdivisions to penalize or withhold benefits or privileges, including tax exemptions or government contracts, grants, or licenses from the refusing individuals or entities.

II. Present Situation:

Conscience Protection Laws

History

A conscience protection law is an assurance that a person will not be required to participate in an activity that violates his or her religious beliefs, morals, or conscience. Some of the earliest American conscience protection laws were exemptions from military service, commonly referred to as conscientious objector exemptions.² These exemptions have been recognized by the legislative branch of government and enforced by the judicial branch since the Continental Congress announced in 1775 that it would respect the beliefs of people who could not bear arms

¹“Solemnize” is defined in Black’s Law Dictionary to mean to enter into a marriage or contract by a formal act, usually before witnesses. 7th Edition, page 1398.

² James M. Newton, *Constitutional Law – Conscientious Objectors – The End of the Selective Conscientious Objector*, 21 DEPAUL L. REV. 1051, 1052 (1972), available at <http://www.bing.com/search?q=james+m.+newton+constitutional+law+21+de+paul+law+review&src=IE-TopResult&FORM=IETRO2&conversationid> (last visited February 2, 2016).

because of the conflict it presented with their religious principles.³ As American jurisprudence has evolved, so have additional categories of conscience protection laws.

Additional Categories of Conscience Protection Laws

Healthcare

In response to the U.S. Supreme Court (Court) 1973 *Roe v. Wade* decision,⁴ Congress,⁵ the District of Columbia, and 47 state legislatures passed conscience protection laws to assure that health care workers would not be required to participate against their will in performing abortions.⁶ Florida law similarly provides conscience protection clauses for those who refuse to participate in abortions⁷ or refuse to furnish contraceptives, family planning services, supplies, or similar information due to medical or religious reasons. The refusing physician or other personnel may not be held liable for their refusal to participate.⁸

Federal Prosecutions, Executions, and Euthanasia

Federal laws also ensure that employees are not required to participate in the prosecution of capital crimes, executions,⁹ or euthanasia if doing so is contrary to the moral or religious convictions of the employee.¹⁰

Education and Adoption Services

Conscience protection laws have also emerged in the field of education to guarantee that students do not have to participate in academic assignments that violate their religious beliefs.¹¹ In the area of adoption services, several states have enacted varying degrees of conscience protection laws to prevent child placement agencies from being required to place children in situations that would violate their written religious or moral convictions.¹²

The Solemnization of Same-Sex Marriage Ceremonies

Most recently, conscience protection laws have been enacted to protect clergy members from being required to solemnize or perform same-sex marriage ceremonies. These laws have ranged

³ *Id.*

⁴ *Roe v. Wade*, 410 U.S. 113 (1973).

⁵ The Church Amendment, passed by congress in 1973, provides that the receipt of federal monies does not authorize an official to require someone to perform or assist in any sterilization procedure or abortion or make facilities available for those procedures if doing so would be contrary to his or her religious beliefs or moral convictions. 42 U.S.C. s. 300a-7.

⁶ Claire Marshall, *The Spread of Conscience Clause Legislation*, American Bar Association.org, http://www.americanbar.org/publications/human_rights_magazine_home/2013_vol_39/january_2013_no_2_religious_freedom/the_spread_of_conscience_clause_legislation.html (last visited February 2, 2016).

⁷ Section 390.0111(8), F.S.

⁸ Section 381.0051(5), F.S.

⁹ 18 U.S.C. s. 3597.

¹⁰ 42 U.S. C. s. 18113.

¹¹ Mo. Const. Article 1 s. 5. While Missouri amended its constitution to establish this protection, a majority of other states have adopted legislation permitting parents to opt out of an education curriculum that conflicts with their religious beliefs. Marshall, *supra* note 6.

¹² Comm. on Judiciary, The Florida Senate, *CS/HB 7111 (2015) Staff Analysis*, p. 2, (1st Eng. April 17, 2015) (on file with the Senate Committee on Judiciary).

from protection for clergy members and other religious officiants, to protections for not providing accommodations for ceremonies that would violate their convictions, to permitting state officials to opt-out of performing same-sex marriage ceremonies.¹³

State Legislation Authorizing Same-Sex Marriage and Conscience Protection Laws

Before the U.S. Supreme Court ruled on the legality of same-sex marriage in 2015,¹⁴ 13 jurisdictions had enacted legislation authorizing same-sex marriage. Between 2009 and 2014, same-sex marriage was statutorily recognized in Connecticut, Delaware, Washington, D.C., Hawaii, Illinois, Maryland, Maine, Minnesota, New Hampshire, New York, Rhode Island, Vermont, and Washington.¹⁵

As each of those 13 jurisdictions amended its constitution or statutes to guarantee the rights of same-sex couples to marry, each jurisdiction simultaneously enacted conscience protection laws to provide religious exemptions for clergy members who believed that conducting or solemnizing same-sex marriages violated their religious beliefs.¹⁶ These laws have become known as pastor protection laws. Ten of the states and the District of Columbia crafted specific provisions that exempted religious organizations from being required to provide services, accommodations, or facilities when doing so was contrary to their religious beliefs. Several of the statutes further stated that a refusal to solemnize a same-sex marriage ceremony or provide accommodations did not create a civil cause of action and the refusing person or entity could not be penalized or punished for those choices.

According to information supplied by the National Conference of State Legislatures,¹⁷ a number of states considered legislation in 2015 to provide conscience protection laws in one form or another. Some of the legislation passed, some proposals failed, and occasionally the session adjourned before a vote was taken. Two states, Kansas and Louisiana, enacted pastor protection laws through executive orders. Currently, at least 17 states have legislation pending to amend their marriage solemnization statutes.¹⁸ Several of these proposals would provide clergy or state employees with conscience protection laws for the solemnization of a marriage based upon the officiant's or government employee's religious objections.

2015 Conscience Protection Laws In States Without Same-Sex Marriage Laws

In 2015, at least three states that had not previously enacted same-sex marriage statutes enacted conscience protection laws for religious officials. Oklahoma, Texas, and Utah enacted

¹³ Travis Weber, *Can Pastors and Churches Be Forced to Perform Same-Sex Marriages?*, Family Research Council, available at http://www.frc.org/clergyprotected#_ftnref19 (last visited February 2, 2016).

¹⁴ *Obergefell v. Hodges*, et al., 135 S. Ct. 2584 (2015).

¹⁵ Same-sex marriage was declared constitutional in other states through litigation in the courts, not legislation.

¹⁶ Email from Rochelle Finzel, Group Director, National Conference of State Legislatures, (Oct. 30, 2015) (on file with the Senate Committee on Judiciary).

¹⁷ Email from Rochelle Finzel, Group Director, National Conference of State Legislatures, (Sept. 9, 2015) (on file with the Senate Committee on Judiciary).

