

SB 476 by Hooper; (Similar to CS/H 00307) Law Enforcement Vehicles

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SB 426 by Montford (CO-INTRODUCERS) Albritton; Regional Rural Development Grants Program

SB 356 by Hutson; (Similar to CS/H 00115) Keep Our Graduates Working Act

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INNOVATION, INDUSTRY AND TECHNOLOGY

Senator Simpson, Chair

Senator Benacquisto, Vice Chair

MEETING DATE: Monday, December 9, 2019

TIME: 1:30—3:30 p.m.

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

MEMBERS: Senator Simpson, Chair; Senator Benacquisto, Vice Chair; Senators Bracy, Bradley, Brandes, Braynon, Farmer, Gibson, Hutson, and Passidomo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 476 Hooper (Similar CS/H 307)	Law Enforcement Vehicles; Providing that community associations may not prohibit a law enforcement officer from parking his or her law enforcement vehicle in certain areas, etc. IT 12/09/2019 Fav/CS GO RC	Fav/CS Yeas 10 Nays 0
2	SB 426 Montford	Regional Rural Development Grants Program; Defining the term "regional economic development organization"; specifying that the concept of building the professional capacity of a regional economic development organization includes the hiring of professional staff to perform specified services; increasing the maximum amount of annual grant funding that specified economic development organizations may receive; increasing the amount of funds the Department of Economic Opportunity may expend each fiscal year for certain purposes, etc. CM 11/05/2019 Favorable IT 12/09/2019 Favorable AP	Favorable Yeas 10 Nays 0
3	SB 356 Hutson (Similar CS/H 115, Compare H 77, CS/S 66, S 474, S 926)	Keep Our Graduates Working Act; Creating the "Keep Our Graduates Working Act of 2020"; prohibiting a state authority from suspending or revoking a person's professional license, certificate, registration, or permit solely on the basis of a delinquency or default in the payment of his or her student loan, etc. ED 11/12/2019 Favorable IT 12/09/2019 Fav/CS RC	Fav/CS Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL: CS/SB 476

INTRODUCER: Innovation, Industry, and Technology Committee and Senator Hooper

SUBJECT: Law Enforcement Vehicles

DATE: December 9, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	IT	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 476 provides that condominium, homeowners', and cooperative associations may not prohibit law enforcement officers who are owners, tenants, guests, or invitees of an owner to park their assigned law enforcement vehicles in an area where the owner, tenant, guest, or invitee of an owner has a right to park.

The bill does not have a fiscal impact on state and local governments.

The bill takes effect upon becoming law.

II. Present Situation:

Chapters 718, 719, and 720, F.S.

Chapter 718, F.S., relating to condominiums, ch. 719, F.S., relating to cooperatives, and ch. 720, F.S., relating to homeowners' associations, provide for the governance of these community associations. The chapters delineate requirements for notices of meetings,¹ recordkeeping requirements, including which records are accessible to the members of the association,² and

¹ See ss. 718.112(2), 719.106(2)(c), and 720.303(2), F.S., for condominium, cooperative, and homeowners' associations, respectively.

² See ss. 718.111(12), 719.104(2), and 720.303(4), F.S., for condominium, cooperative, and homeowners' associations, respectively.

financial reporting.³ Timeshare condominiums are generally governed by ch. 721, F.S., the “Florida Vacation Plan and Timesharing Act.”

Condominium

A condominium is a “form of ownership of real property created pursuant to ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.”⁴ A condominium is created by recording a declaration of condominium in the public records of the county where the condominium is located.⁵ A declaration is similar to a constitution in that it:

[S]trictly governs the relationships among condominium unit owners and the condominium association. Under the declaration, the Board of the condominium association has broad authority to enact rules for the benefit of the community.⁶

A condominium is administered by a board of directors referred to as a “board of administration.”⁷

Cooperative Associations

Section 719.103(12), F.S., defines a “cooperative” to mean:

[T]hat form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative unit’s occupants receive an exclusive right to occupy the unit. The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.⁸

Homeowners’ Associations

Florida law provides statutory recognition to corporations that operate residential communities in Florida as well as procedures for operating homeowners’ associations. These laws protect the rights of association members without unduly impairing the ability of such associations to perform their functions.⁹

³ See ss. 718.111(13), 719.104(4), and 720.303(7), F.S., for condominium, cooperative, and homeowners’ associations, respectively.

⁴ Section 718.103(11), F.S.

⁵ Section 718.104(2), F.S.

⁶ *Neuman v. Grandview at Emerald Hills*, 861 So. 2d 494, 496-97 (Fla. 4th DCA 2003) (internal citations omitted).

⁷ Section 718.103(4), F.S.

⁸ See ss. 719.106(1)(g) and 719.107, F.S.

⁹ See s. 720.302(1), F.S.

A “homeowners’ association” is defined as a “Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.”¹⁰ Unless specifically stated to the contrary in the articles of incorporation, homeowners’ associations are also governed by ch. 607, F.S., relating to for-profit corporations, or by ch. 617, F.S., relating to not-for-profit corporations.¹¹

Homeowners’ associations are administered by a board of directors whose members are elected.¹² The powers and duties of homeowners’ associations include the powers and duties provided in ch. 720, F.S., and in the governing documents of the association, which include a recorded declaration of covenants, bylaws, articles of incorporation, and duly-adopted amendments to these documents.¹³ The officers and members of a homeowners’ association have a fiduciary relationship to the members who are served by the association.¹⁴

Restrictive Covenants

Community associations may enact and enforce covenants as a condition for living in the association. A covenant is an agreement or contract, which grants a right or imposes a liability. Covenants can range from requiring owners to pay a portion of the common expenses to restrictions on the age of permanent residents.¹⁵

A restrictive covenant limits the use of community association property. Restrictive covenants imposed by a community association’s declaration are valid unless they are clearly ambiguous, wholly arbitrary, or violate a public policy or a constitutional right. Restrictions imposed by a community association’s board of directors must also be reasonable.¹⁶

Community Association Fines and Suspensions

Owners, tenants, and guests must comply with a condominium, cooperative, or homeowners’ association’s (community associations) declaration, bylaws, and rules. Condominium, cooperative, and homeowners’ associations may levy fines against or suspend the right of an owner, occupant, or a guest of an owner or occupant, to use the common elements or any other association property for failing to comply with any provision in the association’s governing documents. A suspension for failing to comply with the community association’s declaration, bylaws, or rules may not be for an unreasonable amount of time.¹⁷

¹⁰ Section 720.301(9), F.S.

¹¹ Section 720.302(5), F.S.

¹² See ss. 720.303 and 720.307, F.S.

¹³ See ss. 720.301 and 720.303, F.S.

¹⁴ Section 720.303(1), F.S.

¹⁵ Sections 718.104(5), 718.112(3), 719.1035, 719.106(2), 720.301(4), and 720.304(1), F.S.; Peter Dunbar, *The Condominium Concept*, 13-21 (14th ed. 2014-15).

¹⁶ *Beachwood Villas Condominium v. Poor*, 448 So. 2d 1143, 1144 (Fla. 4th DCA 1984); *Hidden Harbour Estates, Inc. v. Basso*, 393 So. 2d 637, 639-40 (Fla. 3rd DCA 1981).

¹⁷ Sections 718.303, 719.303, and 720.305, F.S.

No fine may exceed \$100 per violation although a fine may be levied for each day of a continuing violation provided the fine does not exceed \$1,000. However, a fine levied by an homeowners' association may exceed \$1,000 if the governing documents authorize it. Fines levied by condominium associations and cooperatives may not become a lien on the property. Fines levied by an homeowners' association that do not exceed \$1,000 may not become a lien on the property.¹⁸

A community association may suspend an owner, tenant, or guest's ability to use the association's common elements or any other association property, if the owner is more than 90 days delinquent in paying a monetary obligation including a fine. The suspension may remain in effect until the fine is paid.¹⁹

A community association may also suspend an owner's voting rights for any monetary obligation that exceeds \$1,000 and is more than 90 days delinquent.²⁰

Commercial Vehicles

A common restrictive covenant in community associations is restricting or prohibiting the parking of certain vehicles such as commercial vehicles. However, the community association's governing documents often do not define the term "commercial vehicle," which can lead to confusion about what constitutes a commercial vehicle.²¹

Florida courts have upheld homeowners' association provisions restricting the parking of commercial when the term "commercial vehicle" has not been defined in the governing documents.²²

In June 2005, the Town of Davie requested an advisory opinion from the Florida Office of the Attorney General on the definition of commercial vehicle. Specifically, the town inquired whether a marked law enforcement vehicle is a commercial vehicle for the purposes of parking on property located in a community association. A homeowners' association within the town prohibited commercial vehicles from parking in the driveways within the association property. The association had informed an owner that their law enforcement vehicle was a commercial vehicle and could not be parked in the driveway.²³

The Attorney General determined that a law enforcement vehicle is not a commercial vehicle because a commercial vehicle is used by a business for the purpose of economic gain, and law

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Mike Antich, *Discrimination Against Vocational Vehicles*, Automotive Fleet (Dec. 22, 2017) <https://www.automotive-fleet.com/160128/discrimination-against-vocational-vehicles> (last visited Oct. 28, 2019); and Clinton Morrell, *Are law enforcement vehicles subject to Community Association "commercial vehicle" bans?*, The Condo & HOA Law Bulletin (Feb. 8, 2016) <https://thecondoandhoalawbulletin.com/2016/02/08/are-law-enforcement-vehicles-subject-to-community-association-commercial-vehicle-bans/> (last visited Nov. 26, 2019).

²² *Cottrell v. Miskove*, 605 So. 2d 572, 573 (Fla. 2nd DCA 1992) (The terms "commercial" and "vehicle" are well defined terms and when combined the term is not vague, ambiguous, or unclear.).

²³ Op. Att'y Gen. Fla. 05-36 (2005). A copy is available at: <http://www.myfloridalegal.com/ago.nsf/printview/0D1E173CAF5568FF852570220059A538> (last visited Nov. 26, 2019).

enforcement services are an integral part of government and are not provided for economic gain. The Attorney General also noted that assigning a police vehicle to an officer to drive during off-duty hours to provide a quicker response when called to an emergency is a direct benefit to the public, and the presence of a police vehicle in a neighborhood may serve as a deterrent to crime.²⁴

Recently, the media reported that a Clearwater police officer may be subject to hundreds of dollars in fines imposed by the police officer's homeowners' association if the police officer continued to park a marked police cruiser in the driveway instead of the garage.²⁵ The association's declaration prohibits owners from parking commercial vehicles and marked law enforcement vehicles in driveways. According to the media reports, the association has changed its position and now lets the police officer park a marked cruiser in the driveway. However, media reports indicate that the exception only applies to that specific police officer, and all future owners with law enforcement vehicles may not park them in the driveways.²⁶

Law Enforcement Officer

Chapter 943, F.S., is the Department of Law Enforcement Act.²⁷ Section 943.10(1), F.S., defines the term "law enforcement officer" to mean:

[A]ny person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

The definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include support personnel employed by the employing agency.²⁸

Division of Florida Condominiums, Timeshares, and Mobile Homes

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR) administers the provisions of chs. 718 and 719, F.S., for condominium and cooperative associations, respectively. The division

²⁴ *Id.*

²⁵ Heather Leigh, *HOA tells Clearwater officer to move her police cruiser into her garage or face legal action*, ABC Action News Tampa Bay, (Aug. 27, 2019) <https://www.abcactionnews.com/news/region-pinellas/hoa-tells-clearwater-officer-to-move-her-police-cruiser-into-her-garage-or-face-legal-action> (last visited Nov. 26, 2019); WFTS Staff, *HOA tells Florida officer to move her police cruiser off her driveway or face legal action*, News Channel 5 Nashville, Sep. 1, 2019, <https://www.newschannel5.com/news/national/hoa-tells-florida-officer-to-move-her-police-cruiser-into-off-her-driveway-or-face-legal-action> (last visited Nov. 26, 2019).

²⁶ Heather Leigh, *HOA now allowing Clearwater police officer to park cruiser in driveway*, ABC Action News Tampa Bay, Sep. 11, 2019, <https://www.abcactionnews.com/news/region-pinellas/hoa-now-allowing-clearwater-police-officer-to-park-cruiser-in-driveway> (last visited Nov. 26, 2019).

²⁷ Section 943.01, F.S.

²⁸ Section 943.10(1), F.S.

may investigate complaints and enforce compliance with chs. 718 and 719, F.S., with respect to associations that are still under developer control.²⁹ The division also has the authority to investigate complaints against developers involving improper turnover or failure to transfer control to the association.³⁰ After control of the condominium is transferred from the developer to the unit owners, the division's jurisdiction is limited to investigating complaints related to financial issues, elections, and unit owner access to association records.³¹ For cooperatives, the division's jurisdiction extends to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units.³²

As part of the division's authority to investigate complaints, the division may subpoena witnesses, take sworn statements from witnesses, issue cease and desist orders, and impose civil penalties against developers and associations.³³

If the division has reasonable cause to believe that a violation of any provision of ch. 718, F.S., ch. 719, F.S., or a related rule has occurred, the division may institute enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents. The division may conduct an investigation and issue an order to cease and desist from unlawful practices and to take affirmative action to carry out the purpose of the applicable chapter. In addition, the division is authorized to petition a court to appoint a receiver or conservator to implement a court order, or to enforce an injunction or temporary restraining order. The division may also impose civil penalties.³⁴

Unlike condominium and cooperative associations, homeowners' associations are not regulated by a state agency. Section 720.302(2), F.S., expresses the legislative intent regarding the regulation of homeowners' associations:

The Legislature recognizes that it is not in the best interest of homeowners' associations or the individual association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations. However, in accordance with s. 720.311, [F.S.], the Legislature finds that homeowners' associations and their individual members will benefit from an expedited alternative process for resolution of election and recall disputes and presuit mediation of other disputes involving covenant enforcement and authorizes the department to hear, administer, and determine these disputes as more fully set forth in this chapter. Further, the Legislature recognizes that certain contract rights have been created for the benefit of homeowners' associations and members thereof before the effective date of this act and that ss. 720.301-720.407[, F.S.] are not intended to impair

²⁹ Sections 718.501(1) and 719.501(1), F.S.

³⁰ *Id.*

³¹ Section 718.501(1), F.S.

³² Section 719.501(1), F.S.

³³ Sections 718.501(1) and 719.501(1), F.S.

³⁴ *Id.*

such contract rights, including, but not limited to, the rights of the developer to complete the community as initially contemplated.

For homeowners' associations, the division's authority is limited to arbitration of recall election disputes.³⁵

III. Effect of Proposed Changes:

The bill provides that homeowners', condominium, and cooperative associations may not prohibit law enforcement officers, as defined in s. 943.10(1), F.S., who are owners, tenants, guests, or invitees of an owner, to park their assigned law enforcement vehicles in an area where the owner, tenant, guest, or invitee of an owner has a right to park.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

CS/SB 476 may create a conflict with the governing documents of homeowners', condominium, and cooperative associations to the extent the documents prohibit law enforcement officers, as defined in s. 943.10(1), F.S., who are owners, tenants, guests, or invitees of an owner, to park their assigned law enforcement vehicles in an area where the owner, tenant, guest, or invitee of an owner has a right to park.

The governing documents of these associations are generally considered contracts.³⁶ To the extent that the provisions of this bill may be applied retroactively, provisions of the bill may prompt concerns regarding the unconstitutional impairment of contract.

³⁵ See s. 720.306(9)(c), F.S.

³⁶ See *Venetian Isles Homeowners' Assoc., Inc., v. Albrecht*, 823 So.2d 813 (Fla. 2nd D.C.A. 2002) and *Cudjoe Gardens Property Owners Assoc., Inc. v. Patne*, 779 So.2d 598 (Fla. 3rd D.C.A. 2001).

Article I, Section 10 of the United States Constitution prohibits state legislatures from enacting laws impairing the obligation of contracts. As early as 1880, the federal courts recognized that the contract clause does not override the police power of the states to establish regulations to promote the health, safety, and morals of the community.³⁷ The severity of the impairment is a key issue when evaluating whether a state law impairs a contract.³⁸ In *Exxon Corp. v Eagerton*, 462 U.S. 176 (1983), the Supreme Court suggested it would uphold legislation that imposes a generally applicable rule of conduct designed to advance a broad societal interest that only incidentally disrupts existing contractual relationships.

Article I, section 10 of the Florida Constitution also prohibits the state from enacting laws impairing the obligation of contracts. While Florida courts have historically strictly applied this restriction, they have exempted laws when they find there is an overriding public necessity for the state to exercise its police powers.³⁹ This exception extends to laws that are reasonable and necessary to serve an important public purpose,⁴⁰ to include protecting the public's health, safety or welfare.⁴¹ For a statute to offend the constitutional prohibition against impairment of contract, the statute must have the effect of changing substantive rights of the parties to an existing contract. Any retroactive application of a statute affecting substantive contractual rights would be constitutionally suspect.⁴²

Historically, both the state and federal courts have attempted to find a rational and defensible compromise between individual rights and public welfare when laws are enacted that may impair existing contracts.⁴³

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

³⁷ *Stone v. Mississippi*, 101 U.S. 814 (1880).

³⁸ *General Motors Corp. v. Romein*, 503 U.S. 181 (1992).

³⁹ *Park Benziger & Co. v. Southern Wine & Spirits, Inc.*, 391 So.2d 681 (Fla. 1980).

⁴⁰ *Yellow Cab Co. v. Dade County*, 412 So.2d 395 (Fla. 3rd DCA 1982), petition den. 424 So.2d 764 (Fla. 1982).

⁴¹ *Khoury v. Carvel Homes South, Inc.*, 403 So.2d 1043 (Fla. 1st DCA 1981), petition den. 412 So.2d 467 (Fla. 1981).

⁴² *Tri-Properties, Inc. v. Moonspinner Condominium Association, Inc.*, 447 So.2d 965 (Fla. 1st DCA 1984).

⁴³ *Pomponio v. Claridge of Pompano Condominium, Inc.*, 378 So.2d 774 (Fla. 1979).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 718.129, 719.131, and 720.318.

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

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

CS by Innovation, Industry, and Technology on December 9, 2019:

The committee substitute cross-references the definition of the term “law enforcement officer” in s. 943.10(1), F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/09/2019	.	
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	.	

The Committee on Innovation, Industry, and Technology (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 718.129, Florida Statutes, is created to
read:

718.129 Law enforcement vehicles.—An association may not
prohibit a law enforcement officer, as defined in s. 943.10(1),
who is a unit owner, or who is a tenant, guest, or invitee of a
unit owner, from parking his or her assigned law enforcement



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11 vehicle in an area where the unit owner, or the tenant, guest,
12 or invitee of the unit owner, otherwise has a right to park.

13 Section 2. Section 719.131, Florida Statutes, is created to
14 read:

15 719.131 Law enforcement vehicles.—An association may not
16 prohibit a law enforcement officer, as defined in s. 943.10(1),
17 who is a unit owner, or who is a tenant, guest, or invitee of a
18 unit owner, from parking his or her assigned law enforcement
19 vehicle in an area where the unit owner, or the tenant, guest,
20 or invitee of the unit owner, otherwise has a right to park.

21 Section 3. Section 720.318, Florida Statutes, is created to
22 read:

23 720.318 Law enforcement vehicles.—An association may not
24 prohibit a law enforcement officer, as defined in s. 943.10(1),
25 who is a parcel owner, or who is a tenant, guest, or invitee of
26 a parcel owner, from parking his or her assigned law enforcement
27 vehicle in an area where the parcel owner, or the tenant, guest,
28 or invitee of the parcel owner, otherwise has a right to park.

29 Section 4. This act shall take effect upon becoming a law.
30

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

32 And the title is amended as follows:

33 Delete everything before the enacting clause
34 and insert:

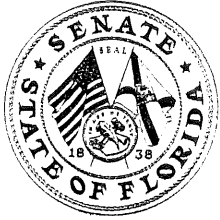
35 A bill to be entitled
36 An act relating to law enforcement vehicles; creating
37 ss. 718.129, 719.131, and 720.318, F.S.; providing
38 that condominium, cooperative, and homeowners'
39 associations, respectively, may not prohibit a law



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enforcement officer from parking his or her assigned
law enforcement vehicle in certain areas; providing an
effective date.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ED HOOPER
16th District

COMMITTEES:
Governmental Oversight and Accountability, Chair
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Health and
Human Services
Health Policy
Infrastructure and Security
Joint Select Committee on Collective Bargaining,
Alternating Chair
Joint Administrative Procedures Committee

November 4th, 2019

Honorable Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology
525 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson,

I am writing to request that SB 476, Law Enforcement Vehicles, be placed on the agenda to be heard in the Innovation, Industry, and Technology Committee.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a large, stylized circular flourish.

Ed Hooper

Cc: Staff Director, Booter Imhof
Administrative Assistant, Lynn Koon

REPLY TO:

- 3450 East Lake Road, Suite 305, Palm Harbor, Florida 34685-2411 (727) 771-2102
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/9/2019

Meeting Date

476

Bill Number (if applicable)

Topic Law Enforcement Vehicles

Amendment Barcode (if applicable)

Name Matt Dunagan *Dun-A-Gun*

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850-877-2165

Street

Tallahassee

FL

32308

Email mdunagan@flsheriffs.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

12.9.19

Meeting Date

476

Bill Number (if applicable)

Topic LED Vehicles

Amendment Barcode (if applicable)

Name MICHAEL KELLEY

Job Title FRATERNAL ORDER OF POLICE CHAIRMAN

Address 2043 HIGH RIDGE RD

Phone

Street

BOYNTON BEACH FL

33426

Email

City

State

Zip

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

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

Representing Fraternal Order of Police

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Dec 9, 2019

Meeting Date

476

Bill Number (if applicable)

Topic Law Enforcement Vehicles

Amendment Barcode (if applicable)

Name Ken "cop-CHEN-ski" Kopczynski

Job Title Lobbyist

Address 300 East Brevard St

Phone 850-222-3329

Street

Talla

FL

32301

Email ken@flpba.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida PBA Inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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)

12/9/14
Meeting Date

476
Bill Number (if applicable)

Topic SB 476

Amendment Barcode (if applicable)

Name Marta Anderson

Job Title Lobbyist

Address 110 S. Monroe st
Street

Phone 813-205-0658

Tallahassee FL 32301
City State Zip

Email Marta@Consultanderson.com

Speaking: For Against Information

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

Representing Chief Executive Officers of Management Companies (CEOMC)

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.

By the Committee on Innovation, Industry, and Technology; and
Senator Hooper

580-01998-20

2020476c1

1 A bill to be entitled
2 An act relating to law enforcement vehicles; creating
3 ss. 718.129, 719.131, and 720.318, F.S.; providing
4 that condominium, cooperative, and homeowners'
5 associations, respectively, may not prohibit a law
6 enforcement officer from parking his or her assigned
7 law enforcement vehicle in certain areas; providing an
8 effective date.

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

11
12 Section 1. Section 718.129, Florida Statutes, is created to
13 read:

14 718.129 Law enforcement vehicles.—An association may not
15 prohibit a law enforcement officer, as defined in s. 943.10(1),
16 who is a unit owner, or who is a tenant, guest, or invitee of a
17 unit owner, from parking his or her assigned law enforcement
18 vehicle in an area where the unit owner, or the tenant, guest,
19 or invitee of the unit owner, otherwise has a right to park.

20 Section 2. Section 719.131, Florida Statutes, is created to
21 read:

22 719.131 Law enforcement vehicles.—An association may not
23 prohibit a law enforcement officer, as defined in s. 943.10(1),
24 who is a unit owner, or who is a tenant, guest, or invitee of a
25 unit owner, from parking his or her assigned law enforcement
26 vehicle in an area where the unit owner, or the tenant, guest,
27 or invitee of the unit owner, otherwise has a right to park.

28 Section 3. Section 720.318, Florida Statutes, is created to
29 read:

580-01998-20

2020476c1

30 720.318 Law enforcement vehicles.—An association may not
31 prohibit a law enforcement officer, as defined in s. 943.10(1),
32 who is a parcel owner, or who is a tenant, guest, or invitee of
33 a parcel owner, from parking his or her assigned law enforcement
34 vehicle in an area where the parcel owner, or the tenant, guest,
35 or invitee of the parcel owner, otherwise has a right to park.

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

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 Innovation, Industry, and Technology

BILL: SB 426

INTRODUCER: Senators Montford and Albritton

SUBJECT: Regional Rural Development Grants Program

DATE: December 9, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Reeve</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Kraemer</u>	<u>Imhof</u>	<u>IT</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 426 modifies the operations and funding requirements of the Regional Rural Development Grants Program (grants program). Specifically, the bill:

- Requires grant recipients to serve or be located in a rural area of opportunity;
- Authorizes organizations that serve an entire rural area of opportunity to receive grants of up to \$250,000 annually;
- Increases the maximum amount of funds the Department of Economic Opportunity may expend for the program from \$750,000 to \$1 million annually;
- Reduces the percentage of grant funds that must be matched with non-state funds from 100 percent to 25 percent of the state's contribution;
- Specifies that regional economic development organizations may use grant funds to build their professional capacity and provide technical assistance; and
- Establishes certain contract and public notice requirements.

According to the Department of Economic Opportunity, additional state expenditures for the grants program may increase by up to \$250,000. See Section V, Fiscal Impact Statement.

The bill provides an effective date of July 1, 2020.

II. Present Situation:

Rural Economic Development Initiative

The Rural Economic Development Initiative (REDI) was established by the 1997 Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.¹ The REDI is responsible for coordinating and focusing

¹ Section 288.0656, F.S.

the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.² The REDI works with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

Rural Areas of Opportunity

A rural area of opportunity (RAO) is a rural community, or a region of rural communities, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster, or that presents a unique economic development opportunity of regional impact.³ The Governor may designate by executive order up to three RAOs, establishing the areas as priority assignments for the REDI. The Governor may waive criteria, requirements, or similar provisions of any economic development incentive for projects located in an RAO.⁴ The designated RAOs are:⁵

- The Northwest RAO, comprised of Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and that part of Walton County north of the Intracoastal Waterway, including the cities of DeFuniak Springs, Freeport, and Paxton;
- The South Central RAO, comprised of DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, the cities of Pahokee, Belle Glade, and South Bay in Palm Beach County, and the city of Immokalee in Collier County; and
- The North Central RAO, comprised of Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.

There are currently three regional economic development organizations operating in areas that coincide with the areas designated as RAOs. Opportunity Florida serves the Northwest RAO, Florida's Heartland Regional Economic Development Initiative, Inc., serves the South Central RAO, and the North Florida Economic Development Partnership, Inc. serves the North Central RAO.⁶ These public/private 501(c)(6) organizations provide economic development support to local governments within the RAOs.

Regional Rural Development Grants Program

The Regional Rural Development Grants Program (grants program) was established to provide funding, through matching grants, to build the professional capacity of regionally based economic development organizations. These grants may also be used by economic development organizations to provide technical assistance to businesses within the rural counties and communities they serve.⁷

² Agencies required to participate in the REDI are found in s. 288.0656(6)(a), F.S.

³ Section 288.0656(1)(d), F.S.

⁴ Section 288.0656(7)(a), F.S.

⁵ Florida Department of Economic Opportunity, *Rural Areas of Opportunity*, <http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited Nov. 27, 2019).

⁶ *Id.* See also generally <http://www.opportunityflorida.com/> (last visited Nov. 27, 2019), <http://flaheartland.com/> (last visited Nov. 27, 2019), and <http://www.nflp.org/Home.aspx> (last visited Nov. 27, 2019).

⁷ Section 288.018(1), F.S.

To be approved for a matching grant, applicants must provide the Department of Economic Opportunity (DEO) with proof of:⁸

- A demonstrated need for assistance;
- Official commitments of support from each of the units of local government represented by the organization;
- Financial or in-kind commitments from the private sector and each of the units of local government represented by the organization;
- Documentation of the organization's existence and active involvement in economic development activities in the region; and
- The manner in which the organization coordinates its efforts with those of other local or state organizations.

The maximum amount any organization may receive annually is \$50,000, or \$150,000 if an organization is located in a rural area of opportunity, and the grant funds must be matched by an equivalent amount of non-state resources.⁹ The DEO may expend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the program.¹⁰ The DEO may also contract with Enterprise Florida, Inc., the state's principal economic development organization, to administer the program.¹¹

III. Effect of Proposed Changes:

SB 426 makes changes to how the Regional Rural Development Grants Program in s. 288.018, F.S., operates. The bill clarifies that the concept of building the "professional capacity" of an economic development organization includes hiring professional staff to develop, facilitate the delivery of, and directly provide economic development professional services. Professional services include technical assistance, education and leadership development, marketing, and project recruitment.

Currently, grant funds may be used to provide technical assistance to businesses within the rural counties and communities a regional economic development organization serves.¹² Under the bill, grant funds may also be used to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses. Regional economic development organizations that provide taxpayer-funded incentives to local or prospective businesses are not eligible to participate in the grants program under the bill.

The bill defines a "regional economic development organization" as an economic development organization located in or contracted to serve a rural area of opportunity, as defined in s. 288.0656, F.S. It also removes references to "regionally based economic development

⁸ Section 288.018(2), F.S.

⁹ Section 288.018(1), F.S.

¹⁰ Section 288.018(4), F.S. Section 288.065, F.S., establishes the Rural Community Development Revolving Loan Fund to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic vitality of rural communities.

¹¹ *Id.* Enterprise Florida, Inc., is a nonprofit corporation, not a unit of state government, established under s. 288.901, F.S.

¹² Section 288.018(1), F.S.

organizations” and “economic development organizations,” and replaces them with “regional economic development organizations.”

The grants program currently authorizes the DEO to approve grants of up to \$50,000 for economic development organizations not located in an RAO and grants of up to \$150,000 for certain eligible organizations located in an RAO.¹³

Under the bill, organizations that represent rural counties and communities, but are not located in or serve an RAO, would not meet the definition of “regional economic development organizations” and therefore would no longer be eligible to receive grant funds; however, the bill maintains the maximum annual grant amount for organizations located in or contracted to serve an RAO at \$150,000.

Additionally, the bill authorizes the three regional economic development organizations recognized by the DEO as serving an entire RAO (currently Opportunity Florida, Florida’s Heartland REDI [Regional Economic Development Initiative], Inc., and the North Florida Economic Development Partnership, Inc.) to receive grants of up to \$250,000 per year.

The percentage of grant funds received by a regional economic development organization that must be matched with non-state funds is reduced from 100 percent (a one to one match) to 25 percent of the state’s contribution.

The amount the DEO may expend on the program each fiscal year is increased from \$750,000 to up to \$1 million. These funds are from the funds appropriated to the Rural Community Development Revolving Loan Fund.

The bill also provides new requirements for contracts entered into for the purpose of expending grant funds. Under the bill, contracts and agreements must include:

- The purpose of the contract or agreement;
- Specific performance standards and responsibilities for all parties involved;
- A detailed project or contract budget, if applicable;
- The value of any services provided; and
- The projected travel expenses for employees and board members, if applicable.

The bill requires a contracting regional economic development organization to post any contract or agreement involving the expenditure of grant funds on its website at least 14 days before execution.

Specific contracts and agreements involving the expenditure of grant funds estimated to exceed \$35,000 must also be posted on the contracting regional economic development organization’s website in a “plain-language version.” This applies to contracts or agreements with private entities, municipalities, and vendors of services, supplies, or programs, including marketing, as well as contracts or agreements for the purchase, lease, or use of lands, facilities, or properties.

The bill provides an effective date of July 1, 2020.

¹³ *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The percentage of funds disbursed through the Regional Rural Development Grants Program that must be matched with non-state funds is reduced from 100 percent (a one to one match) to 25 percent of the state's contribution.

C. Government Sector Impact:

According to the Department of Economic Opportunity, additional state expenditures for the grants program (from funds appropriated to the Rural Community Development Revolving Loan Fund) may increase by up to \$250,000, as authorized in the bill.¹⁴

The Rural Community Development Revolving Loan Fund receives a recurring appropriation of \$1.6 million, \$750,000 of which the DEO may expend on the Regional Rural Development Grants Program. The bill increases the amount the DEO may expend on the program to up to \$1 million annually. If the DEO expends the maximum amount allowable on the program each year, the amount remaining in the Rural Community Development Revolving Loan Fund would decrease by up to \$250,000 per year.

¹⁴ See 2020 Agency Legislative Bill Analysis (Department of Economic Opportunity) for SB 426, Oct. 3, 2019 (on file with Senate Committee on Innovation, Industries, and Technology) at page 3.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 288.018 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Environment and Natural Resources, *Chair*
Education, *Vice Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Education
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR BILL MONTFORD

Minority Leader Pro Tempore
3rd District

November 12, 2019

Senator Wilton Simpson, Chair
Senate Innovation, Industry, and Technology Committee
420 Senate Office Building
Tallahassee, Florida 32399-1100

Dear Chair Simpson,

I respectfully request that the following bills be placed on the next Innovation, Industry, and Technology Committee Agenda.

SB 426 – A bill relating to Regional Rural Development Grants Program.

Your consideration is greatly appreciated.

Sincerely,

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

William J. Montford III

WJM:rm

REPLY TO:

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

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: DEPARTMENT OF ECONOMIC OPPORTUNITY

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 426
BILL TITLE:	Regional Rural Development Grant Program
BILL SPONSOR:	Sen. Montford
EFFECTIVE DATE:	July, 1 2020

<u>COMMITTEES OF REFERENCE</u>
1) Click or tap here to enter text.
2) Click or tap here to enter text.
3) Click or tap here to enter text.
4) Click or tap here to enter text.
5) Click or tap here to enter text.

<u>CURRENT COMMITTEE</u>
None

<u>SIMILAR BILLS</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	SB 1646
SPONSOR:	Senator Montford
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

<u>Is this bill part of an agency package?</u>
No

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	October 3, 2019
LEAD AGENCY ANALYST:	Sean J. Lewis, Community Program Manager, OCP
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	Jon F. Morris, Assistant General Counsel
FISCAL ANALYST:	Susan Lincoln, Budget

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Senate Bill 426 makes several substantive programmatic changes to the Regional Rural Development Grant Program in s. 288.018, F.S. The changes include definitions of eligible participants, levels of funding by entity service areas, reduction of required grant match, increases in the maximum grant amounts for organizations serving Rural Areas of Opportunity (RAOs), and an increase in the annual total allocation.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Presently, the Regional Rural Development Grant (RRDG) Program provides funding to regionally-based economic development organizations (EDOs) representing rural counties and communities for building the professional capacity of the local elected officials, and marketing of the regions for economic development. These communities statewide have in recent years been served by as many as seven different EDOs, receiving a maximum of \$50,000 or \$150,000 in the case of those serving RAOs. DEO has statutory authority to award up to \$750,000 of the annual appropriation of \$1,170,000 from the Rural Community Development Revolving Loan Fund to these organizations.

2. EFFECT OF THE BILL:

Senate Bill 426 makes the following changes to the RRDG:

- It defines “regional economic development organization” as “an economic development organization located in, or contracted to, serve a RAO.” This would mean that the organization could be physically located anywhere and does not specify with whom the organization would be contracting.
- The bill would also allow the EDOs to hire professional staff with RDG dollars.
- SB 426 would prohibit EDOs which provide public dollars as incentives to businesses from participating in the RDG program.
- Although not prevented from doing so under current law, it specifies that regional EDOs may apply annually for the RDG.
- The bill specifies that there shall be only three regional EDOs recognized by the Department of Economic Opportunity (DEO) serving entire RAOs, and that only these organizations may apply for a maximum of \$250,000 annually, while other regional EDOs may only apply for a maximum of \$150,000 annually. The former EDOs will also be required to meet a 25% match requirement, while the latter EDOs will still be required to match at 100%.
- SB 426 sets requirements for financial transparency and public reporting of expenditures by EDOs receiving RDG funds, as well as outlining contract guidelines.
- Finally, the bill raises the annual maximum expended amount from \$750,000 to \$1,000,000.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency’s core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	N/A
Opponents and summary of position:	Click or tap here to enter text.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y N

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?

Y N

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?

Y N

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Y N

Revenues:	Click or tap here to enter text.
Expenditures:	The bill increases the total amount of funds that can be awarded through the Regional Rural Development Grant (RRDG) Program from \$750,000 to \$1,000,000. This will likely result in additional state expenditures.

Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	\$750,000

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A
--	-----

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	N/A
--	-----

ADDITIONAL COMMENTS

Click or tap here to enter text.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	None.
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THE FLORIDA SENATE

APPEARANCE RECORD

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

12/2/19

Meeting Date

SB 426

Bill Number (if applicable)

Topic Senate Bill 426

Amendment Barcode (if applicable)

Name Jeff Hendry HENDRY

Job Title Executive Director, North Florida Economic Development Partnership

Address 3200 Commonwealth Blvd Phone

Street

Tallahassee

FL

32303

City

State

Zip

Email

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against

(The Chair will read this information into the record.)

Representing North Florida Economic Dev Partnership

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

Lobbyist registered with Legislature: [] Yes [] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

12-9-19

Meeting Date

SB 426

Bill Number (if applicable)

Topic Rural Development Grant

Amendment Barcode (if applicable)

Name Commissioner Terry Burroughs

Job Title Chairman - Board of Okeechobee County

Address 304 NW 2nd St

Phone 863 697 6325

Street

Okeechobee FL

State

34972

Zip

Email TBurroughs@Po.Okeechobee.FL.US

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

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

Representing Okeechobee County

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

Lobbyist registered with Legislature: [] Yes [] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

12/8/19

Meeting Date

426

Bill Number (if applicable)

Topic Rural Economic Dev.

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title Consultant

Address 1118-B THOMASVILLE Rd.

Phone 850-508-5492

Street

TALLA FLA 32308

City

State

Zip

Email cdoolin@nettally.com

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

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

Representing SMALL COUNTY COALITION

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

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

12/9/2019

426

Meeting Date

Bill Number (if applicable)

Topic Regional Rural Economic Development

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St

Phone 850-521-1200

Tallahassee FL 32301

Email cjohnson@flchamber.com

Speaking: [] For [] Against [] Information

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

Representing FL Chamber of Commerce

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

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

12/9/19 Meeting Date

SB 0426 Bill Number (if applicable)

Topic RURAL REGIONAL DEV GRANT

Amendment Barcode (if applicable)

Name ROY BAKER

Job Title BUSINESS DEVELOPMENT COORDINATOR

Address 4636 HWY 90, SUITE K Street

Phone 850-633-4119

MARIANNA FL 32446 City State Zip

Email ROYB@OPPORTUNITYFLORIDA.COM

Speaking: [] For [] Against [] Information

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

Representing OPPORTUNITY FLORIDA

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

Lobbyist registered with Legislature: [] Yes [] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

12-6-19

Meeting Date

426

Bill Number (if applicable)

Topic Rep. Dev. Grants

Amendment Barcode (if applicable)

Name Richard Gentry

Job Title _____

Address 3674 OBrien Dr

Phone 850-251-1837

Street

Tlh. FL 32309

Email rgentry@comcast.net

City

State

Zip

Speaking: For Against Information

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

Representing Stand Up For North Fla.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

12-9-19

Meeting Date

426

Bill Number (if applicable)

Topic Regional Rural Development Grants

Amendment Barcode (if applicable)

Name LAURA YOUMANS

Job Title LEGISLATIVE COUNSEL

Address 100 S. MONROE ST

Phone 850-294-1838

Street

TAL

City

FL

State

32301

Zip

Email lyoumans@fl-counties.com

Speaking: For Against Information

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

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

By Senator Montford

3-00491A-20

2020426__

1 A bill to be entitled
2 An act relating to the Regional Rural Development
3 Grants Program; amending s. 288.018, F.S.; defining
4 the term "regional economic development organization";
5 specifying that the concept of building the
6 professional capacity of a regional economic
7 development organization includes the hiring of
8 professional staff to perform specified services;
9 providing that matching grants may be used to provide
10 technical assistance to local governments and economic
11 development organizations and to existing and
12 prospective businesses; specifying that a regional
13 economic development organization that provides
14 taxpayer-funded incentives is not eligible to
15 participate in the matching grant program; increasing
16 the maximum amount of annual grant funding that
17 specified economic development organizations may
18 receive; revising the required amount of nonstate
19 matching funds; requiring that certain information be
20 included in a contract or agreement involving the
21 expenditure of grant funds; requiring that contracts
22 or agreements involving the expenditure of grant
23 funds, and a plain-language version of certain
24 contracts or agreements, be placed on the contracting
25 regional economic development organization's website
26 for a specified period before execution; deleting an
27 obsolete provision; increasing the amount of funds the
28 Department of Economic Opportunity may expend each
29 fiscal year for certain purposes; providing an

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30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsections (1), (3), and (4) of section
35 288.018, Florida Statutes, are amended to read:

36 288.018 Regional Rural Development Grants Program.—

37 (1) (a) For the purposes of this section, a "regional
38 economic development organization" means an economic development
39 organization located in or contracted to serve a rural area of
40 opportunity, as defined in s. 288.0656.

41 (b) The department shall establish a matching grant program
42 to provide funding to regional ~~regionally based~~ economic
43 development organizations representing rural counties and
44 communities to build for the purpose of building the
45 professional capacity of those ~~their~~ organizations. Efforts to
46 build the professional capacity of regional economic development
47 organizations include the hiring of professional staff to
48 develop, facilitate the delivery of, and directly provide needed
49 economic development professional services, including technical
50 assistance, education and leadership development, marketing, and
51 project recruitment. Such Matching grants may also be used by a
52 regional ~~an~~ economic development organization to provide
53 technical assistance to local governments, local economic
54 development organizations, and existing and prospective
55 businesses within the rural counties and communities that it
56 serves. A regional economic development organization that
57 provides taxpayer-funded incentives to existing or prospective
58 businesses is not eligible to participate in the matching grant

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59 program.

60 (c) A regional economic development organization may apply
61 annually to the department for a matching grant. The department
62 is authorized to approve an application for a grant of:, ~~on an~~
63 ~~annual basis, grants~~

64 1. Up to \$150,000 to an organization located ~~to such~~
65 ~~regionally based economic development organizations. The maximum~~
66 ~~amount an organization may receive in any year will be \$50,000,~~
67 ~~or \$150,000 in or~~ contracted to serve a rural area of
68 opportunity designated pursuant to s. 288.0656(7).

69 2. Up to \$250,000 to any of the three regional economic
70 development organizations that serve an entire region of a rural
71 area of opportunity designated pursuant to s. 288.0656(7) and
72 that are recognized by the department as serving such a region.

73 (d) Grant funds received by a regional economic development
74 organization ~~recommended by the Rural Economic Development~~
75 ~~Initiative and designated by the Governor, and must be matched~~
76 ~~each year by an equivalent amount of nonstate resources~~ in an
77 amount equal to 25 percent of the state contribution.

78 (3) (a) A contract or agreement that involves the
79 expenditure of grant funds provided under this section,
80 including a contract or agreement entered into between another
81 entity and a regional economic development organization, a unit
82 of local government, or an economic development organization
83 substantially underwritten by a unit of local government, must
84 include:

85 1. The purpose of the contract or agreement.

86 2. Specific performance standards and responsibilities for
87 each entity.

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88 3. A detailed project or contract budget, if applicable.

89 4. The value of any services provided.

90 5. The projected travel expenses for employees and board
91 members, if applicable.

92 (b) At least 14 days before execution, the contracting
93 regional economic development organization shall post on its
94 website:

95 1. Any contract or agreement that involves the expenditure
96 of grant funds provided under this section.

97 2. A plain-language version of a contract or agreement with
98 a private entity, a municipality, or a vendor of services,
99 supplies, or programs, including marketing, or for the purchase
100 or lease or use of lands, facilities, or properties which
101 involves the expenditure of grant funds provided under this
102 section and which is estimated to exceed \$35,000 ~~The department~~
103 ~~may also contract for the development of an enterprise zone web~~
104 ~~portal or websites for each enterprise zone which will be used~~
105 ~~to market the program for job creation in disadvantaged urban~~
106 ~~and rural enterprise zones. Each enterprise zone web page should~~
107 ~~include downloadable links to state forms and information, as~~
108 ~~well as local message boards that help businesses and residents~~
109 ~~receive information concerning zone boundaries, job openings,~~
110 ~~zone programs, and neighborhood improvement activities.~~

111 (4) The department may expend up to \$1 million ~~\$750,000~~
112 each fiscal year from funds appropriated to the Rural Community
113 Development Revolving Loan Fund for the purposes outlined in
114 this section. The department may contract with Enterprise
115 Florida, Inc., for the administration of the purposes specified
116 in this section. Funds released to Enterprise Florida, Inc., for

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117 this purpose shall be released quarterly and shall be calculated
118 based on the applications in process.

119 Section 2. This act shall take effect July 1, 2020.

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 Innovation, Industry, and Technology

BILL: CS/SB 356

INTRODUCER: Innovation, Industry, and Technology Committee and Senator Hutson

SUBJECT: Keep Our Graduates Working Act

DATE: December 9, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	Favorable
2.	<u>Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 356 removes the state authority to take disciplinary action against a healthcare practitioner who defaults on a federal- or state-guaranteed student loan or who fails to comply with the terms of a service scholarship. Under the bill, a healthcare practitioner may not have a license suspended or revoked by the Department of Health solely because of a loan default or failure to complete service scholarship obligation.

The bill prohibits other licensing departments, boards, or agencies to suspend or revoke a license issued to a person who is in default on or delinquent in the payment of his or her student loans solely on the basis of such default or delinquency.

The bill takes effect on July 1, 2020.

II. Present Situation:

Student Loans

Student loans help to cover the education expenses at a university, college, or technical school, and may originate from the federal government or from other sources, such as a bank, credit union, state agency, or school.¹

¹ USA.gov, *Financial Aid for Students*, <https://www.usa.gov/financial-aid#item-206091> (last visited Nov. 25, 2019).

Federal Loans

The United States Department of Education (USDOE) federal student loan program is the William D. Ford Federal Direct Loan (Direct Loan) Program, under which eligible students and parents borrow directly from the USDOE at participating schools.²

The Florida Department of Education (DOE), Office of Student Financial Assistance (OSFA) serves as a guarantor for the Federal Family Education Loan (FFEL) Program³ and the administrator of Florida's scholarship and grant programs.⁴

Federal Student Loan Default

Nationally, about 65 percent of college seniors who graduated from public and private nonprofit colleges in 2018 had student loan debt. Baccalaureate degree recipients graduating in 2018 owed an average of \$29,200.⁵ The average debt of 2018 Florida graduates was \$24,428.⁶

In a 2016 cohort of 4,533,276 borrowers who entered repayment on a direct federal loan or guaranteed federal loan, 458,687 borrowers defaulted⁷ on the loan, which is a student loan cohort default rate⁸ of 10.1 percent.⁹ State default rates ranged from 5.8 percent in Massachusetts to 18.1 percent in Nevada. Florida's 2016 default rate was 7.3 percent (of the 250,615 borrowers in Florida who entered repayment in 2016, 18,378 borrowers defaulted on the loan).¹⁰

² United States Department of Education, Federal Student Aid, *Federal student loans for college or career school are an investment in your future*, <https://studentaid.ed.gov/sa/types/loans#types> (last visited Nov. 25, 2019). Direct subsidized and unsubsidized loans are also called federal Stafford Loans. Loans under the Health Education Assistance Loan (HEAL) program were discontinued on Sept. 30, 1998; loans under the Federal Family Education Loan (FFEL) program were discontinued on July 1, 2010.

³ Rule 6A-20.099, F.A.C. Under the Federal Family Education Loan (FFEL) Program, private lenders made federal student loans to students, and guaranty agencies insured these funds, which were, in turn, reinsured by the federal government. As a result of the Health Care and Education Reconciliation Act of 2010, no new FFEL Program loans were made, beginning July 1, 2010. United States Department of Education, Federal Student Aid, *FFEL Program Lender and Guaranty Agency Reports*, <https://studentaid.ed.gov/sa/about/data-center/lender-guaranty> (last visited Nov. 25, 2019). However, guaranty agencies continue to service outstanding FFEL program loans.

⁴ Florida Department of Education, Office of Student Financial Assistance, http://www.floridastudentfinancialaid.org/FFELP/mission_statement/mission_statement_052606.html (last visited Nov. 25, 2019).

⁵ The Institute for College Access & Success, *Student Debt and the Class of 2018* (Sept. 2019), at 4, available at <https://ticas.org/wp-content/uploads/2019/09/classof2018.pdf> (last visited Nov. 25, 2019).

⁶ *Id.* at 10.

⁷ For a loan made under the William D. Ford Federal Direct Loan Program or the Federal Family Education Loan Program, a borrower is considered to be in default if the borrower fails to make scheduled student loan payments for a period of at least 270 days (about nine months). United States Department of Education, Federal Student Aid, *Don't ignore your student loan payments or you'll risk going into default*, <https://studentaid.ed.gov/sa/repay-loans/default> (last visited Nov. 25, 2019).

⁸ For schools having 30 or more borrowers entering repayment in a fiscal year, a school's cohort default rate is the percentage of a school's borrowers who enter repayment on Federal Stafford Loans and Direct Stafford/Ford Loans during that fiscal year and default within the cohort default period (a school with 29 or fewer borrowers is assigned an average default rate). The 2016 cohort includes borrowers who entered repayment in 2016 and defaulted in 2016-2018, and is reported in 2019. United States Department of Education, Federal Student Aid, 2.1 *How the Cohort Default Rates are Calculated*, at 2, available at <https://ifap.ed.gov/DefaultManagement/guide/attachments/CDRGuideCh2Pt1CDRCalculation.pdf> (last visited Nov. 25, 2019).

⁹ United States Department of Education, Federal Student Aid, *National Student Loan Cohort Default Rates*, available at <https://ifap.ed.gov/eannouncements/attachments/FY16OfficialNationalRates.pdf> (last visited Nov. 25, 2019).

¹⁰ *Id.*

The DOE is required to exert every lawful and reasonable effort to collect all delinquent unpaid student loan notes and defaulted guaranteed loan notes.¹¹ State penalties for a borrower in default include a prohibition on the borrower from receiving his or her academic transcripts or other student records until such time as the loan is paid in full or the default status has been removed,¹² or being charged the maximum interest rate authorized by law.¹³

Health-Related Federal and State Service Scholarships

A service scholarship is an award to a student to further his or her education which imposes an obligation on the student to complete certain work-related requirements. Examples of health-related service scholarship programs administered by the United States Department of Health and Human Services (USDHHS) include:¹⁴

- The National Health Service Corps (NHSC), which requires a commitment of at least two years at an NHSC-approved site;
- Primary Care Loans, which have a residency requirement and a requirement to practice primary care for 10 years or until the loan is paid in full; and
- The Nurse Corps Scholarship Program, which requires employment upon graduation at an eligible facility with a critical shortage of nurses.

In 1992, the Legislature created the Florida Health Services Corps, administered by the Department of Health (DOH), which required a student who received a scholarship to accept an assignment in a public health care program or work in a medically underserved area upon completion of primary care training. Noncompliance with participation requirements would result in ineligibility for professional licensure or renewal of licensure.¹⁵

Professional Licensure

A professional or occupational license is a credential that demonstrates a level of skill or knowledge needed to perform a specific job. The credential is awarded by a governmental licensing agency based on pre-determined criteria, which may include some combination of degree attainment, certifications, educational certificates, assessments, apprenticeship programs, or work experience. The license is a legal authority to work in an occupation.¹⁶

More than 25 percent of United States workers must obtain a license to practice their professions, compared with 5 percent who needed a license in the 1950s.¹⁷

¹¹ Section 1009.95, F.S. For accounts determined to be severely delinquent, the Commissioner is authorized to contract for commercial collection services to assist in collecting the amount due. Fla. Admin. Code R. 6A-20.024 (2019).

¹² Section 1009.95(5), F.S.

¹³ Section 1009.95(6), F.S.

¹⁴ United States Health and Human Services, Health Resources and Services Administration, *Loans & Scholarships*, <https://bhwh.hrsa.gov/loans-scholarships> (last visited Nov. 25, 2019).

¹⁵ Section 111, ch. 1992-33, L.O.F., creating s. 381.0302, F.S., repealed by ch. 2012-184, s. 45, Laws of Fla.

¹⁶ United States Department of Labor, *Labor Force Statistics from the Current Population Survey*, <https://www.bls.gov/cps/certifications-and-licenses-faqs.htm#whatare> (last visited Nov. 25, 2019).

¹⁷ National Conference of State Legislatures, *License Suspension for Student Loan Defaulters*, <http://www.ncsl.org/research/labor-and-employment/license-suspension-for-student-loan-defaulters.aspx> (last visited Nov. 25, 2019).

Licensure Action for Default on Student Loans

In the 1990s, urged by the USDOE,¹⁸ states began adopting laws requiring regulatory boards to suspend professional licenses if the board received notice from an education commission that an applicant held outstanding student loans. Around 2010, at the height of this legislative trend, roughly half of the states had some form of license suspension for default.¹⁹

In 2002,²⁰ the DOH was authorized to take disciplinary action against a healthcare practitioner for failing to repay a federal or state loan or comply with service scholarship obligations. At the time, the USDHHS reported that Florida had 556 healthcare providers in default on student loans or service obligations, which totaled \$45.6 million.

Supporters of laws requiring license suspension for default maintain that the threat of losing a license is a powerful incentive to stay current on loan payments and decreases defaults. Also, such laws allow defaulters to avoid license suspension by simply entering into a repayment plan.²¹

Proponents of repealing license suspension laws for loan defaults argue that:²²

- States should not use licensing authority as a tool of punitive debt collection. The core purpose of licensing should be to protect public safety and certify professional competency.
- Such laws force state professional boards to operate as de facto debt collectors for education loans, the vast majority of which are held by the federal government.
- Suspending licenses decreases the likelihood that the defaulter will repay the loan, since licensed occupations often pay higher wages than unlicensed jobs.

From 2015 to 2019, Alaska, Illinois, Kentucky, Montana, New Jersey, North Dakota, Oklahoma, Texas, and Washington repealed state laws regarding license suspension for a loan default.²³

In February 2019, Senators Marco Rubio and Elizabeth Warren reintroduced the Protecting Jobs Act to prohibit states from suspending, revoking, or denying state-issued professional licenses or

¹⁸ The USDOE recommended that Governors and state legislators send a strong message to students, postsecondary institutions, and lenders that high default rates will not be tolerated. The DOE specifically recommended that states enact legislation to deny professional licenses to defaulters until they make adequate repayment arrangements. United States Department of Education, *Reducing Student Loan Defaults: A Plan for Action* (1990), at 63, available at <https://files.eric.ed.gov/fulltext/ED323879.pdf> (last visited Nov. 25, 2019).

¹⁹ National Conference of State Legislatures, *License Suspension for Student Loan Defaulters*, <http://www.ncsl.org/research/labor-and-employment/license-suspension-for-student-loan-defaulters.aspx> (last visited Nov. 25, 2019). License suspension for default varies in scope—some states include all licenses and all types of loans, some states include driver's licenses or education loans. Florida and four other states apply the penalty only to health care professionals.

²⁰ Chapter 2002-254, s. 2, Laws of Fla.

²¹ National Conference of State Legislatures, *License Suspension for Student Loan Defaulters*, <http://www.ncsl.org/research/labor-and-employment/license-suspension-for-student-loan-defaulters.aspx> (last visited Nov. 25, 2019).

²² *Id.*

²³ *Id.*

issuing penalties due to student default on a federal education or health education loan, which would include the FFEL Program, Direct Loan program, and HEAL program loans.²⁴

Department of Health Licensure

The Division of Medical Quality Assurance (MQA) in the DOH licenses and regulates more than 200 license types in over 40 professions, while partnering with 22 boards and four councils.²⁵ The MQA currently licenses 998,513 active-in-state practitioners,²⁶ and regulates 59 healthcare professions, including:²⁷

- Acupuncture;
- Athletic Trainer;
- Certified Nursing Assistant;
- Dentist;
- Emergency Medical Technician;
- Medical Doctor;
- Mental Health Counselor;
- Physical Therapist;
- Psychologist;
- Registered Nurse;
- School Psychologist; and
- Septic Tank Contractor.

Florida Department of Health Licensure Disciplinary Actions

The DOH is authorized to take disciplinary action against licensees who commit offenses or violations specified in law.²⁸ Such violations include:²⁹

- Failure to repay a federal- or state-guaranteed student loan in accordance with the terms of the loan; or
- Failure to comply with service scholarship obligations, which is considered a failure to perform a statutory or legal obligation.

The minimum disciplinary action imposed must be a suspension of the license until new payment terms are agreed upon or the scholarship obligation is resumed, followed by probation for the

²⁴ Congress.Gov, *S.609-Protecting Jobs Act*, <https://www.congress.gov/bill/116th-congress/senate-bill/609/text> (last visited Nov. 25, 2019). An identical bill (H.R. 3689) was introduced in the House of Representatives by Rep. Donna Shalala.

²⁵ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, at 6, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited Nov. 25, 2019). MQA regulatory boards include acupuncture, athletic trainers, medicine, nursing, osteopathic medicine, pharmacy, and speech-language pathology and audiology. Councils, which serve an advisory function, are Dietetics and Nutrition Practice, Electrolysis, Licensed Midwifery, and Physician Assistants. *Id.* at 7. Chapter 456, F.S., provides for the regulation of health professions and occupations.

²⁶ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, at 17, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited Nov. 25, 2019).

²⁷ Florida Department of Health, *Licensing and Regulation*, <http://www.floridahealth.gov/licensing-and-regulation/index.html> (last visited Nov. 25, 2019).

²⁸ Section 456.072(1), F.S.

²⁹ Section 456.072(1)(k), F.S.

duration of the student loan or remaining scholarship obligation period, and a fine equal to 10 percent of the defaulted loan amount.

To implement this requirement, the DOH is required to:

- Obtain from the USDHHS information necessary to investigate and prosecute health care practitioners for failing to repay a student loan or comply with scholarship service obligations, and include related information in its annual report to the Legislature.³⁰
- Notify the licensee in default that he or she is subject to immediate license suspension unless, within 45 days after notification, the licensee provides proof that new payment terms have been agreed upon by all parties to the loan. After 45 days the DOH must immediately suspend the license if the licensee fails to provide such proof.³¹

In the 2017-2018 fiscal year, the DOH reported 850 student loan defaults, 76 completed investigations, and 26 emergency suspension orders filed. In the 2018-2019 fiscal year, the DOH reported 87 student loan defaults, 250 completed investigations, 121 emergency suspension orders filed, and further disciplinary action taken on 29 licensees.³² In 2018-2019, the most affected licensed professions were Certified Nursing Assistant (43 suspension orders) and Registered Nurse (18 suspension orders).³³

Licensure in Other State Agencies

Other agencies provide professional and occupational licensing and certification, such as the:

- Department of Agriculture and Consumer Services;³⁴
- Department of Business and Professional Regulation;³⁵
- Department of Education;³⁶
- Department of Environmental Protection;³⁷

³⁰ Section 456.0721, F.S.

³¹ Section 456.074(4), F.S.

³² Florida Department of Health, *2019 Agency Analysis for SB 356* (Oct. 31, 2019), see also Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, Table 14: Student Loan Defaults, at 43, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited Nov. 25, 2019).

³³ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, Table 14: Student Loan Defaults, at 43, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited Nov. 25, 2019).

³⁴ The Florida Department of Agriculture and Consumer Services licenses such professions as dealers in agricultural products, pest control operators, professional surveyors and mappers, recovery agents, private investigators and private security, and liquefied propane dealers or installers.

³⁵ The Florida Department of Business and Professional Regulation is charged with licensing and regulating businesses and professionals such as cosmetologists, veterinarians, real estate agents, and pari-mutuel wagering facilities. Florida Department of Business and Professional Regulation, *Department Overview*, <http://www.myfloridalicense.com/DBPR/about-us/department-overview/> (last visited Nov. 25, 2019).

³⁶ Florida educators must be certified to teach in public schools. Educators include classroom teachers, school administrators, and other support professionals, such as guidance counselors and media specialists. Florida Department of Education, *Educator Certification*, <http://www.fldoe.org/teaching/certification/> (last visited Nov. 25, 2019).

³⁷ The Florida Department of Environmental Protection is responsible for a professional licensure program for water and wastewater treatment plant operators along with water distribution system operators. Florida Department of Environmental Protection, *Certification and Restoration Program*, <https://floridadep.gov/water/certification-restoration> (last visited Nov. 25, 2019).

- Department of Financial Services,³⁸ and
- Department of Highway Safety and Motor Vehicles.³⁹

Each agency or affiliated board or commission is authorized to take action against a license or certificate based on violations of law or professional practice. However, no state law specifically authorizes such agencies to take disciplinary action against a license resulting from default on a student loan.

III. Effect of Proposed Changes:

CS/SB 356 removes the state authority to take disciplinary action against a healthcare practitioner who defaults on a student loan or who fails to comply with the terms of a service scholarship. Under the bill, a healthcare practitioner may not have his or her license suspended or revoked by the Department of Health (DOH) solely because of a loan default or failure to complete service scholarship obligations.

The bill creates s. 120.82, F.S., to specify that a state authority may not suspend or revoke a license that it has issued to a person who is in default on or delinquent in the payment of his or her student loans solely on the basis of such default or delinquency. The bill defines the term “state authority” to mean any department, board, or agency with the authority to grant a license to any person in this state.

The bill also defines the following terms:

- “Default” means the failure to repay a student loan according to the terms agreed to in the promissory note.
- “Delinquency” means the failure to make a student loan payment when it is due.
- “License” means any professional license, certificate, registration, or permit granted by the applicable state authority.
- “Student loan” means a federal-guaranteed or state-guaranteed loan for the purposes of postsecondary education.

The bill does not forgive any student debt or remove the ability to suspend or revoke a health care practitioner’s license for other violations specified in law.

The bill amends s. 1009.95, F.S., to require the Department of Education (DOE) to comply with the requirements in s. 120.82, F.S., in its efforts to collect delinquent loans. However, compliance with s. 120.82, only applies to disciplinary actions on a license, and does not remove the authority of the DOE to engage a collection agency for delinquent loans, or to follow disciplinary actions specified in law related to academic transcripts or maximum interest rates.

³⁸ The Florida Department of Financial Services licenses professions related to fire safety, funeral and cemetery services, and insurance. Florida Department of Financial Services, *Business and Professional*, <https://www.myfloridacfo.com/sitePages/services/display.aspx?a=Business%20and%20Professional> (last visited Nov. 25, 2019).

³⁹ The Florida Department of Highway Safety and Motor Vehicles licenses motor vehicle dealers, mobile home dealers, and recreational vehicle dealers. Florida Department of Highway Safety and Motor Vehicles, *Florida Motor Vehicle, Mobile Home, and Recreational Vehicle Dealers’ Handbook* (2015), available at <https://www.flhsmv.gov/pdf/dealerservices/dealerhandbook.pdf> (last visited Nov. 25, 2019).

The bill modifies DOH requirements to ensure that health care practitioners' licenses cannot be suspended or revoked because of default on a student loan or failure to comply with service scholarship obligations. Specifically, the bill:

- Amends s. 456.072, F.S., to remove a licensee's failure to repay a federal- or state-guaranteed student loan or failure to comply with service scholarship obligations from the list of violations for which the DOH may take disciplinary action.
- Amends s. 456.074, F.S., to remove the requirement that the DOH notify a health care practitioner in default on a student loan that he or she is subject to suspension of a license unless the practitioner provides proof of repayment terms within 45 days of the notification.
- Repeals s. 456.0721, F.S., to remove the requirement that the DOH obtain monthly reports from the United States Department of Health and Human Services (USDHHS) regarding health care practitioners who have failed to repay a student loan or comply with scholarship service obligations.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Healthcare practitioners will no longer be subject to discipline solely because of defaulting on a student loan or failure to comply with the terms of a service scholarship.

This may assist such practitioners in paying student loans by allowing them to continue to work in the field. In addition, the health care workforce will no longer be subject to the mandatory 10 percent fine for student loans in default.⁴⁰

C. Government Sector Impact:

The Department of Health (DOH) and Division of Medical Quality Assurance (MQA) may experience a recurring decrease in revenue due to the loss of the mandated 10 percent fine imposed on student loan default cases. However, the DOH and MQA will experience a recurring reduction in workload and cost due to conducting fewer investigations and prosecutions. The Compliance Management Unit in the MQA will no longer have to track licensees on probation due to board-imposed discipline.⁴¹

VI. Technical Deficiencies:

CS/SB 356 removes the authority of the DOH to take suspend or revoke the license of health care practitioner who is in default on a student loan guaranteed by the state or federal government. However, the bill may not remove all DOH requirements relating to student loan default, specifically relating to initial award or renewal of a license. The DOH, or a licensing board within the jurisdiction of the DOH, must refuse to issue or renew a license to an individual that is currently listed on the USDHHS Office of Inspector General's List of Excluded Individuals and Entities (LEIE).⁴² Federal law⁴³ provides that a default on a health education loan or scholarship obligation is permissive grounds for being placed on the LEIE and that such exclusion lasts until the default or obligation is resolved. If a candidate or applicant is placed on the LEIE for a default on such a loan, the DOH must deny that person's application for an initial license or renewal of an existing license.⁴⁴

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 456.072, 456.074, and 1009.95.

This bill creates section 120.82 of the Florida Statutes.

This bill repeals section 456.0721 of the Florida Statutes.

⁴⁰ Florida Department of Health *2019 Agency Analysis of SB 356* (Oct. 31, 2019).

⁴¹ *Id.*

⁴² Section 456.0635(2)(e) and (3)(e), F.S. The LEIE provides information to the health care industry, patients and the public regarding individuals and entities currently excluded from participation in Medicare, Medicaid and all other Federal health care programs. USDHHS, Office of Inspector General, *Exclusions FAQ*, <https://oig.hhs.gov/faqs/exclusions-faq.asp>, (last visited Nov. 4, 2019). Individuals must be excluded (placed on the LEIE) for a conviction of specified crimes, including patient abuse, fraud, or actions related to a controlled substance. Individuals may be placed on the LEIE for acts including convictions relating to audits, specified misdemeanors, claims of unnecessary services, kickbacks, or default on health education loans or scholarship obligations. 42 U.S.C. s. 1320a-7.

⁴³ Section 1128(b)(14) of the Social Security Act and 42 U.S.C. 1320a-7(b)(14).

⁴⁴ Florida Department of Health, *2019 Agency Analysis of SB 356* (Oct. 31, 2019).

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 Innovation, Industry, and Technology on December 9, 2019:

The committee substitute creates s. 120.82, F.S., and transfers to that section the provisions in s. 1009.951, F.S., which prohibit licensing departments, boards, or agencies to suspend or revoke a license solely on the basis of default or delinquency in payment of a student loan.

- B. **Amendments:**

None.

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



732784

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
12/09/2019	.	
	.	
	.	
	.	

The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

Senate Amendment (with title amendment)

Between lines 48 and 49

insert:

Section 2. Paragraph (e) of subsection (2) and paragraph (e) of subsection (3) of section 456.0635, Florida Statutes, are amended to read

456.0635 Health care fraud; disqualification for license, certificate, or registration.—

(2) Each board within the jurisdiction of the department,



732784

11 or the department if there is no board, shall refuse to admit a
12 candidate to any examination and refuse to issue a license,
13 certificate, or registration to any applicant if the candidate
14 or applicant or any principal, officer, agent, managing
15 employee, or affiliated person of the candidate or applicant:

16 (e) Is currently listed on the United States Department of
17 Health and Human Services Office of Inspector General's List of
18 Excluded Individuals and Entities, except as provided in s.
19 1009.951.

20 (3) The department shall refuse to renew a license,
21 certificate, or registration of any applicant if the applicant
22 or any principal, officer, agent, managing employee, or
23 affiliated person of the applicant:

24 (e) Is currently listed on the United States Department of
25 Health and Human Services Office of Inspector General's List of
26 Excluded Individuals and Entities, except as provided in s.
27 1009.951.

28
29 This subsection does not apply to an applicant for initial
30 licensure, certification, or registration who was arrested or
31 charged with a felony specified in paragraph (a) or paragraph
32 (b) before July 1, 2009.

33
34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 9

38 and insert:

39 student loan; amending s. 456.0635, F.S.; providing



40
41

exceptions to the lists of disqualifying conditions;
amending 456.072, F.S.; conforming



351912

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/09/2019	.	
	.	
	.	
	.	

The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

1 **Senate Substitute for Amendment (732784) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 120.82, Florida Statutes, is created to
7 read:

8 120.82 Keep Our Graduates Working Act.—

9 (1) SHORT TITLE.—This section may be cited as the “Keep Our
10 Graduates Working Act of 2020.”



351912

11 (2) PURPOSE.—The purpose of this act is to ensure that
12 Floridians who graduate from an accredited college or university
13 can maintain their occupational licenses, as defined in
14 subsection (3), and remain in the workforce while they attempt
15 to pay off their student loan debt.

16 (3) DEFINITIONS.—As used in this section, the term:

17 (a) "Default" means the failure to repay a student loan
18 according to the terms agreed to in the promissory note.

19 (b) "Delinquency" means the failure to make a student loan
20 payment when it is due.

21 (c) "License" means any professional license, certificate,
22 registration, or permit granted by the applicable state
23 authority.

24 (d) "State authority" means any department, board, or
25 agency with the authority to grant a license to any person in
26 this state.

27 (e) "Student loan" means a federal-guaranteed or state-
28 guaranteed loan for the purposes of postsecondary education.

29 (4) STUDENT LOAN DEFAULT; DELINQUENCY.—A state authority
30 may not suspend or revoke a license that it has issued to a
31 person who is in default on or delinquent in the payment of his
32 or her student loans solely on the basis of such default or
33 delinquency.

34 Section 2. Paragraph (k) of subsection (1) of section
35 456.072, Florida Statutes, is amended to read:

36 456.072 Grounds for discipline; penalties; enforcement.—

37 (1) The following acts shall constitute grounds for which
38 the disciplinary actions specified in subsection (2) may be
39 taken:



351912

40 (k) Failing to perform any statutory or legal obligation
41 placed upon a licensee. For purposes of this section, failing to
42 repay a student loan issued or guaranteed by the state or the
43 Federal Government in accordance with the terms of the loan is
44 ~~not or failing to comply with service scholarship obligations~~
45 ~~shall be~~ considered a failure to perform a statutory or legal
46 obligation, ~~and the minimum disciplinary action imposed shall be~~
47 ~~a suspension of the license until new payment terms are agreed~~
48 ~~upon or the scholarship obligation is resumed, followed by~~
49 ~~probation for the duration of the student loan or remaining~~
50 ~~scholarship obligation period, and a fine equal to 10 percent of~~
51 ~~the defaulted loan amount. Fines collected must ~~shall~~ be~~
52 deposited into the Medical Quality Assurance Trust Fund.

53 Section 3. Section 456.0721, Florida Statutes, is repealed.

54 Section 4. Subsection (4) of section 456.074, Florida
55 Statutes, is amended to read:

56 456.074 Certain health care practitioners; immediate
57 suspension of license.-

58 ~~(4) Upon receipt of information that a Florida-licensed~~
59 ~~health care practitioner has defaulted on a student loan issued~~
60 ~~or guaranteed by the state or the Federal Government, the~~
61 ~~department shall notify the licensee by certified mail that he~~
62 ~~or she shall be subject to immediate suspension of license~~
63 ~~unless, within 45 days after the date of mailing, the licensee~~
64 ~~provides proof that new payment terms have been agreed upon by~~
65 ~~all parties to the loan. The department shall issue an emergency~~
66 ~~order suspending the license of any licensee who, after 45 days~~
67 ~~following the date of mailing from the department, has failed to~~
68 ~~provide such proof. Production of such proof shall not prohibit~~



351912

69 ~~the department from proceeding with disciplinary action against~~
70 ~~the licensee pursuant to s. 456.073.~~

71 Section 5. Subsection (1) of s. 1009.95, Florida Statutes,
72 is amended to read:

73 1009.95 Delinquent accounts.—

74 (1) The Department of Education is directed to exert every
75 lawful and reasonable effort to collect all delinquent unpaid
76 and uncanceled scholarship loan notes, student loan notes, and
77 defaulted guaranteed loan notes; however, in all such efforts,
78 the department shall comply with s. 120.82.

79 Section 6. This act shall take effect July 1, 2020.

80

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

82 And the title is amended as follows:

83 Delete everything before the enacting clause
84 and insert:

85 A bill to be entitled
86 An act relating to the Keep Our Graduates Working Act;
87 creating s. 120.82, F.S.; providing a short title;
88 providing a purpose; defining terms; prohibiting a
89 state authority from suspending or revoking a person's
90 professional license, certificate, registration, or
91 permit solely on the basis of a delinquency or default
92 in the payment of his or her student loan; amending s.
93 456.072, F.S.; conforming provisions to changes made
94 by the act; repealing s. 456.0721, F.S., relating to
95 health care practitioners in default on student loan
96 or scholarship obligations; amending ss. 456.074 and
97 1009.95, F.S.; conforming provisions to changes made



351912

98

by the act; providing an effective date.



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

Subject: Committee Agenda Request

Date: November 18, 2019

I respectfully request that **Senate Bill #356**, relating to Keep Our Graduates Working Act, be placed on the:

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

A handwritten signature in black ink that reads "Travis J. Hutson". The signature is written in a cursive style with a long horizontal stroke at the end.

Senator Travis Hutson
Florida Senate, District 7

APPEARANCE RECORD

356

~~598~~ SB

12/9/19

Meeting Date

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

Bill Number (if applicable)

Topic KEEP OUR GRADUATES WORKING Act Amendment Barcode (if applicable)

Name GARY MOUSSEAU RN
^{moo-sew}

Job Title REGISTERED NURSE
^{moo-sew}

Address 132 CATAMARACA CT.

Phone (941) 374-2802

PUNTA GORDA, FL 33983

Email mousseautravel@aol.com

Speaking: For Against Information

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

Representing NATIONAL NURSES UNITED

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)

12/1/19

Meeting Date

SB 356

Bill Number (if applicable)

Topic Keep our Graduates Working

Amendment Barcode (if applicable)

Name Ron Watson

Job Title hobbyist

Address 3738 Murdon Way

Phone 880 567-1202

Street

Tally

City

State

32309

Zip

Email w.watson@statelibrary.com

Speaking: For Against Information

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

Representing Florida Midwife Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

SB 356

Bill Number (if applicable)

12/9/19

Meeting Date

Topic Keep our Graduates Working

Amendment Barcode (if applicable)

Name Ron Watson

Job Title Lobbyist

Address 3738 Mardon Way

Phone 850 567 1202

Street

Tally

State

32309

Zip

Email watsn.strategies@comcast.net

Speaking: For Against Information

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

Representing Florida Rental Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

12/9/14

Meeting Date

SB 356

Bill Number (if applicable)

Topic Keep our Gradients Working

Amendment Barcode (if applicable)

Name Ron Watson

Job Title Lobbyist

Address 3738 Mundan Way

Phone 850 567 1202

Street

Tally

City

State

32309

Zip

Email Watson.Strategic@conncat.net

Speaking: For Against Information

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

Representing Florida Chiropractic Physician Assoc FCPA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

12/9/19

Meeting Date

356

Bill Number (if applicable)

Topic Student Loan / occupational license

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe Street

Phone (850) 681-0024

Tallahassee, FL 32301

Email jorge@flapartners.com

City State Zip

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

Waive Speaking: [X] In Support [] Against

(The Chair will read this information into the record.)

Representing Associated Industries of Florida (AIF)

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

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

12/9/19

Meeting Date

356

Bill Number (if applicable)

Topic Student Loans / occupational licenses

Amendment Barcode (if applicable)

Name Jorge Chamilo

Job Title Attorney

Address 108 South Monroe Street

Phone (850) 681-0024

Tallahassee, FL 32301

Email jorge@flapartnerseans

Speaking: For Against Information

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

Representing FGA Action

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)

12/9/19

356

Meeting Date

Bill Number (if applicable)

Topic Keep Our Graduates Working Act

Amendment Barcode (if applicable)

Name Spencer Pylant

Job Title Vice President of Government Affairs

Address 1601 Biscayne Blvd., Ballroom Level

Phone 305-577-5421

Street

Miami

FL

33132

Email spylant@miamichamber.com

City

State

Zip

Speaking: For Against Information

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

Representing Greater Miami Chamber of Commerce

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

12/9/2019

Meeting Date

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

356

Bill Number (if applicable)

Topic KEEP GRADUATES WORKING

Amendment Barcode (if applicable)

Name CHRISTIAN CAMERA Camera

Job Title

Address 2 S. BISCAYNE BLVD #3180

Phone 305-721-1600

Street

Miami FL 33131

Email CHRISTIAN@CHAMBERCONSULTANTS

City

State

Zip

FL.COM

Speaking: [] For [] Against [] Information

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

Representing INSTITUTE FOR JUSTICE

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

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

12/9/19 Meeting Date

SB 356 Bill Number (if applicable)

Topic Keep Our Graduates Working

Amendment Barcode (if applicable)

Name Carol Bowen

Job Title Chief Lobbyist

Address 3730 Coconut Creek Pkwy Ste 200

Phone (954) 465-1081

Coconut Creek, FL 33066

Email cbowen@cbcoastflorida.com

Speaking: For Against Information

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

Representing Associated Builders and Contractors

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)

12-9-19

Meeting Date

~~SB~~ SB 356

Bill Number (if applicable)

Topic Keep our Graduates Working

Amendment Barcode (if applicable)

Name PAVA LITTLES

Job Title ORGANIZER

Address #406 W. 19th

Phone 512971 4901

Street
LAMPA

FL

33605

Email PLITTLES@UNOC.FL

City

State

Zip

Speaking: For Against Information

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

Representing Florida UNOC

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)

12/9/19

Meeting Date

356

Bill Number (if applicable)

Topic Keep Our Graduates Working Act

Amendment Barcode (if applicable)

Name Phillip Suderman (Su-dur-man)

Job Title Policy Director

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 Americans for Prosperity

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)

By the Committee on Innovation, Industry, and Technology; and
Senator Hutson

580-01997-20

2020356c1

1 A bill to be entitled
2 An act relating to the Keep Our Graduates Working Act;
3 creating s. 120.82, F.S.; providing a short title;
4 providing a purpose; defining terms; prohibiting a
5 state authority from suspending or revoking a person's
6 professional license, certificate, registration, or
7 permit solely on the basis of a delinquency or default
8 in the payment of his or her student loan; amending s.
9 456.072, F.S.; conforming provisions to changes made
10 by the act; repealing s. 456.0721, F.S., relating to
11 health care practitioners in default on student loan
12 or scholarship obligations; amending ss. 456.074 and
13 1009.95, F.S.; conforming provisions to changes made
14 by the act; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 120.82, Florida Statutes, is created to
19 read:

20 120.82 Keep Our Graduates Working Act.-

21 (1) SHORT TITLE.-This section may be cited as the "Keep Our
22 Graduates Working Act of 2020."

23 (2) PURPOSE.-The purpose of this act is to ensure that
24 Floridians who graduate from an accredited college or university
25 can maintain their occupational licenses, as defined in
26 subsection (3), and remain in the workforce while they attempt
27 to pay off their student loan debt.

28 (3) DEFINITIONS.-As used in this section, the term:

29 (a) "Default" means the failure to repay a student loan

580-01997-20

2020356c1

30 according to the terms agreed to in the promissory note.

31 (b) "Delinquency" means the failure to make a student loan
32 payment when it is due.

33 (c) "License" means any professional license, certificate,
34 registration, or permit granted by the applicable state
35 authority.

36 (d) "State authority" means any department, board, or
37 agency with the authority to grant a license to any person in
38 this state.

39 (e) "Student loan" means a federal-guaranteed or state-
40 guaranteed loan for the purposes of postsecondary education.

41 (4) STUDENT LOAN DEFAULT; DELINQUENCY.—A state authority
42 may not suspend or revoke a license that it has issued to a
43 person who is in default on or delinquent in the payment of his
44 or her student loans solely on the basis of such default or
45 delinquency.

46 Section 2. Paragraph (k) of subsection (1) of section
47 456.072, Florida Statutes, is amended to read:

48 456.072 Grounds for discipline; penalties; enforcement.—

49 (1) The following acts shall constitute grounds for which
50 the disciplinary actions specified in subsection (2) may be
51 taken:

52 (k) Failing to perform any statutory or legal obligation
53 placed upon a licensee. For purposes of this section, failing to
54 repay a student loan issued or guaranteed by the state or the
55 Federal Government in accordance with the terms of the loan is
56 not or failing to comply with service scholarship obligations
57 shall be considered a failure to perform a statutory or legal
58 obligation, and the minimum disciplinary action imposed shall be

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2020356c1

59 ~~a suspension of the license until new payment terms are agreed~~
60 ~~upon or the scholarship obligation is resumed, followed by~~
61 ~~probation for the duration of the student loan or remaining~~
62 ~~scholarship obligation period, and a fine equal to 10 percent of~~
63 ~~the defaulted loan amount. Fines collected must ~~shall~~ be~~
64 deposited into the Medical Quality Assurance Trust Fund.

65 Section 3. Section 456.0721, Florida Statutes, is repealed.

66 Section 4. Subsection (4) of section 456.074, Florida
67 Statutes, is amended to read:

68 456.074 Certain health care practitioners; immediate
69 suspension of license.-

70 ~~(4) Upon receipt of information that a Florida-licensed~~
71 ~~health care practitioner has defaulted on a student loan issued~~
72 ~~or guaranteed by the state or the Federal Government, the~~
73 ~~department shall notify the licensee by certified mail that he~~
74 ~~or she shall be subject to immediate suspension of license~~
75 ~~unless, within 45 days after the date of mailing, the licensee~~
76 ~~provides proof that new payment terms have been agreed upon by~~
77 ~~all parties to the loan. The department shall issue an emergency~~
78 ~~order suspending the license of any licensee who, after 45 days~~
79 ~~following the date of mailing from the department, has failed to~~
80 ~~provide such proof. Production of such proof shall not prohibit~~
81 ~~the department from proceeding with disciplinary action against~~
82 ~~the licensee pursuant to s. 456.073.~~

83 Section 5. Subsection (1) of s. 1009.95, Florida Statutes,
84 is amended to read:

85 1009.95 Delinquent accounts.-

86 (1) The Department of Education is directed to exert every
87 lawful and reasonable effort to collect all delinquent unpaid

580-01997-20

2020356c1

88 and uncanceled scholarship loan notes, student loan notes, and
89 defaulted guaranteed loan notes; however, in all such efforts,
90 the department shall comply with s. 120.82.

91 Section 6. This act shall take effect July 1, 2020.

By Senator Hutson

7-00627-20

2020356__

1 A bill to be entitled
2 An act relating to the Keep Our Graduates Working Act;
3 creating s. 1009.951, F.S.; providing a short title;
4 providing a purpose; providing definitions;
5 prohibiting a state authority from suspending or
6 revoking a person's professional license, certificate,
7 registration, or permit solely on the basis of a
8 delinquency or default in the payment of his or her
9 student loan; amending s. 456.072, F.S.; conforming
10 provisions to changes made by the act; repealing s.
11 456.0721, F.S., relating to health care practitioners
12 in default on student loan or scholarship obligations;
13 amending ss. 456.074 and 1009.95, F.S.; conforming
14 provisions to changes made by the act; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 1009.951, Florida Statutes, is created
20 to read:

21 1009.951 Keep Our Graduates Working Act.-

22 (1) SHORT TITLE.-This section may be cited as the "Keep Our
23 Graduates Working Act of 2020."

24 (2) PURPOSE.-The purpose of this act is to ensure that
25 Floridians who graduate from an accredited college or university
26 can maintain their occupational licenses, as defined in
27 subsection (3), and remain in the workforce while they struggle
28 to pay off their student loan debt, thereby helping them avoid
29 falling into poverty, which might necessitate seeking public

7-00627-20

2020356__

30 assistance.

31 (3) DEFINITIONS.—As used in this section, the term:

32 (a) "Default" means the failure to repay a student loan
33 according to the terms agreed to in the promissory note.

34 (b) "Delinquency" means the failure to make a student loan
35 payment when it is due.

36 (c) "License" means any professional license, certificate,
37 registration, or permit granted by the applicable state
38 authority.

39 (d) "State authority" means any department, board, or
40 agency with the authority to grant a license to any person in
41 this state.

42 (e) "Student loan" means a federal-guaranteed or state-
43 guaranteed loan for the purposes of postsecondary education.

44 (4) STUDENT LOAN DEFAULT; DELINQUENCY.—A state authority
45 may not suspend or revoke a license that it has issued to a
46 person who is in default on or delinquent in the payment of his
47 or her student loans solely on the basis of such default or
48 delinquency.

49 Section 2. Paragraph (k) of subsection (1) of section
50 456.072, Florida Statutes, is amended to read:

51 456.072 Grounds for discipline; penalties; enforcement.—

52 (1) The following acts shall constitute grounds for which
53 the disciplinary actions specified in subsection (2) may be
54 taken:

55 (k) Failing to perform any statutory or legal obligation
56 placed upon a licensee. For purposes of this section, failing to
57 repay a student loan issued or guaranteed by the state or the
58 Federal Government in accordance with the terms of the loan is

7-00627-20

2020356__

59 ~~not or failing to comply with service scholarship obligations~~
60 ~~shall be considered a failure to perform a statutory or legal~~
61 ~~obligation, and the minimum disciplinary action imposed shall be~~
62 ~~a suspension of the license until new payment terms are agreed~~
63 ~~upon or the scholarship obligation is resumed, followed by~~
64 ~~probation for the duration of the student loan or remaining~~
65 ~~scholarship obligation period, and a fine equal to 10 percent of~~
66 ~~the defaulted loan amount. Fines collected shall be deposited~~
67 ~~into the Medical Quality Assurance Trust Fund.~~

68 Section 3. Section 456.0721, Florida Statutes, is repealed.

69 Section 4. Subsection (4) of section 456.074, Florida
70 Statutes, is amended to read:

71 456.074 Certain health care practitioners; immediate
72 suspension of license.-

73 ~~(4) Upon receipt of information that a Florida-licensed~~
74 ~~health care practitioner has defaulted on a student loan issued~~
75 ~~or guaranteed by the state or the Federal Government, the~~
76 ~~department shall notify the licensee by certified mail that he~~
77 ~~or she shall be subject to immediate suspension of license~~
78 ~~unless, within 45 days after the date of mailing, the licensee~~
79 ~~provides proof that new payment terms have been agreed upon by~~
80 ~~all parties to the loan. The department shall issue an emergency~~
81 ~~order suspending the license of any licensee who, after 45 days~~
82 ~~following the date of mailing from the department, has failed to~~
83 ~~provide such proof. Production of such proof shall not prohibit~~
84 ~~the department from proceeding with disciplinary action against~~
85 ~~the licensee pursuant to s. 456.073.~~

86 Section 5. Subsection (1) of s. 1009.95, Florida Statutes,
87 is amended to read:

7-00627-20

2020356__

88 1009.95 Delinquent accounts.-

89 (1) The Department of Education is directed to exert every
90 lawful and reasonable effort to collect all delinquent unpaid
91 and uncanceled scholarship loan notes, student loan notes, and
92 defaulted guaranteed loan notes; however, in all such efforts,
93 the department shall comply with s. 1009.951.

94 Section 6. This act shall take effect July 1, 2020.

CourtSmart Tag Report

Room: EL 110
Caption: Senate Innovation, Industry and Technology Committee

Case No.:

Type:
Judge:

Started: 12/9/2019 1:33:09 PM
Ends: 12/9/2019 1:47:17 PM Length: 00:14:09

1:33:08 PM Meeting called to order by Chair Simpson
1:33:11 PM Roll call by Administrative Assistant Lynn Koon
1:33:22 PM Quorum present
1:33:52 PM Pledge of Allegiance
1:33:57 PM Comments from Chair Simpson
1:34:08 PM Introduction of Tab 1 by Chair Simpson
1:34:20 PM Explanation of SB 476, Law Enforcement Vehicles by Senator Hooper
1:34:40 PM Introduction of Amendment Barcode No. 652734 by Chair Simpson
1:34:53 PM Explanation of Amendment by Senator Hooper
1:35:00 PM Comments from Chair Simpson
1:35:12 PM Closure waived on Amendment
1:35:17 PM Amendment Barcode No. 652734 adopted
1:35:30 PM Mark Anderson, Chief Executive Officers of Management Companies waives in support
1:35:55 PM Ken Kopczynski, Florida PBA, Inc. waives in support
1:36:01 PM Michael Kelley, Fraternal Order of Police waives in support
1:36:07 PM Matt Dunagan, Deputy Director, Florida Sheriffs Association waives in support
1:36:18 PM Comments from Chair Simpson
1:36:25 PM Closure waived
1:36:29 PM Roll call by AA
1:36:38 PM CS/SB 476 reported favorably
1:36:52 PM Introduction of Tab 2 by Chair Simpson
1:37:00 PM Explanation of SB 426, Regional Rural Development Grants Program by Senator Montford
1:38:19 PM Laura Youmans, Legislative Counsel, Florida Association of Counties waives in support
1:38:28 PM Richard Gentry, Stand Up For North Florida waives in support
1:38:32 PM Roy Baker, Business Development Coordinator, Opportunity Florida waives in support
1:38:37 PM Carolyn Johnson, Policy Director, Florida Chamber of Commerce waives in support
1:38:43 PM Chris Doolin, Small County Coalition waives in support
1:38:48 PM Speaker Commissioner Terry Burroughs, Chairman, Board of Okeechobee County in support
1:39:26 PM Jeff Hendry, Executive Director, North Florida Economic Development Partnership waives in support
1:39:38 PM Senator Bradley in debate
1:40:36 PM Closure waived
1:40:40 PM Roll call by AA
1:40:46 PM SB 426 reported favorably
1:41:03 PM Introduction of Tab 3 by Chair Simpson
1:41:11 PM Explanation of SB 356, Keep Our Graduates Working Act by Senator Hutson
1:41:35 PM Introduction of Amendment Barcode No. 732784 and Substitute Amendment Barcode No. 352912
1:41:51 PM Explanation of Substitute Amendment by Senator Hutson
1:42:00 PM Comments from Chair Simpson

1:42:11 PM Closure waived
1:42:13 PM Substitute Amendment Barcode No. 351912 adopted
1:42:24 PM Comments from Chair Simpson
1:42:33 PM Speaker Gary Mousseau, Registered Nurse, National Nurses United
1:44:49 PM Phillip Suderman, Policy Director, Americans for Prosperity waives in support
1:44:58 PM Paula Littles, Florida NNOC waives in support
1:45:04 PM Carol Bowen, Associated Builders and Contractors waives in support
1:45:14 PM Christian Camera, Institute for Justice waives in support
1:45:20 PM Spencer Pyland, Greater Miami Chamber of Commerce waives in support
1:45:28 PM Jorge Chamizo, FGA Action and Associated Industries of Florida waives in support
1:45:40 PM Ron Watson, Florida Midwife Association, Florida Chiropractic-Physician Association, Florida Renal Association waives in support
1:45:57 PM Comments from Chair Simpson
1:46:04 PM Closure waived
1:46:07 PM Roll call by AA
1:46:11 PM CS/SB 356 reported favorably
1:46:31 PM Comments from Chair Simpson
1:46:38 PM Senator Farmer moves to be shown voting favorably for CS/SB 436
1:46:54 PM Comments from Chair Simpson
1:46:58 PM Senator Benacquisto moves to adjourn, without objection, meeting adjourned