

Tab 1	CS/CS/SB 260 by JU, BI, Smith (CO-INTRODUCERS) Richter ; (Similar to CS/CS/1ST ENG/H 0145) Financial Transactions						
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Tab 2	CS/SB 310 by FP, Legg (CO-INTRODUCERS) Margolis ; (Compare to CS/CS/H 0141) National Statuary Hall						
Tab 3	CS/SB 592 by GO, Hutson ; (Similar to CS/CS/H 0463) Public Records/Department of Financial Services						
Tab 4	CS/CS/SB 578 by GO, RI, Hutson ; (Identical to CS/H 0381) Public Records/Florida State Boxing Commission						
Tab 5	SB 606 by Margolis ; State Symbols						
Tab 6	SB 500 by Montford ; (Identical to H 0241) Children and Youth Cabinet						
Tab 7	CS/SB 774 by BI, Montford ; (Similar to CS/H 0577) Liability Insurance Coverage						
587796	A	S	L		RC, Soto	Delete L.34 - 37:	01/27 12:22 PM
Tab 8	CS/CS/SB 642 by CM, JU, Diaz de la Portilla ; (Compare to H 0459) Drones						
Tab 9	SR 1184 by Diaz de la Portilla ; (Similar to H 1001) Anti-Israel Boycott, Divestment, and Sanctions Campaigns						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Simmons, Chair
Senator Soto, Vice Chair

MEETING DATE: Wednesday, January 27, 2016
TIME: 1:00—3:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Simmons, Chair; Senator Soto, Vice Chair; Senators Benacquisto, Diaz de la Portilla, Gaetz, Galvano, Gibson, Joyner, Latvala, Lee, Montford, Negron, and Richter

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 260 Judiciary / Banking and Insurance / Smith (Similar CS/CS/H 145)	Financial Transactions; Providing that a convenience fee imposed upon a student or family paying certain fees by credit card to a private school is not considered a surcharge; providing that ch. 670, F.S., governs certain funds transfers that are remittance transfers; reducing the time limit for a mortgagee or an assignee to cancel a mortgage, except in cases where the loan is an open-end mortgage, etc. BI 01/11/2016 Fav/CS JU 01/20/2016 Fav/CS RC 01/27/2016 Fav/CS	Fav/CS Yeas 10 Nays 0
2	CS/SB 310 Fiscal Policy / Legg (Compare CS/CS/H 141)	National Statuary Hall; Providing for replacement of the statue of General Edmund Kirby Smith in the National Statuary Hall Collection at the United States Capitol; requiring the Florida Council on Arts and Culture and the Department of State to estimate costs associated with the replacement of the statue; providing for submission of the state's request to the United States Joint Committee on the Library of Congress for approval to replace the statue, etc. GO 11/17/2015 Favorable FP 01/20/2016 Fav/CS RC 01/27/2016 Favorable	Favorable Yeas 10 Nays 3
3	CS/SB 592 Governmental Oversight and Accountability / Hutson (Similar CS/CS/H 463)	Public Records/Department of Financial Services; Providing an exemption from public records requirements for the personal identifying and location information of certain nonsworn investigative personnel of the Department of Financial Services and the names and personal identifying and location information of the spouses and children of such personnel; providing for future review and repeal of the exemption; providing a statement of public necessity, etc. BI 11/17/2015 Favorable GO 01/19/2016 Fav/CS RC 01/27/2016 Favorable	Favorable Yeas 10 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, January 27, 2016, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/CS/SB 578 Governmental Oversight and Accountability / Regulated Industries / Hutson (Identical CS/H 381)	Public Records/Florida State Boxing Commission; Providing an exemption from public records requirements with respect to certain proprietary confidential business information obtained by the Florida State Boxing Commission; extending the period for legislative review and repeal of the exemption; providing a statement of public necessity, etc. RI 11/18/2015 Fav/CS GO 01/19/2016 Fav/CS RC 01/27/2016 Favorable	Favorable Yeas 9 Nays 1
5	SB 606 Margolis	State Symbols; Designating the Big Orange as the official state symbol for New Year's Eve celebrations, etc. GO 01/19/2016 Favorable RC 01/27/2016 Favorable	Favorable Yeas 12 Nays 0
6	SB 500 Montford (Identical H 241)	Children and Youth Cabinet; Revising the membership of the cabinet, etc. CF 11/04/2015 Favorable ED 01/20/2016 Favorable RC 01/27/2016 Favorable	Favorable Yeas 12 Nays 0
7	CS/SB 774 Banking and Insurance / Montford (Similar CS/H 577)	Liability Insurance Coverage; Adding company employee adjusters to the list of persons who may respond to a claimant's written request for information relating to liability insurance coverage; requiring a company employee adjuster who provides a specified statement to consult with certain personnel within the company to verify information disclosed in the statement, etc. BI 01/11/2016 Temporarily Postponed BI 01/19/2016 Fav/CS RC 01/27/2016 Not Considered	Not Considered
8	CS/CS/SB 642 Commerce and Tourism / Judiciary / Diaz de la Portilla (Compare H 459)	Drones; Declaring that a drone is a dangerous instrumentality; providing applicability, etc. JU 11/17/2015 Fav/CS CM 01/19/2016 Fav/CS RC 01/27/2016 Favorable	Favorable Yeas 12 Nays 1
9	SR 1184 Diaz de la Portilla (Similar HR 1001)	Anti-Israel Boycott, Divestment, and Sanctions Campaigns; Condemning the Boycott, Divestment and Sanctions movement and the increasing incidence of acts of anti-Semitism, etc. GO 01/19/2016 Favorable RC 01/27/2016 Favorable	Favorable Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, January 27, 2016, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	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 Rules

BILL: CS/CS/CS/SB 260

INTRODUCER: Rules Committee; Judiciary Committee; Banking and Insurance Committee; and
Senators Smith and Richter

SUBJECT: Financial Transactions

DATE: January 28, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	<u>Johnson</u>	<u>Phelps</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 260 revises various laws on financial transactions.

Regulation of Check Cashers

This bill allows a check casher, as an alternative to obtaining a thumbprint when the payment instrument is presented for payment, to secure two additional forms of secondary identification. Current law requires a check casher cashing a payment instrument over \$1,000 to obtain among other things, prescribed acceptable personal identification and a thumbprint of the customer when the payment instrument is presented.

Remittance Transfers

This bill clarifies that ch. 670, F.S., applies to funds transfers that are remittance transfers under the federal Electronic Funds Transfer Act (EFTA), unless the remittance transfer is also an electronic funds transfer under the EFTA. The bill also provides that the federal EFTA will preempt ch. 670, F.S., in the event any inconsistency exists between ch. 670, F.S., and the EFTA regarding a funds transfer.

Cancellation of Mortgages

This bill reduces the period for cancellation of a mortgage from 60 days to 45 days after full payment of the amount due under a promissory note secured by a mortgage. The bill provides an additional requirement for open-end mortgages, requiring written notice from the borrower that he or she intends to close the mortgage. The provisions on mortgage cancellation do not apply to an open-end mortgage existing before July 1, 2016, if the loan agreement included procedures for cancelling the mortgage.

Consumer Finance Loans

The Florida Consumer Finance Act, administered by the Office of Financial Regulation, prohibits and imposes disciplinary action on any person who compensates another person for referring a loan applicant to a licensed consumer finance lender. This bill provides an exception to the prohibition, in instances in which an amount is not charged directly or indirectly to the borrower.

Convenience Fees on Credit Cards

Current law authorizes certain private colleges to impose a convenience fee on credit card payments made to the school for tuition, fees, and other student expenses. This bill extends the authority to charge a convenience fee to private schools offering K-12 education.

The effective date of the bill is July 1, 2016.

II. Present Situation:

Regulation of Check Cashers

The Office of Financial Regulation (OFR) is responsible for regulating money services businesses (MSBs) under ch. 560, F.S., which includes check cashers under part III of ch. 560, F.S. Check cashers are required to be licensed by the OFR if they cash payment instruments that exceed \$2,000 per person per day. Licensees must meet state and federal requirements. For example, the federal Bank Secrecy Act of 1970, which establishes the regulatory framework to prevent and detect money laundering, requires MSBs to establish anti-money laundering programs, verify customer identification, and document information about transactions.

In 2008, the Eighteenth Statewide Grand Jury released a report on check cashers.¹ The report noted that money laundering in check cashing is an enormous problem in Florida and involves hundreds of millions of dollars in illicit profits being laundered annually. The report notes that this laundering has facilitated hundreds of millions of dollars in Medicaid and Medicare fraud, workers' compensation fraud, and other criminal activities. The report notes that one of the biggest problems facing law enforcement in investigating these cases is their inability to identify who is cashing these checks at the check cashing stores.² Due to concerns raised in this report, the 2008 Legislature enacted significant reforms relating to the regulation of check cashers that

¹ Eighteenth Statewide Grand Jury, Case No. SC 07-1128, Check Cashers: A Call for Enforcement (Mar. 2008).

² *Id.*

were designed increase the regulation of MSB and provide greater deterrents against the laundering of illicit proceeds. As part of these 2008 changes,³ s. 560.310, F.S., was amended to require a check casher to maintain or submit specified information when cashing a payment instrument that exceeds \$2,000.⁴ This information includes:

- Customer files, as prescribed by rule, on all customers who cash corporate payment instruments that exceed \$1,000;
- A copy of the personal identification that bears a photograph of the customer used as identification and presented by the customer. Acceptable personal identification is limited to a valid driver license; a state identification card issued by any state of the United States or its territories or the District of Columbia, and showing a photograph and signature; a United States Government Resident Alien Identification Card; a passport; or a United States Military identification card; and
- A thumbprint of the customer taken by the licensee when the payment instrument is presented for negotiation or payment.

South Florida continues to be one of seven designated High Risk Money Laundering and Related Crimes Areas (HIFCAs) in the United States. The HIFCAs are a means of concentrating law enforcement efforts at the federal, state, and local levels in high intensity money laundering zones.⁵

Section 832.075(1), F.S., states that “no person shall require, as a condition of acceptance of a check or share draft or as a means of identification, that the person presenting the check or draft provide a credit card number or credit card expiration date.” Furthermore, “recording a credit card number or expiration date . . . in connection with the acceptance of a check . . . is a noncriminal violation as defined pursuant to s. 775.08, F.S., punishable by a fine of \$250 for the first violation and \$1,000 for the second or subsequent violation in accordance with the provisions of s. 775.083.”

Federal Electronic Funds Transfer Act

In 1978, Congress enacted the federal Electronic Funds Transfers Act (EFTA) to protect individual consumers who are parties to electronic funds transfers.⁶ Under the EFTA, an electronic funds transfer means any transfer of funds initiated through certain electronic means that authorize a financial institution to debit or credit a consumer’s account.⁷ Electronic funds transfers include:

- Transfers through automated teller machines (ATMs);
- Point-of-sale (POS) terminals;
- Automated clearinghouse (ACH) systems;
- Telephone bill-payment plans in which periodic or recurring transfers are contemplated;
- Remote banking programs; and
- Remittance transfers.

³ Ch. 2008-177, Laws of Fla.

⁴ Section 560.310(2), F.S., also requires licensees to submit specified information to the OFR check cashing database or electronic log, before entering into each check cashing transaction for cashing each payment instrument.

⁵ See https://www.fincen.gov/law_enforcement/hifca/index.html (last visited Jan/ 27, 2016).

⁶ The EFTA is codified at 15 U.S.C. s. 1693 et seq. The EFTA is implemented in Regulation E at 12 C.F.R. pt. 1005.

⁷ 15 U.S.C. s. 1693(7).

However, electronic funds transfers do not include transactions originated by paper instruments, such as checks, and certain other transfers set forth in the EFTA. The EFTA covers topics such as disclosure of fees and limits, error resolution procedures, liability, preauthorized transfers, and receipts.

Uniform Commercial Code Article 4A and Chapter 670, F.S.

In 1989, the Uniform Law Commission adopted Uniform Commercial Code (UCC) Article 4A for the states' enactment, and described it as an essential statutory backdrop to promote uniformity, efficiency, and certainty by governing the rights and obligations among the commercial participants in funds transfers and allocating the risk of loss for unauthorized or improperly executed payment orders. At the time the original UCC Article 4A was drafted, the intent was to govern large, rapid money transfers, such as wire transfers, between the commercial parties to a funds transfer, keeping in mind that the primary objective of the EFTA is the provision of individual consumer rights.⁸

A majority of the states have adopted UCC Article 4A. In 1991, the Florida Legislature adopted the UCC Article 4A through the enactment of ch. 670, F.S. (act), relating to funds transfers.⁹ The act defines "funds transfers" as a series of transactions that begin with the originator's payment order (an unconditional instruction to a bank to pay a fixed amount), made for making payment to the beneficiary of the order.¹⁰ The funds transfer transaction includes the relationship between intermediary banks that execute and settle the payment order, and concludes upon the ultimate, actual payment to the beneficiary.

Frequently, the EFTA may partially apply to a funds transfer because the transfer is intended to credit a consumer's account in a financial institution. In these cases, the act does not apply to the funds transfer to the extent it is governed and preempted by the EFTA.¹¹

Remittance Transfers

Consumers transfer tens of billions of dollars from the United States each year.¹² In the United States, remittance transfers sent by nondepository money transmitters, depository institutions, and credit unions are generally subject to federal anti-money laundering laws and restrictions on transfers to or from certain persons. Although remittances can be sent through depository institutions (such as an ACH transaction or a wire transfer), a large number of U.S. remittance transfers are sent through money transmitters, which are regulated primarily by state regulators. Chapter 560, F.S., governs nondepository money services businesses, which include "money transmitters" who receive and transmit currency or monetary value through a broad range of means within the U.S. or to or from the U.S.¹³ However, ch. 560, F.S., is a regulatory statute

⁸ 15 U.S.C. s.1693(b). See also Uniform Law Commission, *Why States Should Adopt UCC Article 4A*, at <http://www.uniformlaws.org/Narrative.aspx?title=Why%20States%20Should%20Adopt%20UCC%20Article%204A>

⁹ Ch. 91-70, Laws of Fla.

¹⁰ Sections 670.103(1)(c) and 670.104(1), F.S.

¹¹ Section 670.108, F.S., Business Law Section of the Florida Bar, *White Paper in Support of the Proposed Amendment to UCC Section 670.108* (on file with the Senate Committee on Judiciary).

¹² 77 FR 6194 (Feb. 11, 2012).

¹³ Section 560.103(23), F.S.

administered by the Office of Financial Regulation and does not contain specific consumer protections or private remedies.¹⁴

On the federal level, wire transfers and transfers sent by money transmitters have generally fallen outside of the scope of the EFTA and its implementing rule, Regulation E. Until 2010, no federal consumer protection law directly regulated foreign remittance transfers, which can be sent through depository institutions as well as money transmitters. In 2010, the federal Dodd-Frank Wall Street Reform and Consumer Protection Act¹⁵ was signed into law. Among many changes, Dodd-Frank amended the EFTA to create new compliance requirements for remittance transfers.¹⁶ The rule defines a “remittance transfer” to mean the electronic transfer of funds requested by a sender to a designated recipient that is sent by a remittance transfer provider. The term applies regardless of whether the sender holds an account with the remittance transfer provider, and regardless of whether the transaction is an electronic fund transfer.¹⁷ Similar to the other consumer protections in the EFTA, these new remittance regulations require certain protections for the sending consumer, including disclosures, error resolution procedures, cancellation and refund policies, and a remittance transfer provider’s liability for the acts of its agents.

Under the EFTA, not all remittance transfers qualify as an “electronic funds transfer,” raising questions about the applicability of the EFTA. This could occur, for example, if the transfer permits payment in cash and does not instruct nor authorize a financial institution to credit a consumer account in a financial institution. The Uniform Law Commission expressed concern that absent a change to UCC Article 4A, there could be legal uncertainty for some remittance transfers currently governed by Article 4A, particularly for industry participants.¹⁸ The Consumer Financial Protection Bureau, in its proposed remittance transfer rules (Regulation E), also noted the uncertainty raised for traditional cash-based remittances sent through money transmitters (which have not been covered by the EFTA) and international wire transfers, which are not electronic funds transfers.¹⁹

In 2012, the Uniform Law Commission proposed an amendment to UCC Article 4. A majority of states have adopted this amendment.²⁰ The amendment provides an affirmative statement of the act’s applicability to remittance transfers that are not electronic funds transfers under the EFTA. Without this amendment, neither the federal EFTA nor UCC Article 4A (as codified in the act)

¹⁴ Ch. 560, F.S., requires money transmitter licensees to maintain a corporate surety bond or a collateral deposit to ensure a source of recovery for aggrieved claimants. Section 560.209, F.S.

¹⁵ Pub. L. 111-203, H.R. 4173, commonly referred to as “Dodd-Frank.”

¹⁶ Section 1073 of Dodd-Frank created Section 919 of the EFTA, relating to remittance transfers. Section 919 is codified at 15 U.S.C. s. 1693o-1. Dodd-Frank transferred EFTA rulemaking authority from the Board of Governors of the Federal Reserve System to the Consumer Financial Protection Bureau (CFPB). The CFPB’s remittance transfer rule became effective on October 28, 2013. The CFPB’s final remittance transfer rule was codified as new subpart B to Regulation E, 12 C.F.R. ss. 1005.30-1005.36.

¹⁷ 12 CFR s. 1005.30(e).

¹⁸ Uniform Law Commission, *UCC Article 4A Amendments (2012) Summary*, at [http://www.uniformlaws.org/ActSummary.aspx?title=UCC%20Article%204A%20Amendments%20\(2012\)](http://www.uniformlaws.org/ActSummary.aspx?title=UCC%20Article%204A%20Amendments%20(2012)).

¹⁹ Electronic Fund Transfers (Regulation E), Final Rule and Proposed Rule, 77 FR 6211-6212 (Feb. 7, 2012) (codified at 12 C.F.R. pt. 1005).

²⁰ Uniform Law Commission, *UCC Article 4A Amendments (2012): Enactment Status Map*, at [http://www.uniformlaws.org/Act.aspx?title=UCC Article 4A Amendments \(2012\)](http://www.uniformlaws.org/Act.aspx?title=UCC Article 4A Amendments (2012)) (last visited Jan. 7, 2016).

will apply to some aspects of remittance transfers, and the result would be no statutory rules for remittance transfers that may involve mistaken addresses or payees, duties of intermediaries, and other issues beyond the initial sending of the transfer.²¹

Cancellation of Mortgages

Under current law, a lender must cancel a mortgage within 60 days after it has been paid in full.²² The statute does not distinguish as to different types of mortgages, such as open-end mortgages and home equity lines of credit, and does not provide any exceptions. The Florida Statutes do not define the term, “open-end mortgages.” In the context of the financial services industry, these products generally allow borrowers to draw cash, up to the maximum credit limit, and then as the borrower pays down the balance of the loan, the borrower can draw cash again up to the limit. A home equity line of credit is a form of revolving credit in which the home serves as collateral. In contrast, “closed-end mortgages” disburse the entire loan amount upfront to or on behalf of the borrower and do not allow future redraws of credit.²³

According to the Florida Bankers Association, open-end lines of credit provide flexibility to consumers by allowing continual access to their home equity by paying the mortgage in full and then having the ability to access the equity when and if it is needed again by the consumer. Under current law, lenders must cancel “any mortgage” upon payoff and must release the lien without exception. This undermines the purpose of open-end mortgages and creates costly and burdensome work for both the consumer and the lender each time the consumer seeks new access to credit secured by the home.²⁴ Surrounding states such as Alabama, Georgia, Mississippi, and North Carolina have laws requiring that open-end mortgages and similar lines of credit be cancelled only upon the borrower’s full payment and written notice to the lender requesting termination of the open-end mortgage.²⁵

Consumer Finance Loans

The Division of Consumer Finance of the Florida Office of Financial Regulation (OFR) is responsible for the licensure and regulation of nondepository financial service entities and individuals. One of the regulatory programs, administered by OFR, is the Florida Consumer Finance Act (act),²⁶ which sets forth licensing requirements for consumer finance lenders and the terms and conditions under which a consumer finance loan is permitted in Florida. The act sets forth maximum interest rates for a consumer finance loan, which is a loan of money, credit,

²¹ Uniform Law Commission, *supra* note 13.

²² Section 701.03, F.S.

²³ Consumer Financial Protection Bureau, *Ask CFPB: What is a second mortgage loan or “junior-lien”?* Available at <http://www.consumerfinance.gov/askcfpb/105/what-is-a-second-mortgage-loan-or-junior-lien.html> Additionally, Regulation Z, which implements the federal Truth in Lending Act, defines “open-end credit” as “consumer credit extended by a credit under a plan in which: (1) The creditor reasonably contemplates repeated transactions; (2) The creditor may impose a finance charge from time to time on an outstanding unpaid balance; and (3) The amount of credit that may be extended to the consumer during the term of the plan (up to any limit set by the creditor) is generally made available to the extent that any outstanding balance is repaid. 12 C.F.R. s. 226.2(20).

²⁴ E-mail from the Florida Bankers Association, SB 260, Financial Transactions (Sept. 28, 2015) (on file with Senate Committee on Banking and Insurance).

²⁵ Ala. Code 1975 s. 35-10-26; Ga. Code Ann. s. 44-14-3; Miss. Code Ann. s. 89-5-21; N.C.G.S.A. s. 45-36.9.

²⁶ Ch. 516, F.S.

goods, or a provision of a line of credit, in an amount or to a value of \$25,000 or less at an interest rate greater than 18 percent per annum.²⁷

The act provides the grounds for denial of a license of other disciplinary action by the OFR. In particular, s. 516.07(1)(k), F.S, provides that it is grounds for administrative action, for any person to pay money or anything else of value, either directly or indirectly, to any person as compensation, inducement, or reward for referring a loan applicant to a licensed consumer finance lender.

Convenience Fees on Credit Cards

Current law generally prohibits a seller or a lessor from imposing a surcharge on credit card purchases.²⁸ Charges that are exempt from the prohibition include charges imposed pursuant to an approved state or federal tariff and convenience fees imposed by an institution of higher learning that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.²⁹

III. Effect of Proposed Changes:

Regulation of Check Cashers

Current law requires a check casher cashing a payment instrument over \$1,000 to obtain, among other things, a thumbprint of the customer when the payment instrument is presented. This bill would allow the check casher, as an alternative to obtaining a thumbprint, to secure two additional forms of secondary identification. These types of identification would include an employee identification card, credit or bank cards, a social security card, insurance cards, an identification card issued by an educational institution, a non-U.S. Government identification card, a U.S. birth certificate, a permanent resident card, or another form of identification as authorized by the commission. (Section 560.310, F.S.)

Remittance Transfers

Current law is silent regarding whether the state Uniform Commercial Code: Funds Transfers law (chapter 670, F.S.) applies to a funds transfer that is a remittance transfer under the federal Electronic Funds Transfer Act. This bill adopts the federal Uniform Law Commission's 2012 amendment, which clarifies that the act applies to funds transfers that are remittance transfers as defined in the EFTA, unless the remittance transfer is an electronic funds transfer, which would be covered by EFTA. The bill provides that if there is any inconsistency between a funds transfer under the act and the EFTA, the EFTA will govern the inconsistency. This provision is consistent with language in the EFTA providing that state law is preempted only if it is

²⁷ Section 516.01(2), F.S.

²⁸ Section 501.0117(1), F.S.

²⁹ An independent nonprofit institution of higher learning may qualify for the Florida Resident Access Grant Program if the institution:

- Is located in and chartered by the state;
- Is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;
- Grants baccalaureate degrees; and
- Has a secular purpose (s. 1009.89(3), F.S.).

inconsistent with the EFTA or Regulation E, and then only to the extent of the inconsistency.³⁰ (Section 670.108)

Cancellation of Mortgages

Current law requires a mortgage lender to cancel a mortgage within 60 days after it has been paid in full. Current law treats all types of mortgages the same for purposes of mortgage cancellation. This bill reduces the period for cancellation of a mortgage from 60 days to 45 days after full payment of the amount due under a promissory note secured by a mortgage. The bill provides an additional requirement for open-end mortgages. Mortgage cancellation on an open-end mortgage requires written notice from the borrower that he or she intends to close the mortgage. Upon receipt of the notice, the mortgagee or assignee shall cancel the mortgage within 45 days. The provisions on mortgage cancellation do not apply to an open-end mortgage existing before July 1, 2016, if the loan agreement included procedures for cancelling the mortgage. (Section 701.03, F.S.)

Consumer Finance Loans

The Florida Consumer Finance Act prohibits and imposes disciplinary action on any person who pays money or anything of value to a person for referring a loan applicant to a licensed consumer finance lender. This bill provides an exception to the prohibition, in instances in which an amount is not charged directly or indirectly to the borrower. (Section 516.07, F.S.)

Convenience Fees on Credit Cards

Current law authorizes certain private colleges to impose a convenience fee on credit card payments made to the school for tuition, fees, and other student expenses. This bill extends the authority to charge a convenience fee to private schools offering kindergarten through grade 12 education.³¹ (Section 510.0117, F.S.)

This bill is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁰ 15 U.S.C. s. 1693q.

³¹ A private school is a nonpublic school which offers kindergarten through grade 12 education. A private school may be any religious, for-profit, or nonprofit school, which is not a home education program Section 1002.01(2), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill's clarification of the coverage of ch. 670, F.S., to remittance transfers may provide greater operational efficiency for remittance transfer providers and intermediary institutions. In addition, the bill's provision to allow an open-end mortgage to remain open after a borrower pays off the amount due under a promissory note secured by a mortgage may reduce administrative costs for lenders and borrowers.

The bill's extension of authority to private kindergarten through grade 12 schools to charge convenience fees on credit card purchases would benefit the private schools. Private schools would be able to impose a convenience fee up to the amount charged by credit card companies per transaction. Parents of children enrolled at private kindergarten through grade 12 schools would now have to pay convenience fees if they use a credit card to purchase tuition, fees, or other charges on student accounts.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill would allow a check casher, as an alternative to the requirement of obtaining a thumbprint, to obtain two additional forms of secondary identification that includes credit or bank cards. This provision may conflict with s. 832.075(1), F.S., which states that "no person shall require, as a condition of acceptance of a check or share draft or as a means of identification, that the person presenting the check or draft provide a credit card number or credit card expiration date." Furthermore, "recording a credit card number or expiration date . . . in connection with the acceptance of a check . . . is a noncriminal violation as defined pursuant to s. 775.08 punishable by a fine of \$250 for the first violation and \$1,000 for the second or subsequent violation in accordance with the provisions of s. 775.083."

VII. Related Issues:

According to the OFR, the use of secondary identification cards as an alternative to a thumbprint effectively unwinds the efforts made by the 2008 Florida Legislature to enhance the regulation of

the growing check cashing industry by imposing greater scrutiny and regulation of check cashing transactions. The alternative forms of identification permitted by the amendment could be easily fabricated or stolen.³²

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 501.0117, 516.07, 560.310, 670.108, and 701.03.

IX. Additional Information:

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

CS/CS/CS by Rules on January 27, 2016:

The bill allows a check casher, as an alternative to obtaining a thumbprint when cashing a payment instrument over \$1,000, to obtain two additional forms of secondary identification.

CS/CS by Judiciary on January 20, 2016:

The bill expands the current ability of certain private schools to charge convenience fees on the use of a credit card to pay tuition, fees, or other student account charges.

CS by Banking and Insurance on January 11, 2016:

The CS:

- Allows a licensed consumer finance lender to pay compensation to any person for referring loan applicants to a licensee, only if such amount is not charged directly or indirectly to the borrower.
- Requires a lender to cancel a mortgage within 45 days instead of 60 days if certain conditions are met.
- Provides that s. 701.03, F.S., relating to the cancellation of mortgages, does not apply to any existing or future open-end mortgage unless otherwise stated in the loan agreement.
- Clarifies that the act applies to remittance transfers made on or after July 1, 2016, the effective date of the bill.

- B. **Amendments:**

None.

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

³² Office of Financial Regulation, *2016 Agency Legislative Bill Analysis* (Jan. 27, 2016).



916196

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Rules (Joyner) recommended the following:

Senate Amendment (with title amendment)

Between lines 52 and 53
insert:

Section 2. Paragraph (c) of subsection (2) of section
560.310, Florida Statutes, is amended to read:

560.310 Records of check cashers and foreign currency
exchangers.—

(2) If the payment instrument exceeds \$1,000, the following
additional information must be maintained or submitted:

(c) A thumbprint of the customer taken by the licensee when



916196

12 the payment instrument is presented for negotiation or payment
13 or two additional forms of secondary identification, including
14 an employee identification card, credit or bank cards, a social
15 security card, insurance cards, an identification card issued by
16 an educational institution, a non-U.S. Government identification
17 card, a U.S. birth certificate, a permanent resident card, or
18 another other form of identification as authorized by the
19 commission.

20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete line 6

24 and insert:

25 surcharge; amending s. 560.310, F.S.; revising the
26 documents that must be maintained or submitted by a
27 licensee engaged in check cashing under certain
28 circumstances; amending s. 670.108, F.S.; revising

By the Committees on Judiciary; and Banking and Insurance; and
Senators Smith and Richter

590-02336-16

2016260c2

A bill to be entitled

An act relating to financial transactions; amending s. 501.0117, F.S.; providing that a convenience fee imposed upon a student or family paying certain fees by credit card to a private school is not considered a surcharge; amending s. 670.108, F.S.; revising applicability; providing that ch. 670, F.S., governs certain funds transfers that are remittance transfers; providing that the federal Electronic Fund Transfer Act governs any inconsistency between a funds transfer made under the federal act and a funds transfer made under ch. 670, F.S.; amending s. 701.03, F.S.; reducing the time limit for a mortgage or an assignee to cancel a mortgage, except in cases where the loan is an open-end mortgage; authorizing an open-end mortgage to be canceled within a specified timeframe if the borrower provides written notice of his or her intent to close the open-end mortgage; providing applicability; amending s. 516.07, F.S.; revising the grounds for denial of an application for a license to make consumer finance loans; providing applicability; providing an effective date.

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

Section 1. Subsection (1) of section 501.0117, Florida Statutes, is amended to read:

501.0117 Credit cards; transactions in which seller or lessor prohibited from imposing surcharge; penalty.—

(1) A seller or lessor in a sales or lease transaction may not impose a surcharge on the buyer or lessee for electing to

Page 1 of 4

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

590-02336-16

2016260c2

use a credit card in lieu of payment by cash, check, or similar means, if the seller or lessor accepts payment by credit card. A surcharge is any additional amount imposed at the time of a sale or lease transaction by the seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit card to make payment. Charges imposed pursuant to approved state or federal tariffs are not considered to be a surcharge, and charges made under such tariffs are exempt from this section. A convenience fee imposed upon a student or family paying tuition, fees, or other student account charges by credit card to a William L. Boyd, IV, Florida resident access grant eligible institution, as defined in s. 1009.89, or to a private school, as defined in s. 1002.01, is not considered to be a surcharge and is exempt from this section if the amount of the convenience fee does not exceed the total cost charged by the credit card company to the institution. The term "credit card" includes those cards for which unpaid balances are payable on demand. This section does not apply to the offering of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card, if the discount is offered to all prospective customers.

Section 2. Section 670.108, Florida Statutes, is amended to read:

670.108 Relationship to Electronic Fund Transfer Act
~~Exclusion of consumer transactions governed by federal law.—~~

(1) Except as provided in subsection (2), this chapter does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, Pub. L. No. 95-630, 92 Stat. 3728, 15 U.S.C. ss. 1693 et seq.) as amended

Page 2 of 4

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590-02336-16 2016260c2

61 from time to time.

62 (2) This chapter applies to a funds transfer that is a
 63 remittance transfer as defined in the Electronic Fund Transfer
 64 Act, 15 U.S.C. s. 1693o-1, as amended from time to time, unless
 65 the remittance transfer is an electronic fund transfer as
 66 defined in the Electronic Fund Transfer Act, 15 U.S.C. s. 1693a,
 67 as amended from time to time.

68 (3) If there is an inconsistency between a funds transfer
 69 under this chapter and the Electronic Fund Transfer Act, the
 70 Electronic Fund Transfer Act governs the inconsistency.

71 Section 3. Section 701.03, Florida Statutes is amended to
 72 read:

73 701.03 Cancellation.-

74 (1) Whenever the amount of money due under a promissory
 75 note secured by a ~~on any~~ mortgage is ~~shall be~~ fully paid, the
 76 mortgagee or assignee shall within 45 ~~60~~ days after satisfaction
 77 of the mortgage thereafter cancel the mortgage ~~same~~ in the
 78 manner provided by law, unless the mortgage is an open-end
 79 mortgage.

80 (2) A mortgage that is an open-end mortgage as provided in
 81 the loan agreement may be canceled upon written notice from the
 82 borrower of the intent to close the mortgage. The mortgagee or
 83 assignee shall cancel the open-end mortgage within 45 days after
 84 receiving the notice. This subsection does not apply to an open-
 85 end mortgage existing before July 1, 2016, if the loan agreement
 86 contained procedures for canceling the mortgage.

87 Section 4. Paragraph (k) of subsection (1) of section
 88 516.07, Florida Statutes, is amended to read:

89 516.07 Grounds for denial of license or for disciplinary

590-02336-16 2016260c2

90 action.-

91 (1) The following acts are violations of this chapter and
 92 constitute grounds for denial of an application for a license to
 93 make consumer finance loans and grounds for any of the
 94 disciplinary actions specified in subsection (2):

95 (k) Paying money or anything else of value, directly or
 96 indirectly, to any person as compensation, inducement, or reward
 97 for referring loan applicants to a licensee, if such amount is
 98 charged directly or indirectly to the borrower.

99 Section 5. This act applies to remittance transfers
 100 initiated on or after July 1, 2016.

101 Section 6. This act shall take effect July 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 20, 2016

I respectfully request that **Senate Bill #260**, relating to Financial Transactions, be placed on the:

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

A handwritten signature in black ink, appearing to be "CS", written over a horizontal line.

Senator Christopher L. Smith
Florida Senate, District 31

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/16
Meeting Date

SB 2100
Bill Number (if applicable)

Topic Financial Transactions

Amendment Barcode (if applicable)

Name Jennifer Martin

Job Title Dir. of Governmental Affairs

Address 3692 Coolidge Ct.
Street

Phone 850-528-1050

Tallahassee FL 32311
City State Zip

Email jennifer.martin@lscu.coop

Speaking: For Against Information

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

Representing Florida Credit Union Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

10.27.2015
Meeting Date

260
Bill Number (if applicable)

Topic Financial Transactions

Amendment Barcode (if applicable)

Name Kim Siomkos (See-om-kos)

Job Title VP Gov. Relations

Address 1001 Thomasville Rd.
Street

Phone 561 317 4704

Tallahassee FL 32303
City State Zip

Email ksiomkos@floridabankers.com

Speaking: For Against Information

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

Representing Florida Bankers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-27-16

Meeting Date

SB260

Bill Number (if applicable)

Topic FINANCIAL TRANSACTIONS

Amendment Barcode (if applicable)

Name STEVE DYAL

Job Title

Address 123 S. CALHOUN

Phone 850-510-6286

Street

TALL

FL

32301

Email SDyale@DyaleCoast.com

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA FINANCIAL SERVICES ASSOC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/27/2016
Meeting Date

260
Bill Number (if applicable)

Topic Financial Transactions

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

Address 201 W Park Ave
Street

Phone (850)205-6823

Tallahassee FL 32301
City State Zip

Email jherzog@flaccb.org

Speaking: For Against Information

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

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

1/27

Meeting Date

260

Bill Number (if applicable)

Topic Financial Transactions

Amendment Barcode (if applicable)

Name Greg Black

Job Title _____

Address 117 S. Monroe St., Ste 200

Phone 205-9000

Street

TLH

City

FL

State

32301

Zip

Email greg.black@m40firm.com

Speaking: For Against Information

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

Representing Business Law Section

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 310

INTRODUCER: Fiscal Policy Committee; and Senators Legg and Margolis

SUBJECT: National Statuary Hall

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Fav/CS
3.	<u>Kim</u>	<u>Phelps</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 310 provides that the Great Floridians Program within the Department of State (DOS) must select a prominent Florida citizen to replace General Edmund Kirby Smith's statue and be commemorated in the National Statuary Hall Collection. The Florida Council on Arts and Culture (council) must select a sculptor.

The bill instructs the council and the DOS to estimate the costs associated with replacement of the statue, including the costs:

- To design, construct, transport, and place the new statue;
- To remove and transport the current statue; and
- Any unveiling ceremony for the new statue.

The DOS must report to the Governor, President of the Senate, and Speaker of the House on the recommendations and findings to replace the statue by January 1, 2017.

After the selections are made, the Legislature must pass a memorial requesting the replacement of the statue of General Edmund Kirby Smith. If the Governor agrees in writing with the replacement request, the memorial will be submitted to the United States Joint Committee on the Library of Congress for consideration.

The bill permits the council to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds raised must be placed in the Grants and Donations Trust

Fund of the DOS and may be used only for the limited purposes associated with replacing the statue.

The bill takes effect upon becoming a law.

II. Present Situation:

National Statuary Hall

In 1864, Congress created the National Statuary Hall, which permits the display of two statues from each state within the Capitol of the United States.¹ Originally located in the Old Hall of the House of Representatives, the placement of statues has expanded throughout the corridors of the Capitol.² Each state is permitted to provide no more than two statues of a deceased citizen of that state who were “illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration.”³ An individual must have been deceased for 10 years before his or her statue may be displayed in the National Statuary Hall.⁴

Replacement of Statues

A statue must have been on display for at least a decade before it may be replaced.⁵ Like all current statues, a replacement statue must be made of marble or bronze and depict a distinguished, deceased citizen of the donating state.⁶

A state may request that the United States Joint Committee on the Library of Congress approve the replacement of its statues by a resolution from the state’s Legislature and the consent of the Governor.⁷ The state is responsible for costs related to the replacement, including the “construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.”⁸

After the Joint Committee has approved the request, ownership of the replaced statue transfers to the state and the replaced statue may only be returned to the Capitol by federal law.⁹ A duly authorized state official must inform the Architect of the Capitol where the replaced statue will be displayed after it is removed from the Capitol.¹⁰

¹ Architect of the Capitol, *About the National Statuary Hall Collection*, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/about-national-statuary-hall-collection> (last viewed January 15, 2016).

² *Id.*

³ 2 U.S.C. s. 2131.

⁴ 2 U.S.C. s. 2131a(a).

⁵ 2 U.S.C. s. 2132(a)(2)(B). The Joint Committee on the Library of Congress may grant a waiver of this requirement.

⁶ 2 U.S.C. s. 2132(b)(1).

⁷ 2 U.S.C. s. 2132(a).

⁸ 2 U.S.C. s. 2132(b)(2).

⁹ 2 U.S.C. s. 2132(d).

¹⁰ Architect of the Capitol, Office of the Curator, *Procedure and Guidelines for Replacement of Statues in the National Statuary Hall Collection*, (January 2014), available at http://www.aoc.gov/sites/default/files/statue_replacement_guidelines_2014.pdf (last viewed January 15, 2016).

Florida's Statues

The Florida statues in the National Statuary Hall Collection are Dr. John Gorrie and General Edmund Kirby Smith.¹¹ Florida donated a statue of Dr. Gorrie to the National Statuary Hall Collection in 1914. Dr. Gorrie (1802-1855) was a physician in Apalachicola, Florida, who advocated draining swamps, the use of mosquito netting to prevent disease, and the cooling of sickrooms to reduce fever. Dr. Gorrie was granted a patent for a machine to make ice and is credited with being the father of refrigeration and air-conditioning.¹²

In 1922, Florida gave a statue of Gen. Kirby Smith to the National Statuary Hall Collection. General Edmund Kirby Smith (1824-1893) was a soldier and educator who served in the Mexican War and taught mathematics at the United States Military Academy (West Point). He resigned from the United States Army in 1861 to join the Confederate States of America. He rose to the rank of general and surrendered the last military force of the Confederacy in the Civil War. After the Civil War, he moved to Tennessee where he pursued an academic career and served as Chancellor of the University of Nashville.¹³

Great Floridians Program

The Great Floridians Program recognizes and records the achievements of living and deceased Floridians who have made major contributions to the progress and welfare of Florida.¹⁴ The Division of Historical Resources of the DOS (division) nominates present or former Florida citizens who made major contributions to the progress of the United States or Florida.¹⁵ In identifying people worthy of a nomination, the division is required seek the advice of people who are experienced in informing the public about Florida's history.¹⁶ Annually, the division must convene an ad hoc committee composed of representatives of specified government officials. The committee must meet as least twice a year and must nominate at least two individuals to be submitted to the Secretary of State.¹⁷ The Secretary of State then selects two individuals to be honored as 'Great Floridians'.¹⁸ The division is required to educate the public about the Great Floridians selected by the Secretary of State.¹⁹

The Florida Council on Arts and Culture

The Florida Council on Arts and Culture (council) is an advisory body within the DOS that promotes arts and culture throughout the state.²⁰ The council consists of 15 members who are

¹¹ Architect of the Capitol, *National Statuary Hall Collection*, available at <http://www.aoc.gov/the-national-statuary-hall-collection> (last viewed January 15, 2016).

¹² Architect of the Capitol, *National Statuary Hall Collection, John Gorrie*, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-gorrie> (last viewed January 15, 2016).

¹³ Architect of the Capitol, *National Statuary Hall Collection, Edmund Kirby Smith*, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/edmund-kirby-smith> (last viewed January 15, 2016).

¹⁴ Section 267.0731, F.S.

¹⁵ Section 267.0731(1), F.S.

¹⁶ Section 267.0731(1)(a), F.S.

¹⁷ Section 267.0731(1)(b), F.S.

¹⁸ Section 267.0731(1), F.S.

¹⁹ Section 267.0731(2), F.S.

²⁰ Section 265.285(1)(a) and (2)(a), F.S.

appointed by the Governor, the Speaker of the House of Representatives, and the President of the Senate. The members must have a substantial history of community service in the performing or visual arts, science, history, or children's museums.²¹ The council advises the Secretary of the State regarding the administration of grants pertaining to arts and culture, and reviews applications for grants related to cultural facilities.²²

III. Effect of Proposed Changes:

The bill provides that the ad hoc committee of the Great Floridians Program must select a prominent Florida citizen, who may include a person of distinguished civil or military service, to be commemorated in the National Statuary Hall Collection. The Division of Historical Resources is required to prescribe the guidelines to be used for the selection. Once a selection has been made the ad hoc committee must submit its recommendation to the Division of Historical Resources and the Division of Cultural Affairs of the DOS.

The bill requires the Florida Council on Arts and Culture (council) to select a sculptor, with preference given to a sculptor from Florida, to design the statue of the prominent Florida citizen selected. Guidelines prescribed by the DOS and 2 U.S.C. s. 2131 must be used in the selection of the sculptor.

The council and the DOS must estimate the costs associated with the replacement of the statue, including the costs:

- To design, construct, transport, and place the new statue;
- To remove and transfer of the current statue; and
- Any unveiling ceremony for the new statue.

The bill permits the council to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds raised must be placed in the Grants and Donations Trust Fund of the DOS and may be used only for the limited purposes associated with statue replacement described in the bill.

Based on the recommendations and findings of the ad hoc committee and the council, the DOS must submit a report, by January 1, 2017, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include:

- The name of the prominent Florida citizen and a description of the process used to select the prominent Florida citizen;
- The name of the sculptor and a description of the process used to select the sculptor; and
- An estimate of the total costs associated with replacement of the statue, including the costs to design, construct, transport, and place the new statue; the removal and transfer of the current statue; and any unveiling ceremony for the new statue.

After the selection of a prominent Florida citizen and a sculptor has been made, the Legislature must pass a memorial requesting the United States Joint Committee on the Library of Congress approve the request to replace of the statue of General Edmund Kirby Smith. Upon the

²¹ Section 265.285(1), F.S.

²² Section 265.285(2)(f) and (h), F.S.

Legislature's adoption of the memorial, the Governor must agree in writing with the request to replace the statue, and then the memorial will be submitted to the Joint Committee on the Library of Congress for consideration.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the Great Floridians Program to select a prominent Florida citizen to replace the statue of General Edmund Kirby Smith and be commemorated at the National Statuary Hall Collection. The bill also requires the DOS to prescribe the guidelines used in the selection of a sculptor to design the statue. The DOS should be able to absorb the costs of the bill from existing agency resources.

The bill permits the Florida Council on Arts and Culture to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds raised must be placed in the Grants and Donations Trust Fund of the DOS and may be used only for the limited purposes associated with statue replacement described in the bill.

VI. Technical Deficiencies:

The bill requires the ad hoc committee of the Great Floridians Program to select a Florida citizen based upon guidelines prescribed by the Division of Historical Resources and the council to select a sculptor based upon guidelines prescribed by the DOS and federal laws related to statue replacement. The DOS currently has no applicable rules or guidelines for the Great Floridians

Program or the council, and it is unclear what types of guidelines will be prescribed to implement the bill.²³

The bill requires the Legislature to pass a memorial after the selections are made, but the DOS does not report to the Legislature and Governor on the selections until January 1, 2017. It may be more appropriate to require a memorial during the next session of the Legislature after the report is made.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Fiscal Policy on January 20, 2016:

The CS specifies that the prominent Florida citizen to be selected by ad hoc committee of may include a person of distinguished civil or military service and the committee must submit its recommendation to the Division of Historical Resources and Division of Cultural Affairs. The CS also clarifies that when selecting a sculptor to design the statue, preference should be given to a sculptor from Florida.

The CS instructs the Florida Council on Arts and Culture and the DOS to estimate the costs associated with replacement of the statue, including the costs:

- To design, construct, transport, and place the new statue;
- To remove and transport the current statue; and
- Any unveiling ceremony for the new statue.

The CS permits the Florida Council on Arts and Culture to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds raised must be placed in the Grants and Donations Trust Fund of the DOS and may be used only for the limited purposes. The CS also requires the DOS to file a report to the Governor, President of the Senate, and Speaker of the House on the recommendations and findings of the ad hoc committee and council by January 1, 2017.

²³ Email from Eddie Philips, Florida Department of State, Office of Legislative Affairs dated November 6, 2015 (on file with the Senate Committee on Governmental Oversight and Accountability).

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 the Committee on Fiscal Policy; and Senators Legg and Margolis

594-02377-16

2016310c1

1 A bill to be entitled
 2 An act relating to the National Statuary Hall;
 3 providing for replacement of the statue of General
 4 Edmund Kirby Smith in the National Statuary Hall
 5 Collection at the United States Capitol; providing for
 6 selection of a prominent Florida citizen to be
 7 commemorated in the National Statuary Hall Collection;
 8 providing for selection of a sculptor to design the
 9 statue; requiring the Florida Council on Arts and
 10 Culture and the Department of State to estimate costs
 11 associated with the replacement of the statue;
 12 authorizing the council to raise funds to support such
 13 costs; providing for the deposit of funds raised into
 14 the Grants and Donations Trust Fund of the department;
 15 requiring the department to submit a report to the
 16 Governor and the Legislature by a specified date;
 17 specifying required content of the report; providing
 18 for submission of the state's request to the United
 19 States Joint Committee on the Library of Congress for
 20 approval to replace the statue; providing an effective
 21 date.

22
 23 WHEREAS, pursuant to 2 U.S.C. s. 2131, each state is
 24 permitted to provide and furnish to the United States Capitol
 25 two statues, in marble or bronze, of deceased persons who have
 26 been prominent citizens of the state for placement in the
 27 National Statuary Hall Collection, and

28 WHEREAS, currently, Florida has two statues, of Dr. John
 29 Gorrie and of General Edmund Kirby Smith, in the National
 30 Statuary Hall Collection, and

31 WHEREAS, pursuant to 2 U.S.C. s. 2132, a state may request

Page 1 of 4

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

594-02377-16

2016310c1

32 that the Joint Committee on the Library of Congress approve the
 33 replacement of any statue the state has provided for display in
 34 the National Statuary Hall Collection at the United States
 35 Capitol, NOW, THEREFORE,

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. (1) At its first annual meeting following the
 40 effective date of this act, the ad hoc committee of the Great
 41 Floridians Program within the Division of Historical Resources
 42 of the Department of State, as established under s.
 43 267.0731(1)(b), Florida Statutes, shall select, according to
 44 guidelines prescribed by the division, a prominent Florida
 45 citizen, who may include, but is not limited to, a person of
 46 distinguished civil or military service, to be commemorated in
 47 the National Statuary Hall Collection of the United States
 48 Capitol. The ad hoc committee shall submit its recommendation to
 49 the Division of Historical Resources and the Division of
 50 Cultural Affairs.

51 (2) At its first meeting following the effective date of
 52 this act, the Florida Council on Arts and Culture, as
 53 established under s. 265.285, Florida Statutes, shall select a
 54 sculptor, according to the guidelines prescribed by the
 55 Department of State and 2 U.S.C. s. 2131, with preference given
 56 to a sculptor from this state, to design a statue of the
 57 prominent Florida citizen selected pursuant to subsection (1)
 58 for replacement of the statue of General Edmund Kirby Smith in
 59 the National Statuary Hall Collection.

60 (3) The Florida Council on Arts and Culture and the

Page 2 of 4

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

594-02377-16

2016310c1

61 Department of State shall estimate the costs associated with the
 62 replacement of the statue, including the costs to design,
 63 construct, transport, and place the new statue; the removal and
 64 transfer of the current statue; and any unveiling ceremony for
 65 the new statue. The Florida Council on Arts and Culture may
 66 raise funds from private sources to fund the costs associated
 67 with the replacement of the statue. Funds raised must be placed
 68 in the Grants and Donations Trust Fund of the Department of
 69 State and may be used only for the limited purposes associated
 70 with statue replacement described in this subsection.

71 (4) Based on the recommendations and findings of the ad hoc
 72 committee and the Florida Council on Arts and Culture, the
 73 Department of State shall submit a report, by January 1, 2017,
 74 to the Governor, the President of the Senate, and the Speaker of
 75 the House of Representatives. The report must include, but is
 76 not limited to, the following:

77 (a) The name of the prominent Florida citizen and the
 78 process used to select the prominent Florida citizen.

79 (b) The name of the sculptor and the process used to select
 80 the sculptor.

81 (c) An estimate of the total costs associated with
 82 replacement of the statue, including the costs to design,
 83 construct, transport, and place the new statue; the removal and
 84 transfer of the current statue; and any unveiling ceremony for
 85 the new statue.

86 (5) In accordance with 2 U.S.C. s. 2132, upon the selection
 87 of a prominent Florida citizen under subsection (1) and a
 88 sculptor under subsection (2), the Legislature shall request by
 89 memorial that the United States Joint Committee on the Library

594-02377-16

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90 of Congress approve the request to replace the statue of General
 91 Edmund Kirby Smith and that the Architect of the Capitol carry
 92 out the request. Upon adoption of the memorial by the
 93 Legislature and approval of the request in writing by the
 94 Governor, the memorial shall be submitted to the United States
 95 Joint Committee on the Library of Congress.

96 Section 2. This act shall take effect upon becoming a law.

APPEARANCE RECORD

1/27/2016

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

310

Meeting Date

Bill Number (if applicable)

Topic National Statutory Hall

Amendment Barcode (if applicable)

Name Seber Newsome III

Job Title Retired

Address 86110 Fieldstone Drive

Phone 904-225-5591

Street
Yulee

Fl

32097

Email seberiii@comcast.net

City

State

Zip

Speaking: For Against Information

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

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/16
Meeting Date

310
Bill Number (if applicable)

Topic Edmond Kirby Smith

Amendment Barcode (if applicable)

Name Nansey Markham Miller

Job Title ~~Director~~

Address PO Box 347, 1603 Pine Tree Dr.

Phone 239-4626192

Street
St. Andrew City FL State 33909 Zip

Email NANSEAC@gmail.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

SB 310

Bill Number (if applicable)

Meeting Date

Topic S/B 310

Amendment Barcode (if applicable)

Name JAMES SKILLING LAW

Job Title MUSEUM SOUTHERN HISTORY (DIRECTOR)

Address 2801 CHAFFEE RD

Phone

Street

JACKSONVILLE FL 32221

Email

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

Jan 27 16
Meeting Date

CS/58310
Bill Number (if applicable)

Topic Kirby-Smith statute

Amendment Barcode (if applicable)

Name RON PARKS

Job Title _____

Address 3658 HAVENWOOD Rd
Street

Phone 904-201-0043

Middleburg Fla 32067
City State Zip

Email RON.PARKS@FLS.BAR.GOV

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

27 Jan 2016
Meeting Date

CS/SB 310
Bill Number (if applicable)

Topic Kirby Smith Statue Replacement

Amendment Barcode (if applicable)

Name Mary Ellen Gwynes

Job Title Education Specialist, Museum of Southern History

Address 10239 Waltham Ct E
Street

Phone (904) 655-5614

Jacksonville FL 32221
City State Zip

Email mgwynes@live.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

January 27, 2015
Meeting Date

310
Bill Number (if applicable)

Topic National Statuary Hall

Amendment Barcode (if applicable)

Name Jasmyne Henderson

Job Title Attorney

Address 10200 East Park Avenue

Phone (850) 216-1002

Street

Tallahassee

Florida

32301

City

State

Zip

Email jasmyne@pittman-law.com

Speaking: For Against Information

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

Representing Miami-Dade County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

SB 310

Bill Number (if applicable)

Meeting Date _____

Amendment Barcode (if applicable) _____

Topic _____

Name JOAN COOPER

Job Title _____

Address _____

Phone _____

Street

JACKSONVILLE FL 32210

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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 Rules

BILL: CS/SB 592

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Hutson

SUBJECT: Public Records/Department of Financial Services

DATE: January 26, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matiyow	Knudson	BI	Favorable
2.	Kim	McVaney	GO	Fav/CS
3.	Matiyow	Phelps	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 592 exempts from public inspection and disclosure the home addresses, telephone numbers, dates of birth, and photographs of current and former nonsworn investigative personnel of the Department of Financial Services. The bill also exempts from public inspection and disclosure the names, home addresses, telephone numbers, dates of birth, and places of employment, locations of schools and day care facilities of the spouses and children of such personnel.

The bill specifies that the exemptions are subject to the Open Government Sunset Review Act and provides a statement of public necessity for the exemptions.

This bill creates a new exemption and is subject to a two-thirds vote in both the Senate and the House, pursuant to Article I, s. 24(c) of the State Constitution.

The bill goes into effect upon becoming law.

II. Present Situation:

Public Records Law

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

In addition to the Florida Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

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.⁵

According to the Public Records Act, 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 A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

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” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

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

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following questions during its review of an exemption:¹⁷

- 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?

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(a), F.S.

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁹

Department of Financial Services

In 2002 the Florida Legislature merged the Department of Insurance, Treasury and State Fire Marshal and the Department of Banking and Finance into the Department of Financial Services (DFS). The Chief Financial Officer (CFO) is a statewide elected official who is a member of the Cabinet²⁰ and serves as the agency head of the DFS.²¹ The DFS is organized in fourteen divisions and some specialized offices. The divisions are:

- The Division of Accounting and Auditing, which includes the Bureau of Unclaimed Property and the Office of Fiscal Integrity;
- The Division of State Fire Marshal;
- The Division of Risk Management;
- The Division of Treasury;
- The Division of Insurance Fraud;
- The Division of Rehabilitation and Liquidation;
- The Division of Insurance Agent and Agency Services;
- The Division of Consumer Services;
- The Division of Workers' Compensation;
- The Division of Administration;
- The Division of Legal Services;
- The Division of Information Systems;
- The Division of Funeral, Cemetery, and Consumer Services; and
- The Division of Public Assistance Fraud.²²

According to the DFS, a total of 206 positions within five divisions are nonsworn investigative personnel. These positions are located in the following divisions:

- Five positions in the Division of Accounting and Auditing who investigate suspicion of theft, attempted theft, or the misappropriation of state funds.
- 59 positions in the Division of Agent and Agency Services who investigate misconduct of licensees. Investigators often go into the offices and homes of licensees and consumers to gather evidence and take sworn statements.
- 74 positions in the Division of Workers Compensation who investigate enforcement of workers compensation requirements of employers. Investigators often visit employer worksites and have the power to issue Stop-Work Orders that immediately cease all the business operations of the employer.

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15(7), F.S.

²⁰ See Art. IV, s. 4, Fla. Const.

²¹ See s. 20.121(1), F.S.

²² See s. 20.121(2), F.S.

- 15 positions in the Division of Funeral, Cemetery, and Consumer Services who investigate fraudulent activities of licensees as well as improper handling of human remains. Investigators often go to the business address of the license to conduct much of their investigation.
- 53 positions in the Division of Public Assistance Fraud who investigate suspected fraud within the various public assistance programs administered by the state. Such investigations can result in prosecution by the state attorney's office.

III. Effect of Proposed Changes:

The bill amends s. 119.071, F.S., to exempt from public inspection and disclosure the home addresses, telephone numbers, dates of birth, and photographs of certain current and former nonsworn investigative DFS personnel. The exemption applies to DFS personnel who investigate fraud, theft, workers' compensation cases, related criminal cases or regulatory violations.

The bill also exempts from public inspection and disclosure the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel, as well as the names and locations of schools and day care facilities attended by their children.

The exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and provides that the public-records exemptions will stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Justification of public necessity for the exemptions is also provided, stating that release of the information might place the investigators or the family members of these investigators in danger of physical and emotional harm from disgruntled individuals who have contentious reactions to actions taken by such personnel, or whose business or professional practices have come under the scrutiny of such personnel. The efforts of such personnel can lead to criminal prosecution, the loss of commerce and property, fines, and the loss of professional licensure. DFS has documented examples of personnel having weapons brandished at them, verbal threats made against them and their families, as well as personnel being subject to harassment and intimidation. Therefore, the harm that would result from the release of the information outweighs any public benefit that might result from the disclosure.

The bill is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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 a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

Pursuant to Article I, s. 24(c) of the State Constitution all public records exemptions requires a two-thirds vote by both the Senate and the House.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill protects nonsworn investigative personnel and their families from potential harassment or harm when fulfilling their duties while working for DFS.

Governmental entities will have to redact the information outlined in this bill, however, this costs will probably be absorbed within current resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

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

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

CS by Governmental Oversight and Accountability on January 19, 2016:

- Removes social security numbers from the exemption since social security number are already exempt from public records.
- Removes the reference to the photographs of the families of DFS personnel since the DFS does not keep family members' photographs as public records.

- The public necessity statement was enhanced to include specific examples of the dangers DFS personnel have experienced in the course of carrying out their duties.
- Includes former personnel, to clarify that the exemption is applicable to former personnel as well as current personnel who leave DFS in the future.
- Narrows and clarifies that investigation of “other criminal activities” are related to investigations of fraud, theft and workers compensation cases, rather than any type of criminal activity.
- Changes ‘child care’ to ‘day care’ in order to conform with the rest of the section.

B. Amendments:

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Hutson

585-02229-16

2016592c1

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of certain nonsworn investigative personnel of the Department of Financial Services and the names and personal identifying and location information of the spouses and children of such personnel; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term "telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a.(I) The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of active or former sworn or civilian law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health

Page 1 of 11

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

585-02229-16

2016592c1

whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1).

(II) The names of the spouses and children of active or former sworn or civilian law enforcement personnel and the other specified agency personnel identified in sub-sub-subparagraph (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(III) Sub-sub-subparagraph (II) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

(IV) The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

Page 2 of 11

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585-02229-16

2016592c1

61 Constitution. This sub-sub-subparagraph is subject to the Open
 62 Government Sunset Review Act in accordance with s. 119.15 and
 63 shall stand repealed on October 2, 2021, unless reviewed and
 64 saved from repeal through reenactment by the Legislature.

65 b. The home addresses, telephone numbers, dates of birth,
 66 and photographs of firefighters certified in compliance with s.
 67 633.408; the home addresses, telephone numbers, photographs,
 68 dates of birth, and places of employment of the spouses and
 69 children of such firefighters; and the names and locations of
 70 schools and day care facilities attended by the children of such
 71 firefighters are exempt from s. 119.07(1).

72 c. The home addresses, dates of birth, and telephone
 73 numbers of current or former justices of the Supreme Court,
 74 district court of appeal judges, circuit court judges, and
 75 county court judges; the home addresses, telephone numbers,
 76 dates of birth, and places of employment of the spouses and
 77 children of current or former justices and judges; and the names
 78 and locations of schools and day care facilities attended by the
 79 children of current or former justices and judges are exempt
 80 from s. 119.07(1).

81 d.(I) The home addresses, telephone numbers, social
 82 security numbers, dates of birth, and photographs of current or
 83 former state attorneys, assistant state attorneys, statewide
 84 prosecutors, or assistant statewide prosecutors; the home
 85 addresses, telephone numbers, social security numbers,
 86 photographs, dates of birth, and places of employment of the
 87 spouses and children of current or former state attorneys,
 88 assistant state attorneys, statewide prosecutors, or assistant
 89 statewide prosecutors; and the names and locations of schools

Page 3 of 11

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585-02229-16

2016592c1

90 and day care facilities attended by the children of current or
 91 former state attorneys, assistant state attorneys, statewide
 92 prosecutors, or assistant statewide prosecutors are exempt from
 93 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

94 (II) The names of the spouses and children of current or
 95 former state attorneys, assistant state attorneys, statewide
 96 prosecutors, or assistant statewide prosecutors are exempt from
 97 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

98 (III) Sub-sub-subparagraph (II) is subject to the Open
 99 Government Sunset Review Act in accordance with s. 119.15, and
 100 shall stand repealed on October 2, 2018, unless reviewed and
 101 saved from repeal through reenactment by the Legislature.

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

Page 4 of 11

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

585-02229-16

2016592c1

119 Division of Administrative Hearings, or child support hearing
 120 officer provides a written statement that the general
 121 magistrate, special magistrate, judge of compensation claims,
 122 administrative law judge of the Division of Administrative
 123 Hearings, or child support hearing officer has made reasonable
 124 efforts to protect such information from being accessible
 125 through other means available to the public.

126 f. The home addresses, telephone numbers, dates of birth,
 127 and photographs of current or former human resource, labor
 128 relations, or employee relations directors, assistant directors,
 129 managers, or assistant managers of any local government agency
 130 or water management district whose duties include hiring and
 131 firing employees, labor contract negotiation, administration, or
 132 other personnel-related duties; the names, home addresses,
 133 telephone numbers, dates of birth, and places of employment of
 134 the spouses and children of such personnel; and the names and
 135 locations of schools and day care facilities attended by the
 136 children of such personnel are exempt from s. 119.07(1) and s.
 137 24(a), Art. I of the State Constitution.

138 g. The home addresses, telephone numbers, dates of birth,
 139 and photographs of current or former code enforcement officers;
 140 the names, home addresses, telephone numbers, dates of birth,
 141 and places of employment of the spouses and children of such
 142 personnel; and the names and locations of schools and day care
 143 facilities attended by the children of such personnel are exempt
 144 from s. 119.07(1) and s. 24(a), Art. I of the State
 145 Constitution.

146 h. The home addresses, telephone numbers, places of
 147 employment, dates of birth, and photographs of current or former

585-02229-16

2016592c1

148 guardians ad litem, as defined in s. 39.820; the names, home
 149 addresses, telephone numbers, dates of birth, and places of
 150 employment of the spouses and children of such persons; and the
 151 names and locations of schools and day care facilities attended
 152 by the children of such persons are exempt from s. 119.07(1) and
 153 s. 24(a), Art. I of the State Constitution, if the guardian ad
 154 litem provides a written statement that the guardian ad litem
 155 has made reasonable efforts to protect such information from
 156 being accessible through other means available to the public.

157 i. The home addresses, telephone numbers, dates of birth,
 158 and photographs of current or former juvenile probation
 159 officers, juvenile probation supervisors, detention
 160 superintendents, assistant detention superintendents, juvenile
 161 justice detention officers I and II, juvenile justice detention
 162 officer supervisors, juvenile justice residential officers,
 163 juvenile justice residential officer supervisors I and II,
 164 juvenile justice counselors, juvenile justice counselor
 165 supervisors, human services counselor administrators, senior
 166 human services counselor administrators, rehabilitation
 167 therapists, and social services counselors of the Department of
 168 Juvenile Justice; the names, home addresses, telephone numbers,
 169 dates of birth, and places of employment of spouses and children
 170 of such personnel; and the names and locations of schools and
 171 day care facilities attended by the children of such personnel
 172 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 173 Constitution.

174 j.(I) The home addresses, telephone numbers, dates of
 175 birth, and photographs of current or former public defenders,
 176 assistant public defenders, criminal conflict and civil regional

585-02229-16

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177 counsel, and assistant criminal conflict and civil regional
 178 counsel; the home addresses, telephone numbers, dates of birth,
 179 and places of employment of the spouses and children of such
 180 defenders or counsel; and the names and locations of schools and
 181 day care facilities attended by the children of such defenders
 182 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 183 the State Constitution.

184 (II) The names of the spouses and children of the specified
 185 agency personnel identified in sub-sub-subparagraph (I) are
 186 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 187 Constitution. This sub-sub-subparagraph is subject to the Open
 188 Government Sunset Review Act in accordance with s. 119.15 and
 189 shall stand repealed on October 2, 2019, unless reviewed and
 190 saved from repeal through reenactment by the Legislature.

191 k. The home addresses, telephone numbers, and photographs
 192 of current or former investigators or inspectors of the
 193 Department of Business and Professional Regulation; the names,
 194 home addresses, telephone numbers, and places of employment of
 195 the spouses and children of such current or former investigators
 196 and inspectors; and the names and locations of schools and day
 197 care facilities attended by the children of such current or
 198 former investigators and inspectors are exempt from s. 119.07(1)
 199 and s. 24(a), Art. I of the State Constitution if the
 200 investigator or inspector has made reasonable efforts to protect
 201 such information from being accessible through other means
 202 available to the public. This sub-subparagraph is subject to the
 203 Open Government Sunset Review Act in accordance with s. 119.15
 204 and shall stand repealed on October 2, 2017, unless reviewed and
 205 saved from repeal through reenactment by the Legislature.

Page 7 of 11

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585-02229-16

2016592c1

206 1. The home addresses and telephone numbers of county tax
 207 collectors; the names, home addresses, telephone numbers, and
 208 places of employment of the spouses and children of such tax
 209 collectors; and the names and locations of schools and day care
 210 facilities attended by the children of such tax collectors are
 211 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 212 Constitution if the county tax collector has made reasonable
 213 efforts to protect such information from being accessible
 214 through other means available to the public. This sub-
 215 subparagraph is subject to the Open Government Sunset Review Act
 216 in accordance with s. 119.15 and shall stand repealed on October
 217 2, 2017, unless reviewed and saved from repeal through
 218 reenactment by the Legislature.

219 m. The home addresses, telephone numbers, dates of birth,
 220 and photographs of current or former personnel of the Department
 221 of Health whose duties include, or result in, the determination
 222 or adjudication of eligibility for social security disability
 223 benefits, the investigation or prosecution of complaints filed
 224 against health care practitioners, or the inspection of health
 225 care practitioners or health care facilities licensed by the
 226 Department of Health; the names, home addresses, telephone
 227 numbers, dates of birth, and places of employment of the spouses
 228 and children of such personnel; and the names and locations of
 229 schools and day care facilities attended by the children of such
 230 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 231 the State Constitution if the personnel have made reasonable
 232 efforts to protect such information from being accessible
 233 through other means available to the public. This sub-
 234 subparagraph is subject to the Open Government Sunset Review Act

Page 8 of 11

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585-02229-16

2016592c1

235 in accordance with s. 119.15 and shall stand repealed on October
236 2, 2019, unless reviewed and saved from repeal through
237 reenactment by the Legislature.

238 n. The home addresses, telephone numbers, dates of birth,
239 and photographs of current or former impaired practitioner
240 consultants who are retained by an agency or current or former
241 employees of an impaired practitioner consultant whose duties
242 result in a determination of a person's skill and safety to
243 practice a licensed profession; the names, home addresses,
244 telephone numbers, dates of birth, and places of employment of
245 the spouses and children of such consultants or their employees;
246 and the names and locations of schools and day care facilities
247 attended by the children of such consultants or employees are
248 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
249 Constitution if a consultant or employee has made reasonable
250 efforts to protect such information from being accessible
251 through other means available to the public. This sub-
252 subparagraph is subject to the Open Government Sunset Review Act
253 in accordance with s. 119.15 and shall stand repealed on October
254 2, 2020, unless reviewed and saved from repeal through
255 reenactment by the Legislature.

256 3. An agency that is the custodian of the information
257 specified in subparagraph 2. and that is not the employer of the
258 officer, employee, justice, judge, or other person specified in
259 subparagraph 2. shall maintain the exempt status of that
260 information only if the officer, employee, justice, judge, other
261 person, or employing agency of the designated employee submits a
262 written request for maintenance of the exemption to the
263 custodial agency.

Page 9 of 11

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585-02229-16

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264 4. The exemptions in this paragraph apply to information
265 held by an agency before, on, or after the effective date of the
266 exemption.

267 5. Except as otherwise expressly provided in this
268 paragraph, this paragraph is subject to the Open Government
269 Sunset Review Act in accordance with s. 119.15, and shall stand
270 repealed on October 2, 2017, unless reviewed and saved from
271 repeal through reenactment by the Legislature.

272 Section 2. The Legislature finds that it is a public
273 necessity to exempt from public records requirements the home
274 addresses, telephone numbers, dates of birth, and photographs of
275 current or former nonsworn investigative personnel of the
276 Department of Financial Services whose duties include the
277 investigation of fraud, theft, workers' compensation coverage
278 requirements and compliance, other related criminal activities,
279 or state regulatory requirement violations; the names, home
280 addresses, telephone numbers, dates of birth, and places of
281 employment of the spouses and children of such personnel; and
282 the names and locations of schools and day care facilities
283 attended by the children of such personnel. The efforts of such
284 personnel can lead to arrests and prosecutions for crimes up to
285 and including first degree felony violations and can also result
286 in the loss of commerce and property, the assessment of monetary
287 finances, or the suspension or loss of professional licenses. The
288 department has documented numerous instances of personnel who
289 have been threatened and who have feared repercussions as a
290 result of carrying out their duties. These threats have included
291 weapons being brandished, verbal threats made to harm them or
292 their family members, harassment, and intimidation. The

Page 10 of 11

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585-02229-16

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293 Legislature finds that the release of such personal identifying
294 and location information might place these nonsworn
295 investigative personnel of the department and their family
296 members in danger of physical and emotional harm from
297 disgruntled individuals who have contentious reactions to
298 actions taken by such personnel, or whose business or
299 professional practices have come under the scrutiny of such
300 personnel. The Legislature further finds that the harm that may
301 result from the release of such personal identifying and
302 location information outweighs any public benefit that may be
303 derived from the disclosure of the information.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/14

Meeting Date

592

Bill Number (if applicable)

Topic Public Records / DFS

Amendment Barcode (if applicable)

Name BG Murphy

Job Title Deputy Legislative Affairs Deputy

Address 400 S. Monroe St

Phone 850-413-2890

Street

Tallahassee

City

FL

State

32399

Zip

Email BG.Murphy@myfloridato.

com

Speaking: For Against Information

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

Representing Department of Financial Services

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 Rules

BILL: CS/CS/SB 578

INTRODUCER: Governmental Oversight and Accountability Committee, Regulated Industries Committee and Senator Hutson

SUBJECT: Public Records/Florida State Boxing Commission

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
3.	<u>Oxamendi</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 578 amends the current public records exemption in s. 548.062(2), F.S., related to propriety confidential business information maintained by the Florida State Boxing Commission (commission) within the Department of Business and Professional Regulation. The bill provides that propriety confidential business information provided by a promoter to the commission or obtained through an audit is confidential and exempt from public inspection and disclosure. The bill expands the public records exemption to include all proprietary confidential business information provided by the promoter to the commission by deleting the provision that the exemption applies only to the promoter's written report required to be filed with the commission after a match.

This bill requires a two-thirds vote of each chamber to pass. The bill will go into effect on July 1, 2016.

II. Present Situation:

Florida's Public Records Law

Florida has a long history of providing public access to the records of governmental and other public entities. The first law affording access to public records was enacted by the Florida Legislature in 1909.

In 1992, Floridians voted to adopt an amendment to the Florida Constitution that raised the statutory right of public access to public records to a constitutional level. Article I, s. 24(a), of the State Constitution provides:

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

In addition to the Florida Constitution, the Public Records Law,¹ which predates the constitutional provisions, specifies conditions under which public access must be provided to governmental records of the executive branch and other governmental agencies. Section 119.07(1)(a), F.S., states:

Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.

Unless specifically exempted, all agency² records are available for public inspection. The term “public records” is defined in s. 119.011(12), F.S., to include:

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 the official business by any agency.

This definition of “public records” has been interpreted by the Florida Supreme Court to include all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge.³

There is a difference between records that the Legislature has made exempt from public inspection and those that are *confidential* and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other

¹Chapter 119, F.S.

²The term “agency” is defined in s. 119.011(2), F.S., 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.”

³ *Shevin v. Byron, Harless, Schaffer, Reid, and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

than to the persons or entities designated in the statute.⁴ If a record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances.⁵

Only the Legislature is authorized to create exemptions to open government requirements.⁶ Exemptions must be created by general law and such law must specifically state the public necessity justifying the exemption. Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law.⁷ A bill enacting an exemption⁸ may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.⁹

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.¹⁰ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature, reenacts the exemption prior to that time.¹¹

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.¹² An exemption serves an identifiable purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- It protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- It protects trade or business secrets.¹³

The act also requires specified questions to be considered during the review process.¹⁴

⁴ Attorney General Opinion 85-62.

⁵ *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA), review denied, 589 So. 2d 289 (Fla. 1991).

⁶ FLA. CONST. art. I, s. 24(c).

⁷ FLA. CONST. art. I, s. 24(c).

⁸ Under s. 119.15, F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ 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 pursuant to 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 pursuant to s. 119.15(2), F.S.

¹¹ Section 119.15(3), F.S.

¹² Section 119.15(6)(b), F.S.

¹³ *Id.*

¹⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?

If the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.¹⁵ If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote for passage are not required.

Florida State Boxing Commission

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing, and mixed martial arts by the Florida State Boxing Commission (commission) within the Department of Business and Professional Regulation (department).

Section 548.006(3), F.S., provides the commission with exclusive jurisdiction over every professional boxing match and professional mixed martial arts and kickboxing matches. Professional matches held in this state must meet the requirements for holding the match pursuant to ch. 548, F.S., and the rules adopted by the commission.

The commission's jurisdiction over amateur matches is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for boxing and kickboxing matches held in the state.¹⁶ Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.¹⁷ This jurisdiction does not extend to amateur sanctioning organizations for mixed martial arts.

Public Records Exemption – Proprietary Confidential Business Information

Section 548.062, F.S., provides that the proprietary confidential business information provided in the written report after a match or obtained by the commission in an audit of the promoter's books and records, is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

Section 548.062, F.S., defines "proprietary confidential business information" as information that is owned and controlled by the promoter, which a promoter intends to be and treats as private, and the disclosure of the information would cause harm to the promoter or its business operations. If a promoter discloses information pursuant to a statutory provision or an order of a court or administrative body, the disclosed information is still considered proprietary confidential business information. In addition, a private agreement providing that information will not be released to the public will give it proprietary confidential business information status.

Proprietary confidential business information includes any of the following information:

-
- 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?

¹⁵ FLA. CONTS. art. I, s. 24(c). An existing exemption may be treated as a new exemption (and subject to a new OGSR) if the exemption is expanded to cover additional records (s. 119.15(4), F.S.).

¹⁶ Section 548.006(3), F.S.

¹⁷ Section 548.002(2), F.S.

- (a) The number of ticket sales for a match.
- (b) The amount of gross receipts after a match.
- (c) Trade secrets as defined by s. 688.002, F.S.
- (d) Business plans.
- (e) Internal auditing controls and reports of internal auditors.
- (f) External auditors' reports.

Information made confidential and exempt by this subsection may be disclosed to another governmental entity in the performance of its duties and responsibilities.

The public records exemption in s. 548.062, F.S., is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and is repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 548.062, F.S., was enacted in s. 1, ch. 2014-129, L.O.F., which expressed the required Statement of Public Necessity for the public records exemption.

The public necessity statement provides that the disclosure of proprietary confidential business information that could injure a promoter in the marketplace by giving the promoter's competitors insight into its financial status and business plan, thereby putting the promoter at a competitive disadvantage. The bill also provides that the Legislature's finding that the harm to a promoter in disclosing proprietary confidential business information significantly outweighs any public benefit derived from disclosure of the information.

Bill Proponent

Ultimate Fighting Championship (UFC),¹⁸ a promotion company for professional mixed martial arts, produces a reality television series called "The Ultimate Fighter" in which participants compete in a series of matches until the ultimate champion is determined. Although this program has been produced in Las Vegas, Nevada for its first 20 seasons (two seasons per year),¹⁹ in 2015 the 21st season of the series was filmed in Coconut Creek and Boca Raton, Florida. As professional mixed martial arts matches, these events are attended by representatives of the commission and a public record of the event is maintained by the commission. This record includes the identity of the match participants and results of the match. The matches for the program were filmed in January and February 2015, but the first match for the program did not air until April 2015, and subsequent matches were aired over the following weeks. According to a representative for UFC, the public records exemption for proprietary confidential business information is needed because of the delay between the actual matches and the airing of the matches. The UFC is concerned that a public records request for the information may harm promoter's financial interests by prematurely revealing the results of the matches.

¹⁸ See Ultimate Fighting Championship at: <http://www.ufc.com/discover/ufc> (last visited November 10, 2015).

¹⁹ See https://en.wikipedia.org/wiki/The_Ultimate_Fighter (last visited November 10, 2015).

Currently, there are no reality series being filmed in Florida by the UFC or any other organization.²⁰

III. Effect of Proposed Changes:

The bill amends s. 548.062(2), F.S., to provide that any proprietary confidential business information provided by a promoter to the commission or obtained through an audit is confidential and exempt from public inspection and disclosure. The bill expands the public records exemption to include all proprietary confidential business information provided by the promoter to the commission and deletes the provision that the exemption applies only to the promoter's written report required to be filed with the commission after a match. The exemption is subject to Open Government Sunset Review Act and stands repealed on October 2, 2021.

Section 2 of the bill provides that it is a public necessity to protect proprietary confidential business information from public disclosure to protect the interests of the promoter. The public necessity statement provides that without this exemption, a promoter's competitors could gain insights into the promoter's financial status and business plans and put the promoter at a competitive disadvantage. In addition, this section of the bill provides that the harm to a promoter in disclosing proprietary confidential business information significantly outweighs any public benefit derived from the disclosure of such information. Finally, the public necessity statement explains that all proprietary business information, regardless of the form of the information, should be protected so that the purpose of the exemption will not be undermined.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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 shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement - Section 24(c), Art. I, of the State Constitution requires a two-thirds vote of each house of the Legislature for passage of a newly created or expanded public-records or public-meetings exemption. Because this bill expands a public records exemption, the bill will require a two-thirds vote of each house of the Legislature for passage.

Statement of Public Necessity - The bill broadens the exemption to include any proprietary business information provided by a promoter to the commission, regardless of

²⁰ Email from Paul Waters, Executive Director of Florida State Boxing Commission. On file with the Committee on Governmental Oversight and Accountability.

whether it is in a written report, or when it is provided to the commission. The public necessity statement supports the expanded exemption.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate. Since more records will be exempt, records custodians will have to make more redactions. The costs of more redactions will have to be absorbed within existing resources.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 548.062 of the Florida Statutes.

IX. **Additional Information:**

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

CS/CS by Governmental Oversight and Accountability on January 19, 2016:

The CS/CS revises the public necessity statement to clarify that the information is being provided by the promoter to the State Boxing Commission and expressly provides that extending the exemption to proprietary confidential business information, even if it is not in a report, ensures that the purpose of the exemption is not undermined. The CS/CS provides more comprehensive justification for the exemption.

CS by Regulated Industries on November 18, 2015:

The committee substitute (CS) revises the statement of public necessity in section 2 of the bill to delete the reference to proprietary confidential business information provided to the commission by a promoter after the match or obtained by the commission through an audit of the promoter's books and records. Instead the CS amends to the statement of public necessity to reference any proprietary confidential information provided by the promoter to the commission.

B. Amendments:

None.

By the Committees on Governmental Oversight and Accountability;
and Regulated Industries; and Senator Hutson

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A bill to be entitled

An act relating to public records; amending s.
548.062, F.S.; providing an exemption from public
records requirements with respect to certain
proprietary confidential business information obtained
by the Florida State Boxing Commission; extending the
period for legislative review and repeal of the
exemption; providing a statement of public necessity;
providing an effective date.

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

Section 1. Subsections (2) and (3) of section 548.062,
Florida Statutes, are amended to read:

548.062 Public records exemption.—

(2) Proprietary confidential business information provided
by a promoter in the written report required to be filed with
the commission ~~after a match~~ or obtained by the commission
through an audit of the promoter's books and records pursuant to
s. 548.06 is confidential and exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution. Information made
confidential and exempt by this subsection may be disclosed to
another governmental entity in the performance of its duties and
responsibilities.

(3) This section is subject to the Open Government Sunset
Review Act in accordance with s. 119.15 and shall stand repealed
on October 2, ~~2021~~ 2019, unless reviewed and saved from repeal
through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public
necessity that proprietary confidential business information
provided by a promoter to the Florida State Boxing Commission be

Page 1 of 2

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made confidential and exempt from s. 119.07(1), Florida
Statutes, and s. 24(a), Article I of the State Constitution. The
disclosure of proprietary confidential business information
could injure a promoter in the marketplace by giving the
promoter's competitors insights into the promoter's financial
status and business plan, thereby putting the promoter at a
competitive disadvantage. The Legislature also finds that the
harm to a promoter in disclosing proprietary confidential
business information significantly outweighs any public benefit
derived from the disclosure of such information. Therefore,
extending the public records exemption to proprietary
confidential business information provided by a promoter to the
commission, no matter if the information is provided in a report
or otherwise, ensures that the public records exemption is
maintained and not undermined. For these reasons, the
Legislature declares that any proprietary confidential business
information provided by a promoter to the Florida State Boxing
Commission is confidential and exempt from s. 119.07(1), Florida
Statutes, and s. 24(a), Article I of the State Constitution.

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

Page 2 of 2

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The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 22, 2016

I respectfully request that **Senate Bill #578**, relating to Public Records/Florida State Boxing Commission, be placed on the:

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

A handwritten signature in black ink, appearing to read "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 6

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 Rules

BILL: SB 606

INTRODUCER: Senator Margolis

SUBJECT: State Symbols

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Peacock</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SB 606 designates the Big Orange as the official state symbol of New Year's Eve celebration in Florida.

The bill becomes effective upon becoming law.

II. Present Situation:

Currently, there is no designated official state symbol of New Year's Eve celebrations.

Chapter 15, F.S., designates official state emblems. To date, there are designations for a state motto, tree, fruit,¹ beverage,² citrus archive, anthem, song, shell, stone, gem, wildflower, play, animal, freshwater fish, saltwater fish, marine mammal, saltwater mammal, butterfly, reptile, saltwater reptile, tortoise, air fair, rodeo, festival, moving image center and archive, litter control symbol, pageant, opera program, renaissance festival, railroad museums, transportation museum, flagship, soil, fiddle contest, band, sports hall of fame, pie, maritime museum, and horse.

New Year's Eve Celebrations

New Year's Eve is celebrated around the United States by many cities dropping certain objects. New York City is known for its famous ball drop. Other cities celebrate by dropping a great sardine and maple leaf (Eastport, ME), giant shoe (Key West, FL), peach (Atlanta, GA), cherry (Traverse City, MI), giant letter "D"(Detroit, MI), fleur-de-lis (New Orleans, LA), and a music note (Nashville, TN).³

¹ Section 15.0315, F.S., designates the orange as the official fruit of Florida.

² Section 15.032, F.S., designates orange juice as the official beverage of Florida.

³ See <http://www.fly.com/blog/travel-blog/new-years-eve-celebration-whos-dropping/> (last visited on December 4, 2015).

The Big Orange

The Greater Miami Host Committee, Inc. began the Big Orange New Year's Eve Celebration 30 years ago.⁴ The Big Orange is a neon orange sign 35 feet in diameter that rises 400 feet to the top of the Hotel InterContinental on New Year's Eve.⁵ The Big Orange reaches the top of the hotel at midnight amid a fireworks display.⁶ The Big Orange has also been dubbed as "Mr. Neon" as the glowing fruit received a makeover in 2011.⁷

III. Effect of Proposed Changes:

Section 1 creates s. 15.053, F.S., to designate the Big Orange as the official state symbol of New Year's Eve celebration in Florida.

Section 2 provides that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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 shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

⁴ See <http://www.greatermiamihost.com/> (last visited on December 4, 2015).

⁵ See <http://www.wpbfl.com/news/south-florida/Big-Orange-celebration-in-Miami-renamed-La-Gran-Naranja/17956660> (last visited on December 4, 2015).

⁶ See <http://www.miamiscapes.com/new-years-eve-miami.html#.VmddnU3ov5o> (last visited on December 4, 2015).

⁷ See http://www.huffingtonpost.com/2012/12/30/the-big-orange-la-gran-na_n_2384121.html (last visited on December 4, 2015).

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 15.053 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Margolis

35-00897-16

2016606__

1 A bill to be entitled
 2 An act relating to state symbols; creating s. 15.053,
 3 F.S.; designating the Big Orange as the official state
 4 symbol for New Year's Eve celebrations; providing an
 5 effective date.
 6
 7 WHEREAS, the Greater Miami Host Committee, Inc., chaired by
 8 Monty Trainer, has been recognized by the Florida Senate for
 9 hosting and producing world-class signature events that promote
 10 globalization, tourism, business, industry, trade and commerce,
 11 culture, education, governmental relations, international
 12 affairs, and community and economic development to local,
 13 national, and international markets, and
 14 WHEREAS, these international signature events encourage
 15 hospitality, goodwill, trust, and international exchange, and
 16 WHEREAS, 30 years ago, Rodney Barreto, then executive
 17 director of the Greater Miami Host Committee, Inc., created and
 18 launched the Big Orange New Year's Eve Celebration, hosted by
 19 the City of Miami, commissioning the design and construction of
 20 the Big Orange to ignite the same enthusiasm and anticipation as
 21 New York City's Times Square Big Apple, and
 22 WHEREAS, designed by internationally acclaimed industrial
 23 artist Steve Carpenter, the Big Orange is 35 feet in diameter,
 24 weighs 2,000 pounds, and has become an LED-lighted icon, and
 25 WHEREAS, in 1995, the Big Orange was dubbed the "Times
 26 Square of the South" and simulcast with the Dick Clark's New
 27 Year's Rockin' Eve television broadcast, and
 28 WHEREAS, the Big Orange has been recognized as an official
 29 United States time ball and is linked to the United States Naval

Page 1 of 3

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

35-00897-16

2016606__

30 Observatory Master Clock, and
 31 WHEREAS, the Big Orange and its celebration attract a
 32 diverse audience of 150,000 to 250,000 local revelers and
 33 international visitors annually, as well as a worldwide
 34 television viewership of more than 50 million, and
 35 WHEREAS, the Big Orange New Year's Eve Celebration is
 36 recognized as one of the top 10 New Year's Eve destination
 37 events in the world by MSN-USA Today, and
 38 WHEREAS, in 2013, under the Big Orange banner "La Gran
 39 Naranja," the City of Miami and honorary chair Mayor Tomas P.
 40 Regalado launched Viva Florida 500, the quincentennial
 41 commemoration of the discovery of Florida in 1513 by Spanish
 42 explorer Ponce de Leon, who brought the orange from Spain to
 43 Florida that same year, and
 44 WHEREAS, on December 31, 2014, Miami, as Florida's most
 45 culturally diverse city and the international epicenter of art,
 46 culture, business, music, education, technology, media, sports,
 47 and entertainment, hosted its very first live, family-friendly
 48 New Year's Eve television special, conceived and co-produced by
 49 Latin Grammy Award-winning artist Pitbull, and
 50 WHEREAS, during the 2015 celebration, the Big Orange served
 51 as a symbol of the United Nations World Tourism Organization's
 52 call to increase policies and business practices that promote
 53 gender equality and women's empowerment through tourism and
 54 allied industries, NOW, THEREFORE,
 55
 56 Be It Enacted by the Legislature of the State of Florida:
 57
 58 Section 1. Section 15.053, Florida Statutes, is created to

Page 2 of 3

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

35-00897-16

2016606__

59
60
61
62
63

read:

15.053 Official state symbol for New Year's Eve
celebrations.-The Big Orange is designated as the official state
symbol of New Year's Eve celebrations in this state.

Section 2. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 500

INTRODUCER: Senator Montford

SUBJECT: Children and Youth Cabinet

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
3.	<u>Preston</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SB 500 expands the total membership of the Children and Youth Cabinet to 16 by adding a Governor appointed superintendent of schools to the cabinet, and revises the title “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection.”

The bill does not have a fiscal impact on state government.

The bill has an effective date of July 1, 2016.

II. Present Situation:

The Florida Children and Youth Cabinet (cabinet) was created in 2007¹ for the purpose of developing and implementing a shared vision among the branches of government in order to improve child and family outcomes statewide.²

Current cabinet membership includes the Governor and 14 members.³ These members include the Secretary of Children and Families, the Secretary of Juvenile Justice, the director of the Agency for Persons with Disabilities, the director of the Office of Early Learning, the State Surgeon General, the Secretary of Health Care Administration, the Commissioner of Education, the director of the Statewide Guardian Ad Litem Office, the director of the Office of Child

¹ Chapter 2007-151, L.O.F.

² Section 402.56, F.S.

³ Section 402.56, F.S., currently states that the “cabinet shall consist of 14 members including the Governor and the following persons . . .” However, there are 14 specific members listed in addition to the Governor, bringing the total membership to 15 members. The bill changes the total number to 16 members, which will correct an inaccuracy in current law.

Abuse Prevention,⁴ and five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.⁵

III. Effect of Proposed Changes:

SB 500 expands the total membership of the Children and Youth Cabinet to 16 by adding a Governor appointed superintendent of schools to the cabinet, and revises the title “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection.”

Current law states that the “cabinet shall consist of 14 members including the Governor and the following persons...” However, the law lists 14 specific members of the Cabinet in addition to the Governor, bringing the total membership of the cabinet to 15 members. The bill changes the total membership figure to 16 members, thereby accounting for the superintendent of schools, who is appointed by the Governor, and the Governor.

In addition, the bill changes the title of a cabinet member from “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection” to be consistent with the 2007 legislative action.⁶

The bill has an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴ The Office of Child Abuse Prevention was created in 2006 and the name was changed to the Office of Adoption and Child Protection in 2007. See chapters 2006-194 and 2007-124, L.O.F., respectively.

⁵ Section 402.56, F.S.

⁶ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 402.56 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Montford

3-00603-16

2016500__

1 A bill to be entitled
 2 An act relating to the Children and Youth Cabinet;
 3 amending s. 402.56, F.S.; revising the membership of
 4 the cabinet; providing an effective date.
 5
 6 Be It Enacted by the Legislature of the State of Florida:
 7
 8 Section 1. Subsection (4) of section 402.56, Florida
 9 Statutes, is amended to read:
 10 402.56 Children's cabinet; organization; responsibilities;
 11 annual report.—
 12 (4) MEMBERS.—The cabinet shall consist of 16 ~~14~~ members
 13 including the Governor and the following persons:
 14 (a)1. The Secretary of Children and Families;
 15 2. The Secretary of Juvenile Justice;
 16 3. The director of the Agency for Persons with
 17 Disabilities;
 18 4. The director of the Office of Early Learning;
 19 5. The State Surgeon General;
 20 6. The Secretary of Health Care Administration;
 21 7. The Commissioner of Education;
 22 8. The director of the Statewide Guardian Ad Litem Office;
 23 9. The director of the Office of Adoption and Child
 24 Protection ~~Child Abuse Prevention~~; and
 25 10. A superintendent of schools, appointed by the Governor;
 26 and
 27 11.10. Five members who represent ~~representing~~ children and
 28 youth advocacy organizations and ~~and~~ who are not service providers,
 29 ~~and who are~~ appointed by the Governor.

Page 1 of 2

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

3-00603-16

2016500__

30 (b) The President of the Senate, the Speaker of the House
 31 of Representatives, the Chief Justice of the Supreme Court, the
 32 Attorney General, and the Chief Financial Officer, or their
 33 appointed designees, shall serve as ex officio members of the
 34 cabinet.
 35 (c) The Governor or the Governor's designee shall serve as
 36 the chair of the cabinet.
 37 (d) Nongovernmental members of the cabinet shall serve
 38 without compensation, but are entitled to receive per diem and
 39 travel expenses in accordance with s. 112.061 while in
 40 performance of their duties.
 41 Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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

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 Rules

BILL: CS/SB 774

INTRODUCER: Banking and Insurance Committee and Senator Montford

SUBJECT: Liability Insurance Coverage

DATE: January 26, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Billmeier</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Billmeier</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 774 authorizes a company employee adjuster of an insurer that provides liability insurance coverage to provide the sworn statement required by s. 627.4137, F.S. Current law allows the sworn statement to be provided by only the insurer's claims manager or superintendent, or a corporate officer of the insurer. Section 627.4137, F.S., requires a liability insurer to provide to a claimant a statement containing the following information within 30 days of a written request by the claimant:

- The name of the insurer;
- The name of each insured;
- The limits of the liability coverage;
- A statement of any policy or coverage defense which such insurer reasonably believes is available to such insurer at the time of filing such statement; and
- A copy of the policy.

This bill allows a company employee adjuster to provide the sworn statement. If a company employee adjuster provides the disclosure statement required by s. 627.4137, F.S., the adjuster must consult with appropriate personnel in the insurance company's claims department and underwriting department to verify the information disclosed in the statement.

II. Present Situation:

Section 627.4137, F.S., requires a liability insurer¹ to provide to a claimant a statement containing the following information within 30 days of a written request by the claimant:

- The name of the insurer;
- The name of each insured;
- The limits of the liability coverage;
- A statement of any policy or coverage defense which such insurer reasonably believes is available to the such insurer at the time of filing such statement; and
- A copy of the policy.

The required statement must be under oath by a corporate officer or the insurer's claims manager or superintendent. Section 627.4137(2), F.S., requires that the disclosure statement be amended immediately upon discovery of facts calling for an amendment to such statement.

A review of insurance information required under s. 627.4137, F.S., allows a claimant to evaluate the damages that could be paid by the tortfeasor. Florida courts have explained that the purpose of the disclosure requirements in s. 627.4137, F.S., is to allow a claimant to make an informed decision whether to settle a case.²

III. Effect of Proposed Changes:

This bill authorizes a company employee adjuster of an insurer that provides liability insurance coverage to provide the sworn statement required by s. 627.4137, F.S. Current law allows the sworn statement to be provided by only the insurer's claims manager or superintendent, or a corporate officer of the insurer. If a company employee adjuster³ provides the disclosure statement required by s. 627.4137, F.S., the adjuster must consult with appropriate personnel in the insurance company's claims department and underwriting department to verify the information disclosed in the statement.

This bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹ Section 627.4137, F.S., does not apply to PIP insurance. See *Progressive American Ins. Co. v. Rural/Metro Corp. of Florida*, 994 So.2d 1202 (Fla. 5th DCA 2008).

² See *Cheverie v. Geisser*, 783 So.2d 1115 (Fla. 4th DCA 2001)(rejecting the argument that compliance with s. 627.4137, F.S., is a technicality and explaining the Legislature recognized the importance to claimants of access to the information required by statute in making settlement decisions); *Gira v. Wolfe*, 115 So.3d 414, 417 (Fla. 2d DCA 2013)(explaining that "the legislature has recognized the importance of a claimant's access to the type of insurance information covered in the statute in order for a claimant to make settlement decisions").

³ Section 626.856, F.S., defines a "company employee adjuster" as a person licensed as an all-lines adjuster who is appointed and employed on an insurer's staff of adjusters or a wholly owned subsidiary of the insurer, and who undertakes on behalf of such insurer or other insurers under common control or ownership to ascertain and determine the amount of any claim, loss, or damage payable under a contract of insurance, or undertakes to effect settlement of such claim, loss, or damage.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

This bill will allow more persons to provide required disclosures to claimants and could reduce insurance company administrative costs. Claimants would only be impacted if the accuracy of such sworn statements is decreased by allowing company employee adjusters to provide them.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 627.4137 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Banking and Insurance on January 19, 2016:**

The committee substitute replaces the term “licensed company adjuster” with “company employee adjuster,” a term defined in current law. It also requires a company employee adjuster providing the required disclosure to verify the information provided with appropriate personnel in the company’s claims and underwriting departments.

B. Amendments:

None.

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



587796

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Rules (Soto) recommended the following:

Senate Amendment (with title amendment)

Delete lines 34 - 37

and insert:

subsection is the company employee adjuster, the statement must
also include a sworn statement that the affiant has consulted
with the appropriate personnel in the company's underwriting and
claims investigation departments and the departments used their
best efforts to appropriately inquire with the insured and the
insured's insurance agent to verify the accuracy and
completeness of the information in the statement. In addition,



587796

12 the

13

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

15 And the title is amended as follows:

16 Delete lines 6 - 9

17 and insert:

18 liability insurance coverage; requiring that a certain
19 statement, if provided by the company employee
20 adjuster, include a specified sworn statement;

By the Committee on Banking and Insurance; and Senator Montford

597-02309-16

2016774c1

1 A bill to be entitled
2 An act relating to liability insurance coverage;
3 amending s. 627.4137, F.S.; adding company employee
4 adjusters to the list of persons who may respond to a
5 claimant's written request for information relating to
6 liability insurance coverage; requiring a company
7 employee adjuster who provides a specified statement
8 to consult with certain personnel within the company
9 to verify information disclosed in the statement;
10 providing an effective date.

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

14 Section 1. Subsection (1) of section 627.4137, Florida
15 Statutes, is amended to read:

16 627.4137 Disclosure of certain information required.—

17 (1) Each insurer that provides ~~which does~~ or may provide
18 liability insurance coverage to pay all or a portion of a any
19 claim that ~~which~~ might be made shall provide, within 30 days
20 after ~~of~~ the written request of the claimant, a statement, under
21 oath, of a corporate officer, ~~or~~ the insurer's claims manager or
22 superintendent, or a company employee adjuster setting forth the
23 following information with regard to each known policy of
24 insurance, including excess or umbrella insurance:

- 25 (a) The name of the insurer.
26 (b) The name of each insured.
27 (c) The limits of the liability coverage.
28 (d) A statement of any policy or coverage defense that the
29 ~~which such~~ insurer reasonably believes is available to the such
30 insurer at the time of filing such statement.
31 (e) A copy of the policy.
32

Page 1 of 2

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597-02309-16

2016774c1

33 If the person providing the statement required under this
34 subsection is the company employee adjuster, the adjuster must
35 consult with the appropriate personnel in the company's
36 underwriting department and claims department to verify the
37 information disclosed in the statement. In addition, the
38 insured, or her or his insurance agent, upon written request of
39 the claimant or the claimant's attorney, shall disclose the name
40 and coverage of each known insurer to the claimant and shall
41 forward such request for information as required by this
42 subsection to all affected insurers. The insurer shall then
43 supply the information required in this subsection to the
44 claimant within 30 days after ~~of~~ receipt of such request.

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

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

SENATOR BILL MONTFORD
3rd District

January 21, 2016

Senator David Simmons, Chair
Senate Rules Committee
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simmons:

I respectfully request that CS/SB 774 be scheduled for a hearing before the Rules Committee. CS/SB 774 would add licensed company adjusters to the list of people who can respond to a claimant's request for liability insurance coverage information.

Your assistance and favorable consideration of my request is greatly appreciated

Sincerely,

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

William "Bill" Montford
State Senator, District 3

cc: John Phelps, Staff Director

BJM/mam

REPLY TO:

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

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
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 Rules

BILL: CS/CS/SB 642

INTRODUCER: Commerce and Tourism Committee; Judiciary Committee; and Senator Diaz de la Portilla

SUBJECT: Drones

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	<u>Davis</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 642 expands the circumstances under which a person may be held vicariously liable for the negligence of another person. Specifically, the bill imposes strict vicarious liability upon owners and operators of drones by pronouncing that drones weighing more than 0.55 lbs. are considered dangerous instrumentalities. Under the current comparative fault statute, a person's liability for negligence is generally limited to his or her percentage of fault for an injury or damage.

II. Present Situation:

Drones

A drone is defined in the Freedom from Unwarranted Surveillance Act¹ as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.

¹ Section 934.50, F.S.

Drones come in a variety of sizes, from as small as insects to as large as commercial planes.² They can be equipped with a variety of options which include high-power cameras, license plate readers, moving target indicators, thermal scanners, and facial recognition software. Some drones are used for crop dusting, mapping, environmental protection, tracking wildlife, search and rescue missions, delivering packages, and many other purposes.³

History

Since 1990 the Federal Aviation Administration, (FAA), has authorized limited use of drones for public missions that include firefighting, law enforcement, search and rescue, disaster relief, border patrol, scientific research, and testing.⁴ As technology has advanced and drones have become more affordable, members of the public have begun purchasing them for commercial and recreational uses. According to the FAA, flying model aircraft and unmanned aircraft systems as a hobby or for a recreational purpose does not require approval by the FAA. However, the FAA does place certain restrictions as to use of drones within so many miles of an airport without permission from air traffic control. Non-recreational drone operations are prohibited unless authorized by the FAA on a case-by-case basis.⁵

Close Encounters

As an increasing number of drones fly about in American airspace, several rogue drone incidents have been reported. Between 2012 and 2014, the FAA notes that pilots have reported 15 incidents of close calls involving small drones near airports. In May 2014, a commercial airline pilot descending to LaGuardia Airport reported seeing a black drone with a 10 to 15 foot wing span flying above Manhattan. On the same day, two planes approaching Los Angeles International Airport reported seeing a drone or remotely controlled aircraft as large as a trash can flying in the vicinity. In May 2014, a pilot descending into Atlanta reported a small drone in close proximity to his plane. On March 22, 2014, a U.S. Airways pilot reported a near-collision with a drone or remotely controlled aircraft over Tallahassee.⁶

Incidents of wayward drones and injuries have also been reported at the U.S. Open, a parade in Seattle, and a restaurant in New York City. A quadcopter drone crashed on the White House lawn in January of 2015, but no injuries were reported. As drone-related accidents occur, the field of drone liability is emerging as a new practice area for personal injury lawyers who are already setting up websites for potential clients.⁷

Civilian drones operated with permission of the FAA and under its watch have reported crashes. Registered users, including law enforcement agencies, universities, and other organizations have reported 23 accidents and 236 unsafe incidents between November 2009 and 2014. The FAA

² Drones are also referred to as unmanned aircrafts by the federal government.

³ Taly Matiteyahu, *Drone Regulations and Fourth Amendment Rights: The Interaction of State Drone Statutes and the Reasonable Expectation of Privacy*, 48 COLUM. J. L. & SOC. PROBS., 265, 1 (2015).

⁴ Federal Aviation Administration, *Fact Sheet – Unmanned Aircraft Systems (UAS)* (Feb. 15, 2015), http://www.faa.gov/news/fact_sheets/news_story.cfm?newsid=18297.

⁵ *Id.* For additional information see Federal Aviation Administration, *Civil Operations (Non-Governmental)*, http://www.faa.gov/uas/civil_operations/ (Page last modified Mar. 4, 2015).

⁶ Craig Whitlock, *Close Encounters on Rise as Small Drones Gain in Popularity*, The Washington Post, June 23, 2014,

⁷ See *Drone Injury Lawyer Blog*, <http://www.droneinjurieslawyer.com/drone-injury-lawyer> (last visited Nov. 11, 2015).

accident investigation reports reveal that 47 military drones have crashed in the United States during the period between 2001 and 2013.⁸

Registry Process

In October of 2015, the U.S. Department of Transportation announced the creation of a task force to develop recommendations for an online registry process for unmanned aircraft systems.⁹ Based on the task force's recommendations, the FAA promulgated regulations that require owners of drones to complete an online registration form for all drones weighing more than 0.55 pounds and less than 55 pounds.¹⁰ Implementing the registration process is meant to provide safety and accountability to the use of unmanned aircrafts. Upon registration, each registrant receives a certificate of registration and a unique registration number that must then be identified on the drone itself.¹¹ The FAA online registration was made available on December 21, 2015 and, as of January 13, 2016, over 225 certificates have been issued to individuals or businesses providing a Florida address.¹²

Causes of Action for a Drone Injury

It appears that, under current law, a person might be liable for damages caused by a drone under the theories of:

- General negligence;
- Vicarious liability, including an employer being liable for the negligence of an employee, agency as it relates to respondeat superior, and dangerous instrumentality; and
- Products liability.

Negligence

Definition

Negligence, in tort law, is the failure to use reasonable care, or the care that a reasonably careful person would use under like circumstances. Negligence means doing something, under like circumstances, that a reasonably careful person would not do, or failing to do something that a reasonably careful person would do.¹³

Elements

For a claimant to successfully recover damages for an injury, he or she must prove four essential elements in the cause of action:

- Duty - The defendant owed the claimant a duty of care;

⁸ *Supra* at 5.

⁹ United States Department of Transportation, *U.S. Transportation Secretary Anthony Foxx Announces Unmanned Aircraft Registration Requirement: New Task Force to Develop Recommendations by November 20*, <https://www.transportation.gov/briefing-room/us-transportation-secretary-anthony-foxx-announces-unmanned-aircraft-registration>.

¹⁰ See 14 C.F.R. Parts 1, 45, 47, 48, 91, and 375.

¹¹ *Id.*

¹² The FAA has made available a query to allow users to view all aircraft registered within the last 30 days. See http://registry.faa.gov/CurrentReg/CurrentRegReport_Results.aspx (last visited Jan. 13, 2016).

¹³ Florida Standard Jury Instructions, s. 401.4 Negligence.

- Breach of that duty - The duty of care was breached by the defendant's failure to conform to the required standard;
- Causation - A proximate cause or a reasonably close causal connection exists between the defendant's alleged wrong and the claimant's resulting injury; and
- Damages - The claimant suffered actual damages or loss.¹⁴

Comparative Negligence

Before 1973, a plaintiff who was partially at fault for an accident was barred from recovering damages under the doctrine of contributory negligence. In 1973, however, the Florida Supreme Court determined that the doctrine of contributory negligence was too harsh on partially-at-fault plaintiffs and replaced it with the comparative negligence doctrine.¹⁵ Under the doctrine of comparative negligence, when a plaintiff and defendant are both at fault, a plaintiff may recover damages proportionate to the negligence of the defendant. This doctrine is now codified in s. 768.81(2), F.S.

Joint and Several Liability

The courts have often struggled with the complexities of having multiple defendants and determining the degree of liability of each and properly apportioning damages among them. In an effort to resolve these complex issues at common law, courts developed the doctrine of joint and several liability. Joint and several liability provides that when multiple tortfeasors act together to cause the plaintiff's damages, all tortfeasors are jointly and severally liable. The plaintiff may join all of the tortfeasors in one lawsuit and look to any of them to satisfy the full judgment award, regardless of the proportion each defendant contributed to the claimant's injuries or damages. Later, the courts limited this rule to lawsuits where the tortfeasors acted with a common purpose and mutual assistance in carrying out the tort.¹⁶

Florida courts adopted the doctrine of joint and several liability but expanded it to cover many additional situations. As the doctrine of comparative negligence developed, the courts found it increasingly difficult to decipher the two concepts. The Legislature intervened and through the passage of the Tort Reform Acts of 1986, 1988, and 1999, substantially modified joint and several liability, and abolished it in 2006.¹⁷

Vicarious Liability

Although general tort law is based upon the premise of "actual fault" such that someone who engages in wrongful conduct that results in injury to someone else is held legally accountable for his or her own acts, there are exceptions to this general premise.¹⁸ Vicarious liability, or imputed negligence, is the liability that a supervisory party bears for the negligence of a subordinate

¹⁴ Thomas D. Sawaya, *FLORIDA PERSONAL INJURY LAW AND PRACTICE WITH WRONGFUL DEATH ACTIONS*, s. 3:1 (2015-2016 edition).

¹⁵ *Hoffman v. Jones*, 280 So. 2d 431 (Fla. 1973).

¹⁶ Sawaya, *supra* note 14 at s. 7:2.

¹⁷ Section 768.81(3), F.S. (2006).

¹⁸ Sawaya, *supra* note 14 at s. 15:15.

based on the relationship between the two.¹⁹ Accordingly, under the theory of vicarious liability, a person may be liable for an injury to a third party, even though he or she did not cause the injury.

Respondeat Superior

The doctrine of respondeat superior, or “let the superior make answer” is also called the master-servant rule. Under this concept, an employer or principal may be liable for an employee’s or agent’s wrongful acts that are committed within the scope of employment or agency.²⁰

Agency Relationship

“Agency” is the relationship that exists between one person, generally called the principal, who authorizes another person, generally referred to as the agent, to act on his or her behalf with discretionary power when dealing with a third person.²¹ Although the principal does exercise some degree of control over the agent, it is often not to the same extent that an employer exercises control over an employee. For a principal to be held liable for the torts of an agent, a plaintiff must prove that an agency relationship exists between the two and that the agent acted within the scope of real or apparent authority.²²

Dangerous Instrumentality

The common law doctrine of dangerous instrumentalities is applicable in Florida.²³ The dangerous instrumentality doctrine imposes strict vicarious liability upon the owner of a motor vehicle who voluntarily entrusts the vehicle to another person who then operates the vehicle negligently and injures a third person.²⁴ The doctrine can be applied to any instrumentality known to be so peculiarly dangerous in its operation as to justify application of the principle.²⁵

This doctrine has been expanded by the courts to cover airplanes, buses, trucks, golf carts, tow-motors, farm tractors, and construction hoists and cranes.²⁶ The Legislature has also declared all vessels dangerous instrumentalities and requires operators of vessels to exercise the highest degree of care.²⁷ Under the statute, owners of vessels are liable for the reckless or careless operation of a vessel if the owner is the operator or if the owner is present when the injury or damage occurs.²⁸

Although drones have some similarities to recognized dangerous instrumentalities, staff is not aware of any court opinion that has considered whether a drone is a dangerous instrumentality.

¹⁹ BLACK’S LAW DICTIONARY 927 (7th ed. 1999).

²⁰ BLACK’S LAW DICTIONARY 1313 (7th ed. 1999).

²¹ Sawaya, *supra* note 14 at s. 4:4.

²² *Id.*

²³ *Southern Cotton Oil Co. v. Anderson*, 86 So. 629 (Fla. 1920).

²⁴ Sawaya, *supra* note 14 at s. 4:10.

²⁵ *Rippy v. Shepard*, 80 So. 3d 305, 307 (Fla. 2012).

²⁶ *Id.*

²⁷ Section 327.32, F.S.

²⁸ *Id.*

Products Liability Law

Products liability is the area of negligence law in which manufacturers or sellers who provide products to the public are held legally responsible for damages or injuries caused by those products.²⁹ The legal theories under which an injured person may recover are negligence, strict liability, and breach of warranty.³⁰ To recover damages, the plaintiff must prove that the product contained a defect, that the defect caused the injuries, and that the defect existed when the manufacturer, supplier, or retailer gave up possession of the product.³¹

III. Effect of Proposed Changes:

The bill provides that a drone is a dangerous instrumentality, and that the owner and operator of a drone must exercise reasonable care to prevent injuries to others. Under the current comparative fault statute, s. 768.81, F.S., the liability of owner and operator would be based on the percentage of fault attributed to them. Categorizing drones as dangerous instrumentalities expands the circumstances under which a person may be held liable for the negligence of another person by imposing strict vicarious liability upon owners of drones under certain circumstances. Owners of drones weighing more than 0.55 lbs., who voluntarily entrust their drone to another person, may now be held liable for injuries that occur as a result of the negligent operation of the drone.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁹ BLACK'S LAW DICTIONARY 1225 (7th ed. 1999).

³⁰ Sawaya, *supra* note 12 at s. 13:1.

³¹ Sawaya, *supra* note 12 at s. 13:3.

B. Private Sector Impact:

Vicarious liability increases the pool of potential defendants to a lawsuit and increases the sources available to pay damages to a plaintiff. As a result, the bill may increase the potential for an injured plaintiff to be made whole.

C. Government Sector Impact:

The bill may reduce dependency on government aid to the extent that a person is able to recover damages for injuries caused by a drone from other sources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 934.50 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Commerce and Tourism on January 19, 2016:**

The committee substitute removes the portion of the bill that holds the owner and operator of a drone joint and severally liable for injury, or property damage, caused by the negligent operation of a drone. Instead, the committee substitute creates liability for drone owners and operators by establishing that a drone weighing more than 0.55 lbs. is a dangerous instrumentality. The committee substitute also moves this provision from ch. 768, F.S., which relates to negligence, and places it in ch. 934, F.S., which addresses drones in relation to the security of communications and surveillance.

CS by Judiciary on November 17, 2015:

The committee substitute narrows the scope of the bill by removing the portion of the bill which would have made the owner and operator of a drone liable for damages caused by a manufacturing or design defect. The committee substitute moves this provision from ch. 934, F.S., which deals with the security of communications and surveillance, and places it in ch. 768, F.S., which relates to negligence.

B. Amendments:

None.

By the Committees on Commerce and Tourism; and Judiciary; and
Senator Diaz de la Portilla

577-02275-16

2016642c2

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A bill to be entitled

An act relating to drones; amending s. 934.50, F.S.;
declaring that a drone is a dangerous instrumentality;
providing applicability; providing an effective date.

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

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

934.50 Searches and seizure using a drone.—

(5) LIABILITY ARISING OUT OF DRONE USE.—A drone is a
dangerous instrumentality, and the owner and operator of a drone
shall exercise reasonable care to prevent injuries to others.
This subsection does not apply to a drone having a weight of
0.55 lbs. or less.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-27-16

Meeting Date

SB 642

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Jimmy Gustafson

Job Title Attorney

Address 1567 Cristobal Drive

Phone 850-251-4011

Street

Tallahassee FL 32303

City

State

Zip

Email jwg@seavey.law.com

Speaking: For Against Information

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

Representing FSA

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)

1/27/16

Meeting Date

642

Bill Number (if applicable)

Topic D Jones

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Dir. Leg. Affairs

Address 315 S Calhoun #850

Phone 222 2551

Street

Tallahassee

FL

32301

City

State

Zip

Email

Speaking: For Against Information

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

Representing Florida Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/16

Meeting Date

SB 642

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name DAVID DANIEL

Job Title _____

Address 311 EAST PARK AVENUE

Phone _____

Street

TALLAHASSEE

FL

32301

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing FLORIDA SURVEYING AND MAPPING SOCIETY
UAS Association of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/16

Meeting Date

SB 642

Bill Number (if applicable)

Topic DRONES

Amendment Barcode (if applicable)

Name RAY NILES

Job Title SURVEYOR AND MAPPER

Address 2131 CORPORATE SQUARE BLVD.

Phone 904 722-0400

Street

JACKSONVILLE FL 32216

City

State

Zip

Email NILES@DEGROVE.COM

Speaking: For Against Information

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

Representing DEGROVE SURVEYORS INC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1/27/16

Meeting Date

SB 642

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Marilyn Evers

Job Title Executive Director Florida Surveying & Mapping

Address 1689 Mahan Center Blvd

Phone 850.942.1900

Street

Tallahassee FL 32308

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida Surveying & Mapping Society

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/27/2016
Meeting Date

642
Bill Number (if applicable)

Topic Drone Bill

Amendment Barcode (if applicable)

Name Mark Delegal

Job Title Counsel

Address 215 S. Calhoun St #600

Phone

Tallahassee

Email

City State Zip

Speaking: For Against Information

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

Representing Florida Justice Reform Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/16
Meeting Date

CS/CS/SB642
Bill Number (if applicable)

Topic CS/CS/SB642

Amendment Barcode (if applicable)

Name TODD SUMNER

Job Title _____

Address 1102 Mimosa Drive
Street

Phone 850-591-6119

Tallahassee, FL 32312
City State Zip

Email Todde.Sumner@fla1cs.com

Speaking: For Against Information

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

Representing Gulf Unmanned Systems Center

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/27/16
Meeting Date

CS/CS/SB642
Bill Number (if applicable)

Topic CS/CS/SB 642

Amendment Barcode (if applicable)

Name Todd Sumner

Job Title

Address 1102 Mimosa Dr.
Street

Phone 850-591-6119

Tallahassee FL 32312
City State Zip

Email Todd@SumnerLawOffices.com

Speaking: For Against Information

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

Representing UAVSIC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SR 1184

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Anti-Israel Boycott, Divestment, and Sanctions Campaigns

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Peacock</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SR 1184 condemns the international Boycott, Divestment and Sanctions movement against the State of Israel and the increasing incidence of acts of anti-Semitism.

II. Present Situation:

Resolutions

A resolution is a “bill that is not subject to action by the Governor, is not subject to the constitutional one-subject limitation or to the constitutional title requirements, and, except for certain uses of joint resolutions and concurrent resolutions, does not have the effect of law. When adopted by both houses, it is signed by the legislative officers and presented to the Secretary of State.”¹

A Senate resolution (SR), such as this current resolution, or House resolution (HR) is “[a] one-house document used for matters not involving the other house. It is often ceremonial or congratulatory in nature.”²

Boycott, Divestment and Sanctions Movement

The Boycott, Divestment and Sanctions (BDS) movement is a global campaign ostensibly linked to Israel’s treatment of Palestinians and attempts to create economic and political pressure on Israel.³ The BDS movement began in July 2005 when various Palestinian civil society groups

¹ The Florida Senate, *Glossary*, <http://www.flsenate.gov/Reference/Glossary#resolution> (last visited January 12, 2016).

² *Id.*

³ See Jim Zanotti, Martin A. Weiss, and Kathleen Ann Ruane, *Israel and the Boycott, Divestment, and Sanctions (BDS) Movement*, CRS Report No. R44281 (2015). Also, see Jim Zanotti, *Israel: Background and U.S. Relations*, CRS Report No. RL33476 (2015).

issued a call for BDS.⁴ The call seeks “non-violent punitive measures”⁵ against Israel unless it changes its policies by:

- Ending its occupation and colonization of all Arab lands and dismantling the Wall;⁶
- Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
- Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in United Nations Resolution 195.⁷

III. Effect of Proposed Changes:

SR 1184 “condemns the international Boycott, Divestment and Sanctions movement against the State of Israel and calls upon the governmental institutions of this state to denounce hatred and discrimination whenever they appear.”⁸

Also, SR 1184 requires copies of this resolution be presented to the President of the U.S., the President and Secretary of the U.S. Senate, the Speaker and Clerk of the U.S. House of Representatives, and to the Embassy of Israel in Washington, D.C., for transmission to proper authorities of the State of Israel.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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 a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴ See <http://www.bdsmovement.net/call>.

⁵ *Id.*

⁶ The “Wall” is a term commonly used by Palestinians to describe the separation barrier that Israel has built in various areas roughly tracking the 1949-1967 Israel-Jordan (West Bank) armistice line, also known as the “Green Line.” See Jim Zanotti, Martin A. Weiss, and Kathleen Ann Ruane, *Israel and the Boycott, Divestment, and Sanctions (BDS) Movement*, CRS Report No. R44281 (2015).

⁷ *Id.*

⁸ SR 1184, lines 46-49 (2016 Reg. Session).

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The Senate Resolution does not amend, create, or repeal any provisions of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Diaz de la Portilla

40-00952-16

20161184__

Senate Resolution

A resolution condemning the Boycott, Divestment and Sanctions movement and the increasing incidence of acts of anti-Semitism.

WHEREAS, Floridians have, as a matter of public policy, long opposed bigotry, oppression, discrimination, and injustice, and

WHEREAS, Florida and Israel have enjoyed a long history of friendship and are great allies, each supporting the best interests of the other, and

WHEREAS, the State of Israel, the only democracy in the Middle East, is the greatest friend and ally of the United States in the region, and

WHEREAS, the elected representatives of the state recognize the importance of expressing Florida's unwavering support for the Jewish people and the State of Israel's right to exist and right to self-defense, and

WHEREAS, the incidence of acts of anti-Semitism is increasing throughout the world, including in the United States and in Florida, and is reflected in official hate crime statistics, and

WHEREAS, the international Boycott, Divestment and Sanctions (BDS) movement is one of the main vehicles for spreading anti-Semitic perspectives and advocating the elimination of the Jewish State, and

WHEREAS, the level of activities promoting BDS against Israel has increased in this state, in communities and on college campuses, and contributes to the promotion of anti-Semitic and anti-Zionist propaganda, and

WHEREAS, the increase in BDS campaign activities on college campuses nationwide has resulted in an increase in

Page 1 of 2

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

40-00952-16

20161184__

confrontations with, intimidation of, and discrimination against Jewish students, and

WHEREAS, leaders of the BDS movement express that their goal is to eliminate Israel as the national home of the Jewish people, and

WHEREAS, the BDS campaign's call for academic and cultural boycotts has been condemned by many of our nation's largest academic associations, more than 250 university presidents, and many other leading scholars as a violation of the bedrock principle of academic freedom, NOW, THEREFORE,

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

That the Florida Senate condemns the international Boycott, Divestment and Sanctions movement against the State of Israel and calls upon the governmental institutions of this state to denounce hatred and discrimination whenever they appear.

BE IT FURTHER RESOLVED that copies of this resolution be presented to the President of the United States, the President and Secretary of the United States Senate, and the Speaker and Clerk of the United States House of Representatives, and to the Embassy of Israel in Washington, D.C., for transmission to the proper authorities of the State of Israel as a tangible token of the sentiments expressed herein.

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Community Affairs
Finance and Tax
Regulated Industries
Rules

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

January 20, 2016

The Honorable David Simmons
Chair
Senate Rules Committee

Dear Chair Simmons:

Please agenda the following bill at the next opportunity:

SR 1184 (2016) Anti-Israel Boycott, Divestment, and Sanctions Campaigns

<http://www.flsenate.gov/Session/Bill/2016/1184>

SENATE - Now in Rules

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla
Senator, District 40

Cc: Mr. John Phelps, Staff Director
Ms. Cissy DuBose, Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/29/15

Meeting Date

SR 1184

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Mahmoud Ali

Job Title _____

Address 509 Scarlet Maple Ct
Street

Phone _____

Plant City FL 33503
City State Zip

Email _____

Speaking: For Against Information

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

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/27/16
Meeting Date

SR1184
Bill Number (if applicable)

Topic Boycott Divestments + Sanctions

Amendment Barcode (if applicable)

Name ARRON ELLIS

Job Title

Address 450 W. Carolina St.

Phone

Street

Tallahassee FL 32301

City

State

Zip

Email

Speaking: For Against Information

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

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/29/15

Meeting Date

SR1184

Bill Number (if applicable)

Topic Anti-BDS

Amendment Barcode (if applicable)

Name Albert Kishak

Job Title Student at FSU

Address 1336 Warrior Way

Phone 9043146000

Street

Tallahassee

FL

32304

Email agk13t@my.fsu.edu

City

State

Zip

Speaking: For Against Information

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

Representing MYSELF

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.

CourtSmart Tag Report

Room: EL 110
Caption: Senate Rules Committee

Case No.:
Judge:

Type:

Started: 1/27/2016 1:02:54 PM
Ends: 1/27/2016 3:01:10 PM Length: 01:58:17

1:02:55 PM Senator Simmons calls the meeting to order
1:03:03 PM roll call
1:03:05 PM quorum present
1:04:15 PM Senator Simmons turns the meeting over to Senator Soto
1:04:28 PM SB 260 by Senator Smith
1:04:39 PM Senator Smith explains the bill
1:05:26 PM Amendment 916196
1:05:41 PM Senator Smith explains the amendment
1:06:06 PM Senator Benacquisto in debate on amendment
1:07:17 PM Senator Smith waives close on amendment
1:07:24 PM Amendment passes
1:07:29 PM Back on the bill as amended
1:07:41 PM Jennifer Martin representing Florida Credit Union Association waives in support
1:07:57 PM Kim Siomkos representing Florida Bankers Association waives in support
1:08:09 PM Steve Dyal representing Florida Financial Services Association waives in support
1:08:19 PM James Herzog representing Florida Conference of Catholic Bishops waives in support
1:08:31 PM Greg Black representing Business Law Section waives in support
1:08:40 PM Senator Smith waives close on the bill
1:08:48 PM roll call
1:08:56 PM SB 260 passes
1:09:24 PM SB 592 by Senator Hudson
1:09:38 PM Senator Hudson explains the bill
1:10:07 PM Senator Joyner with a question
1:10:15 PM Senator Hudson responds
1:10:29 PM Senator Joyner with a follow up
1:10:34 PM Senator Hudson answers
1:10:56 PM Bo Murphy representing Department of Financial Services waives in support
1:11:15 PM Leader Joyner in debate
1:11:30 PM Senator Hudson waives on bill
1:11:37 PM roll call
1:11:42 PM SB 592 passes
1:12:15 PM SB 578 by Senator Hudson
1:12:41 PM Senator Hudson explains the bill
1:13:29 PM Senator Joyner with a question
1:13:38 PM Senator Hudson answers
1:14:19 PM Senator Joyner with a follow up question
1:14:28 PM Senator Hudson answers
1:14:42 PM Senator Diaz de la Portilla speaks
1:15:15 PM Leader Joyner with a follow up
1:15:22 PM Senator Diaz de la Portilla answers
1:15:41 PM Senator Hudson speaks
1:16:03 PM Senator Hudson closes on the bill
1:16:28 PM roll call
1:16:32 PM SB 578 passes
1:17:04 PM Meeting turned back to Chair Simmons
1:17:19 PM SB 606 by Senator Margolis
1:17:30 PM Theresa Frederick explains the bill
1:18:18 PM for Senator Margolis
1:19:32 PM Senator Gibson with a question
1:19:40 PM Theresa Frederick answers
1:20:17 PM Senator Gibson with a follow up
1:20:31 PM Theresa Frederick responds
1:20:55 PM Senator Soto with a question
1:21:02 PM Theresa Frederick responds
1:21:37 PM Senator Diaz de la Portilla with a question
1:21:47 PM Theresa Frederick responds
1:22:18 PM Theresa Frederick closes on bill
1:22:36 PM roll call
1:22:45 PM SB 606 passes
1:23:18 PM SB 500 by Senator Montford
1:23:29 PM Senator Montford explains the bill
1:24:14 PM Senator Montford waives close on the bill
1:24:27 PM roll call
1:24:31 PM SB 500 passes
1:25:03 PM SB 310 by Senator Legg
1:25:35 PM Senator Legg explains the bill
1:26:24 PM Seber Newsome III representing himself speaks

1:31:03 PM Nancy Miller representing herself speaks
1:33:46 PM Senator Latvala with a question
1:34:18 PM Senator Simmons responds
1:36:15 PM Senator Latvala with a follow up question
1:36:33 PM Senator Legg responds
1:38:57 PM Nancy Miller speaks
1:39:15 PM James Shillinglaw Director of Museum Southern History, Jacksonville speaks
1:43:06 PM Ron Parks from Middleburg FL speaks
1:46:26 PM Mary Ellen Gwynes, Education Specialist from Jacksonville speaks
1:50:16 PM Senator Simmons speaks
1:50:26 PM Jasmyne Henderson, Attorney, waives in support
1:50:48 PM Joan Cooper from Jacksonville speaks
1:53:31 PM Senator Gibson with a question to Senator Legg
1:54:13 PM Senator Legg responds
1:54:45 PM Senator Lee with a question
1:54:58 PM Senator Legg responds
1:55:20 PM Senator Gaetz in debate
1:58:38 PM Senator Gibson in debate
2:00:22 PM Senator Soto in debate
2:01:39 PM Senator Legg gives additional explanation of bill
2:03:01 PM Senator Latvala with a question
2:03:11 PM Senator Gaetz responds
2:04:10 PM Senator Simmons speaks
2:05:49 PM Senator Legg speaks
2:06:57 PM Senator Simmons ask a question
2:07:35 PM Senator Legg responds
2:08:03 PM Senator Latvala in debate
2:09:40 PM Senator Lee in debate
2:11:30 PM Senator Benacquisto in debate
2:13:03 PM Senator Richter in debate
2:14:12 PM Senator Montford in debate
2:15:29 PM Senator Diaz de la Portilla in debate
2:16:48 PM Senator Legg closes on the bill
2:20:43 PM roll call
2:22:20 PM SB 310 passes
2:22:27 PM SB 642 by Senator Diaz de la Portilla
2:23:09 PM Senator Diaz de la Portilla explains the bill
2:24:35 PM Jimmy Gustafson Attorney speaks
2:27:14 PM Adam Basford representing Florida Farm Bureau waives in opposition
2:27:26 PM David Daniel representing Florida surveying and Mapping speaks
2:31:32 PM Senator Latvala with a question
2:32:16 PM David Daniel responds
2:32:38 PM Senator Lee with a question
2:33:41 PM David Daniel responds
2:34:06 PM Senator Lee with a question
2:34:12 PM David Daniel responds
2:35:10 PM Ray Niles representing Degrove Surveyors Inc. waives in opposition
2:35:23 PM Marilyn Evers representing Florida Surveying & Mapping Society
2:35:30 PM Mark Delegal representing Florida Justice Reform Institute waives in opposition
2:35:42 PM Todd Summer representing Gulf Unmanned Systems Center waives in opposition
2:36:20 PM Senator Negron in debate
2:37:13 PM Senator Simmons with a question
2:37:41 PM Senator Diaz de la Portilla closes on the bill
2:43:24 PM roll call
2:43:38 PM SB 642 passes
2:44:11 PM SR 1184 by Senator Diaz de la Portilla
2:44:26 PM Senator Diaz de la Portilla explains the Resolution
2:46:19 PM Mahmons Ali speaks
2:47:06 PM Albert Kiser student at FSU speaks
2:50:02 PM Aaron Ellis speaks
2:55:00 PM Senator Diaz de la Portilla waives close on the bill
2:55:15 PM roll call
2:55:16 PM SR 1184 passes
2:56:54 PM Senator Gibson moves we adjourn
3:00:03 PM Without objection, meeting is adjourned