¹⁸ Emails from Kyle Ramirez, Research Analyst, National Conference of State Legislatures, (Jan. 22, 2016) (on file with the Senate Committee on Judiciary).

conscience protection laws for religious officials and provided immunity from civil suits or protection from government retaliation.¹⁹

North Carolina²⁰ passed legislation during this past session to establish procedures under which a magistrate could be recused from performing marriages and an assistant or deputy register of deeds could be recused from issuing marriage licenses based upon a sincerely held religious objection. The bill was vetoed by the governor but the veto was overridden by the legislature.²¹ In contrast to other legislation, North Carolina conscience protection law does not apply to religious officials but to government employees.

Religious Freedom Protections

Religious Freedom in the U.S. Constitution and State Constitution

The constitutional guarantee of religious freedom is found in two clauses in the First Amendment to the U.S. Constitution.²² The First Amendment provides, in part, that:

Congress shall make no law *respecting an establishment of religion*, or prohibiting the *free exercise thereof*; . . .

The first clause, which is referred to as the Establishment Clause, prohibits government from enacting laws that advance religion or prefer one particular religion over another religion.²³ The second clause, which is referred to as the Free Exercise Clause, ensures that the government will not burden or interfere with an individual's right to practice his or her religion.²⁴ The two clauses, acting together, were designed to keep government in a balanced, neutral position so that religion was not advanced or restricted.²⁵

The Florida Constitution similarly establishes an almost identical guarantee. Article I, section 3 provides that:

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety.....

Legal Tests to Determine Whether a Law Affecting Religion Is Unconstitutional

The U.S. Supreme Court recently recounted the tests it has used over time to determine whether a challenged government action violated the Free Exercise Clause of the First Amendment.²⁶ In

¹⁹ Oklahoma House Bill No. 1007 (2015), Texas Committee Substitute for S.B. 2065 (2015), and Utah S.B. 297 (2015). The Utah bill also provided that a county clerk or a willing designee, be available during business hours to solemnize a marriage.

²⁰ North Carolina Senate Bill 2 (2015).

²¹ See North Carolina Ch. SL 2015-75.

²² U.S. CONST. amend. I.

²³ 16A AM. JUR. 2D CONSTITUTIONAL LAW s. 436 *Establishment of Religion, Generally* (2015).

²⁴ 16A AM. JUR. 2D CONSTITUTIONAL LAW s. 443, "*Free Exercise*" of Religion, *Generally* (2015).

²⁵ *Id.*

²⁶ *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014). In this decision, the U.S. Supreme Court held that the contraceptive mandate of the Patient Protection and Affordable Care Act of 2010 violated the Religious Freedom Restoration

decisions rendered before 1990, the Court used a balancing test to decide whether a challenged government action imposed a “substantial burden” on someone’s religious practice, and if it did, whether the action in question was necessary to serve a “compelling government interest.”²⁷ Applying that test, the Court held that an employee who was fired because she refused to work on the Sabbath could not be denied her unemployment benefits.²⁸ Similarly, the Court decided that Amish children could not be required to comply with state law requiring them to remain in school until they were 16 years old when their beliefs required them to focus on Amish values during the adolescent years.²⁹

In a 1990 case, however, the Court rejected the higher balancing test it had established earlier and adopted a new standard. The Court lowered the constitutional test and required simply that the governmental action not intentionally infringe upon someone’s religious exercise. The case of *Employment Div., Dept. of Human Resources of Oregon v. Smith*³⁰ involved two members of the Native American Church in Oregon who were fired from their jobs with a private drug rehabilitation organization because they ingested peyote for sacramental purposes at a ceremony at their church. Peyote was a controlled substance and its possession was a felony. Their unemployment compensation applications were rejected because they were discharged for work-related misconduct. The Oregon Supreme Court held that the denial of benefits was a violation of the Free Exercise Clause. The U.S. Supreme Court reversed and observed that the use of the balancing test when someone raised religious objections to the enforcement of a general law “would open the prospect of constitutionally required religious exemptions from civic obligations of almost every conceivable kind.”³¹

Religious Freedom Restoration Act of 1993

Congress responded to the *Smith* Court’s decision in 1993 by enacting the Religious Freedom Restoration Act (RFRA).³² Congress noted in its “Findings” to the act that the Supreme Court “virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion” and that the compelling interest test used in previous federal decisions was a workable test that struck a balance between religious liberty and governmental interests.³³ Congress further stated in the act that its purposes are:

- (1) to restore the compelling interest tests set forth in *Sherbert* and *Yoder* and guarantee its application in all cases where free exercise of religion is substantially burdened; and
- (2) provide a claim or defense to persons whose religious exercise is substantially burdened by government.

Act of 1993 as applied to three businesses. The Court determined that requiring the three closely held businesses to provide insurance coverage for certain contraceptives that could be determined to induce abortions, violated their sincere religious beliefs and substantially burdened their free exercise of religion. The RFRA only applies to Federal Government actions, not state or local actions, which may burden someone’s religious exercise.

²⁷ *Id.* at 2760.

²⁸ *Sherbert v. Verner*, 374 U.S. 398 (1963).

²⁹ *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

³⁰ 494 U.S. 872 (1990).

³¹ *Burwell*, 134 S. Ct. at 2760-61 (quoting *Smith*, 494 U.S., at 888).

³² 42 U.S.C. 2000bb et seq.

³³ 42 U.S.C. 2000bb(a)(4) and (5).

The Religious Freedom Restoration Act provides that the “Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability” unless the Federal Government is able to demonstrate that the burden on the person furthers a compelling governmental interest and is the least restrictive means of furthering that compelling government interest.³⁴ The act was amended in 2000 to cover “any act of religion, whether or not compelled by, or central to, a system of religious belief.”³⁵ The act originally applied to federal, state, and local actions but its application was limited to Federal Government actions in 1997.³⁶ In response to this limitation, the Florida Legislature enacted the “Religious Freedom Restoration Act of 1998.”

Florida’s Religious Freedom Restoration Act of 1998

The Religious Freedom Restoration Act³⁷ provides that the government shall not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability, except that government may substantially burden a person’s exercise of religion only if it demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest.³⁸ The Florida Supreme Court has held that a “substantial burden” on the free exercise of religion is a burden that either compels the religious adherent to engage in conduct that his religion forbids or forbids him to engage in conduct that his religion requires.³⁹

Federal Recognition of the Legal Right to Same-Sex Marriage

The U.S. Supreme Court issued the landmark decision, *Obergefell v. Hodges, et al.*,⁴⁰ on June 26, 2015, which held that couples of the same sex could not be deprived of the constitutional right to marry. Among the issues not addressed in the decision is the question of whether a religious official may be required to perform a same-sex marriage ceremony to which he or she has religious objections.⁴¹

Before the *Obergefell* decision was rendered, Florida⁴² and 39 other states adopted laws defining marriage as exclusively existing between one man and one woman.⁴³ As state and federal courts

³⁴ 42 U.S.C. 200bb-1(a) and (b).

³⁵ 42 U.S.C. 2000cc-5(7)(A). Religious Land Use and Institutionalized Persons Act of 2000.

³⁶ See *City of Boerne v. Flores*, 521 U.S. 507 (1997).

³⁷ Section 761.01-761.05, F.S.

³⁸ Section 761.03, F.S.

