

SB 2 by **Sobel (CO-INTRODUCERS) Gaetz, Clemens, Richter, Sachs, Simmons;** (Identical to H 0129) Greyhound Racing Injuries

274724 A S RCS FP, Bradley btw L.70 - 71: 02/19 12:05 PM

SB 94 by **Joyner;** (Identical to H 0003) Closing the Gap Grant Program

CS/SB 132 by **TR, Joyner (CO-INTRODUCERS) Dean;** (Similar to CS/H 0051) Disabled Parking Permits

CS/SB 144 by **HP, Bean;** (Similar to H 0141) Public Records/Impaired Practitioner Consultants

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Flores, Chair
Senator Bradley, Vice Chair

MEETING DATE: Thursday, February 19, 2015
TIME: 9:00 —11:00 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Flores, Chair; Senator Bradley, Vice Chair; Senators Abruzzo, Bean, Clemens, Hays, Hukill, Legg, Margolis, Sachs, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 2 Sobel (Identical H 129)	Greyhound Racing Injuries; Citing this act as the "Victoria Q. Gaetz Racing Greyhound Protection Act;" requiring injuries to racing greyhounds to be reported on a form adopted by the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation within a certain timeframe; exempting injuries to certain animals from reporting requirements, etc. RI 01/21/2015 Favorable FP 02/19/2015 Fav/CS	Fav/CS Yeas 9 Nays 1
2	SB 94 Joyner (Identical H 3)	Closing the Gap Grant Program; Requiring that a project proposal under the grant program address racial and ethnic disparities in morbidity and mortality rates relating to sickle cell disease in addition to other priority areas, etc. HP 01/06/2015 Favorable AHS 01/22/2015 Favorable FP 02/19/2015 Favorable	Favorable Yeas 10 Nays 0
3	CS/SB 132 Transportation / Joyner (Similar CS/H 51)	Disabled Parking Permits; Authorizing certain veterans to provide the Department of Highway Safety and Motor Vehicles alternative documentation for renewal or replacement of a disabled parking permit, etc. MS 01/21/2015 Favorable TR 02/05/2015 Fav/CS FP 02/19/2015 Favorable	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, February 19, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 144 Health Policy / Bean (Similar H 141)	Public Records/Impaired Practitioner Consultants; Creating an exemption from public records requirements for certain identifying and location information of current or former impaired practitioner consultants retained by an agency or certain current or former employees of an impaired practitioner consultant and the spouses and children of such consultants or employees, under specified circumstances; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc. HP 01/06/2015 Fav/CS GO 02/03/2015 Favorable FP 02/19/2015 Favorable	Favorable Yeas 10 Nays 0

Other Related Meeting Documents

An electronic copy of the Appearance Request form is available to download from any Senate committee page on the Senate's website, www.flSenate.gov.

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 Fiscal Policy

BILL: CS/SB 2

INTRODUCER: Fiscal Policy Committee and Senator Sobel and others

SUBJECT: Greyhound Racing Injuries

DATE: February 20, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 2 requires all injuries to racing greyhounds that occur in Florida be reported to the Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (department). The division must adopt a form to report the injuries. If an injury to a racing greyhound occurs at a racetrack facility the racetrack veterinarian must report the injury. If an injury occurs at a location other than a racetrack, or during transportation, then the racing greyhound owner, trainer or kennel operator who has knowledge of the injury must report the injury. The form is to be completed and signed under oath or affirmation, under penalty of perjury, by the reporting person.

The injury must be reported within 7 days after the date the injury occurred or is believed to have occurred. The injury reports are public records that the division must maintain for at least 7 years. Licensees of the department who knowingly make a false statement concerning an injury or fail to report an injury are subject to disciplinary action under ch. 550, F.S., or chs. 455 and 474 F.S. The bill does not apply to injuries to a service animal, personal pet, or greyhound that has been adopted as a pet.

The fiscal impact of this bill for FY 2015-16 is one additional FTE and \$57,132 in recurring funds and \$5,385 in nonrecurring funds from the Pari-mutuel Wagering Trust Fund.

II. Present Situation:

According to Grey2K USA Worldwide, seven states have live greyhound racing. Those states are Alabama, Arizona, Arkansas, Florida, Iowa, Texas, and West Virginia.¹ Racing greyhounds are greyhounds that are registered with the National Greyhound Association and used in racing at a pari-mutuel facility, or have been used, bred, raised, or trained to be used for such racing.² Florida is the leader in greyhound racing in the United States.³

Regulation by Division of Pari-mutuel Wagering

Greyhound racing is regulated by the Division of Pari-mutuel Wagering (division) in the Department of Business and Professional Regulation (department).⁴ The division has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties.⁵

The division issues permits for pari-mutuel facilities and any person, persons, or entity with a permit is known as a “permitholder.”⁶ To conduct pari-mutuel operations a permitholder must apply for an annual operating license specifying the number, dates, and starting times of all performances to be conducted.⁷ A “performance” is defined as a series of events, races, or games performed consecutively under a single admission charge.⁸ Specifically, eight or more consecutive live races or games is considered a performance and at least three live performances must be held at the permitholder’s licensed facility each week. A greyhound permitholder must have conducted at least 100 live performances during the preceding year.⁹

If a permitholder does not conduct all of the performances specified in its operating license, the division must hold a hearing to determine whether to fine or suspend¹⁰ the permitholder’s license.¹¹ Currently, there are 19 greyhound racing permitholders with operating licenses.¹²

¹ Grey2K USA Worldwide, *Take Action: State by State*, available at <http://www.grey2kusa.org/action/states.html> (last visited Feb. 9, 2015). Grey2K USA Worldwide is a national organization that focuses on racing greyhound protection.

² Section 550.002(29), F.S.

³ Department of Business & Professional Regulation, *Division of Pari-Mutuel Wagering 83rd Annual Report Fiscal Year 2013-2014*, p. 25, available at <http://www.myfloridalicense.com/dbpr/pmw/documents/AnnualReports/AnnualReport-2013-2014--83rd--20150114.pdf>

(last visited Feb. 9, 2015).

⁴ Section 550.0251, F.S.

⁵ See the Division of Pari-mutuel Wagering available at <http://www.myfloridalicense.com/dbpr/pmw/index.html> (last visited Feb. 9, 2015).

⁶ Rule 61D-2.001(10), F.A.C.

⁷ Sections 550.0115 and 550.01215(1), F.S.

⁸ Section 550.002(25), F.S.

⁹ Section 550.002(11), F.S. The performances may be during the day or in the evenings.

¹⁰ After Jefferson County Kennel Club failed to conduct scheduled performances, its operating license was suspended on September 22, 2014 under a consent order. http://www.myfloridalicense.com/dbpr/pmw/documents/Licenses/PMW--ConsentOrder--JEFFERSON_COUNTY_KENNEL_CLUB_INC--146--2014-09-23--20141023.pdf (last visited Feb. 9, 2015).

¹¹ Section 550.01215(4), F.S. The division will not fine or suspend the permitholder’s license if the failure is due to fire, strike, war, or other disaster or event beyond the ability of the permitholder’s control.

¹² Division of Pari-mutuel Wagering, Current Permitholders, (as of Oct. 23, 2014), available at <http://www.myfloridalicense.com/dbpr/pmw/documents/CurrentPermitholdersList.pdf> (last visited Feb. 9, 2015).

Greyhound Care

The division is authorized to supervise and regulate the welfare of racing animals at pari-mutuel facilities.¹³ In 2013 the division promulgated Rule 61D-2.023, F.A.C., which provides specific guidelines to ensure the health, safety, welfare of racing animals. For example, the rule specifies that only one greyhound can be housed in each crate within the kennel and that the crates must be sanitized daily.¹⁴ Greyhound trainers of record are responsible for physically inspecting the greyhounds in their care for sores, cuts, abrasions, muzzle burns, and fleas and ticks.¹⁵ The rule also requires the division to be notified within 18 hours of the death of a racing greyhound that occurred on the grounds of a greyhound track or kennel compound. The division may conduct a postmortem examination of an animal injured at a permitted racetrack that later dies or is euthanized.¹⁶

Of the seven states that have live greyhound racing, only Florida and Alabama do not require the reporting of injuries to racing greyhounds.¹⁷ Some greyhound racetracks in Florida do maintain injury records, however the contents of those reports vary.¹⁸ For example, the information provided in a 2011 Daytona Beach Kennel Club injury report (due no later than 24 hours after an injury occurs) includes:

- Injury type (e.g., fracture, dislocation, sprain, muscle tear/sore, laceration/cut);
- Area injured (e.g., left hind leg) and bone/joint injured (e.g., toe, shoulder);
- Treatment (e.g., x-rays, surgery, splint, rest, euthanized); and
- Location where injury occurred (e.g. track, kennel building).¹⁹

To contrast, the information provided in 2011 Flagler Greyhound Track report required a brief description of the injury, the location of where the injury occurred on the track, and whether the track was wet or dry.²⁰

Racing greyhounds are prone to stress fractures in their paws.²¹ Specifically, young or unfit dogs that start racing prematurely can be predisposed to these stress fractures.²² Fractures of the accessory carpal bone in the paw of a racing greyhound are also relatively common due to the

¹³ Section 550.0251(11), F.S.

