

Tab 1	SB 118 by Gruters ; (Similar to H 00131) Security in Trial Court Facilities
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Tab 2	SB 128 by Wright ; Public Records/Judicial Assistants
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Tab 3	SJR 142 by Brandes (CO-INTRODUCERS) Mayfield ; Abolishing the Constitution Revision Commission
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Simmons, Chair
Senator Rodriguez, Vice Chair

MEETING DATE: Tuesday, September 17, 2019
TIME: 11:00 a.m.—12:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Simmons, Chair; Senator Rodriguez, Vice Chair; Senators Baxley, Gibson, Hutson, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 118 Gruters (Similar H 131)	Security in Trial Court Facilities; Requiring sheriffs to coordinate with certain boards of county commissioners and chief judges to develop a comprehensive plan for security of trial court facilities; specifying that sheriffs and their deputies, employees, and contractors are officers of the court under specified circumstances, etc. JU 09/17/2019 Favorable ACJ AP	Favorable Yeas 6 Nays 0
2	SB 128 Wright	Public Records/Judicial Assistants; Providing an exemption from public records requirements for certain identifying and location information of current and former judicial assistants and their spouses and children; providing a statement of public necessity, etc. JU 09/17/2019 Favorable GO RC	Favorable Yeas 6 Nays 0
3	SJR 142 Brandes	Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to abolish the Constitution Revision Commission, etc. JU 09/17/2019 Favorable GO RC	Favorable Yeas 6 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 Judiciary

BILL: SB 118

INTRODUCER: Senator Gruters

SUBJECT: Security in Trial Court Facilities

DATE: September 16, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Cibula	JU	Favorable
2.	_____	_____	ACJ	_____
3.	_____	_____	AP	_____

I. Summary:

SB 118 addresses the decision-making authority and responsibilities of two constitutional officers, the chief judge of a circuit court and the county sheriff, in providing court security. In a recent case before the Second District Court of Appeal, the court resolved the competing claims of authority and responsibility at issue in the case by holding that a chief circuit judge may require a sheriff in the circuit, because the sheriff is an officer of the court, to comply with the judge's order requiring the sheriff to provide security at court facilities.

The bill reiterates that sheriffs are officers of the court, and requires each sheriff to coordinate with his or her local chief judge and county commissioners in developing a court security plan. However, the bill provides that sheriffs retain authority to implement and provide law enforcement services associated with the plan. Finally, the bill provides that the chief judge retains decision-making authority to carry out his or her administrative functions concerning the protection of due process rights and the scheduling and conduct of trials and other judicial proceedings.

II. Present Situation:

Context: A 2017 District Court of Appeal Opinion

In 2017, a controversy arose regarding the authority of the Chief Judge of the Twelfth Circuit to require the Sarasota County Sheriff to provide security at certain court facilities.¹ This culminated in a District Court of Appeal Opinion in which the Court held that a chief circuit judge may compel the sheriffs of his or her circuit to provide security at all court facilities, including those at which no sessions of court (such as trials or hearings) are held.²

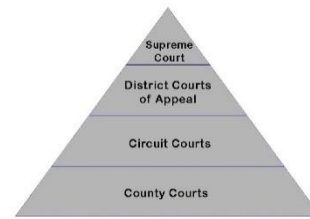
¹ See generally *Knight v. Chief Judge of Florida's Twelfth Judicial Circuit*, 235 So. 3d 996 (Fla. 2d DCA 2017).

² *Id.*

Florida's Court System

The Florida Constitution vests all judicial power in:

- The supreme court;
- The district courts of appeal;
- The circuit courts; and
- The county courts.³



The Constitution provides that “[n]o other courts may be established by the state, any political subdivision or any municipality.”⁴

Court System Administration

The Constitution vests the Florida Supreme Court with broad authority to administer the state courts system and establish court rules of procedure.⁵ The chief justice of the Florida Supreme Court is constitutionally designated as the “chief administrative officer of the judicial system.”⁶ The Constitution also directs that a chief judge be chosen for each district court of appeal and each circuit court.⁷

Chief Judge of the Circuit Court

The chief judge of the circuit court has administrative supervision responsibility for the circuit court, as well as the county courts within his or her circuit.⁸ Currently, there are 20 judicial circuits and 67 county courts, one in each of Florida’s 67 counties,⁹ as constitutionally required.¹⁰

The following maps illustrate the territorial jurisdictions of the circuit and county courts. Note, some circuits contain multiple counties, particularly in North Florida; whereas, some circuits contain only one county, particularly in the larger metropolitan areas in Central and South Florida.¹¹

³ FLA. CONST. art. V., s. 1.

⁴ *Id.* (although the Constitution permits the Legislature to establish quasi-judicial, administrative courts and a civil traffic infraction hearing officer system).

⁵ FLA. CONST. art. V, s. 2(a).

⁶ FLA. CONST. art. V, s. 2(b).

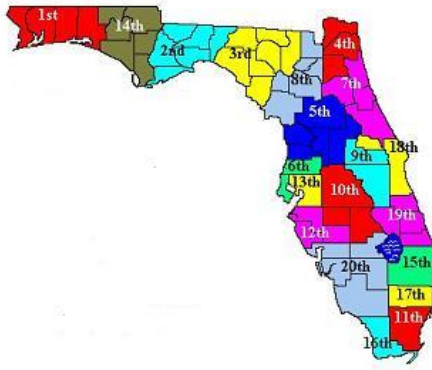
⁷ FLA. CONST. art. V, s. 2(c), (d).

⁸ FLA. CONST. art. V, s. 2(d). Additionally, the chief judge is constitutionally chosen “as provided by supreme court rule.” *Id.*

⁹ Florida Courts, *Court System Organization & Structure*, <http://www.flcourts.org/florida-courts/> (last visited Sept. 10, 2019).

¹⁰ FLA. CONST. art. V, s. 6(a) (“There shall be a county court in each county.”).

¹¹ Ron DeSantis, 46th Governor of Florida, Judicial and Judicial Nominating Commission Information, *The Florida Court System*, <https://www.flgov.com/judicial-and-judicial-nominating-commission-information/> (last visited Sept. 10, 2019).



Twenty Judicial Circuits



Sixty-Seven Counties

The chief judge exercises “administrative supervision over all the trial courts within the judicial circuit and over the judges and other officers of such courts.”¹² In exercising his or her responsibility, the chief judge has the power to:

- Assign judges to court divisions and determine the length of the assignment.
- Regulate the use of courtrooms.
- Supervise dockets and calendars.
- Require attendance of all other officers of the court.
- Do everything necessary to promote the prompt and efficient administration of justice in the courts.
- Delegate to the trial court administrator, by administrative order, the authority to bind the circuit in contract.
- Manage, operate, and oversee the jury system.
- Report data to the Chief Justice of the Supreme Court concerning the circuit’s caseload, status of dockets, disposition of cases, and other relevant information.
- Consult with the clerk of court to determine the priority of services provided by the clerk to the trial courts.¹³

County Responsibilities for Funding Court-Related Functions

Under Article V, s. 14 of the Florida Constitution, the state is responsible for most of the costs of the state courts system. However, the Constitution requires counties to:

[F]und the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and *security of facilities for the trial courts, public defenders’ offices, state attorneys’ offices, and the offices of the clerks of the circuit and county courts performing court-related functions.*¹⁴

¹² Section 43.26, F.S.

¹³ *Id.*

¹⁴ Emphasis added.

The constitutional responsibility for counties to fund court-related functions is implemented in s. 29.008, F.S., which also defines many of the key terms from the constitutional provision above. Among these terms, s. 29.008(1)(a), F.S. defines “facility” as follows:

“Facility” means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and personnel, equipment, or functions of the circuit or county courts, public defenders’ offices, state attorneys’ offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term “facility” includes all wiring necessary for court reporting services. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee. . . .

1. As of July 1, 2005, equipment and furnishings shall be limited to that appropriate and customary for courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel. Court reporting equipment in these areas or facilities is not a responsibility of the county.

2. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in the possession of the clerks, for areas other than courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. This provision does not apply to any communications services as defined in paragraph (f).

Additionally, s. 29.008(1)(e), F.S. defines “security” as follows:

“Security” includes but is not limited to, all reasonable and necessary costs of services of *law enforcement officers or licensed security guards* and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers.¹⁵

Sheriffs

Sheriffs are constitutional county officers.¹⁶ As a constitutional officer, a sheriff exercises independent authority and discretion in carrying out his or her various duties and in appointing and disciplining deputies.¹⁷ The sheriff’s duties include, among other things, conserving the county peace by suppressing riots and making arrests as necessary; and executing process on

¹⁵ Emphasis added.

¹⁶ FLA. CONST. art. VIII, s. (d).

¹⁷ See generally *Demings v. Orange County Citizens Review Bd.*, 15 So. 3d 604, 610–11 (Fla. 5th DCA 2009).

behalf of the Florida Supreme Court, circuit courts, county courts, and board of county commissioners in the sheriff's county.¹⁸

Sheriffs' Courtroom Duties

The sheriff is “the executive officer of the circuit court of the county.”¹⁹ Accordingly, the sheriff or his or her deputies must execute all service of court process in both civil and criminal matters and attend all sessions of court.²⁰ In attending all sessions of court, the sheriff or his or her deputies serve as bailiffs and take charge of the jury, carry out service of process, keep order, and so forth. And it is the sheriff, not the chief judge, who appoints any deputy to serve as a bailiff in a courtroom.²¹

Beyond the Courtroom: Security in other Court Facilities

Although sheriffs and their deputies are required to serve as bailiffs in the courtrooms around the state, unless contracted to do so with the county government, the sheriffs are not constitutionally or statutorily required to take responsibility for the security of all court facilities. Rather, county governments are responsible to provide for and fund security for court facilities and, as set out in s. 29.008(1)(e), F.S., security may be provided by “law enforcement officers” such as municipal police officers,²² or “licensed security guards.”

III. Effect of Proposed Changes:

This bill addresses the decision-making authority and responsibilities of two constitutional officers, the chief judge of a circuit court and the county sheriff, in providing court security. In a recent case before the Second District Court of Appeal, the court resolved the competing claims of authority and responsibility at issue in the case by holding that a chief circuit judge may require a sheriff in the circuit, because the sheriff is an officer of the court, to comply with the judge's order requiring the sheriff to provide security at court facilities.

The bill reiterates that sheriffs are officers of the court, and requires each sheriff to coordinate with his or her local chief judge and county commissioners in developing a court security plan. However, the bill provides that sheriffs retain authority to implement and provide law enforcement services associated with the plan. Finally, the bill provides that the chief judge retains decision-making authority to carry out his or her administrative functions concerning the protection of due process rights and the scheduling and conduct of trials and other judicial proceedings.

The bill is effective July 1, 2020.

¹⁸ See generally s. 30.15, F.S.

¹⁹ Section 26.49, F.S. See also s. 34.07, F.S. (sheriff is executive officer of county courts).

²⁰ Section 30.15(1)(a)-(c), F.S.

²¹ *State ex rel. Wainwright v. Booth*, 291 So. 2d 74, 76–77 (Fla. 2d DCA 1974), writ discharged sub nom. *Booth v. Wainwright*, 300 So. 2d 257 (Fla. 1974).

²² Section 943.10(1), F.S. (“Law enforcement officer means any 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”).

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

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill's "Government Sector" fiscal impact is indeterminate. As the primary funding source for the sheriffs, the county commissioners are required to assist in the development of the comprehensive security plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 30.15 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Gruters

23-00190-20

2020118__

1 A bill to be entitled
 2 An act relating to security in trial court facilities;
 3 amending s. 30.15, F.S.; requiring sheriffs to
 4 coordinate with certain boards of county commissioners
 5 and chief judges to develop a comprehensive plan for
 6 security of trial court facilities; specifying that
 7 sheriffs and chief judges retain certain authorities;
 8 specifying that sheriffs and their deputies,
 9 employees, and contractors are officers of the court
 10 under specified circumstances; providing an effective
 11 date.

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

15 Section 1. Subsection (4) is added to section 30.15,
 16 Florida Statutes, to read:

17 30.15 Powers, duties, and obligations.—

18 (4) (a) In accordance with each county's obligation under s.
 19 14, Art. V of the State Constitution and s. 29.008 to fund
 20 security for trial court facilities, the sheriff of each county
 21 shall coordinate with the board of county commissioners of that
 22 county and the chief judge of the circuit in which that county
 23 is located on the development of a comprehensive plan for the
 24 provision of security for trial court facilities. Each sheriff
 25 shall retain authority over the implementation and provision of
 26 law enforcement services associated with the plan. The chief
 27 judge of the circuit shall retain decision-making authority to
 28 ensure the protection of due process rights, including, but not
 29 limited to, the scheduling and conduct of trials and other

Page 1 of 2

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

23-00190-20

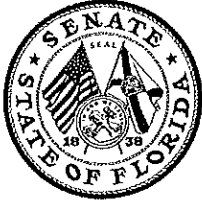
2020118__

30 judicial proceedings as part of his or her responsibility for
 31 the administrative supervision of trial courts under s. 43.26.
 32 (b) Sheriffs and their deputies, employees, and contractors
 33 are officers of the court when providing security for trial
 34 court facilities under this subsection.

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

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Banking and Insurance

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR JOE GRUTERS

23rd District

September 10, 2019

The Honorable David Simmons, Chair
Judiciary Committee
515 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simmons:

I am writing to request that Senate Bill 118, Security in Trial Court Facilities be placed on the agenda of the next Judiciary meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Joe Gruters

cc: Tom Cibula, Staff Director
Joyce Butler, Committee Administrative Assistant

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

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)

9/17/2019 Meeting Date

118 Bill Number (if applicable)

Topic Security in Trial Court Facilities

Amendment Barcode (if applicable)

Name Edward G. Labrador

Job Title Legislative Counsel

Address 100 S. Andrews Ave., Main Library - 8th Floor Phone 954-357-7575

Street Fort Lauderdale FL 33301 City State Zip

Email elabrador@broward.org

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

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

Representing Broward County

Appearing at request of Chair: [] Yes [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)

17 Sept 19

Meeting Date

118

Bill Number (if applicable)

Topic Security in Trial Court Facilities

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road

Phone 510,9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida Smart Justice Alliance

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)

9/17/19

Meeting Date

SB 118

Bill Number (if applicable)

Topic Security in Trial Court Facilities

Amendment Barcode (if applicable)

Name Tonnette Graham

Job Title Associate Director of Public Policy

Address 100 S. Monroe Street

Phone 850-922-4300

Street

Tallahassee

FL

32301

City

State

Zip

Email tgraham@fl-counties.com

Speaking: For Against Information

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

Representing FL Association of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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)

9/17/2019

Meeting Date

118

Bill Number (if applicable)

Topic Security in Trial Court Facilities

Amendment Barcode (if applicable)

Name Matt Dunagan

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
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 Judiciary

BILL: SB 128

INTRODUCER: Senator Wright

SUBJECT: Public Records/Judicial Assistants

DATE: September 16, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 128 creates a public record exemption for information that could identify or locate current or former judicial assistants and their spouses and children. Judicial assistants provide administrative, secretarial, organizational, and clerical support to an assigned judge's office. They are employed in the county and circuit courts, district courts of appeal, and the Florida Supreme Court.

The bill exempts from public disclosure the following information that relates to a current or former judicial assistant:

- A judicial assistant's address, date of birth, and telephone number.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of a judicial assistant's spouse and children.
- The names and locations of schools and day care facilities attended by a judicial assistant's children.

The bill provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect July 1, 2020.

II. Present Situation:

Public Records Law

Overview

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states:

It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

Legislative and Judicial Records

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.

Definition

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

Access

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person's right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

Exemptions

The Legislature, alone, has the authority to create an exemption to public records requirements.¹⁰ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹¹ An exemption serves an identifiable purpose if it meets one of the following statutory purposes, the Legislature finds that the purpose of the exemption outweighs open government policy, *and* the purpose cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹²
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹³ or
- It protects trade or business secrets.¹⁴

Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. Additionally, a bill enacting an exemption may not contain other substantive provisions¹⁵ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹⁶

“Confidential and Exempt” or “Exempt” Designations

When creating or expanding a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹⁷ Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature or pursuant to a court order. Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁸

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Id.*

¹² Section 119.15(6)(b)1., F.S.

¹³ Section 119.15(6)(b)2., F.S.

¹⁴ Section 119.15(6)(b)3., F.S.

¹⁵ The bill may, however, contain multiple exemptions that relate to one subject.

¹⁶ FLA. CONST., art. I, s. 24(c) and FLA. CONST., art., X, s. 12(e).

¹⁷ If the Legislature designates a record as confidential, the record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁸ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

Open Government Sunset Review Act

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁹ with specified exceptions.²⁰ It requires the automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.²¹ The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.²²

General Public Records Exemptions for State Agency Personnel

There are three general public records exemptions that apply to all state agency personnel: disclosure of an employee's (1) social security number, (2) medical information, and (3) personal identifying information of dependent children who are insured by an agency group insurance plan.²³

(1) Social Security Numbers

Social security numbers of all current and former agency personnel are confidential and exempt when held by the employing agency.²⁴ An employing agency may only release social security numbers for the following reasons:

- It is required by law.
- A receiving government agency needs the social security number to perform its duties.
- The employee consents to disclose his or her social security number.²⁵

In addition, there is a general exemption for social security numbers which applies to the public that makes social security numbers confidential and exempt.²⁶ This exemption applies to any agency that holds anyone's social security number, including those belonging to the personnel of

¹⁹ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

²⁰ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²¹ Section 119.15(3), F.S.

²² Section 119.15(6)(b), F.S. Section 119.15(6)(a), F.S., asks the Legislature to carefully question the purpose and necessity of reenacting the exemption, and specifically requires that the Legislature consider the following questions:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²³ Section 119.071(4)(a) and (b), F.S.

²⁴ Section 119.071(4)(a)1., F.S.

²⁵ Section 119.071(4)(a), F.S.

²⁶ Section 119.071(5)(a)5., F.S.

that agency. This exemption, however, permits the agency to disclose social security numbers of agency personnel in order to administer health or retirement benefits.²⁷

(2) Medical Information

An agency employee's medical information is also exempt from public disclosure if the medical information could identify the employee. This exemption applies to prospective, current and former employees.²⁸

(3) Personal Identifying Information

The personal identifying information of a dependent child of an agency employee who is insured by an agency group insurance plan is exempt from public disclosure. This exemption applies to the children of current and former employees and is also retroactively applied.²⁹

Public Records Exemptions for Enumerated Personnel

Provisions in s. 119.071(4)(d), F.S., make exempt from public disclosure the personal identification and location information of enumerated agency personnel, their spouses and their children. The employing agency as well as the employee may assert the right to the exemption by submitting a written request to each agency which holds the employee's information.³⁰ Additionally, all of these exemptions have retroactive application.³¹

Justices and Judges

The state judiciary, as established in Article V of the State Constitution, is composed of the justices of the Supreme Court and the judges in Florida's five District Courts of Appeal, 20 Circuit Courts, and 67 County Courts³² When carrying out their official duties, the judges and justices often preside over matters that are emotionally charged, whether in a trial, appeal, criminal proceeding, dependency hearing, or domestic or family law matter.

In 1991, and in an effort to protect the members of the judiciary, the Legislature enacted a public records exemption for current justices and judges and their families. The exemption protected their home addresses and telephone numbers as well as the home addresses, telephone numbers, and places of employment of their spouses and children, and the names and locations of schools and day care facilities attended by their children.³³ In 2012, the Legislature expanded this exemption to include the dates of birth of the enumerated personnel as well as their family members.³⁴ The public necessity statement provided that dates of birth can be used to perpetrate fraud and that releasing dates of birth can cause great financial harm to an individual. In addition,

²⁷ Section 119.071(5)(a)5.f. and g., F.S.

²⁸ Section 119.071(4)(b)1., F.S.

²⁹ Section 119.071(4)(b)2., F.S.

³⁰ Section 119.071(4)(d)3., F.S.

³¹ Section 119.071(4)(d)5., F.S.

³² FLA. CONST. art V. See also Florida Courts, <http://www.flcourts.org/florida-courts> (last visited Sept. 11, 2019).

³³ Ch. 91-149, Laws of Fla. Because public necessity statements were not required for public records exemptions prior to the adoption of Article I, section 24, Florida Constitution, there is no public necessity statement explaining why the exemption was created.

³⁴ Ch. 2012-149, Laws of Fla.

the Legislature expanded the exemption to include former justices and judges as well as their families. The public necessity statement for this expansion indicated that justices and judges as well as their family members can be targets of revenge and that risk continues after justices and judges complete their public service.³⁵

In 2017, the Legislature expanded this exemption to also exempt from disclosure the names of the justices' or judges' spouses and children.³⁶

Judicial Assistants

Judicial assistants are assigned to individual justices or judges to provide administrative, secretarial, and clerical support. At the trial court level in particular, the judicial assistant is generally responsible for: maintaining the judge's professional and personal calendar; coordinating with attorneys to schedule hearings and trials; prepare orders, notices, and other correspondence; and preparing financial disclosures and travel vouchers. Most significantly, trial court level judicial assistants interact "with attorneys and litigants and their family members to resolve problems such as scheduling conflicts or other case-related issues."³⁷

Based on this type of interaction, several trial court judicial assistants have reported that attorneys, litigants, or a litigant's family members have held the judicial assistant responsible for an adverse decision made by the judge. These judicial assistants reported instances of a litigant or litigant's family members showing up at the judicial assistant's home, contacting the judicial assistant on his or her personal cell phone, making threats against the judicial assistant, or naming the judicial assistant in a civil law suit.³⁸

III. Effect of Proposed Changes:

Section 1 amends s. 119.071(4)(d)2.e., F.S. to exempt certain information relating to judicial assistants from the public disclosure requirements of the public record laws. The following information for a current or former judicial assistant will be exempt:

- A judicial assistant's address, date of birth, and telephone numbers.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of a judicial assistant's spouse and children.
- The names and locations of schools and day care facilities attended by a judicial assistant's children.

Section 2 contains the public necessity statement which explains why the exemption is necessary. The public necessity statement provides that, because judicial assistants frequently do not create good will with litigants, the accused, the convicted, and their associates, judicial

³⁵ Ch. 2012-149, Laws of Fla.

³⁶ Ch. 2017-66, Laws of Fla.

³⁷Florida State Courts System Class Specification, Class Title: Judicial Assistant – Circuit Court, *Examples of Work Performed*, available at <https://www.flcourts.org/content/download/217825/1972896/Judicial-Assistant-Circuit-Court-508.pdf>. For additional job descriptions of judicial assistants at the county court, district court, and Supreme Court levels, please see <https://www.flcourts.org/content/download/217827/1972908/Judicial-Assistant-County-Court-508.pdf>, <https://www.flcourts.org/content/download/217745/1972416/Appellate-Judicial-Assistant-District-Court-508-1.pdf>, and https://www.flcourts.org/content/download/217748/1972434/Appellate_Judicial_Assistant_Supreme-Court_508.pdf.

³⁸ See Judicial Assistants Association of Florida, *JA Threats* (2019) (on file with Senate Judiciary Committee).

assistants and their families are at risk. They can become targets of fraud or revenge by disgruntled litigants who know the judicial assistants' names, their personal information, and location. For these reasons, the identifying information of former and current judicial assistants and their family members should be exempt from public disclosure.

Section 3 provides that the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c), of the State Constitution requires a two-thirds vote of each house for final passage of a bill creating an exemption to the public records requirements.³⁹ Because this bill creates an exemption for current or former judicial assistants, it requires a two-thirds vote of each house to be enacted.

Public Necessity Statement

Article I, s. 24(c), of the State Constitution requires a bill that creates an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemptions.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The public necessity statement notes that judicial assistants can create ill will with litigants through the course of their work and having their personal identifying information available publicly puts them at risk for fraud or acts of revenge. For these reasons, the exemptions do not appear broader than necessary to accomplish the stated purpose of the law.

C. Trust Funds Restrictions:

None.

³⁹ Article X, s. 12(e), of the State Constitution, Rules of Construction, states that a "Vote or other action of a legislative house . . . means the vote or action of a majority or other specified percentage of those members voting on the matter." Accordingly, this two-thirds vote requirement means a favorable two-thirds vote of the members present and voting for final passage.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Although the Office of the State Courts Administrator has not submitted a Judicial Impact Statement for this bill at this time, it did submit a Judicial Impact Statement for SB 746 in 2019, which is virtually identical to this bill. In the previous analysis, OSCA stated that it did not anticipate a judicial or court workload impact from creating public records exemptions for judicial assistants and their families.

Similarly, the Florida Court Clerks and Comptrollers have not submitted a bill analysis of this bill but did submit an analysis for SB 746 in 2019. The association did not anticipate any significant operational, policy, or fiscal impact from that bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to s. 119.15(3), F.S., the Open Government Sunset Review Act, a newly enacted or substantially amended exemption is scheduled for review and repeal by the Legislature in the 5th year after creation, unless the Legislature acts to reenact the exemption. The bill inserts the newly created exemption into an existing paragraph with other exemptions that are scheduled for review and repeal in 2024, which is the 4th year after enactment instead of the 5th year. It can be reasoned, however, that advancing the scheduled review and repeal by 1 year is not problematic because the Open Government Sunset Review Act does not apply to an exemption that applies solely to the State Court System. Additionally, the deviation from the schedule set forth in the Open Government Sunset Review Act is supported by the reasoning that a previous Legislature cannot bind a future Legislature.

VIII. Statutes Affected:

This bill substantially amends section 119.071, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Wright

14-00068-20

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements for certain identifying and
 5 location information of current and former judicial
 6 assistants and their spouses and children; providing a
 7 statement of public necessity; providing an effective
 8 date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraph (d) of subsection (4) of section
 13 119.071, Florida Statutes, is amended to read:
 14 119.071 General exemptions from inspection or copying of
 15 public records.—
 16 (4) AGENCY PERSONNEL INFORMATION.—
 17 (d)1. For purposes of this paragraph, the term:
 18 a. "Home addresses" means the dwelling location at which an
 19 individual resides and includes the physical address, mailing
 20 address, street address, parcel identification number, plot
 21 identification number, legal property description, neighborhood
 22 name and lot number, GPS coordinates, and any other descriptive
 23 property information that may reveal the home address.
 24 b. "Telephone numbers" includes home telephone numbers,
 25 personal cellular telephone numbers, personal pager telephone
 26 numbers, and telephone numbers associated with personal
 27 communications devices.
 28 2.a. The home addresses, telephone numbers, dates of birth,
 29 and photographs of active or former sworn law enforcement

Page 1 of 11

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14-00068-20

2020128__

30 personnel or of active or former civilian personnel employed by
 31 a law enforcement agency, including correctional and
 32 correctional probation officers, personnel of the Department of
 33 Children and Families whose duties include the investigation of
 34 abuse, neglect, exploitation, fraud, theft, or other criminal
 35 activities, personnel of the Department of Health whose duties
 36 are to support the investigation of child abuse or neglect, and
 37 personnel of the Department of Revenue or local governments
 38 whose responsibilities include revenue collection and
 39 enforcement or child support enforcement; the names, home
 40 addresses, telephone numbers, photographs, dates of birth, and
 41 places of employment of the spouses and children of such
 42 personnel; and the names and locations of schools and day care
 43 facilities attended by the children of such personnel are exempt
 44 from s. 119.07(1) and s. 24(a), Art. I of the State
 45 Constitution.
 46 b. The home addresses, telephone numbers, dates of birth,
 47 and photographs of current or former nonsworn investigative
 48 personnel of the Department of Financial Services whose duties
 49 include the investigation of fraud, theft, workers' compensation
 50 coverage requirements and compliance, other related criminal
 51 activities, or state regulatory requirement violations; the
 52 names, home addresses, telephone numbers, dates of birth, and
 53 places of employment of the spouses and children of such
 54 personnel; and the names and locations of schools and day care
 55 facilities attended by the children of such personnel are exempt
 56 from s. 119.07(1) and s. 24(a), Art. I of the State
 57 Constitution.
 58 c. The home addresses, telephone numbers, dates of birth,

Page 2 of 11

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14-00068-20

2020128__

59 and photographs of current or former nonsworn investigative
60 personnel of the Office of Financial Regulation's Bureau of
61 Financial Investigations whose duties include the investigation
62 of fraud, theft, other related criminal activities, or state
63 regulatory requirement violations; the names, home addresses,
64 telephone numbers, dates of birth, and places of employment of
65 the spouses and children of such personnel; and the names and
66 locations of schools and day care facilities attended by the
67 children of such personnel are exempt from s. 119.07(1) and s.
68 24(a), Art. I of the State Constitution.

69 d. The home addresses, telephone numbers, dates of birth,
70 and photographs of current or former firefighters certified in
71 compliance with s. 633.408; the names, home addresses, telephone
72 numbers, photographs, dates of birth, and places of employment
73 of the spouses and children of such firefighters; and the names
74 and locations of schools and day care facilities attended by the
75 children of such firefighters are exempt from s. 119.07(1) and
76 s. 24(a), Art. I of the State Constitution.

77 e. The home addresses, dates of birth, and telephone
78 numbers of current or former justices of the Supreme Court,
79 district court of appeal judges, circuit court judges, ~~and~~
80 county court judges, and judicial assistants; the names, home
81 addresses, telephone numbers, dates of birth, and places of
82 employment of the spouses and children of current or former
83 justices, ~~and judges, and judicial assistants~~; and the names and
84 locations of schools and day care facilities attended by the
85 children of current or former justices, ~~and judges, and judicial~~
86 assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of
87 the State Constitution.

Page 3 of 11

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14-00068-20

2020128__

88 f. The home addresses, telephone numbers, dates of birth,
89 and photographs of current or former state attorneys, assistant
90 state attorneys, statewide prosecutors, or assistant statewide
91 prosecutors; the names, home addresses, telephone numbers,
92 photographs, dates of birth, and places of employment of the
93 spouses and children of current or former state attorneys,
94 assistant state attorneys, statewide prosecutors, or assistant
95 statewide prosecutors; and the names and locations of schools
96 and day care facilities attended by the children of current or
97 former state attorneys, assistant state attorneys, statewide
98 prosecutors, or assistant statewide prosecutors are exempt from
99 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

100 g. The home addresses, dates of birth, and telephone
101 numbers of general magistrates, special magistrates, judges of
102 compensation claims, administrative law judges of the Division
103 of Administrative Hearings, and child support enforcement
104 hearing officers; the names, home addresses, telephone numbers,
105 dates of birth, and places of employment of the spouses and
106 children of general magistrates, special magistrates, judges of
107 compensation claims, administrative law judges of the Division
108 of Administrative Hearings, and child support enforcement
109 hearing officers; and the names and locations of schools and day
110 care facilities attended by the children of general magistrates,
111 special magistrates, judges of compensation claims,
112 administrative law judges of the Division of Administrative
113 Hearings, and child support enforcement hearing officers are
114 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
115 Constitution.

116 h. The home addresses, telephone numbers, dates of birth,

Page 4 of 11

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14-00068-20 2020128__
 117 and photographs of current or former human resource, labor
 118 relations, or employee relations directors, assistant directors,
 119 managers, or assistant managers of any local government agency
 120 or water management district whose duties include hiring and
 121 firing employees, labor contract negotiation, administration, or
 122 other personnel-related duties; the names, home addresses,
 123 telephone numbers, dates of birth, and places of employment of
 124 the spouses and children of such personnel; and the names and
 125 locations of schools and day care facilities attended by the
 126 children of such personnel are exempt from s. 119.07(1) and s.
 127 24(a), Art. I of the State Constitution.

128 i. The home addresses, telephone numbers, dates of birth,
 129 and photographs of current or former code enforcement officers;
 130 the names, home addresses, telephone numbers, dates of birth,
 131 and places of employment of the spouses and children of such
 132 personnel; and the names and locations of schools and day care
 133 facilities attended by the children of such personnel are exempt
 134 from s. 119.07(1) and s. 24(a), Art. I of the State
 135 Constitution.

136 j. The home addresses, telephone numbers, places of
 137 employment, dates of birth, and photographs of current or former
 138 guardians ad litem, as defined in s. 39.820; the names, home
 139 addresses, telephone numbers, dates of birth, and places of
 140 employment of the spouses and children of such persons; and the
 141 names and locations of schools and day care facilities attended
 142 by the children of such persons are exempt from s. 119.07(1) and
 143 s. 24(a), Art. I of the State Constitution.

144 k. The home addresses, telephone numbers, dates of birth,
 145 and photographs of current or former juvenile probation

14-00068-20 2020128__
 146 officers, juvenile probation supervisors, detention
 147 superintendents, assistant detention superintendents, juvenile
 148 justice detention officers I and II, juvenile justice detention
 149 officer supervisors, juvenile justice residential officers,
 150 juvenile justice residential officer supervisors I and II,
 151 juvenile justice counselors, juvenile justice counselor
 152 supervisors, human services counselor administrators, senior
 153 human services counselor administrators, rehabilitation
 154 therapists, and social services counselors of the Department of
 155 Juvenile Justice; the names, home addresses, telephone numbers,
 156 dates of birth, and places of employment of spouses and children
 157 of such personnel; and the names and locations of schools and
 158 day care facilities attended by the children of such personnel
 159 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 160 Constitution.

161 l. The home addresses, telephone numbers, dates of birth,
 162 and photographs of current or former public defenders, assistant
 163 public defenders, criminal conflict and civil regional counsel,
 164 and assistant criminal conflict and civil regional counsel; the
 165 names, home addresses, telephone numbers, dates of birth, and
 166 places of employment of the spouses and children of current or
 167 former public defenders, assistant public defenders, criminal
 168 conflict and civil regional counsel, and assistant criminal
 169 conflict and civil regional counsel; and the names and locations
 170 of schools and day care facilities attended by the children of
 171 current or former public defenders, assistant public defenders,
 172 criminal conflict and civil regional counsel, and assistant
 173 criminal conflict and civil regional counsel are exempt from s.
 174 119.07(1) and s. 24(a), Art. I of the State Constitution.

14-00068-20

2020128__

175 m. The home addresses, telephone numbers, dates of birth,
 176 and photographs of current or former investigators or inspectors
 177 of the Department of Business and Professional Regulation; the
 178 names, home addresses, telephone numbers, dates of birth, and
 179 places of employment of the spouses and children of such current
 180 or former investigators and inspectors; and the names and
 181 locations of schools and day care facilities attended by the
 182 children of such current or former investigators and inspectors
 183 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 184 Constitution.

185 n. The home addresses, telephone numbers, and dates of
 186 birth of county tax collectors; the names, home addresses,
 187 telephone numbers, dates of birth, and places of employment of
 188 the spouses and children of such tax collectors; and the names
 189 and locations of schools and day care facilities attended by the
 190 children of such tax collectors are exempt from s. 119.07(1) and
 191 s. 24(a), Art. I of the State Constitution.

192 o. The home addresses, telephone numbers, dates of birth,
 193 and photographs of current or former personnel of the Department
 194 of Health whose duties include, or result in, the determination
 195 or adjudication of eligibility for social security disability
 196 benefits, the investigation or prosecution of complaints filed
 197 against health care practitioners, or the inspection of health
 198 care practitioners or health care facilities licensed by the
 199 Department of Health; the names, home addresses, telephone
 200 numbers, dates of birth, and places of employment of the spouses
 201 and children of such personnel; and the names and locations of
 202 schools and day care facilities attended by the children of such
 203 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of

Page 7 of 11

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14-00068-20

2020128__

204 the State Constitution.

205 p. The home addresses, telephone numbers, dates of birth,
 206 and photographs of current or former impaired practitioner
 207 consultants who are retained by an agency or current or former
 208 employees of an impaired practitioner consultant whose duties
 209 result in a determination of a person's skill and safety to
 210 practice a licensed profession; the names, home addresses,
 211 telephone numbers, dates of birth, and places of employment of
 212 the spouses and children of such consultants or their employees;
 213 and the names and locations of schools and day care facilities
 214 attended by the children of such consultants or employees are
 215 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 216 Constitution.

217 q. The home addresses, telephone numbers, dates of birth,
 218 and photographs of current or former emergency medical
 219 technicians or paramedics certified under chapter 401; the
 220 names, home addresses, telephone numbers, dates of birth, and
 221 places of employment of the spouses and children of such
 222 emergency medical technicians or paramedics; and the names and
 223 locations of schools and day care facilities attended by the
 224 children of such emergency medical technicians or paramedics are
 225 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 226 Constitution.

227 r. The home addresses, telephone numbers, dates of birth,
 228 and photographs of current or former personnel employed in an
 229 agency's office of inspector general or internal audit
 230 department whose duties include auditing or investigating waste,
 231 fraud, abuse, theft, exploitation, or other activities that
 232 could lead to criminal prosecution or administrative discipline;

Page 8 of 11

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14-00068-20 2020128__

233 the names, home addresses, telephone numbers, dates of birth,
 234 and places of employment of spouses and children of such
 235 personnel; and the names and locations of schools and day care
 236 facilities attended by the children of such personnel are exempt
 237 from s. 119.07(1) and s. 24(a), Art. I of the State
 238 Constitution.

239 s. The home addresses, telephone numbers, dates of birth,
 240 and photographs of current or former directors, managers,
 241 supervisors, nurses, and clinical employees of an addiction
 242 treatment facility; the home addresses, telephone numbers,
 243 photographs, dates of birth, and places of employment of the
 244 spouses and children of such personnel; and the names and
 245 locations of schools and day care facilities attended by the
 246 children of such personnel are exempt from s. 119.07(1) and s.
 247 24(a), Art. I of the State Constitution. For purposes of this
 248 sub-subparagraph, the term "addiction treatment facility" means
 249 a county government, or agency thereof, that is licensed
 250 pursuant to s. 397.401 and provides substance abuse prevention,
 251 intervention, or clinical treatment, including any licensed
 252 service component described in s. 397.311(26).

253 t. The home addresses, telephone numbers, dates of birth,
 254 and photographs of current or former directors, managers,
 255 supervisors, and clinical employees of a child advocacy center
 256 that meets the standards of s. 39.3035(1) and fulfills the
 257 screening requirement of s. 39.3035(2), and the members of a
 258 Child Protection Team as described in s. 39.303 whose duties
 259 include supporting the investigation of child abuse or sexual
 260 abuse, child abandonment, child neglect, and child exploitation
 261 or to provide services as part of a multidisciplinary case

14-00068-20 2020128__

262 review team; the names, home addresses, telephone numbers,
 263 photographs, dates of birth, and places of employment of the
 264 spouses and children of such personnel and members; and the
 265 names and locations of schools and day care facilities attended
 266 by the children of such personnel and members are exempt from s.
 267 119.07(1) and s. 24(a), Art. I of the State Constitution.

268 3. An agency that is the custodian of the information
 269 specified in subparagraph 2. and that is not the employer of the
 270 officer, employee, justice, judge, or other person specified in
 271 subparagraph 2. shall maintain the exempt status of that
 272 information only if the officer, employee, justice, judge, other
 273 person, or employing agency of the designated employee submits a
 274 written request for maintenance of the exemption to the
 275 custodial agency.

276 4. An officer, an employee, a justice, a judge, or other
 277 person specified in subparagraph 2. may submit a written request
 278 for the release of his or her exempt information to the
 279 custodial agency. The written request must be notarized and must
 280 specify the information to be released and the party that is
 281 authorized to receive the information. Upon receipt of the
 282 written request, the custodial agency shall release the
 283 specified information to the party authorized to receive such
 284 information.

285 5. The exemptions in this paragraph apply to information
 286 held by an agency before, on, or after the effective date of the
 287 exemption.

288 6. This paragraph is subject to the Open Government Sunset
 289 Review Act in accordance with s. 119.15 and shall stand repealed
 290 on October 2, 2024, unless reviewed and saved from repeal

14-00068-20

2020128__

291 through reenactment by the Legislature.

292 Section 2. The Legislature finds that it is a public
293 necessity that the home addresses, dates of birth, and telephone
294 numbers of current or former judicial assistants; the names,
295 home addresses, telephone numbers, dates of birth, and places of
296 employment of the spouses and children of such judicial
297 assistants; and the names and locations of schools and day care
298 facilities attended by the children of such judicial assistants
299 be made exempt from s. 119.07(1), Florida Statutes, and s.
300 24(a), Article I of the State Constitution. Such identifying and
301 location information can be used as a tool to perpetuate fraud
302 against an individual and to acquire sensitive personal,
303 financial, medical, and familial information, the release of
304 which could cause great financial harm to the individual. In the
305 course of assisting in making rulings, entering judgments,
306 imposing sentences, or reviewing cases, judicial assistants
307 frequently do not create good will with litigants, the accused,
308 the convicted, and their associates and families, thus making
309 the judicial assistants, and their spouses and children, targets
310 for acts of revenge. This risk continues after judicial
311 assistants complete their public service. Disgruntled
312 individuals may wait to commit an act of revenge until the
313 employment of a judicial assistant ends. If such identifying and
314 location information is released, the safety of current or
315 former judicial assistants and their spouses and children could
316 be seriously jeopardized. For these reasons, the Legislature
317 finds that it is a public necessity that such information be
318 made exempt from public records requirements.

319 Section 3. This act shall take effect July 1, 2020.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Military and Veterans Affairs and Space, *Chair*
Children, Families, and Elder Affairs
Commerce and Tourism
Environment and Natural Resources

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR TOM A. WRIGHT
14th District

September 4, 2019

The Honorable David Simmons
404, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 128 – Public Records/Judicial Assistants

Dear Chair Simmons:

Senate Bill 128, relating to Public Records/Judicial Assistants has been referred to the Judiciary Committee. I am requesting your consideration on placing SB 128 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Tom A. Wright".

Tom A. Wright, District 14

cc: Tom Cibula, Staff Director of the Judiciary Committee
Joyce Butler, Administrative Assistant of the Judiciary Committee

REPLY TO:

4606 Clyde Morris Blvd., Suite 2-J, Port Orange, Florida 32129 (386) 304-7630
 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

CIRCUIT	THREAT
6 TH CIRCUIT - CLEARWATER - JJ	<p>My Judge served as a referee in a case with the Florida bar. During the 2nd day of hearings where she was going to disbar the attorney, he brought a loaded 45 gun with extra magazines through security. He was stopped and apprehended however, for the year leading up to the hearing, I had contact with him as he was pro se. My name is on all of the letterhead and business cards for my Judge.</p> <p>In addition to speaking to the defendants, I speak to victims as we are on our 5th year of domestic violence criminal court so I am the one that is blamed for ruined families. Sadly, growing up in this area, I have seen multiple arrests of people from high school and a former neighborhood. It just exposes us too much now.</p>
2 nd DCA-JO	<p>I had to prepare an order once that prevented an individual from pulling money from his account. That individual showed up and also called several times threatening me. We had to get the HCSO involved and his picture had to be put up in the courthouse with the hopes that he would not get through to my office. Being a Judicial Assistant can be just as threatening at times. We are the gateway to our Judges</p>
1 ST CIRCUIT - PENSACOLA-KA	<p>I have defendant's families friend me and send me messages on Facebook all the time. It really freaks me out. But I know that is just all part of being on social media.</p> <p>It has always worried me that all anyone has to do is a google search of my Judge's name and it pulls up my name also. Then all they have to do is pull up my name on property records, etc. to pull up my home address, etc. or type my name in on "anywho" to pull up my address and phone number. It's really scary.</p> <p>My Judge sentences murderers, drug addicts and thieves, if they get mad enough and can't find out the judge's information, they just might come after the JA.</p>
18 TH CIRCUIT - VIERA-NA	<p>When I was married to my ex-husband. He is a deputy at the jail, in many instances the inmates were so smart that they would figure out in their orders, or paperwork that my last name was the same as his. Somehow they knew I was married to him and who I worked for. Couple of years ago, an inmate told my ex, "when I come out I will go to your house because I know where you live and rape your wife Nina Aponte and make you watch it." Even if it was just talk...these inmates receive paperwork with our names on there, they can easily find where we live.</p>
6 TH CIRCUIT - CLEARWATER - AF	<p>As my name is a little unusual, it would be very easy to find me, if one knew how to look. I have been a JA since 1997 and recall at least once that I had to call deputies to patrol my neighborhood when I was frightened by a criminal defendant. I usually refuse to give my last name when speaking to defendants or their families on the phone, but again, if one knows where to look, they can easily find my last name.</p>
1 ST CIRCUIT - PENSACOLA-KA	<p>R. Ardis has numerous cases in our county. If he doesn't like the ruling he will file lawsuits on Judges and also list the Judge's JA's names in the lawsuits. He has threatened my Judge and his family, along with several other Judges here in Escambia County. He is a very scary individual. I wouldn't put it past him to wait until we got off work and follow a JA home. He has found out where some judges live and have mentioned it in emails and</p>

	documents before. If he can find their addresses, he can certainly find the JAs addresses that aren't protected.
1 ST CIRCUIT - MILTON-NM	<p>There is a man in our circuit deemed a vexatious litigant by the DCA and by Circuit Court Judge Bergosh. This man has sued almost every judge in Escambia County, and a few judicial assistants, including myself. This person has a family law case before Judge Dickey. A 2009 family law case involving his child - who is 9 years old.</p> <p>Long story short, former wife was granted authorization to relocate to Tampa from Pensacola (Tampa is approx. 450 miles from Pensacola). The distance restricted the former husband's contact w/ his son, who is autistic and enrolled in a special program for autistic children at USF. Basically, this person feels like he lost everything.</p> <p>It was the granting of the former wife's relocation that triggered the former husband. He stated in a voice mail message to the maternal grandmother that he was a man with nothing to lose (this was admitted into evidence in the DV case). The former husband emailed me an answer to Judge Dickey's order to show cause and in it he described where Judge Dickey lived and said a lesser person in his shoes would grab Judge Dickey on her way to the check the mail, pull her hair back, tilt her neck back and slice her throat from ear to ear. He also described in great detail how a person could hire a hit man using bitcoins and a TOR browser to kill her.</p> <p>No, I am not the judge but I am the one who answers the phone when he calls. A judicial assistant is an extension of their judge so it would be very appreciated if judicial assistants could have their personal info and their family's info protected.</p> <p>This man was arrested for threatening Judge Dickey. But it made me wonder how he was able to find her information, so I decided google her name. Her address appeared using google. So, then I googled my name and my address populated. Then, what sickened me, was my house's Zillow listing and all its photos populated.</p>
1 ST CIRCUIT - DEFUNIAK SPRINGS-DA	<p>I have been working for Judge Wells for 15 years and throughout those years I have had numerous defendants contact me via my home phone, cell phone and even show up at my house to try and get me to persuade the Judge to rule differently for them. The one incident that really stood out for me is the following:</p> <p>A defendant, a habitual offender was looking at 11month 29 days jail sentence. A few days before he was to be sentenced he showed up at my house very drunk. Only myself and young daughter were there. I told her to stay inside. I managed to keep him on my front porch and he insisted that I could make the Judge change his sentence. I tried to explain that was not possible and to keep him from getting any more upset. He was belligerent, refusing to leave and not wanting to listen to anything I said. I was very afraid. Thankfully, my sister just happened to drive up to my house shortly after he had gotten there. He immediately left. The next day, we learned that he had committed suicide by blowing his head off with a shotgun. I have never really gotten over this, it could have so easily been another scenario. One where he decided that he would take my life and possibly my daughter's life and his own.</p>

<p>17th CIRCUIT- PLANTATION - PG</p>	<p>I was the victim of numerous threats from a Defendant in a Tenant Eviction case. The Defendant eventually went to jail because of his threats and I as well as my Judge had to testify. It was a nightmare on top of being extremely scary for myself and my family. He left messages on the answering machine at the office and threatened to kill me, and my family. The case is documented in the 17th Circuit.</p>
<p>17th CIRCUIT- FT. LAUDERDALE - AQ</p>	<p>My Judge was threatened and the man threatening him also threatened me. (The man harassed many judges in the Broward courthouse and now is in jail pending trial.) It has turned into a criminal case. I had to sit for a depo and will be called to testify in trial.</p> <p>You can read more about the case in the article below.</p> <p>https://www.miamiherald.com/news/local/community/broward/article162469033.html</p>
<p>17th CIRCUIT-FT. LAUDERDALE - WM</p>	<p>A few years ago, I had 3 young people showed up to my home harassing me and saying I had stolen their car. I immediately called the police. It turned out there was a fatality DUI that happened up the block from me and the driver was a defendant before my judge. I was contacted several times by BSO and eventually I was advised the individuals found me on line and were family of the defendant</p>
<p>20th CIRCUIT - FORT MYERS - LT</p>	<p>We have a case pending in Lee County where the Defendant (Randall Thomas Rosado, 16CF275) has 15 pending charges for the following:</p> <ul style="list-style-type: none"> -Obstructing Justice Influence/Intimidate/Hinder Leo Duties -Fraud Simulate Legal Process Fraudulent Actions <p>The victims in this case include Judges, The Clerk of Court, Attorneys, a CFO and a CEO. The charges allege that the victims were all targeted by the Defendant. It is a general fear to have my name listed on any of the court documents due to his current pending charges as I do not want to become one of his victims.</p> <p>I work for Judge Fuller and Judge Fuller is one of the victims in this particular case. It is alleged that the defendant did simulate legal process to wit: fictitious documents from the "International Court of Commerce," which target Circuit Judge Joseph Fuller and include actions affecting title to real estate or personal property, liens, orders, judgments, or other legal documents or proceedings or the basis of any such actions to be fraudulent, contrary to Florida Statute(s) 843.0855(3); 777.011. Judge Fuller was recently served with a summons in this case and they requested I sign the summons and requested my full name be listed on the summons. I requested that the summons simply say it was served on Judicial Assistant to prevent my name from appearing on any documents in the case.</p> <p>If I remember correctly, this Defendant was able to successfully place a lien against Judge Fuller in Pinellas County. A Civil lawsuit was filed to get this lien set aside. This is even more scary because Judge Fuller's personal information is kept confidential and the Defendant was still able to obtain enough information to place a lien against him. Since my information is all public it would be much easier for the defendant to place a lien against me.</p>

	<p>We currently handle felony cases and deal with a large number of convicted felons. I am required to interact with the defendants on a daily basis and I often have to tell them things they do not want to hear. They are often very upset with me because I am not able to give them legal advice, I cannot allow them to speak with the judge on the phone, I cannot give them expedited hearing time or just simply because the ruling the court gave was not in their favor.</p>
<p>17th CIRCUIT-FT. LAUDERDALE - JS</p>	<p>1. While working for my prior judge who happened to be in the middle of a lengthy divorce and domestic violence case, one of the parties somehow obtained my cell phone number and called me wanting to talk about the cases. After that judge retired, a new judge took over the case and even though I have been away from that division for 3 years, the same litigant called me once again on my cell phone. This was about 3 months ago. She wanted information about the new staff working on the case and I was worried that she was going to be waiting at my home to try to speak to me about the case.</p> <p>2. A few years ago our division was handing a child custody case and one of the parties started harassing me by leaving 50-80 voice mail messages after hours each night and over the weekends. The judge hearing the case entered an order preventing the litigant entry into the court house. She was still able to enter the court house, walk into my office and right up to my desk and threaten me. She was detained by police and then arrested for battery on a law enforcement officer. I was afraid of her because she projected all of her feelings that she had about the judge on to me because she had better access to me. I was fearful that she would look up property records and find my home.</p>
<p>2ND DCA - CA</p>	<p>I had a situation about a year ago, when an attorney (Steven Fox) in Sarasota harassed me to the point the Judge I was working with at the time, told me to stop answering the phone. He was mad because he promised his client something, but his motion was denied by the judge. He was upset that he couldn't get the judge, so he decided to come after me. He was crying and screaming every time he called. He would call from three different phone numbers to get me to answer him. The last time I spoke to him, he threatened to look up my personal information, and file a lawsuit against me.</p>
<p>9TH CIRCUIT - ORLANDO -JH</p>	<p>I have had an experience with a Respondent in a Domestic case that my Judge and I have had. This Respondent would call and fill our voicemail with loud music nightly. He started leaving messages giving detailed information about the Judge's personal life. Enough detail that it showed us that he was doing his research. His calls to me in the office would become more and more aggressive. He was trespassed from the building and was only allowed to be here when he would have a court date. He became so well known here in our large courthouse that when any deputy would see him, though he was here for court, the deputies would call me to let me know so that I would stay in my office unless I absolutely had to go out. The Sheriff's Office did an investigation into the harassment that became a daily issue for my Judge and I. His picture was posted in our office.</p> <p>This Respondent knew my name but did not know me by sight. I walked around the courthouse with my hand over my name badge so that when he was here he would not know who I was.</p>

	<p>The Sheriff's Office was able to gather enough evidence to hand over to the State Attorney who did charge him with harassment of a public official. The case went to a jury trial and the Judge and I had to testify. This was the first time this Respondent had seen me and it was extremely uncomfortable to know that he now knows what I look like. The jury found him guilty as charged and he was given a jail sentence.</p> <p>These are the types of people that concern me and with the information age what it is today, I fear for my personal information to be public</p>
<p>9TH CIRCUIT - ORLANDO - LH</p>	<p>I was sitting at my desk one morning when I received this text attached. It was very early and I was probably the only person in the building. I had no idea who this was from and needless to say I was pretty shocked and a little disturbed by it. I immediately contacted the corporal for the criminal division to report it to him. He came to my office and took this screenshot. He said he would look into it but didn't seem that concerned by it and told me to ignore it. I, of course told my Judge about it.</p> <p>I researched the case number and found out that the case referenced was set for arraignment that day so I contacted the State attorney to try to get more info. Apparently, whoever sent this was "probably" the victim in the identity theft case that was set. I reached out to the defense attorney for that case and he said he also was receiving threats of sort via email, personal texts, etc.. from this person and they were actually a co-defendant for this case. Confused? Me too.</p> <p>My main concern was how the heck they got my personal cell phone number? I was scared because the Judges receive threatening letters all the time, which we as JAs open. We're the person they call to gripe to. They know our names and due to social media and the accessibility to same, it is easy to find our info, family members info, etc... Please express the importance of our personal safety concerns. Thank you so much.</p>
<p>9TH CIRCUIT - ORLANDO - ML</p>	<p>My judge has had threats made against her from an inmate who said he was in a gang and his gang would kill her, chop up her body and her family would never find her. When you are dealing with people of that mentality it is not unreasonable to believe if they can't find the judge they will get at the judge by attacking the judge's assistant.</p>
<p>9TH CIRCUIT - ORLANDO-LM</p>	<p>I don't have the specific case # or defendant, but when I was in Civil I had to call and tell someone his Motion to Stay was denied. He asked, "What time does your shift end?" Needless to say, since we give our names when we call, he could easily look up my information if he so desired. In County Civil, we had to make those types of calls almost on a daily basis.</p>
<p>9TH CIRCUIT - ORLANDO - LS</p>	<p>A girl that was on our list to bring in as a temporary substitute JA if we were out of the office was removed from the list because she was doing some crazy things while in the offices. She mistakenly thought I was to blame (it was another JA as I had never used her in my office). One evening I came out of my garage and she was at the end of my driveway staring at me. I live an hour from the courthouse so it was no accident that she was at my house. I reported it and then asked court administration to remove my personal</p>

	<p>information from any address lists, including ones that the other JAs may have. I now only give my personal information to those I know I can trust.</p> <p>When I worked for Judge Cohen we had a defendant that was charged with attempted murder, stalking, etc. Throughout the pendency of the case he threatened the judge and staff constantly. He went to victims houses and watched them prior to trial. Eventually he was tried, while representing himself, and sent to prison. He continued to send letters to the Court with threats while in prison. Upon release from prison several years later, he was transported back from DOC and told to report directly to probation a block away from where he was released. They had deputies watching him and instead of reporting to probation, he walked towards the courthouse. We were put on lock down until they detained him and a VOP warrant was issued and signed for failure to report. He was put back in prison for VOP. I had his mug shot on the bulletin board for years so others would know he was a problem if he should return for any reason.</p> <p>Recently, Judge Munyon had a RICO case where MBI would come to the office weekly and give reports and have the Judge sign warrants, phone orders, etc. This went on for several months. During the investigation it was determined that the defendants were threatening witnesses and dismembering people involved in the case. The investigators would warn the judge and she was concerned that her signature was on all these documents but felt a little safer since her personal information was private. It didn't make me feel the same as my information is public record and could be obtained by anyone in attempt to get to her.</p>
12 th CIRCUIT - JH	I've never had an issue that I can recall off the top of my head, but I know of someone that was contacted from an inmate in custody on her home phone since her name was on a document. I've always felt this is an issue. There are other people that are afforded privacy due to their job - probation officers, JPO's, etc - and I think if it's looked from that angle, it may be better understood where we are coming from.
12 th CIRCUIT - MM	Over the past 9 years I have received threatening phone calls from a man named Patrick Guinan and have been threatened and cussed at approximately 10 other times by pro se litigants and their family members. He has left numerous voice messages threatening the Judge and me.
12 th CIRCUIT - PL	
5 th CIRCUIT - TAVARES-SM	Several years ago, my judge and I were notified by the Sheriff's department that one of the defendants had made threats against us and were actually following both of us to our homes.
2 nd CIRCUIT - TALLAHASSEE-KP	<p>I originally worked as the JA for Judge George Reynolds before being hired to work as the JA for Judge Frank Allman. In 2015/16 Judge Reynolds presided over a case involving Florida's bears and how they should be managed. It involved the Florida Wildlife Commission requesting approval to allow a hunt for black bears. There were several people and organizations who opposed the hunt including the Sierra Club.</p> <p>I received emails through my work email, one of which was a bit personal from Scott Richards (sandsrwe@yahoo.com) who commented "[E]njoy that a gov'ment paycheck, huh? Bet you</p>

	<p>do... ." The subject line was "Kelly & George, the idiot team" which initially made me laugh until I read his message. It was a bit disconcerting to become the focus of this man's attention. There were protests outside the courthouse regarding the case. My response was to forward all similar emails to our Court Administration Director so that security would be aware of any possible threats.</p> <p>The emails weren't sent to my personal email, but it made me much more aware that if someone wanted to find me it wouldn't be that difficult.</p> <p>[Obviously, Mr. Richards wasn't aware that Circuit Court JAs (and County Court JAs) salaries are near the poverty level, but I love my job and balance happy job with not so happy paycheck.]</p>
<p>2ND CIRCUIT – APALACHICOLA- LW</p>	<p>Several years ago, we had a local Defendant who was sentenced to Chattahoochee for murdering his grandmother. The Circuit Court handled the case but somehow the Defendant got it in his head it was Judge Russell. After being in Chattahoochee some time; they let him use the phone and every morning he would call our office wanting to talk to the Judge and every day I would have to explain why he could not talk to the Judge. He would get very angry and upset with me and if I did not answer the phone; he would take up my entire answering machine space with his rambling messages. His father was a retired post office clerk who came by my office and told me how upset his son was with me and how the father thought I should know in case they let him out. I did finally call Chattahoochee and had his telephone privileges modified so he could not call our office.</p>

THE FLORIDA SENATE
APPEARANCE RECORD

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

9/17/19

Meeting Date

SB128

Bill Number (if applicable)

Topic Public Records Exemption - JA's

Amendment Barcode (if applicable)

Name Alison Dudley

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Speaking: For Against Information

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

Representing Judicial Assistants Asc of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SJR 142

INTRODUCER: Senator Brandes

SUBJECT: Abolishing the Constitution Revision Commission

DATE: September 16, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Cibula	JU	Favorable
2.			GO	
3.			RC	

I. Summary:

SJR 142 abolishes the Constitution Revision Commission by repealing provisions establishing it in the Florida Constitution. Currently, the Constitution requires that a Constitution Revision Commission be convened once every 20 years to examine the Constitution and propose any amendments that it deems appropriate.

As a joint resolution, this legislation must be agreed to by three-fifths of the membership of each house of the Legislature. Then, the constitutional amendment proposed in the resolution will be placed on the 2020 General Election ballot, and will take effect if approved by at least 60 percent of the votes cast on the measure.

II. Present Situation:

Overview

The Florida Constitution requires that a Constitution Revision Commission be established every 20 years and that it have the authority to propose to voters a revision of all or any part of the Florida Constitution. The most recent Commission convened in 2017-2018, and proposed seven amendments to the Florida Constitution which appeared on the 2018 General Election ballot.

Context – Multi-Subject Amendments on the 2018 General Election Ballot

At least two of the seven Commission-proposed amendments that appeared on the 2018 General Election ballot were regarded by many voters as containing at least two unrelated subjects.¹ This

¹ See, e.g., The News Service of Florida, *Constitutional Amendments? One subject only, please*, THE GAINESVILLE SUN (Nov. 23, 2018), <https://www.gainesville.com/news/20181123/constitutional-amendments-one-subject-only-please>; see generally, The News Service of Florida, *There's now a push to repeal the Florida Constitution Revision Commission*,

frustrated those voters, including some lawmakers, who had to choose whether to vote for an amendment that combined changes they liked with unrelated changes that they did not like.²

Examples of Commission-proposed amendments that many regarded as multi-subject were amendment 9 and amendment 6. Amendment 9 combined a ban on oil-drilling in state seawaters with a ban on “vaping” in indoor workplaces. Amendment 6 combined what many regarded as three different subjects: a crime-victim-rights proposal, a prohibition on judges deferring to agencies’ interpretation of statutes or rules, and a 5-year increase in the mandatory retirement age for judges.

Constitution Revision Commission

Origin and History

The Florida Constitution was revised extensively in 1968 by way of three joint resolutions proposed by the Legislature and approved by the voters. The revisions included the establishment of the Constitution Revision Commission as a means of proposing constitutional revisions to the voters, and the requirement that it convene once every 20 years, beginning in 1977. Accordingly, three Commissions have convened: in 1977-1978, 1997-1998, and most recently in 2017-2018.³

Members

The Constitution requires that the Commission be comprised of 37 members, and it provides guidelines for the selection of these members. The Attorney General must serve on the Commission, and the rest of the members must be chosen by the Governor (15), Speaker of the House (9), President of the Senate (9), and the Chief Justice of the Florida Supreme Court (3). Additionally, the Governor must appoint a chair from among the 37 members.⁴

Task, Procedures, and Authority

The Commission’s task is to examine the Constitution and decide which, if any, amendments to propose to the voters. The amendments must be submitted to the Secretary of State at least 180 days before the next general election.⁵ In turn, the amendments must be submitted to the voters at the next general election held more than 90 days after submission to the Secretary of State. To

ORLANDO WEEKLY (Jan. 18, 2019), <https://www.orlandoweekly.com/Blogs/archives/2019/01/18/theres-now-a-push-to-repeal-the-florida-constitution-revision-commission>.

² See Brendan Rivers and News Service of Florida Staff, *Bill Filed to Ban Bundled Amendments from Constitution Revision Commission*, WJCT FIRST COAST CONNECT (Nov. 26, 2018), <http://news.wjct.org/post/bill-filed-ban-bundled-amendments-constitution-revision-commission>; see generally, Editorial Board, *Florida’s constitutional amendments: Vote ‘yes’ on 4 and 11, ‘no’ on rest*, TALLAHASSEE DEMOCRAT (Oct. 7, 2018), <https://www.tallahassee.com/story/opinion/editorials/2018/10/07/floridas-amendments-yes-4-and-11-no-rest-our-opinion/1494375002/> (arguing that amendment 6 and amendment 9 each included a proposal worthy of approval, but should be voted against on account of at least one unworthy proposal in each); Kelley H. Armitage, *Constitution Revision Commissions Avoid Logrolling, Don’t They?*, 72 FLA. B.J. 62 (Nov. 1998) (arguing that the Constitution Revision Commission does not have sufficient safeguards against logrolling).

³ Constitution Revision Commission, *History*, <https://crc.law.fsu.edu/about/history.html> (last visited Sept. 11, 2019).

⁴ FLA. CONST. art. XI, s. 2.

⁵ FLA. CONST. art. XI, s. 2.

become effective, an amendment must be approved by at least 60 percent of the votes cast on the measure.⁶

The constitutional provision giving rise to the Commission does little to prescribe how a Commission must go about its task. Indeed, it says only that the Commission must convene at the call of its chair, adopt rules of procedure, and “hold [an unspecified number of] public hearings.”⁷

The Constitution May Be Amended Only through the Processes it Prescribes

The Constitution provides that it may be amended if the voters approve an amendment originating from one of five sources: the Legislature, the Constitution Revision Commission, a citizen initiative, a constitutional convention, or the Taxation and Budget Reform Commission.⁸

And the Supreme Court has stated that these processes are the *only* ways by which it may be amended:

The Constitution is the charter of our liberties. It cannot be changed, modified or amended by [governmental] fiat. It provides within itself the only method for its amendment, and . . . When a constitution directs how a thing shall be done, that is in effect a prohibition to its being done in any other way.⁹

Joint Resolution

A joint resolution by the Legislature is one of the ways in which an amendment to the Florida Constitution may originate.¹⁰ Like a bill, it may begin in either house of the Legislature.

To pass out of the Legislature and be submitted to the voters, a joint resolution must be agreed to by three-fifths of the membership of each house.¹¹ Unless expedited by the Legislature, the joint resolution is then submitted to the voters at the next general election. If the amendment proposed in the resolution is approved by at least 60 percent of the votes cast on the measure, it becomes effective in the January following the election unless otherwise specified in the amendment or in the Constitution.¹²

⁶ FLA. CONST. art. XI, s. 5.

⁷ FLA. CONST. art. XI, s. 2.

⁸ FLA. CONST. art. XI.

⁹ *Browning v. Florida Hometown Democracy, Inc., PAC*, 29 So. 3d 1053, 1064 (Fla. 2010) (internal citations and quotations omitted); *accord State v. Florida State Imp. Com'n*, 60 So. 2d 747, 754 (Fla. 1952) (Terrell, J., and Adams, C.J., concurring) *abrogated on other grounds by Boschen v. City of Clearwater*, 777 So. 2d 958 (Fla. 2001).

¹⁰ FLA. CONST. art. XI. An amendment or revision may originate as a proposal by the Legislature, the Constitution Revision Commission, a Constitutional Convention, the Taxation and Budget Reform Commission, or the people directly, by way of an initiative.

¹¹ FLA. CONST. art. XI, s. 1.

¹² FLA. CONST. art XI, s. 5.

III. Effect of Proposed Changes:

SJR 142 abolishes the Constitution Revision Commission by repealing the provisions establishing it in the Florida Constitution.

If another “Constitution Revision Commission” were created, such as by general law or executive order, that Commission could have the authority to make recommendations, but it would not have authority to propose constitutional amendments to be placed on the ballot for approval by the voters.

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

This joint resolution does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues. Moreover, the restrictions in on the power of the Legislature to enact a mandate, as set forth in Article VII, s. 18 of the Florida Constitution, apply only to legislation proposing general laws, not constitutional amendments.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State, Division of Elections, provided the following information regarding the cost of advertising the proposed amendment contained in the resolution:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish[] twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with English and Spanish booklets or posters displaying the full text of proposed amendments, for each polling room or early voting area in each county. The Division is also responsible for translating the amendments into Spanish. The statewide average cost to advertise constitutional amendments, in English and Spanish, in newspapers for the 2018 election cycle was \$92.93 per English word of the originating document.

Using 2018 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets for the 2020 general election could be \$63,378.26, at a minimum. Accurate cost estimates cannot be determined until the total number of amendments to be advertised is known.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

Considering that the Taxation and Budget Reform Commission is substantially similar to the Constitution Revision Commission, the Legislature may wish to consider abolishing the TBRC. The TBRC, created by Article VI, s. 6 of the Florida Constitution, is comprised of appointees who have the power to propose constitutional amendments directly to the electors. These amendments may include a “revision of this constitution or any part of it dealing with taxation or the state budgetary process.”¹⁴ The narrower focus of the TBRC, however, does not preclude it from proposing multi-subject amendments.

VIII. Statutes Affected:

This resolution amends the following sections of the Florida Constitution: Article II, section 5, Article XI, section 2, and Article XI, section 5.

¹³ Email from Brittany Dover, Director of Legislative Affairs, Florida Department of State (Sept. 12, 2019) (on file with the Senate Committee on Judiciary).

¹⁴ FLA. CONST. art. XI, s. 6(e).

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Brandes

24-00155-20

2020142__

Senate Joint Resolution

A joint resolution proposing amendments to Section 5 of Article II and Section 5 of Article XI and the repeal of Section 2 of Article XI of the State Constitution to abolish the Constitution Revision Commission.

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

That the following amendments to Section 5 of Article II and Section 5 of Article XI and the repeal of Section 2 of Article XI of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of the a ~~constitution revision commission,~~ taxation and budget reform commission, a constitutional convention, or a statutory body having only advisory powers.

Page 1 of 4

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

24-00155-20

2020142__

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of ... (title of office) ... on which I am now about to enter. So help me God.",

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

ARTICLE XI

AMENDMENTS

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of a ~~revision commission,~~ constitutional convention or the taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety

Page 2 of 4

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

24-00155-20

2020142__

59 days after such filing.

60 (b) A proposed amendment or revision of this constitution,
61 or any part of it, by initiative shall be submitted to the
62 electors at the general election provided the initiative
63 petition is filed with the custodian of state records no later
64 than February 1 of the year in which the general election is
65 held.

66 (c) The legislature shall provide by general law, prior to
67 the holding of an election pursuant to this section, for the
68 provision of a statement to the public regarding the probable
69 financial impact of any amendment proposed by initiative
70 pursuant to section 3.

71 (d) Once in the tenth week, and once in the sixth week
72 immediately preceding the week in which the election is held,
73 the proposed amendment or revision, with notice of the date of
74 election at which it will be submitted to the electors, shall be
75 published in one newspaper of general circulation in each county
76 in which a newspaper is published.

77 (e) Unless otherwise specifically provided for elsewhere in
78 this constitution, if the proposed amendment or revision is
79 approved by vote of at least sixty percent of the electors
80 voting on the measure, it shall be effective as an amendment to
81 or revision of the constitution of the state on the first
82 Tuesday after the first Monday in January following the
83 election, or on such other date as may be specified in the
84 amendment or revision.

85 BE IT FURTHER RESOLVED that the following statement be
86 placed on the ballot:

87 CONSTITUTIONAL AMENDMENT

Page 3 of 4

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

24-00155-20

2020142__

88 ARTICLE II, SECTION 5

89 ARTICLE XI, SECTIONS 2 AND 5

90 ABOLISHING THE CONSTITUTION REVISION COMMISSION.—Proposing
91 an amendment to the State Constitution to abolish the
92 Constitution Revision Commission, which meets at 20-year
93 intervals and is scheduled to next convene in 2037, as a method
94 of submitting proposed amendments or revisions to the State
95 Constitution to electors of the state for approval. This
96 amendment does not affect the ability to revise or amend the
97 State Constitution through citizen initiative, constitutional
98 convention, the Taxation and Budget Reform Commission, or
99 legislative joint resolution.

Page 4 of 4

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



The Florida Senate

Committee Agenda Request

To: Senator David Simmons
Committee on Judiciary

Subject: Committee Agenda Request

Date: September 10, 2019

I respectfully request that **Senate Bill #142**, relating to **Abolishing the Constitution Revision Commission**, be placed on the:

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

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

Stallard, Adam

From: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Sent: Thursday, September 12, 2019 11:16 AM
To: Stallard, Adam
Subject: RE: SJR 142 cost of advertising

Adam,

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish* twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with English and Spanish booklets or posters displaying the full text of proposed amendments, for each polling room or early voting area in each county. The Division is also responsible for translating the amendments into Spanish. The statewide average cost to advertise constitutional amendments, in English and Spanish, in newspapers for the 2018 election cycle was \$92.93 per English word of the originating document.

Using 2018 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets for the 2020 general election could be \$ 63,378.26, at a minimum. Accurate cost estimates cannot be determined until the total number of amendments to be advertised is known.

*The requirement to provide these publications in Spanish stems from Section 203 of the federal Voting Rights act.

Please let me know if you have any questions.

Thank you,

Brittany N. Dover
Legislative Affairs Director
Department of State
850.245.6509 (office)
850.274.3105 (cell)

From: Stallard, Adam <Stallard.Adam@flsenate.gov>
Sent: Wednesday, September 11, 2019 10:02 AM
To: Dover, Brittany N. <Brittany.Dover@dos.myflorida.com>
Subject: SJR 142 cost of advertising
Importance: High

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hi Brittany,

SJR 142 is on the agenda of the Senate Judiciary Committee's upcoming meeting. Just as with SJR 362 (2019), which is identical, I am seeking the Department's input as to the cost of advertising the amendment proposed in SJR 142. If you could get that to me by Friday, that'd be great.

Sincerely,

Adam

Adam Stallard

Attorney

Committee on Judiciary

The Florida Senate

515 Knott Building

404 South Monroe Street

Tallahassee, Florida 32399

(850) 487-5198

THE FLORIDA SENATE

APPEARANCE RECORD

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

9/17/19
Meeting Date

SJR 142
Bill Number (if applicable)

Topic Abolish the CRC

Amendment Barcode (if applicable)

Name Jenala Data

Job Title Student Intern

Address 1600 West Call Street
Street

Phone 9044180731

Tallahassee FL 32043
City State Zip

Email jenala.data@gmail.com

Speaking: For Against Information

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

Representing FLNOW

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)

9/17/19

Meeting Date

SJR 142

Bill Number (if applicable)

Topic Constitution Revision Commission

Amendment Barcode (if applicable)

Name Phillip Suderman

Job Title Policy Director

Address 200 W. College Ave. Street

Phone

Tallahassee FL 32301 City State Zip

Email psuderman@atp.hq

Speaking: [] For [] Against [] Information

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

Representing Americans for Prosperity

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)

9/17/19
Meeting Date

SB 142
Bill Number (if applicable)

Topic CRC

Amendment Barcode (if applicable)

Name Rich Templin

Job Title 1

Address 135 S. Monroe
Street

Phone 850-224-6926

Tallahassee
City

FL
State

32301
Zip

Email _____

Speaking: For Against Information

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

Representing Florida AFL-CIO

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)

SB 142

Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date

Topic CNC

Name JACK CORY

Job Title

Address 730 East Oakley Ave

Street

City

State

Zip

Phone 752 893-0995

Email JACK.CORY@PMA

Speaking: For Against Information

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

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

9-17-19

Meeting Date

5JR 142

Bill Number (if applicable)

Topic Abolish the CRC

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title Lobbyist

Address 625 E. Brevard St

Phone 850-251-4280

Street

Tallahassee

State

FL

Zip

32308

Email barbadevane1@yahoo.com

Speaking: [] For [] Against [] Information

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

Representing FL NOW

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)

17 Sept 2019
Meeting Date

SJR 142
Bill Number (if applicable)

Topic Abolish the CRC

Amendment Barcode (if applicable)

Name Melina Farley Barratt

Job Title Advocate

Address 8689 SE 69 Ter

Phone 352-226-7477

Trenton FL 32693
City State Zip

Email Melina@MelinaRayna.org

Speaking: For Against Information

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

Representing NOW - Gainesville

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 9/17/2019 11:03:05 AM

Ends: 9/17/2019 11:19:00 AM Length: 00:15:56

11:03:04 AM Meeting called to order by Chair Simmons
11:03:08 AM Roll call by Administrative Assistant Joyce Butler
11:03:18 AM Quorum present
11:03:26 AM Comments from Chair Simmons
11:04:29 AM Comments from Minority Leader Senator Gibson
11:05:32 AM Comments from Chair Simmons
11:05:46 AM Introduction of Tab 2 SB 128 by Chair Simmons
11:06:25 AM Explanation of SB 128, Public Records/Judicial Assistants by Senator Wright
11:07:11 AM Comments from Chair Simmons
11:07:18 AM Alison Dudley, President, AB Dudley and Associates waives in support
11:07:43 AM Comments from Chair Simmons
11:07:47 AM Closure waived by Senator Wright
11:07:51 AM Roll call by Administrative Assistant Joyce Butler
11:08:02 AM SB 128 reported favorably
11:08:13 AM Introduction of Tab 1, SB 118 by Chair Simmons
11:08:26 AM Explanation of SB 118, Security in Trial Court Facilities by Senator Gruters
11:08:57 AM Comments from Chair Simmons
11:09:08 AM Edward Labrador, Legislative Counsel, Broward County waives in support
11:09:20 AM Barney Bishop III, President & CEO, Florida Smart Justice Alliance waives in support
11:09:32 AM Tonnelle Graham, Associate Director of Public Policy, Florida Association of Counties waives in support
11:09:55 AM Matt Dunagan, Deputy Director, Florida Sheriffs Association waives in support
11:10:12 AM Comments from Chair Simmons
11:10:19 AM Closure waived by Senator Gruters
11:10:22 AM Roll call by Administrative Assistant Joyce Butler
11:10:32 AM SB 118 reported favorably
11:10:46 AM Introduction of Tab 3, SJR 142 by Chair Simmons
11:11:00 AM Explanation of SJR 142, Abolishing the Constitution Revision Commission by Senator Brandes
11:11:27 AM Comments from Chair Simmons
11:11:46 AM Phillip Suderman, Policy Director, Americans for Prosperity waives in support
11:11:56 AM Rich Templin, Florida AFL-CIO waives in support
11:12:09 AM Speaker Jack Cory in support
11:13:39 AM Barbara DeVane, FL NOW waives in support
11:13:53 AM Melina Farley-Barratt, NOW Gainesville waives in support
11:14:07 AM Jenala Daka, FL NOW waives in support
11:14:23 AM Comments from Chair Simmons
11:14:37 AM Senator Baxley in debate
11:16:08 AM Comments from Chair Simmons
11:16:32 AM Closure by Senator Brandes
11:16:41 AM Roll call by Administrative Assistant Joyce Butler
11:16:54 AM SJR 142 reported favorably

11:17:12 AM Comments from Chair Simmons
11:17:48 AM Senator Stargel moves to adjourn
11:18:48 AM Meeting is adjourned