³⁹ *Warner v. City of Boca Raton*, 887 So. 2d 1023, 1033 (2004).

⁴⁰ *Obergefell v. Hodges, et al.*, 135 S. Ct. 2584 (2015).

⁴¹ Cynthia Brown and Erika K. Lunder, Congressional Research Service, *Recognition of Same-Sex Marriage: Implications for Religious Objections*, (Oct. 23, 2015) available at <https://fas.org/sgp/crs/misc/R44244.pdf>. The issue has also been raised as to whether a church or other religious organization could be denied tax-exempt status if it acted in opposition to same-sex marriage. Additional issues involve the civil rights of same-sex couples, the protections of civil servants who object to participation in same-sex ceremonies, whether providers of public accommodations may be required to accommodate same-sex couples, and protections for religious social service providers in programs receiving federal funds.

⁴² Fla. Const. art. I, s. 27.

⁴³ Email from Rochelle Finzel, Group Director, National Conference of State Legislatures, (October 19, 2015) (on file with the Senate Committee on Judiciary).

began overturning traditional marriage laws, judicial jurisdictions across the country were split on the legality of same-sex marriage.

At the federal level, the Fourth, Seventh, Ninth, and Tenth U.S. Circuit Court of Appeals held that state prohibitions against same-sex marriage were unconstitutional. The U.S. Court of Appeals for the Sixth Circuit,⁴⁴ however, disagreed with those conclusions in 2014 and held that there was no constitutional obligation to license same-sex marriages or recognize those marriages performed in other states.⁴⁵ That decision, which created a split of authority among the federal circuit courts, provided an opportunity for the U.S. Supreme Court to grant certiorari, a petition for appellate review, and settle the issue conclusively.

The U.S. Supreme Court granted review of the Sixth Circuit decision and limited the issues on appeal to two questions:

- Are states required by the Fourteenth Amendment to grant marriage licenses to two people of the same sex?
- Are states required by the Fourteenth Amendment to recognize a marriage of two people of the same sex when the marriage is lawfully licensed and performed in a state that grants that right?

The Court issued a 5-4 decision and answered both questions in the affirmative. This decision has raised concerns among religious groups as to whether certain ministers and members of the clergy may be compelled to perform same-sex marriage ceremonies if doing so is a violation of their sincerely held religious beliefs.

The Authority to Solemnize or Perform Marriage Ceremonies in Florida

Under Florida law, marriages may be solemnized by certain members of the clergy, specified state officials, and notaries public. The statute specifically provides that marriages may be solemnized by “regularly ordained ministers of the gospel or elders in communion with some church, or other ordained clergy, and all judicial officers, including retired judicial officers, clerks of the circuit courts, and notaries public of this state” and by certain Quakers.⁴⁶

III. Effect of Proposed Changes:

This bill establishes a conscience protection law for certain religious officials and organizations and provides that they may not be required to solemnize any marriage or provide certain services or items if the action would cause them to violate a sincerely held religious belief. The bill is closely modeled after a Texas law that was passed in 2015.⁴⁷

The bill creates s. 761.061, F.S., which provides that any of the following persons or entities may not be required to solemnize any marriage, or provide services, accommodations, facilities,

⁴⁴ The Sixth Circuit is comprised of Michigan, Kentucky, Ohio, and Tennessee. Those states all defined marriage as a union of one man and one woman. *Obergefell* at 2593.

⁴⁵ *DeBoer v. Snyder*, 772 F.3d 388 (C.A.6 2014).

⁴⁶ Section 741.07, F.S.

⁴⁷ Committee Substitute for S.B. No. 2065, now codified at TEX Family Code s. 2.601-2.602 (2015).

goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if that action would cause the church, organization, or individual to violate a sincerely held religious belief:

- A church or religious organization;
- An organization supervised or controlled by or in connection with a church or religious organization;
- An individual employed by a church or religious organization while acting in the scope of that employment; or
- A clergy member or minister.

If any of those individuals or entities refuses to solemnize a marriage or provide any of the enumerated items for the solemnization of the marriage, that refusal may not serve as the basis for a civil or criminal cause of action or any other action by the state or a political subdivision of the state to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

It is not abundantly clear from the wording of subsection (2) whether all civil causes of action are precluded against an individual or entity that refuses to participate in the marriage or if the civil cause of action may not be initiated by the state or its political subdivisions.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 761.061 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Bean

4-00072-16

2016110__

1 A bill to be entitled
2 An act relating to churches or religious
3 organizations; creating s. 761.061, F.S.; providing
4 that churches or religious organizations, related
5 organizations, or certain individuals may not be
6 required to solemnize any marriage or provide
7 services, accommodations, facilities, goods, or
8 privileges for related purposes if such action would
9 violate a sincerely held religious belief; prohibiting
10 certain legal actions, penalties, or governmental
11 sanctions against such individuals or entities;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 761.061, Florida Statutes, is created to
17 read:

18 761.061 Rights of certain churches or religious
19 organizations or individuals.-

20 (1) A church or religious organization, an organization
21 supervised or controlled by or in connection with a church or
22 religious organization, an individual employed by a church or
23 religious organization while acting in the scope of that
24 employment, or a clergy member or minister may not be required
25 to solemnize any marriage or provide services, accommodations,
26 facilities, goods, or privileges for a purpose related to the
27 solemnization, formation, or celebration of any marriage if such
28 an action would cause the church, organization, or individual to
29 violate a sincerely held religious belief of the entity or

4-00072-16

2016110__

30 individual.

31 (2) A refusal to solemnize any marriage or provide
32 services, accommodations, facilities, goods, or privileges under
33 subsection (1) may not serve as the basis for a civil or
34 criminal cause of action or any other action by this state or a
35 political subdivision of this state to penalize or withhold
36 benefits or privileges, including tax exemptions or governmental
37 contracts, grants, or licenses, from any entity or individual
38 protected under subsection (1).

39 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16
Meeting Date

SB 110
Bill Number (if applicable)

Topic Pastor Protection

Amendment Barcode (if applicable)

Name Gaby Garcia-Vera

Job Title Field Coordinator

Address 8330 Biscayne Blvd
Street

Phone _____

Street

City

Miam FL 33138

State

Zip

Email _____

Speaking: For Against Information

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

Representing Nat. Latina Inst. Repro. Health

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

SB 110
Bill Number (if applicable)

Topic SB 110

Amendment Barcode (if applicable) _____

Name Michelle Richardson

Job Title Director of Policy

Address 9500 Biscayne Blvd
Street

Phone 786-363-2700

Miami FL 33137
City State Zip

Email mrichardson@aclufl.org

Speaking: For Against Information

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

Representing ACLU 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16

Meeting Date

SB 110

Bill Number (if applicable)

Topic Churches or Religious Orgs

Name Chen McGwirk

Job Title Constituent Leon Cty

Address 3150 Windsong Dr Apt 4108

Street

Tallahassee FL 32308

City

State

Zip

Phone 405-370-4317

Email mcgawirka@gmail.com

Speaking: For Against Information

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

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name MICHAEL SHEEDY

Job Title EXECUTIVE DIRECTOR

Address 201 W. PARK AVE.