¹⁴ Rule 61D-2.023(3), F.A.C.

¹⁵ Rule 61D-2.023(6), F.A.C.

¹⁶ Section 550.2415(9)(a), F.S., also provides that postmortem examinations may also be made of any animal that dies while housed at a permitted racetrack, association compound, or licensed kennel or farm.

¹⁷ Grey2K USA Worldwide, *Greyhound Injury Reporting (Senate Bill 2 and House Bill 129)*, available at <http://www.grey2kusa.org/pdf/FLInjury.pdf> (last visited Feb. 9, 2015).

¹⁸ Grey2K USA Worldwide, *Greyhound Racing in Florida (December 2011)*, p. 8, available at <http://www.grey2kusa.org/pdf/FLreport.pdf> (last visited Feb. 9, 2015).

¹⁹ *Id.* at page 30.

²⁰ *Id.* at pages 31-34.

²¹ Benjamin G. J. Wernham, BVSc and James K. Roush, DVM, MS, DACVS, *Metacarpal and Metatarsal Fractures in Dogs*, Compendium: Continuing Education for Veterinarians®, Vetlearn.com, (March 2010), available at https://s3.amazonaws.com/assets.prod.vetlearn.com/mmah/5f/e8eac1e38940cb8b9aab8e862fa06a/filePV0310_wernham_CE.pdf (last visited Feb. 10, 2015).

²² *Id.*

stresses of racing.²³ The injury, which more commonly affects the right leg, is due to hyperextension of the carpus (the ‘wrist’ of the leg) at speed.²⁴

According to Grey2K USA Worldwide, injury reporting leads to fewer greyhound deaths. For data collected by the organization about Massachusetts, the organization found that “the number of dogs euthanized declined by 43% in the first year after passage of an injury reporting bill. By the sixth year, the number of greyhounds euthanized had dropped by 88%.”²⁵

III. Effect of Proposed Changes:

CS/SB 2 requires all injuries to racing greyhounds that occur in Florida be reported to the division within 7 days after the injury occurred or is believed to have occurred. The division must adopt a form to report the injuries. The form is to be completed and signed under oath or affirmation, under penalty of perjury,²⁶ by the:

- Racetrack veterinarian, if the injury occurred at the racetrack facility; or
- Owner, trainer or kennel operator with knowledge of the injury, if the injury occurred at a location other than the racetrack facility, including during transportation.

The form must include:

- The greyhound’s registered name, right-ear and left-ear tattoo numbers, and, if any, the microchip manufacturer and number;
- The name, business address, and telephone number of the greyhound owner, trainer, and kennel operator;
- The color, weight, and sex of the greyhound; and
- The specific type and bodily location of the injury, the cause of the injury, and the estimated recovery time from the injury.

If the injury occurs when the greyhound was racing, form must also include:

- The racetrack where the injury occurred;
- The distance, grade, race, and post position of the greyhound when the injury occurred; and
- The weather conditions, time, and track conditions when the injury occurred.

If the injury occurs when the greyhound is not racing, the form must include the location where the injury occurred and the circumstances surrounding the injury. The form can also include any other information that the division determines necessary to identify injuries to racing greyhounds in Florida.

²³ See University of Pennsylvania School of Veterinary Medicine Computer Aided Learning Program course supplement, *Chapter 35: Fractures and Dislocations Associated with the Racing Greyhound*, available at http://cal.vet.upenn.edu/projects/saortho/chapter_35/35mast.htm (last visited Feb. 10, 2015).

²⁴ *Id.*

²⁵ Grey2K USA Worldwide, *Greyhound Injury Reporting (Senate Bill 2 and House Bill 129)*, available at <http://www.grey2kusa.org/pdf/FLInjury.pdf> (last visited Feb. 9, 2015).

²⁶ Section 837.012, F.S., provides that makers of false statements under oath in regard to any material matter (such as those made in an injury reporting form) which he or she does not believe to be true, are guilty of a first degree misdemeanor and may be sentenced to a term of imprisonment up to one year and required to pay a fine not to exceed \$1,000).

The injury form is a public record that the division must maintain for at least 7 years after the date it was received.

The bill authorizes the division to adopt rules relating to the reporting of injuries to racing greyhounds.

The form is to be completed and signed under oath or affirmation, under penalty of perjury. A licensee of the department who knowingly makes a false statement concerning an injury or fails to report an injury is subject to disciplinary action under ch. 550, F.S. (Pari-mutuel Wagering), or ch. 455, F.S. (Business and Professional Regulation: General Provisions) and ch. 474, F.S. (Veterinary Medical Practice).²⁷

The bill does not apply to injuries to a service animal, personal pet, or greyhound that has been adopted as a pet.

The bill provides an appropriation to the DBPR for FY 2015-16 of one additional FTE and \$57,132 in recurring funds and \$5,385 in nonrecurring funds from the Pari-mutuel Wagering Trust Fund.

The bill provides for an effective date of July 1, 2015.

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.

²⁷ Disciplinary actions under ch. 550, F.S., include suspension or revocation of any permit or license and a civil penalty not to exceed \$1,000 for each separate offense or count. s. 550.054(9)(b), F.S. Disciplinary actions under ch. 455, F.S., include refusal to certify an application for a license, suspension or permanent revocation of a license, issuance of a reprimand, placement of a licensee on probation, and a civil penalty not to exceed \$5,000 for each separate offense or count. s. 445.227, F.S. Additionally, under s. 455.2275, F.S., knowingly giving false information constitutes a third-degree felony. Disciplinary actions under ch. 474, F.S., include denial of licensure as a veterinarian, suspension or revocation of a license, issuance of a reprimand, placement of a licensee on probation, and a civil penalty not to exceed \$5,000 for each separate offense or count. s. 474.214, F.S.

B. Private Sector Impact:

Additional reporting will have an indeterminate impact on greyhound permit holders and operating racetracks. For example, if numerous injury reports are made for injuries occurring at a specific racetrack or kennel, actions could be taken to address the causes of the injuries, which may increase operational expenses for a greyhound permit holder or other licensee. Whereas, if transport of racing greyhounds results in numerous injuries, licensees may determine not to use the services of those haulers or drivers. Lastly, if the division determines that numerous injuries have occurred at a particular location, an investigation may be instituted.

C. Government Sector Impact:

The estimated FY 2015-16 state expenditures include one additional FTE and \$57,132 in recurring funds and \$5,385 in nonrecurring funds from the Pari-mutuel Wagering Trust Fund. According to the department, updates to the department's computer system, Versa: Regulation and OnBase, to add a new pseudo-license to track injured greyhounds and any other possible modifications to Versa: Online, will be made with existing department resources.

The department also estimates that it may see a minimal increase in revenues due to fees or fines.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill authorizes the division to adopt rules relating to the reporting of injuries to racing greyhounds.

The bill does not define the term "injury," and with thousands of racing greyhounds in Florida, the division indicates that it may be difficult to enforce the provisions of the bill without a definition. The bill does permit the division to adopt rules to implement the bill.²⁹

VIII. Statutes Affected:

This bill creates section 550.2416 of the Florida Statutes.

²⁸ 2015 Department of Business and Professional Regulation Legislative Bill Analysis SB 2, January 15, 2015 (on file with Senate Committee on Regulated Industries).

²⁹ *Id.*

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 Fiscal Policy on February 19, 2015:

The CS provides an appropriation to the DBPR for FY 2015-16 of one additional FTE and \$57,132 in recurring funds and \$5,385 in nonrecurring funds from the Pari-mutuel Wagering Trust Fund.

- B. **Amendments:**

None.



274724

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2015	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Bradley) recommended the following:

Senate Amendment (with title amendment)

Between lines 70 and 71
insert:

Section 3. For the 2015-2016 fiscal year, there is appropriated to the Department of Business and Professional Regulation's Pari-mutuel Wagering Program the sums of \$57,132 in recurring funds and \$5,385 in nonrecurring funds from the Pari-mutuel Wagering Trust Fund and one full-time equivalent position



274724

10 with associated salary rate of 34,220 is authorized to implement
11 this act.

12
13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete line 15

16 and insert:

17 the division to adopt rules; providing an

18 appropriation; providing an effective

By Senator Sobel

33-00349B-15

20152__

A bill to be entitled

An act relating to greyhound racing injuries; providing a short title; creating s. 550.2416, F.S.; requiring injuries to racing greyhounds to be reported on a form adopted by the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation within a certain timeframe; specifying the information that must be included in the form; requiring the division to maintain the forms as public records; specifying disciplinary action that may be taken against a licensee of the department who fails to report an injury or who makes false statements on an injury form; exempting injuries to certain animals from reporting requirements; requiring the division to adopt rules; providing an effective date.

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

Section 1. This act may be cited as the "Victoria Q. Gaetz Racing Greyhound Protection Act."

Section 2. Section 550.2416, Florida Statutes, is created to read:

550.2416 Reporting of racing greyhound injuries.—

(1) An injury to a racing greyhound which occurs while the greyhound is located in this state must be reported on a form adopted by the division within 7 days after the date the injury occurred or is believed to have occurred.

(2) The form shall be completed and signed under oath or

Page 1 of 3

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

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affirmation under penalty of perjury by the:

(a) Racetrack veterinarian, if the injury occurred at the racetrack facility; or

(b) Owner, trainer, or kennel operator who had knowledge of the injury, if the injury occurred at a location other than the racetrack, including during transportation.

(3) The form must include all of the following:

(a) The greyhound's registered name, right-ear and left-ear tattoo numbers, and, if any, the microchip manufacturer and number.

(b) The name, business address, and telephone number of the greyhound owner, the trainer, and the kennel operator.

(c) The color, weight, and sex of the greyhound.

(d) The specific type and bodily location of the injury, the cause of the injury, and the estimated recovery time from the injury.

(e) If the injury occurred while the greyhound was racing:

1. The racetrack where the injury occurred;

2. The distance, grade, race, and post position of the greyhound when the injury occurred; and

3. The weather conditions, time, and track conditions when the injury occurred.

(f) If the injury occurred when the greyhound was not racing:

1. The location where the injury occurred; and

2. The circumstances surrounding the injury.

(g) Other information that the division determines is necessary to identify injuries to racing greyhounds in this state.

Page 2 of 3

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

33-00349B-15

20152__

59 (4) An injury form created pursuant to this section shall
60 be maintained as a public record by the division for 7 years
61 from the date it was received.

62 (5) A licensee of the department who knowingly makes a
63 false statement concerning an injury or fails to report an
64 injury is subject to disciplinary action under this chapter or
65 chapters 455 and 474.

66 (6) This section does not apply to injuries to a service
67 animal, personal pet, or greyhound that has been adopted as a
68 pet.

69 (7) The division shall adopt rules to implement this
70 section.

71 Section 3. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Children, Families, and Elder Affairs, *Chair*
Health Policy, *Vice Chair*
Agriculture
Education Pre-K-12
Appropriations Subcommittee on Health
and Human Services

SENATOR ELEANOR SOBEL

33rd District

February 19, 2015

Senator Anitere Flores
Chair of Fiscal Policy
413 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Chair Flores:

This letter is to inform you that my Legislative Aide Yale Olenick will be presenting on my behalf for SB2 in the fiscal policy committee this morning. I had to leave town to be with my daughter and newly born grandson. Thank you for your consideration of this request.

Respectfully,



Eleanor Sobel
State Senator, 33rd District

Cc: Tamra Lyon, Jennifer Hrdlicka

REPLY TO:

- The "Old" Library, First Floor, 2600 Hollywood Blvd., Hollywood, Florida 33020 (954) 924-3693 FAX: (954) 924-3695
- 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

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)

2/19/15

Meeting Date

SB2

Bill Number (if applicable)

Topic Greyhound Racing Injuries

Amendment Barcode (if applicable)

Name Laura Bowen

Job Title Southern Regional Director

Address 1624 Metropolitan Circle - B

Phone 850-386-3435

Tallahassee FL 32303

Email lbowen@hsus.org

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

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

Representing The Humane Society of the US

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB7
Bill Number (if applicable)

Meeting Date _____

Topic Greyhound Protection

Amendment Barcode (if applicable) _____

Name JACK CORY

Job Title _____

Address 120 E. College Ave

Phone 850 8930995

Tallahassee City FL State _____ Zip

Email JACK.CORY@FLSENATE.GOV

Speaking: For Against Information

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

Representing Florida Greyhound Assn & National Greyhound Assn

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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 Fiscal Policy

BILL: SB 94

INTRODUCER: Senator Joyner

SUBJECT: Closing the Gap Grant Program

DATE: February 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Stovall</u>	<u>HP</u>	Favorable
2.	<u>Brown</u>	<u>Pigott</u>	<u>AHS</u>	Favorable
3.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

I. Summary:

SB 94 expands the list of priority health areas under the “Closing the Gap” grant program to include sickle cell disease. The Closing the Gap grant program provides funding for activities designed to reduce racial and ethnic health disparities in priority health areas.

The bill has no fiscal impact.

II. Present Situation:

The “Closing the Gap” Grant Program

In 2000, the Legislature created the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program, to stimulate the development of community- and neighborhood-based projects to improve health outcomes of racial and ethnic populations.¹ The program is administered by the Department of Health (DOH).

Closing the Gap grants are funded for one year and may be renewed annually through an application process, subject to the availability of funds and the grantee’s achievement of quality standards, objectives, and outcomes.² Projects receiving grants are required to provide local matching funds of one dollar for every three dollars in state funds awarded. A portion of a required local match may be in-kind in the form of free services or human resources.³ Projects in certain communities may be exempt from match requirements.⁴

¹ See s. 381.7352, F.S.

² See s. 381.7356(4), F.S.

³ See s. 381.7356(2)(a)-(b), F.S.

⁴ See s. 381.7356(2)(c), F.S.

Applications for grants must address each of the following required items:⁵

- The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the project will address, which must include one or more of the following priority areas:
 - Decreasing racial and ethnic disparities in maternal and infant mortality rates;
 - Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer;
 - Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS;
 - Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease;
 - Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes;
 - Increasing adult and child immunization rates in certain racial and ethnic populations; and
 - Decreasing racial and ethnic disparities in oral health care;
- Identification and relevance of the target population;
- Methods for obtaining baseline health status data and assessment of community health needs;
- Mechanisms for mobilizing community resources and gaining local commitment;
- Development and implementation of health promotion and disease prevention interventions;
- Mechanisms and strategies for evaluating the project's objectives, procedures, and outcomes;
- A proposed work plan, including a timeline for implementing the project; and
- The likelihood that project activities will occur and continue in the absence of funding.

In FY 2014-2015, the Legislature appropriated \$3.1 million in general revenue for the program.⁶ Seventeen grants have been awarded, ranging from \$125,000 to a maximum of \$200,000.⁷ The appropriation also included specific funding of \$100,000 for a program in the Tampa Bay area to screen and educate high school athletes about sickle cell trait.⁸

Sickle Cell Disease

Sickle cell disease (SCD) is a group of inherited red blood cell disorders. Healthy red blood cells are round. In someone who has SCD, the red blood cells become hard, sticky, and shaped like a sickle. The sickle cells die early, which causes a constant shortage of red blood cells. The cells clog blood flow in small blood vessels, which can cause pain and other serious problems such as infection, acute chest syndrome, and stroke.⁹

⁵ See s. 381.7355(2), F.S.

⁶ See line-item 443, ch. 2014-51, L.O.F.

⁷ Conversation between Mike Mason, Director, Office of Minority Health, Florida Dept. of Health, and staff of the Senate Committee on Health Policy (Dec. 16, 2014).

⁸ See line-item 443, ch. 2014-51, L.O.F.

⁹ Centers for Disease Control and Prevention, *Facts About Sickle Cell Disease*, <http://www.cdc.gov/ncbddd/sicklecell/facts.html> (last visited Feb. 6, 2015).

SCD is diagnosed with a blood test, most often at birth during routine newborn screening tests.¹⁰ It is a genetic disorder, inherited when a child inherits the sickle cell gene from both parents. When a person inherits the gene from only one parent, that person will not develop sickle cell disease but instead has sickle cell trait. People with sickle cell trait usually do not have any of the symptoms of SCD, but they can pass the trait on to their children.¹¹ An estimated two million Americans have sickle cell trait.¹²

People at the highest risk for inheriting the gene for sickle cell are descendants of people originally from Africa or parts of India and the Mediterranean. The sickle cell gene can also occur in people from South and Central America, the Caribbean, and the Middle East. The higher prevalence of the sickle cell gene in these regions of the world is due to the ability of a person with sickle cell trait to make red blood cells resistant to the malaria parasite, which is most prevalent in those regions.¹³

There is no cure for SCD other than experimental transplantation procedures.¹⁴

The exact number of persons with SCD is not known. The federal Centers for Disease Control and Prevention (CDC) estimates that:¹⁵

- SCD affects 90,000 to 100,000 Americans;
- SCD occurs among approximately 1 out of every 500 black or African-American births; and
- SCD occurs among approximately 1 out of every 36,000 Hispanic-American births.

States such as Florida that conduct newborn screenings detect both the sickle cell trait and SCD. A review of 2010 newborn screening data from 44 states showed a higher incidence rate of sickle cell trait in Florida than in the overall sample.¹⁶

Incidence of Sickle Cell Trait – 44 U.S. States, 2010			
State	Infants Screened	Positive Test Results	Incidence Per 1,000
Florida	214,948	5,564	25.9
National (among 44 states)	3,576,297	55,258	15.5

The 2010 review collected race specific newborn screening data from 13 states, not including Florida, on the incidence rate of sickle cell trait. The overall incidence rate for sickle cell trait

¹⁰ Baby’s First Test, *Conditions Screened by State - Florida*, <http://www.babysfirsttest.org/newborn-screening/states/florida> (last visited Feb. 6, 2015).

¹¹ Centers for Disease Control and Prevention, *Sickle Cell Trait*, <http://www.cdc.gov/ncbddd/sicklecell/traits.html> (last visited Feb. 6, 2015).

¹² University of Maryland Medical Center, *Sickle Cell Disease*, <http://umm.edu/health/medical/reports/articles/sickle-cell-disease> (last visited Feb. 6, 2015).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Centers for Disease Control and Prevention, *Sickle Cell Disease, Data and Statistics*, <http://www.cdc.gov/ncbddd/sicklecell/data.html> (last visited Feb. 6, 2015).

¹⁶ Jelili Ojodu, MPH, et al., “Incidence of Sickle Cell Trait – United States, 2010,” *Morbidity and Mortality Weekly Report*, Centers for Disease Control and Prevention, Dec. 12, 2014, v. 63, no. 49, p. 1156, <http://www.cdc.gov/mmwr/pdf/wk/mm6349.pdf> (last visited Feb. 2, 2015).

was 2.2 cases per 1,000 Asian, Native Hawaiian, or other Pacific Islander infant screened; 73.1 cases per 1,000 black or African American infants screened; and 3.0 cases per 1,000 white infants screened.¹⁷

Data from 2010 specific to the Hispanic ethnicity are available for Florida and 12 other states. These data show that in 2010, the incidence rate of sickle cell trait for Hispanic newborns in Florida was 9.7 per 1,000 while the Hispanic incidence rate for the overall sample was 6.9 per 1,000.¹⁸

The CDC web site contains other data on race and ethnicity for certain states concerning SCD.¹⁹ The table below displays the racial and ethnic break-outs for children born with SCD during one or more years ranging from 2004 to 2008, as reported by various states. (Some rows total more than 100 percent due to overlap among race and ethnicity categories.)

State	Black	Hispanic	Other
California	89%	8%	5%
Georgia	97%	2%	1%
Michigan	96%	not reported	4%
North Carolina	95%	2%	5%

In a study using a large, multi-state, multi-payer patient sample, SCD-attributable medical expenditures for children were conservatively estimated at \$335 million for 2005.²⁰ The study found that children with SCD incurred medical expenditures that were \$9,369 and \$13,469 higher than those of children without SCD enrolled in Medicaid and private insurance, respectively.²¹

III. Effect of Proposed Changes:

The bill adds “decreasing racial and ethnic disparities in morbidity and mortality rates relating to sickle cell disease” to the list of priority areas that Closing the Gap grant proposals may address, under the current-law requirement that at least one priority area must be addressed.

¹⁷ *Id.*, p. 1157.

¹⁸ *Id.*, p. 1156.

¹⁹ In 2010, the CDC, in partnership with the National Institutes of Health, launched the Registry and Surveillance System for Hemoglobinopathies (RuSH), a pilot project to collect initial, state-specific information on people with SCD and other red blood cell disorders. (See <http://www.cdc.gov/ncbddd/hemoglobinopathies/rush.html> (last visited Feb. 13, 2015).) The pilot project enlisted seven states, including Florida, California, Georgia, Michigan, New York, North Carolina, and Pennsylvania. State-specific fact sheets with SCD data gathered by the pilot project are available on the CDC web site for five of the seven states, not including Florida. (See <http://www.cdc.gov/ncbddd/sicklecell/freematerials.html> (last visited Feb. 13, 2015).)

²⁰ Djesika D. Amendah, Ph.D., et al., “Sickle Cell Disease-Related Pediatric Medical Expenditures in the U.S.,” *American Journal of Preventive Medicine*, April 2010, v. 38, no. 4, p. S554, [http://www.ajpmonline.org/article/S0749-3797\(10\)00014-0/pdf](http://www.ajpmonline.org/article/S0749-3797(10)00014-0/pdf) (last visited Feb. 3, 2015, 2015).

²¹ *Id.*, p. S552.

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:

SB 94 expands the types of projects that are eligible to receive grants under the Closing the Gap program.

C. Government Sector Impact:

None known.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the federal Centers for Disease Control and Prevention (CDC), there are currently no data systems in the United States to accurately determine the number of people who have SCD and other disorders affecting red blood cells, nor to fully describe how these conditions affect an individual's health.²² This lack of data includes a lack of accurate mortality statistics.²³ Given this general lack of reliable data and the lack of mortality data specifically, it is unclear how grant proposals related to decreasing racial and ethnic disparities in SCD morbidity and mortality rates will meet the statutory requirements to include methods for obtaining baseline health status data and mechanisms for evaluating outcomes when a project seeks to address the goal of decreasing racial and ethnic disparities in SCD morbidity and mortality rates.

²² Centers for Disease Control and Prevention, *Conversations with the Director*, March 13, 2013, <http://www.cdc.gov/about/cdcdirector/conversations/grant.html> (last visited Feb. 9, 2015).

²³ *Id.*

VIII. Statutes Affected:

This bill substantially amends section 381.7355 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Joyner

19-00116-15

201594__

1 A bill to be entitled
 2 An act relating to the Closing the Gap grant program;
 3 amending s. 381.7355, F.S.; requiring that a project
 4 proposal under the grant program address racial and
 5 ethnic disparities in morbidity and mortality rates
 6 relating to sickle cell disease in addition to other
 7 priority areas; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Paragraph (a) of subsection (2) of section
 12 381.7355, Florida Statutes, is amended to read:
 13 381.7355 Project requirements; review criteria.-
 14 (2) A proposal must include each of the following elements:
 15 (a) The purpose and objectives of the proposal, including
 16 identification of the particular racial or ethnic disparity the
 17 project will address. The proposal must address one or more of
 18 the following priority areas:
 19 1. Decreasing racial and ethnic disparities in maternal and
 20 infant mortality rates.
 21 2. Decreasing racial and ethnic disparities in morbidity
 22 and mortality rates relating to cancer.
 23 3. Decreasing racial and ethnic disparities in morbidity
 24 and mortality rates relating to HIV/AIDS.
 25 4. Decreasing racial and ethnic disparities in morbidity
 26 and mortality rates relating to cardiovascular disease.
 27 5. Decreasing racial and ethnic disparities in morbidity
 28 and mortality rates relating to diabetes.
 29 6. Increasing adult and child immunization rates in certain

Page 1 of 2

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19-00116-15

201594__

30 racial and ethnic populations.
 31 7. Decreasing racial and ethnic disparities in oral health
 32 care.
 33 8. Decreasing racial and ethnic disparities in morbidity
 34 and mortality rates relating to sickle cell disease.
 35 Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal and
Civil Justice, *Vice Chair*
Appropriations
Health Policy
Higher Education
Judiciary
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR ARTHENIA L. JOYNER

Democratic Leader
19th District

January 22, 2015

Senator Anitere Flores, Chair
Senate Committee on Fiscal Policy
225 Knott
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Madame Chair:

This is to request that Senate Bill 94, *Closing the Gap Grant Program*, be placed on the agenda for the Committee on Fiscal Policy. Your consideration of this request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Arthenia L. Joyner".

Arthenia L. Joyner
State Senator, District 19

REPLY TO:

- 508 W. Dr. Martin Luther King, Jr. Blvd., Suite C, Tampa, Florida 33603-3415 (813) 233-4277
- 200 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019 FAX: (813) 233-4280

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 Fiscal Policy

BILL: CS/SB 132

INTRODUCER: Transportation Committee and Senators Joyner and Dean

SUBJECT: Disabled Parking Permits

DATE: February 18, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders/Ryon</u>	<u>Ryon</u>	<u>MS</u>	Favorable
2.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	Fav/CS
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 132 allows a permanently and totally disabled veteran to provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, in lieu of a certificate of disability to renew or replace a disabled parking permit.

The Department of Highway Safety and Motor Vehicles estimates the bill will require \$4,000 in programming revisions which can be absorbed within existing resources.

II. Present Situation:

Disabled Parking Permits

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents to issue disabled parking permits to persons with impaired mobility. Upon application and receipt of the fee,¹ a person with a long-term mobility impairment is issued a disabled parking permit for a period of up to four years. Similarly, a person with a temporary mobility impairment is issued a temporary disabled parking permit for a period of up to six months.²

¹ No person will be required to pay a fee for a disabled parking permit more than once in a 12-month period. s. 320.0848(1)(a), F.S.

² Section 320.0848(1)(a), F.S.

A person applying for a disabled parking permit must be certified as being legally blind, or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- Inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person;
- The need to permanently use a wheelchair;
- A restriction by lung disease;³
- The use of portable oxygen;
- A restriction by cardiac condition;⁴ or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.⁵

A certificate of disability is required for a disabled parking permit and must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state.⁶ The certificate of disability must include the:

- Disability of the applicant;
- Certifying practitioner's name, address, and certification number;
- Eligibility criteria for the permit;
- Penalty for falsification by either the certifying practitioner or applicant;
- Duration of the condition that entitles the applicant for the permit;
- Justification for any additional placard issued;
- Statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility;" and
- Signatures of the applicant's physician or other certifying practitioner, applicant and employee of DHSMV's authorized agent which is processing the application.⁷

To renew or replace a disabled parking permit that has been lost or stolen, the DHSMV requires an applicant to provide a certificate of disability issued within the last 12 months.⁸

Service-Disabled Veterans

The United States Department of Veterans Affairs (USDVA) evaluates disabilities resulting from all types of diseases and injuries as a result of or incident to military service and assigns a

³ The restriction must be "to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest." s. 320.0848(1)(b)c., F.S.

⁴ The restriction must be "to the extent that person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association." s. 320.0848(1)(b)e., F.S.

⁵ Section 320.0848(1)(b)1., F.S.

⁶ If a certification of disability is provided by a similarly licensed physician from another state, the application must also include documentation of the physician's licensure in the other state and a form signed by the out-of-state physician verifying their knowledge of Florida's eligibility guidelines. s. 320.0848(1)(b)2., F.S.

⁷ Section 320.0848(1)(c), F.S.

⁸ Section 320.0848(2)(e), F.S.

disability rating.⁹ The USDVA's rating schedule is intended to reflect the average losses in earning stemming from certain medical conditions.¹⁰

In some cases, the degree of a veteran's service-connected disability is determined to be total and permanent.¹¹ A total disability exists when any impairment of mind or body is present and is sufficient to render it impossible for the average person to have a substantially gainful occupation.¹² A disability is also classified as permanent and total when the total disability is reasonably certain to continue throughout the life of the disabled person.¹³

Disability ratings can change if there is evidence that a disability has improved, or if evidence indicates there has been a material change in a disability or that the current rating may be incorrect.¹⁴

United States Department of Veterans Affairs Form Letter 27-333 (VAFL 27-333)

The USDVA issues the VAFL 27-333 to a veteran to certify that the veteran is "permanently and totally" disabled due to a service-connected disability.¹⁵ This form is also accepted to determine eligibility for the real estate tax exemptions for "total and permanent" disabled veterans afforded by s. 196.081(1), F.S.¹⁶

III. Effect of Proposed Changes:

The bill amends s. 320.0848, F.S., to allow a permanently and totally disabled veteran, as determined by the USDVA or any branch of the United States Armed Forces, to provide a VAFL 27-333 issued within the last 12 months in lieu of the certificate of disability in order to renew or replace a disabled parking permit.

Currently, when applying for a disabled parking permit all applicants must provide a certificate of disability. The bill repeals s. 320.0848(2)(d), F.S., which reiterates that a disabled veteran must also provide a certificate of disability when applying for a disabled parking permit.

The bill provides an effective date of July 1, 2015.

⁹ 38 C.F.R. s. 4-1 (1976).

¹⁰ The USDVA determines the disability level for an eligible veteran, and Congress sets the compensation rates for veterans based on ratings. Congressional Budget Office, *Veterans' Disability Compensation: Trends and Policy Options*, (August 2014), p. 7, available at http://www.cbo.gov/sites/default/files/45615-VADisability_2.pdf (last visited on Feb. 16, 2015).

¹¹ See 38 C.F.R. s. 3-340 (1981).

¹² 38 C.F.R. s. 3-340(a)(1) (1981).

¹³ Specifically, a permanent total disability is the permanent loss or loss of use of both hands, both feet, one hand and one foot, or the sight of both eyes, or becoming permanently helpless or bedridden. Diseases and injuries which are totally incapacitating are regarded as permanently and totally disabling when the probability of permanent improvement under treatment is unlikely. 38 C.F.R. s. 3-340(b) (1981).

¹⁴ The USDVA is authorized to reexamine veterans at any time to ensure that the disability is accurately rated. 38 C.F.R. s. 3-327(a) (1995).

¹⁵ Email from Douglas Walton, Executive Assistant, Benefits and Assistance Division, Florida Department of Veterans Affairs (Feb. 2, 2015) (on file with the Senate Committee on Transportation).

¹⁶ *Id.*

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 DHSMV estimates \$4,000 in programming costs to update original, renewal, and replacement permit application forms to comply with the provisions in the bill. According to DHSMV, this cost can be absorbed within existing resources.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill amends section 320.0848 of the Florida Statutes.

¹⁷ DHSMV 2015 Agency Legislative Bill Analysis, SB 132 (Dec. 15, 2014).

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 Transportation on February 5, 2014:

The CS modifies the bill by:

- Requiring a permanently and totally disabled veteran who is not providing a certificate of disability, to renew a disabled parking permit by providing a VAFL 27-333, or its equivalent, issued within the last 12 months;
- Allowing a permanently and totally disabled veteran to provide a VAFL 27-333, or its equivalent, issued within the last 12 months for a disabled parking permit replacement; and
- Deleting paragraph (2)(d) of s. 320.0848, F.S., as it is no longer needed.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senators Joyner and Dean

596-01500-15

2015132c1

A bill to be entitled

An act relating to disabled parking permits; amending s. 320.0848, F.S.; authorizing certain veterans to provide the Department of Highway Safety and Motor Vehicles alternative documentation for renewal or replacement of a disabled parking permit; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) and paragraphs (d), (e), and (f) of subsection (2) of section 320.0848, Florida Statutes, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)

(d) ~~Beginning October 1, 2012,~~ The department shall renew the disabled parking permit of any person certified as permanently disabled on the application if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection. A veteran who has been previously evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability.

Page 1 of 3

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596-01500-15

2015132c1

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

~~(d) If an applicant who is a disabled veteran, is a resident of this state, has been honorably discharged, and either has been determined by the Department of Defense or the United States Department of Veterans Affairs or its predecessor to have a service-connected disability rating for compensation of 50 percent or greater or has been determined to have a service-connected disability rating of 50 percent or greater and is in receipt of both disability retirement pay from the United States Department of Veterans Affairs, he or she must still provide a signed physician's statement of qualification for the disabled parking permits.~~

(d)(e) To obtain a replacement for a disabled parking permit that has been lost or stolen, a person must submit an application on a form prescribed by the department, provide a certificate of disability issued within the last 12 months pursuant to subsection (1), and pay a replacement fee in the amount of \$1, to be retained by the issuing agency. If the person submits with the application a police report documenting that the permit was stolen, there is no replacement fee. A veteran who has been previously evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability.

~~(e)(f)~~ A person who qualifies for a disabled parking permit

Page 2 of 3

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596-01500-15

2015132c1

59 under this section may be issued an international wheelchair
60 user symbol license plate under s. 320.0843 in lieu of the
61 disabled parking permit; or, if the person qualifies for a "DV"
62 license plate under s. 320.084, such a license plate may be
63 issued to him or her in lieu of a disabled parking permit.

64 Section 2. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal and
Civil Justice, *Vice Chair*
Appropriations
Health Policy
Higher Education
Judiciary
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR ARTHENIA L. JOYNER

Democratic Leader
19th District

February 5, 2015

Senator Anitere Flores, Chair
Senate Committee on Fiscal Policy
225 Knott
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Madame Chair:

This is to request that CS/Senate Bill 132, Disabled Parking Permits, be placed on the agenda for the Committee on Fiscal Policy. There is no identified fiscal impact. Your consideration of this request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthenia L. Joyner".

Arthenia L. Joyner
State Senator, District 19

REPLY TO:

- 508 W. Dr. Martin Luther King, Jr. Blvd., Suite C, Tampa, Florida 33603-3415 (813) 233-4277
- 200 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019 FAX: (813) 233-4280

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 Fiscal Policy

BILL: CS/SB 144

INTRODUCER: Health Policy Committee and Senator Bean

SUBJECT: Public Records/Impaired Practitioner Consultants

DATE: February 18, 2015

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 144 proposes to enhance the safety of impaired practitioner consultants, specified employees of theirs, and the spouses and children of both, by creating a public records exemption for their personal identification and location information. The impaired practitioner program assists the Department of Health and the Department of Business and Professional Regulation in determining whether practitioners who have experienced a substance abuse or mental or physical health impairment are safe to practice. Currently, there are two impaired practitioner consultant entities retained by the Department of Health and the Department of Business and Professional Regulation to provide services.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature.

The bill contains a public necessity statement as required by the Florida Constitution.

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

II. Present Situation:

Public Records Laws

The Florida Constitution provides every person 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 of persons acting on their behalf.¹ The records of the legislative, executive, and judicial branches are specifically included.²

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act³ guarantees every person's right to inspect and copy any state or local government public record⁴ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁵

Only the Legislature may create an exemption to public records requirements.⁶ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁷ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁸ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁹

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 2 of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹¹ The Act provides that a

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ Chapter 119, F.S.

⁴ Section 119.011(12), F.S., defines "public records" 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." The Public Records Act does not apply to legislature or its members. (*See Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)). *But see* s. 11.0431, F.S. (Providing public access to records of the Senate and the House of Representatives received in connection with the official business of the Legislature, subject to specified exemptions.)

⁵ Section 119.07(1)(a), F.S.

⁶ FLA. CONST. art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*See WFTV, Inc. v. The Sch. Bd. of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); and *Williams v. City of Minneola*, 575 So.2d 683 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, the record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption. *See* Op. Att'y Gen. Fla. 85-62 (1985).

⁷ FLA. CONST. art. I, s. 24(c).

⁸ The bill may, however, contain multiple exemptions that relate to one subject.

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. 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.

¹¹ Section 119.15(3), F.S.

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

Public Records Exemptions for Agency Personnel Identification and Location Information

Current law provides public records exemptions for identification and location information of certain current or former agency personnel and their spouses and children.¹³ Categories of personnel covered by these exemptions include:

- Law enforcement, including correctional, and specified investigatory personnel;¹⁴
- Firefighters;¹⁵
- Justices and judges;¹⁶
- Local and statewide prosecuting attorneys;¹⁷
- Magistrates, administrative law judges, and child support hearing officers;¹⁸
- Local government agency and water management district human resources administrators;¹⁹
- Code enforcement officers;²⁰
- Guardians ad litem;²¹
- Specified Department of Juvenile Justice personnel;²²
- Public defenders and criminal conflict and civil regional counsel;²³
- Investigators or inspectors of the Department of Business and Professional Regulation;²⁴
- County tax collectors;²⁵ and
- Specified personnel of the Department of Health.²⁶

Although the types of exempt information vary, the following information is exempt from public records requirements for all personnel listed above:

- Home addresses and telephone numbers²⁷ of the named personnel;
- Home addresses, telephone numbers, and places of employment of the spouses and their children; and

¹² Section 119.15(6)(b), F.S.

¹³ See s. 119.071(4)(d), F.S.

¹⁴ See s. 119.071(4)(d)2.a., F.S.

¹⁵ See s. 119.071(4)(d)2.b., F.S.

¹⁶ See s. 119.071(4)(d)2.c., F.S.

¹⁷ See s. 119.071(4)(d)2.d., F.S.

¹⁸ See s. 119.071(4)(d)2.e., F.S. This exemption applies only if the magistrate, administrative law judge, or child support hearing officer provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.

¹⁹ See s. 119.071(4)(d)2.f., F.S.

²⁰ See s. 119.071(4)(d)2.g., F.S.

²¹ See s. 119.071(4)(d)2.h., F.S. This exemption applies only if the guardian ad litem provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public. A guardian ad litem may be a public employee, volunteer, or contract or appointed attorney. See s. 39.820(1), F.S.

²² See s. 119.071(4)(d)2.i., F.S.

²³ See s. 119.071(4)(d)2.j., F.S.

²⁴ See s. 119.071(4)(d)2.k., F.S.

²⁵ See s. 119.071(4)(d)2.l., F.S.

²⁶ See s. 119.071(4)(d)2.m., F.S. This exemption applies only if the person claiming the exemption has made reasonable efforts to protect such information from being accessible through other means available to the public.

²⁷ The term “telephone numbers” includes home, personal cellular, and personal pager telephone numbers, and telephone numbers associated with personal communications devices. Section 119.071(4)(d)1., F.S.

- Names and locations of schools and day care facilities attended by their children.

If exempt information is held by an agency²⁸ that is not the employer of the protected person, he or she must submit a written request to that agency to maintain the public records exemption.²⁹

Regulation of Health Professions

The Department of Health (DOH) is responsible for licensing and regulating health care practitioners in order to preserve the health, safety, and welfare of the public.³⁰ The following professions are subject to practitioner regulation under the DOH:

- Emergency medical technicians and paramedics (part III of ch. 401, F.S.)
- Acupuncture (ch. 457, F.S.)
- Allopathic medicine, (ch. 458, F.S.)
- Osteopathic medicine, (ch. 459, F.S.)
- Chiropractic medicine, (ch. 460, F.S.)
- Podiatric medicine (ch. 461, F.S.)
- Naturopathy (ch. 462, F.S.)
- Optometry (ch. 463, F.S.)
- Nursing, including certified nursing assistants (ch. 464, F.S.)
- Pharmacy (ch. 465, F.S.)
- Dentistry (ch. 466, F.S.)
- Midwifery (ch. 467, F.S.)
- Speech-language pathology and audiology (part I of ch. 468, F.S.)
- Nursing home administration (part II of ch. 468, F.S.)
- Occupational therapy (part III of ch. 468, F.S.)
- Radiology (part IV of ch. 468, F.S.)
- Respiratory therapy (part V of ch. 468, F.S.)
- Dietetics and nutrition (part X of ch. 468, F.S.)
- Athletic training (part XIII of ch. 468, F.S.)
- Orthotics, prosthetics, and pedorthics (part XIV of ch. 468, F.S.)
- Electrolysis (ch. 478, F.S.)
- Massage therapy, (ch. 480, F.S.)
- Clinical laboratory personnel (part III of ch. 483, F.S.)
- Medical physicists (part IV of ch. 483, F.S.)
- Opticianry (part I of ch. 484, F.S.)
- Hearing aid specialists (part II of ch. 484, F.S.)
- Physical therapy practice (ch. 486, F.S.)
- Psychology (ch. 490, F.S.)

²⁸ Section 119.011(2), F.S., defines “agency” to mean “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.”

²⁹ Section 119.071(4)(d)3., F.S.

³⁰ Section 20.43(1)(g), F.S.

- Clinical social work, marriage and family therapy, and mental health counseling (ch. 491, F.S.)

As part of its enforcement responsibilities, the DOH investigates complaints against health care practitioners. It must investigate any complaint that is written, signed by the complainant, and legally sufficient, and may initiate an investigation if it believes a violation of law or rule has occurred. Such an investigation may result in an administrative case against the health care practitioner's license.³¹

Treatment Programs for Impaired Practitioners

Department of Health

The DOH administers the impaired practitioner treatment program to ensure that licensed health care practitioners, applicants for licensure, and students enrolled in prelicensure education programs who are impaired and may pose a threat to the public if allowed to obtain or retain a license are evaluated and referred for treatment. Impaired practitioner consultants (IPC) are retained by the DOH to monitor the treatment of an impaired practitioner and coordinate services.³² An IPC must be a licensed physician, a licensed nurse, or an entity with a licensed physician or nurse as its medical director.³³ The IPC assist the DOH in determining if the practitioner is actually impaired, connecting the practitioner to appropriate resources for treatment of the impairment, and monitoring the practitioner's progress.³⁴

Impairment can result from the use or misuse of drugs or alcohol, or both, or due to a mental or physical condition that could affect the person's ability to practice with skill and safety.³⁵ A practitioner's participation in a treatment program is voluntary, but requires him or her have voluntarily withdrawn from practice or limited the scope of his or her practice until the practitioner has successfully completed the treatment program. By entering and successfully completing the impaired practitioner treatment program, a practitioner may avoid formal disciplinary action if the impairment is the only violation of the licensing statute under which the practitioner is regulated.³⁶

An IPC does not provide medical treatment or render decisions relating to licensure of a particular practitioner. However, an IPC is required to make recommendations to the probable cause panel, or the DOH when there is no board, regarding a practitioner's ability to practice safely.³⁷

There are two IPC entities currently retained by the DOH: the Intervention Project for Nurses (IPN) and the Professionals Resource Network (PRN) for other health care professions.

³¹ See s. 456.073, F.S.

³² Section 456.076(2)(a), F.S.

³³ *Id.*

³⁴ Section 456.076(2)(c)1., F.S.

³⁵ Section 456.076(4)(a), F.S.

³⁶ *Id.*

³⁷ Section 456.076(2)(c)1., F.S.

According to the DOH, there are approximately 2,449 participants enrolled in the programs: 1,461 in the IPN and 988 in the PRN.³⁸

Department of Business and Professional Regulation

The Board of Veterinary Medicine and the Board of Pilot Commissioners, within the Department of Business and Professional Regulation (DBPR), provide impaired practitioner treatment programs for their licensees.³⁹ The DBPR has implemented these programs by contract with the PRN. According to the DBPR, all 21 licensees currently in the programs are veterinarians.⁴⁰

III. Effect of Proposed Changes:

The bill creates a new public records exemption for the identification and location information of current or former IPC who are retained by an agency, current or former employees of an IPC whose duties result in a determination of a person's skill and safety to practice, and the spouses and children of both. Currently, the contracted IPC are corporate entities.

The bill makes the following information exempt from public records requirements:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former IPC and their employees;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children such IPC or their employees; and
- The names and locations of schools and day care facilities attended by the children of such IPC or their employees.

The bill provides that the exemption may be maintained only if the IPC or employee has made reasonable efforts to protect such information from being accessible through other means available to the public.

The exemption is subject to an existing general requirement that if exempt information is held by an agency that is not the employer of the protected agency personnel, then the protected agency personnel must submit to that agency a written request to maintain the public records exemption.

The bill provides for repeal of the exemption pursuant to the Open Government Sunset Review Act on October 2, 2020, unless reviewed and reenacted by the Legislature.

The bill provides a public necessity statement, which is required by the Florida Constitution. Specifically, the statement indicates that the exemption is needed to protect the IPC and the IPC employees from the risk of physical or emotional harm or of being stalked by a practitioner who has a hostile reaction to a recommendation or conclusion of an IPC or an IPC employee.

The bill takes effect upon becoming a law.

³⁸ E-mail from Paul Runk, DOH, (Dec. 23, 2014) (on file with the Senate Committee on Health Policy).

³⁹ See ss. 474.221 and 310.102, F.S.

⁴⁰ Conversation with David Mica, DBPR, (Dec. 23, 2014).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly-created or expanded public records or public meetings exemption. Because the bill creates a new public records exemption, it requires a two-thirds vote for passage.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a public necessity statement for a newly-created or expanded public records or public meetings exemption. The bill creates a new public records exemption and includes a public necessity statement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 144 may create a minimal fiscal impact on agencies for costs associated with training staff on the new public records exemption, and administrative costs to comply with the new public records exemption.

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 Health Policy on January 6, 2015:

The CS:

- Limits the employees who are covered by the exemption to those employees whose duties result in a determination of a person's skill and safety to practice a licensed profession;
- Expands the exemption to include current and former consultants or covered employees and to exempt photographs and dates of birth of consultants, consistent with similar exemptions; and
- Enhances the statement of necessity.

- B. **Amendments:**

None.

By the Committee on Health Policy; and Senator Bean

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; creating an exemption from public
 4 records requirements for certain identifying and
 5 location information of current or former impaired
 6 practitioner consultants retained by an agency or
 7 certain current or former employees of an impaired
 8 practitioner consultant and the spouses and children
 9 of such consultants or employees, under specified
 10 circumstances; providing for future legislative review
 11 and repeal of the exemption under the Open Government
 12 Sunset Review Act; providing a statement of public
 13 necessity; providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Paragraph (d) of subsection (4) of section
 18 119.071, Florida Statutes, is amended to read:
 19 119.071 General exemptions from inspection or copying of
 20 public records.—
 21 (4) AGENCY PERSONNEL INFORMATION.—
 22 (d)1. For purposes of this paragraph, the term “telephone
 23 numbers” includes home telephone numbers, personal cellular
 24 telephone numbers, personal pager telephone numbers, and
 25 telephone numbers associated with personal communications
 26 devices.
 27 2.a.(I) The home addresses, telephone numbers, social
 28 security numbers, dates of birth, and photographs of active or
 29 former sworn or civilian law enforcement personnel, including

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30 correctional and correctional probation officers, personnel of
 31 the Department of Children and Families whose duties include the
 32 investigation of abuse, neglect, exploitation, fraud, theft, or
 33 other criminal activities, personnel of the Department of Health
 34 whose duties are to support the investigation of child abuse or
 35 neglect, and personnel of the Department of Revenue or local
 36 governments whose responsibilities include revenue collection
 37 and enforcement or child support enforcement; the home
 38 addresses, telephone numbers, social security numbers,
 39 photographs, dates of birth, and places of employment of the
 40 spouses and children of such personnel; and the names and
 41 locations of schools and day care facilities attended by the
 42 children of such personnel are exempt from s. 119.07(1).
 43 (II) The names of the spouses and children of active or
 44 former sworn or civilian law enforcement personnel and the other
 45 specified agency personnel identified in sub-sub-subparagraph
 46 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
 47 State Constitution.
 48 (III) Sub-sub-subparagraph (II) is subject to the Open
 49 Government Sunset Review Act in accordance with s. 119.15, and
 50 shall stand repealed on October 2, 2018, unless reviewed and
 51 saved from repeal through reenactment by the Legislature.
 52 b. The home addresses, telephone numbers, dates of birth,
 53 and photographs of firefighters certified in compliance with s.
 54 633.408; the home addresses, telephone numbers, photographs,
 55 dates of birth, and places of employment of the spouses and
 56 children of such firefighters; and the names and locations of
 57 schools and day care facilities attended by the children of such
 58 firefighters are exempt from s. 119.07(1).

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59 c. The home addresses, dates of birth, and telephone
60 numbers of current or former justices of the Supreme Court,
61 district court of appeal judges, circuit court judges, and
62 county court judges; the home addresses, telephone numbers,
63 dates of birth, and places of employment of the spouses and
64 children of current or former justices and judges; and the names
65 and locations of schools and day care facilities attended by the
66 children of current or former justices and judges are exempt
67 from s. 119.07(1).

68 d. (I) The home addresses, telephone numbers, social
69 security numbers, dates of birth, and photographs of current or
70 former state attorneys, assistant state attorneys, statewide
71 prosecutors, or assistant statewide prosecutors; the home
72 addresses, telephone numbers, social security numbers,
73 photographs, dates of birth, and places of employment of the
74 spouses and children of current or former state attorneys,
75 assistant state attorneys, statewide prosecutors, or assistant
76 statewide prosecutors; and the names and locations of schools
77 and day care facilities attended by the children of current or
78 former state attorneys, assistant state attorneys, statewide
79 prosecutors, or assistant statewide prosecutors are exempt from
80 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

85 (III) Sub-sub-subparagraph (II) is subject to the Open
86 Government Sunset Review Act in accordance with s. 119.15, and
87 shall stand repealed on October 2, 2018, unless reviewed and

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88 saved from repeal through reenactment by the Legislature.

89 e. The home addresses, dates of birth, and telephone
90 numbers of general magistrates, special magistrates, judges of
91 compensation claims, administrative law judges of the Division
92 of Administrative Hearings, and child support enforcement
93 hearing officers; the home addresses, telephone numbers, dates
94 of birth, and places of employment of the spouses and children
95 of general magistrates, special magistrates, judges of
96 compensation claims, administrative law judges of the Division
97 of Administrative Hearings, and child support enforcement
98 hearing officers; and the names and locations of schools and day
99 care facilities attended by the children of general magistrates,
100 special magistrates, judges of compensation claims,
101 administrative law judges of the Division of Administrative
102 Hearings, and child support enforcement hearing officers are
103 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
104 Constitution if the general magistrate, special magistrate,
105 judge of compensation claims, administrative law judge of the
106 Division of Administrative Hearings, or child support hearing
107 officer provides a written statement that the general
108 magistrate, special magistrate, judge of compensation claims,
109 administrative law judge of the Division of Administrative
110 Hearings, or child support hearing officer has made reasonable
111 efforts to protect such information from being accessible
112 through other means available to the public.

113 f. The home addresses, telephone numbers, dates of birth,
114 and photographs of current or former human resource, labor
115 relations, or employee relations directors, assistant directors,
116 managers, or assistant managers of any local government agency

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117 or water management district whose duties include hiring and
 118 firing employees, labor contract negotiation, administration, or
 119 other personnel-related duties; the names, home addresses,
 120 telephone numbers, dates of birth, and places of employment of
 121 the spouses and children of such personnel; and the names and
 122 locations of schools and day care facilities attended by the
 123 children of such personnel are exempt from s. 119.07(1) and s.
 124 24(a), Art. I of the State Constitution.

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

133 h. The home addresses, telephone numbers, places of
 134 employment, dates of birth, and photographs of current or former
 135 guardians ad litem, as defined in s. 39.820; the names, home
 136 addresses, telephone numbers, dates of birth, and places of
 137 employment of the spouses and children of such persons; and the
 138 names and locations of schools and day care facilities attended
 139 by the children of such persons are exempt from s. 119.07(1) and
 140 s. 24(a), Art. I of the State Constitution, if the guardian ad
 141 litem provides a written statement that the guardian ad litem
 142 has made reasonable efforts to protect such information from
 143 being accessible through other means available to the public.

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

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

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

171 (II) The names of the spouses and children of the specified
 172 agency personnel identified in sub-sub-subparagraph (I) are
 173 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 174 Constitution. This sub-sub-subparagraph is subject to the Open

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175 Government Sunset Review Act in accordance with s. 119.15 and
 176 shall stand repealed on October 2, 2019, unless reviewed and
 177 saved from repeal through reenactment by the Legislature.

178 k. The home addresses, telephone numbers, and photographs
 179 of current or former investigators or inspectors of the
 180 Department of Business and Professional Regulation; the names,
 181 home addresses, telephone numbers, and places of employment of
 182 the spouses and children of such current or former investigators
 183 and inspectors; and the names and locations of schools and day
 184 care facilities attended by the children of such current or
 185 former investigators and inspectors are exempt from s. 119.07(1)
 186 and s. 24(a), Art. I of the State Constitution if the
 187 investigator or inspector has made reasonable efforts to protect
 188 such information from being accessible through other means
 189 available to the public. This sub-subparagraph is subject to the
 190 Open Government Sunset Review Act in accordance with s. 119.15
 191 and shall stand repealed on October 2, 2017, unless reviewed and
 192 saved from repeal through reenactment by the Legislature.

193 1. The home addresses and telephone numbers of county tax
 194 collectors; the names, home addresses, telephone numbers, and
 195 places of employment of the spouses and children of such tax
 196 collectors; and the names and locations of schools and day care
 197 facilities attended by the children of such tax collectors are
 198 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 199 Constitution if the county tax collector has made reasonable
 200 efforts to protect such information from being accessible
 201 through other means available to the public. This sub-
 202 subparagraph is subject to the Open Government Sunset Review Act
 203 in accordance with s. 119.15 and shall stand repealed on October

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204 2, 2017, unless reviewed and saved from repeal through
 205 reenactment by the Legislature.

206 m. The home addresses, telephone numbers, dates of birth,
 207 and photographs of current or former personnel of the Department
 208 of Health whose duties include, or result in, the determination
 209 or adjudication of eligibility for social security disability
 210 benefits, the investigation or prosecution of complaints filed
 211 against health care practitioners, or the inspection of health
 212 care practitioners or health care facilities licensed by the
 213 Department of Health; the names, home addresses, telephone
 214 numbers, dates of birth, and places of employment of the spouses
 215 and children of such personnel; and the names and locations of
 216 schools and day care facilities attended by the children of such
 217 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 218 the State Constitution if the personnel have made reasonable
 219 efforts to protect such information from being accessible
 220 through other means available to the public. This sub-
 221 subparagraph is subject to the Open Government Sunset Review Act
 222 in accordance with s. 119.15 and shall stand repealed on October
 223 2, 2019, unless reviewed and saved from repeal through
 224 reenactment by the Legislature.

225 n. The home addresses, telephone numbers, dates of birth,
 226 and photographs of current or former impaired practitioner
 227 consultants who are retained by an agency or current or former
 228 employees of an impaired practitioner consultant whose duties
 229 result in a determination of a person's skill and safety to
 230 practice a licensed profession; the names, home addresses,
 231 telephone numbers, dates of birth, and places of employment of
 232 the spouses and children of such consultants or their employees;

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233 and the names and locations of schools and day care facilities
 234 attended by the children of such consultants or employees are
 235 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 236 Constitution if a consultant or employee has made reasonable
 237 efforts to protect such information from being accessible
 238 through other means available to the public. This sub-
 239 paragraph is subject to the Open Government Sunset Review Act
 240 in accordance with s. 119.15 and shall stand repealed on October
 241 2, 2020, unless reviewed and saved from repeal through
 242 reenactment by the Legislature.

243 3. An agency that is the custodian of the information
 244 specified in subparagraph 2. and that is not the employer of the
 245 officer, employee, justice, judge, or other person specified in
 246 subparagraph 2. shall maintain the exempt status of that
 247 information only if the officer, employee, justice, judge, other
 248 person, or employing agency of the designated employee submits a
 249 written request for maintenance of the exemption to the
 250 custodial agency.

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

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

259 Section 2. The Legislature finds that it is a public
 260 necessity that the home addresses, telephone numbers, dates of
 261 birth, and photographs of current or former impaired

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262 practitioner consultants who are retained by an agency or
 263 current or former employees of an impaired practitioner
 264 consultant whose duties result in a determination of a person's
 265 skill and safety to practice a licensed profession; that the
 266 names, home addresses, telephone numbers, and places of
 267 employment of the spouses and children of such consultants and
 268 their employees; and that the names and locations of schools and
 269 day care facilities attended by the children of such consultant
 270 and employees be exempt from public records requirements if the
 271 consultant or employee has made reasonable efforts to protect
 272 such information from being accessible through other means
 273 available to the public. An impaired practitioner consultant
 274 assists the state and its regulatory boards in implementing an
 275 impaired practitioner treatment program. The consultant provides
 276 the necessary resources to evaluate and monitor program
 277 compliance of licensees, applicants for licensure, and students
 278 enrolled in prelicensure education programs who could be
 279 impaired and, as a result, unable to practice with reasonable
 280 skill and safety to the public. A person who is referred to the
 281 program, but who, in the opinion of the consultant, based on
 282 treatment and compliance monitoring information, fails to
 283 successfully complete its requirements or is an immediate,
 284 serious threat to public safety is at risk of failing to obtain
 285 or losing the license that is necessary to engage in his or her
 286 chosen profession. In 2013, a program participant with a history
 287 of alcohol abuse and cocaine dependence traveled 250 miles
 288 across the state to confront his compliance monitor in the
 289 driveway of her home. Another program participant threatened a
 290 bomb attack on a program office and physical harm to its

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291 employees. As a result of these incidents and other telephone
292 threats, the Legislature finds that release of identifying and
293 location information could place an impaired practitioner
294 consultant or an employee of a consultant whose duties result in
295 a determination of a person's skill and safety to practice a
296 licensed profession, or the spouses and children of such
297 consultants or their employees in danger of being physically or
298 emotionally harmed or stalked by a person who has a hostile
299 reaction to a recommendation, report, or conclusion provided by
300 a consultant or an employee of a consultant in the determination
301 of whether the practitioner is impaired. The Legislature further
302 finds that the harm that may result from the release of such
303 identifying and location information outweighs any public
304 benefit that may be derived from the disclosure of the
305 information.

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

THE FLORIDA SENATE
APPEARANCE RECORD

WAIVE TIME
IN SUPPORT

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

2-19-2015

Meeting Date

Topic IMPAIRED PRACTITIONER CONSULTANTS

Bill Number SB 144
(if applicable)

Name STEPHEN R. WINN

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE DIRECTOR OF THE FOMA

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Phone 878-7364

Street

TALLAHASSEE

FL

32301

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/19/15
Meeting Date

SB144
Bill Number (if applicable)

Topic SB144 Exemption from Public Records

Amendment Barcode (if applicable)

Name Myrtle Greene

Job Title Chief of Operations

Address P.O. Box

Phone 904-270-1620

Jacksonville Beach, FL 32250
City State Zip

Email mygreene@ipnfl.org

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/19/15

Meeting Date

SB 144

Bill Number (if applicable)

Topic Public Records - PRN

Amendment Barcode (if applicable)

Name Holly Miller

Job Title Govt Affairs Counsel

Address 1430 E Piedmont Dr

Phone 850 224 6496

Street

City

Tallahassee

FL

State

32308

Zip

Email hnmiller@flmedical.org

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

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

Representing FMA

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

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-19-15

Meeting Date

CB/SB 144

Bill Number (if applicable)

Topic Publiz Records Exemptions

Amendment Barcode (if applicable)

Name Dr. Martha Brown

Job Title Associate Medical Director PRN (Professionals Resource Network)

Address P.O. Box 16510

Phone 904-277-8004

Street

Fernandina Beach FL 32035

City

State

Zip

Email drbrown@flprn.org

Speaking: For Against Information

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

Representing Professionals Resource Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

CourtSmart Tag Report

Room: KN 412

Caption: Senate Fiscal Policy

Case:

Judge:

Type:

Started: 2/19/2015 9:00:21 AM

Ends: 2/19/2015 9:22:14 AM

Length: 00:21:54

9:01:26 AM	Tab 1 SB 2 Greyhound Racing Injuries
9:03:03 AM	Amendment Barcode 274724 by Senator Bradley
9:04:19 AM	Jack Cory Florida Greyhound Association
9:10:45 AM	CS/SB 2 favorable
9:11:09 AM	Tab 2 Senator Joyner SB 94
9:11:45 AM	SB 94 favorable
9:12:18 AM	Tab 3 Senator Joyner CS/SB 132
9:13:16 AM	CS/SB 132 favorable
9:13:51 AM	Tab 4 Senator Bean CS/SB 144
9:21:06 AM	CS/SB 144 favorable
9:22:01 AM	Meeting adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Health and Human
Services
Communications, Energy, and Public Utilities
Community Affairs
Fiscal Policy
Regulated Industries

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Chair*

SENATOR JOSEPH ABRUZZO

Minority Whip
25th District

February 19th, 2015

The Honorable Anitere Flores
The Florida Senate
413 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairwoman Flores:

Please accept this letter as a formal request to excuse myself from the Committee on Fiscal Policy, Thursday, February 19th. Due to the very recent birth of my first child I am unable to attend this week's committee meetings.

Please notify me if I can provide you with any further information related to this matter. Thank you for your understanding.

Sincerely,

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

Joseph Abruzzo

Cc: Jennifer Hrdlicka, Staff Director

REPLY TO:

- 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774 FAX: (888) 284-6495
- 110 Dr. Martin Luther King, Jr. Boulevard, Belle Glade, Florida 33430-3900 (561) 829-1410
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore