

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

**COMMERCE AND TOURISM**  
**Senator Montford, Chair**  
**Senator Gainer, Vice Chair**

**MEETING DATE:** Monday, November 13, 2017

**TIME:** 4:00—6:00 p.m.

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

**MEMBERS:** Senator Montford, Chair; Senator Gainer, Vice Chair; Senators Gibson, Hutson, Latvala, Passidomo, Rodriguez, and Young

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Update by Allen Bense, chairman of the board of Triumph Gulf Coast, Inc., on its activities		Presented
2	Panel discussion on economic challenges facing rural communities		Discussed
3	<b>SB 568</b> Young (Identical H 315, Compare H 553, S 740)	Telephone Solicitation; Revising the definition of the term "telephonic sales call" to include voicemail transmissions; prohibiting the transmission of voicemails to specified persons who communicate to a telephone solicitor that they would not like to receive certain voicemail solicitations or requests for donations, etc.  CM 11/13/2017 Fav/CS RC	Fav/CS Yeas 7 Nays 0
4	<b>SB 610</b> Young	Business Filings; Requiring that the Department of State develop and offer an optional secure business filing service designed to discourage fraudulent filings; requiring that the service notify an entity via e-mail whenever a document relating to the entity is delivered for filing; requiring that the entity have the opportunity to review the file, etc.  CM 11/13/2017 Favorable ATD AP	Favorable Yeas 7 Nays 0
5	<b>SB 620</b> Passidomo	Disaster Preparedness Tax Exemption; Providing a sales and use tax exemption for certain tangible personal property related to disaster preparedness during a specified period, etc.  CM 11/13/2017 Fav/CS AFT AP	Fav/CS Yeas 7 Nays 0

Other Related Meeting Documents

**TRIUMPH GULF COAST, INC. PRE-APPLICATION FORM**

Triumph Gulf Coast, Inc. (“Triumph Gulf Coast”) has created a pre-application process to provide initial consideration of potential ideas for projects or programs that may seek an award of funding. Applicants are required to participate in the pre-application process. Notwithstanding the response from Triumph Gulf Coast on the pre-application form, an Applicant may still elect to submit an Application.

**APPLICANT INFORMATION:**

Name of Individual/Entity/Organization: \_\_\_\_\_

Brief Description of Background of Individual/Entity/Organization: \_\_\_\_\_

\_\_\_\_\_

Contact Information:

Primary Contact Information: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Website: \_\_\_\_\_

Names of co-applicants, partners or other entities, organizations that will have a role in the proposed project or program: \_\_\_\_\_

\_\_\_\_\_

**REQUIRED EXECUTIVE SUMMARY:**

In a maximum of three (3) pages, please describe the proposed project or program, including (i) the amount of funds being sought from Triumph Gulf Coast; (ii) the amount and identity of other sources of funds for the proposed project or program; (iii) the location of the project or program; (iv) summary description of the proposed program, including how the program will be transformational and promote economic recovery, diversification, and enhancement of the disproportionately affected counties, and (v) a summary timeline for the proposed project or program.

**IMPORTANT NOTICE**

This pre-application process will **not** result in an award of funding by Triumph Gulf Coast. Rather, this process is designed to facilitate submission of ideas for potential projects or programs before the Applicant expends time and/or resources to complete a full Application. All Applicants for funding are required to complete an Application, which will be scored, and then considered for award in the discretion of Triumph Gulf Coast Board.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11.13.17

Meeting Date

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Allan Bense

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Triumph Gulf Coast

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)

www.theFloridaScorecard.org

Thousands of data points for Florida and counties

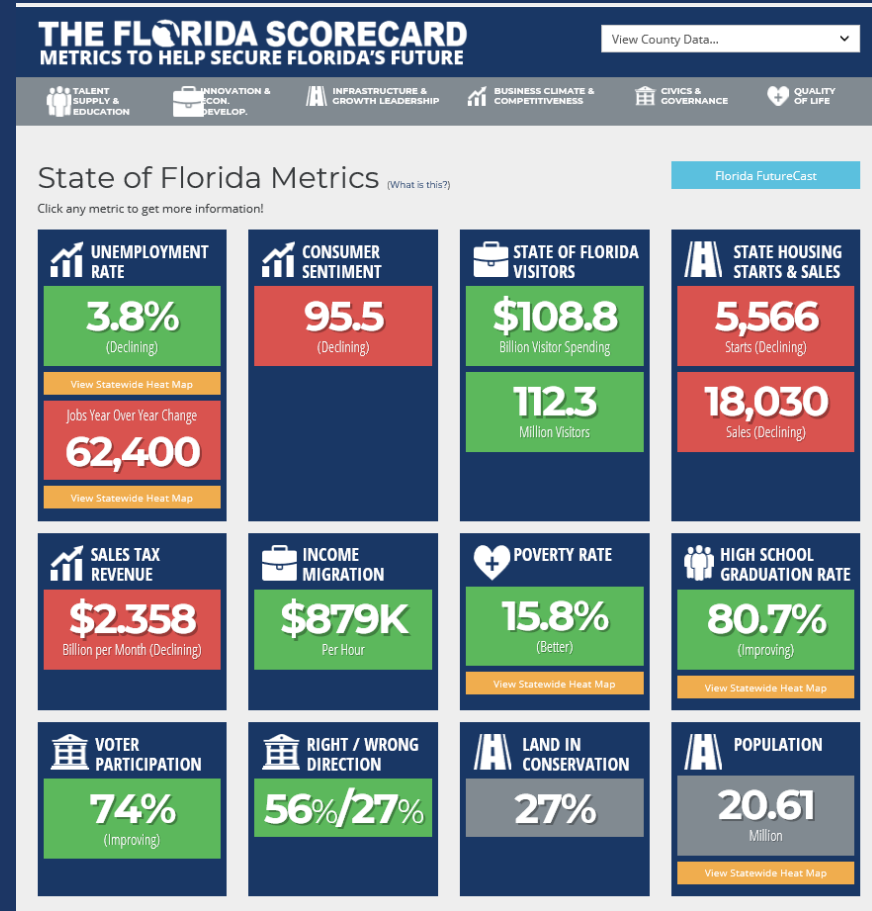
Each “tile” is live – links to downloadable chart

Data is downloadable

Sources are identified and linked

Each of Florida’s 6 Pillars have additional data

Heat maps available for many metrics



# Job Creation – 2007 to Dec '16

Since 2007:

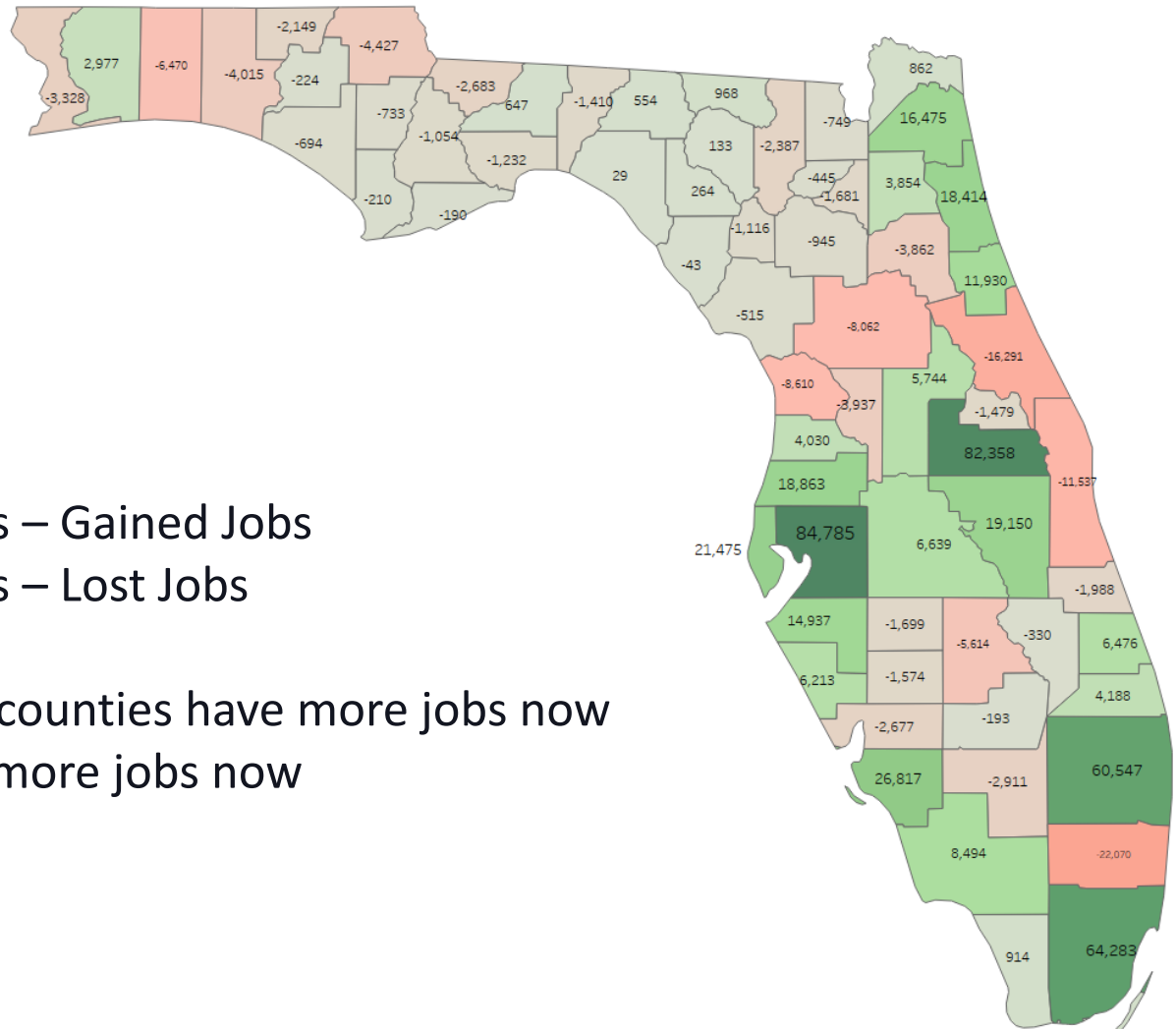
31 Florida Counties – Gained Jobs

36 Florida Counties – Lost Jobs

Florida – 46.3% of counties have more jobs now

U.S. – 37.5% have more jobs now

Data: LAUS

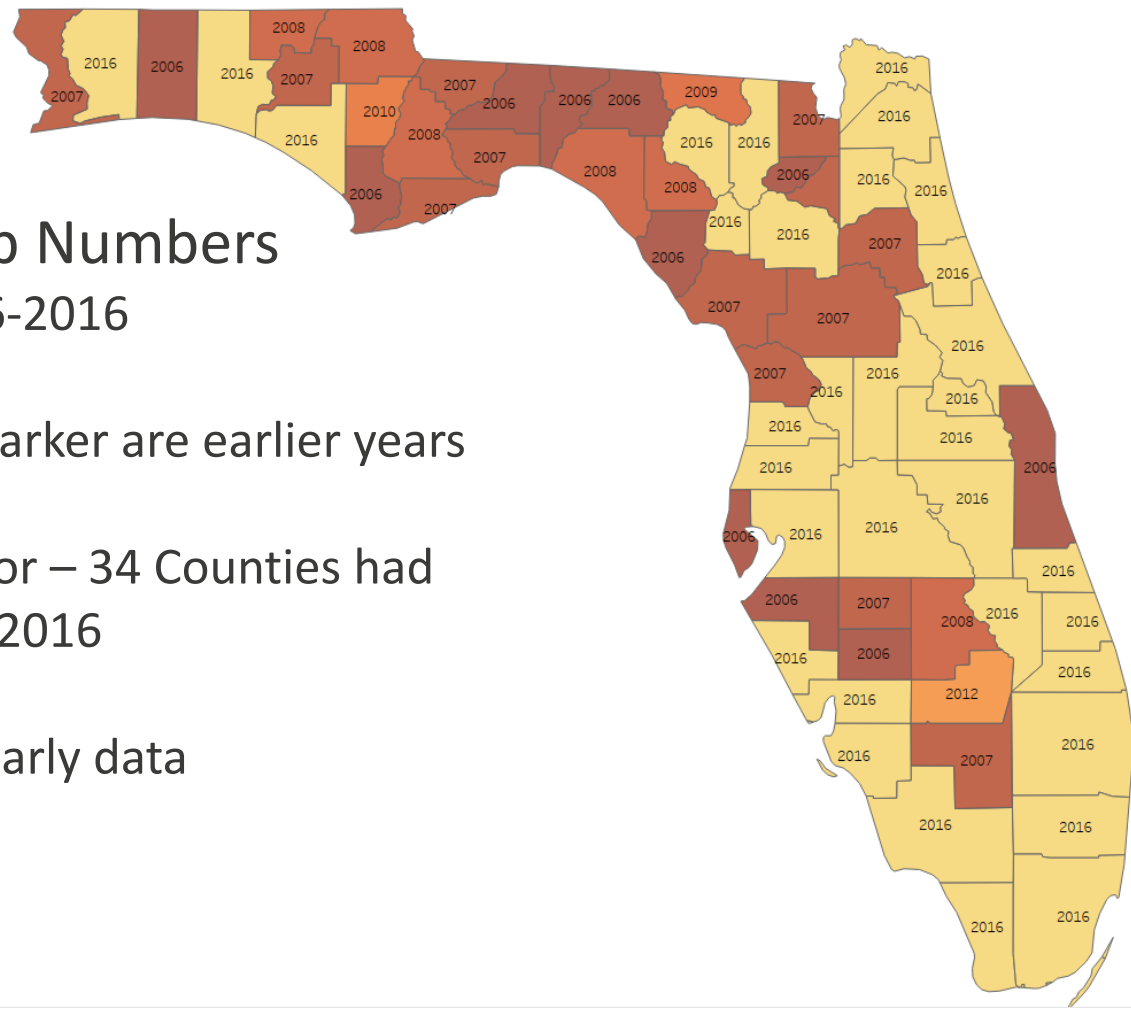


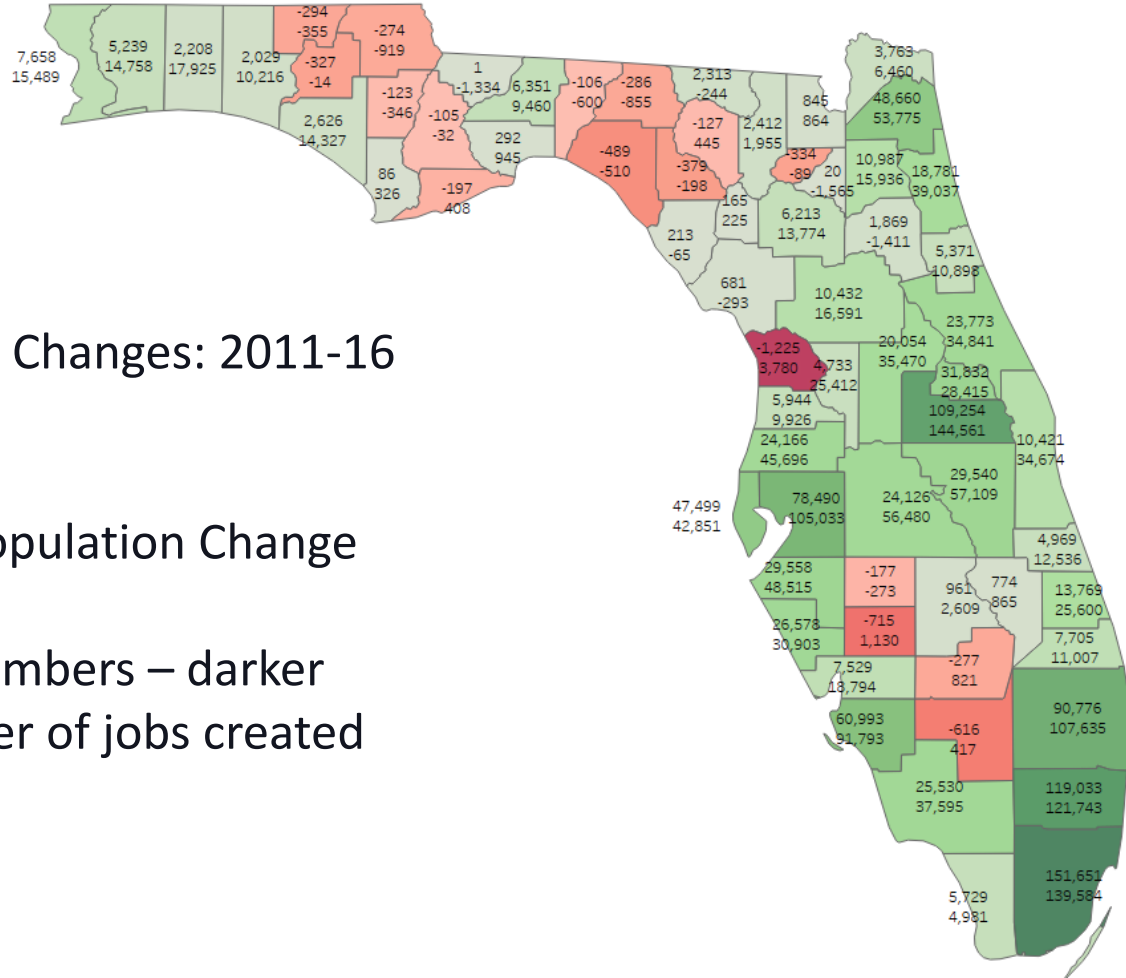
# Year of Highest Job Numbers 2006-2016

Heat Map on Years – Darker are earlier years

2016 is the lightest color – 34 Counties had highest job number in 2016

Data source: QCEW Yearly data





## Jobs and Population Changes: 2011-16

Top Number: Jobs

Bottom Number: Population Change

Heat map on Job Numbers – darker green, higher number of jobs created

Data: LAUS

# Under-18 Poverty in Florida

944,415 kids in Florida

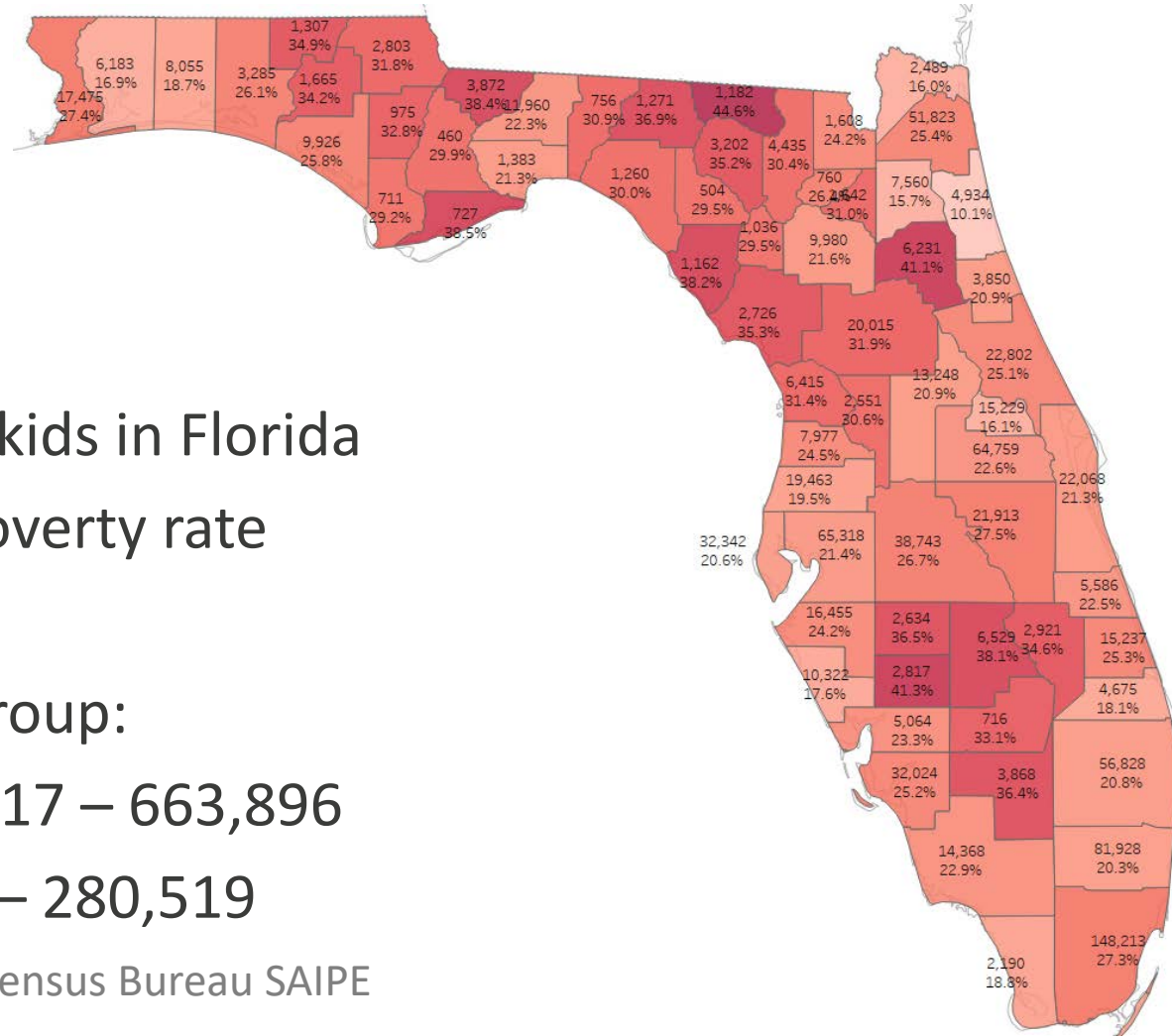
23.4% poverty rate

Of this group:

Age 5 to 17 – 663,896

Under 5 – 280,519

Data: U.S. Census Bureau SAIPE






# A Path To Prosperity




1,472 Zip Codes  
in Florida  
100 Business Leaders  
Collective Action

Jobs  
Education  
Housing  
Health  
Food  
Safety  
Childcare  
Transportation  
Agency



Florida Chamber Foundation  
**LESS POVERTY,  
MORE PROSPERITY:**  
The Florida Fiscal Cliffs Report



**FLORIDA  
CHAMBER**  
Foundation  
[www.FLFoundation.org](http://www.FLFoundation.org)

# Presentation before the Florida Senate Commerce and Tourism Committee

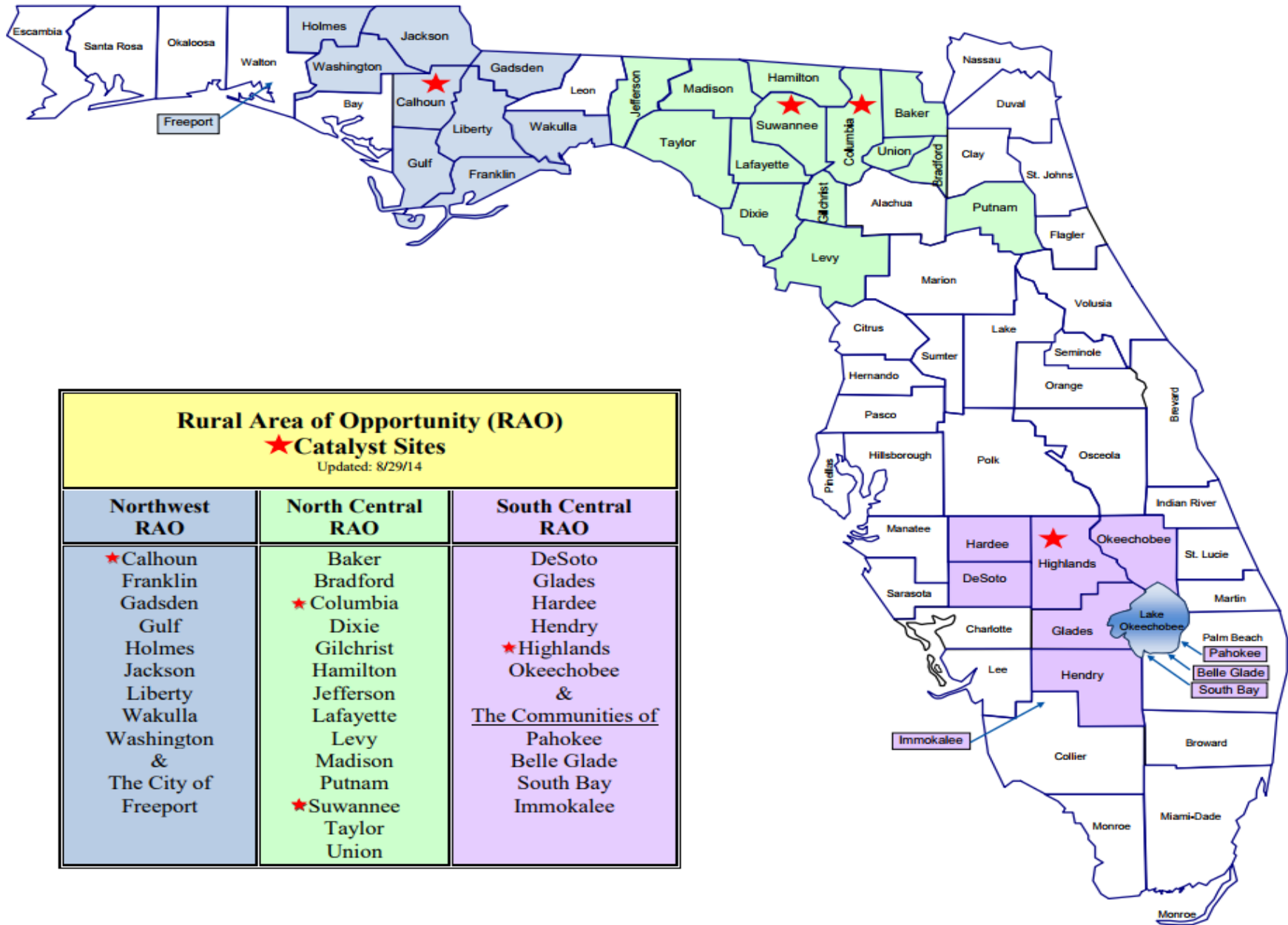
11/8/2017

Laura Youmans, Esq.  
Associate Director of Public Policy  
Florida Association of Counties



# “Rural”

- Population Density
- Fiscally Constrained Designation
  - Reflects fiscal capacity of local government to provide basic services
  - S.218.67 – County that is in a Rural Area of Opportunity; or county for which the value of a mill will raise no more than \$5 million in revenue
- Rural Area of Opportunity Designation
  - Defined by s. 288.0656
    - Designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique development opportunity of regional impact.





# Florida Association of Counties Rural County Caucus Leaders

- Com. Cheryl Sanders, Franklin County
- Com. Larry Harvey, Putnam County
- Com. Weston Pryor, Glades County
- Com. Terry Burroughs, Okeechobee County
- Com. John Meeks, Levy County
- Com. James Brooks, Highlands County
- Com. Brenda Holt, Gadsden County

Small County Coalition Chair

Commissioner Ralph Thomas, Wakulla County



Employers/  
Economic Opportunity



Quality  
of life



Residents/  
Employees

- Questions?

# Economic Differences: Urban and Rural Areas

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Senate Committee on Commerce and Tourism  
November 13, 2017

Presented by:

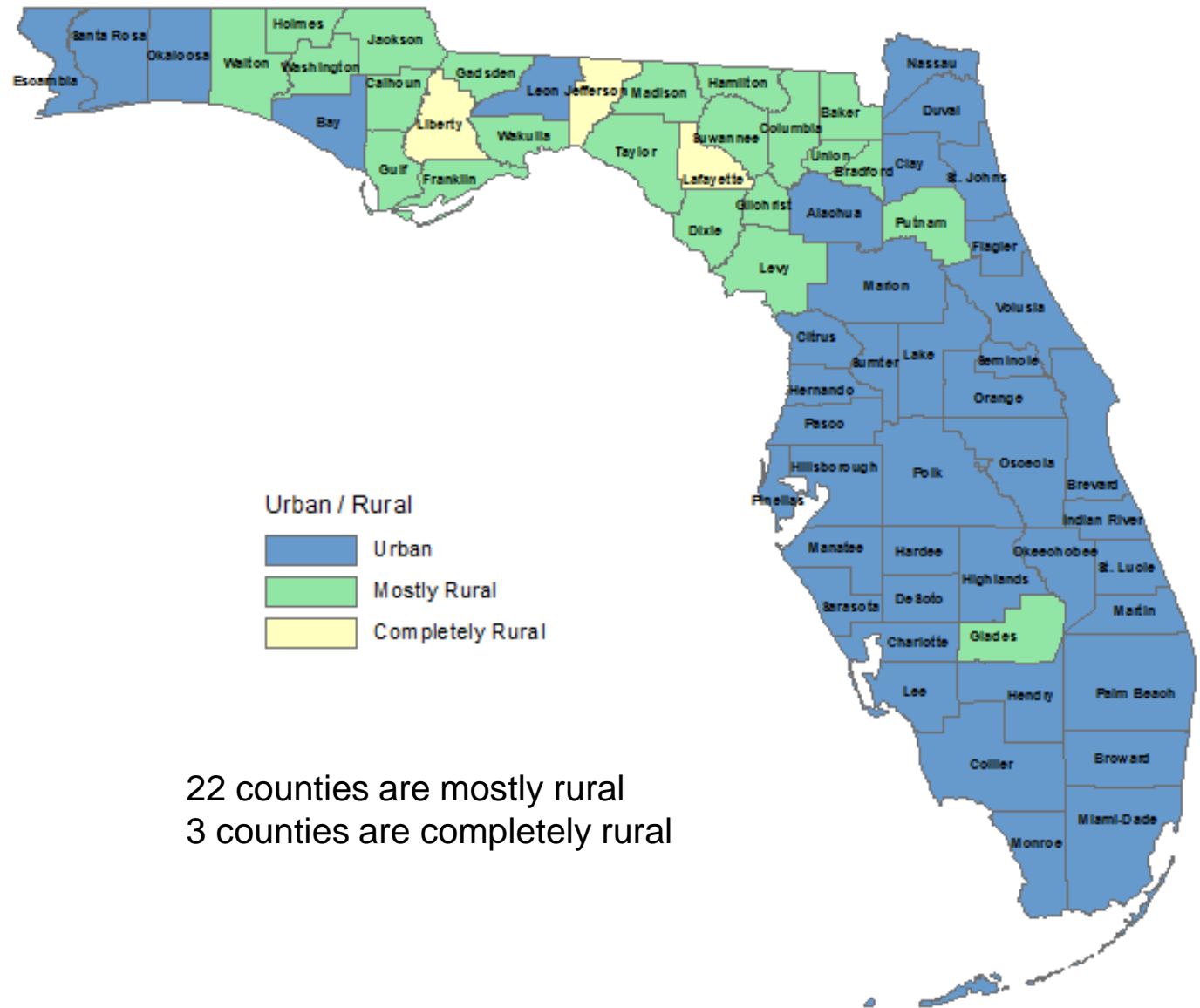


The Florida Legislature  
Office of Economic and  
Demographic Research  
850.487.1402  
<http://edr.state.fl.us>



# Florida's Urban and Rural Counties (Based on Census Population Size and Density)...

- The Census Bureau defines rural as all population, housing, and territory not included within an urbanized area (50,000 or more people) or urban cluster (at least 2,500 and less than 50,000 people).
- It defines "rural" at the census tract level, so a county may have a mixture of rural and urban areas as building blocks.
- As a result, the rural portion of Florida encompasses a wide variety of settlements, from densely settled small towns and "large-lot" housing subdivisions on the fringes of urban areas, to more sparsely populated and remote areas.
- In addition to lower overall population, rural areas have a population density of fewer than 500 people per square mile.



22 counties are mostly rural  
3 counties are completely rural

# Florida's Urban and Rural Data...

- **Urban**

- 91.2% of the state's population lives in urban areas
- 13.8% of the state's land area is in urban areas
- 2,315.2 persons per square mile in urban areas

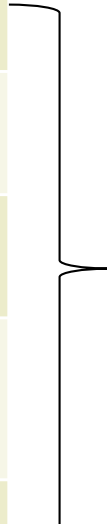
- **Rural**

- 8.8% of the state's population lives in rural areas
- 86.2% of state's land area is in rural areas
- 35.9 persons per square mile in rural areas

# Economic Factors: Why Urban and Rural Areas Differ...

## Factors Affecting Costs for People or Firms

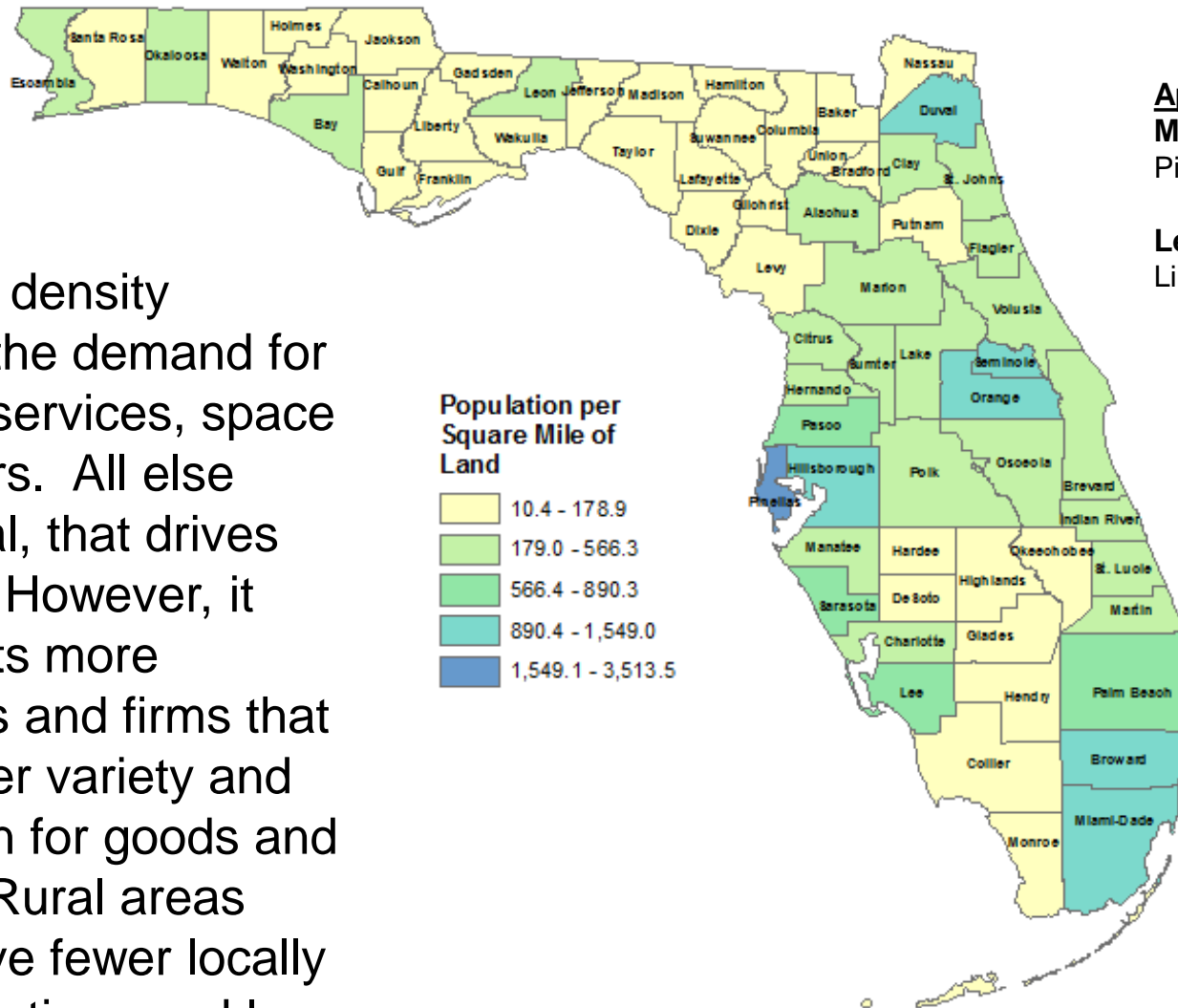
- Population density
- Per capita income
- Wages
- Housing cost / Land value (commercial rent)
- Transportation costs
- Job creation



For this group, the higher the factor, the higher the cost of living. Strengths and weaknesses can sometimes be mirror images.

# Florida's Population Density...

Population density increases the demand for all goods, services, space and workers. All else being equal, that drives up prices. However, it also attracts more businesses and firms that offer greater variety and competition for goods and services. Rural areas tend to have fewer locally available options and less economic development.



**April 1, 2017**

**Most Dense County:**

Pinellas 3,513.5

**Least Dense County:**

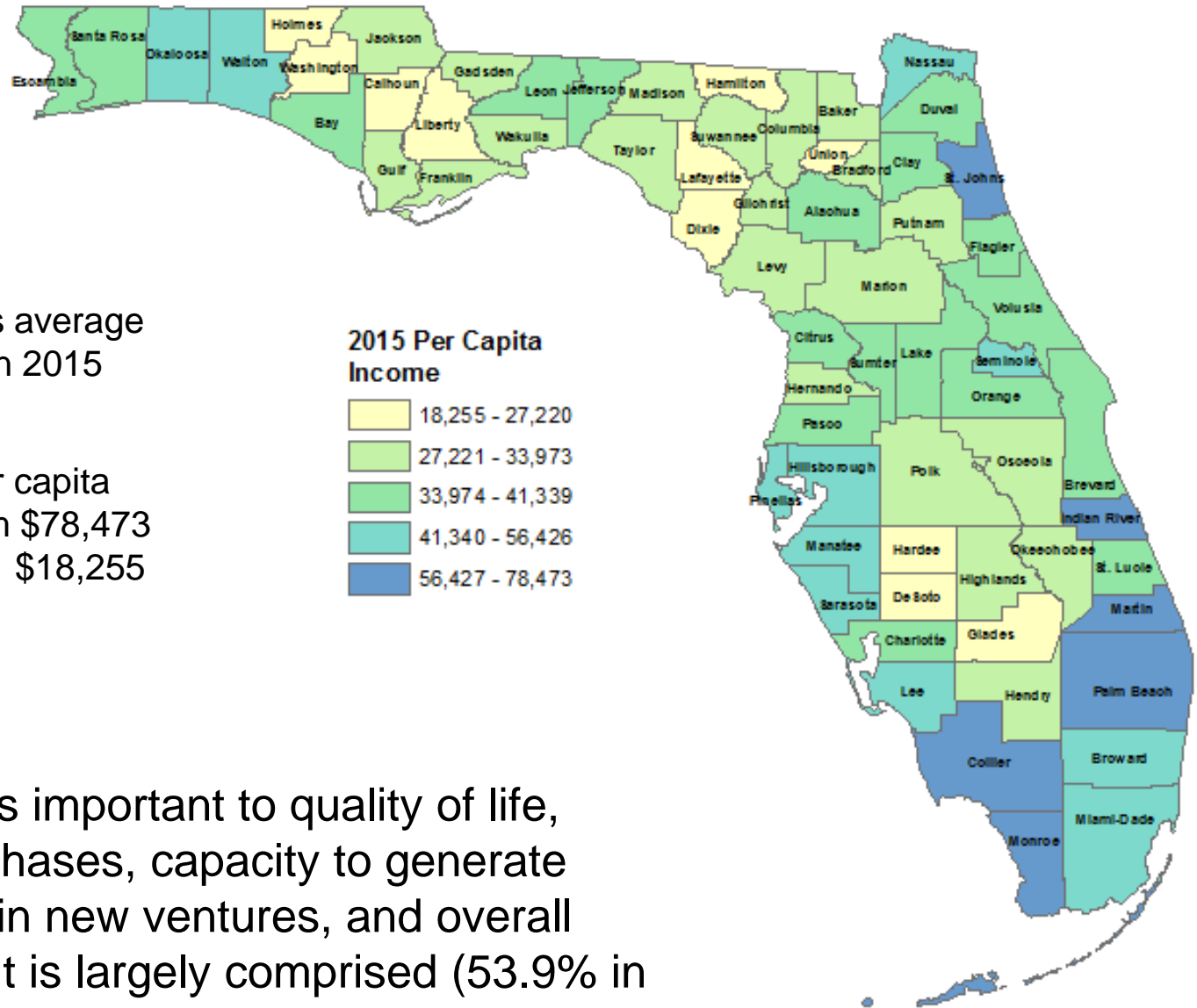
Liberty 10.4

Sources: US Department of Commerce, Census Bureau, 2010 Census, Land Area; and Florida April 1, 2017 Population Estimates

# Per Capita Income by County...

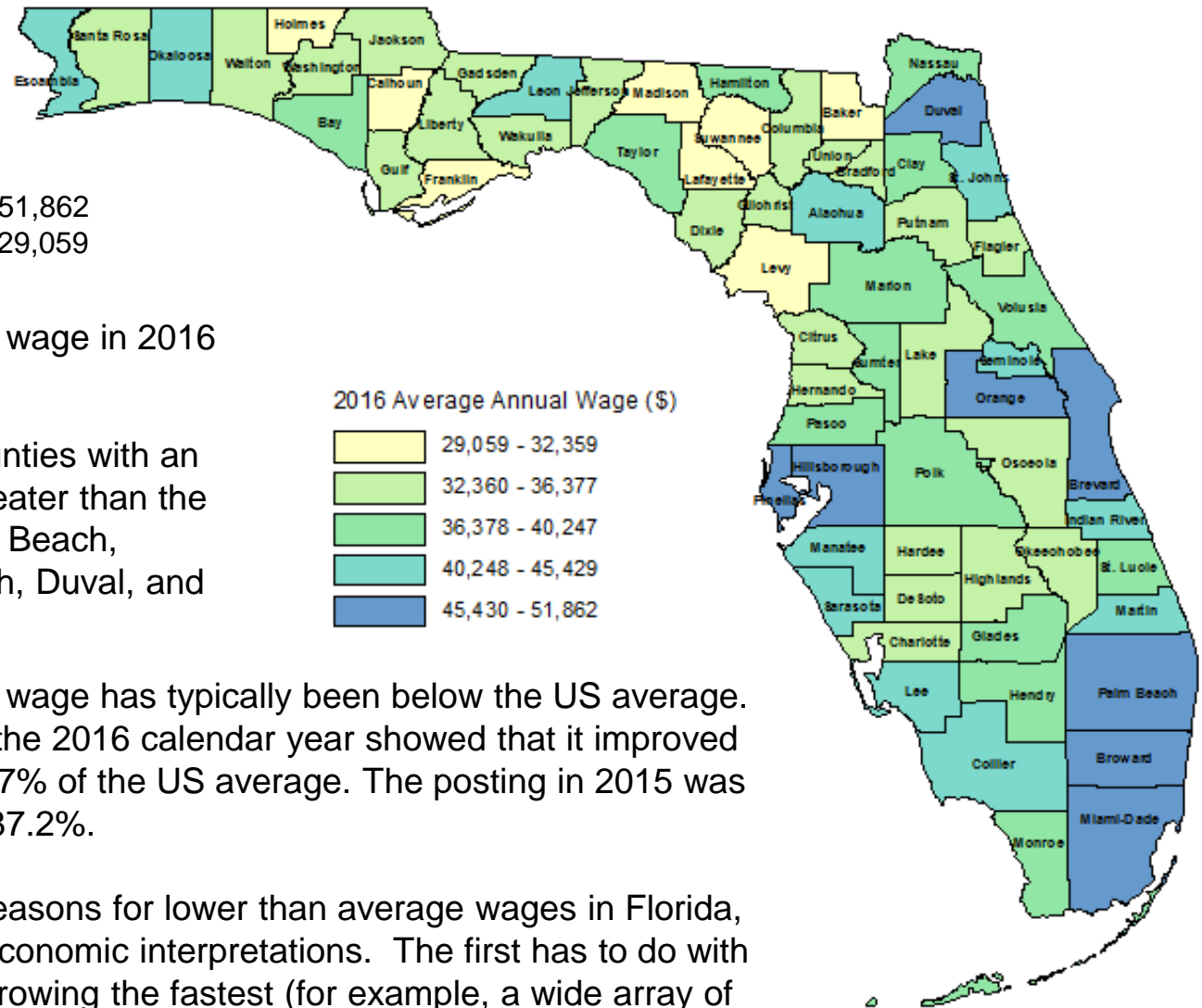
- Statewide, Florida's average per capita income in 2015 was \$44,429
- Florida's county per capita income ranged from \$78,473 in Collier County to \$18,255 in Union County.

Per capita income is important to quality of life, ability to make purchases, capacity to generate savings and invest in new ventures, and overall economic stability. It is largely comprised (53.9% in Florida) of salaries and wages.



Source: US Department of Commerce, Bureau of Economic Analysis; Place of Residence

# Average Annual Wage by County...

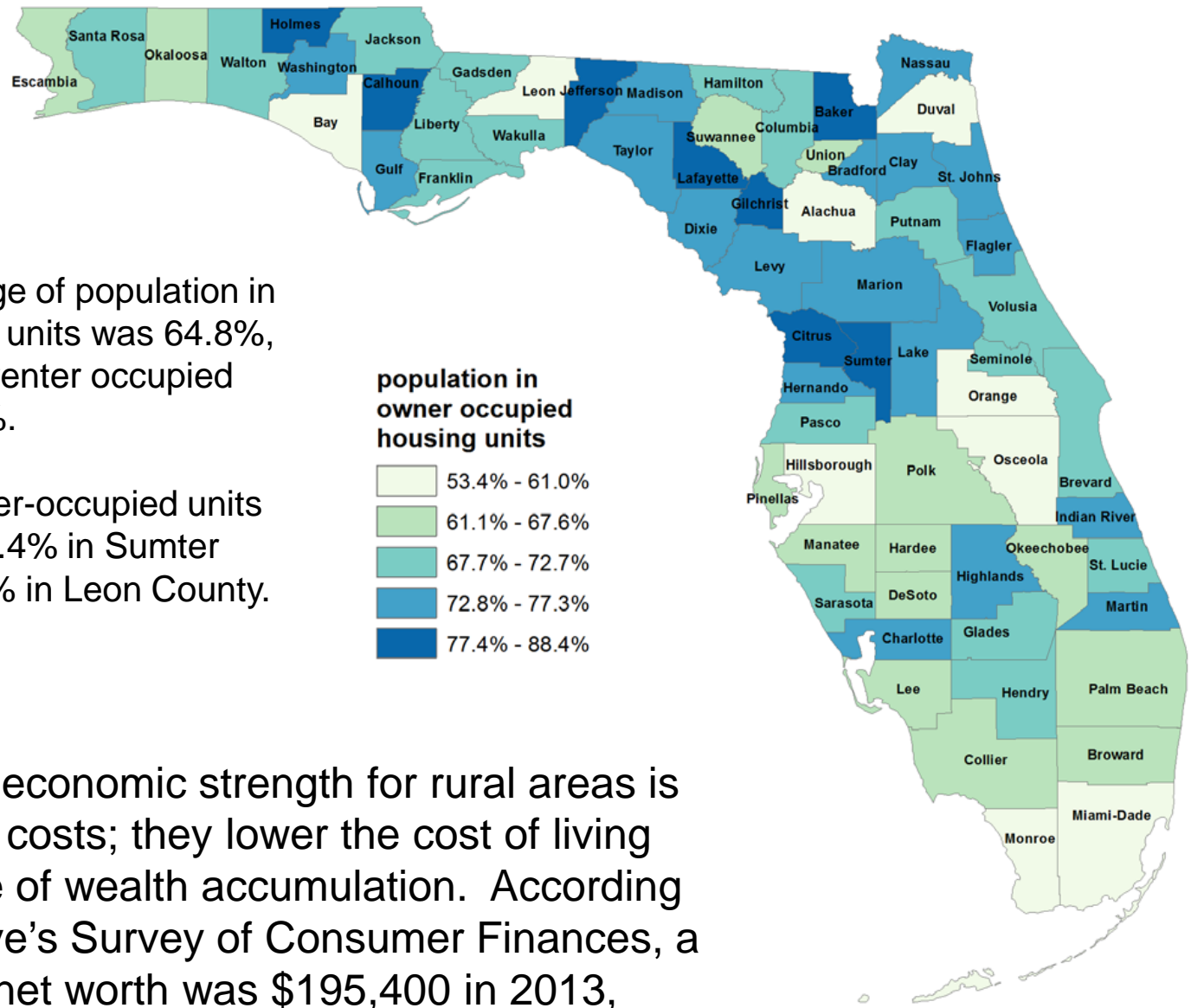


Palm Beach County \$51,862  
 Calhoun County \$29,059

- Florida's average annual wage in 2016 was \$47,055.
- There were 5 Florida counties with an average annual wage greater than the statewide average (Palm Beach, Miami-Dade, Hillsborough, Duval, and Broward).
- Florida's average annual wage has typically been below the US average. The preliminary data for the 2016 calendar year showed that it improved from the prior year to 87.7% of the US average. The posting in 2015 was 87.4% and in 2014 was 87.2%.
- There are two possible reasons for lower than average wages in Florida, and they have different economic interpretations. The first has to do with the mix of jobs that are growing the fastest (for example, a wide array of wage levels that are heavily influenced by jobs in Accommodations and Food Services which are low-paying). The second has to do with the range and distribution of wages across a community: a narrow band typically has more to do with opportunity and poverty. Urban workers have a higher return to education through higher wages.

Source: Florida Department of Economic Opportunity, Labor Market Statistics, Quarterly Census of Employment and Wages; Place of Work

# Homeownership by County...

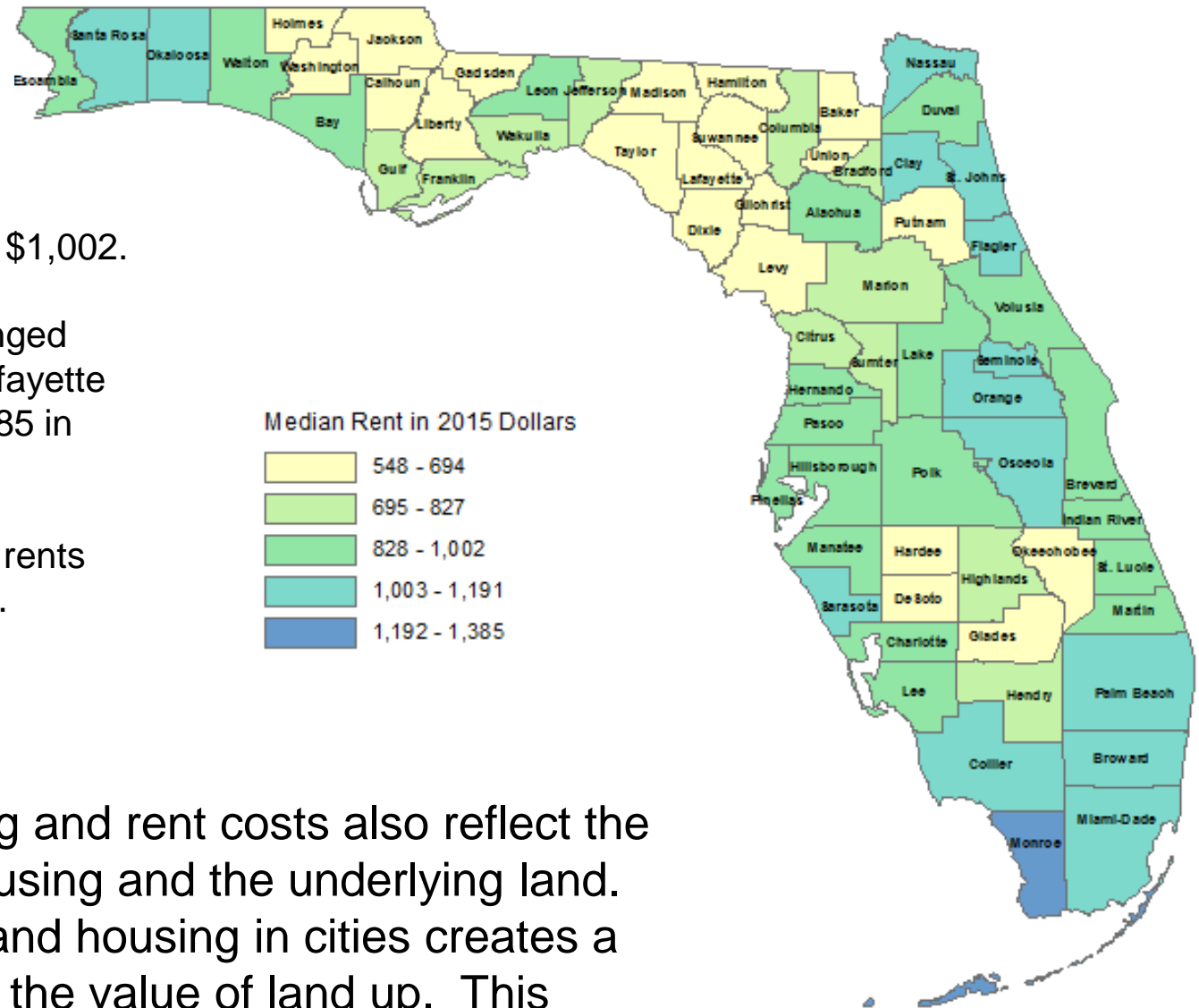


- Statewide, the percentage of population in owner occupied housing units was 64.8%, while the percentage in renter occupied housing units was 35.2%.
- The percentages in owner-occupied units varied from a high of 88.4% in Sumter County, to a low of 53.4% in Leon County.

Perhaps the greatest economic strength for rural areas is low housing and land costs; they lower the cost of living and become a source of wealth accumulation. According to the Federal Reserve's Survey of Consumer Finances, a typical homeowner's net worth was \$195,400 in 2013, while that of renter's was \$5,400.

# Housing: Florida Median Rent...

- Florida median rent was \$1,002.
- County median rents ranged from a low of \$548 in Lafayette County to a high of \$1,385 in Monroe County.
- 15 counties had median rents above the state average.



However, low housing and rent costs also reflect the lower demand for housing and the underlying land. The scarcity of land and housing in cities creates a constraint that drives the value of land up. This leads to a higher property tax base in urban areas.

Source: US Department of Commerce, Census Bureau, 5-year American Community Survey, 2011-2015



# Linking Wages to Housing and Cost of Living...

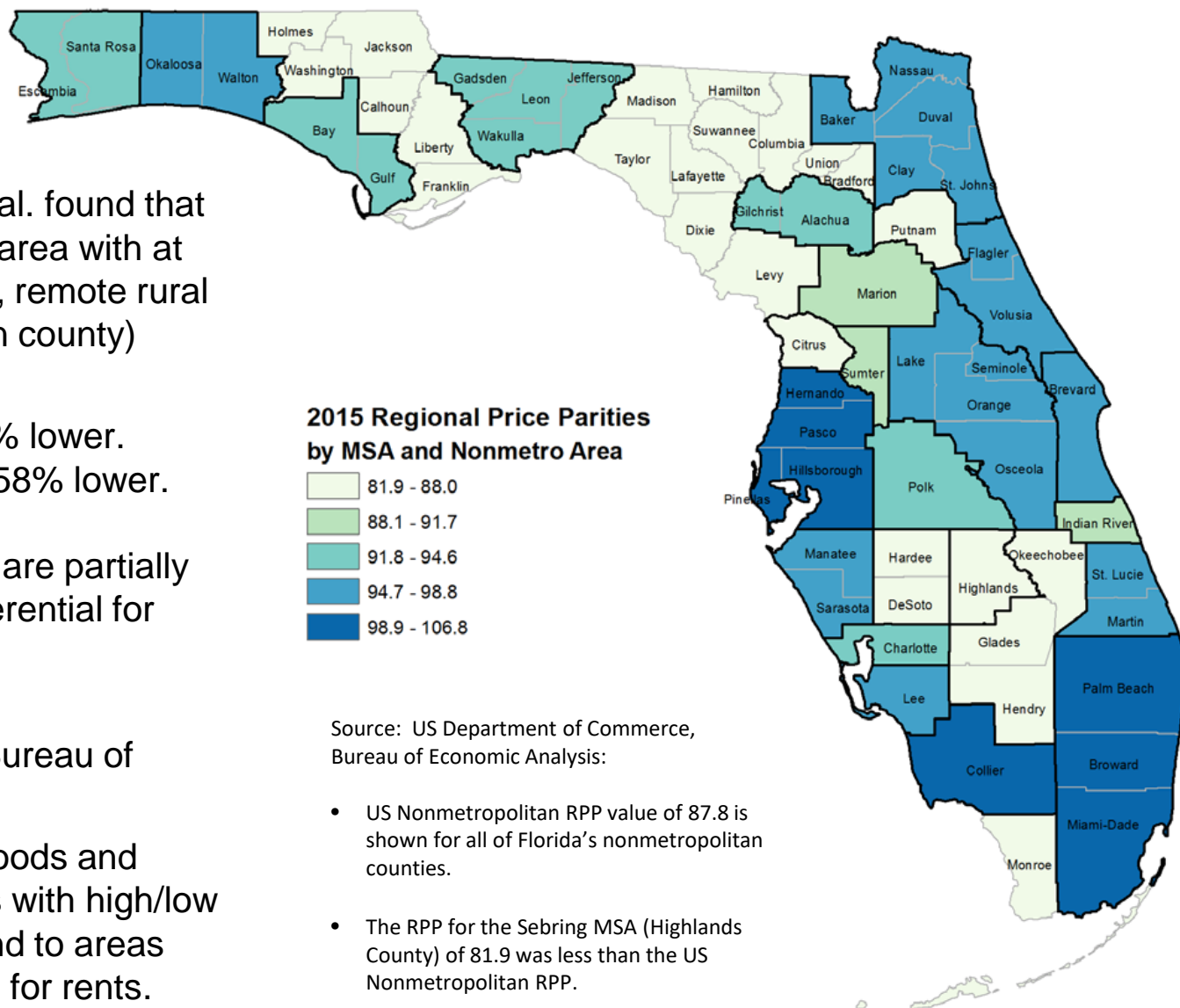
- A 2009 study by Partridge et al. found that relative to a US metropolitan area with at least 1.5 million in population, remote rural areas (not bordering an urban county) have:

- Wages that are up to 43% lower.
- Housing values that are 58% lower.

- Higher wages in urban areas are partially due to the compensation differential for higher housing costs.

- Regional Price Parities: US Bureau of Economic Analysis:

- Cover all consumption goods and services; however, areas with high/low RPPs typically correspond to areas with high/low price levels for rents.



# Transportation Costs for Consumers and Businesses...



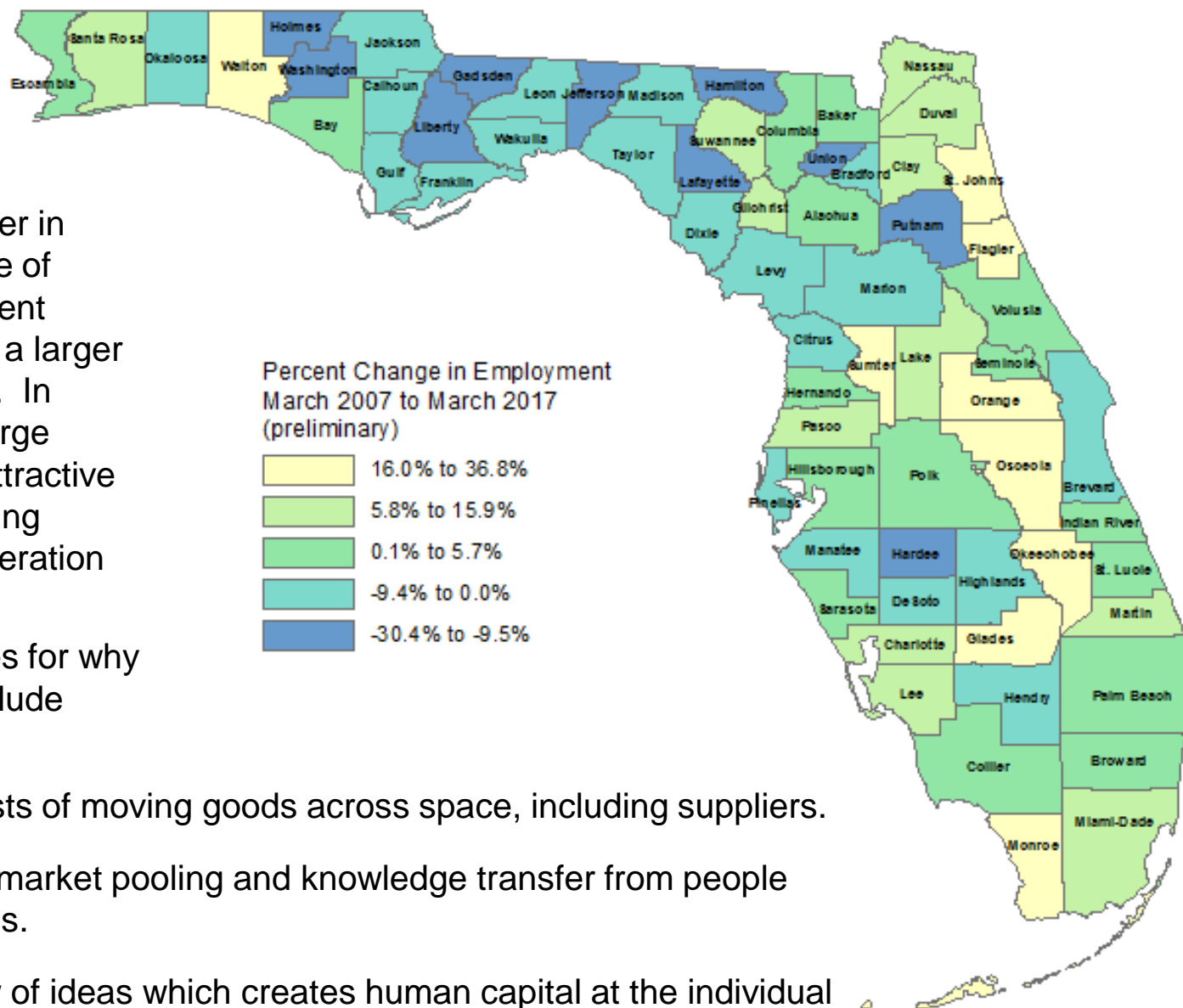
- Traffic congestion leads to higher costs, lost productivity and injury; however, public transportation or other alternatives to owning a vehicle can partially offset this.
- Distance or proximity to transportation hubs is particularly important to business development and tourism.

# Job Creation Is Higher in Urban Areas...

Job creation is typically higher in urban areas, largely because of population density, the inherent markets they engender, and a larger and more diverse workforce. In addition, urban areas with large populations become more attractive to people and firms by creating economies of scale (agglomeration economies).

Some agglomeration theories for why cities are more attractive include (Glaeser 2009):

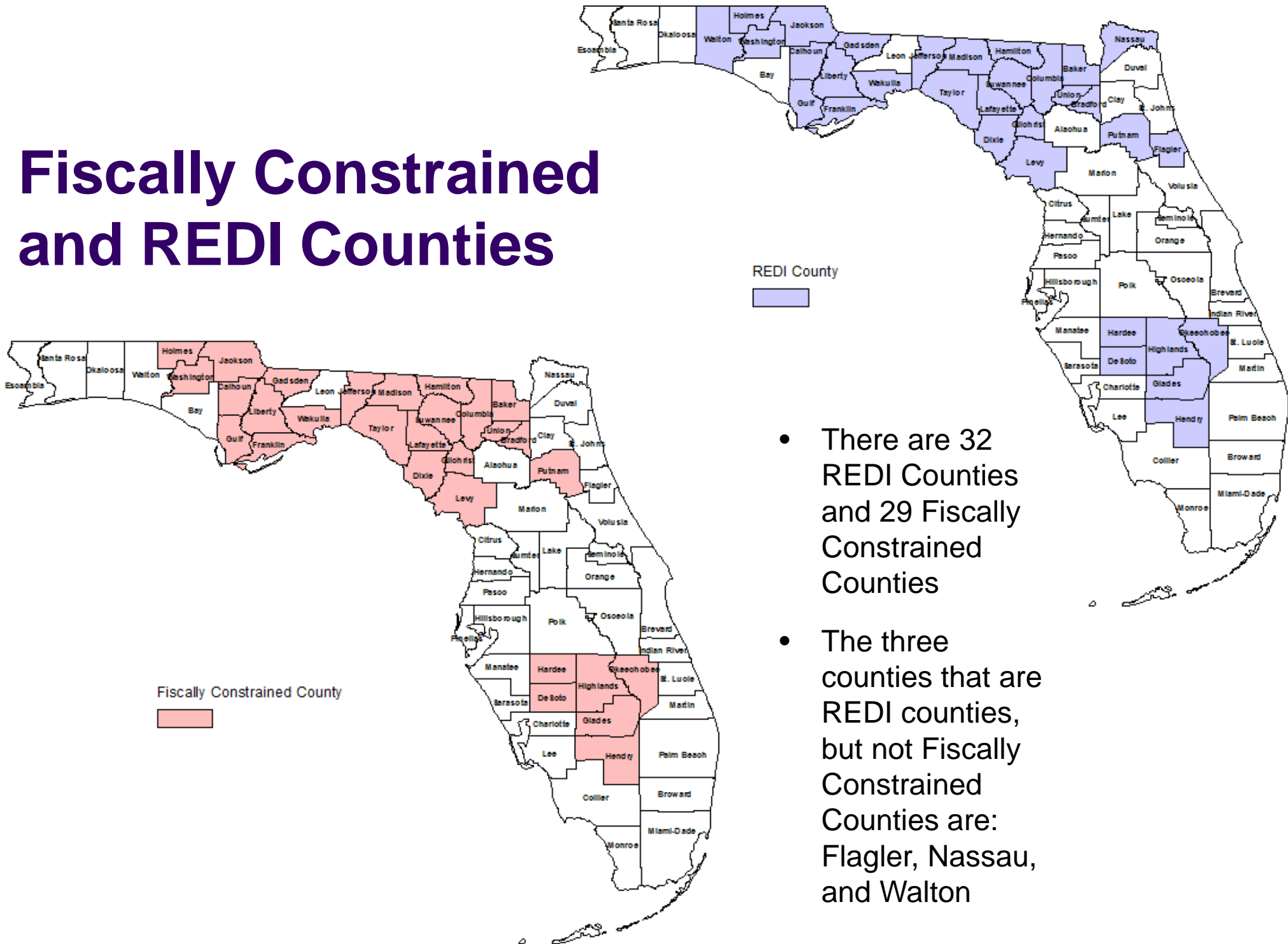
- Cities reduce the costs of moving goods across space, including suppliers.
- Cities result in labor market pooling and knowledge transfer from people moving between firms.
- Cities speed the flow of ideas which creates human capital at the individual level and facilitates innovation – human capital spillover.



# The New Economy...

- The new economy, in which many transactions are conducted electronically, has helped bridge some of the differences between urban and rural economies, but not all. Rural areas may be less disadvantaged; however, they are still disadvantaged.
- A significant reason for the remaining disadvantage is low population density rather than remoteness (Kilkenny 2002).
  - Eight Florida counties had a lower population in 2017 than in 2010: Putnam, Bradford, Lafayette, Hardee, Taylor, Jefferson, Hamilton, and Hendry. All except Hardee and Hendry were rural or mostly rural.
- The digital divide still exists (access to information, broadband access etc.).
- Preferences also come into play: consumers generally prefer high wage areas with a greater array of amenities, while firms may prefer the low wage areas for labor costs but the urban areas for the larger / more diverse workforce and transportation savings.
  - Amenities include access to health facilities, entertainment, education, better communication services, etc.
  - In the economic development arena, a lack of amenities and other drawbacks have to be compensated in some other way.
  - Partnerships, visioning and a focus on strengths are important. A head-to-head traditional approach to economic development will not work.

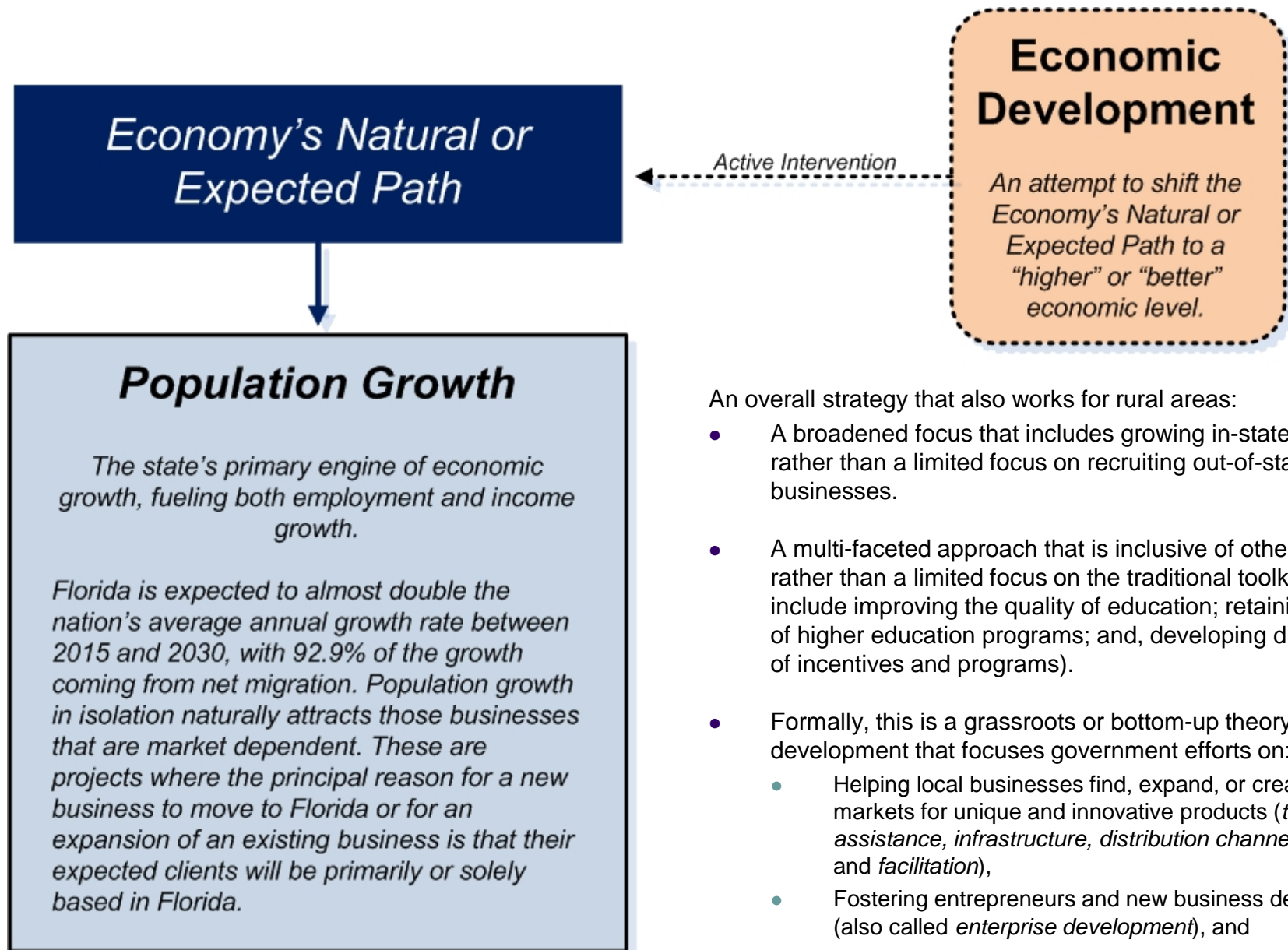
# Fiscally Constrained and REDI Counties



- There are 32 REDI Counties and 29 Fiscally Constrained Counties
- The three counties that are REDI counties, but not Fiscally Constrained Counties are: Flagler, Nassau, and Walton



# Economic Development Concept...



An overall strategy that also works for rural areas:

- A broadened focus that includes growing in-state businesses rather than a limited focus on recruiting out-of-state businesses.
- A multi-faceted approach that is inclusive of other policy areas, rather than a limited focus on the traditional toolkit (examples include improving the quality of education; retaining graduates of higher education programs; and, developing different kinds of incentives and programs).
- Formally, this is a grassroots or bottom-up theory of economic development that focuses government efforts on:
  - Helping local businesses find, expand, or create new markets for unique and innovative products (*technical assistance, infrastructure, distribution channels, financing and facilitation*),
  - Fostering entrepreneurs and new business development (also called *enterprise development*), and
  - Developing pools of local resources, including human capital, and access to technology (*agglomeration and clustering*).

# Florida Senate Commerce and Tourism Committee

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RURAL ECONOMIC DEVELOPMENT ISSUES

11-13-17



# FHERO

FHERO RAO			Change	
	2011	2016	#	%
Labor Force				
DeSoto	13884	13513	-523	-3.8%
Glades	5292	4816	-589	-11%
Hardee	11916	9389	-1840	-15%
Hendry	17971	15480	-2900	-16%
Highlands	39628	35308	-4320	-11%
Okeechobee	17822	17591	-597	-3.3%
FHERO	104100	95754	-8346	-8.0%

Source: DEO  
Local Area  
Unemployment  
Statistics  
Slides 2-8



# FHERO

FHERO RAO					Change	
Employment	2011	2016		#	%	
DeSoto	12447	12812		365	3%	
Glades	4788	4517		-271	-5.7%	
Hardee	10718	8763		-1955	-18.2%	
Hendry	15482	14078		-1404	-9%	
Highlands	33773	33695		-78	0.2%	
Okeechobee	15695	16635		940	6%	
FHERO	92903	90550		-2403	-2.6%	

Source: Fl. Dept. of  
Economic Opportunity

# NFEDP

<b>NFEDP RAO</b>				
<b>Labor Force</b>	<b>2011</b>	<b>2016</b>	<b>Change</b>	
			<b>#</b>	<b>%</b>
Baker	11506	11393	-113	-1.0%
Bradford	11507	10944	-563	-4.9%
Citrus	52847	47740	-5107	-9.7%
Columbia	28242	29826	1584	5.6%
Dixie	5121	5610	489	9.5%
Gilchrist	6857	6652	-205	-3.0%
Hamilton	4898	4644	-254	-5.2%
Jefferson	5918	5426	-492	-8.3%
Lafayette	3636	3066	-570	-15.7%
Levy	16974	16226	-748	-4.4%
Madison	8078	7412	-666	-8.2%
Putnam	29776	27387	-2389	-8.0%
Suwannee	18870	18242	-628	-3.3%
Taylor	9444	8904	-540	-5.7%
Union	5178	4786	-392	-7.6%
<b>NFEDP</b>	<b>218852</b>	<b>208258</b>	<b>-10594</b>	<b>-4.8</b>

# NFEDP

NFEDP RAO					Change	
Employment	2011	2016		#	%	
Baker	10333	10836		503	4.9%	
Bradford	10462	10478		16	0.2%	
Citrus	45594	44187		-1407	-3.1%	
Columbia	25337	28390		3053	12.0%	
Dixie	4707	5299		592	12.6%	
Gilchrist	6151	6310		159	2.6%	
Hamilton	4389	4382		-7	-0.2%	
Jefferson	5323	5137		-186	-3.5%	
Lafayette	3409	2941		-468	-13.7%	
Levy	15125	15764		639	4.2%	
Madison	7303	7019		-284	-3.9%	
Putnam	25968	25663		-305	-1.2%	
Suwannee	17125	17346		221	1.3%	
Taylor	8493	8413		-80	-0.9%	
Union	4754	4574		-180	-3.8%	
<b>NFEDP</b>	<b>194473</b>	<b>196739</b>		<b>2266</b>	<b>1.2%</b>	

Source: Fl. Dept. of  
Economic Opportunity

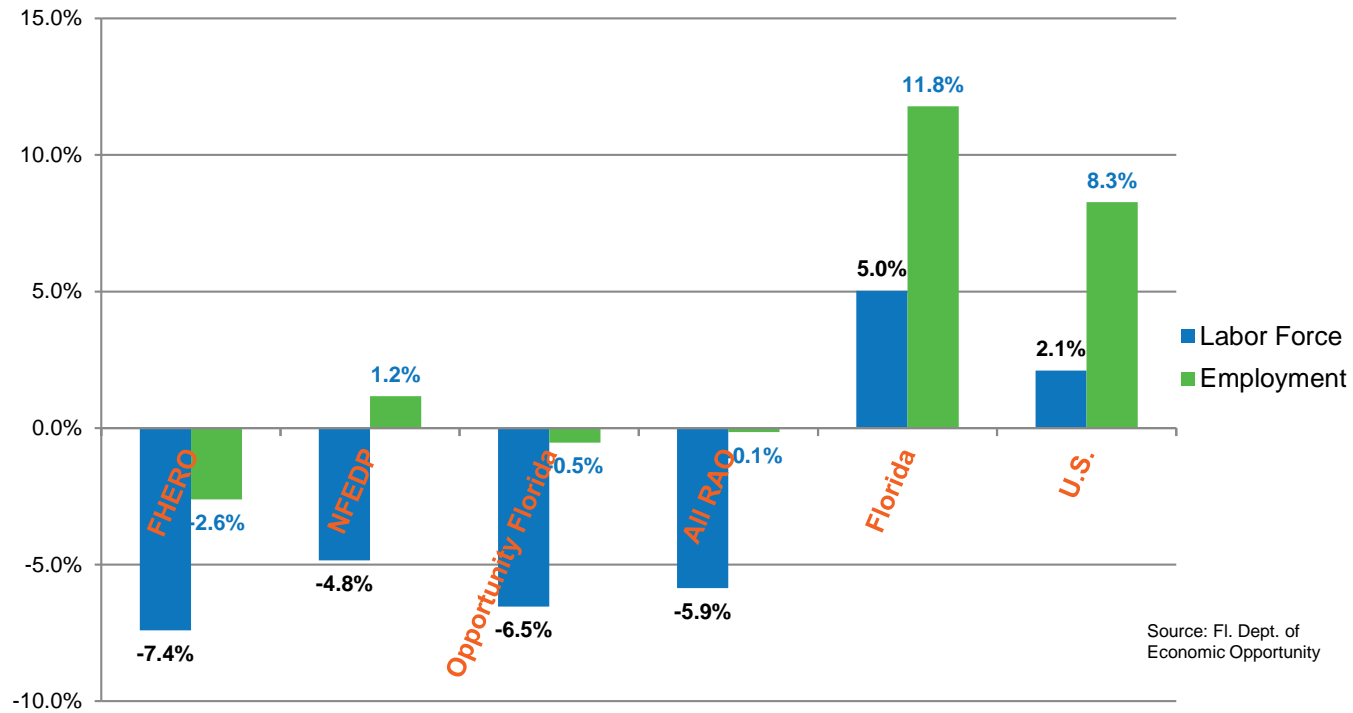
# Opportunity Florida

Opportunity Florida RAO				Change	
Labor Force	2011	2016		#	%
Calhoun	5242	4913		-401	-7.5%
Franklin	5051	4796		-140	-2.8%
Gadsden	19614	18463		-1617	-8.1%
Gulf	6241	6127		-105	-1.7%
Holmes	7195	6721		-469	-6.5%
Jackson	2862	17258		-1680	-8.9%
Liberty	2862	2661		-272	-9.3%
Wakulla	14589	14061		-528	-3.6%
Washington	10298	9598		-700	-6.8%
Opportunity Florida	90510	84598		-5912	-6.5%

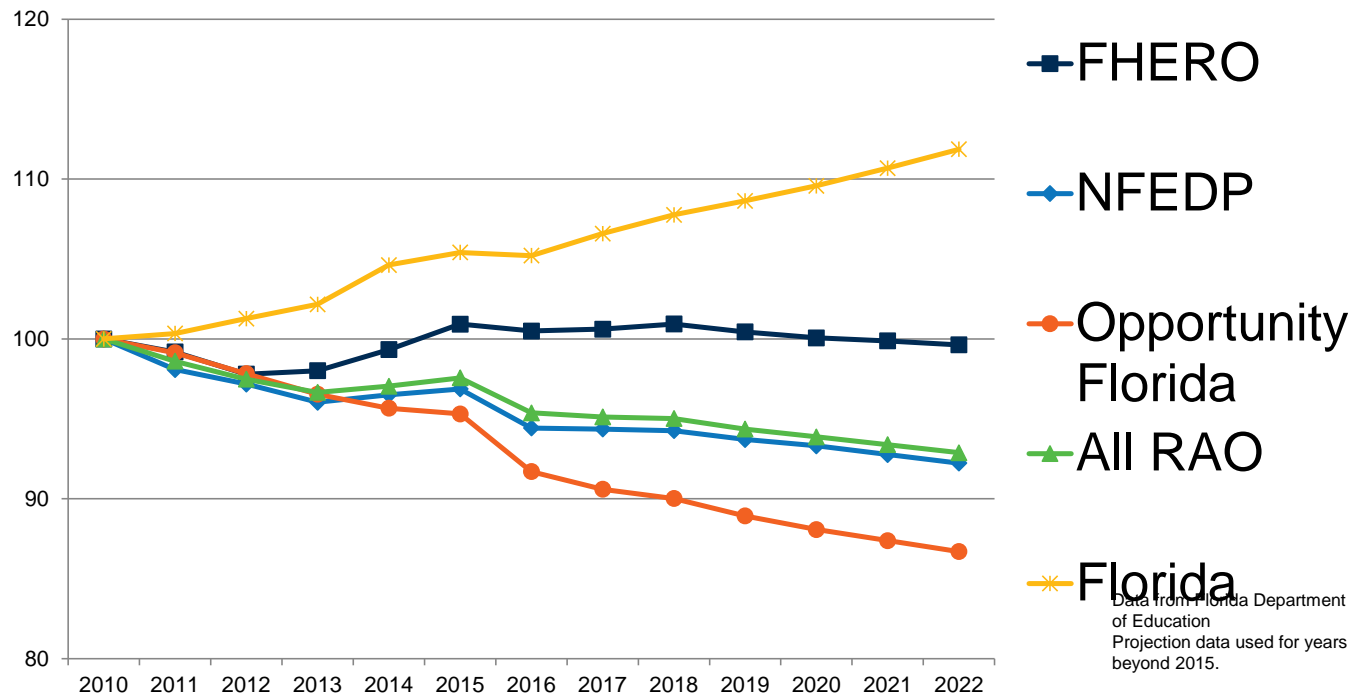
# Opportunity Florida

Opportunity Florida RAO				Change	
Employment	2011	2016		#	%
Calhoun	4698	4675		-23	-0.5%
Franklin	4665	4572		-93	-2.0%
Gadsden	17342	17191		-151	-0.9%
Gulf	5638	5723		85	1.5%
Holmes	6488	6377		-111	-1.7%
Jackson	16531	16445		-86	-0.5%
Liberty	2600	2508		-92	-3.5%
Wakulla	13398	13586		188	1.4%
Washington	9369	9222		-147	-1.6%
Opportunity Florida	80729	80299		-430	-0.5%

# Labor Force & Employment Changes 2011-2016



# School Populations



# Rural Economic Development State

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**As nouns the difference between desire and hunger:**

is that **desire** is someone or something wished for while

**hunger** is a need or compelling desire...



# Rural Economic Development HUNGER or DESIRE

---

Rural Areas of Opportunity/Rural Florida (HUNGRY)

Mississippi's Golden Triangle (HUNGER)

Jobs Growth Grant (Desire)

Infrastructure (Desire)

Sites Program (Desire)

Other Program (Desire)



# SUMMARY

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Rural Areas are losing population and employment

Loss of Population will result in further economic loss

We have both Desire and Hunger in Florida

We need to invest more in infrastructure in rural areas in advance

Working together ALL OF FLORIDA CAN REALIZE ECONOMIC PROSPERITY

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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11-13-17

Meeting Date

Bill Number (if applicable)

Topic Rural Economic Development

Amendment Barcode (if applicable)

Name Antonio Jefferson

Job Title City Manager

Address P.O. Box 220

Phone 850-519-0681

Street

Gretna FL

State

32332

Zip

Email ajeffer@mygretna.com

Speaking:  For  Against  Information

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

Representing Florida League Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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13 Nov, 2017

Meeting Date

Bill Number (if applicable)

Topic Rural Economic Discussion

Amendment Barcode (if applicable)

Name JEFF D. PARRISH, Ph.D.

Job Title Chief Economist & Director of RESEARCH - Florida Chamber Foundation

Address 136 S. Bronough St.

Phone 850.521.1283

Street

City

TALLAHASSEE

FL

State

32302

Zip

Email jparrish@fffoundation.org

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)

11.13.17

Meeting Date

Bill Number (if applicable)

Topic Rural Economic Challenges

Amendment Barcode (if applicable)

Name Laura Youmans

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

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

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FL 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.*

**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)

11-13-17

Meeting Date

Bill Number (if applicable)

Topic Rural Economic Challenges

Amendment Barcode (if applicable)

Name Amy Baker

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

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

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing EDR

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/13/17  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Rural Challenges

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

Name Ralph Thomas

Job Title Chairman Wakulla County Commission

Address 637 Hunters Trace  
Street

Phone 850-597-3858

Crawfordville, FL 32327  
City State Zip

Email rthomas@mywakulla.com

Speaking:  For  Against  Information

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

Representing Wakulla 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.*

**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)

Meeting Date \_\_\_\_\_ Bill Number (if applicable) \_\_\_\_\_  
Topic Rural Challenges ✓ Amendment Barcode (if applicable) \_\_\_\_\_  
Name Chris Doolin  
Job Title Consultant  
Address 4118-B - Thommsville Rd Phone 850-508-5492  
Street  
Talla Fla 32303 Email cdoolin@metally.com  
City State Zip

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

Representing Small County Coalition / Small School Dist

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.



# **KEY DATA SETS**

## *Population Estimates for Florida Counties*

Ranked largest population to smallest population  
April 1, 2017 Population Estimates

## *2017 County Taxable Values*

### *1 Mill Levy*

Ranked by Highest Value to Lowest Value

## *Estimated Countywide Value*

### *1 Cent Levy of Local Option Sales Tax*

2017-2018 Ranked Highest Value to Lowest Value



**April 1, 2017 Population Estimates for Florida Counties**

County	Countywide Population	Unincorporated Population		Incorporated Population	
		Population	% of Total	Population	% of Total
Miami-Dade	2,743,095	1,191,589	43.4%	1,551,506	56.6%
Broward	1,873,970	15,006	0.8%	1,858,964	99.2%
Palm Beach	1,414,144	618,446	43.7%	795,698	56.3%
Hillsborough	1,379,302	941,536	68.3%	437,766	31.7%
Orange	1,313,880	834,353	63.5%	479,527	36.5%
Pinellas	962,003	276,511	28.7%	685,492	71.3%
Duval	936,811	-	0.0%	936,811	100.0%
Lee	698,468	350,230	50.1%	348,238	49.9%
Polk	661,645	407,963	61.7%	253,682	38.3%
Brevard	575,211	215,142	37.4%	360,069	62.6%
Volusia	523,405	116,705	22.3%	406,700	77.7%
Pasco	505,709	461,727	91.3%	43,982	8.7%
Seminole	454,757	217,839	47.9%	236,918	52.1%
Sarasota	407,260	258,594	63.5%	148,666	36.5%
Manatee	368,782	291,864	79.1%	76,918	20.9%
Collier	357,470	319,796	89.5%	37,674	10.5%
Marion	349,267	281,812	80.7%	67,455	19.3%
Osceola	337,614	222,558	65.9%	115,056	34.1%
Lake	331,724	158,877	47.9%	172,847	52.1%
Escambia	313,381	257,774	82.3%	55,607	17.7%
St. Lucie	297,634	72,298	24.3%	225,336	75.7%
Leon	287,899	98,274	34.1%	189,625	65.9%
Alachua	260,003	103,810	39.9%	156,193	60.1%
St. Johns	229,715	208,576	90.8%	21,139	9.2%
Clay	208,549	190,210	91.2%	18,339	8.8%
Okaloosa	195,488	111,495	57.0%	83,993	43.0%
Hernando	181,882	173,799	95.6%	8,083	4.4%
Bay	178,820	77,279	43.2%	101,541	56.8%
Charlotte	172,720	153,882	89.1%	18,838	10.9%
Santa Rosa	170,835	154,334	90.3%	16,501	9.7%
Martin	153,022	133,852	87.5%	19,170	12.5%
Indian River	148,962	98,644	66.2%	50,318	33.8%
Citrus	143,801	133,395	92.8%	10,406	7.2%
Sumter	120,700	107,158	88.8%	13,542	11.2%
Flagler	105,157	14,463	13.8%	90,694	86.2%
Highlands	102,138	77,548	75.9%	24,590	24.1%
Nassau	80,456	63,661	79.1%	16,795	20.9%
Monroe	76,889	36,202	47.1%	40,687	52.9%
Putnam	73,176	58,025	79.3%	15,151	20.7%
Columbia	68,943	56,121	81.4%	12,822	18.6%
Walton	65,301	55,989	85.7%	9,312	14.3%
Jackson	50,418	32,764	65.0%	17,654	35.0%
Gadsden	48,263	29,552	61.2%	18,711	38.8%
Suwannee	44,690	37,139	83.1%	7,551	16.9%
Okeechobee	41,140	35,574	86.5%	5,566	13.5%
Levy	41,015	31,558	76.9%	9,457	23.1%
Hendry	39,057	26,447	67.7%	12,610	32.3%
DeSoto	35,621	27,944	78.4%	7,677	21.6%
Wakulla	31,909	31,165	97.7%	744	2.3%
Bradford	27,642	20,598	74.5%	7,044	25.5%
Hardee	27,426	17,566	64.0%	9,860	36.0%
Baker	27,191	20,211	74.3%	6,980	25.7%
Washington	24,985	19,869	79.5%	5,116	20.5%
Taylor	22,295	15,341	68.8%	6,954	31.2%
Holmes	20,210	16,110	79.7%	4,100	20.3%
Madison	19,377	15,249	78.7%	4,128	21.3%
Gilchrist	17,224	14,403	83.6%	2,821	16.4%
Dixie	16,726	14,851	88.8%	1,875	11.2%
Gulf	16,297	10,690	65.6%	5,607	34.4%
Union	15,947	13,549	85.0%	2,398	15.0%
Calhoun	15,001	11,943	79.6%	3,058	20.4%
Hamilton	14,663	9,983	68.1%	4,680	31.9%
Jefferson	14,611	12,186	83.4%	2,425	16.6%
Glades	13,087	11,340	86.7%	1,747	13.3%
Franklin	12,161	6,999	57.6%	5,162	42.4%
Liberty	8,719	7,765	89.1%	954	10.9%
Lafayette	8,479	7,253	85.5%	1,226	14.5%
<b>Florida Total</b>	<b>20,484,142</b>	<b>10,115,386</b>	<b>49.4%</b>	<b>10,368,756</b>	<b>50.6%</b>

Note: The countywide figures do not necessarily reflect those population estimates that will ultimately be used for revenue-sharing purposes.

Source: Bureau of Economic and Business Research, University of Florida (October 2017).



2017 County Taxable Values and Values of a 1 Mill Levy				
County	2017 Preliminary Total Taxable Value: All Property Types	2017 Total Value of 1 Mill Levy	2017 Population Estimates	2017 Per Capita Value of 1 Mill Levy
Miami-Dade	\$ 272,431,699,283	\$ 272,431,699	2,743,095	\$ 99.32
Broward	\$ 177,301,192,592	\$ 177,301,193	1,873,970	\$ 94.61
Palm Beach	\$ 176,846,761,549	\$ 176,846,762	1,414,144	\$ 125.06
Orange	\$ 120,264,018,824	\$ 120,264,019	1,313,880	\$ 91.53
Hillsborough	\$ 86,207,952,167	\$ 86,207,952	1,379,302	\$ 62.50
Collier	\$ 83,598,490,858	\$ 83,598,491	357,470	\$ 233.86
Lee	\$ 73,958,298,538	\$ 73,958,299	698,468	\$ 105.89
Pinellas	\$ 73,604,866,454	\$ 73,604,866	962,003	\$ 76.51
Duval	\$ 58,882,311,525	\$ 58,882,312	936,811	\$ 62.85
Sarasota	\$ 54,564,613,025	\$ 54,564,613	407,260	\$ 133.98
Brevard	\$ 34,478,856,166	\$ 34,478,856	575,211	\$ 59.94
Manatee	\$ 33,177,910,240	\$ 33,177,910	368,782	\$ 89.97
Polk	\$ 31,423,607,984	\$ 31,423,608	661,645	\$ 47.49
Volusia	\$ 31,172,579,149	\$ 31,172,579	523,405	\$ 59.56
Seminole	\$ 30,679,418,994	\$ 30,679,419	454,757	\$ 67.46
Monroe	\$ 24,870,236,147	\$ 24,870,236	76,889	\$ 323.46
Pasco	\$ 24,676,449,043	\$ 24,676,449	505,709	\$ 48.80
St. Johns	\$ 23,858,170,140	\$ 23,858,170	229,715	\$ 103.86
Osceola	\$ 22,950,927,882	\$ 22,950,928	337,614	\$ 67.98
Martin	\$ 20,789,724,719	\$ 20,789,725	153,022	\$ 135.86
St. Lucie	\$ 18,814,644,918	\$ 18,814,645	297,634	\$ 63.21
Lake	\$ 18,784,934,863	\$ 18,784,935	331,724	\$ 56.63
Walton	\$ 17,111,825,914	\$ 17,111,826	65,301	\$ 262.05
Marion	\$ 16,538,300,239	\$ 16,538,300	349,267	\$ 47.35
Okaloosa	\$ 16,405,984,855	\$ 16,405,985	195,488	\$ 83.92
Indian River	\$ 16,301,511,097	\$ 16,301,511	148,962	\$ 109.43
Escambia	\$ 16,134,843,309	\$ 16,134,843	313,381	\$ 51.49
Bay	\$ 15,604,602,205	\$ 15,604,602	178,820	\$ 87.26
Leon	\$ 15,595,832,039	\$ 15,595,832	287,899	\$ 54.17
Charlotte	\$ 15,198,971,608	\$ 15,198,972	172,720	\$ 88.00
Alachua	\$ 13,621,244,128	\$ 13,621,244	260,003	\$ 52.39
Sumter	\$ 10,840,168,678	\$ 10,840,169	120,700	\$ 89.81
Clay	\$ 9,929,585,600	\$ 9,929,586	208,549	\$ 47.61
Santa Rosa	\$ 8,805,681,800	\$ 8,805,682	170,835	\$ 51.54
Citrus	\$ 8,667,429,638	\$ 8,667,430	143,801	\$ 60.27
Hernando	\$ 8,181,580,532	\$ 8,181,581	181,882	\$ 44.98
Flagler	\$ 7,889,605,514	\$ 7,889,606	105,157	\$ 75.03
Nassau	\$ 7,820,163,822	\$ 7,820,164	80,456	\$ 97.20
Highlands	\$ 4,700,629,795	\$ 4,700,630	102,138	\$ 46.02
Putnam	\$ 3,491,795,532	\$ 3,491,796	73,176	\$ 47.72
Columbia	\$ 2,405,208,669	\$ 2,405,209	68,943	\$ 34.89
Hendry	\$ 1,910,717,829	\$ 1,910,718	39,057	\$ 48.92
Franklin	\$ 1,825,653,612	\$ 1,825,654	12,161	\$ 150.12
Okeechobee	\$ 1,735,613,762	\$ 1,735,614	41,140	\$ 42.19
Levy	\$ 1,700,176,065	\$ 1,700,176	41,015	\$ 41.45
Suwannee	\$ 1,668,256,746	\$ 1,668,257	44,690	\$ 37.33
Gulf	\$ 1,619,199,935	\$ 1,619,200	16,297	\$ 99.36
DeSoto	\$ 1,567,817,890	\$ 1,567,818	35,621	\$ 44.01
Hardee	\$ 1,545,860,844	\$ 1,545,861	27,426	\$ 56.36
Jackson	\$ 1,537,214,805	\$ 1,537,215	50,418	\$ 30.49
Gadsden	\$ 1,381,019,645	\$ 1,381,020	48,263	\$ 28.61
Taylor	\$ 1,327,212,828	\$ 1,327,213	22,295	\$ 59.53
Wakulla	\$ 1,125,310,318	\$ 1,125,310	31,909	\$ 35.27
Bradford	\$ 885,730,935	\$ 885,731	27,642	\$ 32.04
Washington	\$ 836,909,538	\$ 836,910	24,985	\$ 33.50
Baker	\$ 827,330,971	\$ 827,331	27,191	\$ 30.43
Hamilton	\$ 741,918,129	\$ 741,918	14,663	\$ 50.60
Madison	\$ 681,461,339	\$ 681,461	19,377	\$ 35.17
Gilchrist	\$ 642,494,902	\$ 642,495	17,224	\$ 37.30
Glades	\$ 598,274,581	\$ 598,275	13,087	\$ 45.72
Jefferson	\$ 571,983,315	\$ 571,983	14,611	\$ 39.15
Dixie	\$ 503,707,685	\$ 503,708	16,726	\$ 30.12
Holmes	\$ 451,464,958	\$ 451,465	20,210	\$ 22.34
Calhoun	\$ 408,284,519	\$ 408,285	15,001	\$ 27.22
Lafayette	\$ 261,049,573	\$ 261,050	8,479	\$ 30.79
Liberty	\$ 229,685,166	\$ 229,685	8,719	\$ 26.34
Union	\$ 229,241,866	\$ 229,242	15,947	\$ 14.38
<b>Statewide</b>	<b>\$ 1,735,396,221,790</b>	<b>\$ 1,735,396,222</b>	<b>20,484,142</b>	<b>\$ 84.72</b>

Data Sources:

Ad Valorem Data: Florida Department of Revenue, Florida Property Tax Data Portal, Florida Ad Valorem Valuation and Tax Data: 2017, available at

<http://floridarevenue.com/dor/property/resources/data.html>.

Population Data: "Florida Population Estimates for Counties and Municipalities: April 1, 2017,"

Bureau of Economic and Business Research, University of Florida (October 2017).



**Countywide Revenue Estimates of a  
1 Cent Levy of Local Option Sales Tax  
Local Fiscal Year 2017-18**

<b>County</b>	<b>Countywide Estimates</b>	<b>2017 Population Estimates</b>	<b>Per Capita Estimates</b>
Miami-Dade	\$ 559,019,030	2,743,095	\$ 203.79
Orange	\$ 529,239,900	1,313,880	\$ 402.81
Broward	\$ 349,327,956	1,873,970	\$ 186.41
Hillsborough	\$ 271,685,444	1,379,302	\$ 196.97
Palm Beach	\$ 256,776,741	1,414,144	\$ 181.58
Duval	\$ 191,708,005	936,811	\$ 204.64
Pinellas	\$ 174,280,091	962,003	\$ 181.16
Lee	\$ 141,858,940	698,468	\$ 203.10
Polk	\$ 93,098,696	661,645	\$ 140.71
Brevard	\$ 90,856,460	575,211	\$ 157.95
Volusia	\$ 90,190,101	523,405	\$ 172.31
Sarasota	\$ 83,106,656	407,260	\$ 204.06
Seminole	\$ 78,523,765	454,757	\$ 172.67
Collier	\$ 71,089,510	357,470	\$ 198.87
Manatee	\$ 65,002,523	368,782	\$ 176.26
Pasco	\$ 64,207,085	505,709	\$ 126.96
Osceola	\$ 56,161,759	337,614	\$ 166.35
Escambia	\$ 55,137,497	313,381	\$ 175.94
Lake	\$ 48,456,640	331,724	\$ 146.08
Leon	\$ 46,089,836	287,899	\$ 160.09
Bay	\$ 44,512,290	178,820	\$ 248.92
Marion	\$ 42,282,954	349,267	\$ 121.06
Alachua	\$ 39,914,013	260,003	\$ 153.51
Monroe	\$ 39,582,159	76,889	\$ 514.80
Okaloosa	\$ 38,181,756	195,488	\$ 195.32
St. Lucie	\$ 37,171,925	297,634	\$ 124.89
St. Johns	\$ 35,965,694	229,715	\$ 156.57
Martin	\$ 32,696,336	153,022	\$ 213.67
Charlotte	\$ 31,062,305	172,720	\$ 179.84
Indian River	\$ 26,072,211	148,962	\$ 175.03
Clay	\$ 25,076,342	208,549	\$ 120.24
Walton	\$ 24,151,517	65,301	\$ 369.85
Hernando	\$ 20,922,878	181,882	\$ 115.04
Santa Rosa	\$ 18,563,001	170,835	\$ 108.66
Sumter	\$ 15,602,955	120,700	\$ 129.27
Citrus	\$ 13,859,201	143,801	\$ 96.38
Nassau	\$ 12,855,509	80,456	\$ 159.78
Flagler	\$ 12,212,034	105,157	\$ 116.13
Highlands	\$ 11,609,262	102,138	\$ 113.66
Columbia	\$ 9,929,124	68,943	\$ 144.02
Putnam	\$ 7,216,718	73,176	\$ 98.62
Okeechobee	\$ 5,997,723	41,140	\$ 145.79
Jackson	\$ 4,906,661	50,418	\$ 97.32
Suwannee	\$ 4,847,841	44,690	\$ 108.48
Levy	\$ 4,081,238	41,015	\$ 99.51
Hendry	\$ 4,018,531	39,057	\$ 102.89
Gadsden	\$ 3,715,914	48,263	\$ 76.99
Bradford	\$ 3,186,443	27,642	\$ 115.28
DeSoto	\$ 2,895,138	35,621	\$ 81.28
Wakulla	\$ 2,479,552	31,909	\$ 77.71
Taylor	\$ 2,436,450	22,295	\$ 109.28
Baker	\$ 2,409,958	27,191	\$ 88.63
Franklin	\$ 2,338,160	12,161	\$ 192.27
Hardee	\$ 2,190,259	27,426	\$ 79.86
Gulf	\$ 2,068,079	16,297	\$ 126.90
Washington	\$ 2,063,444	24,985	\$ 82.59
Jefferson	\$ 1,281,841	14,611	\$ 87.73
Madison	\$ 1,275,762	19,377	\$ 65.84
Holmes	\$ 1,200,083	20,210	\$ 59.38
Hamilton	\$ 1,148,225	14,663	\$ 78.31
Dixie	\$ 1,073,203	16,726	\$ 64.16
Gilchrist	\$ 1,061,821	17,224	\$ 61.65
Calhoun	\$ 986,915	15,001	\$ 65.79
Union	\$ 754,469	15,947	\$ 47.31
Glades	\$ 720,149	13,087	\$ 55.03
Lafayette	\$ 447,069	8,479	\$ 52.73
Liberty	\$ 325,621	8,719	\$ 37.35
<b>Statewide</b>	<b>\$ 3,915,167,369</b>	<b>20,484,142</b>	<b>\$ 191.13</b>

Population Data: "Florida Population Estimates for Counties and Municipalities: April 1, 2017," Bureau of Economic and Business Research, University of Florida (October 2017).  
Revenue Estimates: "Local Discretionary Sales Surtax: Revenue Estimates for the Local Fiscal Year Ending September 30, 2018," Office of Tax Research, Florida Department of Revenue. (July 2017).







*The Small County Coalition  
Legislative Program  
2018 Regular Session*

*Adopted – September 2017*

## Legislative Districts Representing Small Counties

### Counties with Populations Under 150,000

And Associate Members – counties with populations greater than 150,000 that participate in the Coalition \*

#### 15 of 40 Senate Districts Include Small Counties

Senate District 1 – Doug Broxson	Okaloosa* and Santa Rosa*
Senate District 2 – George Gainer	Holmes, Jackson, Okaloosa*, Walton, and Washington
Senate District 3 – Bill Montford	Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jefferson, Liberty, Madison, Taylor, and Wakulla
Senate District 4 – Aaron Bean	Nassau
Senate District 5 – Rob Bradley	Baker, Bradford, Clay*, Columbia, Dixie, Gilchrist, Lafayette, Levy, Suwannee, and Union
Senate District 7 – Travis Hutson	Flagler
Senate District 8 – Keith Perry	Putnam
Senate District 10 – Wilton Simpson	Citrus
Senate District 12 – Dennis Baxley	Sumter
Senate District 17 - Debbie Mayfield	Indian River
Senate District 23 – Greg Steube	Charlotte*
Senate District 25 – Joe Negron	Martin*
Senate District 26 – Denise Grimsley	Charlotte*, DeSoto, Glades, Hardee, Highlands, and Okeechobee
Senate District 28 – Kathleen Passidomo	Hendry
Senate District 39 – Anitere Flores	Monroe

#### 23 of 120 House Districts Include Small Counties

House District 2 – Frank White	Santa Rosa*
House District 3 – Jayer Williamson	Okaloosa* and Santa Rosa*
House District 4 - Mel Ponder	Okaloosa*
House District 5 – Brad Drake	Holmes, Jackson, Walton, and Washington
House District 7 – Halsey Beshears	Calhoun, Franklin, Gulf, Jefferson, Lafayette, Liberty, Madison, Taylor, and Wakulla
House District 8 – Ramon Alexander	Gadsden
House District 10 – Elizabeth Porter	Baker, Columbia, Hamilton, and Suwannee
House District 11 – Cord Byrd	Nassau
House District 18 – Travis Cummings	Clay*
House District 19 – Bobby Payne	Bradford, Clay, Putnam, Union
House District 21 – Chuck Clemons	Dixie, and Gilchrist
House District 22 – Charlie Stone	Levy
House District 24 – Paul Renner	Flagler
House District 33 – Don Hanfeldt	Sumter
House District 34 –Ralph Massulo	Citrus
House District 54 – Erin Grall	Indian River
House District 55- Cary Pigman	Glades, Highlands, and Okeechobee
House District 56 – Ben Albritton	DeSoto, and Hardee
House District 75 – Michael Grant	Charlotte*
House District 80 - Byron Donalds	Hendry
House District 82 – MaryLynn Magar	Martin
House District 83 – Gayle Harrell	Martin
House District 120 –Holly Raschein	Monroe

# *The SMALL COUNTY COALITION*

## *Legislative Program*

### Introduction

The Small County Coalition is a statewide alliance of county commissions from small and rural counties. The purpose of the Coalition is to give increased visibility and support to the issues to small counties and rural communities.

The Small County Coalition's primary mission is to help Florida's small and rural counties address legislative issues from a small county/rural perspective and work effectively with state agencies leadership.

The Small County Coalition believes in the importance of a state rural policy that protects the character of our small and rural areas; promotes economic development; and, maintains and promotes the viability of existing small county economies such as agriculture and eco-tourism.

The Small County Coalition supports programs that improve the financial viability and fiscal capacity of Florida's local governments in small counties.

The Small County Coalition supports programs that help provide services to Floridians who reside in small counties; Floridians who visit their communities for enjoyment; and, Visitors from outside the state who travel through small counties in route to destinations in and out of Florida.

The Small County Coalition is hopeful that the Florida Legislature will use the following suggestions to guide their actions relating to small and rural areas:

### **GUIDING PRINCIPLES**

- *Continue Funding in High Priority Need Areas.*
- *Support efforts to promote Quality of Life issues in rural areas, including access to quality health care, expanded internet access, protecting water quality and protecting the character and quality of rural communities and environments.*
- *Ensure Effectiveness of Economic Development Efforts; Stimulate Employment Growth; and Target Actions to Protect Against Job Losses or Economic Instability.*
- *Oppose Proposals that Shift Cost from State to Local level, Increase Local Costs, and/or are "One Size Fits All" approaches.*
- *Identify and Eliminate, Waive, Delay, or Mitigate Requirements, Regulations, Mandated Criteria, Reports, Studies, or other requirements that are non-critical, have unintended consequences, and result in increased local spending.*
- *Provide for "Meaningful Local Involvement" in State or Regional activities and local decisions.*
- *Support Local Control without regulatory or statutory pre-emptions to govern on issues of local impact including, but not limited to, the environment and fiscal matters.*

## COALITION PRIORITIES FOR 2018

**Protect High-Valued Program Funding** - Protect funding levels to high valued programs and revenue sharing programs including, but are not limited to, Revenue Sharing, Small County Road funding; Fiscally Constrained programs; State Aid for Local Libraries; Rural Transportation funding; Regional Planning Councils; Small County Solid Waste Grants; Housing funds; County Health Department Funding and Rural Health Initiatives; Aerial Photography; Small County Water Projects; Payment In Lieu of Taxes; Courthouse and infrastructure projects.

**Eliminate the Digital Divide through expanded Digital Infrastructure and enhanced Internet Access** - Support a coordinated and collaborative effort to advance and expand internet access in all areas of Florida to support economic growth, overcome health care challenges, and to enable enhanced business activities and educational opportunities.

**Maintain Growth Cap in County Medicaid Cost-Share Program** - Support maintaining growth cap on County Medicaid Cost Share fund at 50% of the rate of growth of state program.

**Protect Rural Water Resources** – Support funding of water projects that protect and enhance water quality and water quantity in Florida rural counties. Support waiver of match requirements in water funding programs in areas designated as fiscally constrained.

**Land Acquisition and Payment In Lieu of Taxes** - Support provisions that require the involvement of local officials within land acquisition programs for the purpose of identifying impacts and determining specific actions that are necessary to enable subsequent community development. Support funding to offset loss of ad valorem revenue resulting from lands acquired by Federal, State, or other tax-exempt entities. Support adjusting PILT payments to accommodate the increased value and/or the valued use of the property by the purchasing entity.

**Rural Economic and Community Development** - The Small County Coalition supports increased funding for rural infrastructure projects either through targeting funding for rural projects within the Florida Job Growth Grant fund or increased funding within the Rural Infrastructure Program; increase operational funding and regulatory flexibility for each of the three Rural Areas of Opportunity and local entities promoting job creation and economic expansion in Florida's rural areas; revisions to the Rural Economic Development Initiative that would strengthen focus on rural community development efforts; and, the appointment of a rural representative to the Board of Directors of Enterprise Florida.

**Rural Health Care** – Local Health Departments provide essential health care programs and services in Florida's rural communities. The Small County Coalition supports the current structure for Health Departments and requests increased funding for health departments including increased primary health care services in small counties. Continue state funding to reimburse county Health Departments that provide primary care and/or dental services in rural areas and support fiscal sustainability of County Health Departments. Increase funding to meet health-related transportation needs of indigent and disadvantaged populations. Provide additional funding for Rural Access Hospitals.

**Volunteer Firefighter Programs** – The Small County Coalition supports assisting rural communities in addressing recruitment, training, and retention of individuals to serve as qualified volunteer firefighters.

**Real Property In Flood Zones** – Address language in FS 163.3178(2)(f)2. which requires local comprehensive plans to include provisions that will result in removal of real property from Flood Zone designations established by FEMA. The statute should be amended to encourage reducing or eliminating flood risks.

**Expediting FEMA Reimbursements** – Small counties are an important component of Florida's over-all emergency management strategy providing shelter, serving as critical evacuation routes and much more. Small counties are willing to respond, however, it is absolutely critical due to limited resources that expenses incurred responding to disasters be reimbursed as quickly as possible. The Small County Coalition requests that protocols be reviewed and steps be taken to reduce the timeframe for reimbursement of approved expenditures from the state to the local level once federal reimbursement funding have been released to the state. Many small counties simply cannot float the cost of providing upfront services if reimbursement lags months and sometimes years.

## **GENERAL GOVERNMENT AND FISCAL POLICIES**

**Local Regulatory Authority** - Support county commissions having local regulatory flexibility to exceed state requirements within county jurisdictions, if the local county commission determines local conditions warrant more stringent requirements than those required by the state.

**Cost Shifts and Increasing Costs**– The Small County Coalition is concerned with cost-cutting recommendations that shift responsibilities and increased requirements to the local level. The Small County Coalition requests opposition to unfunded legislative or agency proposals that impact services or increase the cost of local governments.

- Oppose the shifting of program costs to the local level.
- Oppose legislation that shifts administrative or un-funded responsibilities to local governments.
- Offset the cost of any fund shifts on Florida’s fiscally constrained small counties.
- Continue allocating funding to offset the impact of the Department of Juvenile Justice pre-trial detention costs shift on fiscally constrained counties.

### **Revenue Sharing**

- Evaluate State and Local Revenue Sharing Programs to enhance funding to small counties that evidence fiscal hardships, rely heavily of local ad valorem, and/or demonstrate conditions of limited revenue capacity.

### **Fiscally Constrained Counties**

- Enhanced funding is currently provided to Fiscally Constrained Counties within State Revenue Sharing; and additional revenue offsets are provided for the impact of Amendment 1, Juvenile Pretrial Detention Costs, and, for Conservation Easement exemptions provided in the Florida Constitution. The Small County Coalition requests continued commitment to provide Fiscally Constrained offset funding for programs currently funded.
- Protect the Fiscally Constrained Revenue Sharing Program - Ensure a “No Harm” standard in any effort to change the funding source or the criteria for the Fiscally Constrained Program.
- Continue funding commitment to Fiscally Constrained counties.
- Support consideration of Fiscally Constrained funding components within programs that increase costs or reduce local revenue capacity in areas designated as fiscally constrained.

**Florida Retirement System** – The Small County Coalition supports a Florida Retirement System that is stable and sustainable. The Florida Legislature is requested to maintain current provisions and benefits for employees and retirees participating in the program.

**Provide Special Project Infrastructure Funding** - The Small County Coalition requests special funding to address special infrastructure and local projects including: Small County Courthouse Renovations, Emergency Shelters needs, Repair or replacement of bridges rated below satisfactory on DOT inspections Roads, Parks, Water Projects, Libraries, and other non-recurring local priorities.

**Meaningful Involvement of Local Officials in State and Regional Actions** – The Small County Coalition requests that state and regional agencies provide “Meaningful Local Involvement” when making decisions, issuing permits, establishing rules, and/or are developing agency actions the impact a local community or adjacent communities. This includes notifying local officials of agency actions; providing opportunity for local input; providing for a “full cost disclosure”; providing for a complete analysis of impacts to local communities; and provisions for local government be involved and express support or opposition to the proposed actions. The Small County Coalition also recommends that Agency Boards, Commissions, Advisory Councils including the Florida Fish and Wildlife Commission and the Water Management Districts include representatives from small counties, rural areas and local governments.

**Provide Revenue Flexibility** – The Small County Coalition supports increased flexibility in local revenue sources as determined for local funding needs.

### **Pre-emption of Local Regulatory Authority and Oversight**

- Oppose legislation that pre-empts local government involvement in local issues that may need local regulation and/or oversight. Support repeal of statutes that pre-empt or restrict local government regulation or oversight of local issues.

### **Regional Planning Councils**

- Regional Planning Councils provide planning and technical services and economic development support activities to local governments. Regional Planning Council assistance is especially helpful to Florida's rural local governments. The Small County Coalition supports funding of regional planning councils.

### **Impact Fees**

- Impact fees should continue to be authorized through local home rule authority guided by local conditions, such as, growth rates, infrastructure needs and fiscal capacity of the local community.

### **Small County Courts**

- Provide funding to support **Small County Courthouse** Renovation and Construction Projects.
- Ensure that small counties and rural areas have sufficient resources for the operation of Florida's court system.

**Court Related Issues** – The Small County Coalition supports the elimination of the mandated 1.5% increase within 29.008 FS, and requests increased flexibility in the use of the funds generated by the discretionary fee on criminal and traffic cases provided in s. 939.185, F.S.

### **Funding for Jails and EOC's**

- Support funding to assist in expansion and construction of local jail facilities and emergency operation centers in counties that lack the resources to address critical construction needs.

### **Parks and Recreation**

- Fully fund projects recommended within the FRDAP program.
- Provide special project funding for local recreation infrastructure.

### **Small County Technical Assistance Program**

- Restore the funding level for the Small County Technical Assistance Program .

### **Small County Libraries**

- Support state aid funding.
- Protect equalization component within the current formula
- Provide opportunity for legislative funding for main library structures in small counties that do not meet Federal Square Footage standards, demonstrate that they meet appropriate local conditions and funding

### **County Revenue Issues**

- Authorize non-charter counties to levy Communications Services Tax at the level authorized for charter counties and cities. Communications Services Tax - Currently provides that charter counties and cities can levy communications services tax at a rate of up to 5.2% while non-charter counties can levy only up to 1.72%. The tax is applied to purchases on telephone service, cable service, and wireless service. F.S. 202.20(a)
- Authorize non-charter counties to levy the Public Service Tax. The "Municipality Utilities Tax" provides cities and charter counties with authority to levy a rate of up to 10% on purchases of natural gas, electricity and water.

### **Emergency Management**

- **Infrastructure Needs** – provide funding for emergency management related facilities to meet the emergency management, evacuation, and shelter needs in Florida's small counties.

- **Road Capabilities** - Ensure small county roads receive the support needed within the Strategic Intermodal System and the Florida Transportation Plan to accommodate evacuation needs of coastal and urban communities.
- **Communications** – Ensure the necessary funding to meet the communication equipment needs in rural areas.

#### **Affordable Housing**

- Maintain and protect the existing state housing trust funds for affordable housing programs, specifically the local S.H.I.P programs.

#### **Liability Issues**

- Maintain Sovereign Immunity Limits and the current process for resolving claims.
- Evaluate and revise the legislation pertaining to presumption relating to Police and Firefighters to ensure claims are in fact job-related.

#### **Limit Training and Hiring Mandates –**

- Small county officials support increased opportunities to enhance professionalism in key program areas through relevant and accessible training opportunities tiered to meet local needs. The Small County Coalition requests the Florida Legislature and State Agencies avoid mandating rigid training and hiring requirements for Local Positions.

**Small County Solid Waste Program Funding** - Small County Solid Waste Grants are funded at \$3.0 million. The Small County Coalition requests a funding increase to implement programs included in FS 403.706 (4).

**Disposal of Septic Waste** - The Small County Coalition supports extending the authority for land application of septage until alternative disposal methods are available at a reasonable cost to the consumer.

## **TRANSPORTATION AND ROAD POLICIES**

**Small County Road Programs** – The Small County Coalition requests that the Florida Legislature continue to provide increased funding for Small County Rural Assistance Program (SCRAP) and the Small County Outreach Program. In addition, the Small County Coalition requests consideration of special funding to support repair or replacement of bridges rated below satisfactory on DOT inspections.

### **Small County Road Funding**

- Small County Road Assistance Program (339.2816 FS) and the Small County Outreach Program (339.2818 FS) provide critical road funding in small counties.
- The Small County Coalition requests funding to support bridge repair or replacement for bridges rated below satisfactory by DOT evaluations.
- Provide continued technical assistance that would facilitate funding for regional transportation projects in rural counties.

### **Strategic Intermodal System**

- Ensure that the Florida's Strategic Intermodal System is accessible from all areas of the state, includes strategic emerging transportation hubs, corridors and connectors important to rural communities, and is not funded at the expense of other road programs important to small counties.

### **Florida Transportation Plan 2060**

- Ensure that the Florida Transportation Plan provides sufficient focus, direction and funding to address the development of efficient road systems in Florida's rural counties.

### **Dirt Roads**

- Ensure that local governments have the authority to initiate routine maintenance on existing infrastructure (roads, ditches, driveways, etc.) without having to comply with burdensome, overly prescriptive and costly permit requirements.

### **Transportation Disadvantaged**

- The Transportation Disadvantaged program responds to critical transportation needs in Florida's rural counties. Floridians that are unable to self-provide transportation to the medical appointments, employment, and other locations rely heavily on this program. The Small County Coalition requests that funding for the Transportation Disadvantaged programs that are providing critical services to the medically needy, elderly, and developmentally challenged be protected and supports additional funding to meet the unmet demand of citizens needing transportation disadvantaged services.
- **Transportation Disadvantaged in Rural Areas** – The Small County Coalition is supports additional funding to address the unmet demand for transportation disadvantaged citizens in Florida's rural areas.

### **Energy Issues**

- Develop programs to maximize buying power of state and local governments to influence favorable pricing for fuel efficient equipment, vehicles and actual fuel purchases.
- Ensure aggressive oversight and enforcement relating to consumer protection from energy costs.
- Consider approaches to develop alternative fuel sources.

### **Gas and Sales Tax**

- Consider indexing local option fuel taxes to an inflation factor.
- Review distribution formulas for GAS TAX and SALES TAX to ensure fair distribution to areas that do not have significant Points of Collections within their communities

### **Road Reclassification**

- Allow counties demonstrating fiscal hardship to reclassify counties roads to the state road system.



## **RESOURCE MANAGEMENT POLICIES**

### **Water Utilization and Transfer**

Water resources are a critical asset to Florida's rural economy and future economic development efforts. The Small County Coalition requests that the Florida Legislature, the State Agencies that oversee water resources, and, the Water management Districts work closely with Florida's county leadership to protect and provide sustainable water resources in Florida's small counties. The Small County Coalition recommends: Maintaining current water management structure; Continuing Local Sources First Philosophy; and, Ensuring local government participation in water supply availability determinations. The Small County Coalition supports funding assistance in support of water projects that provide infrastructure critical for economic growth, environmental protection, water quality improvements, and, address other local and regional needs. The Small County Coalition opposes additional statutory requirements relating to water-infrastructure that are not accompanied with sufficient funding to comply with timelines and construction.

- Ensure local government participation in water supply availability determinations;
- Continue Local Sources First Philosophy; and,
- Require that prior to transferring water from another region or county, entities in areas desiring water transfer, shall:
  - Maximize utilization of local sources to the extent to which sustainability is impacted;
  - Implement conservation methods or other locally identified opportunities;
  - Take steps to limit cause of increased consumption, such as a moratorium on new construction until an adequate supply of water is available in the community; and,
  - Ensure that any transfer determination meets a "No Harm" standard in reference to the region from which water is being transferred.
- Continue State efforts to protect adequate water flow levels in the Apalachicola, Chattahoochee, Flint River Basin.

**Florida Fish and Wildlife** - Fisheries and wildlife issues are very important to Florida's small counties. Florida's small counties have significant amounts of forest, undisturbed land and rural coastal communities. Decisions impacting these areas, including regulation related to hunting, fishing, bear management, "Big Animal" permits and other commission actions have significant consequence. The Small County Coalition requests that the Florida Fish & Wildlife Commission work with the Small County Coalition on issues where decisions that have significant consequences and to establish a protocol for discussions of mutual concern.

**Water Projects** - Provide funding for Sewer and Water line hookups and Storm Water Projects including Innovative Water Supply Initiatives, and other local infrastructure project needs.

**Promote the Sustainability of Marine Resources** - The Small County Coalition is concerned with the short and long-term sustainability of the saltwater and freshwater water bodies and the impact of water-related environmental and regulatory issues on marine and freshwater resources. Recreational fishing, fisheries production, and water-related ecotourism are vital to the State of Florida, in all coastal counties, and especially in the small counties where employment opportunities are limited. The Small County Coalition urges all local, state, and federal agencies to coordinate programs concerning renewable marine resources. The Small County Coalition recognizes the importance of water quality and water flow in areas where oysters and shellfish are produced, and where fishing resources are critical to the local economy. The Small County Coalition supports efforts to protect the marine and freshwater fishing industry and urges that regulatory decisions be based on current science and stock assessment data and take into consideration economic impacts on coastal economies. The Small County Coalition supports the efforts of the State of Florida to restore the historical water flow levels in the Apalachicola River Basin. The Small County Coalition supports programs and funding that provides assistance to the Shellfish industry in the Apalachicola and Nature Coast regions.

### **Coastal And Marine Impacts**

- Support research and program initiatives that will ascertain the causes and provide for remedies relating to Red Tide, algae blooms, forms of water pollution and other related environmental degradation occurring in Florida's coastal waters.

- Initiate comprehensive program to offset the economic impacts that Oil Spills, Red Tide, Hurricane damage, Gas Increases, and Coastal Water quality problems have had on all elements of Florida's marine industries.
- Support a Working Waterfronts program that ensures local government participation in development of local plans.

#### **Non-native Invasive Species**

- Ensure sufficient funding and support to effectively address the management and spread of non-native invasive upland and aquatic species throughout Florida.
- The Small County Coalition requests support and appropriate regulatory leadership to address the spread of "Lion" Fish with Florida waters.

#### **Agriculture**

- Promote, protect and strengthen efforts to support the agricultural economy of the State of Florida and other industries that are critical to the economies of rural areas.
- Ensure a coordinated state/local policy to support the unique land use issues of agricultural properties and ensure that local governments retain ability to establish local ordinance regulating land use issues.
- Provide funding for the Rural Lands Stewardship Program and the Rural & Family Lands Protection Act, as well as, other programs structured to preserve agricultural lands and promote Agriculture.
- Maintain existing ad valorem taxation policies relating to Agricultural property.
- Support state and federal efforts to research and assist the citrus industry in addressing and controlling the damage and threat caused by citrus greening/Huanglongbing (HLB).
- Supports funding for small county projects prioritized and recommended within the Agriculture Education and Program Facility program.

#### **Growth Management**

- Ensure that growth management requirements in rural counties are not overly burdensome and costly; do not limit or burden potential for economic growth; and, include provisions for waivers of provisions if determined appropriate by local government officials.
- Ensure that small counties have the resources to effectively assess the impact of growth and development at the local level and in neighboring communities; and enable funding options for small counties to meet costs related to growth.
- Promote the capacity of the Regional Planning Councils to assist local governments with planning considerations as deemed necessary by the local government.

#### **Permitting and Inspections**

- Provide alternatives to existing requirements for rural county building inspectors and plan examiners that acknowledge differing skill sets needed amongst rural/urban certification.
- Oppose Performance Based Permitting Program.

#### **Land Buying Programs**

- Incorporate within PILT funding formula consideration of infrastructure needs and other impacts resulting from increased utilization of land purchased by state agencies.
- **Conservation Easements** - Consider initiating a program of conservation easements and/or leases as an alternative to fee simple purchase within land acquisition programs thereby maintaining the revenue capacity of property secured by public agencies.

## **ECONOMIC DEVELOPMENT POLICIES**

### **The Small County Coalition supports:**

- A clear rural job creation strategy within the state economic development job creation plan. This strategy should include - Legislative Flexibility and Regulatory Predictability; Organizational realignment of resources in support of rural job creation.; Identify and support Emerging Market Opportunities in rural areas; and, Protect Against Actions that impact local economic stability.
- Establishing measureable performance standards to serve as benchmarks for evaluating effectiveness of economic development efforts in rural areas.
- Establishing a Rural Economic Development fund to support high-value opportunities – support infrastructure and provide for funds for key Renovations and Restoration of important local venues.
- Ensuring collaboration and involvement of public and private interests on local Economic Development Councils.
- Protecting communities from decisions that would negatively impact the local economy in rural areas.
- Establishing clear performance measures for all economic development programs.
- Creating an inventory of “High Valued” opportunities in Florida’s rural counties.
- Enhancing marketing effort to promote increased visitation, tourism, and business opportunities in Florida rural areas. Florida’s small counties are rich in water, forests, historical sites and unique cultural and recreational activities.
- Revision of rural infrastructure awards and qualifications to be more competitive with competing states
- Providing for targeted industry waivers in RAO regions (through the REDI structure and specific rural targeted industries).
- Increasing award amounts of the rural jobs tax credit to be more competitive with competing states
- Removing award amount restriction on QTI awards when local match is waived.

### **Rural Areas Of Opportunity (RAO)**

- The Small County Coalition supports regional collaboration and communication of regional economic development opportunities and training through the RAO program.
- The Small County Coalition requests a strategic effort within the State Job Creation Plan to change the economic conditions within RAO designated counties sufficient to allow currently designated counties to become non-RAO.

### **Rural Economic Development Initiative (REDI)**

- REDI leadership should ensure that all REDI Agencies are implementing the statutes that enable REDI counties to effectively compete and received sufficient support to facilitate local projects. Specifically pertaining to F.S. 288.019 – modifying evaluation criteria; F.S. 288.0656 – Assigning High level Staff to REDI and, F.S. 288.06561 – Providing Waiver of match policy that enables project effectiveness.
- REDI leadership should ensure that State Agencies provide technical assistance to small counties as needed to maximize administrative and financial support.
- REDI leadership should ensure that every REDI State Agency identify and document specific resources that are intended to or could be used to assist rural community development and implement technical assistance to ensure accessibility and resource delivery at the local level.
- Ensure that all existing “Grants and Resources” available to assist small counties are marketed by state agencies and used in a coordinated manner to ensure distribution and impact at the local level.
- REDI leadership should ensure that all agency programs that provide funding and services for local governments provide the necessary administrative assistance for small counties to access the state resources.
- REDI Agencies should promote flexibility and, if justified, waivers, in regulatory and administrative requirements that require additional local resources and increase local costs



**Small County Coalition Officers for 2017-18**

Chairperson – Commissioner Ralph Thomas, Wakulla County  
Vice-Chairperson – Commissioner Sue Birge, Hardee County  
Secretary – Commissioner John Meeks, Levy County  
Past- Chairperson - Commissioner Karson Turner, Hendry County

**Executive Committee Members**

**Northern Gulf Region**

*(Wakulla, Franklin, Gulf, Walton, Jefferson, Santa Rosa\* and Okaloosa\*)*

Commissioner Sara Comander (Walton County) – 2019  
Commissioner Cheryl Sanders, (Franklin County) – 2018

**North Central Region**

*(Hamilton, Gadsden, Jackson, Liberty, Madison, Washington, Holmes and Calhoun)*

Commissioner Alan Bush (Washington County) – 2019  
Commissioner Chuck Lockey (Jackson County) – 2018

**North East Region**

*(Bradford, Columbia, Union, Baker, Nassau, Flagler, and Putnam)*

Commissioner Ron Williams (Columbia County) – 2019  
Commissioner Danny Leeper (Nassau County) – 2018

**Central Florida Region**

*(Gilchrist, Lafayette, Dixie, Levy, Sumter, Suwannee, Taylor, Citrus and Hernando)*

Commissioner Clyde Fleming (Suwannee County) – 2019  
Commissioner Anthony Adams (Lafayette County) – 2018

**South Region**

*(\*Charlotte, DeSoto, Glades, Hendry, Hardee, Highlands, Indian River, Okeechobee, Martin, and Monroe)*

Commissioner Terry Burroughs (Okeechobee County) – 2019  
Commissioner Weston Pryor (Glades County) – 2018

**Small County Coalition Members**

*Baker County Commission  
Bradford County Commission  
Calhoun County Commission  
Charlotte County Commission  
Citrus County Commission  
Clay County Commission  
Columbia County Commission  
Dixie County Commission  
DeSoto County Commission  
Flagler County Commission  
Franklin County Commission  
Gadsden County Commission  
Gilchrist County Commission*

*Glades County Commission  
Gulf County Commission  
Hamilton County Commission  
Hardee County Commission  
Hendry County Commission  
Highlands County Commission  
Holmes County Commission  
Jackson County Commission  
Jefferson County Commission  
Lafayette County Commission  
Levy County Commission  
Liberty County Commission  
Madison County Commission*

*Martin County Commission  
Monroe County Commission  
Nassau County Commission  
Okaloosa County Commission  
Okeechobee County Commission  
Putnam County Commission  
Santa Rosa County Commission  
Suwannee County Commission  
Taylor County Commission  
Union County Commission  
Wakulla County Commission  
Walton County Commission  
Washington County Commission*

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THE  
**SMALL SCHOOL DISTRICT  
COUNCIL CONSORTIUM**  
*A Statewide Legislative Network of  
Small School Districts*  
*-Founded 1983-*

**Legislative Priorities  
For the 2018 Regular Session  
of the Florida Legislature**

**Pending Final Adoption**

## Legislators Representing Small School Districts

(Districts with 24,000 Students or less)

### Senate Districts

#### 14 Senate Districts Include Small School Districts

Senate District 2 – George Gainer	Holmes, Jackson, Walton, and Washington
Senate District 3 – Bill Montford	Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jefferson, Liberty, Madison, Taylor, and Wakulla
Senate District 4 – Aaron Bean	Nassau
Senate District 5 – Rob Bradley	Baker, Bradford, Columbia, Dixie, Gilchrist, Lafayette, Levy, Suwannee, and Union
Senate District 7 – Travis Hutson	Flagler
Senate District 8 – Keith Perry	Putnam
Senate District 10 – Wilton Simpson	Citrus and Hernando
Senate District 12 – Dennis Baxley	Sumter
Senate District 17 - Debbie Mayfield	Indian River
Senate District 23 – Greg Steube	Charlotte
Senate District 25 – Joe Negron	Martin
Senate District 26 – Denise Grimsley	Charlotte, DeSoto, Glades, Hardee, Highlands, and Okeechobee
Senate District 28 – Kathleen Passidomo	Hendry
Senate District 39 – Anitere Flores	Monroe

### House Districts

#### 20 House Districts Include Small School Districts

House District 5 --Brad Drake	Holmes, Jackson, Walton, and Washington
House District 7 - Halsey Beshears	Calhoun, Franklin, Gulf, Jefferson, Lafayette, Liberty, Madison, Taylor, and Wakulla
House District 8 – Ramon Alexander	Gadsden
House District 10 – Elizabeth Porter	Baker, Columbia, Hamilton, and Suwannee
House District 11 – Cord Byrd	Nassau
House District 19 – Bobby Payne	Bradford, Putnam, and Union
House District 21 –Chuck Clemons	Dixie, and Gilchrist
House District 22 – Charlie Stone	Levy
House District 24 – Paul Renner	Flagler
House District 33 – Don Hanfeldt	Sumter
House District 34 – Ralph Massulo	Citrus and Hernando
House District 35 – Blaise Ingoglia	Hernando
House District 54 – Erin Grall	Indian River
House District 55 - Cary Pigman	Glades, Highlands, and Okeechobee
House District 56 – Ben Albritton	DeSoto, and Hardee
House District 75 – Michael Grant	Charlotte
House District 80 - Byron Donalds	Hendry
House District 82 – MaryLynn Magar	Martin
House District 83 – Gayle Harrell	Martin
House District 120 – Holly Raschein	Monroe

## **Small School District Council Consortium**

### **Background**

Established in 1983, the Small School District Council Consortium is a statewide consortium of local elected school officials. The SSDCC was formed for the purpose of implementing a coordinated statewide effort by and for small school districts. The SSDCC's primary focus is to promote small district issues with the Florida Legislature, state elected-officials and state agency leadership.

The SSDCC is a membership organization that represents school districts with 24,000 students or less. Membership also includes State University Lab schools and regional educational consortia established in the statutes.

Each participating school district adopts a resolution and is involved in statewide activities through an adopted legislative program implemented on behalf of the membership.

The SSDCC elects officers and each member district is represented on the Board of Directors through the school superintendent and one school board member designated by the School Board of each member county.

### **SSDCC OFFICERS**

Chairman Sherrie Raulerson - Superintendent of Schools – Baker County  
Vice Chairman Bobby Pearce – Superintendent of Schools – Wakulla County

### **Executive Committee Members**

Sam Himmel - Superintendent of Schools - Citrus County  
Scott Bass – Superintendent of Schools - Glades County  
Paul Samuels – School Board Member – Hardee County  
Jan Shoop – School Board Member – Highlands County  
Robbie Edwards - Superintendent of Schools – Lafayette County  
Chris Cowart – School Board Member – Levy County  
Charlotte Gardner – School Board Member - Jackson County

### **PRIMARY ISSUES FOR THE SSDCC**

Full funding of the Sparsity Supplement  
Special Facility Construction Account Program Funding  
Digital Classroom Funding  
Increase Funding for Safe Schools  
Increased Funding for School Transportation  
Public Education Capital Outlay Funding  
Regional Consortia Service Program Funding  
Funding for Local Capital Outlay  
Florida Retirement System  
Statutory Flexibility  
Maintaining Sovereign Immunity Limits  
Support for Local Elected Officials and Local Control  
Provide for Meaningful Local Involvement  
Accountability and Assessment

The SSDCC is represented in Tallahassee by the Governmental Relations firm of Robert P. Jones & Associates. Chris Doolin and Bob Jones provide consulting services to the SSDCC in Tallahassee.

## Introduction

The Florida Legislature recognizes that being small and rural has an impact on the delivery of quality educational services throughout the State of Florida.

- The low tax base impacts funds available for instruction and capital outlay needs;
- Access to Technology and High-Speed Internet are limited in certain rural areas;
- Districts have fewer district administrators and staff to implement state and federal initiatives;
- Transportation costs are increased in sparsely populated areas;
- Grants are harder to obtain in smaller districts; and,
- Economy of scale issues present challenges in both staffing and financial impacts.

The Florida Legislature has recognized the challenges faced by rural and small school districts and has responded with several initiatives to assist small and rural districts overcome these challenges.

- Sparsity funding is provided to offset to economy of scale issues;
- Special Facility Construction funding is provided to address construction projects where districts demonstrate critical need and insufficient revenues;
- Regional Consortium Service Organization funding has assisted with important training and program assistance to small, rural districts;
- Base level funding within grant programs, including, Technology and Safe Schools programs; and,
- Compression and Equalization of millage provisions has provided additional funding to offset fiscal limitations within the Florida Education Funding Program.

The SSDCC is appreciative of the Legislative support and submits the following requests in an effort to assist small and rural districts over-come challenges and provide for a quality education.



## SSDCC Priorities for the 2018 Legislative Session

**Support Full funding of the Sparsity Supplement** – The SSDCC supports full funding of the Sparsity Supplement. The Sparsity Supplement is appropriated as part of the FEFP to be allocated to districts with 24,000 or fewer FTE students pursuant to Section 1011.62(7), Florida Statutes. The formula recognizes the relatively higher operating cost of smaller districts due to sparse student population.

2016-17 funding level for Sparsity formula - \$52,800,000

Full funding of Wealth Adjusted Sparsity formula in FEFP - \$56,034,772

Proposals modifying sparsity statutes should be proposed in a manner that does not reduce funding to districts receiving sparsity funding.

### **Funding for the Special Facility Construction Account Program** - FS 1013.64 –

The Small School District Council Consortium supports funding for the following projects from the 2018 Legislature:

- Taylor – Recommended in 2014 - K-2 School - 2018 - 6,662,873 is needed for 3rd of 3 years
- Liberty – Recommended by 2014 and 2016 SFCA Committee - 9-12 School - 2018 – 6,060,895 is needed for 2nd of 3 years
- Jackson – Recommended by 2014 and 2016 SFCA Committee - K-8 School - 2018 - 19,059,807 is needed for 2nd of 3 years
- Gilchrist- Recommended by 2016 and 2017 SFCA Committee – Renovation of Middle/High School - 2018 - \$8,205,344 is needed for 1<sup>st</sup> of 2 years
- Bradford – Recommended by 2016 and 2017 SFCA Committee –K-7 School- 2018 - \$13,178,063 is needed for 1<sup>st</sup> 3 years.

In 2016-17, the Florida Legislature provided \$57,049,600 for six projects – one project was vetoed.

In 2015-16, the Florida legislature provided \$80,920,163 for the Special Facility Construction Program.

In 2014-16, the Florida Legislature provided \$59,686,264 for the Special Facility Construction Program.

**Education Technology**– The SSDCC supports the State Board of Education recommendation to provide a base level of funding of \$500,000 for all districts within the Digital Classroom funding program. The SSDCC recognizes the need for all public schools and school districts to have appropriate, adequate, efficient, and sustainable technology infrastructure, connectivity, and capacity to address, at a minimum, the requirements of the statewide standardized assessments associated with the State of Florida Educational Accountability program. The SSDCC requests that additional funding with a base of \$500,000 be provided to small school districts through the Digital Classroom Appropriation.

**Safe School Funding** – The SSDCC supports an increase of \$10 million from \$64,456,019 to \$74,456,019 with an increase in the base from \$62,660 to \$250,000. This would provide increased safe school funding to enable for districts to address School Resource Officers and other School Safety needs.

**Public Education Capital Outlay Funding** - The Florida Legislature should require any local capital outlay revenues generated pursuant to F.S. 1011.71 to be distributed in accordance with Local School Board authority. All recipients of state or local capital outlay dollars should be evaluated and prioritized along with all other local public school facility projects.

**Ad Valorem Millage for Public Education** – The SSDCC recommends continued Compression of local ad valorem revenues where the amount generated at the local level is less than the statewide average. The SSDCC requests restoration of 2.0 mills Local Capital Outlay Millage authority. (F.S. 1011.71(2)).

**Increased Funding for School Transportation** - F.S. 1011.68. – The Small School District Council Consortium requests the Legislature to substantially increase funding for School Transportation. Increased transportation funding is critical due to the impact that it has on student mobility and safety in our rural areas.

**Funding for the Regional Consortia Service Program** – F.S. 1001.451 – The Regional Consortia Program has been an instrumental structure for training, technical assistance and the implementation of complex education initiatives in the small and rural districts. The three regional consortia work closely with representatives of the Department of Education to assure alignment with DOE priorities and State of Florida Education priorities.

Each regional consortium service organization is eligible to receive an incentive grant of \$50,000 per school district to be used for the delivery of services within the participating school districts. The membership of the three consortia totals 35 districts. Current funding is \$1,445,390. Full funding would require \$1,750,000.

In addition, support is requested for the special programs requested by the Regional Consortia to enhance teaching and learning in the small districts.

**Florida Retirement System** – The Florida Legislature is requested to maintain current provisions and benefits for employees and retirees participating in the program.

**Local Flexibility** – The Florida Legislature should avoid unfunded mandates or other proposals that would cause undue burden, increase costs, or otherwise negatively impact local school districts by including additional funding and/or provisions allowing flexibility to accommodate local conditions.

**Accountability and Assessment** – Small Districts support accountability through comprehensive assessment of student performance. The State of Florida should take the time necessary to ensure understanding, confidence, and support of the assessment program by parents and educators. The Florida Legislature should continue review and modification of “high stakes” impact of assessment program until validity, alignment, and administrative issues with the Florida Standards Assessment Program are resolved.

**Adults With Disabilities** – the Florida Legislature should provide funding to support job training and job placement services for adults with disabilities.

**Recruitment and Retention** – the Florida Legislature should provide support to ensure the availability of instruction and administrative personnel in Florida’s rural communities.

### **Support for FADSS and the FSBA**

The members of the SSDCC participate in and are supportive of the Florida Association of District School Superintendents and the Florida School Boards Association. The members of the SSDCC support the Legislative Proposals of the FSBA and FADSS on issues of statewide significance.

# A Review of K-12 School Funding

from 99-00 through 17-18

(1) Year	(2) State funding within the FEFP		(3) Local Funding within the FEFP	(4) Federal Funding within the FEFP	(5) Total Funding	
99-00	\$6,918,358,522		\$4,269,553,580	NA	\$11,187,912,102	
00-01	\$7,401,942,945		\$4,543,526,312	NA	\$11,945,469,257	
01-02	\$7,327,271,855		\$4,882,671,612	NA	\$12,209,943,467	
02-03	\$7,695,808,666		\$5,338,377,065	NA	\$13,034,185,731	
03-04	\$8,260,409,846		\$5,776,691,992	NA	\$14,037,101,838	
04-05	\$8,766,990,479		\$6,260,556,290	NA	\$15,027,546,769	
05-06	\$9,125,618,593		\$7,129,622,543	NA	\$16,255,241,136	
06-07	\$9,695,029,452		\$8,370,937,262	NA	\$17,989,051,919	
07-08	\$9,709,211,811		\$9,042,132,786	NA	\$18,751,344,667	
08-09	\$8,556,433,157		\$9,363,451,861	NA	\$17,919,885,018	
09-10	\$8,079,525,471		\$9,002,863,782	\$907,920,175	\$17,990,309,428	
10-11	\$8,903,193,397		\$8,216,789,058	\$872,664,689	\$17,992,647,144	
11-12	\$8,709,379,680		\$7,872,211,416	0	\$16,581,591,096	
12-13	\$9,544,792,796		\$7,678,389,743	0	\$17,223,182,539	
13-14	\$10,462,466,741		\$7,835,497,940	0	\$18,297,964,681	
14-15	\$10,647,648,670		\$8,257,084,966	0	\$18,904,733,636	
15-16	\$10,934,111,011		\$8,773,014,331	0	\$19,707,125,342	
16-17	\$11,309,068,374		\$8,877,702,040	0	\$20,186,770,414	
17-18	\$11,673,261,717		\$8,968,543,399	0	\$20,641,805,116	
(6) Year	(7) % of State Funding in FEFP	(8) % of local Funding in FEFP	(9) % of Federal \$ in FEFP	(10) Base Student Allocation	(11) Number of UFTE	(12) Total Funding Per UFTE
99-00	61.84	38.16	-	\$3,227.74	2,328,851.08	\$4,804.05
00-01	61.96	38.04	-	\$3,416.73	2,388,755.80	\$5,000.71
01-02	60.01	39.99	-	\$3,298.48	2,453,549.71	\$4,976.44
02-03	59.04	40.96	-	\$3,537.11	2,497,968.51	\$5,217.92
03-04	58.86	41.15	-	\$3,630.03	2,557,438.44	\$5,488.73
04-05	58.34	41.66	-	\$3,670.26	2,609,593.94	\$5,758.57
05-06	56.14	43.86	-	\$3,742.42	2,641,121.29	\$6,154.68
06-07	53.47	46.53	-	\$3,981.61	2,638,331.10	\$6,818.35
07-08	51.78	48.22	-	\$4,079.74	2,631,277.10	\$7,126.32
08-09	47.72	52.28	-	\$3,886.14	2,618,006.46	\$6,844.86
09-10	44.90	50.05	5.05	\$3,630.62	2,629,282.97	\$6,842.29
10-11	49.33	45.86	4.82	\$3,623.76	2,642,091.49	\$6,810.10
11-12	52.53	47.66	0	\$3,479.22	2,663,743.54	\$6,224.92
12-13	55.53	44.47	0	\$3,582.98	2,701,751.84	\$6,374.82
13-14	57.18	42.82	0	\$3,752.30	2,698,800.85	\$6,780.04
14-15	56.32	43.68	0	\$4,031.77	2,743,616.78	\$6,890.44
15-16	55.48	44.52	0	\$4,154.45	2,773,673.69	\$7,096.96
16-17	56.02%	43.98%	0	\$4,160.71	2,805,188.49	\$7,196.23
17-18	56.55%	43.45%	0	\$4,203.95	2,829,107.39	\$7,296.23

**Millage Authority from 06-07 through DOE Proposal for 17-18**

	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18
Required Local Effort F.S. 1011.62(4)	5.01	4.843	5.136 Note 1	5.288 Note 4	5.380	5.446	5.295	5.183	5.089	4.984	4.638	4.316
Maximum DLE F.S. 1011.71(1)– Compression provided up to State Wide Average	.51	.51	.498	.748 Note 3	.748	.748	.748	.748	.748	.748	.748	.748
Additional Discretionary Local Effort If per student millage generates less than \$100 – the district received funding to Provide Up to \$100 per FTE	.25	.25	.25	0 Note 4	0	0	0	0	0	0	0	0
Super Majority Board Approved Millage – No Cap on Value Generated. (compressed provide up to State Wide Average per FTE)	-	-	-	.25 Note 5	.25 Note 7	0 Note 8	0	0	0	0	0	0
<b>Total Millage in FEFP</b>	<b>5.77</b>	<b>5.603</b>	<b>5.884</b>	<b>6.286</b>	<b>6.378</b>	<b>6.294</b>	<b>6.043</b>	<b>5.931</b>	<b>5.837</b>	<b>5.837</b>	<b>5.386</b>	<b>5.064</b>
Capital Outlay Millage Authority F.S. 1011.71(2)	2.0	2.0	1.75 Note 2	1.50 Note 6	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.5 Note 13
Special Facility Districts Required Payback (F.S. 1013.64(2)(a)) (F.S. 1011.71(2))	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5 Note 10	1.5 Note 11	4.5 mills Note 12	4.5 mills Note 12

Notes –

1. 08-09 - .25 increase in RLE based on a reduction of Capital Outlay from 2.0 to 1.75.
2. 08-09 - .25 shifted to RLE
3. 09-10 – .25 increased in DLE based on a reduction of Capital Outlay from 1.75 to 1.5.
4. 09-10 - .25 authorized in 08-09 shifted to RLE. RLE reflects increase of .178 due to statewide value of .25 without compression)
5. 09-10 - .25 established as new authority - Levied by Super Majority Vote of Board; Can be used in either Operational or Capital Outlay; If used in Capital Outlay – the district does not receive Compression to State Wide Average if value of .25 is less than State Wide Average.
6. 09-10 – .25 increased in DLE based on a reduction of Capital Outlay from 1.75 to 1.5.
7. 10-11 - Levied by Super Majority Vote of Board; Must have referendum to continue into 11-12; Can be used in either Operational or Capital Outlay; If used in Capital Outlay – the district does not receive Compression to State Wide Average if value of .25 is less than State Wide Average).
8. 11-12 - Only School Districts where the .25 was approved by Referendum in Nov. of 2010 may continue to levy the .25 millage for 11-12 and 12-13.
9. 12-13- Only School Districts where the .25 was approved by Referendum in Nov. of 2010 may continue to levy the .25 millage for 11-12 and 12-13.
10. 14-15 - Districts where 1 mill generates less than \$1,000,000 contribute .75 mills to project instead of 1.5 mills.
11. 15-16 - Districts where 1 mill generates less than \$2,000,000 contribute .75 mills to project
12. Total payback of 4.5 mills over multi-year period –
13. Modified by 1013.62(3) – allocation to Charter Schools.

**SPARSITY FUNDING**  
**\$56,034,772 REQUESTED FOR 18-19**

Although the Sparsity Supplement was one of the original components included in the design of the FEFP in 1973, funding was not appropriated until 1983. Each year since 1983, the Legislature has made an appropriation for the Sparsity Formula.

FY 83-84	\$3,000,000
FY 84-85	\$4,726,287
FY 85-86	\$9,280,324
FY 86-87	\$15,000,000
FY 87-88	\$27,710,000
FY 88-89	\$30,000,000
FY 89-90	\$12,500,000
FY 90-91	\$15,000,000
FY 91-92	\$20,000,000
FY 92-93	\$20,000,000
FY 93-94	\$20,000,000
FY 94-95	\$20,000,000
FY 95-96	\$20,000,000
FY 96-97	\$20,000,000
FY 97-98	\$20,000,000
FY 98-99	\$30,000,000
FY 99-00	\$30,000,000
FY 00-01	\$31,000,000
FY 01-02	\$31,000,000
FY 02-03	\$31,000,000
FY 03-04	\$31,000,000
FY 04-05	\$31,000,000
FY 05-06	\$35,000,000
FY 06-07	\$35,000,000
FY 07-08	\$39,191,698
FY 08-09	\$39,191,698
FY 08-09-Rev. 3 <sup>rd</sup> calc.	\$38,345,157
FY 09-10	\$35,822,046
FY 10-11	\$35,754,378
FY 11-12	\$35,754,378
FY 12-13	\$35,754,378
FY 13-14	\$45,754,378
FY 14-15	\$48,318,959
FY 15-16	\$52,800,000
FY 16-17	\$52,800,000
FY 17-18	\$52,800,000

**Regional Consortium Service Organizations**

\$1,750,000 Requested in FY 18-19

**Funding History**

2016-17 Funding - \$1,445,390  
2015-16 Funding - \$1,445,390  
2014-15 Funding - \$1,445,390  
2013-14 Funding - \$1,445,390  
2012-13 Funding - ~~\$1,445,390~~ Vetoed  
2011-12 Funding - \$1,445,390  
2010-11 Funding - \$1,611,465  
2009-10 Funding - \$1,611,465  
2008-09 Funding - \$1,660,750  
2007-08 Funding - \$1,750,000  
2006-07 Funding - \$1,750,000  
2005-06 Funding - \$1,700,000  
2004-05 Funding - \$825,000  
2003-04 Funding - \$775,000  
2002-03 Funding - \$775,000  
2001-02 Funding - \$750,000  
2000-01 Funding - \$750,000  
1999-00 Funding - \$750,000  
1998-99 Funding - \$750,000  
1997-98 Funding - \$750,000  
1996-97 Funding - \$750,000  
1995-96 Funding - \$550,000  
1994-95 Funding - \$750,000

**SSDCC Members for 2017-2018**

*Baker County School District*  
*Bradford County School District*  
*Calhoun County School District*  
*Citrus County School District*  
*Columbia County School District*  
*DeSoto County School District*  
*Dixie County School District*  
*Flagler County School District*  
*Franklin County School District*  
*Gadsden County School District*  
*Gilchrist County School District*  
*Glades County School District*  
*Gulf County School District*  
*Hamilton County School District*  
*Hardee County School District*  
*Heartland Educational Consortium*  
*Hendry County School District*  
*Hernando County School District*  
*Highlands County School District*  
*Holmes County School District*  
*Jackson County School District*  
*Jefferson County School District*  
*Lafayette County School District*  
*Levy County School District*  
*Liberty County School District*  
*Madison County School District*  
*Monroe County School District*  
*North East Florida Educational Consortium*  
*Okeechobee County School District*  
*Panhandle Area Education Consortium*  
*Putnam County School District*  
*Sumter County School District*  
*Suwannee County School District*  
*Taylor County School District*  
*Union School District*  
*Wakulla County School District*  
*Walton County School District*  
*Washington County School District*

**For Additional Information call 850-224-3180 Or Send an E-mail to:**

**[Cdoolin@nettally.com](mailto:Cdoolin@nettally.com)**





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

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

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 568

INTRODUCER: Commerce and Tourism Committee and Senator Young

SUBJECT: Telephone Solicitation

DATE: November 13, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	_____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 568 expands the Florida Do Not Call Act to:

- Prohibit the unsolicited ringless delivery of voicemail messages into consumers' voicemail boxes, in addition to phone calls and text messages; and
- Require a telephone sales call solicitor to provide on the call recipient's caller ID, a telephone number that is capable of receiving calls and that can connect the call recipient to the telephone solicitor.

The bill also increases permitted penalties for violations of the Do Not Call Act to up to \$10,000 for violations prosecuted administratively, and \$10,000 or more for those prosecuted civilly.

**II. Present Situation:**

During 2017, the Federal Communications Commission (FCC) received 155,282 consumer complaints about robocalls, including federal Do Not Call List violations, call spoofing, and solicitations made by an automated recording.<sup>1</sup> One organization estimates that in September 2017, 2.4 billion robocalls were made to U.S. consumers.<sup>2, 3</sup>

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<sup>1</sup> Federal Communications Commission, *Consumer Complaints Data- Unwanted Calls*, (Oct. 31, 2017) <https://opendata.fcc.gov/Consumer/Consumer-Complaints-Data-Unwanted-Calls/vakf-fz8e> (last visited Nov. 6, 2017).

<sup>2</sup> YouMail, *Robocall Index*, <https://robocallindex.com/> (last visited Nov. 6, 2017).

<sup>3</sup> A "robocall" is an unsolicited sales call, fax, or text message. A robocall can manifest as a prerecorded message played to a consumer once he or she accepts a call; a phone call made via a "spoofed" or falsified phone number, usually intended to trick the consumer into accepting the call; or an autodialed sales solicitation.

One form of telephone marketing is direct-to-voicemail transmissions, which deposit a message into consumers' voicemail boxes without ringing as a traditional phone call would.<sup>4</sup> Current law does not expressly address direct-to-voicemail transmissions.

Call spoofing is the provision of a false phone number on a call recipient's caller ID service, generally done to trick the recipient into picking up the phone call.<sup>5</sup> Legitimate uses of call spoofing include:<sup>6</sup>

- Hiding a professional's (e.g., doctor's) home phone number when he or she returns client calls;
- Law enforcement, including attempting to find those who are delinquent on child support payments;
- Allowing privacy to whistleblowers who call to make disclosures; and
- Providing protection to domestic violence shelters and victims.

Illegitimate uses can be as extreme as causing a phone call to an emergency line that appears to be from another's home, resulting in a storming of that home by emergency personnel.<sup>7</sup> The most common use, however, is to induce a consumer to pick up a phone call so that a sales pitch can be made.

## Federal Law

### *Telephone Consumer Protection Act*

The Telephone Consumer Protection Act of 1991 (TCPA) protects U.S. consumers from unwanted communications by restricting the use of autodialers,<sup>8</sup> prerecorded sales messages, and unsolicited sales calls, text messages, or faxes.

The TCPA prohibits telephone solicitations that:<sup>9</sup>

- Are made to residences before 8 am, and after 9 pm;
- Fail to provide the consumer with the solicitor's identity, including his or her true phone number via caller identification service,<sup>10</sup> and an opportunity to opt out of the call, and all future calls made by that solicitor; and
- Send artificial or pre-recorded messages to a residential line;

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<sup>4</sup> Kaitlyn Johnson and Anne Lockner, *I'm Unavailable to Take Your Advertisement Right Now: FCC Regulation of Direct-To-Voicemail Marketing* (Oct. 11, 2017) <https://www.jdsupra.com/legalnews/i-m-unavailable-to-take-your-32721/> (last visited Nov. 7, 2017).

<sup>5</sup> Federal Communications Commission, *Spoofing and Caller ID*, (Sept. 26, 2017) <https://www.fcc.gov/consumers/guides/spoofing-and-caller-id> (last visited Nov. 14, 2017).

<sup>6</sup> Alicia Hatfield, *Phoney Business: Successful Caller ID Spoofing Regulation Requires More Than the Truth in Caller ID Act of 2009*, 19 J. Law & Policy 827, 833 (2011).

<sup>7</sup> This practice is also known as "Swatting." *Id* at 827.

<sup>8</sup> An autodialer is equipment that has the capacity to produce or store phone numbers using a random or sequential number generator, and to call those phone numbers. 47 U.S.C. § 227(a)(1).

<sup>9</sup> 47 U.S.C. § 227(b). *See also*, 47 C.F.R. § 64.1200(8)(c) (2012).

<sup>10</sup> 47 C.F.R. § 64.1601(e). *See also*, Federal Communications Commission, *Public Notice: FCC's Caller ID Rules for Telemarketers Become Effective* (Jan. 29, 2004) [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-04-206A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-04-206A1.pdf) (last visited Nov. 14, 2017).

- Use an autodialer, artificial message, or pre-recorded messages to a cellular, emergency, or hospital room line.

The Federal Trade Commission (FTC), in concert with the FCC, administers the National Do Not Call Program as part of the TCPA's requirements.<sup>11</sup> Telephone solicitors may not contact a consumer who participates in the National Do Not Call Program, unless the calls are:<sup>12</sup>

- Made with a consumer's prior, express permission;
- Informational in nature, such as those made to convey a utility outage, school closing, or flight information; or
- Made by a tax-exempt organization.

The TCPA grants a private right of action to pursue actual monetary damages or up to \$500 per violation.<sup>13</sup> State attorneys general and the FCC also have jurisdiction to investigate and file civil claims based on violations of the TCPA.<sup>14</sup>

In 2015, the FCC confirmed that the TCPA's protections extend to text messaging in the same manner that they apply to telephone calls.<sup>15</sup> In March 2017, a company that provides direct-to-voicemail transmissions submitted a request for waiver under federal law to clarify the legality of the practice, but withdrew its request before the FCC made any determination.<sup>16</sup> Members of a class filed suit against a Florida car dealership, based on the dealership's alleged violation of the TCPA for its use of direct-to-voicemail transmissions.<sup>17</sup> However, the case was settled before the Court made a final determination.

### ***Truth in Caller ID Act***

The Truth in Caller ID Act of 2009 protects consumers by making it unlawful for any person to cause to be transmitted, or to knowingly transmit misleading or inaccurate caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value.<sup>18</sup> The FCC investigates and prosecutes violations of the act under its rules.<sup>19</sup> The FCC recently proposed fines of \$82 million and \$120 million to settle investigations against two call spoofers that allegedly made upwards of \$21 million telemarketing spoofed calls.<sup>20</sup>

<sup>11</sup> Federal Communications Commission, *Stop Unwanted Calls and Texts—The National Do Not Call List*, <https://www.fcc.gov/consumers/guides/stop-unwanted-calls-and-texts> (last visited Nov. 7, 2017).

<sup>12</sup> 47 U.S.C. § 227(a)(4); *See also*, 47 C.F.R. § 64.1200 (2012).

<sup>13</sup> 47 U.S.C. § 227 (c)(5).

<sup>14</sup> 47 U.S.C. § 227 (f).

<sup>15</sup> Federal Communications Commission, *FCC Strengthens Consumer Protections Against Unwanted Calls and Texts* (Jun. 18, 2015) [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-333993A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-333993A1.pdf) (last visited Nov. 7, 2017).

<sup>16</sup> All About the Message, LLC Petition for Declaratory Ruling, CG Docket No. 02-278 (filed Mar. 31, 2017) *available at* <https://ecfsapi.fcc.gov/file/104010829816078/Petition%20for%20Declaratory%20Ruling%20of%20All%20About%20the%20Message%20LLC.pdf> (last visited Nov. 7, 2017).

<sup>17</sup> *Tom Mahoney v. TT of Pine Ridge, Inc.*, No. 17-80029-CV-DMM (S.D. Fla. Filed Jan. 9, 2017). *See also*, <https://www.nntcpasettlement.com/> (last visited Nov. 7, 2017).

<sup>18</sup> 47 U.S.C. § 227 (e),

<sup>19</sup> *See*, 47 C.F.R. § 64.

<sup>20</sup> Federal Communications Commission, *FCC Proposes \$82 Million Fine for Spoofed Robocalls* (Aug 3, 2017) <https://www.fcc.gov/document/fcc-proposes-82-million-fine-spoofed-telemarketing-robocalls> (last visited Nov. 14, 2017); *FCC Proposes \$120 Million Fine of Massive Caller ID Spoofing Operation* (June 22, 2017)

However, to protect privacy concerns, an individual caller may still request to hide his or her phone number when making a call.<sup>21</sup>

### Florida Law

The Department of Agriculture and Consumer Services (Department) administers the Florida Do Not Call Act (also called the “Do Not Call List”), which prohibits unsolicited phone calls and text messages.<sup>22</sup> Residents who do not wish to receive sales calls may request to have their residential, mobile, or paging device telephone number included on the Department’s list.<sup>23</sup>

A communication is unsolicited, and therefore prohibited under the Do Not Call List, unless the contact is made:

- At the consumer’s request;
- By a charitable or political organization that is seeking donations;
- As part of a survey, or for the purpose of research seeking an opinion;
- In connection with an existing debt or contract for which payment is due; or
- By a newspaper publisher, or his or her agent or employee, in connection with the publisher’s business.

Section 501.059(5), F.S., also prohibits a telephone solicitor from calling, text messaging, or using automated telephone equipment to contact any consumer, whether or not he or she is part of the Do Not Call List, who has previously communicated to the solicitor that he or she does not wish to receive a telephone call that is:

- Made by or on behalf of the seller who offers goods or services; or
- Made on behalf of a charity that is soliciting a charitable contribution.

A telephone solicitor who violates the provisions of the Do Not Call Act is subject to a civil penalty with a maximum fine of \$10,000 per violation, or an administrative fine with a maximum of \$1,000 per violation, in addition to attorney’s fees and costs.<sup>24</sup>

### III. Effect of Proposed Changes:

**Section 1** expands the definition of a “telephonic sales call” to include a voicemail transmission, in addition to a telephone call and text message for purposes of the Do Not Call Program.

The bill makes conforming changes throughout the Florida Do Not Call Act to prohibit:

- Direct-to-voicemail transmissions to any consumer’s residential, mobile, or telephonic paging device, if the consumer previously requested to opt-out of such calls by inclusion on the Do Not Call List; and

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<https://www.fcc.gov/document/fcc-proposes-120-million-fine-massive-caller-id-spoofing-operation> (last visited Nov. 14, 2017).

<sup>21</sup> 47 C.F.R. § 64.1601

<sup>22</sup> See, s. 501.059, F.S.. Florida Department of Agriculture and Consumer Services, *Florida Do Not Call*, <http://www.freshfromflorida.com/Consumer-Resources/Florida-Do-Not-Call> (last visited Nov. 6, 2017).

<sup>23</sup> Section 501.059(3)-(4), F.S.

<sup>24</sup> Section 501.059(9), F.S.

- Direct-to-voicemail transmissions to any consumer who has previously communicated that he or she does not wish to receive further sales calls made on behalf of the seller or charitable organization.

The bill also requires any telephone number reflected on a call recipient's caller ID service as the result of a telephone sales call to be capable of receiving phone calls, and able to connect the call recipient with the telephone solicitor or the seller on behalf of which the phone call was made.

The bill increases maximum penalties for violations of the Do Not Call Program from \$1,000 per violation that is administratively prosecuted and \$10,000 per violation that is civilly prosecuted, to \$10,000 and up to \$10,000 or more, respectively.

**Section 2** of the bill provides an effective date of July 1, 2018.

#### 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 Florida Caller ID Anti-Spoofing Act (2008)<sup>25</sup> prohibited persons from:

- making a call with knowledge that false information was entered into a telephone caller ID system with the intent to deceive, defraud, or mislead the call's recipient; and
- entering false information into a telephone caller ID system "with the intent to deceive, defraud, or mislead" the call's recipient.

The Commerce Clause of the U.S. Constitution bars state laws that control conduct outside the state's boundaries, regardless of whether the Legislature intended the law's extraterritorial reach.<sup>26</sup> A U.S. District Court found that Florida's Caller ID Anti-Spoofing Act (2008) violated the Commerce Clause because it had the effect of controlling spoofing practices that took place entirely outside of the state, wherein individuals or companies could not ascertain what telephone numbers are subject to

<sup>25</sup> Section 817.487, F.S. (2008).

<sup>26</sup> *Healy v. Beer Institute, Inc.*, 491 U.S. 324, 336 (1989).

Florida law, and would have to subject all of their call practices to Florida law to avoid liability.<sup>27</sup>

In 2011, a Mississippi court struck its anti-spoofing law, which was substantially similar to Florida's.<sup>28</sup>

## V. Fiscal Impact Statement:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

Companies that provide voicemail transmission services may see a reduction in revenue.

### C. Government Sector Impact:

The Department may see an increase in prosecutions for violations of the Florida Do Not Call Program, but this will not increase the Department's expenditures.<sup>29</sup>

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Statutes Affected:

This bill substantially amends s. 501.059 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 by Commerce and Tourism Committee on November 13, 2017:**

- Requires individuals who make telephone sales calls to provide a telephone number that is capable of receiving phone calls, and which a telephone sales call recipient may use to dial the sales call initiator back;

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<sup>27</sup> *TelTech Systems, Inc. v. McCollum*, No. 08-61664-CIV-MARTINEZ-BROWN (S.D. Fla. Filed Oct. 16, 2008).

<sup>28</sup> *TelTech Systems, Inc. v. Barbour*, 866 F.Supp.2d 571 (S.D. Miss 2011), *aff'd sub nom Teltech Systems, Inc. v. Bryant*, 702 F. 2d 232 (5<sup>th</sup> Cir. 2012).

<sup>29</sup> Florida Department of Agriculture and Consumer Services, *SB 568 Agency Bill Analysis*, (Oct. 26, 2017) (on file with the Senate Committee on Commerce and Tourism).

- Increases permitted penalties from up to \$1,000 for each administrative violations and up to \$10,000 for each civil violations to up to \$10,000 and \$10,000 or more, respectively; and
- Makes a technical amendment to clarify that a voicemail transmission is any technology that delivers a voice message directly to a voicemail application, service, or device.

**B. Amendments:**

None.

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

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319690

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2017	.	
	.	
	.	
	.	

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The Committee on Commerce and Tourism (Young) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 23 - 25  
and insert:  
or an extension of credit for such purposes.

(i) "Voicemail transmission" means technologies that deliver a voice message directly to a voicemail application, service, or device.

=====  
D I R E C T O R Y C L A U S E A M E N D M E N T  
=====





319690

11 And the directory clause is amended as follows:

12 Delete lines 13 - 14

13 and insert:

14 Section 1. Paragraph (g) of subsection (1) of section  
15 501.059, Florida Statutes, is amended, a new paragraph (i) is  
16 added to that subsection, and subsection (5) of that section is  
17 amended, to read:

18

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

20 And the title is amended as follows:

21 Delete line 5

22 and insert:

23 transmissions; defining the term "voicemail  
24 transmission"; prohibiting the transmission of



630160

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2017	.	
	.	
	.	
	.	

---

The Committee on Commerce and Tourism (Young) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 35 and 36

insert:

(8)

(c) It shall be unlawful for any person who makes a telephonic sales call or causes a telephonic sales call to be made to fail to transmit or cause not to be transmitted the telephone number and, when made available by the telephone solicitor's carrier, the name of the telephone solicitor to any



630160

11 caller identification service in use by a recipient of a  
12 telephonic sales call. However, it shall not be a violation to  
13 substitute, for the name and telephone number used in or billed  
14 for making the call, the name of the seller on behalf of which a  
15 telephonic sales call is placed and the seller's customer  
16 service telephone number, which is answered during regular  
17 business hours. If a telephone number is made available through  
18 a caller identification service as a result of a telephone sales  
19 call, that telephone number must be capable of receiving phone  
20 calls and must connect the original call recipient, upon calling  
21 such number, to the telephone solicitor or to the seller on  
22 behalf of which a telephonic sales call was placed. For purposes  
23 of this section, the term "caller identification service" means  
24 a service that allows a telephone subscriber to have the  
25 telephone number and, where available, the name of the calling  
26 party transmitted contemporaneously with the telephone call and  
27 displayed on a device in or connected to the subscriber's  
28 telephone.

29 (9) (a) The department shall investigate any complaints  
30 received concerning violations of this section. If, after  
31 investigating a complaint, the department finds that there has  
32 been a violation of this section, the department or the  
33 Department of Legal Affairs may bring an action to impose a  
34 civil penalty and to seek other relief, including injunctive  
35 relief, as the court deems appropriate against the telephone  
36 solicitor. The civil penalty shall be in the Class IV ~~III~~  
37 category pursuant to s. 570.971 for each violation and shall be  
38 deposited in the General Inspection Trust Fund if the action or  
39 proceeding was brought by the department, or the Legal Affairs



630160

40 Revolving Trust Fund if the action or proceeding was brought by  
41 the Department of Legal Affairs. This civil penalty may be  
42 recovered in any action brought under this part by the  
43 department, or the department may terminate any investigation or  
44 action upon agreement by the person to pay a stipulated civil  
45 penalty. The department or the court may waive any civil penalty  
46 if the person has previously made full restitution or  
47 reimbursement or has paid actual damages to the consumers who  
48 have been injured by the violation.

49 (b) The department may, as an alternative to the civil  
50 penalties provided in paragraph (a), impose an administrative  
51 fine in the Class III ± category pursuant to s. 570.971 for each  
52 act or omission that constitutes a violation of this section. An  
53 administrative proceeding that could result in the entry of an  
54 order imposing an administrative penalty must be conducted  
55 pursuant to chapter 120.

56

57 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

58 And the directory clause is amended as follows:

59 Delete lines 13 - 14

60 and insert:

61 Section 1. Paragraph (g) of subsection (1), subsection (5),  
62 paragraph (c) of subsection (8), and subsection (9) of section  
63 501.059, Florida Statutes, are amended to read:

64

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

66 And the title is amended as follows:

67 Delete line 9

68 and insert:



69           for donations; requiring that if a telephone number is  
70           available through a caller identification system, that  
71           telephone number must be capable of receiving calls  
72           and must connect the original call recipient to the  
73           solicitor; revising penalties; providing an effective  
74           date.

By Senator Young

18-00112-18

2018568\_\_

1 A bill to be entitled  
 2 An act relating to telephone solicitation; amending s.  
 3 501.059, F.S.; revising the definition of the term  
 4 "telephonic sales call" to include voicemail  
 5 transmissions; prohibiting the transmission of  
 6 voicemails to specified persons who communicate to a  
 7 telephone solicitor that they would not like to  
 8 receive certain voicemail solicitations or requests  
 9 for donations; providing an effective date.  
 10  
 11 Be It Enacted by the Legislature of the State of Florida:  
 12  
 13 Section 1. Paragraph (g) of subsection (1) and subsection  
 14 (5) of section 501.059, Florida Statutes, are amended to read:  
 15 501.059 Telephone solicitation.—  
 16 (1) As used in this section, the term:  
 17 (g) "Telephonic sales call" means a telephone call, ~~or~~ text  
 18 message, or voicemail transmission to a consumer for the purpose  
 19 of soliciting a sale of any consumer goods or services,  
 20 soliciting an extension of credit for consumer goods or  
 21 services, or obtaining information that will or may be used for  
 22 the direct solicitation of a sale of consumer goods or services  
 23 or an extension of credit for such purposes. The term includes  
 24 technologies that deliver a voice message directly to a  
 25 voicemail application, service, or device.  
 26 (5) A telephone solicitor or other person may not initiate  
 27 an outbound telephone call, ~~or~~ text message, or voicemail  
 28 transmission to a consumer or donor or potential donor who has  
 29 previously communicated to the telephone solicitor or other

Page 1 of 2

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

18-00112-18

2018568\_\_

30 person that he or she does not wish to receive an outbound  
 31 telephone call, ~~or~~ text message, or voicemail transmission:  
 32 (a) Made by or on behalf of the seller whose goods or  
 33 services are being offered; or  
 34 (b) Made on behalf of a charitable organization for which a  
 35 charitable contribution is being solicited.  
 36 Section 2. This act shall take effect July 1, 2018.

Page 2 of 2

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

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Health Policy, *Chair*  
Appropriations Subcommittee on Pre-K - 12  
Education, *Vice Chair*  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Regulated Industries

## JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

## SENATOR DANA YOUNG

18th District

November 2, 2017

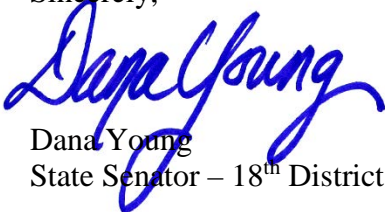
Senator Bill Montford, Chair  
Commerce and Tourism Committee  
310 Knott Building  
404 S. Monroe Street  
Tallahassee, Florida 32399-1100

Dear Chair Montford,

My Senate Bill 568 relating to Telephone Solicitation has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Should you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dana Young  
State Senator – 18<sup>th</sup> District

cc: Todd McKay, Staff Director – Commerce and Tourism Committee

## REPLY TO:

- 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

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

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/13/17  
Meeting Date

568  
Bill Number (if applicable)

Topic phone calls

Amendment Barcode (if applicable)

Name Doug Mannheimer

Job Title attorney

Address 215 S. Monroe St Suite 400

Phone 850-681-6810

Tale Fl 32301  
City State Zip

Email dmannheimer@broadandcassel.com

Speaking:  For  Against  Information

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

Representing Sprint

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



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

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

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SB 610

INTRODUCER: Senator Young

SUBJECT: Business Filings

DATE: November 09, 2017      REVISED: 11/14/17

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	<b>Favorable</b>
2.			ATD	
3.			AP	

**I. Summary:**

SB 610 requires the Florida Department of State (Department) to develop and implement an optional email service that sends a notification to enrolled business entities each time a document is delivered for filing under the business entity’s name, in order to discourage fraudulent business filings,. The enrolled business entity has 15 days to review and reject the document. If the entity has not rejected the document by 15 days after receipt of the email notification, the Department must file the document. The Department must implement this service by December 31, 2018.

Additionally, the bill clarifies the methods by which the Department must notify a business entity each time a document is filed under its name.

**II. Present Situation:**

**The Florida Department of State**

The Florida Department of State (Department) consists of six divisions: the Division of Elections; Division of Historical Resources; Division of Library and Information Services; Division of Cultural Affairs; Division of Administration; and Division of Corporations.<sup>1</sup>

The Division of Corporations (Division) maintains a registry for recording and retrieving commercial information that is filed or registered with the Department. In total, the Division maintains more than eight million records, including a variety of business entity filings such as articles of incorporation or other forms of business entity organization, annual reports, trade and

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<sup>1</sup> Section 20.10, F.S.

service mark registrations, judgment lien filings, and fictitious name registrations.<sup>2</sup> The Division determines whether submitted filings and forms meet the pertinent statutory requirements and then records and indexes those filings in its database of records.<sup>3</sup> This database is publicly available, as are all documents filed with the Department.<sup>4</sup> As of November 1, 2017, the Division began sending e-mail notifications to business entities upon its receipt and filing of certain types of business entity filings.<sup>5,6</sup>

### **Business Identity Theft**

Business identity theft is the impersonation of a business, or one of its owners, employees, or officers, with the intent to defraud or to make illicit gain to the detriment of the business.<sup>7</sup> One common business identity scheme is to make fraudulent filings with the Department of State that change the address of the business or name of its officers.<sup>8</sup> This allows the identity thieves to open new lines of credit in the business' name without its knowledge, because information is mailed to the thieves' name and address, rather than to the business.

Several states provide informational resources or heightened monitoring to help prevent business identity theft:

- Maine has a monitoring program that emails an enrolled business each time a filing is made under its name;<sup>9</sup>
- Nevada's Secretary of State may investigate fraudulent business filings and administratively prosecute those who fraudulently file such documents;<sup>10</sup>
- Colorado provides a secure business filing portal, which requires a password to file business documents;<sup>11</sup> and
- California's Secretary of State provides a resource guide for businesses.<sup>12</sup>

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<sup>2</sup> Florida Auditor General, *Operational Audit: Department of State, Division of Corporations, Museum of Florida History, and Selected Administrative Activities* p. 2, (Mar. 2017), available at [http://www.myflorida.com/audgen/pages/pdf\\_files/2017-195.pdf](http://www.myflorida.com/audgen/pages/pdf_files/2017-195.pdf) (last visited Nov. 7, 2017).

<sup>3</sup> *Id.* See also, e.g. s. 605.0210(5), F.S.

<sup>4</sup> See, Florida Department of State, *Corporation Records Search Guide*, available at <http://dos.myflorida.com/sunbiz/search/guides/corporation-records/> (last visited Nov. 7, 2017).

<sup>5</sup> Florida Department of State, *SB 610 Agency Analysis*, p. 2 (Nov. 13, 2017) (on file with the Senate Committee on Commerce and Tourism).

<sup>6</sup> Currently, the Department is required to deliver an acknowledgement or certified copy of any filed document to a limited liability company or its authorized representative by mail. Section 605.0210(2), F.S.

<sup>7</sup> BusinessIDTheft.org, *What is Business Identity Theft?*, <http://www.businessidtheft.org/Education/WhyBusinessIDTheft/tabid/85/Default.aspx> (last visited Nov. 7, 2017).

<sup>8</sup> Experian Decision Analytics, *Identifying Small-Business Fraud*, (2009) available at <https://www.experian.com/whitepapers/Identifying-Small-Business-Fraud.pdf> (last visited Nov. 7, 2017).

<sup>9</sup> Maine Bureau of Corporations, *Corporate Fraud Monitoring*, <https://www1.maine.gov/online/sos/cfm/> (last visited Nov. 7, 2017). This program costs enrollees \$35 per year.

<sup>10</sup> Nev. Rev. Stat. § 225.084. See also, Nevada Secretary of State, *Forged or Fraudulent Filing Complaints*, <http://nvsos.gov/sos/businesses/forged-or-fraudulent-filing-complaints> (last visited Nov. 7, 2017). The Secretary of State's investigation may only be initiated based on an affected business' complaint.

<sup>11</sup> Colorado Secretary of State, *Business Identity Theft Resource Guide*, <https://www.sos.state.co.us/pubs/business/ProtectYourBusiness/BITresourceguide.html> (last visited Nov. 7, 2017).

<sup>12</sup> California Secretary of State, *Business Identity Theft Resources*, <http://www.sos.ca.gov/business-programs/customer-alerts/alert-business-identity-theft/> (last visited Nov. 7, 2017).

A business may also protect itself from identity theft by monitoring its credit profile through one of the national credit bureaus, and by periodically reviewing its business filings on the appropriate state portal.

In Florida, cases of business identity theft can be prosecuted under s. 817.568, F.S. Identity theft is punishable by a third degree felony, up to a first degree felony, depending on the presence of aggravating circumstances, including the number of victims harmed and the pecuniary value amassed by the perpetrator.<sup>13</sup>

### III. Effect of Proposed Changes:

The bill requires the Department to develop and institute a business filing monitoring service (the service) that discourages fraudulent business filings. Businesses that opt-in to the service:

- Receive an email confirmation from the Department when a document is delivered for filing under the business' name;
- Are given 15 days from receipt of the email to review the document and to determine whether it is fraudulent; and
- May direct the Department to cancel the processing for filing of the document. If the business fails to reject further processing within 15 days of receipt of the email, the Department must file the document.

The Department must offer the monitoring service by December 31, 2018.

The bill permits the Department to keep any fees associated with a rejected filing.

The bill also clarifies that the Department must notify a business entity or its authorized representative of the filing of any record under the entities' name by either:

- email to all of the business entity's email addresses on file; or
- Postal mail of a certified copy of the filed document to the business entity's mailing and physical address.

**Sections 1, 5, and 6** make conforming changes to ch. 605, F.S., relating to limited liability companies.

**Sections 2 and 7** make conforming changes to ch. 607, F.S., relating to corporations.

**Sections 3 and 8** make conforming changes to ch. 617, F.S., relating to not-for-profit corporations.

**Sections 4, 9, 10, 11, 12, 13, 14, and 15** make conforming changes to ch. 620, F.S., relating to partnerships.

**Section 16** provides an effective date of July 1, 2018.

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<sup>13</sup> A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine; a second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine; a first degree felony is punishable by up to 30 years and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

**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:

Private businesses that are enrolled in the secure business filing service may see better protection from business identity theft, and the economic losses associated with it.

## C. Government Sector Impact:

There may be a negative indeterminate fiscal impact related to the development and implementation of the secure business filing service. The Department asserts that implementation of the secure business filing service will require an overhaul of the current legacy system and its related hardware and software. The Department has requested \$12 million in a Legislative Budget Request to perform such updates.<sup>14</sup>

**VI. Technical Deficiencies:**

The bill may need to be expanded in order to cover every single type of business entity.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 605.0210, 607.0125, 617.0125, 620.8105, 605.0206, 605.0103, 607.0123, 617.0123, 620.8303, 620.8304, 620.8704, 620.8914, 620.8918, 620.9001, 620.9102.

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<sup>14</sup> Florida Department of State, *SB 610 Agency Analysis* (Nov. 13, 2017) (on file with the Senate Committee on Commerce and Tourism).

**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.

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

---

By Senator Young

18-00752-18

2018610\_\_

1 A bill to be entitled  
 2 An act relating to business filings; amending ss.  
 3 605.0210 and 607.0125, F.S.; requiring that the  
 4 Department of State develop and offer an optional  
 5 secure business filing service designed to discourage  
 6 fraudulent filings; requiring that the service notify  
 7 an entity via e-mail whenever a document relating to  
 8 the entity is delivered for filing; requiring that the  
 9 entity have the opportunity to review the file;  
 10 requiring the department to give the entity an  
 11 opportunity to reject further processing of the  
 12 filing; authorizing the department to keep any fees  
 13 associated with a rejected filing; requiring that the  
 14 department file the document within 15 days after  
 15 receipt if the entity does not reject further  
 16 processing; providing an exception; requiring the  
 17 department to deliver a notification of the filing  
 18 through e-mail or deliver a certified copy of the  
 19 document to the mailing address and physical address  
 20 of the entity or its authorized representative;  
 21 amending s. 617.0125, F.S.; requiring that the  
 22 department develop and offer an optional secure  
 23 business filing service designed to discourage  
 24 fraudulent filings; requiring that the service notify  
 25 a corporation via e-mail whenever a document relating  
 26 to the corporation is delivered for filing; requiring  
 27 that the corporation have the opportunity to review  
 28 the file; requiring the department to give the  
 29 corporation an opportunity to reject further

Page 1 of 14

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

18-00752-18

2018610\_\_

30 processing of the filing; authorizing the department  
 31 to keep any fees associated with a rejected filing;  
 32 requiring that the department file the document within  
 33 15 days after receipt if the corporation does not  
 34 reject further processing; providing exceptions;  
 35 requiring the department to deliver a notification of  
 36 the filing through e-mail or deliver a certified copy  
 37 of the document to the mailing address and physical  
 38 address of the corporation or its representative;  
 39 amending s. 620.8105, F.S.; requiring that the  
 40 department develop and offer an optional secure  
 41 business filing service designed to discourage  
 42 fraudulent filings; requiring that the service notify  
 43 a partnership whenever a document relating to the  
 44 partnership is delivered for filing; requiring that  
 45 the partnership have the opportunity to review the  
 46 file; requiring the department to give the partnership  
 47 an opportunity to reject further processing of the  
 48 filing; authorizing the department to keep any fees  
 49 associated with a rejected filing; requiring that the  
 50 department file the document within 15 days after  
 51 receipt if the partnership does not reject further  
 52 processing; requiring the department to deliver a  
 53 notification of the filing through e-mail or deliver a  
 54 certified copy of the document to the mailing address  
 55 and physical address of the partnership or its agent;  
 56 amending s. 605.0206, F.S.; conforming provisions;  
 57 amending ss. 605.0103, 605.0123, 617.0123, 620.8303,  
 58 620.8304, 620.8704, 620.8914, 620.8918, 620.9001, and

Page 2 of 14

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

18-00752-18

2018610\_\_

59 620.9102, F.S.; conforming cross-references; providing  
60 an effective date.

61  
62 Be It Enacted by the Legislature of the State of Florida:

63  
64 Section 1. Present subsections (1) through (8) of section  
65 605.0210, Florida Statutes, are redesignated as subsections (2)  
66 through (9), respectively, a new subsection (1) is added to that  
67 section, and present subsection (2) of that section is amended,  
68 to read:

69 605.0210 Duty of department to file; review of refusal to  
70 file; transmission of information by department.-

71 (1) By December 31, 2018, the department shall develop and  
72 offer an optional secure business filing service designed to  
73 discourage fraudulent business filings. The service must notify  
74 an entity via e-mail whenever a document relating to that entity  
75 is delivered for filing. The entity must have the opportunity to  
76 review the filing and reject further processing of the filing by  
77 the department. If an entity rejects further processing of the  
78 filing, the department may keep any fees associated with the  
79 rejected filing. The document must be filed within 15 days after  
80 receipt if the entity does not reject further processing.

81 (3)(2) After filing a record, the department shall deliver  
82 a notification an acknowledgment of the filing to all e-mail  
83 addresses on file for, or a certified copy of the document to  
84 the mailing address and the physical address of, the entity the  
85 company or foreign limited liability company or its authorized  
86 representative.

87 Section 2. Present subsections (1) through (5) of section

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88 607.0125, Florida Statutes, are redesignated as subsections (2)  
89 through (6), respectively, a new subsection (1) is added to that  
90 section, and present subsections (1) and (2) are amended, to  
91 read:

92 607.0125 Filing duties of Department of State.-

93 (1) By December 31, 2018, the Department of State shall  
94 develop and offer an optional secure business filing service  
95 designed to discourage fraudulent business filings. The service  
96 must notify an entity via e-mail whenever a document relating to  
97 the entity is delivered for filing. The entity must have the  
98 opportunity to review the filing and reject further processing  
99 by the Department of State. If an entity rejects further  
100 processing of the filing, the Department of State may keep any  
101 fees associated with the rejected filing. The document must be  
102 filed within 15 days after receipt if the entity does not reject  
103 further processing.

104 (2)(1) Except as provided in subsection (1), if a document  
105 delivered to the Department of State for filing satisfies the  
106 requirements of s. 607.0120, the Department of State shall file  
107 it.

108 (3)(2) The Department of State files a document by  
109 recording it as filed on the date of receipt. After filing a  
110 document, the Department of State shall deliver an notification  
111 of the filing to all e-mail addresses on file for,  
112 acknowledgment or a certified copy to the mailing address and  
113 the physical address of, the entity the domestic or foreign  
114 corporation or its representative.

115 Section 3. Section 617.0125, Florida Statutes, is amended  
116 to read:

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117 617.0125 Filing duties of Department of State.—  
 118 (1) By December 31, 2018, the department shall develop and  
 119 offer an optional secure business filing service designed to  
 120 discourage fraudulent business filings. The service must notify  
 121 a corporation via e-mail whenever a document relating to the  
 122 corporation is delivered for filing. The corporation must have  
 123 the opportunity to review the filing and reject further  
 124 processing by the department. If a corporation rejects further  
 125 processing, the department may keep any fees associated with the  
 126 rejected filing. The document must be filed within 15 days after  
 127 receipt if the entity does not reject further processing.  
 128 (2)(1) Except as provided in subsection (1), if a document  
 129 delivered to the department of State for filing satisfies the  
 130 requirements of s. 617.01201, the department of State shall file  
 131 it.  
 132 (3)(2) The department of State files a document by stamping  
 133 or otherwise endorsing "filed," together with the Secretary of  
 134 State's official title and the date and time of receipt. After  
 135 filing a document, the department of State shall deliver a  
 136 notification of the filing to all e-mail addresses on file for,  
 137 the acknowledgment of filing or a certified copy to the mailing  
 138 address and the physical address of, the domestic or foreign  
 139 corporation or its representative.  
 140 (4)(3) If the department of State refuses to file a  
 141 document, it shall return it to the domestic or foreign  
 142 corporation or its representative within 15 days after the  
 143 document was received for filing, together with a brief, written  
 144 explanation of the reason for refusal.  
 145 (5)(4) The department's of State's duty to file documents

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146 under this section is ministerial. The filing or refusing to  
 147 file a document does not:  
 148 (a) Affect the validity or invalidity of the document in  
 149 whole or part;  
 150 (b) Relate to the correctness or incorrectness of  
 151 information contained in the document; or  
 152 (c) Create a presumption that the document is valid or  
 153 invalid or that information contained in the document is correct  
 154 or incorrect.  
 155 (6)(5) If not otherwise provided by law and the provisions  
 156 of this act, the department of State shall determine, by rule,  
 157 the appropriate format for, number of copies of, manner of  
 158 execution of, method of electronic transmission of, and amount  
 159 of and method of payment of fees for, any document placed under  
 160 its jurisdiction.  
 161 Section 4. Present subsections (1) through (10) of section  
 162 620.8105, Florida Statutes, are redesignated as subsections (2)  
 163 through (11), respectively, a new subsection (1) is added to  
 164 that section, present subsections (2), (3), and (4) are amended,  
 165 and subsection (12) is added to that section, to read:  
 166 620.8105 Execution, filing, and recording of partnership  
 167 registration and other statements.—  
 168 (1) By December 31, 2018, the Department of State shall  
 169 develop and offer an optional secure business filing service  
 170 designed to discourage fraudulent business filings. The service  
 171 must notify a partnership via e-mail whenever a document  
 172 relating to the partnership is delivered for filing. The  
 173 partnership must have the opportunity to review the filing and  
 174 reject further processing by the Department of State. If a

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 175 partnership rejects further processing, the Department of State  
 176 may keep any fees associated with the rejected filing. The  
 177 document must be filed within 15 days after receipt if the  
 178 entity does not reject further processing.

179 ~~(3)(2)~~ The Department of State shall file a partnership  
 180 registration statement under subsection (2) ~~(1)~~ without regard  
 181 to the use of the same or a similar name by another partnership  
 182 registered or other entity organized or qualified in this state.  
 183 The use of a partnership name in a registration statement filed  
 184 with the Department of State is for the purpose of public notice  
 185 only and does not create a presumption of ownership of the name  
 186 used beyond that acquired under the common law.

187 ~~(4)(3)~~ Each partner of a registered partnership, and any  
 188 agent named pursuant to subparagraph (2)(c)2. ~~(1)(e)2.~~ that is a  
 189 legal or other commercial entity, and not an individual, must:

190 (a) Be organized or otherwise registered with the  
 191 Department of State as required by law.

192 (b) Maintain an active status with the Department of State.

193 (c) Not be dissolved, revoked, canceled, or withdrawn.

194 ~~(5)(4)~~ Except as provided in s. 620.8304 or s. 620.8704, a  
 195 statement or a certificate of conversion or certificate of  
 196 merger may be filed with the Department of State only if the  
 197 partnership has filed a registration statement pursuant to  
 198 subsection (2) ~~(1)~~. If otherwise sufficient, a certified copy of  
 199 a statement that is filed in a jurisdiction other than this  
 200 state may be filed with the Department of State in lieu of an  
 201 original statement. Any such filing has the effect provided in  
 202 this act with respect to partnership property located in, or  
 203 transactions that occur in, this state.

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 204 (12) After filing a document, the Department of State shall  
 205 deliver an electronic notification of the filing to all e-mail  
 206 addresses on file for, or a certified copy to the mailing  
 207 address and the physical address of, the partnership or its  
 208 agent.

209 Section 5. Subsection (1) of section 605.0206, Florida  
 210 Statutes, is amended to read:

211 605.0206 Filing requirements.—

212 (1) A record authorized or required to be delivered to the  
 213 department for filing under this chapter must be captioned to  
 214 describe the record's purpose, be in a medium authorized by the  
 215 department, and be delivered to the department. If all filing  
 216 fees are paid, the department shall file the record unless the  
 217 department determines that the record does not comply with the  
 218 filing requirements or an entity rejects further processing  
 219 under s. 605.0210.

220 Section 6. Subsection (3) of section 605.0103, Florida  
 221 Statutes, is amended to read:

222 605.0103 Knowledge; notice.—

223 (3) Subject to s. 605.0210(9) ~~s. 605.0210(8)~~, a person  
 224 notifies another person of a fact by taking steps reasonably  
 225 required to inform the other person in the ordinary course of  
 226 events, regardless of whether those steps actually cause the  
 227 other person to know of the fact.

228 Section 7. Subsection (3) of section 607.0123, Florida  
 229 Statutes, is amended to read:

230 607.0123 Effective time and date of document.—

231 (3) If a document is determined by the Department of State  
 232 to be incomplete and inappropriate for filing, the Department of

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233 State may return the document to the person or corporation  
 234 filing it, together with a brief written explanation of the  
 235 reason for the refusal to file, in accordance with s.  
 236 607.0125(4) ~~s. 607.0125(3)~~. If the applicant returns the  
 237 document with corrections in accordance with the rules of the  
 238 department within 60 days after it was mailed to the applicant  
 239 by the department and if at the time of return the applicant so  
 240 requests in writing, the filing date of the document will be the  
 241 filing date that would have been applied had the original  
 242 document not been deficient, except as to persons who relied on  
 243 the record before correction and were adversely affected  
 244 thereby.

245 Section 8. Subsection (3) of section 617.0123, Florida  
 246 Statutes, is amended to read:

247 617.0123 Effective date of document.—

248 (3) If a document is determined by the department ~~of State~~  
 249 to be incomplete and inappropriate for filing, the Department of  
 250 State may return the document to the person or corporation  
 251 filing it, together with a brief written explanation of the  
 252 reason for the refusal to file, in accordance with s.  
 253 617.0125(4) ~~s. 617.0125(3)~~. If the applicant returns the  
 254 document with corrections in accordance with the rules of the  
 255 department within 60 days after it was mailed to the applicant  
 256 by the department, and if at the time of return the applicant so  
 257 requests in writing, the filing date of the document will be the  
 258 filing date that would have been applied had the original  
 259 document not been deficient, except as to persons who relied on  
 260 the record before correction and were adversely affected  
 261 thereby.

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262 Section 9. Subsection (2) of section 620.8303, Florida  
 263 Statutes, is amended to read:

264 620.8303 Statement of partnership authority.—

265 (2) If a filed statement of partnership authority is  
 266 executed pursuant to s. 620.8105(7) ~~s. 620.8105(6)~~ and states  
 267 the name of the partnership but does not contain all of the  
 268 other information required by subsection (1), the statement  
 269 nevertheless operates with respect to a person not a partner as  
 270 provided in subsections (3) and (4).

271 Section 10. Subsections (1) and (2) of section 620.8304,  
 272 Florida Statutes, are amended to read:

273 620.8304 Statement of denial.—

274 (1) A partner or other person named as a partner in a filed  
 275 registration, statement of partnership authority, or in a list  
 276 maintained by an agent pursuant to s. 620.8105(2)(c) ~~s.~~  
 277 ~~620.8105(1)(e)~~ may file a statement of denial stating:

278 (a) The name of the partnership, as identified in the  
 279 records of the Department of State; and

280 (b) The fact that is being denied, which may include denial  
 281 of a person's authority or status as a partner.

282 (2) A statement of denial may be filed without regard to  
 283 the provisions of s. 620.8105(5) ~~s. 620.8105(4)~~ if it states  
 284 that no partnership registration statement has been filed with  
 285 the Department of State.

286 Section 11. Subsection (2) of section 620.8704, Florida  
 287 Statutes, is amended to read:

288 620.8704 Statement of dissociation.—

289 (2) A statement of dissociation may be filed without regard  
 290 to the provisions of s. 620.8105(5) ~~s. 620.8105(4)~~ if it states

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291 that no partnership registration statement has been filed with  
 292 the Department of State.

293 Section 12. Section 620.8914, Florida Statutes, is amended  
 294 to read:

295 620.8914 Filings required for conversion; effective date.—

296 (1) After a plan of conversion is approved:

297 (b) In the case of a converting organization converting  
 298 into a partnership to be governed by this act, the converting  
 299 organization shall deliver to the Department of State for  
 300 filing:

301 1. A registration statement in accordance with s. 620.8105.  
 302 2. A certificate of conversion, in accordance with s.  
 303 620.8105, signed by a general partner of the partnership in  
 304 accordance with s. 620.8105(7) ~~s. 620.8105(6)~~ and by the  
 305 converting organization as required by applicable law, which  
 306 certificate of conversion must include:

307 a. A statement that the partnership was converted from  
 308 another organization.

309 b. The name and form of the converting organization and the  
 310 jurisdiction of its governing law.

311 c. A statement that the conversion was approved as required  
 312 by this act.

313 d. A statement that the conversion was approved in a manner  
 314 that complied with the converting organization's governing law.

315 e. The effective time of the conversion, if other than the  
 316 time of the filing of the certificate of conversion.

317

318 A converting domestic partnership is not required to file a  
 319 certificate of conversion pursuant to paragraph (a) if the

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320 converting domestic partnership files articles of conversion or  
 321 a certificate of conversion that substantially complies with the  
 322 requirements of this section pursuant to s. 605.1045, s.  
 323 607.1115, or s. 620.2104(1)(b) and contains the signatures  
 324 required by this chapter. In such a case, the other certificate  
 325 of conversion may also be used for purposes of s. 620.8915(4).

326 (2) A conversion becomes effective:

327 (a) If the converted organization is a partnership, at the  
 328 time specified in the certificate of conversion, which may be as  
 329 of or after the time of the filing of the certificate of  
 330 conversion, and, if the certificate of conversion does not  
 331 contain such an effective time, the effective time shall be upon  
 332 the filing of the certificate of conversion with the Department  
 333 of State. However, if the certificate has a delayed effective  
 334 date, the certificate may not be effective any later than the  
 335 90th day after the date it was filed and the effective date may  
 336 not be any earlier than the effective date of the registration  
 337 statement filed with the Department of State for the partnership  
 338 in accordance with s. 620.8105.

339 (b) If the converted organization is not a partnership, as  
 340 provided by the governing law of the converted organization.

341

342 A certificate of conversion acts as a cancellation of any  
 343 registration statement for a converting partnership for purposes  
 344 of s. 620.8105, and the cancellation shall be deemed filed upon  
 345 the effective date of the conversion.

346 Section 13. Subsection (3) of section 620.8918, Florida  
 347 Statutes, is amended to read:

348 620.8918 Filings required for merger; effective date.—

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349 (3) Each domestic constituent partnership shall deliver the  
 350 certificate of merger for filing with the Department of State,  
 351 unless the domestic constituent partnership is named as a party  
 352 or constituent organization in articles of merger or a  
 353 certificate of merger filed for the same merger in accordance  
 354 with s. 605.1025, s. 607.1109(1), s. 617.1108, or s.  
 355 620.2108(3). The articles of merger or certificate of merger  
 356 must substantially comply with the requirements of this section.  
 357 In such a case, the other articles of merger or certificate of  
 358 merger may also be used for purposes of s. 620.8919(3). Each  
 359 domestic constituent partnership in the merger shall also file a  
 360 registration statement in accordance with s. 620.8105(2) ~~s.~~  
 361 ~~620.8105(1)~~ if it does not have a currently effective  
 362 registration statement filed with the Department of State.

363 Section 14. Subsection (4) of section 620.9001, Florida  
 364 Statutes, is amended to read:

365 620.9001 Statement of qualification.—

366 (4) The status of a partnership as a limited liability  
 367 partnership is effective on the later of the filing of the  
 368 statement or a date specified in the statement. The status  
 369 remains effective, regardless of changes in the partnership,  
 370 until it is canceled pursuant to s. 620.8105(8) ~~s. 620.8105(7)~~  
 371 or revoked pursuant to s. 620.9003.

372 Section 15. Subsection (2) of section 620.9102, Florida  
 373 Statutes, is amended to read:

374 620.9102 Statement of foreign qualification.—

375 (2) The status of a partnership as a foreign limited  
 376 liability partnership is effective on the later of the filing of  
 377 the statement of foreign qualification or a date specified in

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378 the statement. The status remains effective, regardless of  
 379 changes in the partnership, until it is canceled pursuant to s.  
 380 620.8105(8) ~~s. 620.8105(7)~~ or revoked pursuant to s. 620.9003.

381 Section 16. This act shall take effect July 1, 2018.

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# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Health Policy, *Chair*  
Appropriations Subcommittee on Pre-K - 12  
Education, *Vice Chair*  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Regulated Industries

## JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

## SENATOR DANA YOUNG

18th District

November 2, 2017

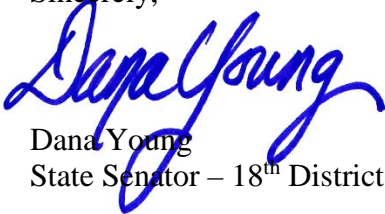
Senator Bill Montford, Chair  
Commerce and Tourism Committee  
310 Knott Building  
404 S. Monroe Street  
Tallahassee, Florida 32399-1100

Dear Chair Montford,

My Senate Bill 610 relating to Business Filings has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Should you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dana Young  
State Senator – 18<sup>th</sup> District

cc: Todd McKay, Staff Director – Commerce and Tourism Committee

## REPLY TO:

- 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

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

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Nov 13, 2017

Meeting Date

610

Bill Number (if applicable)

Topic REGISTERED AGENT / Brown's filings

Amendment Barcode (if applicable)

Name DAVID DANIEL

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

Address 311 EAST PARK AVENUE  
Street

Phone 224-5081

TALLAHASSEE FL 32301  
City State Zip

Email ddaniel@smithbryaneanday.com

Speaking:  For  Against  Information

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

Representing FLORIDA LAND TITLE ASSOCIATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**The Florida Senate**  
**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 Commerce and Tourism

---

BILL: CS/SB 620

INTRODUCER: Commerce and Tourism Committee and Senator Passidomo

SUBJECT: Disaster Preparedness Tax Exemption

DATE: November 13, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Little	McKay	CM	Fav/CS
2.			AFT	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 620 establishes a 10-day (June 1-10, 2018) sales tax exemption on certain items relating to disaster preparedness and protection.

During the exemption period, the following items, under specified maximum values, will be exempt from state sales and use tax and county discretionary sales surtaxes: certain light sources, radios, tarps, "tie-down" kits, fuel tanks, batteries, cellular telephone chargers, food storage coolers, portable generators, storm shutter devices, carbon monoxide detectors, reusable ice, personal locator beacons, and emergency position-indicating radio beacons.

For the 2017-2018 fiscal year, the bill appropriates \$70,072 in nonrecurring funds from the General Revenue Fund to the Department of Revenue (DOR).

The Revenue Estimating Conference (REC) has not yet determined the fiscal impact of the bill.

The bill is effective upon becoming law.

## II. Present Situation:

### Florida Sales and Use Tax

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property, admissions,<sup>1</sup> transient rentals,<sup>2</sup> rental of commercial real estate,<sup>3</sup> and a limited number of services. Chapter 212, F.S., contains statutory provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. There are currently more than 250 exemptions, exclusions, deductions, and credits from the sales and use tax.<sup>4</sup> Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.<sup>5</sup>

In addition to the state tax, s. 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes. A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by [ch. 212, F.S.], and on communications services as defined in ch. 202, F.S."<sup>6</sup> The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold, or are delivered into.

### *Disaster Preparedness*

The Legislature has approved similar sales tax exemptions in preparation for the Atlantic hurricane season, which typically begins on June 1<sup>st</sup> each year.<sup>7</sup>

The Florida Division of Emergency Management recommends having a plan and preparing property to prevent damage. Additionally, the Division of Emergency Management recommends having a disaster supply kit with items such as a battery-operated radio, flashlight, batteries, and first-aid kit.<sup>8</sup>

The Federal Emergency Management Agency (FEMA) educates Americans on how to prepare for emergencies through Ready, a public service advertising campaign.<sup>9</sup> In addition to the items listed in the paragraph above, FEMA recommends cell phone chargers, inverters, or solar chargers as items to include in an emergency preparedness supply kit.<sup>10</sup>

---

<sup>1</sup> Section 212.04, F.S.

<sup>2</sup> Section 212.03, F.S.

<sup>3</sup> Section 212.031, F.S.

<sup>4</sup> See Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook*, 164-170 (2017).

<sup>5</sup> Florida Dept. of Revenue, *Who must pay tax? Partial list of taxable business activities*, available at [http://dor.myflorida.com/dor/taxes/sales\\_tax.html](http://dor.myflorida.com/dor/taxes/sales_tax.html) (last visited Nov. 9, 2017).

<sup>6</sup> Section 212.054, F.S.

<sup>7</sup> National Oceanic and Atmospheric Administration, *Frequently Asked Questions*, <http://www.aoml.noaa.gov/hrd/tcfaq/G1.html> (last visited Nov. 9, 2017).

<sup>8</sup> Florida Division of Emergency Management, *Emergency Kit, Make a Plan, Be Informed*, <http://www.floridadisaster.org/documents/EmergencyKit-FDEM.pdf> (last visited Nov. 9, 2017).

<sup>9</sup> Federal Emergency Management Agency, *Ready.gov*, <http://www.ready.gov> (last visited Nov. 9, 2017).

<sup>10</sup> Federal Emergency Management Agency, *Build A Kit*, <https://www.ready.gov/build-a-kit> (last visited Nov. 9, 2017).



### III. Effect of Proposed Changes:

**Section 1** of the bill establishes a 10-day period for the exemption of sales and local sales and use tax on certain items relating to disaster preparedness and protection. The exemption period begins at 12:01 a.m. on June 1, 2018, through 11:59 p.m. on June 10, 2018, and applies to the following items:

- A portable self-powered light source selling for \$20 or less;
- A portable self-powered radio, two-way radio, or weather band radio selling for \$75 or less;
- A tarpaulin or other flexible waterproof sheeting selling for \$50 or less;
- An item typically sold or advertised as a ground anchor system or tie-down kit selling for \$50 or less;
- A gas or diesel fuel tank selling for \$25 or less;
- A package of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less;
- A cellular telephone battery selling for \$60 or less;
- A cellular telephone charger selling for \$40 or less;
- A non-electric food storage cooler selling for \$30 or less;
- A portable generator that is used to provide light, support communications, or preserve food during a power outage selling for \$1,000 or less;
- A storm shutter device selling for \$200 or less;<sup>11</sup>
- A carbon monoxide detector selling for \$75 or less;
- Reusable ice selling for \$10 or less;
- A single product consisting of two or more of the previously listed items selling for \$75 or less;
- A personal locator beacon selling for \$600 or less;
- An emergency position-indicating radio beacon selling for \$1,500 or less;
- An external portable computer drive for data backup and recovery selling for \$200 or less; or
- An inverter, inverter/charger, or uninterruptible power supply system selling for \$200 or less.

The bill excludes sales within public lodging establishments,<sup>12</sup> theme parks or entertainment complexes,<sup>13</sup> or airports<sup>14</sup> from the exemption.

The bill authorizes the Department of Revenue (DOR) to adopt emergency rules in order to implement the sales tax exemption.

Section 1 of the bill expires September 30, 2018.

**Section 2** of the bill appropriates \$70,072 in nonrecurring funds from General Revenue to the DOR for Fiscal Year 2017-18 to administer the sales tax exemption.

**Section 3** provides that the bill is effective upon becoming law.

---

<sup>11</sup> The bill defines the term “storm shutter device” to mean a material or product manufactured, rated, and marketed specifically for preventing window damage from storms.

<sup>12</sup> Section 509.013(4), F.S.

<sup>13</sup> Section 509.013(9), F.S.

<sup>14</sup> Section 330.27(2), F.S.

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

Subsection (b) of s. 18, Art. VII, Florida Constitution, provides, that except upon approval of each house of the Legislature by two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,<sup>15</sup> which for Fiscal Year 2017-2018, is \$2.08 million or less.<sup>16</sup>

The REC has not yet estimated the fiscal impact of the bill. If the REC determines the bill does not have an insignificant impact, the bill may require a two-thirds vote of the membership.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

Indeterminate, but positive. Consumers will see a reduction in the cost of the specified products related to disaster preparation and protection.

**C. Government Sector Impact:**

The DOR estimates the cost associated with notifying businesses of the sales tax exemption, by printing and mailing a Tax Information Publication (TIP), will be approximately \$70,072.<sup>17</sup>

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<sup>15</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Nov. 9, 2017).

<sup>16</sup> Based on the Demographic Estimating Conference's population adopted on July 10, 2017. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited Nov. 9, 2017).

<sup>17</sup> Florida Department of Revenue, *2018 Agency Legislative Bill Analysis: SB 620* (Nov. 3, 2017) (on file with the Senate Commerce and Tourism Committee).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill creates an undesignated section of Florida law.

**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 Commerce and Tourism Committee on November 13, 2017:**

The bill is amended to specify the amount of the appropriation to the DOR to administer the sales tax exemption. For the 2017-2018 fiscal year, the bill appropriates \$70,072 in nonrecurring funds from the General Revenue Fund to the DOR.

- B. **Amendments:**

None.



606014

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2017	.	
	.	
	.	
	.	

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The Committee on Commerce and Tourism (Passidomo) recommended the following:

**Senate Amendment**

Delete line 63

and insert:

Section 2. For the 2017-2018 fiscal year, the sum of \$70,072

By Senator Passidomo

28-00785-18

2018620\_\_

1 A bill to be entitled  
 2 An act relating to a disaster preparedness tax  
 3 exemption; providing a sales and use tax exemption for  
 4 certain tangible personal property related to disaster  
 5 preparedness during a specified period; providing  
 6 exceptions to the exemption; authorizing the  
 7 Department of Revenue to adopt emergency rules;  
 8 providing an expiration date; providing an  
 9 appropriation; providing an effective date.

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

11 Section 1. Disaster preparedness tax exemption.-  
 12 (1) The tax levied under chapter 212, Florida Statutes, may  
 13 not be collected during the period from 12:01 a.m. on June 1,  
 14 2018, through 11:59 p.m. on June 10, 2018, on the sale of any of  
 15 the following:  
 16 (a) A portable self-powered light source selling for \$20 or  
 17 less.  
 18 (b) A portable self-powered radio, two-way radio, or  
 19 weather band radio selling for \$75 or less.  
 20 (c) A tarpaulin or other flexible waterproof sheeting  
 21 selling for \$50 or less.  
 22 (d) An item typically sold or advertised as a ground anchor  
 23 system or tie-down kit selling for \$50 or less.  
 24 (e) A gas or diesel fuel tank selling for \$25 or less.  
 25 (f) A package of AAA-cell, AA-cell, C-cell, D-cell, 6-volt,  
 26 or 9-volt batteries, excluding automobile and boat batteries,  
 27 selling for \$30 or less.

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

28-00785-18

2018620\_\_

30 (g) A cellular telephone battery selling for \$60 or less.  
 31 (h) A cellular telephone charger selling for \$40 or less.  
 32 (i) A nonelectric food storage cooler selling for \$30 or  
 33 less.  
 34 (j) A portable generator that is used to provide light,  
 35 support communications, or preserve food during a power outage  
 36 and selling for \$1,000 or less.  
 37 (k) A storm shutter device selling for \$200 or less. As  
 38 used in this paragraph, the term "storm shutter device" means a  
 39 material or product manufactured, rated, and marketed  
 40 specifically for the purpose of preventing window damage from  
 41 storms.  
 42 (l) A carbon monoxide detector selling for \$75 or less.  
 43 (m) Reusable ice selling for \$10 or less.  
 44 (n) A single product consisting of two or more of the items  
 45 listed in paragraphs (a)-(m) and selling for \$75 or less.  
 46 (o) A personal locator beacon selling for \$600 or less.  
 47 (p) An emergency position-indicating radio beacon selling  
 48 for \$1,500 or less.  
 49 (q) An external portable computer drive for data backup and  
 50 recovery and selling for \$200 or less.  
 51 (r) An inverter, inverter/charger, or uninterruptible power  
 52 supply system selling for \$200 or less.  
 53 (2) The tax exemption provided in this section does not  
 54 apply to sales within a public lodging establishment as defined  
 55 in s. 509.013(4), Florida Statutes, a theme park or  
 56 entertainment complex as defined in s. 509.013(9), Florida  
 57 Statutes, or an airport as defined in s. 330.27(2), Florida  
 58 Statutes.

Page 2 of 3

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

28-00785-18

2018620

59 (3) The Department of Revenue may, and all conditions are  
60 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
61 and 120.54, Florida Statutes, to implement this section.

62 (4) This section expires September 30, 2018.

63 Section 2. For the 2017-2018 fiscal year, the sum of \$  
64 in nonrecurring funds is appropriated from the General Revenue  
65 Fund to the Department of Revenue to administer the tax  
66 exemption for the purchase of tangible personal property  
67 relating to disaster preparedness specified under this act.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Bill Montford, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** November 3, 2017

---

I respectfully request that **Senate Bill #620**, relating to Disaster Preparedness Tax Holiday, be placed on the:

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

A handwritten signature in black ink, appearing to read "K. Passidomo", with a horizontal line extending to the right.

---

Senator Kathleen Passidomo  
Florida Senate, District 28

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/13/17  
Meeting Date

620  
Bill Number (if applicable)

Topic Hurricane Sales Tax Holiday

Amendment Barcode (if applicable)

Name Melissa Ramba

Job Title VP Government Affairs

Address 227 S Adams

Phone 850-570-0269

Street Tallahassee FL 32311  
City State Zip

Email Melissa@FRF.org

Speaking:  For  Against  Information

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

Representing Florida Retail Federation

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)

11/13/17

*Meeting Date*

SB 620

*Bill Number (if applicable)*

Topic Disaster Preparedness Tax Exemption

*Amendment Barcode (if applicable)*

Name Brewster Bevis

Job Title Senior VP

Address 516 N. Adams St

Phone 850-773-7173

*Street*

TLH

FL

32301

Email bbevis@aif.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

# CourtSmart Tag Report

**Room:** EL 110  
**Case No.:**  
**Caption:** Senate Committee on Commerce and Tourism

**Type:**  
**Judge:**

**Started:** 11/13/2017 4:02:48 PM  
**Ends:** 11/13/2017 5:50:54 PM **Length:** 01:48:07

4:02:46 PM Pledge to the flag  
4:03:29 PM Opening comments by Chair Montford  
4:04:24 PM Chairman Allan Bense of Triumph Gulf Coast on update on Triumphs activities  
4:18:32 PM Chairman Allan Bense of Triumph Gulf Coast on update on Triumphs activities  
4:18:43 PM Senator Montford making comment  
4:20:06 PM Chairman Bense with additional comments  
4:20:39 PM Panel discussion on economic challenges facing rural communities  
4:23:36 PM Amy Baker, Office of Economic and Demographic Research presenting  
4:41:30 PM Senator Montford with comments  
4:41:41 PM Senator Latvala asking question  
4:41:51 PM Amy Baker responding  
4:42:14 PM Senator Latvala with followup  
4:42:22 PM Amy Baker responding  
4:42:47 PM Jerry Parrish of the Florida Chamber Foundation  
4:54:18 PM Senator Gbison with a question  
4:54:47 PM Senator Montford responding to question  
4:55:24 PM Senator Gibson with followup  
4:56:26 PM Mr. Parrish responding  
4:58:11 PM Senator Gibson with followup  
4:59:07 PM Mr. Parrish responding  
5:00:14 PM Antonio Jefferson, City Manager of Gretna  
5:15:12 PM Senator Hutson with a question  
5:15:45 PM Mr. Jefferson responding  
5:16:53 PM Senator Gainer with a question  
5:18:03 PM Laura Youmans from Florida Association of Counties  
5:37:18 PM Senator Montford asking Mr. Parrish for information  
5:38:20 PM Ralph Thomas, Chairman of Wakulla County Commission  
5:40:15 PM Ralph Thomas, Chairman of Wakulla County Commission  
5:40:17 PM Chris Doolin, Small County Coalition/Small School Distrit  
5:41:26 PM Tab 3 -- SB 568 by Senator Young, Telephone Solicitation  
5:42:26 PM Senator Young explaining bill  
5:43:19 PM There are 2 amendments  
5:43:24 PM Amendment 630160 amendment  
5:43:35 PM Senator Young explaining amendment  
5:43:47 PM Amendment 630160 passes  
5:44:41 PM Amendment Late Filed 319690  
5:44:57 PM Amendment 319690 passes  
5:45:15 PM Senator Young closes on bill  
5:45:45 PM CS/SB 568 passes  
5:46:04 PM Tab 4 Senate Bill 610 by Senator Young, Business Filings  
5:46:46 PM Tab 4 Senate Bill 610 by Senator Young, Business Filings  
5:46:47 PM Senator Young explaining bill  
5:47:00 PM Senator Young waives closes

**5:47:19 PM** SB 610 passes favorably  
**5:47:38 PM** Tab 5 SB 620 by Senator Passidomo, Disaster Preparedness Tax Exemption  
**5:48:03 PM** Senator Passidomo explaining bill  
**5:48:38 PM** Amendment 606014 passes  
**5:49:40 PM** Back on bill as amended  
**5:49:51 PM** CS/SB 620 passes favorably  
**5:50:32 PM** Meeting adjourn  
**5:50:43 PM** Meeting adjourn