Phone _____

TALLAHASSEE FL 32301

Email _____

Street

City

State

Zip

Speaking: For Against Information

Plan to waive

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

Representing FL CONFERENCE OF CATHOLIC BISHOPS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

9-Feb-16

Meeting Date

110

Bill Number (if applicable)

Topic Churches or Religious Organizations

Amendment Barcode (if applicable)

Name Catherine Baer

Job Title Chair

Address 1421 Woodgate Way

Phone _____

Street

Tallahassee

FL

32308

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing The Tea Party 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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-9-79

Meeting Date

110

Bill Number (if applicable)

Topic Charitable / Religious Organizations

Name Marty Cassini

Amendment Barcode (if applicable)

Job Title Legislative Counsel

Address 115 S. Andrews Ave

Phone 954-357-7575

Street

Fort Lauderdale FL 33301

City

State

Zip

Email mcassini@broward.org

Speaking: For Against Information

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

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-16
Meeting Date

110
Bill Number (if applicable)

Topic Pastor Protection Bill

Amendment Barcode (if applicable)

Name Cathy Fruit

Job Title Legislative Liaison Concerned Women for America of FL

Address 3313 Dartmoor Dr
Street

Phone 850-545-2127

Tallahassee FL
City State Zip

Email Cm.fruit@yahoo.com

Speaking: For Against Information

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

Representing Concerned Women for America 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DANNIE WILLIAMS

Job Title SENIOR PASTOR

Address 2795 SOUTH ST
Street

Phone _____

LEEBSBURG FL 34748
City State Zip

Email _____

Speaking: For Against Information

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

Representing KINGDOM COVENANT FELLOWSHIP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/8/16
Meeting Date

110
Bill Number (if applicable)

Topic PASTOR Protection

Amendment Barcode (if applicable)

Name JESSE D. SANDERS JR

Job Title PASTOR

Address 2320 Applebark Parkway
Street

Phone 850-566-0624

TALLAHASSEE FL 32309
City State Zip

Email PASTOR@SoulWinnersForJesus.com

Speaking: For Against Information

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

Representing SOUL WINNERS FOR JESUS CHRIST EVANGELISTIC CHURCH

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

9 FEB

Meeting Date

SB 110

Bill Number (if applicable)

Topic PASTOR PROTECTION ACT

Amendment Barcode (if applicable)

Name BILL SNYDER

Job Title

Address

Street

TALLAHASSEE FL

Phone

City

State

Zip

Email

Speaking: For Against Information

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

Representing FREEDOM

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/19/16
Meeting Date

110
Bill Number (if applicable)

Topic SB110 Pastors Protection

Amendment Barcode (if applicable)

Name GILBERTO RODRIGUEZ

Job Title Temple Elijah (Center of Power Authority & Dominion)

Address 21021 ST. RD 54

Phone

City Wutz State FL Zip 33558

Email templeelijah@gmail.com

Speaking: For Against Information

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

Representing Christian Family Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/09/16
Meeting Date

SB 110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Armando V. Pomar

Job Title Consultant

Address 7710 Abbott Ave.
Street

Phone 786-285-4090

Miami Beach, FL 33141
City State Zip

Email armandovpomar@fabc.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16
Meeting Date

SB 110
Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name Rev. Charlene E. Cochran

Job Title Pastor

Address 2323 N State St #62

Phone 386-585-5484

Bunnell, FL 32110
City State Zip

Email

Speaking: For Against Information

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

Representing Christian Family Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

02-09-16

Meeting Date

110

Bill Number (if applicable)

Topic Pastor Protection Bill

Amendment Barcode (if applicable)

Name Pastor Natasha Oquendo

Job Title Pastor

Address 318 Cardiff Court

Street

Phone 850-586-6494

Panama City FL. 32404

City

State

Zip

Email natashaquendo network@gmail.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-16
Meeting Date

110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name CHRIS WALKER

Job Title PASTOR

Address 195 Blackstone Creek

Phone _____

Street

City

Orlando

State

Zip

FL 32736

Email convwalker@aol

Speaking: For Against Information

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

Representing South Lake Pastors Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-16

Meeting Date

S-1110

Bill Number (if applicable)

Topic Pastors Protection Act

Amendment Barcode (if applicable)

Name ^{Minister} Anthony Swain

Job Title Retired Engineer - ~~Minister~~ Minister

Address 1914 NW 43 St
Street

Phone 786-975-7470

Miami
City

FL
State

33142
Zip

Email SwainAnthony78@Yahoo.com

Speaking: For Against Information

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

Representing Christina Family Coalition - Apostolic Revival Center

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/08/2016
Meeting Date

SB-110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Howard Proctor

Job Title Pastor

Address 3415 9th St E
Street

Phone _____

Bradenton FL 34208
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

SB 110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Terry Weems

Job Title Pastor

Address P. O. Box 722

Phone _____

Street

Bradenton FL 34206

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

110

Bill Number (if applicable)

Topic Religious Liberty

Amendment Barcode (if applicable)

Name Ash Mason

Job Title Chairman Christian Coalition of FL

Address _____
Street

Phone (813) 380-7071

City

State

Zip

Email Ash.mason@CC.org

Speaking: For Against Information

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

Representing Christian Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16

Meeting Date

110

Bill Number (if applicable)

Topic Pastor Protection

Amendment Barcode (if applicable)

Name Carlos Guillermo Smith

Job Title Govt. Affairs Manager

Address 2237 Stonington Ave

Phone 404-934-4944

Street

Orlando FL

City

State

Zip

Email

Speaking: For Against Information

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

Representing EQUALITY FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-16
Meeting Date

SB 110
Bill Number (if applicable)

Topic Pastor's Protection

Amendment Barcode (if applicable)

Name Rocana Austin

Job Title Pastor of Visitation

Address 5200 S.E. 145th St

Phone 352-245-2560

Sumnerfield Fl 34491
Street City State Zip

Email _____

Speaking: For Against Information

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

Representing Open Door Community Church

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

FEB. 9, 2016
Meeting Date

SB 110
Bill Number (if applicable)

Topic PASTOR'S PROTECTION ACT
Amendment Barcode (if applicable)

Name ~~MINISTER~~ NATHANIEL J. WILCOX

Job Title MINISTER NATHANIEL WILCOX

Address 3111 N.W. 135 ST Phone (786) 488-2979

City MIAMI State FL Zip 33054 Email nwilcox2@aol.com

Speaking: For Against Information

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

Representing CHRISTIAN FAMILY COALITION/APOSTOLIC REVIVAL CENTER

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16
Meeting Date

110
Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name Anthony Verdugo

Job Title Executive Director

Address 6850 SW 29th
Street

Phone _____

Miami Florida 33165
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

SB 110

Bill Number (if applicable)

Topic Religious Exemption

Amendment Barcode (if applicable)

Name Nadine Smith

Job Title Executive Director, Equality FL

Address 4956 21st Ave

Phone _____

Street

St. Pete FL 33711

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-16
Meeting Date

SB 110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name GERALD BUSTIN

Job Title PASTOR

Address 5200 SE 145th St.

Phone 352-347-3284

Street

SUMMERFIELD FL 34491

City

State

Zip

Email gtbii@prodigy.net

Speaking: For Against Information

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

Representing Open Door Community Church

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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2/9/16
Meeting Date

100 110
Bill Number (if applicable)

Topic 1

Amendment Barcode (if applicable)

Name Hannah Willard

Job Title _____

Address 630 Hillcrest St #10
Street
Orlando, FL 32803
City State Zip

Phone 407 451 5460

Email hannah@egfl.org

Speaking: For Against Information

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

Representing Equality Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/2014

Meeting Date

SB-110

Bill Number (if applicable)

Topic PASTOR PROTECTION

Amendment Barcode (if applicable)

Name REV. ABRAHAM RIVERA

Job Title EXECUTIVE DIRECTOR MISSION MIAMI

Address 1255 NE 178 ST

Phone 786-704-3412

MIAMI FL 33162

Email abraham.rivera@me.com

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

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

Representing MISSION MIAMI

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

SB110

Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name Michael Rajner

Job Title _____

Address P.O. Box 21393

Phone 954 839-0877

Street

City

A. Land, FL 33303

State

Zip

Email merajner@gmail.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/9/2016

Meeting Date

SB-110

Bill Number (if applicable)

Topic PASTOR PROTECTION

Amendment Barcode (if applicable)

Name REV MARILYN RIVERA

Job Title EXECUTIVE BOARD, DIRECTOR OF GOVT AFFAIRS

Address 1255 NE 118 ST

Phone 305.546-1190

Street

MIAMI

FL

State

33162

Zip

Email marilynrivera5@gmail.com

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

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

Representing SOUTH FLORIDA HISPANIC MINISTERS ASSOCIATION

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

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

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The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 29, 2016

I respectfully request that **Senate Bill # 110**, relating to Churches or Religious Organizations, 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 COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 110
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 9, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	2/09/2016 Vote time certain 11:55 a.m.					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
	X	Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
6 Yea	1 Nay	TOTALS	FAV Yea	- Nay	Yea	Nay	Yea	Nay

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

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 Community Affairs

BILL: SB 550

INTRODUCER: Senator Dean

SUBJECT: Volunteer Rural Firefighting

DATE: February 9, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	Favorable
2.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 550 creates a Volunteer Rural Firefighter Certificate for volunteer firefighters who work for a firesafety provider located within a municipality with a population of fewer than 12,000 or a county with a population of fewer than 150,000. The bill requires the Division of State Fire Marshal to establish by rule courses and course examinations to provide training for the Volunteer Rural Firefighter Certificate. The required courses may not exceed 160 hours and must include emergency medical responder training.

II. Present Situation:

Division of the State Fire Marshal

State law on fire prevention and control is provided in ch. 633, F.S. Section 633.104, F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal (Division).¹ Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College. Additionally, the State Fire Marshal adopts by rule the Florida Fire Prevention Code, which contains or references all firesafety laws and rules regarding public and private buildings.²

The Division consists of the following four bureaus: the Bureau of Fire and Arson Investigations, the Bureau of Fire Standards and Training, the Bureau of Forensic Fire and Explosive Analysis,

¹ The head of the Department of Financial Services (DFS) is the Chief Financial Officer. The Division of the State Fire Marshal is located within the DFS.

² Section 633.202(1), F.S.

and the Bureau of Fire Prevention.³ The Florida State Fire College, part of the Bureau of Fire Standards and Training, trains over 6,000 students per year.⁴ The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities.⁵ Over 1.8 million fire and emergency reports are collected every year.⁶ These reports are entered into a database to form the basis for the State Fire Marshal's annual report.⁷

National Fire Protection Association (NFPA)

The National Fire Protection Association (NFPA) is an international nonprofit organization whose mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education.⁸ Membership of the NFPA includes approximately 65,000 individuals from nearly 100 nations. NFPA publishes 300 codes and standards that are designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installation in the United States, as well as many other countries.⁹ The NFPA has more than 200 technical code- and standard- development committees comprising over 6,000 volunteer seats.¹⁰ Volunteers vote on proposals and revisions in a process that is accredited by the American National Standards Institute (ANSI).¹¹

Firefighters Employment, Standards, and Training Council

The Firefighters Employment, Standards, and Training Council (Council) is housed at the Department of Financial Services and consists of 14 members.¹² Two members are fire chiefs appointed by the Florida Fire Chiefs Association; two members are firefighters who are not officers, appointed by the Florida Professional Firefighters Association; two members are firefighter officers who are not fire chiefs, appointed by the State Fire Marshal; one member is appointed by the Florida League of Cities; one member is appointed by the Florida Association of Counties; one member is appointed by the Florida Association of Special Districts; one member is appointed by the Florida Fire Marshal's Association; one member is appointed by the State Fire Marshal; and one member is a director or instructor of a state-certified firefighting training facility appointed by the State Fire Marshal.¹³

The Council has special powers in connection with the employment and training of firefighters as it:

³ Division of State Fire Marshal, *Organization Charts*, available at http://www.myfloridacfo.com/Division/SFM/SFM_Organizational_Charts.htm (Last visited Feb. 4, 2016).

⁴ Division of State Fire Marshal, *About the Florida State Fire Marshal*, available at <http://www.myfloridacfo.com/division/sfm/AbouttheStateFireMarshal.htm> (Last visited Feb. 4, 2016).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ National Fire Protection Association, *NFPA Overview*, <http://www.nfpa.org/about-nfpa/nfpa-overview> (Last visited Feb. 4, 2016)

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 633.402(1), F.S.

¹³ *Id.*

- Recommends for adoption by the Division, uniform minimum standards for the employment and training of firefighters and training of volunteer firefighters.
- Recommends for adoption by the Division, minimum curriculum requirements for schools operated by or for any fire service provider for the specific purpose of training firefighter trainees, firefighters, and volunteer firefighters.
- Recommends for adoption by the Division, on matters relating to the funding, general operation, and administration of the Bureau of Fire Standards and Training (Florida State Fire College), including, but not limited to, all standards, training, curriculum, and the issuance of any certificate of competency required by this chapter.
- Makes or supports studies on any aspect of firefighting employment, education, and training or recruitment.¹⁴

Curriculum Requirements for Volunteer Firefighters¹⁵

Volunteer firefighter training consists of Part I of the State of Florida Minimum Standards Course as required by ch. 633, F.S., and Florida Administrative Codes 69A-37 and 69A-62. The Part I training curriculum is a total of 206 hours. A significant portion of this training can be completed through both online and practical skill courses. The online courses can be taken in lieu of the traditional classroom lecture and satisfy most of the required academic objectives. The following academic components make up the Part I Minimum Standards Curriculum:

- Firefighter I Curriculum—consists of classroom and live fire based core training.
- National Incident Management System—focuses on the history, features, principles and organizational structure of Incident Command.
- Wildland Firefighter Training—curriculum and field exercises that address the basic skills required of all wildland firefighters who must understand the behavior and factors that affect the spread of wildfires.
- EMS First Responder—curriculum that is an introduction to basic life support and emergency care.

Volunteer firefighters who have successfully completed the Part I training are able to operate in the exclusionary or hot zone¹⁶ and in an Immediately Dangerous to Life or Health environment.

Support Personnel¹⁷

Other volunteers who do not seek the level of training needed for a Volunteer Firefighters Certificate of Completion may still be members of a Volunteer Fire Department. These volunteers are known as Support Personnel. Support Personnel respond with volunteer firefighters and are part of the Volunteer Fire Department roster. Support Personnel serve a critical role in supporting any emergency response as long as they are always in a safe zone and

¹⁴ Section 633.402(9), F.S.

¹⁵ Guidelines for the Firefighter Part I Certificate of Completion Program (Volunteer Firefighter), Division of the State Fire Marshal, the Florida State Fire College, Revision 1.7, October 2012, available at http://www.myfloridacfo.com/Division/SFM/BFST/Documents/Guidelines_FFPartICertificateofCompletionProgram_Ver1.7.pdf (Last visited Feb. 4, 2016).

¹⁶ *Id.* Section 633.102(17), F.S., “Hot zone” means the area immediately around an incident where serious threat of harm exists, which includes the collapse zone for a structure fire.

¹⁷ *Id.*

are performing duties for which they have been “trained commensurate to duty.” They can perform all activities that a fire service provider (Volunteer Fire Department) has trained an individual to perform safely outside the hot zone of an emergency scene, including pulling hoses, opening and closing fire hydrants, driving and operating apparatus, carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, or similar activities. “Trained commensurate to duty” means that the person must have documented training in the specific task assigned or a combination of skills required to accomplish any series of tasks which may be assigned to that individual, given a set of conditions or circumstances that the individual may undertake. Anticipated special circumstances such as hazardous materials operations, technical rescue, and similar conditions or circumstances require additional training.

Application

After a candidate has completed the required coursework for a Volunteer Firefighter Certificate of Completion, they can apply for such certification from the Division provided that they meet all of the following statutory requirements:¹⁸

- Be a high school graduate or the equivalent as determined by the Division.
- Be at least 18 years of age.
- Not have been convicted of a misdemeanor relating to the certification or to perjury or false statements, or a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof or under the law of any other country, or dishonorably discharged from any of the Armed Forces of the United States. “Convicted” means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.
- Submit a set of fingerprints to the Division with a current processing fee. The fingerprints will be forwarded to the Department of Law Enforcement for state processing and forwarded by the Department of Law Enforcement to the Federal Bureau of Investigation for national processing.
- Have a good moral character as determined by investigation under procedure established by the Division.
- Be in good physical condition as determined by a medical examination given by a physician, surgeon, or physician assistant licensed to practice in the state pursuant to ch. 458, F.S.; an osteopathic physician, surgeon, or physician assistant licensed to practice in the state pursuant to ch. 459, F.S.; or an advanced registered nurse practitioner licensed to practice in the state pursuant to ch. 464, F.S. Such examination may include, but need not be limited to, the National Fire Protection Association Standard 1582. A medical examination evidencing good physical condition shall be submitted to the Division, on a form as provided by rule, before an individual is eligible for admission into a course under s. 633.408, F.S.
- Be a nonuser of tobacco or tobacco products for at least 1 year immediately preceding application, as evidenced by the sworn affidavit of the applicant.
- Pay an application fee.

¹⁸ Section 633.412, F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 633.102, F.S., to define the term “volunteer rural firefighter.”

Section 2 amends s. 633.406, F.S., to create a Volunteer Rural Firefighter Certificate for volunteer firefighters who provide services for a fire service provider located within a municipality with a population of fewer than 12,000 or a county with a population of fewer than 150,000, and are in existence on July 1, 2016, or that were in existence at any time between July 1, 2000, and July 1, 2016, and subsequently reestablished after July 1, 2016.

Section 3 amends s. 633.408, F.S., to require the Division to establish by rule courses and course examinations to provide training for a volunteer rural firefighter certificate. The required courses may not exceed 160 hours and must include emergency medical responder training. By rule any courses successfully completed after July 1, 1970, which were credited towards a certificate under ch. 633, F.S., can be applied toward the required training.

Section 4 amends s. 633.414, F.S., to provide that in order for a volunteer rural firefighter to retain her or his Volunteer Rural Firefighter Certificate of Completion, every 4 years he or she must be active as a volunteer rural firefighter or successfully complete a refresher course consisting of a minimum of 40 hours of training as prescribed by rule. The term “active” means being employed as a firefighter or providing service as a volunteer firefighter or volunteer rural firefighter for a cumulative 6 months within a 4-year period.

Section 5 amends s. 633.416, F.S., to revise the conditions under which a fire service provider may retain the services of an individual volunteering to extinguish fires or to supervise individuals who perform such services. Individuals who perform such services in a municipality with a population of fewer than 12,000 or a county with a population of fewer than 150,000 and who hold a current and valid Volunteer Rural Firefighter Certificate of Completion or a current and valid Volunteer Firefighter Certificate of Completion are now eligible.

Section 6 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Individuals who volunteer to work for a fire service provider located within a municipality with a population of fewer than 12,000 or a county with a population of fewer than 150,000 will be able to take fewer hours of training to be certified. This should result in a cost savings from the current requirements of a volunteer firefighter certificate.

C. Government Sector Impact:

The Division will have to adopt by rule up to 160 hours of course work needed for the Volunteer Rural Firefighter Certificate of Completion.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 633.102, 633.406, 633.408, 633.414 and 633.416.

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

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

None.

B. Amendments:

None.

By Senator Dean

5-00274A-16

2016550__

1 A bill to be entitled
2 An act relating to volunteer rural firefighting;
3 amending s. 633.102, F.S.; defining the term
4 "volunteer rural firefighter"; amending s. 633.406,
5 F.S.; authorizing the Division of State Fire Marshal
6 within the Department of Financial Services to award a
7 Volunteer Rural Firefighter Certificate of Completion;
8 amending s. 633.408, F.S.; requiring the division to
9 establish by rule courses and course examinations to
10 provide training required to obtain the certificate;
11 providing requirements for the courses for the
12 certificate; requiring the division to award credit
13 for certain approved courses successfully completed by
14 a certain date; amending s. 633.414, F.S.; specifying
15 the requirements for the retention of the certificate;
16 amending s. 633.416, F.S.; revising the circumstances
17 under which a fire service provider may retain the
18 services of a volunteer firefighter; requiring a fire
19 service provider to provide notice to the division
20 regarding a decision to retain or not retain a
21 volunteer rural firefighter; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (36) is added to section 633.102,
27 Florida Statutes, to read:

28 633.102 Definitions.—As used in this chapter, the term:
29 (36) "Volunteer rural firefighter" means an individual who

5-00274A-16

2016550__

30 holds a current and valid Volunteer Rural Firefighter
31 Certificate of Completion issued by the division under s.
32 633.408 and provides fire extinguishment or fire prevention
33 services through a fire service provider that:

34 (a) Is in existence on July 1, 2016, or that was in
35 existence at any time between July 1, 2000, and July 1, 2016,
36 and is subsequently reestablished after July 1, 2016; and

37 (b) Provides services in a municipality with a population
38 of fewer than 12,000 or a county with a population of fewer than
39 150,000.

40 Section 2. Paragraph (h) is added to subsection (1) of
41 section 633.406, Florida Statutes, to read:

42 633.406 Classes of certification.—

43 (1) The division may award one or more of the following
44 certificates:

45 (h) Volunteer Rural Firefighter Certificate of Completion.—
46 A Volunteer Rural Firefighter Certificate of Completion may be
47 awarded to a person who has satisfactorily completed the
48 training requirements as prescribed by rule for a volunteer
49 rural firefighter.

50 Section 3. Present paragraph (c) of subsection (1) of
51 section 633.408, Florida Statutes, is redesignated as paragraph
52 (d), a new paragraph (c) is added to that subsection, and
53 subsection (5) of that section is amended, to read:

54 633.408 Firefighter and volunteer firefighter training and
55 certification.—

56 (1) The division shall establish by rule:

57 (c) Courses and course examinations to provide training
58 required to obtain a Volunteer Rural Firefighter Certificate of

5-00274A-16

2016550__

59 Completion. The required courses may not exceed 160 hours and
60 must include emergency medical responder training. The division
61 shall award credit toward a certificate under this paragraph, as
62 provided by rule adopted by the division, for any approved
63 course successfully completed on or after July 1, 1970, which
64 was creditable at the time of completion toward a certification
65 under this chapter.

66 (5) The division shall issue:

67 (a) A Volunteer Firefighter Certificate of Completion to
68 any individual who satisfactorily completes the course
69 established under paragraph (1) (b).

70 (b) A Volunteer Rural Firefighter Certificate of Completion
71 to any individual who satisfactorily completes the course
72 established under paragraph (1) (c).

73 Section 4. Present subsections (3), (4), and (5) of section
74 633.414, Florida Statutes, are redesignated as subsections (4),
75 (5), and (6), respectively, a new subsection (3) is added to
76 that section, and present subsection (4) is amended, to read:

77 633.414 Retention of firefighter certification.—

78 (3) In order for a volunteer rural firefighter to retain
79 her or his Volunteer Rural Firefighter Certificate of
80 Completion, every 4 years he or she must:

81 (a) Be active as a volunteer rural firefighter; or

82 (b) Successfully complete a refresher course consisting of
83 a minimum of 40 hours of training as prescribed by rule.

84 (5) ~~(4)~~ For the purposes of this section, the term "active"
85 means being employed as a firefighter or providing service as a
86 volunteer firefighter or volunteer rural firefighter for a
87 cumulative 6 months within a 4-year period.

5-00274A-16

2016550__

88 Section 5. Subsection (2) and paragraph (a) of subsection
89 (4) of section 633.416, Florida Statutes, are amended to read:
90 633.416 Firefighter employment and volunteer firefighter
91 service; saving clause.—

92 (2) A fire service provider may ~~not~~ retain the services of
93 an individual volunteering to extinguish fires for the
94 protection of life or property or to supervise individuals who
95 perform such services only if:

96 (a) unless The individual holds a current and valid
97 Volunteer Firefighter Certificate of Completion; or

98 (b) The services will be performed in a municipality with a
99 population of fewer than 12,000 or a county with a population of
100 fewer than 150,000 and the individual holds a current and valid
101 Volunteer Rural Firefighter Certificate of Completion or a
102 current and valid Volunteer Firefighter Certificate of
103 Completion.

104
105 This subsection does not apply to a volunteer who provides only
106 support services.

107 (4) (a) A fire service provider must notify the division
108 electronically, as directed by rule by the division, within 10
109 days after:

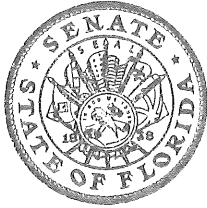
110 1. The hiring of a firefighter.

111 2. The retention of a volunteer firefighter or a volunteer
112 rural firefighter.

113 3. The cessation of employment of a firefighter.

114 4. A decision not to retain a volunteer firefighter or a
115 volunteer rural firefighter.

116 Section 6. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Environmental Preservation and
Conservation, *Chair*
Agriculture, *Vice Chair*
Appropriations Subcommittee on General
Government
Children, Families, and Elder Affairs
Community Affairs
Ethics and Elections

SENATOR CHARLES S. DEAN, SR.
5th District

February 2, 2016

The Honorable Wilton Simpson
322 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Simpson,

I respectfully request you place Senate Bill 550, relating to Volunteer Rural Firefighting, on your Community Affairs Committee agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean
State Senator District 5

cc: Tom Yeatman, Staff Director

REPLY TO:

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

**The Florida Senate
COMMITTEE VOTE RECORD**

COMMITTEE: Community Affairs
ITEM: SB 550
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 9, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
X		Diaz de la Portilla						
X		Hutson						
		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

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

Room: SB 301

Case No.:

Type:

Caption: Senate Community Affairs Committee Judge:

Started: 2/9/2016 10:08:33 AM

Ends: 2/9/2016 11:57:49 AM

Length: 01:49:17

10:08:34 AM Order
10:08:38 AM Roll Call
10:08:51 AM Quorum Present
10:09:15 AM Senator Thompson is Excused
10:09:37 AM SB 660 Senator Hays
10:11:04 AM Amendment 372784
10:11:06 AM Late-Filed
10:11:14 AM Senator Hays
10:11:42 AM Questions
10:11:44 AM Senator Hutson
10:12:27 AM Appearance
10:12:30 AM Debate
10:12:32 AM Close
10:12:35 AM Amendment Adopted
10:12:40 AM Back on Bill as Amended
10:12:42 AM Questions
10:12:45 AM Senator Brandes
10:14:18 AM Senator Diaz de la Portilla
10:16:50 AM Senator Brandes
10:17:59 AM Appearance
10:18:10 AM Charles Pattison - 1000 Friends of FL
10:19:22 AM Ray Puziello - Palm Beach
10:20:58 AM Shelley Stewart - Southern Title
10:21:02 AM Debate
10:21:04 AM Senator Brandes
10:21:15 AM Senator Hutson
10:22:08 AM Senator Diaz de la Portilla
10:23:22 AM Close
10:23:36 AM Roll SB 660 as Committee Substitute
10:23:46 AM SB 660 Reported Favorably
10:23:53 AM SB 22 Senator Montford
10:26:06 AM Senator Dean
10:26:16 AM Questions
10:26:17 AM Appearance
10:26:19 AM Debate
10:26:21 AM Close
10:26:25 AM Senator Bradley
10:27:24 AM Debate
10:27:26 AM Close
10:27:33 AM Roll Call SB 22
10:27:43 AM SB 22 Reported Favorably
10:27:56 AM SB 620 Senator Grimsley
10:28:02 AM Representative Roberson
10:28:37 AM Amendment 637382
10:28:49 AM Senator Dean Courtesy Amendment
10:28:57 AM Representative Roberson
10:29:05 AM Questions
10:29:08 AM Senator Bradley
10:32:09 AM Appearance
10:32:12 AM Senator Dean
10:33:09 AM Senator Diaz de la Portilla
10:35:35 AM Senator Hutson

10:39:40 AM Appearance
10:39:50 AM Johan Mixon - Indep. Funeral Dir Assoc.
10:39:58 AM Susan Harbon - FL Assoc of Counties
10:45:05 AM Questions
10:45:07 AM Senator Bradley
10:45:50 AM Senator Dean
10:47:08 AM Senator Hutson
10:50:12 AM Arlene Smith - Volusia County
10:51:46 AM Jerry Paul - Trust 100
10:54:41 AM Marty Cassini - Broward County
10:56:22 AM Senator Brandes
10:57:04 AM Todd Bon Larron - Palm Beach County
10:57:14 AM Georgia McKeown - FL Cemetery Cremation and Funeral Assoc
10:57:35 AM Richard Pinsky - Miami-Dade County
10:59:50 AM Debate
10:59:57 AM Close
11:01:31 AM Roll Call
11:01:55 AM Amendment Fails
11:02:01 AM Back on Bill as not Amended
11:02:09 AM Corinne Mixon - Indep. Funeral Directors of FL
11:02:20 AM James Wylie - FL Funeral Cemetery and Consumer Advocacy
11:02:22 AM Debate
11:02:23 AM Close
11:02:30 AM Roll
11:02:43 AM SB 620 Reported Favorably
11:03:45 AM CS/SB 768 Senator Flores
11:03:52 AM Amendment 577710
11:03:55 AM Senator Brandes
11:04:24 AM Appearance
11:04:26 AM Debate
11:04:29 AM Senator Bradley
11:04:42 AM Debate
11:04:45 AM Amendment Adopted
11:04:50 AM Back on Bill as Amended
11:04:53 AM Appearance
11:05:16 AM Larry Krantz - FL Police Chiefs Assoc
11:07:23 AM Bob Neely - FL Alarm Assoc
11:07:29 AM Casey Reed - ATT
11:07:31 AM Debate
11:07:36 AM Close
11:08:20 AM Roll Call CS/SB 768 as Committee Substitute
11:08:33 AM CS/SB 768 Reported Favorably
11:08:43 AM CS/SB 1602 Senator Galvano
11:08:47 AM LA Kathy Galea
11:09:33 AM Amendment 744074
11:09:35 AM Senator Brandes
11:09:40 AM Adopted without Objection
11:09:42 AM Questions
11:09:47 AM Back on Bill as Amended
11:09:49 AM Close
11:10:03 AM Roll Call CS/SB 1602 as Committee Substitute
11:10:09 AM CS/SB 1602 Reported Favorably
11:10:17 AM SB 44 Senator Garcia
11:10:25 AM LA Miguel Abad
11:13:17 AM Amendment 655372
11:13:23 AM Senator Diaz de la Portilla
11:13:28 AM Adopted without Objection
11:13:31 AM Back on Bill as Amended
11:13:33 AM Appearance
11:13:35 AM Close
11:13:42 AM Roll Call SB 44 as Committee Substitute
11:13:49 AM SB 44 Reported Favorably

11:14:00 AM SB 550 Senator Dean
11:14:40 AM Questions
11:14:42 AM Senator Bradley
11:15:47 AM Appearance
11:15:49 AM Debate
11:15:52 AM Close
11:15:58 AM Roll Call SB 550
11:16:06 AM SB 550 Reported Favorably
11:16:13 AM CS/SB 1288 Senator Richter
11:16:17 AM LA Michael Nacheff
11:16:32 AM Questions
11:16:35 AM Appearance
11:16:36 AM Debate
11:16:38 AM Close
11:16:49 AM Call Roll CS/SB 1288
11:16:57 AM CS/SB 1288 Reported Favorably
11:17:11 AM SB 110 Senator Bean
11:18:15 AM Questions
11:18:19 AM Appearance
11:18:54 AM Reverend Marilyn Rivera - South FL Hispanic Ministers Assoc.
11:19:25 AM Michael Rajner - n/a
11:23:12 AM Reverend Abraham Rivera - Mission Miami
11:25:25 AM Senator Abruzzo
11:34:17 AM Hannah Willard - Equality FL
11:36:30 AM Pastor Gerald Bustin - Open Door Community Church
11:38:15 AM Senator Abruzzo
11:42:08 AM Time Certain Vote 11:55
11:42:10 AM Senator Brandes
11:43:11 AM Nadine Smith - Equality FL
11:46:49 AM Questions
11:46:51 AM Senator Bradley
11:48:32 AM Senator Abruzzo
11:51:16 AM Anthony Verdugo - Executive Director
11:53:52 AM Question
11:53:56 AM Senator Brandes
11:55:22 AM Roana Bustin - Open Door Community Church
11:55:25 AM Carlos Guillermo Smith - Equality FL
11:55:29 AM Ash Mason - Christian Coalition
11:55:33 AM Terry Weems - Pastor
11:55:37 AM Howard Proctor - Pastor
11:55:41 AM Anthony Swain - Christian Family Coalition - Apostolic Revival Center
11:55:45 AM Chris Walker - South Lane Pastors Assoc.
11:55:53 AM Natasha Oquendo - Pastor
11:55:59 AM Charlene Cothran - Christian Family Coalition Pastor
11:56:05 AM Armando Pomar - Consultant
11:56:13 AM Gilberto Rodriguez - Christian Family Coalition
11:56:23 AM Bill Snyder - Freedom
11:56:27 AM Jesse Sanders - Soul Winners For Jesus Christ
11:56:30 AM Dannie Williams - Kingdom Covenant Fellowship
11:56:35 AM Cathy Fruit- Concerned Women for America of FL
11:56:40 AM Marly Cassini - Broward County
11:56:43 AM Catherine Baer - The Tea Party Network
11:56:46 AM Michael Scheedy - FL Conference of Catholic Bishops
11:56:53 AM Cher McGuirk - Constituent
11:56:57 AM Michelle Richardson - ACLU of FL
11:57:01 AM Gabby Garcia-Vera - Nat'l Latina Instit. Repro. Health
11:57:04 AM Debate
11:57:21 AM Nathaniel Wilcox - Christian Family Coalition/Apostolic Revival Center
11:57:27 AM Roll Call SB 110
11:57:38 AM SB 110 Reported Favorably
11:57:43 AM Meeting Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Commerce and Tourism- Vice Chair
Transportation
Ethics and Elections

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR GERALDINE F. THOMPSON
12th District

February 2, 2016

The Honorable Senator Simpson
322 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Simpson:

I respectfully request an excused absence from the February 9, 2016 meeting of the Committee on Community Affairs.

Sincerely,

A handwritten signature in black ink, appearing to read "Geraldine F. Thompson".

Geraldine F. Thompson

Senator Geraldine F. Thompson, D-12

REPLY TO:

- 511 W. South Street, Suite 204, Orlando, Florida 32805
- 210 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore