

**Tab 1** **SB 2** by **Hooper**; (Similar to CS/H 06007) Relief of the Estate of Molly Parker/Department of Transportation

**Tab 2** **SB 8** by **Jones (CO-INTRODUCERS) Thompson**; (Identical to H 06001) Relief of Leonard Cure/State of Florida

**Tab 3** **CS/SB 278** by **FT, Rodriguez**; (Identical to CS/H 00619) State Estate Tax

**Tab 4** **SB 546** by **Avila (CO-INTRODUCERS) Pizzo, Book**; (Identical to H 00641) Restoration of Osborne Reef

**Tab 5** **CS/CS/SB 724** by **AEG, EN, Boyd (CO-INTRODUCERS) Stewart, Garcia, Avila**; (Similar to CS/H 01181) Seagrass Restoration Technology Development Initiative

**Tab 6** **CS/SB 1328** by **ED, Hutson**; (Compare to CS/CS/H 01259) Charter School Capital Outlay Funding

|                   |    |     |     |            |                         |                |
|-------------------|----|-----|-----|------------|-------------------------|----------------|
| 316968            | D  | S   | RCS | AP, Hutson | Delete everything after | 04/20 02:06 PM |
| 967130            | AA | S   | RCS | AP, Polsky | Delete L.111:           | 04/20 02:06 PM |
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS**  
**Senator Broxson, Chair**  
**Senator Rouson, Vice Chair**

**MEETING DATE:** Thursday, April 20, 2023  
**TIME:** 9:30 a.m.—6:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**MEMBERS:** Senator Broxson, Chair; Senator Rouson, Vice Chair; Senators Avila, Baxley, Book, Bradley, Brodeur, Burgess, Davis, Grall, Gruters, Harrell, Hooper, Ingoglia, Martin, Perry, Pizzo, Polsky, and Powell

| TAB | BILL NO. and INTRODUCER   | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS  | COMMITTEE ACTION            |
|-----|---|---|-----------------------------|
| 1   | <b>SB 2</b><br>Hooper<br>(Similar CS/H 6007)                            | Relief of the Estate of Molly Parker/Department of Transportation; Providing for the relief of the Estate of Molly Parker; providing an appropriation to compensate the estate for Ms. Parker's death as a result of the negligence of the Department of Transportation; providing a limitation on compensation and the payment of attorney fees, etc.<br><br>SM<br>JU     04/04/2023 Favorable<br>ATD    04/12/2023 Favorable<br>AP     04/20/2023 Favorable                   | Favorable<br>Yeas 18 Nays 1 |
| 2   | <b>SB 8</b><br>Jones<br>(Identical H 6001)                              | Relief of Leonard Cure/State of Florida; Providing for the relief of Leonard Cure; providing an appropriation to compensate Mr. Cure for being wrongfully incarcerated for 16 years; providing for the waiver of certain tuition and fees for Mr. Cure; prohibiting funds awarded under this act to Mr. Cure from being used or paid for attorney or lobbying fees, etc.<br><br>SM<br>JU     04/04/2023 Favorable<br>ACJ    04/12/2023 Favorable<br>AP     04/20/2023 Favorable | Favorable<br>Yeas 18 Nays 1 |
| 3   | <b>CS/SB 278</b><br>Finance and Tax / Rodriguez<br>(Identical CS/H 619) | State Estate Tax; Providing that provisions relating to a condition for the discharge of a personal representative of an estate do not apply under certain circumstances, etc.<br><br>JU     02/07/2023 Favorable<br>FT     03/14/2023 Fav/CS<br>AP     04/20/2023 Favorable  | Favorable<br>Yeas 19 Nays 0 |

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

| TAB | BILL NO. and INTRODUCER   | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS   | COMMITTEE ACTION            |
|-----|---|---|-----------------------------|
| 4   | <b>SB 546</b><br>Avila<br>(Identical H 641)   | Restoration of Osborne Reef; Requiring the Department of Environmental Protection to submit a status report on the Osborne Reef cleanup and tire removal project to the Legislature by a specified date; requiring the department to develop a restoration plan for the reef by a specified date; providing requirements for the restoration plan; requiring the department to submit a report to the Legislature upon completion of the plan; providing requirements for the report, etc.<br><br>EN 03/06/2023 Favorable<br>AEG 04/12/2023 Favorable<br>AP 04/20/2023 Favorable  | Favorable<br>Yeas 19 Nays 0 |
| 5   | <b>CS/CS/SB 724</b><br>Appropriations Committee on Agriculture, Environment, and General Government / Environment and Natural Resources / Boyd<br>(Similar CS/H 1181) | Seagrass Restoration Technology Development Initiative; Establishing the Seagrass Restoration Technology Development Initiative within the Department of Environmental Protection; specifying allowable uses of the funding; requiring the creation of a 10-year Florida Seagrass Restoration Plan; requiring the initiative to submit an annual report by a specified date to the Governor, the Legislature, the Secretary of Environmental Protection, and the executive director of the Fish and Wildlife Conservation Commission; establishing the Initiative Technology Advisory Council as part of the initiative, etc.<br><br>EN 03/14/2023 Fav/CS<br>AEG 04/12/2023 Fav/CS<br>AP 04/20/2023 Favorable | Favorable<br>Yeas 19 Nays 0 |
| 6   | <b>CS/SB 1328</b><br>Education Pre-K -12 / Hutson<br>(Compare CS/CS/H 1259)   | Charter School Capital Outlay Funding; Revising the form of a resolution proposing a school capital outlay surtax regarding the sharing of surtax revenues with charter schools; revising the manner of determining charter school capital outlay funding; providing a calculation methodology for the Department of Education to determine the amount of funds the district school board must distribute, etc.<br><br>ED 04/04/2023 Fav/CS<br>AP 04/20/2023 Fav/CS   | Fav/CS<br>Yeas 12 Nays 6    |

Other Related Meeting Documents



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

*Location*  
409 The Capitol

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5229

| DATE    | COMM | ACTION    |
|---------|------|-----------|
| 3/30/23 | SM   | Favorable |
| 4/4/23  | JU   | Favorable |
| 4/12/23 | ATD  | Favorable |
| 4/19/23 | AP   | Favorable |

March 30, 2023

The Honorable Kathleen Passidomo  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 2** – Senator Hooper  
**HB 6007** – Representative Abbott  
Relief of Estate of Molly Parker by the Department of Transportation

### SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR \$5,950,000, FROM UNAPPROPRIATED GENERAL REVENUE FUNDS. THE ESTATE OF MOLLY PARKER SEEKS DAMAGES FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) CAUSED BY THE ALLEGED NEGLIGENCE OF AN FDOT EMPLOYEE, WHICH RESULTED IN THE DEATH OF MOLLY PARKER.

#### FINDINGS OF FACT:

##### The Accident

On the morning of December 12, 2019, Molly Parker was involved in a crash with a dump truck operated by a Florida Department of Transportation (FDOT) employee. This crash occurred at the intersection of State Road 2 (SR 2), which runs east-west, and County Road 167, which runs north-south. There are stop signs and stop lines on County Road 167 on each side of its intersection with SR 2; on the north side of County Road 167, the stop sign is approximately 40 feet behind the stop line. The posted speed limit at the relevant portion of SR 2 is 55 miles per hour.

Just prior to the crash, the FDOT employee stopped at the stop sign, approximately 40 feet behind the stop line, on the

north side of County Road 167, looked left and right multiple times, and did not see any cars on SR 2. However, the employee's view of SR 2 from the stop sign was obscured by trees.<sup>1</sup> The FDOT employee then entered the intersection and noticed a "brief glance of a car right there in the turning lane as I proceeded across the highway."<sup>2</sup> Ms. Parker's car then collided with the FDOT dump truck.

#### Damages

Ms. Parker suffered multiple injuries as a result of the crash. At the scene of the crash, witnesses stated that she had a pulse, but was unresponsive, and she was bleeding from her head.<sup>3</sup> Ms. Parker was intubated and airlifted to the nearest trauma care hospital, Southeast Alabama Medical Center. Ms. Parker underwent emergency hemicraniectomy and evacuation upon arrival. Doctors at the hospital diagnosed Ms. Parker with complex comminuted depressed left cranium skull fractures with intracranial hemorrhage, traumatic brain injury, extensive mid-face and skull fractures, a fractured sternum, multiple broken vertebrae, and a comminuted fracture of her right calcaneus (heel fracture).

On December 22, 2019, Ms. Parker died. She was 39 years old.<sup>4</sup> Expert witness Dr. Matthew Lawson concluded that, based on his review of relevant documents from Ms. Parker's medical records, "Molly Parker's severe traumatic brain injury and death were more likely than not directly caused by the trauma she sustained in the motor vehicle accident on December 12, 2019."<sup>5</sup>

Ms. Parker is survived by her husband, Tom Parker, and minor son. Mr. Parker has since been diagnosed with post-traumatic stress disorder and prolonged grief disorder by Michaelleen Burns, a licensed psychologist. Ms. Burns cites the cause of these diagnoses as "related to the trauma of witnessing Ms. Parker's condition" in the hospital for the ten days following the car accident, and witnessing the moment of her death.

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<sup>1</sup> Deposition of J.A.R., Oct. 5, 2021 at 123-124.

<sup>2</sup> Deposition of J.A.R., Oct. 5, 2021 at 60, lines 7-11. See also, *Fl. Dep't. of Transp. Vehicle Crash/Incident Report*, 1 (Jan. 13, 2020).

<sup>3</sup> Jackson County Sheriff's Office, Emergency CAD Report (911 call details) for Dec. 12, 2019.

<sup>4</sup> Molly Parker's Death Certificate (Dec. 22, 2019).

<sup>5</sup> Affidavit of Matthew F. Lawson, M.D., Apr. 14, 2022.

### **Litigation History and Settlement**

Mr. Parker, acting as a representative of Ms. Parker's estate, filed a civil cause of action in Leon County Circuit Court seeking relief as a result of this incident.<sup>6</sup> Prior to trial, the parties arrived at a settlement agreement<sup>7</sup> and the case was subsequently closed.<sup>8</sup>

#### *Settlement*

Counsel for claimant's estate believe the potential jury verdict value of this matter would be in excess of \$6 million. The respondent did not admit responsibility for the incident, but did reach a settlement agreement of \$6.25 million. As part of the agreement, the respondent agreed to support the passage of a claim bill, and did not present a case or argument at the special master hearing.<sup>9</sup>

### **Funds Received by Claimants**

The claimant has received the full amount of the respondent's statutory limit (\$300,000 per incident) from the FDOT and seeks the remaining balance of the settlement (\$5.95 million) through this claim bill. According to the claimant's attorney, these funds will be partially held in a trust for the education and care of Ms. Parker's minor child.

### **CONCLUSIONS OF LAW:**

The claim bill hearing held on February 4, 2023, was a *de novo* proceeding to determine whether FDOT is liable in negligence for damages suffered by the claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, limits the amount of damages a claimant can collect from the state or any of its agencies as a result of its negligence or the negligence of its

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<sup>6</sup> Complaint (Dec. 11, 2020), *Parker, as Personal Representative of the Estate of Molly Morrison Parker, and on behalf of all survivors v. Fl. Dep't. of Transp.*, Case No: 2020-CA-2294 (Fla. 2<sup>nd</sup> Jud. Circ. 2022).

<sup>7</sup> Stipulated Settlement Agreement (June 21, 2022), *Parker, as Personal Representative of the Estate of Molly Morrison Parker, and on behalf of all survivors v. Fl. Dep't. of Transp.*, Case No: 2020-CA-2294 (Fla. 2<sup>nd</sup> Jud. Circ. 2022).

<sup>8</sup> Final Judgment (June 23, 2022), *Parker, as Personal Representative of the Estate of Molly Morrison Parker, and on behalf of all survivors v. Fl. Dep't. of Transp.*, Case No: 2020-CA-2294 (Fla. 2<sup>nd</sup> Jud. Circ. 2022).

<sup>9</sup> Stipulated Settlement Agreement, *supra* at 6.

employees to \$200,000 for one individual and \$300,000 for all claims or judgments arising out of the same incident. Funds in excess of this limit may only be paid upon approval of a claim bill by the Legislature. Thus, the claimant will not receive the full amount of the judgment unless the Legislature approves this claim bill authorizing the additional payment.

In this matter, the claimant alleges negligence on behalf of an employee of the FDOT. The State is liable for a negligent act committed by an employee acting within the scope of his or her employment.<sup>10</sup>

### **Negligence**

Negligence is “the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances;”<sup>11</sup> and “a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred.”<sup>12</sup>

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant’s conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.<sup>13</sup>

### *Duty*

Statute, case law, and agency policy describe the duty of care owed by the operator of a motor vehicle. Generally, the operator of a motor vehicle has a duty to use reasonable care, in light of the attendant circumstances, to prevent injury to persons within the vehicle's path.<sup>14</sup>

The FDOT employee had two additional statutory duties pursuant to section 316.123(2)(a), F.S. The first: to “stop at a

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<sup>10</sup> *City of Boynton Beach v. Weiss*, 120 So. 3d 606, 611 (Fla. 4<sup>th</sup> DCA 2013).

<sup>11</sup> Florida Civil Jury Instructions, 401.4 – Negligence.

<sup>12</sup> Florida Civil Jury Instructions, 401.12(a) - Legal Cause, Generally.

<sup>13</sup> *Williams v. Davis*, 974 So.2d 1052, at 1056-1057 (Fla. 2007).

<sup>14</sup> See *Gowdy v. Bell*, 993 So. 2d 585, 586 (Fla. 1st DCA 2008); and *Williams v. Davis*, *supra* at 13,1063.

clearly marked stop line...before entering the intersection [.]” The second: to “yield the right-of-way to any vehicle [...] which is approaching so closely on said highway as to constitute an immediate hazard.” These duties required the FDOT employee to (1) stop his dump truck at the stop line, rather than the stop sign, and (2) yield the right-of-way to any vehicle which is approaching so closely as to constitute an immediate hazard.

FDOT policy requires its employees to operate the Department’s motor vehicles and heavy equipment in a safe manner.<sup>15</sup>

#### *Breach*

As the evidence demonstrates, the FDOT employee violated section 316.123(2)(a), of the Florida Statutes., and breached the required standard of care when he failed to stop his vehicle at the stop line, and when he entered the intersection in violation of Ms. Parker’s right-of-way, resulting in a collision. This constitutes a failure to use reasonable care to prevent injury to persons within his vehicle’s path.

The FDOT employee was cited for his violation of section 316.123(2)(a), of the Florida Statutes, by the Florida Highway Patrol and ultimately found guilty of that violation at a hearing on March 11, 2021.

FDOT issued an official written reprimand to the employee in question for his violation of the FDOT Disciplinary Standards of Conduct, which required he exercise due care and reasonable diligence in the performance of his job duties.<sup>16</sup>

#### *Causation*

Ms. Parker’s death was the natural and direct consequence of the FDOT employee’s breach of his duties. A collision was a foreseeable outcome from the risk produced by the FDOT employee’s failure to yield the right-of-way and failure to use reasonable care upon entering the intersection. But for these failures, the accident would not have occurred, Ms. Parker

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<sup>15</sup> FDOT Policy 13.5.1(C)(1) requires operators of motor vehicle/heavy industrial equipment to “...safely operate all vehicles or equipment they are assigned to operate.” Additionally, FDOT Policy 10.11.1 states that it is the operator’s responsibility to safely operate FDOT motor vehicles or equipment. FDOT, *Safety and Loss Prevention Manual*, 107 (May 16, 2018).

<sup>16</sup> The FDOT employee reprimand also cited Policy 10.11.1 of its Safety Loss and Prevention Manual, which states that the “safe operation of Department motor vehicles or equipment is the responsibility of the operator.”



would not have been severely injured, and she would not have ultimately died as a result of those injuries.

The employee was acting within the course and scope of his employment with FDOT at the time of the crash. As the employer, FDOT is liable for damages caused by its employee's negligent act.<sup>17</sup>

#### *Damages*

Ms. Parker is survived by her husband and minor son, and worked both a full-time and part-time job to help provide financially for them. Additionally, Ms. Parker performed numerous unpaid tasks in and around the home, and in connection with the care of her son and family.

According to the economic analysis done by the Raffa Consulting Economists, Ms. Parker's estate suffered damages of at least \$2,365,284.51 due to her premature death.<sup>18</sup> Ms. Parker's funeral expenses totaled \$2,549.

Ms. Parker's medical bills initially totaled \$255,347.49, but according to documentation submitted by the claimant's attorney, were reduced by partial payments to \$164,395.75. According to the terms of the bill, lien interests relating to the care and treatment of Molly Parker will be waived and extinguished, excluding the federal portions of any liens.

In addition, Mr. Parker endured and continues to experience pain and suffering relating to the death of his wife, Ms. Parker.

A representative of Ms. Parker's estate and the FDOT have agreed to settle this matter for \$6,250,000. This figure is reasonable based on the evidence and case law. The agreed amount settled upon represents the pain and suffering, expenses incurred, and the loss of services and financial support experienced by Ms. Parker's husband and minor child.

#### ATTORNEY FEES:

Section 768.28(8), of the Florida Statutes, limits a claimant's attorney fees to 25 percent of any judgment or settlement.

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<sup>17</sup> Florida Civil Jury Instructions, 401.14(a), *Vicarious Liability - Owner, Lessee, or Bailee of Vehicle Driven by Another*, and 401.12(a) - 401.14(b)(1), *Vicarious Liability – Agency, Master and Servant*.

<sup>18</sup> Raffa Consulting Economists, Economic Damages Analysis for Molly Parker (May 20, 2022).

Claimant's attorney has agreed to this limit and included related lobbying fees within the limit, as follows:

- Attorney fees: 20 percent (\$1,119,000); and
- Lobbyist fees: 5 percent (\$297,500).

RECOMMENDATIONS:

For the reasons set forth above, the undersigned finds the claimant has demonstrated the elements of negligence by the greater weight of the evidence and the amount sought is reasonable. The undersigned recommends the bill be reported FAVORABLY.

Respectfully submitted,

Jessie Harmsen  
Senate Special Master

cc: Secretary of the Senate

By Senator Hooper

21-00069-23

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A bill to be entitled

An act for the relief of the Estate of Molly Parker; providing an appropriation to compensate the estate for Ms. Parker's death as a result of the negligence of the Department of Transportation; providing a limitation on compensation and the payment of attorney fees; providing legislative intent regarding the waiver of certain liens; providing an effective date.

WHEREAS, on December 12, 2019, 39-year-old Molly Parker was driving her vehicle eastbound on State Road 2 in Jackson County, Florida, approaching the intersection with Old U.S. Road, and

WHEREAS, at the same time, a dump truck loaded with fill dirt and weighing over 40,000 pounds, and owned by the Department of Transportation and driven by an employee of the department, was traveling southbound on Old U.S. Road and arrived at a stop sign at the intersection of Old U.S. Road and State Road 2, and

WHEREAS, the department's employee, failing to yield the right-of-way to Ms. Parker as she entered the intersection, drove the dump truck into the intersection, causing a violent and severe crash in which Ms. Parker's vehicle struck the side of the dump truck, and

WHEREAS, the department's employee was later cited for a violation of s. 316.123(2)(a), Florida Statutes, in connection with the crash, and

WHEREAS, as a result of the impact, Ms. Parker suffered complex comminuted depressed left cranium skull fractures; severe traumatic brain injury; extensive mid-face fractures of

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

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her facial bones; a comminuted calcaneal fracture; fractures of her spinal transverse processes at L1, L2, L3, and L4; a fracture of her sternum; pulmonary contusions; and kidney injury, and

WHEREAS, Ms. Parker was designated as being in need of Level 1 trauma care and transported emergently by helicopter to Southeast Alabama Medical Center in Dothan, Alabama, where she underwent emergency brain surgery followed by intensive care, where she died from her injuries on December 22, 2019, and

WHEREAS, Ms. Parker, through no fault of her own, suffered and was treated for multiple traumatic injuries until she died from those injuries, and

WHEREAS, the Estate of Molly Parker incurred costs totaling \$255,347.49 for medical and surgical care and treatment related to the injuries Ms. Parker suffered in the crash, and

WHEREAS, prior to her death, Ms. Parker was educated and gainfully employed as a professional photographer; and with a work life expectancy of another 27.61 years, the amount of her lost earnings, lost support, lost services, and net accumulations after reduction to present value is \$3,040,393, and

WHEREAS, Ms. Parker's survivors, her husband and her 4-year-old son, have experienced mental pain and suffering in connection with her tragic and traumatic injury and death and, as a result of her death, must endure the loss of her companionship, guidance, and protection, and

WHEREAS, the department completed an internal investigation into the cause of the collision, which included investigations by a department safety specialist, unit manager, and the

Page 2 of 4

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

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59 District 3 safety manager, each of whom testified under oath  
60 that the collision was caused solely by the negligence of the  
61 department's employee and that their investigations revealed  
62 that Ms. Parker did nothing wrong to cause or contribute to  
63 causing the motor vehicle crash that killed her, and

64 WHEREAS, in resolving the civil action brought by the  
65 personal representative of the Estate of Molly Parker against  
66 the department in the Circuit Court for the Second Judicial  
67 Circuit, in and for Leon County, Case No. 2020-CA-002294, a  
68 final judgment was entered on June 23, 2022, pursuant to the  
69 parties' settlement agreement, in favor of the estate in the  
70 amount of \$6.25 million, and

71 WHEREAS, under the terms of the settlement agreement, a  
72 total amount of \$6.25 million is to be paid to the Estate of  
73 Molly Parker, of which the department has paid \$300,000 pursuant  
74 to s. 768.28, Florida Statutes, and

75 WHEREAS, the unpaid settlement amount in excess of the  
76 limitations on liability set forth in s. 768.28, Florida  
77 Statutes, is \$5.95 million, and

78 WHEREAS, the department has agreed to this claim bill being  
79 rendered against the department in this matter and supports  
80 passage of this claim bill in the amount agreed upon in the  
81 settlement agreement, NOW, THEREFORE,

82

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

84

85 Section 1. The facts stated in the preamble to this act are  
86 found and declared to be true.

87 Section 2. The sum of \$5.95 million is appropriated from

21-00069-23

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88 the General Revenue Fund to the Department of Transportation for  
89 the relief of the Estate of Molly Parker for injuries and  
90 damages sustained as a result of Ms. Parker's death.

91 Section 3. The Chief Financial Officer is directed to draw  
92 a warrant in favor of the Estate of Molly Parker in the sum of  
93 \$5.95 million upon funds of the Department of Transportation in  
94 the State Treasury and to pay the same out of such funds in the  
95 State Treasury.

96 Section 4. The amount paid by the Division of Risk  
97 Management of the Department of Financial Services pursuant to  
98 s. 768.28, Florida Statutes, and the amount awarded under this  
99 act are intended to provide the sole compensation for all  
100 present and future claims arising out of the factual situation  
101 described in this act which resulted in the death of Molly  
102 Parker. The total amount paid for attorney fees relating to this  
103 claim may not exceed 25 percent of the sum of the total amount  
104 previously paid by the Department of Transportation and the  
105 amount awarded under this act.

106 Section 5. Excluding the federal portions of any liens,  
107 Medicaid or otherwise, which the claimant must satisfy pursuant  
108 to s. 409.910, Florida Statutes, it is the intent of the  
109 Legislature that the lien interests relating to the care and  
110 treatment of Molly Parker are hereby waived and extinguished.

111 Section 6. This act shall take effect upon becoming a law.

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

4/20/2023

Meeting Date

Appropriations

Committee

SB 2

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jacqueline Corcoran

Phone 813-716-1768

Address 112 E Jefferson Street

Email jackie@corcoranpartners.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Claimant**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**  
409 The Capitol

**Mailing Address**  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5229

| DATE    | COMM | ACTION    |
|---------|------|-----------|
| 3/30/23 | SM   | Favorable |
| 4/3/23  | JU   | Favorable |
| 4/5/23  | ACJ  | Favorable |
| 4/19/23 | AP   | Favorable |

April 11, 2023

The Honorable Kathleen Passidomo  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 8** – Senator Jones and others  
**HB 6001** – Representative Gottlieb  
Relief of Leonard Cure by the State of Florida

### SPECIAL MASTER'S FINAL REPORT

THIS IS A SUPPORTED CLAIM FOR \$817,000 TO BE APPROPRIATED FROM THE GENERAL REVENUE FUND TO THE DEPARTMENT OF FINANCIAL SERVICES, AND A WAIVER OF TUITION AND FEES FOR UP TO 120 HOURS OF INSTRUCTION, TO COMPENSATE LEONARD CURE FOR 16 YEARS OF WRONGFUL INCARCERATION.

#### FINDINGS OF FACT:

##### **General Overview of the Crime**

On November 10, 2003, at 7:15 a.m., a man with a firearm forced his way into a Dania Beach Walgreens store. The man threatened one of the employees with the firearm and then left with \$1,700 in cash. Only two employees, Ashraf Rizk and Kathy Venhuizen, were present during the robbery.<sup>1</sup>

Rizk, the manager of the Walgreens, saw the perpetrator in the parking lot when he arrived at work and asked the perpetrator if he needed anything. This occurred at

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<sup>1</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 1.

approximately 7:00 a.m.<sup>2</sup> The perpetrator responded that he was waiting to make sure his child got on the bus. When Rizk opened the door at 7:15 a.m. to let Venhuizen in the door, the perpetrator fought with Rizk and threatened him with a firearm. The perpetrator retrieved money from the store safe and fled the scene at approximately 7:24 a.m.<sup>3</sup> The perpetrator was described as wearing long jean shorts, a denim jacket, and a red baseball cap.<sup>4</sup>

#### Identification of Mr. Cure

The two witnesses gave conflicting statements as to the appearance of the perpetrator. Venhuizen described a black male, five foot eight inches, stocky, and missing teeth on the left side of his mouth, like a “vicious animal.” She also described him as “neat” and “well-dressed.” Rizk described the perpetrator as wearing a blue jean jacket and long blue jean shorts. He had no recollection of the perpetrator missing teeth.<sup>5</sup>

On November 12, 2003, both Rizk and Venhuizen met with Detective Gajate to work on a composite sketch. Detective Gajate, was not a trained sketch artist. Rizk and Venhuizen argued over the sketch, and Venhuizen “did most of the talking,” in relation to the composite.<sup>6</sup>

Deputy Bell was posted outside of a nearby elementary school on the day of the robbery. Deputy Bell saw a boy walking to school with a man who was wearing blue jean shorts, a blue jean jacket, and a red baseball cap at approximately 7-8 a.m. Deputy Bell recognized the boy because she sees him regularly walking with his sister to school. She did not recognize the man at the time she saw him walking past her patrol car.<sup>7</sup>

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<sup>2</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel’s Findings*, 3, (December 8, 2020).

<sup>3</sup> *Id.*; Innocence Project of Florida, Inc, *Statement of Facts and Case*, 1-2.

<sup>4</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel’s Findings*, 3, (December 8, 2020).

<sup>5</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel’s Findings*, 3, (December 8, 2020). Innocence Project of Florida, Inc, *Statement of Facts and Case*, 2.

<sup>6</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel’s Findings*, 2, (December 8, 2020).

<sup>7</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel’s Findings*, 2, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 2.

At approximately 7:24 a.m., a dispatch regarding the robbery went out. Deputy Bell arrived at the scene of the robbery where she learned the description of the perpetrator was a black male wearing blue jeans and a jacket. Deputy Bell did not mention seeing a man matching that description. It was not until a few days later that she remembered seeing a person matching the description of the perpetrator walk past her patrol car.<sup>8</sup>

A few days later, Lieutenant Stewart showed Deputy Bell a photograph of Leonard Cure, and Deputy Bell concluded Mr. Cure was the man she saw walking. After Lieutenant Stewart gave Deputy Bell Mr. Cure's name, Deputy Bell met Mr. Cure at his residence a few months earlier while she was reviewing criminal registrants and prison releases.<sup>9</sup>

Lieutenant Stewart stated she went onto a computer to search a program called "TRAP," which is a program that had information and photographs of people who have been arrested, or were on prisoner release, and lived in the area.<sup>10</sup> Lieutenant Stewart chose a photograph from the database based on Venhuizen's statement that the perpetrator's physical appearance was "neat." Stewart chose only Mr. Cure's photograph because it appeared he maintained a well-kept appearance.<sup>11</sup>

Approximately a week after the robbery, detectives constructed a lineup and asked both Venhuizen and Rizk to identify the suspect independently.<sup>12</sup>

#### Lineup and Arrest

On November 17, 2003, Vehuizen was presented six men in a photo lineup, and she chose number three, Leonard Cure, but noted he did not have the same skin tone as the perpetrator. Detective Mellies then showed her a second four-

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<sup>8</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 2-3, (December 8, 2020).

<sup>9</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 3, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 2.

<sup>10</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 6, (December 8, 2020).

<sup>11</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 6, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 2.

<sup>12</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 3.



person photo lineup where all four photos were of Leonard Cure.<sup>13</sup>

On November 19, 2003, Rizk was presented a photo lineup and narrowed it down to numbers one and three. He stated he was not 100 percent sure.<sup>14</sup> Rizk also stated he was not sure which person it was, and noted the issue of complexion. Detective Mellies then presented a second lineup with photos of only Leonard Cure.<sup>15</sup> Rizk did not realize the second set of photos were the same person and at trial testified “I thought they [were] three different people.”<sup>16</sup>

Leonard Cure was arrested on November 20, 2003 for robbery with a firearm and assault with a firearm based on this identification.<sup>17</sup>

#### Trial and Conviction

The state relied on Venhuizen’s identification of Mr. Cure and the fact he had a missing side tooth.<sup>18</sup>

The witness Venhuizen described the perpetrator as missing a tooth on the left side of his face. Mr. Cure had both a missing side and front tooth. Mr. Cure’s girlfriend, Enid Roman testified that Mr. Cure wore a bridge and never left home without it. She never knew his teeth were missing until after they started dating.<sup>19</sup>

Detective Mellies testified at trial that he identified the young boy seen by Deputy Bell, and the boy selected Mr. Cure from a lineup. This boy was not called as a witness, the prosecutor had no knowledge of the boy’s identity, and Mellies had no report of the boy’s identification.<sup>20</sup>

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<sup>13</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel’s Findings*, 5, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 3.

<sup>14</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel’s Findings*, 3, (December 8, 2020).

<sup>15</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, p. 3.

<sup>16</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel’s Findings*, 3, (December 8, 2020).

<sup>17</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 3.

<sup>18</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 3.

<sup>19</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 4.

<sup>20</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 3.

*Alibi Defense*

Mr. Cure presented evidence of an alibi. Mr. Cure left home the morning of the robbery at 6:00 a.m. with his girlfriend Enid Roman and her three children. After Roman dropped the children off at school and daycare, she dropped Mr. Cure off at a bus stop. After exiting the first bus and before catching the second bus on the route he took to work, Mr. Cure stopped by an ATM. Mr. Cure withdrew 20 dollars at 6:52 a.m.<sup>21</sup>

Mr. Cure's manager testified Mr. Cure was a permanent worker with the company because Mr. Cure was always on time. On the day of the robbery, Marty Weiss testified he entered the work site at 8:00 a.m., and Mr. Cure was already present. Additionally, Wayne Knox, Mr. Cure's co-worker, stated in his sworn statement that he arrived to work at 7:00 a.m., on the day of the robbery and Mr. Cure got there after him, between 7:00 a.m. and 7:20 a.m.<sup>22</sup>

Mr. Cure's work attire was construction boots and clothing suitable for construction work, including long pants.<sup>23</sup>

On August 17, 2004, the jury could not reach a unanimous decision and the court ordered a mistrial. Mr. Cure refused an offer of 7 years of incarceration in exchange for a guilty plea.

The second trial began several weeks later, and Rizk testified as a defense witness. Rizk testified he was not sure that Mr. Cure was the person who committed the robbery.<sup>24</sup>

Mr. Cure was found guilty and sentenced to life in prison for armed robbery and assault with a firearm.<sup>25</sup>

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<sup>21</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 15-17, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 4.

<sup>22</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 15-17, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 4.

<sup>23</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 15-17, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 4.

<sup>24</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 5.

<sup>25</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 5,

### Conviction Review Unit Findings and Recommendation

The Conviction Review Unit (CRU) of the 17<sup>th</sup> Judicial Circuit received a request from Mr. Cure to re-investigate his case. After initial review, Assistant State Attorney Arielle Demby Berger reached out to the Innocence Project of Florida, who became counsel for Mr. Cure in February 2020.<sup>26</sup>

As a result of the CRU's initial investigation, the Office of the State Attorney for the 17<sup>th</sup> Judicial Circuit agreed to resentence Mr. Cure to time-served to allow for his immediate release while the reinvestigation continued.<sup>27</sup> The order, in part, stated "[t]he CRU recommends that in light of all the facts and circumstances of the case it is in the best interest of justice to release Cure to a time-served sentence." Mr. Cure was released on April 14, 2020.<sup>28</sup>

The CRU made the following factual conclusions:

*The Alibi:* The CRU found undisputed evidence of Mr. Cure's alibi, including an ATM receipt showing Mr. Cure at a Wachovia at 6:52 a.m., 3.2 miles from the crime scene. Additionally, there was undisputed testimony Mr. Cure was at work at approximately 7:00 a.m., 7 miles from the crime scene. Mr. Cure did not have access to a car on the morning of the crime, and was relying on the bus system to get to work. The CRU timed the route and determined it was not possible for Mr. Cure to be at the ATM, go to the crime scene, and get back to work by the time he was seen by his coworker.<sup>29</sup>

*The Identification:* The CRU concluded the only reason Mr. Cure was in the photo lineup was because of Venhuizen's description that the perpetrator was "neat," and Lieutenant Stewart chose the only photo depicting a man who seemed to fit that description. Furthermore, the CRU's investigation determined "it is clear that Leonard Cure was not identified through the 'TRAP' program," as stated by Lieutenant Stewart. It is unclear how Mr. Cure's photo was retrieved.<sup>30</sup>

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<sup>26</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 5.

<sup>27</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 5.

<sup>28</sup> Claimant, Leonard Cure, Exhibit List, *Tab E – Resentencing Order* (April 14, 2020).

<sup>29</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 15-17, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 6.

<sup>30</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 8, (December 8, 2020).

The CRU further discovered a second photo array was shown to both victims that included four photos all of which were Mr. Cure. The CRU had serious concerns about the reliability of the identification due to the suggestive nature of the multiple lineups.<sup>31</sup>

*The boy:* The witnesses described the perpetrator with or waiting for a young boy. The State's theory was that this boy was Enid Roman's son. Detective Mellies indicated he spoke with the boy who identified Mr. Cure, but there was no corroborative documentation of this. The CRU's investigation determined the boy was not Enid Roman's son, and the police never spoke to Enid Roman's son regarding this case.<sup>32</sup>

*Teeth:* Venhuizen described the perpetrator as missing teeth on the left side of his mouth. Mr. Cure was missing a front tooth and one side tooth. Mr. Cure never left his house without wearing his bridge.<sup>33</sup> Based on an expert report the CRU determined Mr. Cure's teeth were different than that described by Venhuizen.<sup>34</sup> Additionally, the second eye witness, Rizk, did not describe the perpetrator as missing teeth.<sup>35</sup>

The CRU concluded the only item tying Mr. Cure to the crime is the identification by Venhuizen, who was under a great deal of stress during and following the crime.<sup>36</sup> Additionally, "a complete review of the evidence presented at trial and in discovery, as well as further investigation of that evidence demonstrates that the case against Mr. Cure gives rise to a reasonable doubt as to his culpability, and that he is most likely innocent."<sup>37, 38</sup>

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<sup>31</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 6.

<sup>32</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 12-14, (December 8, 2020); Innocence Project of Florida, Inc, *Statement of Facts and Case*, 6.

<sup>33</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 8, (December 8, 2020).

<sup>34</sup> Claimant, Leonard Cure, Exhibit List, *Tab H – Expert Dental Report by Dr. Carrigan Parish, DMD, PhD*, (September 28, 2020).

<sup>35</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 6.

<sup>36</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 19, (December 8, 2020).

<sup>37</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, 6.

<sup>38</sup> Claimant, Leonard Cure, Exhibit List, *Tab B – Conviction Review Unit Memorandum with independent Review Panel's Findings*, 2, (December 8, 2020).

Mr. Cure's convictions were vacated on December 10, 2020.<sup>39</sup>  
40 41 42

LITIGATION HISTORY:

November 20, 2003, Leonard Cure was arrested for robbery with a firearm and assault with a firearm.

August 17, 2004, there was a mistrial after the jury could not reach a unanimous decision. Several weeks later, another trial was held and Mr. Cure was convicted and sentenced to life in prison.

April 14, 202, Mr. Cure was released from prison.

December 10, 2020, Mr. Cure's conviction was vacated.

CONCLUSIONS OF LAW:

**Standard of Proof in Wrongful Incarceration Compensation Claims**

The appropriate standard of proof applied in a wrongful incarceration claim bill is whether there is *clear and convincing evidence* the claimant committed neither the act nor the offense that served as the basis for the conviction and the claimant did not aid, abet, or act as an accomplice.

Generally, the standard of proof in the claim bill process is preponderance of the evidence. However, in 2008, the Legislature established a clear and convincing standard of proof for wrongful incarceration claims under chapter 961, of the Florida Statutes. While the Legislature is not bound to the statutory requirements, precedent<sup>43</sup> and equitability suggest the applicable standard of proof in a wrongful incarceration claim bill should be consistent with these statutory requirements. There have been two wrongful incarceration claim bills passed since the enactment of chapter 961, of the Florida Statutes. Both of these bills have utilized a clear and convincing standard.<sup>44</sup> Additionally, a person who is barred from receiving compensation under the statutory framework

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<sup>39</sup> Innocence Project of Florida, Inc, *Statement of Facts and Case*, p. 7.

<sup>40</sup> Claimant, Leonard Cure, Exhibit List, *Tab F- Order Vacating Convictions and Sentences* (December 10, 2020) and *G- Nolle Prosequie*, (December 10, 2020).

<sup>41</sup> Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 17:14-17:26.

<sup>42</sup> *Id.* at 17:35-18:01.

<sup>43</sup> Senate Special Master Report Re: CS/SB 2 (2012) (November 1, 2011) (recommending relief regarding Mr. William Dillon's wrongful incarceration claim); Senate Special Master Report Re: SB 28 (2020) (January 23, 2020) (recommending relief regarding Mr. Clifford Williams' wrongful incarceration claim).

<sup>44</sup> *Id.*

due to prior felony convictions may only be compensated for a wrongful conviction through an act of grace by the Legislature. Applying a lower standard of proof to those barred from statutory relief would create an inequitable result.

Clear and convincing evidence is “evidence making the truth of the facts asserted ‘highly probable.’”<sup>45</sup> A clear and convincing standard “is a greater burden than preponderance of the evidence, the standard applied in most civil trials, but less than evidence beyond a reasonable doubt, the norm for criminal trials.”<sup>46</sup> Florida jury instructions provide clear and convincing evidence is “evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue.”<sup>47</sup>

### **Compensation for Wrongful Incarceration Compensation Claims**

Chapter 961, of the Florida Statutes, provides that compensation for wrongful incarceration is calculated at a rate of \$50,000 for each year of wrongful incarceration, and is prorated as necessary.<sup>48</sup> Additionally, a petitioner may receive a waiver of tuition and fees for up to 120 hours of instruction at a career center, Florida College System Institution, or any state university;<sup>49</sup> the amount of any fine, penalty, or court costs imposed and paid by the wrongfully incarcerated person;<sup>50</sup> and the amount of reasonable attorney’s fees and expenses incurred by the wrongfully incarcerated person.<sup>51</sup> The total amount awarded may not exceed \$2 million.<sup>52</sup>

Similar to the standard of proof, the Legislature is not bound by the statutory requirements of chapter 961, of the Florida Statutes, but precedent and equitability suggest these requirements be applied.

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<sup>45</sup> *Slomowitz v. Walker*, 429 So. 2d 797, 799 (4th DCA 1983).

<sup>46</sup> Bryan A. Garner, *Black’s Law Dictionary* (2006).

<sup>47</sup> Standard Jury Instructions-Civil (No. 405.4).

<sup>48</sup> Section 961.06(1)(a), F.S.

<sup>49</sup> Section 961.06(1)(b), F.S.

<sup>50</sup> Section 961.06(1)(c), F.S.

<sup>51</sup> Section 961.06(1)(d), F.S.

<sup>52</sup> Section 961.06(1), F.S.

### **Conclusion Based upon Findings of Fact and Clear and Convincing Evidence**

Mr. Cure presented strong, undisputed evidence of an alibi. There was an ATM receipt showing Mr. Cure at a Wachovia at 6:52 a.m., 3.2 miles from the crime scene. Additionally, there was undisputed testimony Mr. Cure was at work at approximately 7:00 a.m., 7 miles from the crime scene. Mr. Cure did not have access to a car on the morning of the crime, and was relying on the bus system to get to work. It was not possible for Mr. Cure to be at the ATM, go to the crime scene, and get back to work by the time he was seen by his coworker.

Further, the evidence relating to the identification of Mr. Cure was unreliable and suggestive in nature. The only reason Mr. Cure was in the photo lineup was because of Venhuizen's description that the perpetrator was "neat," and Lieutenant Stewart chose the only photo depicting a man who seemed to fit that description. The CRU's investigation determined Mr. Cure was not identified through the TRAP program as stated by the Lieutenant. It remains unclear how Mr. Cure's photo was retrieved. The second photo array shown to both victims only included four photos all of which were Mr. Cure.

Additionally, one victim described the perpetrator as missing teeth on the left side of his mouth. Mr. Cure was missing a front tooth and one side tooth, but never left his house without wearing his bridge. Based on an expert report the CRU determined Mr. Cure's teeth were different than that described by the victim.

The State's theory that the boy seen with the perpetrator was Enid Roman's son has been proven wrong. Detective Mellies indicated he spoke with the boy who identified Mr. Cure, but there was no corroborative documentation of this. The CRU's investigation determined the boy was not Enid Roman's son, and that the police never spoke to Enid Roman's son regarding this case.

The only evidence tying Mr. Cure to the crime is the identification by Venhuizen, who was under a great deal of stress during and following the crime.

The materials presented did not include any substantiated evidence demonstrating Mr. Cure's involvement in the crime.

Given the evidence provided during the claim bill process, the undersigned finds the claimant has demonstrated actual innocence by clear and convincing evidence.

The claimant was wrongfully incarcerated and the amount of \$817,000, calculated at the rate of \$50,000 per year is reasonable.

ATTORNEY FEES:

This bill does not allocate any funds for attorney or lobbying fees. Additionally, the claimant's attorney submitted a Statement on Payment for Attorney, stating the claimant had retained attorney Seth Miller of the Innocence Project of Florida, to represent him during the Special Master hearing. Mr. Miller, nor any other individuals rendering services on behalf of Mr. Cure in support of this claim bill are receiving any form of payment or compensation, and all representation is *pro bono*.<sup>53</sup>

RECOMMENDATIONS:

Based upon the evidence submitted prior to and during the special master hearing, the undersigned finds the claimant has demonstrated actual innocence by clear and convincing evidence. There is clear and convincing evidence that the claimant committed neither the act nor the offense that served as the basis for the conviction and that the petitioner did not aid, abet, or act as an accomplice, and the relief sought is reasonable.

The undersigned recommends the bill be reported FAVORABLY.

Respectfully submitted,

Amanda Stokes  
Senate Special Master

cc: Secretary of the Senate

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<sup>53</sup> See, Innocence Project of Florida, Inc. *Statement on Payment for Attorney* (2023).



By Senator Jones

34-00092-23

20238\_\_

A bill to be entitled

An act for the relief of Leonard Cure; providing an appropriation to compensate Mr. Cure for being wrongfully incarcerated for 16 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Cure; requiring the Chief Financial Officer to pay the directed funds without requiring that Mr. Cure sign a liability release; providing for the waiver of certain tuition and fees for Mr. Cure; declaring that the Legislature does not waive certain defenses or increase the state's limits of liability with respect to this act; prohibiting funds awarded under this act to Mr. Cure from being used or paid for attorney or lobbying fees; prohibiting Mr. Cure from submitting a compensation application under certain provisions upon his receipt of payment under this act; requiring specific reimbursement to the state should a civil award be issued subsequent to Mr. Cure's receipt of payment under this act; requiring Mr. Cure to notify the Department of Legal Affairs upon filing certain civil actions; requiring the department to file a specified notice under certain circumstances; providing that certain benefits are vacated upon specified findings; providing an effective date.

WHEREAS, Leonard Cure was arrested on November 20, 2003, for the November 10, 2003, robbery of a Dania Beach Walgreens drug store and was convicted on November 3, 2004, of armed robbery with a firearm and aggravated assault with a firearm,

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and

WHEREAS, Mr. Cure was sentenced to life imprisonment and spent 16 years incarcerated, and

WHEREAS, Mr. Cure has maintained his innocence since his arrest and for the entirety of his incarceration, and

WHEREAS, on April 2, 2020, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit issued a 14-page "Conviction Review Unit Memorandum" recommending the modification of Mr. Cure's sentence to allow for his immediate release while the Conviction Review Unit investigated Mr. Cure's case, and

WHEREAS, on April 14, 2020, the Circuit Court for the 17th Judicial Circuit modified Mr. Cure's sentence to time served, and Mr. Cure was released, and

WHEREAS, on October 16, 2020, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit issued a "Conviction Review Unit Addendum Memorandum with Independent Review Panel's Findings" reaching the conclusion that the court should "vacate the defendant's judgment and sentence and enter a nolle prosequi as to both counts" due to the finding by the Independent Review Panel that "the case against Mr. Cure is so weak that it gives rise to a reasonable doubt as to his culpability, and that he is most likely innocent," and

WHEREAS, on December 11, 2020, the Circuit Court for the 17th Judicial Circuit issued, with the concurrence of the state, an "Agreed Order Vacating Judgment and Sentence" on the basis that Mr. Cure "is most likely innocent," and

WHEREAS, on December 14, 2020, as the result of the

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59 Conviction Review Unit report, the state filed a notice of nolle  
60 prosequi, and Mr. Cure was exonerated, and

61 WHEREAS, the Legislature acknowledges that the state's  
62 system of justice yielded an imperfect result that had tragic  
63 consequences in this case, and

64 WHEREAS, the Legislature acknowledges that, as a result of  
65 his physical confinement, Mr. Cure suffered significant damages  
66 that are unique to him, and that the damages are due to the fact  
67 that he was physically restrained and prevented from exercising  
68 the freedom to which all innocent citizens are entitled, and

69 WHEREAS, before his conviction for the aforementioned  
70 crimes, Mr. Cure had prior convictions for unrelated felonies,  
71 and

72 WHEREAS, due to his prior felony convictions, Mr. Cure is  
73 ineligible for compensation under chapter 961, Florida Statutes,  
74 and

75 WHEREAS, the Legislature apologizes to Mr. Cure on behalf  
76 of the state, NOW, THEREFORE,

77  
78 Be It Enacted by the Legislature of the State of Florida:

79  
80 Section 1. The facts stated in the preamble to this act are  
81 found and declared to be true.

82 Section 2. The sum of \$817,000 is appropriated from the  
83 General Revenue Fund to the Department of Financial Services for  
84 the relief of Leonard Cure for his wrongful incarceration. The  
85 Chief Financial Officer is directed to draw a warrant in favor  
86 of Mr. Cure in the sum of \$817,000 payable directly to Leonard  
87 Cure.

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

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88 Section 3. The Chief Financial Officer shall pay the funds  
89 directed by this act without requiring that the wrongfully  
90 incarcerated person, Mr. Cure, sign a liability release.

91 Section 4. Tuition and fees for Mr. Cure shall be waived  
92 for up to a total of 120 hours of instruction at any career  
93 center established pursuant to s. 1001.44, Florida Statutes, any  
94 Florida College System institution established under part III of  
95 chapter 1004, Florida Statutes, or any state university. For any  
96 educational benefit made, Mr. Cure must meet and maintain the  
97 regular admission and registration requirements of the career  
98 center, institution, or state university and make satisfactory  
99 academic progress as defined by the educational institution in  
100 which he is enrolled.

101 Section 5. With respect to the relief for Mr. Cure as  
102 described in this act, the Legislature does not waive any  
103 defense of sovereign immunity or increase the limits of  
104 liability on behalf of the state or any person or entity that is  
105 subject to s. 768.28, Florida Statutes, or any other law. Funds  
106 awarded under this act to Mr. Cure may not be used or be paid  
107 for attorney fees or lobbying fees related to this claim.

108 Section 6. Upon his receipt of payment under this act, Mr.  
109 Cure may not submit an application for compensation under  
110 chapter 961, Florida Statutes.

111 Section 7. If, after the time that monetary compensation is  
112 paid under this act, a court enters a monetary judgment in favor  
113 of Mr. Cure in a civil action related to his wrongful  
114 incarceration, or Mr. Cure enters into a settlement agreement  
115 with the state or any political subdivision thereof related to  
116 his wrongful incarceration, Mr. Cure must reimburse the state

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34-00092-23

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117 for the monetary compensation awarded under this act, less any  
118 sums paid for attorney fees or costs incurred in litigating the  
119 civil action or obtaining the settlement agreement. The  
120 reimbursement required under this section may not exceed the  
121 amount of monetary award Mr. Cure receives for damages in the  
122 civil action or settlement agreement. The court must include in  
123 the order of judgment an award to the state of any amount  
124 required to be deducted under this section. Claimant Leonard  
125 Cure must notify the Department of Legal Affairs upon filing any  
126 such civil action.

127 Section 8. The department must then file a notice of  
128 payment of monetary compensation in the civil action, and the  
129 notice shall constitute a lien upon any judgment or settlement  
130 recovered under the civil action which is equal to the sum of  
131 monetary compensation paid to the claimant under this act, less  
132 any attorney fees and litigation costs.

133 Section 9. If any future judicial determination concludes  
134 that Mr. Cure, by DNA evidence or otherwise, participated in any  
135 manner in the armed robbery and aggravated assault for which he  
136 was incarcerated, the unused benefits to which he is entitled  
137 under this act are vacated.

138 Section 10. This act shall take effect upon becoming a law.

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 278

INTRODUCER: Finance and Tax Committee and Senator Rodriguez

SUBJECT: State Estate Tax

DATE: April 19, 2023

REVISED: \_\_\_\_\_

|    | ANALYST      | STAFF DIRECTOR  | REFERENCE | ACTION           |
|----|--------------|-----------------|-----------|------------------|
| 1. | <u>Bond</u>  | <u>Cibula</u>   | <u>JU</u> | <b>Favorable</b> |
| 2. | <u>Gross</u> | <u>Babin</u>    | <u>FT</u> | <b>Fav/CS</b>    |
| 3. | <u>Gross</u> | <u>Sadberry</u> | <u>AP</u> | <b>Favorable</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 278 removes, for persons who died after December 31, 2004, a requirement for a personal representative to file an affidavit if an estate is not subject to the state estate or generation-skipping taxes and affirms that estates will not become subject to a lien.

In addition, courts will no longer need to:

- Find that the tax imposed on estates by Florida has been paid or there is no liability; or
- Consider an affidavit if the estate is nontaxable.

Because of changes in the federal estate tax, the state has not imposed an estate tax since 2004; however, state law requires the representative of an estate to provide proof of having paid the state estate tax or proof that the estate has no liability for the tax.

The Revenue Estimating Conference analyzed the prior version of the bill and determined changes made by that bill would not affect state revenue. Staff does not estimate a fiscal impact.

The bill takes effect July 1, 2023, and applies to probate proceedings pending on July 1, 2023, for which an order of final discharge has not been entered.

## II. Present Situation:

Federal law imposes an estate tax on estates valued above a specified threshold. Updated annually, the threshold for 2023 is \$12.92 million. Estates valued below this amount are exempt from the federal estate tax.<sup>1</sup> The Joint Committee on Taxation reported less than 0.2 percent of all estates in the United States were subject to federal estate tax in 2013, which amounted to approximately 0.6 percent of total Federal receipts.<sup>2</sup>

The State Constitution authorizes an estate tax to the extent that the tax paid may be taken as a credit against federal estate tax liability.<sup>3</sup> As a result of federal tax law changes beginning in 2001, the federal estate tax credit was phased out and fully eliminated for estates of decedents dying after December 31, 2004.<sup>4</sup> As such, the state has not taxed estates of decedents who died after December 31, 2004.

However, to comply with state law, a personal representative may be discharged only after a court finds that the estate has paid the tax or is a nontaxable estate.<sup>5</sup> Since 2004, courts have relied upon an affidavit promulgated by the Department of Revenue to establish that the estate is nontaxable.<sup>6</sup> Since “nontaxable estate” is an undefined term in the Florida Statutes, a court may be required to make an interpretation. At least one court found, “[it] would be unable to consider the personal representative’s affidavit of non-liability for Florida estate tax if the decedent’s estate is subject to federal estate tax liability pursuant the Internal Revenue Code.”<sup>7</sup>

Federal estate tax law also imposes a tax on certain generation-skipping transfers of wealth. The generation-skipping tax (GST), also referred to as the generation-skipping transfer tax, is designed to prevent a person from deliberately skipping his or her children in his or her estate plan in favor of younger generations as a means to bypass potential estate taxes due upon the children’s deaths.

## III. Effect of Proposed Changes:

The bill removes, for persons who died after December 31, 2004, a requirement for a personal representative to file an affidavit if an estate is not subject to the state estate or generation-skipping taxes and affirms that estates will not become subject to a lien.

---

<sup>1</sup> Internal Revenue Service, Estate Tax (Oct. 2022) <https://www.irs.gov/businesses/small-businesses-self-employed/estate-tax> (last visited Mar. 07, 2023).

<sup>2</sup> Joint Committee on Taxation, United States Congress, Report JCX-52-15, *History, Present Law, and Analysis of the Federal Wealth Transfer Tax System*, 25-28 (2015) available at <https://www.jct.gov/publications/2015/jcx-52-15/> (last visited Mar. 07, 2023).

<sup>3</sup> FLA. CONST. art VII, s. 5.

<sup>4</sup> See the federal Economic Growth and Tax Relief Reconciliation Act of 2001. Note that the American Taxpayer Relief Act of 2012 changed the federal taxation of estates; however, it did not revive a credit for state death taxes.

<sup>5</sup> Section 198.26, F.S.

<sup>6</sup> See Department of Revenue forms DR-312 and DR-313. Available at [https://floridarevenue.com/Pages/forms\\_index.aspx](https://floridarevenue.com/Pages/forms_index.aspx) (last visited Mar. 07, 2023).

<sup>7</sup> The Real Property Probate and Trust Law Section, Florida Bar, *White Paper: Proposed Amendment of F.S. Section 198.41 to Render Chapter 198, Florida Statutes, Which Imposes the Florida Estate Tax Ineffective for as Long as There is no Federal State Death Tax Credit or no Federal Generation-Skipping Transfer Tax Credit* (2023) (on file with the Committee on Finance and Tax)

In addition, a court will no longer need to:

- Find that the tax imposed on estates by Florida has been paid or there is no liability; or
- Consider an affidavit if the estate is nontaxable.

The bill takes effect July 1, 2023, and applies to probate proceedings pending on July 1, 2023, for which an order of final discharge has not been entered.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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

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

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

The bill does not increase or create a state tax or fee as specified in Article VII, s. 19 of the Florida Constitution.

##### **E. Other Constitutional Issues:**

None identified.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

The Revenue Estimating Conference analyzed the prior version of the bill and determined changes made by that bill would not affect state revenue. Staff does not estimate a fiscal impact.

##### **B. Private Sector Impact:**

The bill may have a minimal positive fiscal impact on probate lawyers and law firms.

##### **C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 198.26 and 198.32.

**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 Finance and Tax on March 14, 2023:**

The committee substitute narrowed the scope of the bill to only exclude application of the following state estate tax laws for persons who died after December 31, 2004, rather than making the chapter entirely inoperative:

- A court will no longer need to find that either (1) the tax imposed on estates by Florida has been paid or there is no liability or (2) be required to consider an affidavit if the estate is nontaxable.
- Personal representatives will no longer be required to file an affidavit if an estate is not subject to the state estate or generation-skipping taxes and affirms that estates will not become subject to a lien.

- B. **Amendments:**

None.

By the Committee on Finance and Tax; and Senator Rodriguez

593-02551-23

2023278c1

1 A bill to be entitled  
 2 An act relating to the state estate tax; amending s.  
 3 198.26, F.S.; providing that provisions relating to a  
 4 condition for the discharge of a personal  
 5 representative of an estate do not apply under certain  
 6 circumstances; amending s. 198.32, F.S.; providing  
 7 that, under certain circumstances, the personal  
 8 representative of the estate is not required to file a  
 9 certain affidavit and the estate is not subject to a  
 10 certain lien; providing applicability; providing an  
 11 effective date.  
 12  
 13 Be It Enacted by the Legislature of the State of Florida:  
 14  
 15 Section 1. Section 198.26, Florida Statutes, is amended to  
 16 read:  
 17 198.26 No discharge of personal representative until tax is  
 18 paid.—  
 19 (1) No final account of a personal representative shall be  
 20 allowed by any court unless and until such account shows, and  
 21 the judge of said court finds, that the tax imposed by the  
 22 provisions of this chapter upon the personal representative,  
 23 which has become payable, has been paid. The certificate of the  
 24 department of nonliability for the tax or its receipt for the  
 25 amount of tax therein certified shall be conclusive in such  
 26 proceedings as to the liability or the payment of the tax to the  
 27 extent of said certificate. In the case of a nontaxable estate,  
 28 the court may consider the affidavit prepared pursuant to s.  
 29 198.32(2) as evidence of the nonliability for tax.

Page 1 of 2

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

593-02551-23

2023278c1

30 (2) Notwithstanding any other provision of this section and  
 31 applicable to the estate of a decedent who dies after December  
 32 31, 2004, if, upon the death of the decedent, a state estate tax  
 33 credit or a generation-skipping transfer credit is not allowable  
 34 pursuant to the Internal Revenue Code of 1986, as amended, this  
 35 section shall not apply.  
 36 Section 2. Subsection (3) is added to section 198.32,  
 37 Florida Statutes, to read:  
 38 198.32 Prima facie liability for tax.—  
 39 (3) Notwithstanding any other provision of this section and  
 40 applicable to the estate of a decedent who dies after December  
 41 31, 2004, if, upon the death of the decedent, a state estate tax  
 42 credit or a generation-skipping transfer credit is not allowable  
 43 pursuant to the Internal Revenue Code of 1986, as amended:  
 44 (a) The personal representative of the estate is not  
 45 required to file an affidavit under subsection (2) in connection  
 46 with the estate.  
 47 (b) The estate shall not be subject to a lien under  
 48 subsection (1).  
 49 Section 3. This act shall apply to all probate proceedings  
 50 commenced on or after July 1, 2023, and to all probate  
 51 proceedings pending on July 1, 2023, for which an order of final  
 52 discharge has not been entered.  
 53 Section 4. This act shall take effect July 1, 2023.

Page 2 of 2

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





The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Committee on Appropriations

**Subject:** Committee Agenda Request

**Date:** March 14, 2023

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I respectfully request that **CS/SB 278**, relating to State Estate Tax, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

---

Senator Ana Maria Rodriguez  
Florida Senate, District 40

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

4/20/23

Meeting Date

**Appropriations**

Committee

278

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Martha Edenfield**

Phone **850-999-4100**

Address **106 E. College Ave #1200**  
Street

Email **medenfield@deanmead.com**

**Tallahassee**  
City

**FL**  
State

**32301**  
Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

**The Real Property, Probate and Trust  
Law Section of the Florida Bar**

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)*

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

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SB 546

INTRODUCER: Senator Avila and others

SUBJECT: Restoration of Osborne Reef

DATE: April 19, 2023

REVISED: \_\_\_\_\_

|    | ANALYST         | STAFF DIRECTOR  | REFERENCE  | ACTION           |
|----|-----------------|-----------------|------------|------------------|
| 1. | <u>Barriero</u> | <u>Rogers</u>   | <u>EN</u>  | <b>Favorable</b> |
| 2. | <u>Reagan</u>   | <u>Betta</u>    | <u>AEG</u> | <b>Favorable</b> |
| 3. | <u>Reagan</u>   | <u>Sadberry</u> | <u>AP</u>  | <b>Favorable</b> |

---

**I. Summary:**

SB 546 requires the Florida Department of Environmental Protection (DEP) to submit a report to the Legislature on the status of the Osborne Reef cleanup and tire removal project. The report must include:

- A description of the condition of the remaining Osborne Reef structure;
- Any restoration efforts undertaken to restore the reef structure;
- The number of tires that have been retrieved and the number that still need to be retrieved; and
- The estimated timeline for the completion of the project.

The bill directs the DEP to develop a comprehensive restoration plan for Osborne Reef by July 1, 2024, upon completion of the cleanup and tire removal project. The restoration plan must include:

- A preliminary plan for the restoration of the existing reef;
- The restoration of any nearby natural reefs that were destroyed by the tire installation;
- The shifting of resources from tire retrieval to reef restoration; and
- Coordination with other coral reef restoration projects and resources.

Upon completion of the plan, the DEP must provide a report to the Legislature. The report must include an update on the status of the restoration plan and any recommendations for statutory changes necessary to achieve the identified restoration goals.

The bill also contains legislative findings regarding the enactment and purposes of the Act.

The DEP estimates a cost of approximately \$500,000 to conduct in-water assessments for the development of the restoration plan.

The effective date of the bill is July 1, 2023.

## II. Present Situation:

### Coral Reefs

Florida is the only state in the continental United States with extensive shallow coral reef formations near its coasts.<sup>1</sup> The state's coral reef extends over 350 nautical miles from the Dry Tortugas to the St. Lucie Inlet in Martin County. Coral reefs create specialized habitats that provide shelter, food and breeding sites for numerous plants and animals. This includes ones important to fishing like spiny lobster, snapper, and grouper. Fish rely on corals to build the reef structure where they can breed and grow. Current medicines that combat cancer, pain, and inflammation have been derived from coral reef organisms. In addition, South Florida's economy is inextricably linked to the coral reef ecosystem: coral reefs are estimated to annually support 71,000 jobs in South Florida, and the total tourism value of Florida's Coral Reef is estimated at \$1.1 billion annually.<sup>2</sup>

Healthy and resilient coral reefs safeguard against extreme weather, shoreline erosion, and coastal flooding.<sup>3</sup> Florida's Coral Reef provides more than \$355 million per year in flood protection benefits to buildings and protects nearly \$320 million in annual economic activity.<sup>4</sup>

### Artificial Reefs

An artificial reef is a manmade structure that mimics some of the characteristics of a natural reef.<sup>5</sup> Submerged shipwrecks are the most common form of artificial reef. Oil and gas platforms, bridges, lighthouses, and other offshore structures also function as artificial reefs. Materials used to construct these reefs have included rocks, cinder blocks, wood, and old tires. Several companies specialize in the design, manufacture, and deployment of long-lasting artificial reefs that are typically constructed of limestone, steel, and concrete.<sup>6</sup>

The Florida Keys National Marine Sanctuary contains several decommissioned vessels that were sunk in specific areas for diving or fishing opportunities prior to the area's designation as a national marine sanctuary.<sup>7</sup> One such ship is the *Thunderbolt*, which was intentionally sunk four miles south of Marathon and Key Colony Beach in 1986. The ship is now home to sponges, corals, and hydroids that provide food and habitat for a variety of sea creatures.<sup>8</sup>

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<sup>1</sup> Department of Environmental Protection (DEP), *Florida's Coral Reefs*, <https://floridadep.gov/rcp/rcp/content/floridas-coral-reefs> (last visited Feb. 28, 2023); DEP, *Coral Reef Conservation Program*, <https://floridadep.gov/rcp/coral> (last visited Feb. 28, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> National Oceanic and Atmospheric Administration (NOAA), *What is an artificial reef?*, <https://oceanservice.noaa.gov/facts/artificial-reef.html#:~:text=Oil%20and%20gas%20platforms%2C%20bridges%2C%20lighthouses%2C%20and%20other,the%20fishes%20and%20invertebrates%20that%20live%20among%20them>. (last visited Feb. 27, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* See also Florida Keys National Marine Sanctuary, NOAA, *The Thunderbolt*, <https://floridakeys.noaa.gov/shipwrecktrail/thunderbolt.html#:~:text=The%20Thunderbolt%20was%20intentionally%20sunk>

Planned manmade reefs may provide local economic benefits because they attract fish to a known location and are therefore popular attractions for commercial and recreational fishermen, divers, and snorkelers.<sup>9</sup> However, the increase in illegal dumping for the purpose of creating habitat has led to significant poaching in the Florida Keys and subsequent high-profile arrests.<sup>10</sup>

### The Osborne Reef Tire Removal Project

During the 1970s, between one and two million tires were placed in the ocean off Broward County to create an artificial reef.<sup>11</sup> Over the years, many of the tires—which were held together only with nylon rope and steel clips—came loose and were moved by tropical storms and hurricanes, causing damage to existing nearby coral reefs.<sup>12</sup> Several programs have attempted to remove the tires. For example, in 2001, a small tire retrieval program was conducted by Dr. Robin Sherman of Nova Southeastern University with a \$30,000 grant from the National Oceanic and Atmospheric Administration (NOAA).<sup>13</sup> Approximately 1,600 tires were retrieved at a cost of over \$17 per tire.<sup>14</sup> Due to the magnitude and cost of such projects, however, most of the tires have not been removed.<sup>15</sup>



In 2006, the NOAA Marine Debris Program was created to develop a plan for the removal and proper disposal of the tires.<sup>16</sup> The following year, a group of federal, county, and state agencies, including the Department of Environmental Protection (DEP), was convened to explore retrieval techniques, sample retrieved tires for processing suitability, and consider end uses and handling,

staging, and transportation methods. Because there had not previously been a recovery of tires from the ocean of this scale, it was determined that a pilot program was needed to test diver retrieval productivity, loading and transport methods, and tire processing and use. It was also determined that complete removal required federal funding for military diver salvage operations and watercraft, as well as state funding for processing and disposing of the recovered tires.<sup>17</sup>

[%20on%20March%206%2C%20Key%20Colony%20Beach.%20History%20Archaeology%20Site%20Map%20History](#) (last visited Feb. 27, 2023).

<sup>9</sup> NOAA, *What is an artificial reef?*

<sup>10</sup> *Id.*

<sup>11</sup> DEP, *History and Overview of the Osborne Reef Waste Tire Removal Project*, 1 (2016), available at <https://floridadep.gov/waste/permitting-compliance-assistance/content/osborne-reef-waste-tire-removal-project>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

The team designated approximately 30 acres containing 651,565 tires as the highest priority area for tire removal.<sup>18</sup> Based on the results of the pilot program, they estimated that approximately 20,000 tires could be recovered per month based on the conservative assumption that military divers can remove 1,000 tires per day using 40 divers and one Landing Craft Utility.<sup>19</sup>

Between 2008 and 2016, the program conducted dive operations to remove tires from the high priority area.<sup>20</sup> The operations were broken into three phases:

- In April 2008, approximately 66 military personnel worked 27 days to remove 44,000 tires.<sup>21</sup>
- In July 2009, approximately 50 military personnel worked 16 days to remove an estimated 15,000 to 18,000 tires.<sup>22</sup>
- Between May 2015 and August 2016, divers<sup>23</sup> removed an additional 67,000 tires.<sup>24</sup>

As of August 2016, an estimated 207,843 tires had been removed from Osborne Reef.<sup>25</sup> In 2019, the DEP completed a high-level survey map of the area, a process that took six months and cost approximately \$300,000.<sup>26</sup> Additional in-water assessments of the affected habitats are needed to assess any movement of the tires since the 2019 survey and to plan for full restoration of the area.<sup>27</sup> The DEP estimates such a process may take six to nine months and cost approximately \$500,000.<sup>28</sup>

### III. Effect of Proposed Changes:

**Section 1** provides the following legislative findings and intent:

- More than one million tires were deposited in the ocean off the coast of Broward County during the 1970s to create an artificial reef habitat by providing structures to which coral could attach and attract additional marine life; however, many of the tires have corroded, broken loose, and dislodged along the coastline, damaging the existing fragile coral reef system and prompting the Legislature to appropriate millions of dollars to retrieve the tires.
- Coral reefs are an important part of this state's coastal ecosystem, creating habitats that provide shelter, food, and breeding grounds for plants and animals.
- The Legislature intends to restore Osborne Reef to being capable of creating a habitat for plants and animals and dedicate resources toward restoring the artificial reef and the nearby natural coral reef systems once the cleanup of the site has been completed.

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<sup>18</sup> *Id.* at 2.

<sup>19</sup> Landing Craft Utility is a type of boat used by amphibious forces to transport equipment, troops, and cargo to the shore. They are also used to support civilian humanitarian/maritime operations. *See* America's Navy, Department of Defense, *Landing Craft, Mechanized and Utility – LCM/LCU* (2019), <https://www.navy.mil/Resources/Fact-Files/Display-FactFiles/Article/2171588/landing-craft-mechanized-and-utility-lcmLCU/> (last visited Feb. 27, 2023).

<sup>20</sup> DEP, *History and Overview of the Osborne Reef Waste Tire Removal Project* at 2.

<sup>21</sup> *Id.* at 3.

<sup>22</sup> *Id.*

<sup>23</sup> DEP did not provide the number of days worked or personnel employed during this phase.

<sup>24</sup> DEP, *Osborne Reef Waste Tire Removal Project*, 2 (2016), available at [https://floridadep.gov/sites/default/files/OsborneReefProject\\_09Aug16\\_0.pdf](https://floridadep.gov/sites/default/files/OsborneReefProject_09Aug16_0.pdf).

<sup>25</sup> *Id.*; DEP, *History and Overview of the Osborne Reef Waste Tire Removal Project* at 3.

<sup>26</sup> Email from Alex Kernan, DEP, to Senate Committee on Environment and Natural Resources (Mar. 1, 2023) (on file with the Senate Committee on Environment and Natural Resources).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

The bill requires the DEP to submit a report to the President of the Senate and the Speaker of the House of Representatives on the status of the Osborne Reef cleanup and tire removal project.

The report, at a minimum, must include:

- A description of the condition of the remaining Osborne Reef structure;
- Any restoration efforts undertaken to restore the reef structure;
- The number of tires retrieved since the project began and number of tires that still need to be retrieved; and
- The estimated timeline for the completion of the project.

The bill directs the DEP, upon completion of the cleanup and tire removal project, to develop a comprehensive restoration plan for Osborne Reef by July 1, 2024. At a minimum, the restoration plan must include:

- A preliminary plan for the restoration of the existing reef;
- The restoration of any nearby natural reefs that were destroyed by the tire installation;
- The shifting of resources from tire retrieval to reef restoration; and
- Coordination with other coral reef restoration projects and resources.

Upon completion of the plan, the DEP must provide a report to the President of the Senate and the Speaker of the House of Representatives. The report must include an update on the status of the restoration plan and any recommendations for statutory changes necessary to achieve the identified restoration goals.

**Section 2** provides an effective date of July 1, 2023.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The DEP may incur costs to survey the Osborne Reef area, report on the status of the tire removal project, and develop a comprehensive coral reef restoration plan. The DEP estimates a cost of approximately \$500,000 to conduct additional in-water assessments necessary for the development of the restoration plan.<sup>29</sup> Alternatively, the DEP could develop a restoration plan based on a 2019 survey of the reef; however, the plan would likely not be accurate because the tires have migrated beyond the scope of the 2019 survey.<sup>30</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida law.

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

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

None.

**B. Amendments:**

None.

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

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<sup>29</sup> Email from Alex Kernan, DEP, to Senate Committee on Environment and Natural Resources (Mar. 1, 2023) (on file with the Senate Committee on Environment and Natural Resources).

<sup>30</sup> *Id.*



By Senator Avila

39-00227-23

2023546\_\_

A bill to be entitled

An act relating to the restoration of Osborne Reef; providing legislative findings and intent; requiring the Department of Environmental Protection to submit a status report on the Osborne Reef cleanup and tire removal project to the Legislature by a specified date; requiring the department to develop a restoration plan for the reef by a specified date; providing requirements for the restoration plan; requiring the department to submit a report to the Legislature upon completion of the plan; providing requirements for the report; providing an effective date.

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

Section 1. Osborne Reef; restoration plan.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that:

1. More than 1 million tires were deposited in the ocean off the coast of Broward County during the 1970s to create an artificial reef habitat by providing structures to which coral could attach and attract additional marine life; however, many of the tires have corroded, broken loose, and dislodged along the coastline, damaging the existing fragile coral reef system and prompting the Legislature to appropriate millions of dollars to retrieve the tires.

2. Coral reefs are an important part of this state's coastal ecosystem, creating habitats that provide shelter, food,

Page 1 of 3

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

39-00227-23

2023546\_\_

and breeding grounds for plants and animals.

(b) The Legislature intends to restore Osborne Reef to being capable of creating a habitat for plants and animals, and to dedicate resources toward restoring the artificial reef and the nearby natural coral reef systems once the cleanup of the site has been completed.

(2) STATUS REPORT.—By December 1, 2023, the Department of Environmental Protection shall submit a report to the President of the Senate and the Speaker of the House of Representatives on the status of the Osborne Reef cleanup and tire removal project. At a minimum, the report must include a description of the condition of the remaining Osborne Reef structure, any restoration efforts undertaken to restore the reef structure, the number of tires retrieved since the project began and the number of tires that still need to be retrieved, and an estimated timeline for the completion of the cleanup and tire removal project.

(3) RESTORATION PLAN.—

(a) By July 1, 2024, the Department of Environmental Protection shall develop a comprehensive coral reef restoration plan for Osborne Reef to be commenced, subject to appropriation by the Legislature, upon the completion of the cleanup and tire removal project. At a minimum, the restoration plan must include a preliminary plan for the restoration of the existing reef, the restoration of any nearby natural reefs that were destroyed by the tire installation, the shifting of resources from tire retrieval to reef restoration, and coordination with other coral reef restoration projects and resources.

(b) Upon completion of the plan, the department shall

Page 2 of 3

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

39-00227-23

2023546\_\_

59 provide a report to the President of the Senate and the Speaker  
60 of the House of Representatives. The report must include an  
61 update on the status of the restoration plan and any  
62 recommendations for statutory changes necessary to achieve the  
63 identified restoration goals.

64 Section 2. This act shall take effect July 1, 2023.



**SENATOR Bryan Avila**  
39th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**

Government Oversight and Accountability, Chair  
Appropriations  
Appropriations Committee on Education  
Appropriations Committee of Health and Human  
Services  
Education Pre-K 12  
Ethics and Elections  
Health Policy  
Select Committee on Resiliency  
Joint Select Committee on Collective Bargaining

April 13<sup>th</sup>, 2023

Honorable Senator Doug Broxson  
Committee on Appropriations

Honorable Chair Broxson

I respectfully request SB 546 Restoration of Osborne reef be placed on the next committee agenda.

SB 546 Requires the Department of Environmental Protection to submit a status report on the Osborne Reef cleanup and tire removal project to the Legislature by a specified date. It also requires the department to develop a restoration plan for the reef by a specified date; providing requirements for the restoration plan; requiring the department to submit a report to the Legislature upon completion of the plan; providing requirements for the report.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

---

Senator Bryan Avila  
Florida Senate, District 39

CC: Tim Sadberry, Staff Director  
Alicia Weiss, Committee Administrative Assistant

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- 326 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

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

**Kathleen Passidomo**  
President of the Senate

**Dennis Baxley**  
President Pro Tempore

4/20/23 110 sb

Meeting Date

# The Florida Senate APPEARANCE RECORD

546

Bill Number or Topic

AP

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name **David Cullen**

Phone **941-323-2404**

Address **2838 Little Deal Rd**

Email **cullenasea@gmail.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Sierra Club Florida**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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

S-001 (08/10/2021)

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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**BILL:** CS/SB 724

**INTRODUCER:** Environment and Natural Resources Committee; and Senator Boyd and others

**SUBJECT:** Seagrass Restoration Technology Development Initiative

**DATE:** April 19, 2023      **REVISED:** \_\_\_\_\_

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|    | ANALYST         | STAFF DIRECTOR  | REFERENCE  | ACTION           |
|----|-----------------|-----------------|------------|------------------|
| 1. | <u>Barriero</u> | <u>Rogers</u>   | <u>EN</u>  | <b>Fav/CS</b>    |
| 2. | <u>Reagan</u>   | <u>Betta</u>    | <u>AEG</u> | <b>Fav/CS</b>    |
| 3. | <u>Reagan</u>   | <u>Sadberry</u> | <u>AP</u>  | <b>Favorable</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 724 establishes the Seagrass Restoration Technical Development Initiative within the Department of Environmental Protection (DEP), in partnership with Mote Marine Laboratory (Mote) and the University of Florida (UF), to develop cost-effective innovative and environmentally sustainable technologies needed to restore coastal seagrass ecosystems.

Mote and the UF are required to create a 10-year Florida Seagrass Restoration Plan to implement tools and technologies developed under the initiative.

The bill requires the initiative to submit an annual report with an overview of its accomplishments to date and priorities for subsequent years to the Governor, the Legislature, the Secretary of the DEP, and the executive director of the Fish and Wildlife Conservation Commission (FWC).

The bill also establishes the Initiative Technology Advisory Council (TAC) as part of the initiative and specifies the membership of the council. The TAC must meet at least twice a year.

The bill directs the DEP to award funds specifically appropriated by the Legislature to Mote, which will function as the initiative's lead administrative component. The initiative must leverage state-appropriated funds with additional funds from private and federal sources.

The DEP and the UF will incur indeterminate costs, subject to appropriations, related to the Seagrass Restoration Technology Development Initiative, including conducting research, creating a seagrass restoration plan, and preparing annual status reports.

Pending the completion of research creating a seagrass restoration plan, the DEP shall, subject to legislative appropriation, implement seagrass restoration projects that are procured on a payment-for performance basis to protect the state investment made in seagrass restoration efforts.

Beginning in the 2023-2024 fiscal year, and through the 2027-2028 fiscal year, \$2 million is appropriated from the General Revenue Fund to the DEP for the purposes of implementing this initiative.

The section of law created in the bill expires on June 30, 2028.

The effective date of the bill is July 1, 2023.

## II. Present Situation:

### Seagrass

Seagrass is a grass-like flowering plant that lives completely submerged in marine and estuarine waters.<sup>1</sup> Approximately 52 species of seagrass exist worldwide, seven of which are found in Florida's marine waters.<sup>2</sup> There are more than two million acres of seagrass along the state's coastline and within its estuaries.<sup>3</sup> Seagrass performs many important functions, including maintaining water clarity, stabilizing the bottom of aquatic habitats, and providing habitat for marine life and food for marine animals and water birds.<sup>4</sup> Seagrass meadows also serve as important sinks in the global carbon cycle,<sup>5</sup> prevent erosion by stabilizing sediments, and improve water quality by intercepting nutrients and organic matter carried by land runoff.<sup>6</sup>

Seagrass protects smaller marine animals, including juvenile sea bass, snappers, and grunts, from larger predators.<sup>7</sup> Many marine animals consume seagrass as food, including manatees, urchins, conches, and sea turtles. Other animals derive nutrition from eating the algae and small animals living in seagrass leaves. Bottlenose dolphins and a variety of wading and diving birds also use seagrass beds as feeding grounds. Seagrass-based detritus formed by the microbial breakdown of leaves and roots is also an important food source.<sup>8</sup>

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<sup>1</sup> Dep't of Environmental Protection (DEP), *Florida Seagrasses*, <https://floridadep.gov/rcp/seagrass> (last visited Mar. 9, 2023).

<sup>2</sup> *Id.* These species include Cuban shoal grass, turtle grass, manatee grass, star grass, paddle grass, Johnson's seagrass, and widgeon grass. Section 253.04(3)(a)1., F.S.

<sup>3</sup> Florida Fish and Wildlife Conservation Commission (FWC), *Seagrass FAQ*, <https://myfwc.com/research/habitat/seagrasses/information/faq/> (last visited Jan. 11, 2022).

<sup>4</sup> *Id.*

<sup>5</sup> Matthew P.J. Oreska, et al., *The greenhouse gas offset potential from seagrass restoration*, 1 (2020), available at <https://link.springer.com/content/pdf/10.1038/s41598-020-64094-1.pdf>.

<sup>6</sup> Nat'l Academy of Sciences, Engineering, and Medicine, *Effective Monitoring to Evaluate Ecological Restoration in the Gulf of Mexico*, 151 (2017), available at <https://doi.org/10.17226/23476>.

<sup>7</sup> DEP, *Florida Seagrasses*.

<sup>8</sup> *Id.*

## Seagrass Loss

Seagrass meadows are among the planet's most threatened habitats, with their known global areal extent having declined by 29 percent since the late 1800s and losses rapidly accelerating in the last two decades.<sup>9</sup> In Florida, approximately 80 percent of the seagrass coverage in Tampa Bay has been lost, mainly due to human activities.<sup>10</sup>

Seagrass face several threats, including events that reduce water clarity and decrease the amount of light reaching the ecosystem, such as algae blooms, as well as physical damage, such as from dredging or boat propeller scarring.<sup>11</sup> Scarring occurs when boat propellers in shallow water impact seagrass roots, stems, and leaves, producing long, narrow furrows devoid of vegetation.<sup>12</sup> The damage caused by prop scars can take years to heal.<sup>13</sup> Abandoned fishing gear can also impact seagrass, creating unique restoration needs.<sup>14</sup> Grounded and derelict vessels can also impact seagrass ecosystems by shading, eroding, and scouring seagrass, and the process of removing these vessels can result in even further harm.<sup>15</sup>

In 2009, the Legislature tasked the Board of Trustees of the Internal Improvement Fund with preserving and regenerating seagrass.<sup>16</sup> It also passed legislation providing that a person operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve commits a noncriminal infraction.<sup>17</sup> In addition, as of 2017, owners of private submerged lands that are adjacent to Outstanding Florida Waters or an aquatic preserve may request that the Fish and Wildlife Conservation Commission (FWC) establish boating-restricted areas to protect any seagrass within their property boundaries from scarring due to propeller dredging.<sup>18</sup>

## Seagrass Restoration

The success of seagrass restoration depends on many factors, including the arrangement, genetic diversity, and density of the seagrass, proximity to established mangroves, coral reefs, or existing seagrass meadows, and inclusion of bivalves such as clams or mussels in the ecosystem.<sup>19</sup> The use of donor beds is necessary for seagrass restoration, whether it is the relocation of an entire

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<sup>9</sup> Nat'l Academy of Sciences, Engineering, and Medicine, *Effective Monitoring to Evaluate Ecological Restoration in the Gulf of Mexico* at 151.

<sup>10</sup> FWC, *Seagrass Restoration*, <https://myfwc.com/research/habitat/seagrasses/projects/active/restoration/> (last visited Mar. 10, 2023).

<sup>11</sup> FWC, *Seagrass FAQ*.

<sup>12</sup> DEP, *Seagrass Restoration Efforts*, <https://floridadep.gov/rcp/rcp/content/seagrass-restoration-efforts> (last visited Mar. 9, 2023).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Ch. 2009-86, s. 3, Laws of Fla.

<sup>17</sup> *Id.* This section is inapplicable to Lake Jackson, Oklawaha River, Wekiva River, and Rainbow Springs aquatic preserves.

*Id.*

<sup>18</sup> Ch. 2017-163, s. 8, Laws of Fla.; section 327.46(1)(d), F.S.

<sup>19</sup> Stephanie R. Valdez, et al., *Positive Ecological Interactions and the Success of Seagrass Restoration*, (2020), available at <https://www.frontiersin.org/articles/10.3389/fmars.2020.00091/full>.

bed or the removal of random plugs from an existing bed.<sup>20</sup> In addition, because most seagrass species require high levels of light, water quality may limit the depth at which the seagrass can live.<sup>21</sup>

In Florida, several agencies are working to restore seagrass. The Office of Resilience and Coastal Protection (RCP) collaborates with other agencies to improve seagrass protection, augment habitat recovery through proven scientific restoration techniques, and increase public awareness of the importance of seagrass.<sup>22</sup> The RCP has employed a variety of seagrass restoration methods throughout the state. For example, the RCP's St. Martins Marsh Aquatic Preserve has partnered with the UF's Institute of Food and Agricultural Sciences to stabilize and restore prop scars with sediment tubes. These restoration efforts will be monitored over a three-year period. The RCP has conducted other restoration projects in Charlotte Harbor, Indian River Lagoon, Biscayne Bay, the Big Bend, the Florida Keys, St. Joseph Bay, St. Andrews Bay, and Pensacola Bay—though results have been mixed. The RCP continues to monitor these projects and collaborate with other researchers to develop more effective restoration methods.<sup>23</sup>

Other seagrass restoration efforts are ongoing throughout the state. For example, the Northwest Florida Aquatic Preserves has been utilizing salvaged seagrass cores from impacted areas from dock pilings in restoration areas.<sup>24</sup> The salvaged material is used to fill propeller scars as well as bare or declining areas and has proven quite successful in the Panhandle estuaries. There have also been efforts to remove derelict vessels from seagrass beds in the Lemon Bay Aquatic Preserve. Natural colonization of seagrass from adjacent beds has been successful. In addition, the RCP is removing derelict crab traps from seagrass meadows in the Big Bend Seagrasses Aquatic Preserve. Twenty-five sites within this area are being monitored as part of a three-year seagrass restoration grant project to assess natural seagrass regrowth within the impacted area.<sup>25</sup>

The RCP is also working with the FWC to develop a restoration plan for the nation's only marine plant - Johnson's seagrass (*Halophila johnsonii*)—to be designated as a threatened species under the Endangered Species Act.<sup>26</sup> The RCP has identified several areas in Biscayne Bay as potential restoration sites for this species of seagrass. In addition, the FWC is developing a tissue-culture technique to seagrass restoration called micropropagation.<sup>27</sup> Micropropagation is a way to clone plants using buds collected from branches of mature plants. The buds are sterilized and placed in test tubes containing a specific nutrient medium. Compared to standard nursery techniques, micropropagation has the potential to produce more plants in less time. The FWC is also developing a new method for planting seagrass. Traditionally, seagrass has been planted by hand, but success with hand-planting has been variable. A new method using a boat with a planting wheel is being developed. This technique will reduce damage to the plantlets

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<sup>20</sup> FWC, *Seagrass Restoration*, <https://myfwc.com/research/habitat/seagrasses/projects/active/restoration/> (last visited Mar. 10, 2023).

<sup>21</sup> DEP, *Florida Seagrasses*, <https://floridadep.gov/rcp/seagrass> (last visited Mar. 9, 2023).

<sup>22</sup> DEP, *Seagrass Restoration Efforts*.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> DEP, *Seagrass Restoration Efforts*, <https://floridadep.gov/rcp/rcp/content/seagrass-restoration-efforts> (last visited Mar. 9, 2023).

<sup>27</sup> FWC, *Seagrass Restoration*, <https://myfwc.com/research/habitat/seagrasses/projects/active/restoration/> (last visited Mar. 10, 2023).



during transplantation, increase the planting rate, and cause less disturbance to sediment structure.<sup>28</sup>

Federal studies for seagrass restoration have also been conducted. For example, in 2016, the National Fish and Wildlife Federation (NFWF) began its three-year Roadblocks to Seagrass Recovery project.<sup>29</sup> The project focused on the role of submerged aquatic vegetation (SAV) in the restoration, maintenance, and enhancement of the ecological integrity of coastal bays and estuaries in the Florida Panhandle and Big Bend regions.<sup>30</sup> The project evaluated seagrass in six estuaries—Perdido Bay, Pensacola Bay, Choctawhatchee Bay, Saint Andrew Bay, Saint Joseph Bay, and the Suwannee River Estuary—to assess the status and trends of seagrass, identify stressors preventing or slowing natural recovery of lost seagrass, and provide recommendations for the selection, design, and assessment of restoration projects to enhance seagrass recovery.<sup>31</sup>

### **Mote Marine Laboratory (Mote)**

Mote is a Florida nonprofit organization that was founded in 1955.<sup>32</sup> Today, Mote includes a 10.5-acre campus and aquarium in Sarasota, Florida, with various facilities known as field stations in Key West, eastern Sarasota County, Summerland Key, and Charlotte Harbor.<sup>33</sup>

Mote has more than 20 research programs and 30 Ph.D. scientists studying various aspects of marine science, including marine biogeochemistry and marine biomedical research.<sup>34</sup> Mote's research includes studies of human cancer using marine models, the effects of human-made and natural toxic substances on humans and on the environment, the health of wild fisheries, developing sustainable and successful fish restocking techniques and food production technologies, and the development of ocean technology to better understand the health of the environment.<sup>35</sup> Its programs also focus on understanding the population dynamics of manatees, dolphins, sea turtles, sharks, and coral reefs, and on conservation and restoration efforts related to these species and ecosystems.<sup>36</sup>

Mote also conducts important research on seagrass, including the study of water quality and its impact on seagrass loss in Sarasota Bay and Florida Bay.<sup>37</sup> In 2021, Mote scientists co-authored a peer-reviewed research paper finding that changes in freshwater flows into Florida Bay appear to be associated with loss of seagrass and the rise of microscopic algae that compete with it.<sup>38</sup>

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<sup>28</sup> *Id.*

<sup>29</sup> NFWF, *Roadblocks to Seagrass Recovery – Final Report*, (2020), available at <https://myfwc.com/media/24317/roadblocks-final-report.pdf>.

<sup>30</sup> *Id.* at 3.

<sup>31</sup> *Id.*

<sup>32</sup> Mote Marine Laboratory and Aquarium (Mote), *Research Programs*, <https://mote.org/research-programs> (last visited Mar. 11, 2023).

<sup>33</sup> Mote, *Mote Marine Laboratory and Aquarium*, <https://mote.org/locations/details/mote-marine-laboratory-aquarium> (last visited Mar. 11, 2023); Mote, *Mote Field Stations*, <https://mote.org/locations> (last visited Mar. 11, 2023).

<sup>34</sup> Mote, *Research Programs*.

<sup>35</sup> Mote, *About Us*, <https://mote.org/about-us> (last visited Mar. 11, 2023).

<sup>36</sup> *Id.*

<sup>37</sup> Mote, *Innovative Research*, <https://mote.org/pages/2021-annual-report-innovative-research-taking-the-pulse-of-our-marine-envir> (last visited Mar. 11, 2023).

<sup>38</sup> *Id.*; see Patricia M. Gilbert, et al., *Dissolved organic nutrients at the interface of fresh and marine waters: flow regime changes, biogeochemical cascades and Pico cyanobacterial blooms—the example*

The paper concludes that, given projected future climate conditions and anticipated cycles of drought and intensive storms, the likelihood of future seagrass die-offs and Pico cyanobacterial blooms is high.<sup>39</sup>

### University of Florida and Seagrass Research

The UF's Institute of Food and Agricultural Sciences (UF/IFAS) is a federal-state-county partnership with a mission of developing knowledge in agriculture, human and natural resources, and the life sciences.<sup>40</sup> UF/IFAS employs more than 2,000 faculty and staff statewide and has offices in each of Florida's 67 counties.<sup>41</sup>

UF/IFAS's scientists are currently conducting research on seagrass restoration, including methods most likely to lead to successful restoration (genetic diversity, the presence of lucinid clams and small invertebrate herbivores, etc.).<sup>42</sup> Scientists have also studied the use of certain fertilizers on seagrass regrowth.<sup>43</sup>

### Aquatic Preserve Program

In 1975, the Legislature enacted the Aquatic Preserve Act to ensure the continuation of aquatic preserves' natural conditions so their aesthetic, biological and scientific values may endure for the enjoyment of future generations.<sup>44</sup> The Department of Environmental Protection's Office of Resilience and Coastal Protection oversees the management and protection of these aquatic preserves, which act as critical nurseries for fish and other aquatic life.<sup>45</sup> These areas also contain many archaeological sites and are important for recreation, as about two-thirds of Floridians live in counties that border an aquatic preserve.<sup>46</sup>

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*of Florida Bay, USA*, 1, 20-21 (2021), available at <https://link.springer.com/content/pdf/10.1007/s10533-021-00760-4.pdf>.

<sup>39</sup> *Id.* at 1.

<sup>40</sup> UF/IFAS, *About UF/IFAS*, <https://ifas.ufl.edu/about-us/> (last visited Mar. 11, 2023).

<sup>41</sup> *Id.*

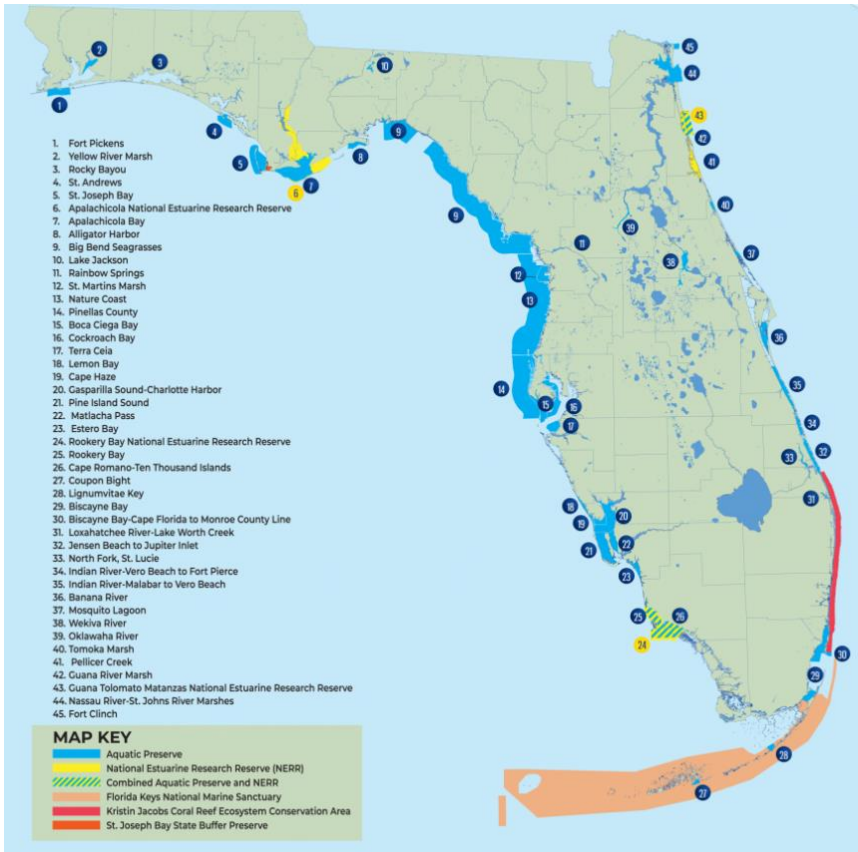
<sup>42</sup> UF/IFAS, *Reynolds Coastal and Marine Ecology Lab: Research*, <https://soils.ifas.ufl.edu/coastal-and-marine-ecology-lab/research/> (last visited Mar. 11, 2023).

<sup>43</sup> UF/IFAS, *An efficient, sustainable fertilizer for seagrass*, <https://blogs.ifas.ufl.edu/swsdept/2022/05/19/an-efficient-sustainable-fertilizer-for-seagrass/> (last visited Mar. 11, 2023).

<sup>44</sup> Ch. 75-172, s. 1, Laws of Fla.; section 258.36, F.S.

<sup>45</sup> DEP, *Office of Resilience and Coastal Protection*, <https://floridadep.gov/RCP> (last visited Mar. 11, 2023); DEP, *Aquatic Preserve Program*, <https://floridadep.gov/rcp/aquatic-preserve#:~:text=Aquatic%20preserves%20protect%20Florida%27s%20living%20waters%20to%20ensure,window%20into%20the%20state%27s%20natural%20and%20cultural%20heritage> (last visited Mar. 11, 2023).

<sup>46</sup> *Id.*



**III. Effect of Proposed Changes:**

**Section 1** creates s. 403.93344, F.S., to establish the Seagrass Restoration Technology Development Initiative and the Initiative Technology Advisory Council. The bill provides that it is the intent of the Legislature to establish a collaborative and coordinated effort among public and private research entities to develop restoration technologies and approaches to address the loss of seagrass and the cascading ecological and economic impacts that loss to communities in this state.

The bill establishes the Seagrass Restoration Technology Development Initiative within the Department of Environmental Protection (DEP) as a partnership between the DEP’s Aquatic Preserve Program, Mote Marine Laboratory (Mote), and the University of Florida (UF) to develop innovative technologies needed to restore coastal seagrass ecosystems by building upon research and restoration efforts in the public and private sectors. The goal of the initiative is to develop, test, and implement innovative, effective, cost-efficient, and environmentally sustainable technologies and approaches for restoring coastal seagrass ecosystems.

The bill requires the DEP to award funds specifically appropriated by the Legislature to Mote, which will function as the lead administrative component to achieve the initiative’s goals. Mote may, with the DEP’s approval, use a portion of these funds to facilitate additional engagement with other marine science and technology development organizations to pursue applied research and technology for successful restoration of seagrass ecosystems. Mote may not use more than five percent of its awarded funds for direct annual initiative administration and coordination

costs. The initiative must leverage state-appropriated funds with additional funds from private and federal sources.

Mote and the UF are required to create a ten-year Florida Seagrass Restoration Plan to implement tools and technologies developed under the initiative.

The bill provides that, beginning January 15, 2014, and each January thereafter, the initiative must submit a report containing an overview of its accomplishments to date and priorities for subsequent years to the Governor, the Legislature, the Secretary of the DEP and the executive director of the Fish and Wildlife Conservation Commission (FWC).

The bill also establishes the Initiative Technology Advisory Council (TAC) as part of the initiative.<sup>47</sup> The TAC's membership must include marine science, technology development, and natural resource management representatives from this state's aquatic preserves, private organizations, and public or private research institutions. The TAC must meet at least twice a year. The TAC must be co-chaired by the president and chief executive officer of Mote and a representative from the UF. The other members must include:

- One member from a private commercial enterprise, appointed by the Governor;
- One member from a public or private university in Florida, appointed by the President of the Senate;
- One member from a non-university public or private marine environmental organization, appointed by the Speaker of the House of Representatives;
- One member from the DEP's Aquatic Reserve Program who has expertise in seagrass ecosystems, appointed by the Secretary of the DEP; and
- One member from the Fish and Wildlife Research Institute who has expertise in seagrass, appointed by the executive director of the FWC.

The bill provides that the TAC members must serve staggered two-year terms and may be reappointed. The TAC members will not receive compensation; each organization represented must cover all expenses of its respective representative.

The bill provides that pending the completion of research creating a seagrass restoration plan, the DEP shall, subject to legislative appropriation, implement seagrass restoration projects that are procured on a payment-for performance basis to protect the state investment made in seagrass restoration efforts.

The section of law created in the bill expires on June 30, 2028.

**Section 2** provides that beginning in the 2023-2024 fiscal year, and through the 2027-2028 fiscal year, \$2 million is appropriated from the General Revenue Fund to the DEP for the purposes of implementing this initiative.

**Section 3** provides an effective date of July 1, 2023.

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<sup>47</sup> See s. 20.03, F.S., defining advisory council as an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

If funds are specifically appropriated by the Legislature, Mote Marine Laboratory may have a positive fiscal impact as a result of receiving funding to serve as the lead entity for the Seagrass Restoration Technical Development Initiative.

## C. Government Sector Impact:

The DEP and the University of Florida will incur costs, subject to appropriations, related to the Seagrass Restoration Technology Development Initiative, including conducting research, creating a seagrass restoration plan, and preparing annual status reports. The UF may also incur costs related to co-chairing the Initiative Technology Advisory Council. Such costs may be offset by the bill's authorization that Mote Marine Laboratory may use funds provided as part of the program to engage other marine science organizations.

The bill appropriates \$2 million from the General Revenue Fund to the DEP beginning in the 2023-2024 fiscal year and for each fiscal year through 2027-2028 to implement the seagrass initiative and the technology advisory council.

**VI. Technical Deficiencies:**

The provisions of this bill may be inconsistent with s. 20.052, F.S., which provides requirements for the establishment of advisory bodies.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 403.93344 of the Florida Statutes.

**IX. Additional Information:**

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

**CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:**

The committee substitute:

- Changes the definition of “Program” to mean the Aquatic Preserve Program, rather than the Aquatic Reserve Program;
- Provides that the technologies and approaches developed by the initiative for restoring coastal seagrass ecosystems must be cost-efficient;
- Requires the DEP to implement seagrass restoration projects that are procured on a payment-for-performance basis; and
- Appropriates \$2 million from the General Revenue Fund to the DEP beginning in the 2023-2024 fiscal year and for each fiscal year through 2027-2028 to implement the seagrass initiative and the technology advisory council.

**CS by Environment and Natural Resources on March 14, 2023:**

Changed the section number created by this bill from s. 379.2274, F.S., to s. 403.93344, F.S.

- B. **Amendments:**

None.

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Environment and Natural Resources; and Senators Boyd, Stewart, and Garcia

601-03766-23

2023724c2

1 A bill to be entitled  
 2 An act relating to the Seagrass Restoration Technology  
 3 Development Initiative; creating s. 403.93344, F.S.;  
 4 providing legislative intent; defining terms;  
 5 establishing the Seagrass Restoration Technology  
 6 Development Initiative within the Department of  
 7 Environmental Protection; providing the purpose and  
 8 goal of the initiative; providing for funding;  
 9 specifying allowable uses of the funding; requiring  
 10 the creation of a 10-year Florida Seagrass Restoration  
 11 Plan; requiring the initiative to submit an annual  
 12 report by a specified date to the Governor, the  
 13 Legislature, the Secretary of Environmental  
 14 Protection, and the executive director of the Fish and  
 15 Wildlife Conservation Commission; establishing the  
 16 Initiative Technology Advisory Council as part of the  
 17 initiative; providing for the meetings, membership,  
 18 terms of office, and compensation of the advisory  
 19 council; requiring the department to implement  
 20 seagrass restoration projects, subject to legislative  
 21 appropriation, that are procured on a specified basis;  
 22 providing for the expiration of the initiative;  
 23 providing an appropriation; providing an effective  
 24 date.  
 25  
 26 Be It Enacted by the Legislature of the State of Florida:  
 27  
 28 Section 1. Section 403.93344, Florida Statutes, is created  
 29 to read:

Page 1 of 5

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

601-03766-23

2023724c2

30 403.93344 Seagrass Restoration Technology Development  
 31 Initiative; Initiative Technology Advisory Council.—  
 32 (1) It is the intent of the Legislature to establish a  
 33 collaborative and coordinated effort among public and private  
 34 research entities to develop restoration technologies and  
 35 approaches to address the loss of seagrass and the cascading  
 36 ecological and economic impacts of that loss to communities in  
 37 this state.  
 38 (2) As used in this section, the term:  
 39 (a) "Department" means the Department of Environmental  
 40 Protection.  
 41 (b) "Initiative" means the Seagrass Restoration Technology  
 42 Development Initiative.  
 43 (c) "Program" means the Aquatic Preserve Program within the  
 44 department's Office of Resilience and Coastal Protection.  
 45 (3) The Seagrass Restoration Technology Development  
 46 Initiative is established within the department as a partnership  
 47 between the program, Mote Marine Laboratory, and the University  
 48 of Florida.  
 49 (a) The purpose of the initiative is to take the lead in  
 50 and expedite the development of cost-efficient innovative  
 51 technologies and approaches that are critically needed to  
 52 restore coastal seagrass ecosystems by building upon research  
 53 and restoration efforts in the public and private sectors.  
 54 (b) The goal of the initiative is to develop, test, and  
 55 implement innovative, effective, cost-efficient, and  
 56 environmentally sustainable technologies and approaches for  
 57 restoring coastal seagrass ecosystems.  
 58 (c) The department shall award funds specifically

Page 2 of 5

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

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59 appropriated by the Legislature for the initiative to Mote  
 60 Marine Laboratory, which shall function as the lead  
 61 administrative component to achieve the goals of the initiative.

62 1. Mote Marine Laboratory may, with the concurrence of the  
 63 department, use a portion of the awarded funds to facilitate  
 64 additional engagement with other pertinent marine science and  
 65 technology development organizations in this state and around  
 66 the world to pursue applied research and technology for the  
 67 successful restoration of seagrass ecosystems.

68 2. Mote Marine Laboratory may not use more than 5 percent  
 69 of its awarded funds for direct annual initiative administration  
 70 and coordination costs.

71 3. The initiative shall leverage state-appropriated funds  
 72 with additional funds from private and federal sources.

73 (d) In collaboration with the program, Mote Marine  
 74 Laboratory and the University of Florida shall create a 10-year  
 75 Florida Seagrass Restoration Plan to implement tools and  
 76 technologies developed under the initiative.

77 (e) Beginning January 15, 2024, and each January 15  
 78 thereafter until its expiration, the initiative shall submit a  
 79 report that contains an overview of its accomplishments to date  
 80 and priorities for subsequent years to the Governor, the  
 81 President of the Senate, the Speaker of the House of  
 82 Representatives, the Secretary of Environmental Protection, and  
 83 the executive director of the Fish and Wildlife Conservation  
 84 Commission.

85 (4) The Initiative Technology Advisory Council, an advisory  
 86 council as defined in s. 20.03, is established as part of the  
 87 initiative. The advisory council's membership must include

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88 marine science, technology development, and natural resource  
 89 management representatives from this state's aquatic preserves,  
 90 private organizations, and public or private research  
 91 institutions. The council shall meet at least twice annually.

92 (a) The council shall be co-chaired by the president and  
 93 chief executive officer of Mote Marine Laboratory and a  
 94 representative from the University of Florida and shall be  
 95 composed of the following members:

96 1. One member from a private commercial enterprise,  
 97 appointed by the Governor.

98 2. One member from a public or private university in this  
 99 state, appointed by the President of the Senate.

100 3. One member from a non-university public or private  
 101 marine environmental organization, appointed by the Speaker of  
 102 the House of Representatives.

103 4. One member from the program who has expertise in  
 104 seagrass ecosystems, appointed by the Secretary of Environmental  
 105 Protection.

106 5. One member from the Fish and Wildlife Research Institute  
 107 who has expertise in seagrass, appointed by the executive  
 108 director of the Fish and Wildlife Conservation Commission.

109 (b) Council members shall serve staggered 2-year terms and  
 110 may be reappointed.

111 (c) Council members shall serve without compensation, and  
 112 each organization represented shall cover all expenses of its  
 113 respective representative.

114 (5) Pending the completion of the research conducted  
 115 pursuant to this section and any recommendations of the council,  
 116 the department shall, subject to legislative appropriation,



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117 implement seagrass restoration projects that are procured on a  
118 payment-for-performance basis to protect the investment made by  
119 this state in seagrass restoration efforts.

120 (6) This section expires June 30, 2028.

121 Section 2. Beginning in the 2023-2024 fiscal year, and for  
122 each fiscal year thereafter through the 2027-2028 fiscal year,  
123 the sum of \$2 million is appropriated from the General Revenue  
124 Fund to the Department of Environmental Protection for the  
125 purpose of implementing s. 403.93344, Florida Statutes, as  
126 created by this act.

127 Section 3. This act shall take effect July 1, 2023.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Banking and Insurance, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Committee on Agriculture,  
Environment, and General Government  
Finance and Tax  
Fiscal Policy  
Judiciary  
Rules  
Transportation

## SENATOR JIM BOYD

20th District

April 12, 2023

Senator Doug Broxson  
201 The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Broxson:

I respectfully request CS/CS/SB 724: Seagrass Restoration Technology Development Initiative, be scheduled for a hearing in the Committee on Appropriations, at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in blue ink that reads "Jim Boyd".

Jim Boyd

cc: Tim Sadberry  
Alicia Weiss

## REPLY TO:

- 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- 418 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

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

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

SB 724

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

David Shepp

Phone

863 581-4250

Address

123 S. Adams Street

Street

Email

shepp@thesouthern.com

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Mofe Marine Laboratory

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules. pdf (flsenate.gov)

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

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 1328

INTRODUCER: Education Pre-K -12 Committee and Senator Hutson

SUBJECT: Charter School Capital Outlay Funding

DATE: April 24, 2023

REVISED: \_\_\_\_\_

|    | ANALYST       | STAFF DIRECTOR  | REFERENCE | ACTION        |
|----|---------------|-----------------|-----------|---------------|
| 1. | <u>Jahnke</u> | <u>Bouck</u>    | <u>ED</u> | <b>Fav/CS</b> |
| 2. | <u>Gray</u>   | <u>Sadberry</u> | <u>AP</u> | <b>Fav/CS</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1328 modifies provisions related to charter school capital outlay funding. The bill:

- Removes the state funding threshold from the calculation methodology used by the Department of Education (DOE) to determine the amount of the discretionary 1.5 millage revenue a district school must distribute to each eligible charter school and establishes a five-year glide path of local sharing with eligible charter schools. Requires school districts to share the eligible surtax revenue based on their proportionate share of total school district outlay full-time equivalent enrollment projections as developed by the Education Estimating Conference.
- Clarifies the reasons a charter school would be ineligible to receive capital outlay funds.
- Requires charter schools to attest in writing that unencumbered funds and all equipment and property purchased with district public funds will revert to the school district if the charter school is not renewed or terminated.
- Requires purchase, lease-purchase or lease to be at the appraised value and defines “appraised value.”

The bill has a significant negative fiscal impact on state revenues and expenditures. The bill has a significant negative fiscal impact on school districts. See section V.

The bill is effective July 1, 2023.

## II. Present Situation:

### District School Tax – Capital Outlay

School districts receive financial support from local, state, and federal sources. Local revenue for school support is derived almost entirely from property taxes levied by Florida's 67 counties, each of which constitutes a school district.

In addition to the required and discretionary millage levy for school district and charter school operations, each school board may levy not more than 1.5 mills against the taxable value for school purposes for charter schools and for district schools to fund, in part:

- New construction, and remodeling, renovation, maintenance, and repair of existing school plants or leased facilities.
- The purchase, lease-purchase, or lease of school buses.
- The purchase, lease-purchase, or lease of new and replacement equipment, including computer hardware and software for instructional purposes.
- Lease and lease-purchase agreements for educational facilities.
- Costs directly related to compliance with state and federal environmental regulations.
- The cost of the opening day collection for the library media center of a new school.<sup>1</sup>

The school board in each county may levy a voted discretionary sales surtax at a rate that may not exceed 0.5 percent. The resolution for the ballot must include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. The resolution must include a statement that the revenues collected must be shared with eligible charter schools based on their proportionate share of the total school district enrollment.

The resolution providing for the imposition of the surtax must set forth a plan for use of the surtax proceeds for:

- Fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of five or more years.
- Any land acquisition, land improvement, design, and engineering costs.
- Any purchase, lease-purchase, lease, or maintenance of school buses which have a useful life expectancy of five or more years.
- The costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district.
- Service of bond indebtedness to finance projects authorized in law.<sup>2</sup>

### Charter School Capital Outlay

Charter schools are tuition-free public schools created through an agreement or "charter" that provides flexibility relative to regulations created for traditional public schools.<sup>3</sup> All charter

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<sup>1</sup> Section 1011.71(2), F.S.

<sup>2</sup> Section 212.055(6), F.S.

<sup>3</sup> Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

schools in Florida are public schools and are part of the state's public education system.<sup>4</sup> During the 2021-2022 school year, 361,939 students were enrolled in 703 charter schools in 47 Florida districts. Florida's charter schools serve 51 percent low-income students statewide. Seventy percent of the students attending charter schools in the 2021-2022 school year were minorities. Hispanic students comprised 45 percent of Florida's charter school enrollment, and 19 percent were African-American students.<sup>5</sup>

For the 2022-2023 fiscal year, charter school capital outlay funding consists of state funds appropriated in the 2022-2023 General Appropriations Act (GAA). Beginning in fiscal year 2023-2024, charter school capital outlay funding must consist of state funds, when such funds are appropriated in the GAA, and revenue resulting from the school district discretionary millage authorized in s. 1011.71(2), F.S., if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year.<sup>6</sup>

In addition to the appropriated state funds for charter school capital outlay, the law authorizes, but does not require, school districts to share the discretionary 1.5 mills revenue with charter schools.<sup>7</sup> It is unknown the extent to which school districts currently share such revenue as the Department of Education (DOE) does not collect this data.

The Legislature has fully funded charter school capital outlay with state funds in Fiscal Years 2018-2019 through 2022-2023.<sup>8</sup> The estimated amount of funding required for Fiscal Year 2023-2024 is \$213.4 million.

To be eligible for charter school capital outlay funding, a charter school must:

- Have been in operation for two or more years and:
  - Be governed by a governing board established in Florida for two or more years which operates both charter schools and conversion charter schools within the state;
  - Be part of an expanded feeder chain<sup>9</sup> with an existing charter school in the district that is currently receiving charter school capital outlay funds;
  - Be accredited by a regional accrediting association as defined by State Board of Education rule;
  - Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace; or
  - Be operated by a hope operator pursuant to s. 1002.333, F.S.

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<sup>4</sup> Section 1002.33(1), F.S.

<sup>5</sup> Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

<sup>6</sup> Section 1013.62(1), F.S.

<sup>7</sup> Section 1011.71(2), F.S.

<sup>8</sup> Chapters 2017-70, 2018-9, 2019-115, 2020-111, 2021-36, and 2022-156 Laws of Fla.

<sup>9</sup> A charter school may be considered a part of an expanded feeder chain under s. 1013.62, F.S., if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to s. 1013.62, F.S. Rule 6A-2.0020 (1), F.A.C.

- Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1), F.S., for the most recent fiscal year for which such audit results are available;
- Have satisfactory student achievement based upon the state accountability standards applicable to charter schools;<sup>10</sup>
- Have received final approval from its sponsor pursuant to s. 1002.33, F.S., for operation during that fiscal year; and
- Serve students in facilities that are not provided by the charter school sponsor.<sup>11</sup>

State funds for charter school capital outlay are allocated to eligible charter schools based on each school's weighted full-time equivalent (FTE) enrollment. Charter schools receive a weight of 1.0 per FTE student, with an additional weight for schools that meet one or both of the following criteria:

- Seventy-five percent or more of the school's students are eligible for free or reduced-price lunch; and
- Twenty-five percent or more of the school's students are students with disabilities.

Schools that meet only one of the above criteria receive capital outlay funding weighted at 1.25, and schools that meet both criteria receive capital outlay funding weighted at 1.5. Eligible schools that do not meet either of the criteria receive capital outlay funding weighted at 1.0.<sup>12</sup>

If a charter school or charter lab school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with public funds, including charter school capital outlay funds, revert to the ownership of the district school board or the state university, as appropriate. Any reversions focus on recoverable assets (equipment, property, etc.) but not on intangible or irrecoverable costs (e.g., rental or leasing fees, normal maintenance, and limited renovations).<sup>13</sup>

### **The Office of Program Policy Analysis and Government Accountability**

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is a research arm of the Florida Legislature. OPPAGA was created by the Legislature in 1994 to help improve the performance and accountability of state government. OPPAGA provides data, evaluative research, and objective analyses to assist legislative budget and policy deliberations. OPPAGA conducts research as directed by state law, the presiding officers, or the Joint Legislative Auditing Committee.<sup>14</sup>

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<sup>10</sup> State board rule allows "satisfactory student achievement" to be determined in accordance with a charter contract; however a charter school that earns a school grade of "F" is not eligible for capital outlay funding for the school year immediately following the designation. Rule 6A-2.0020(4), F.A.C.

<sup>11</sup> Section 1013.62(1), F.S., A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. Section 1013.62(1)(d), F.S.

<sup>12</sup> Section 1013.62(2), F.S.

<sup>13</sup> Section 1013.62(5), F.S.

<sup>14</sup> The Office of Program Policy Analysis and Government Accountability, *About OPPAGA*, <https://oppaga.fl.gov/About> (last visited April 06, 2023).

### ***OPPAGA Charter School Funding Report***

In 2022, the Legislature directed OPPAGA to analyze the current methods used to distribute capital outlay funds and specified federal program funds to traditional public schools and charter schools.<sup>15</sup> The law further directed OPPAGA to recommend changes to provide an equitable allocation of these funds to all public schools.

OPPAGA's analysis focused on the two largest local sources and the largest state source of public capital outlay funds representing 78.8 percent of the total funding available for capital outlay: District Local Capital Improvement Tax, School District Local Sales Tax, and Charter School Capital Outlay, which together, accounted for \$4.4 billion of capital outlay expenditures in Fiscal Year 2020-2021.<sup>16</sup>

To ensure that the most pressing construction, renovation, repair, and maintenance needs are addressed regardless of the type of public school a student attends, OPPAGA recommends distributing capital outlay funding to charter schools based on demonstrated need. School districts are already required<sup>17</sup> to conduct a plant survey of traditional public schools at least every five years. By including charter school facilities as part of this district plant survey, school districts can work with charter schools to evaluate and prioritize the use of capital outlay funds from all sources to fund the most urgent capital projects and maintenance needs for both charter schools and traditional public schools.<sup>18</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 1013.62, F.S., clarifying that charter school capital outlay funding shall consist of state funds, when said funds are appropriated in the GAA and revenue resulting from discretionary millage authorized by statute. .

The bill removes the state funding threshold and revises the calculation methodology the DOE uses to allocate state funds appropriated in the GAA for charter school capital outlay to eligible charter schools. The bill specifies that state funds will be allocated on the basis of unweighted FTE and removes the additional weight for FTE based on students that are eligible for free and reduced lunch and students with disabilities. The calculation for allocating state funds appropriated in the GAA are updated to conform to the removal of weighted FTE.

The bill removes the state funding threshold from the calculation methodology used by the DOE to determine the amount of the discretionary 1.5 millage revenue a school district must distribute to each eligible charter school. The bill does not change the formula used to determine the amount school districts are required to share. To reduce the initial burden on school districts and provide for a transition to the required sharing of the 1.5 millage revenue, the bill provides a 5-year glide path whereby school districts share the following percentages of the calculated amount:

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<sup>15</sup> Ch. 2022-144, Laws of Fla.

<sup>16</sup> The Office of Program Policy Analysis and Government Accountability, *Charter School Funding Report 22-11* (December 2022), available at <https://oppaga.fl.gov/Documents/Reports/22-11.pdf> at vi.

<sup>17</sup> Section 1013.31, F.S.

<sup>18</sup> The Office of Program Policy Analysis and Government Accountability, *Charter School Funding Report 22-11* (December 2022), available at <https://oppaga.fl.gov/Documents/Reports/22-11.pdf> at viii.



- For fiscal year 2023-2024 – 20 percent.
- For fiscal year 2024-2025 – 40 percent.
- For fiscal year 2025-2026 – 60 percent.
- For fiscal year 2026-2027 – 80 percent.
- For fiscal year 2027-2028, and each fiscal year thereafter – 100 percent.

The bill clarifies that the reasons a charter school would not be eligible to receive these funds as:

- The school is a developmental research (laboratory) school that receives state funding for capital improvement purposes.
- A member of the governing board, or his or her family member, has an interest in or is an employee of the lessor of the charter school property, unless the charter is a charter school-in-the-workplace or a charter school-in-a-municipality.

The bill requires a charter school to attest in writing to the DOE, that if the charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with the public funds shall revert to the department.

Also, the bill requires purchases, lease-purchases or leases by a charter school using charter capital outlay funds be at the “appraised value,” defined as the fair market value to be determined by an independent, Florida-licensed, qualified appraiser selected by the charter school governing board. Documentation of the appraised value must be provided to the department upon request.

Additionally, the bill amends s. 212.055, F.S., to clarify that the calculation of each school district’s enrollment for purposes of calculating the proportionate share of school capital outlay surtax must be based on capital outlay full-time equivalent enrollment (COFTE), rather than the total school district enrollment. COFTE differs from regular enrollment in that it is based on the number of students that are expected to need a physical seat in the school district. Students in virtual education programs or hospital/homebound programs would not be included. COFTE projections are used for facilities planning.

The bill is effective July 1, 2023.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

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

None.

**C. Trust Funds Restrictions:**

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

School boards that levy the authorized discretionary millage will have to share a portion of these funds with eligible charter schools which will have a significant negative fiscal impact for the local school district. The amount to be shared will vary by district based on the statutorily required calculation and will be reduced based upon the total amount of state funds appropriated in the General Appropriations Act. For the 2023-2024 fiscal year, the Senate's budget, SB 2500, includes an appropriation of \$213,453,885 in nonrecurring funds from the Public Education Capital Outlay and Debt Service Trust Fund to the Department of Education for charter school capital outlay funding.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 212.055 and 1013.62.

**IX. Additional Information:**

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

**CS/CS by Appropriations on April 20, 2023:**

The committee substitute adds to the bill:

- The requirement that lab schools or those schools where a member of the governing board or a family member, as defined in s. 440.13(1)(b), F.S. of the governing board, has an interest or is an employee of the lessor, are not eligible to receive capital outlay funds.
- The requirement of eligible charter schools to submit an attestation to the DOE stating they understand the consequences of closing or going private.
- The requirement of the charter school's governing body to submit documentation of an appraised value of their purchase, lease-purchase, or lease to the DOE upon request.

Revises the bill:

- By removing the 100,000 or greater FTE requirement to include all school boards who levy the authorized discretionary millage.
- By removing the not-for-profit requirement to include all eligible charter schools.
- By revising the calculation for local sharing to reduce the required local sharing by the state portion first and then applying the applicable percentage.

**CS by Education Pre-K -12 on April 4, 2023:**

The committee substitute retains the provisions in the bill related to school capital outlay surtax. The committee substitute also:

- Reverts the state calculation to the calculation outlined in current law.
- Provides a five-year glide path of local sharing with eligible charter schools that are operated by a not-for-profit entity in the largest school districts.
- Requires school boards that levy the authorized discretionary millage and have a combined total of all capital outlay full-time equivalent membership and total unweighted full-time equivalent students of eligible charter schools which exceeds 100,000 to share an amount of their eligible local funds with eligible charter schools that are operated by a not-for-profit entity.
- Specifies, for the 2023-2024 fiscal year, the amount is 20 percent of the amount calculated under the new methodology.
- Specifies the amount will increase by 20 percent each year until 2027-2028, and thereafter, when 100% of the calculated amount is shared.
- Specifies that if the state portion and local portion are greater than the total capital outlay millage per full-time equivalent (FTE) student, the department must reduce the school district's sharing amount by the difference of total funds and the calculated amount for the total capital outlay FTE membership.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 04/20/2023 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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The Committee on Appropriations (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (c) of subsection (6) of section  
212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent;  
authorization and use of proceeds.—It is the legislative intent  
that any authorization for imposition of a discretionary sales  
surtax shall be published in the Florida Statutes as a



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11 subsection of this section, irrespective of the duration of the  
12 levy. Each enactment shall specify the types of counties  
13 authorized to levy; the rate or rates which may be imposed; the  
14 maximum length of time the surtax may be imposed, if any; the  
15 procedure which must be followed to secure voter approval, if  
16 required; the purpose for which the proceeds may be expended;  
17 and such other requirements as the Legislature may provide.  
18 Taxable transactions and administrative procedures shall be as  
19 provided in s. 212.054.

20 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

21 (c) The resolution providing for the imposition of the  
22 surtax must set forth a plan for use of the surtax proceeds for  
23 fixed capital expenditures or fixed capital costs associated  
24 with the construction, reconstruction, or improvement of school  
25 facilities and campuses which have a useful life expectancy of 5  
26 or more years, and any land acquisition, land improvement,  
27 design, and engineering costs related thereto, or any purchase,  
28 lease-purchase, lease, or maintenance of school buses, as  
29 defined in s. 1006.25, which have a life expectancy of 5 years  
30 or more. Additionally, the plan shall include the costs of  
31 retrofitting and providing for technology implementation,  
32 including hardware and software, for the various sites within  
33 the school district. Surtax revenues may be used to service bond  
34 indebtedness to finance projects authorized by this subsection,  
35 and any interest accrued thereto may be held in trust to finance  
36 such projects. Neither the proceeds of the surtax nor any  
37 interest accrued thereto shall be used for operational expenses.  
38 Surtax revenues shared with charter schools shall be shared  
39 based on their proportionate share of total school district



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40 capital outlay full-time equivalent enrollment projections as  
41 developed by the Education Estimating Conference pursuant to s.  
42 216.136 and shall be expended by the charter school in a manner  
43 consistent with the allowable uses set forth in s. 1013.62(4).  
44 All revenues and expenditures shall be accounted for in a  
45 charter school's monthly or quarterly financial statement  
46 pursuant to s. 1002.33(9). The eligibility of a charter school  
47 to receive funds under this subsection shall be determined in  
48 accordance with s. 1013.62(1). If a school's charter is not  
49 renewed or is terminated and the school is dissolved under the  
50 provisions of law under which the school was organized, any  
51 unencumbered funds received under this subsection shall revert  
52 to the sponsor.

53 Section 2. Subsections (1) through (4) of section 1013.62,  
54 Florida Statutes, are amended to read:

55 1013.62 Charter schools capital outlay funding.-

56 (1) ~~For the 2022-2023 fiscal year, charter school capital~~  
57 ~~outlay funding shall consist of state funds appropriated in the~~  
58 ~~2022-2023 General Appropriations Act. Beginning in fiscal year~~  
59 ~~2023-2024,~~ Charter school capital outlay funding shall consist  
60 of state funds when such funds are appropriated in the General  
61 Appropriations Act and revenue resulting from the discretionary  
62 millage authorized in s. 1011.71(2) ~~if the amount of state funds~~  
63 ~~appropriated for charter school capital outlay in any fiscal~~  
64 ~~year is less than the average charter school capital outlay~~  
65 ~~funds per unweighted full-time equivalent student for the 2018-~~  
66 ~~2019 fiscal year, multiplied by the estimated number of charter~~  
67 ~~school students for the applicable fiscal year, and adjusted by~~  
68 ~~changes in the Consumer Price Index issued by the United States~~



316968

69 ~~Department of Labor from the previous fiscal year. Nothing in~~  
70 ~~this subsection prohibits a school district from distributing to~~  
71 ~~charter schools funds resulting from the discretionary millage~~  
72 ~~authorized in s. 1011.71(2).~~

73 (a) To be eligible to receive capital outlay funds, a  
74 charter school must:

75 1.a. Have been in operation for 2 or more years;

76 b. Be governed by a governing board established in the  
77 state for 2 or more years which operates both charter schools  
78 and conversion charter schools within the state;

79 c. Be an expanded feeder chain of a charter school within  
80 the same school district that is currently receiving charter  
81 school capital outlay funds;

82 d. Have been accredited by a regional accrediting  
83 association as defined by State Board of Education rule;

84 e. Serve students in facilities that are provided by a  
85 business partner for a charter school-in-the-workplace pursuant  
86 to s. 1002.33(15) (b); or

87 f. Be operated by a hope operator pursuant to s. 1002.333.

88 2. Have an annual audit that does not reveal any of the  
89 financial emergency conditions provided in s. 218.503(1) for the  
90 most recent fiscal year for which such audit results are  
91 available.

92 3. Have satisfactory student achievement based on state  
93 accountability standards applicable to the charter school.

94 4. Have received final approval from its sponsor pursuant  
95 to s. 1002.33 for operation during that fiscal year.

96 5. Serve students in facilities that are not provided by  
97 the charter school's sponsor.



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98           6. Attest in writing to the department that if the charter  
99 school is nonrenewed or terminated, any unencumbered funds and  
100 all equipment and property purchased with public funds shall  
101 revert as prescribed in subsection (5).

102           (b) A charter school is not eligible to receive capital  
103 outlay funds if:

104           1. It was created by the conversion of a public school and  
105 operates in facilities provided by the charter school's sponsor  
106 for a nominal fee, or at no charge, or if it is directly or  
107 indirectly operated by the school district;

108           2. It is a developmental research (laboratory) school that  
109 receives state funding for capital improvement purposes pursuant  
110 to s. 1002.32(9)(e); or

111           3. A member of the governing board, or his or her spouse,  
112 has an interest in or is an employee of the lessor, excluding  
113 charter schools operating pursuant to s. 1002.33(15).

114           (2) The department shall use the following calculation  
115 methodology to allocate state funds appropriated in the General  
116 Appropriations Act to eligible charter schools:

117           ~~(a) Eligible charter schools shall be grouped into~~  
118 ~~categories based on their student populations according to the~~  
119 ~~following criteria:~~

120           ~~1. Seventy-five percent or greater who are eligible for~~  
121 ~~free or reduced-price school meals under the National School~~  
122 ~~Lunch Program or, for schools operating programs under the~~  
123 ~~Community Eligibility Provision of the Healthy, Hunger-Free Kids~~  
124 ~~Act of 2010, an equivalent percentage of the student population~~  
125 ~~eligible for free and reduced-price meals as determined by~~  
126 ~~applying the multiplier authorized under the National School~~





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127 ~~Lunch Act, 42 U.S.C. s. 1759a(a)(1)(F)(vii), to the number of~~  
128 ~~students reported for direct certification.~~

129 ~~2. Twenty five percent or greater with disabilities as~~  
130 ~~defined in state board rule and consistent with the requirements~~  
131 ~~of the Individuals with Disabilities Education Act.~~

132 ~~(b) If an eligible charter school does not meet the~~  
133 ~~criteria for either category under paragraph (a), its FTE shall~~  
134 ~~be provided as the base amount of funding and shall be assigned~~  
135 ~~a weight of 1.0. An eligible charter school that meets the~~  
136 ~~criteria under subparagraph (a)1. or subparagraph (a)2. shall be~~  
137 ~~provided an additional 25 percent above the base funding amount,~~  
138 ~~and the total FTE shall be multiplied by a weight of 1.25. An~~  
139 ~~eligible charter school that meets the criteria under both~~  
140 ~~subparagraphs (a)1. and (a)2. shall be provided an additional 50~~  
141 ~~percent above the base funding amount, and the FTE for that~~  
142 ~~school shall be multiplied by a weight of 1.5.~~

143 ~~(a)(e) Divide the state appropriation for charter school~~  
144 ~~capital outlay shall be divided by the total weighted FTE for~~  
145 ~~all eligible charter schools to determine the base charter~~  
146 ~~school per weighted FTE allocation amount. The base charter~~  
147 ~~school per weighted FTE allocation amount shall be multiplied by~~  
148 ~~the weighted FTE of each charter school to determine each~~  
149 ~~charter school's capital outlay allocation.~~

150 ~~(b)(d) The department shall calculate the eligible charter~~  
151 ~~school funding allocations. Allocate funds shall be allocated~~  
152 ~~using full-time equivalent membership from the second and third~~  
153 ~~enrollment surveys and free and reduced-price school lunch data.~~  
154 ~~The department shall recalculate the allocations periodically~~  
155 ~~based on the receipt of revised information, on a schedule~~



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156 established by the Commissioner of Education.

157 ~~(c)~~ ~~(e)~~ The department shall distribute capital outlay funds  
158 monthly, beginning in the first quarter of the fiscal year,  
159 based on one-twelfth of the amount the department reasonably  
160 expects the charter school to receive during that fiscal year.  
161 The commissioner shall adjust subsequent distributions as  
162 necessary to reflect each charter school's recalculated  
163 allocation.

164 (3) If the school board levies the discretionary millage  
165 authorized in s. 1011.71(2), ~~and the state funds appropriated~~  
166 ~~for charter school capital outlay in any fiscal year are less~~  
167 ~~than the average charter school capital outlay funds per~~  
168 ~~unweighted full-time equivalent student for the 2018-2019 fiscal~~  
169 ~~year, multiplied by the estimated number of charter school~~  
170 ~~students for the applicable fiscal year, and adjusted by changes~~  
171 ~~in the Consumer Price Index issued by the United States~~  
172 ~~Department of Labor from the previous fiscal year,~~ the  
173 department shall use the following calculation methodology to  
174 determine the amount of revenue that a school district must  
175 distribute to each eligible charter school:

176 (a) Reduce the total discretionary millage revenue by the  
177 school district's annual debt service obligation incurred as of  
178 March 1, 2017, which has not been subsequently retired, and any  
179 amount of participation requirement pursuant to s.  
180 1013.64(2)(a)8. that is being satisfied by revenues raised by  
181 the discretionary millage.

182 (b) Divide the school district's adjusted discretionary  
183 millage revenue by the district's total capital outlay full-time  
184 equivalent membership and the total number of ~~unweighted~~ full-



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185 time equivalent students of each eligible charter school to  
186 determine a capital outlay allocation per full-time equivalent  
187 student.

188 (c) Multiply the capital outlay allocation per full-time  
189 equivalent student by the total number of full-time equivalent  
190 students of each eligible charter school to determine the  
191 capital outlay allocation for each charter school.

192 (d) If applicable, reduce the capital outlay allocation  
193 identified in paragraph (c) by the total amount of state funds  
194 allocated to each eligible charter school in subsection (2) to  
195 determine the maximum calculated capital outlay allocation. The  
196 amount of funds a school district shall distribute to charter  
197 schools must be as follows:

198 1. For fiscal year 2023-2024, the amount is 20 percent of  
199 the amount calculated under this paragraph.

200 2. For fiscal year 2024-2025, the amount is 40 percent of  
201 the amount calculated under this paragraph.

202 3. For fiscal year 2025-2026, the amount is 60 percent of  
203 the amount calculated under this paragraph.

204 4. For fiscal year 2026-2027, the amount is 80 percent of  
205 the amount calculated under this paragraph.

206 5. For fiscal year 2027-2028, and each fiscal year  
207 thereafter, the amount is 100 percent of the amount calculated  
208 under this paragraph.

209 (e) School districts shall distribute capital outlay funds  
210 to eligible charter schools no later than February 1 of each  
211 year, as required by this subsection, based on the amount of  
212 funds received by the district school board. School districts  
213 shall distribute any remaining capital outlay funds, as required



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214 by this subsection, upon the receipt of such funds until the  
215 total amount calculated pursuant to this subsection is  
216 distributed.

217  
218 By October 1 of each year, each school district shall certify to  
219 the department the amount of debt service and participation  
220 requirement that complies with the requirement of paragraph (a)  
221 and can be reduced from the total discretionary millage revenue.  
222 The Auditor General shall verify compliance with the  
223 requirements of paragraph (a) and s. 1011.71(2)(e) during  
224 scheduled operational audits of school districts.

225 (4) A charter school's governing body may use charter  
226 school capital outlay funds for the following purposes:

227 (a) Purchase of real property.

228 (b) Construction of school facilities.

229 (c) Purchase, lease-purchase, or lease of permanent or  
230 relocatable school facilities.

231 (d) Purchase of vehicles to transport students to and from  
232 the charter school.

233 (e) Renovation, repair, and maintenance of school  
234 facilities that the charter school owns or is purchasing through  
235 a lease-purchase or long-term lease of 5 years or longer.

236 (f) Payment of the cost of premiums for property and  
237 casualty insurance necessary to insure the school facilities.

238 (g) Purchase, lease-purchase, or lease of driver's  
239 education vehicles; motor vehicles used for the maintenance or  
240 operation of plants and equipment; security vehicles; or  
241 vehicles used in storing or distributing materials and  
242 equipment.



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243 (h) Purchase, lease-purchase, or lease of computer and  
244 device hardware and operating system software necessary for  
245 gaining access to or enhancing the use of electronic and digital  
246 instructional content and resources; and enterprise resource  
247 software applications that are classified as capital assets in  
248 accordance with definitions of the Governmental Accounting  
249 Standards Board, have a useful life of at least 5 years, and are  
250 used to support schoolwide administration or state-mandated  
251 reporting requirements. Enterprise resource software may be  
252 acquired by annual license fees, maintenance fees, or lease  
253 agreement.

254 (i) Payment of the cost of the opening day collection for  
255 the library media center of a new school.

256  
257 Any purchase, lease-purchase, or lease must be at the appraised  
258 value. "Appraised value" is the fair market value to be  
259 determined by an independent Florida licensed and qualified  
260 appraiser selected by the governing board. Documentation of the  
261 appraised value must be provided upon request of the department.

262 Conversion charter schools may use capital outlay funds received  
263 through the reduction in the administrative fee provided in s.  
264 1002.33(20) for renovation, repair, and maintenance of school  
265 facilities that are owned by the sponsor.

266 Section 3. This act shall take effect July 1, 2023.

267  
268 ===== T I T L E A M E N D M E N T =====

269 And the title is amended as follows:

270 Delete everything before the enacting clause  
271 and insert:



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272                                   A bill to be entitled  
273       An act relating to charter school capital outlay  
274       funding; amending s. 212.055, F.S.; conforming  
275       provisions to changes made by the act; amending s.  
276       1013.62, F.S.; deleting obsolete language; making  
277       technical changes; revising charter school eligibility  
278       requirements; revising the calculation methodologies  
279       for the distribution of specified funds to eligible  
280       charter schools; providing school district  
281       requirements for the distribution of capital outlay  
282       funds to eligible charter schools; providing an  
283       effective date.



967130

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 04/20/2023 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

---

The Committee on Appropriations (Polsky) recommended the following:

**Senate Amendment to Amendment (316968)**

Delete line 111

and insert:

3. A member of the governing board, or his or her family member as defined in s. 440.13(1)(b),



808060

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: WD   | . |       |
| 04/20/2023 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

---

The Committee on Appropriations (Pizzo) recommended the following:

**Senate Amendment to Amendment (316968)**

Delete lines 177 - 178

and insert:

school district's annual debt service obligation ~~incurred as of~~  
~~March 1, 2017, which has not been subsequently retired,~~ and any



By the Committee on Education Pre-K -12; and Senator Hutson

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1 A bill to be entitled  
 2 An act relating to charter school capital outlay  
 3 funding; amending s. 212.055, F.S.; revising the form  
 4 of a resolution proposing a school capital outlay  
 5 surtax regarding the sharing of surtax revenues with  
 6 charter schools; conforming a cross-reference;  
 7 reenacting and amending s. 1013.62, F.S.; revising the  
 8 manner of determining charter school capital outlay  
 9 funding; requiring district school boards to share  
 10 certain funds with eligible charter schools if certain  
 11 conditions are met; providing a calculation  
 12 methodology for the Department of Education to  
 13 determine the amount of funds the district school  
 14 board must distribute; requiring the school district  
 15 to distribute the funds by a specified date; requiring  
 16 each school district to annually certify certain  
 17 information to the department by a specified date;  
 18 requiring the Auditor General to verify compliance  
 19 during audits; providing applicability; providing an  
 20 effective date.  
 21  
 22 Be It Enacted by the Legislature of the State of Florida:  
 23  
 24 Section 1. Paragraphs (b) and (c) of subsection (6) of  
 25 section 212.055, Florida Statutes, are amended to read:  
 26 212.055 Discretionary sales surtaxes; legislative intent;  
 27 authorization and use of proceeds.—It is the legislative intent  
 28 that any authorization for imposition of a discretionary sales  
 29 surtax shall be published in the Florida Statutes as a

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30 subsection of this section, irrespective of the duration of the  
 31 levy. Each enactment shall specify the types of counties  
 32 authorized to levy; the rate or rates which may be imposed; the  
 33 maximum length of time the surtax may be imposed, if any; the  
 34 procedure which must be followed to secure voter approval, if  
 35 required; the purpose for which the proceeds may be expended;  
 36 and such other requirements as the Legislature may provide.  
 37 Taxable transactions and administrative procedures shall be as  
 38 provided in s. 212.054.  
 39 (6) SCHOOL CAPITAL OUTLAY SURTAX.—  
 40 (b) The resolution must include a statement that provides a  
 41 brief and general description of the school capital outlay  
 42 projects to be funded by the surtax. The resolution must include  
 43 a statement that the revenues collected must be shared with  
 44 eligible charter schools based on their proportionate share of  
 45 the total school district capital outlay full-time equivalent  
 46 enrollment as adopted by the Education Estimating Conference  
 47 established in s. 216.136 enrollment. The statement must conform  
 48 to the requirements of s. 101.161 and ~~shall~~ be placed on the  
 49 ballot by the governing body of the county. The following  
 50 question must ~~shall~~ be placed on the ballot:  
 51  
 52     ...FOR THE                             ...CENTS TAX  
 53  
 54     ...AGAINST THE                         ...CENTS TAX  
 55  
 56 (c) The resolution providing for the imposition of the  
 surtax must set forth a plan for use of the surtax proceeds for

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57 fixed capital expenditures or fixed capital costs associated  
 58 with the construction, reconstruction, or improvement of school  
 59 facilities and campuses which have a useful life expectancy of 5  
 60 or more years, and any land acquisition, land improvement,  
 61 design, and engineering costs related thereto, or any purchase,  
 62 lease-purchase, lease, or maintenance of school buses, as  
 63 defined in s. 1006.25, which have a life expectancy of 5 years  
 64 or more. Additionally, the plan shall include the costs of  
 65 retrofitting and providing for technology implementation,  
 66 including hardware and software, for the various sites within  
 67 the school district. Surtax revenues may be used to service bond  
 68 indebtedness to finance projects authorized by this subsection,  
 69 and any interest accrued thereto may be held in trust to finance  
 70 such projects. Neither the proceeds of the surtax nor any  
 71 interest accrued thereto shall be used for operational expenses.  
 72 Surtax revenues shared with charter schools shall be expended by  
 73 the charter school in a manner consistent with the allowable  
 74 uses set forth in s. 1013.62(5) ~~s. 1013.62(4)~~. All revenues and  
 75 expenditures shall be accounted for in a charter school's  
 76 monthly or quarterly financial statement pursuant to s.  
 77 1002.33(9). The eligibility of a charter school to receive funds  
 78 under this subsection shall be determined in accordance with s.  
 79 1013.62(1). If a school's charter is not renewed or is  
 80 terminated and the school is dissolved under the provisions of  
 81 law under which the school was organized, any unencumbered funds  
 82 received under this subsection shall revert to the sponsor.

83 Section 2. Notwithstanding the expiration date in section 5  
 84 of chapter 2022-157, Laws of Florida, present subsections (4)  
 85 through (7) of section 1013.62, Florida Statutes, are

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86 redesignated as subsections (5) through (8), respectively, a new  
 87 subsection (4) is added to that section, subsection (1) of that  
 88 section is amended, and subsections (2) and (3) of that section  
 89 are reenacted, to read:

90 1013.62 Charter schools capital outlay funding.-

91 (1) ~~For the 2022-2023 fiscal year, charter school capital~~  
 92 ~~outlay funding shall consist of state funds appropriated in the~~  
 93 ~~2022-2023 General Appropriations Act. Beginning in fiscal year~~  
 94 ~~2023-2024,~~ Charter school capital outlay funding shall consist  
 95 of state funds when such funds are appropriated in the General  
 96 Appropriations Act and revenue resulting from the discretionary  
 97 millage authorized in s. 1011.71(2) if, except as provided in  
 98 subsection (4), the amount of state funds appropriated for  
 99 charter school capital outlay in any fiscal year is less than  
 100 the average charter school capital outlay funds per unweighted  
 101 full-time equivalent student for the 2018-2019 fiscal year,  
 102 multiplied by the estimated number of charter school students  
 103 for the applicable fiscal year, and adjusted by changes in the  
 104 Consumer Price Index issued by the United States Department of  
 105 Labor from the previous fiscal year. Nothing in this subsection  
 106 prohibits a school district from distributing to charter schools  
 107 funds resulting from the discretionary millage authorized in s.  
 108 1011.71(2).

109 (a) To be eligible to receive capital outlay funds, a  
 110 charter school must:

111 1.a. Have been in operation for 2 or more years;

112 b. Be governed by a governing board established in the  
 113 state for 2 or more years which operates both charter schools  
 114 and conversion charter schools within the state;

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- 115 c. Be an expanded feeder chain of a charter school within  
 116 the same school district that is currently receiving charter  
 117 school capital outlay funds;
- 118 d. Have been accredited by a regional accrediting  
 119 association as defined by State Board of Education rule;
- 120 e. Serve students in facilities that are provided by a  
 121 business partner for a charter school-in-the-workplace pursuant  
 122 to s. 1002.33(15)(b); or
- 123 f. Be operated by a hope operator pursuant to s. 1002.333.
- 124 2. Have an annual audit that does not reveal any of the  
 125 financial emergency conditions provided in s. 218.503(1) for the  
 126 most recent fiscal year for which such audit results are  
 127 available.
- 128 3. Have satisfactory student achievement based on state  
 129 accountability standards applicable to the charter school.
- 130 4. Have received final approval from its sponsor pursuant  
 131 to s. 1002.33 for operation during that fiscal year.
- 132 5. Serve students in facilities that are not provided by  
 133 the charter school's sponsor.
- 134 (b) A charter school is not eligible to receive capital  
 135 outlay funds if it was created by the conversion of a public  
 136 school and operates in facilities provided by the charter  
 137 school's sponsor for a nominal fee, or at no charge, or if it is  
 138 directly or indirectly operated by the school district.
- 139 (2) The department shall use the following calculation  
 140 methodology to allocate state funds appropriated in the General  
 141 Appropriations Act to eligible charter schools:
- 142 (a) Eligible charter schools shall be grouped into  
 143 categories based on their student populations according to the

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- 144 following criteria:
- 145 1. Seventy-five percent or greater who are eligible for  
 146 free or reduced-price school meals under the National School  
 147 Lunch Program or, for schools operating programs under the  
 148 Community Eligibility Provision of the Healthy, Hunger-Free Kids  
 149 Act of 2010, an equivalent percentage of the student population  
 150 eligible for free and reduced-price meals as determined by  
 151 applying the multiplier authorized under the National School  
 152 Lunch Act, 42 U.S.C. s. 1759a(a)(1)(F)(vii), to the number of  
 153 students reported for direct certification.
- 154 2. Twenty-five percent or greater with disabilities as  
 155 defined in state board rule and consistent with the requirements  
 156 of the Individuals with Disabilities Education Act.
- 157 (b) If an eligible charter school does not meet the  
 158 criteria for either category under paragraph (a), its FTE shall  
 159 be provided as the base amount of funding and shall be assigned  
 160 a weight of 1.0. An eligible charter school that meets the  
 161 criteria under subparagraph (a)1. or subparagraph (a)2. shall be  
 162 provided an additional 25 percent above the base funding amount,  
 163 and the total FTE shall be multiplied by a weight of 1.25. An  
 164 eligible charter school that meets the criteria under both  
 165 subparagraphs (a)1. and (a)2. shall be provided an additional 50  
 166 percent above the base funding amount, and the FTE for that  
 167 school shall be multiplied by a weight of 1.5.
- 168 (c) The state appropriation for charter school capital  
 169 outlay shall be divided by the total weighted FTE for all  
 170 eligible charter schools to determine the base charter school  
 171 per weighted FTE allocation amount. The per weighted FTE  
 172 allocation amount shall be multiplied by the weighted FTE to

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173 determine each charter school's capital outlay allocation.

174 (d) The department shall calculate the eligible charter

175 school funding allocations. Funds shall be allocated using full-

176 time equivalent membership from the second and third enrollment

177 surveys and free and reduced-price school lunch data. The

178 department shall recalculate the allocations periodically based

179 on the receipt of revised information, on a schedule established

180 by the Commissioner of Education.

181 (e) The department shall distribute capital outlay funds

182 monthly, beginning in the first quarter of the fiscal year,

183 based on one-twelfth of the amount the department reasonably

184 expects the charter school to receive during that fiscal year.

185 The commissioner shall adjust subsequent distributions as

186 necessary to reflect each charter school's recalculated

187 allocation.

188 (3) If the school board levies the discretionary millage

189 authorized in s. 1011.71(2), and the state funds appropriated

190 for charter school capital outlay in any fiscal year are less

191 than the average charter school capital outlay funds per

192 unweighted full-time equivalent student for the 2018-2019 fiscal

193 year, multiplied by the estimated number of charter school

194 students for the applicable fiscal year, and adjusted by changes

195 in the Consumer Price Index issued by the United States

196 Department of Labor from the previous fiscal year, the

197 department shall use the following calculation methodology to

198 determine the amount of revenue that a school district must

199 distribute to each eligible charter school:

200 (a) Reduce the total discretionary millage revenue by the

201 school district's annual debt service obligation incurred as of

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202 March 1, 2017, which has not been subsequently retired, and any

203 amount of participation requirement pursuant to s.

204 1013.64(2)(a)8. that is being satisfied by revenues raised by

205 the discretionary millage.

206 (b) Divide the school district's adjusted discretionary

207 millage revenue by the district's total capital outlay full-time

208 equivalent membership and the total number of unweighted full-

209 time equivalent students of each eligible charter school to

210 determine a capital outlay allocation per full-time equivalent

211 student.

212 (c) Multiply the capital outlay allocation per full-time

213 equivalent student by the total number of full-time equivalent

214 students of each eligible charter school to determine the

215 capital outlay allocation for each charter school.

216 (d) If applicable, reduce the capital outlay allocation

217 identified in paragraph (c) by the total amount of state funds

218 allocated to each eligible charter school in subsection (2) to

219 determine the maximum calculated capital outlay allocation.

220 (e) School districts shall distribute capital outlay funds

221 to charter schools no later than February 1 of each year, as

222 required by this subsection, based on the amount of funds

223 received by the district school board. School districts shall

224 distribute any remaining capital outlay funds, as required by

225 this subsection, upon the receipt of such funds until the total

226 amount calculated pursuant to this subsection is distributed.

227

228 By October 1 of each year, each school district shall certify to

229 the department the amount of debt service and participation

230 requirement that complies with the requirement of paragraph (a)

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231 and can be reduced from the total discretionary millage revenue.  
 232 The Auditor General shall verify compliance with the  
 233 requirements of paragraph (a) and s. 1011.71(2) (e) during  
 234 scheduled operational audits of school districts.

235 (4) Beginning in the 2023-2024 fiscal year, if the state  
 236 funds appropriated for charter school capital outlay in any  
 237 fiscal year are equal to or greater than the average charter  
 238 school capital outlay funds per unweighted full-time equivalent  
 239 student for the 2018-2019 fiscal year, multiplied by the  
 240 estimated number of charter school students for the applicable  
 241 fiscal year, and adjusted by changes in the Consumer Price Index  
 242 issued by the United States Department of Labor from the  
 243 previous fiscal year, district school boards that levy the  
 244 discretionary millage authorized in s. 1011.71(2) and have a  
 245 combined total of all capital outlay full-time equivalent  
 246 membership and total unweighted full-time equivalent students of  
 247 eligible charter schools which exceeds 100,000 must share an  
 248 amount of their eligible local funds with eligible charter  
 249 schools that are operated by a not-for-profit entity. The  
 250 department shall use the following calculation methodology to  
 251 determine the amount of revenue that a school district must  
 252 distribute pursuant to this subsection to each eligible charter  
 253 school:

254 (a)1. Reduce the school district's total discretionary  
 255 millage revenue by the school district's annual debt service  
 256 obligation incurred as of March 1, 2017, which has not been  
 257 subsequently retired, and any amount of participation  
 258 requirement pursuant to s. 1013.64(2)(a)8. which is being  
 259 satisfied by revenues raised by the discretionary millage.

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260 a. For fiscal year 2023-2024, the amount is 20 percent of  
 261 the amount calculated under this paragraph.

262 b. For fiscal year 2024-2025, the amount is 40 percent of  
 263 the amount calculated under this paragraph.

264 c. For fiscal year 2025-2026, the amount is 60 percent of  
 265 the amount calculated under this paragraph.

266 d. For fiscal year 2026-2027, the amount is 80 percent of  
 267 the amount calculated under this paragraph.

268 e. For fiscal year 2027-2028, and thereafter, the amount is  
 269 100 percent of the amount calculated under this paragraph.

270 2. Divide the school district's adjusted discretionary  
 271 millage revenue by the district's total capital outlay full-time  
 272 equivalent membership and the total number of unweighted full-  
 273 time equivalent students of each eligible charter school to  
 274 determine a capital outlay allocation per full-time equivalent  
 275 student.

276 3. Multiply the result of the calculation made under  
 277 paragraph (a) for the applicable fiscal year by the total number  
 278 of full-time equivalent students of each eligible charter school  
 279 in the district pursuant to paragraph (1)(a) to determine the  
 280 capital outlay allocation pursuant to this subsection for each  
 281 charter school pursuant to this subsection.

282 4. In any fiscal year, if the combined amount of state  
 283 funds allocated pursuant to subsection (1) and the funds  
 284 allocated pursuant to this subsection are greater than the total  
 285 capital outlay millage per full-time equivalent student, the  
 286 department must reduce the school district's sharing amount by  
 287 the difference of the total funds and the calculated amount for  
 288 the total capital outlay full-time equivalent membership.

Page 10 of 11

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

581-03517-23

20231328c1

289 (b) School districts shall distribute capital outlay funds  
290 to charter schools no later than February 1 of each year, as  
291 required by this subsection, based on the amount of funds  
292 received by the district school board. School districts shall  
293 distribute any remaining capital outlay funds, as required by  
294 this subsection, upon the receipt of such funds until the total  
295 amount calculated pursuant to this subsection is distributed.  
296

297 By October 1 of each year, each school district shall certify to  
298 the department the amount of debt service and participation  
299 requirement that complies with the requirements of paragraph (a)  
300 and can be reduced from the total discretionary millage revenue.  
301 The Auditor General shall verify compliance with the  
302 requirements of paragraph (a) and s. 1011.71(2)(e) during  
303 scheduled operational audits of school districts.

304 Section 3. The amendments made by this act to s.  
305 212.055(6)(b), Florida Statutes, do not apply to a resolution  
306 for a school capital outlay surtax adopted before July 1, 2023,  
307 pursuant to s. 212.055(6)(c), Florida Statutes, until such  
308 resolution is amended, renewed, or repealed in the manner  
309 provided for by law.

310 Section 4. This act shall take effect July 1, 2023.

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1328 ✗

Bill Number or Topic

Amendment Barcode (if applicable)

4/20/23

Meeting Date

Appropriations

Committee

Name

Rhonda Everett

Phone

(850) 303-1962

Address

12790 Long Branch Road

Email

rhonda.severett@gmail.com

Street

Youngstown

FL

32466

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

S-110

4/20/23

Meeting Date

# The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1328

Bill Number or Topic

Appro

Committee

Amendment Barcode (if applicable)

Name

Candace Churchill

Phone

352-291-7454

Address

556 NE 11th St

Email

—

Street

Gainesville

FL

32601

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

United Faculty of FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

4-20-23

Meeting Date

Appropriations

Committee

SB 1328

Bill Number or Topic

Amendment Barcode (if applicable)

Name Carole Gawronskas

Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Street

St. Augustine

City

FL

State

32095

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)*

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The Florida Senate

**APPEARANCE RECORD**

April 20, 2023

Meeting Date

SB 1328

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Appropriations

Committee

Amendment Barcode (if applicable)

Name Caitlin Walters

Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Street

32907

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)*

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

S-001 (08/10/2021)

6117

4/20/23

Meeting Date

# The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB1328

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Tara Vanner

Phone

561-602-8858

Address

Street

Email

TMvanner@gmail.com

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) | [flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1328

Bill Number or Topic

4/20/2023

Meeting Date

Appro.

Committee

Amendment Barcode (if applicable)

Name

Ele Knight

Phone

(561) 460-9075

Address

4313 Athea Way

Email

elerknight@gmail.com

Street

PBG, FL 33410

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)*

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

S110

S110

April 20, 2023

Meeting Date

Appropriation

Committee

Name Nancy Smith

Phone

Address 700 SW 10th St

Street

Email

Belle Glade, FL 33431

City

State

Zip

# The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB Charter Schools

SB 1328

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) (flsenate.gov)

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

3116

4.20.23

# The Florida Senate APPEARANCE RECORD

SB 1328

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Appropriations

Committee

Amendment Barcode (if applicable)

Name Alexis Underwood

Phone 850-890-3424

Address \_\_\_\_\_

Email Underwoodhome3@gmail.com

Street

PANAMA City

FL

32405

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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4/20/23

# The Florida Senate APPEARANCE RECORD

SB 1328

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Appropriations  
Committee

Amendment Barcode (if applicable)

Name

Tabitha Casas

Phone

352-651-2292

Address

175 S. Secretariat Point  
Street

Email

Tabitha.Casas24@gmail.com

Street

Inverness

City

FL

State

34453

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

4/20/23

Meeting Date

SB 1328

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Christian Galley

Phone

352-586-6674

Address

628 Whitney Ave.

Email

christiangalley92@gmail.com

Street

Inverness

City

FL

State

34450

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

4-20-23

Meeting Date

1328

Bill Number or Topic

APPROPRIATIONS

Committee

Amendment Barcode (if applicable)

Name LATARSHA HENDERSON

Phone 407-299-4000

Address 508 IRENE STREET

Street

Email loveddby1@gmail.com

ORLANDO FLORIDA 32805

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

4/20/23

Meeting Date

# The Florida Senate APPEARANCE RECORD

SB1328

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Approps  
Committee

Amendment Barcode (if applicable)

Name

Candrice Ericks

Phone

954-648-1204

Address

205 S Adams St

Email

Candrice@ericksconsultants.com

Street

TLH

FL

32301

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

City of Pembroke Pines

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flisenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

1328

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Constance Higginbotham

Phone 803-614-2943

Address 5258 Hammock Cove Ct

Email chiggrel957@gmail.com

Middleburg FL 32068

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

5110

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

1328

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Alice Kerce (key-r-s)

Phone

Address 215 S Monroe St Suite 710

Email alice@afloridapromise.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: The Foundation for Florida's Future

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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4/20/23

Meeting Date

# The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1328

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Chris Maya

Phone

850 321 6692

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

Charters Schools USA

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

X

4/20/23

Meeting Date

1328

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

AMENDMENT →

316968

Amendment Barcode (if applicable)

Approps

Committee

Name Chris Maya

Phone 850 321 4692

Address Street

Email [Redacted]

Meridian Station

City State Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Chapter Schools USA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf flsenate.gov

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The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

4/20/23

Meeting Date

1328

Bill Number or Topic

Approps

Committee

Amendment Barcode (if applicable)

Name Alexis Montalvo

Phone

Address 213 S Adams St

Street

Email Alexis.Montalvo@FloridaEA.org

TLH

City

FL

State

32317

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/30/23

Meeting Date

Appropriations

Committee

1328

Bill Number or Topic

Amendment

808060

Amendment Barcode (if applicable)

Pizzzo

Name

Chris Maya

Phone

850 321 6692

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Charter Schools USA

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules. pdf flsenate.gov

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



# CourtSmart Tag Report

**Room:** SB 110  
**Caption:** Senate Appropriations Committee

**Case No.:**

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

**Started:** 4/20/2023 9:30:59 AM

**Ends:** 4/20/2023 11:08:34 AM

**Length:** 01:37:36

9:31:18 AM Sen. Broxson (Chair)  
9:33:01 AM S 2  
9:33:12 AM Sen. Hooper  
9:35:16 AM S 8  
9:35:26 AM Sen. Jones  
9:37:17 AM Jacqueline Corcoran, representing claimant (waives in support)  
9:37:27 AM S 278  
9:37:36 AM Sen. Rodriguez  
9:38:16 AM Martha Edenfield, the Real Property, Probate, and Trust Law Section of the FL Bar (waives in support)  
9:39:28 AM S 724  
9:39:38 AM Sen. Boyd  
9:40:48 AM Sen. Rouson  
9:40:50 AM David Shepp, Mote Marine Laboratory (waives in support)  
9:41:19 AM Sen. Brodeur  
9:41:55 AM Sen. Boyd  
9:42:59 AM Sen. Rouson (Chair)  
9:43:08 AM S 546  
9:43:17 AM Sen. Avila  
9:44:30 AM Sen. Baxley  
9:44:44 AM Sen. Avila  
9:45:52 AM David Cullen, Sierra Club FL (waives in support)  
9:46:06 AM Sen. Book  
9:47:10 AM Sen. Avila  
9:48:17 AM S 1328  
9:48:26 AM Sen. Broxson  
9:48:56 AM Sen. Hutson  
9:49:28 AM Am. 316968  
9:50:56 AM Sen. Pizzo  
9:51:08 AM Sen. Hutson  
9:51:55 AM Sen. Pizzo  
9:52:53 AM Sen. Hutson  
9:53:25 AM Sen. Pizzo  
9:54:02 AM Sen. Hutson  
9:54:24 AM Am. 808060  
9:54:25 AM Sen. Pizzo  
9:54:32 AM Sen. Rouson  
9:54:42 AM Am. 316968 (cont.)  
9:54:49 AM Sen. Polsky  
9:55:21 AM Sen. Hutson  
9:55:28 AM Sen. Polsky  
9:55:35 AM Sen. Hutson  
9:56:05 AM Sen. Polsky  
9:56:43 AM Sen. Hutson  
9:57:26 AM Sen. Polsky  
9:57:40 AM Sen. Hutson  
9:58:02 AM Sen. Polsky  
9:58:15 AM Sen. Hutson  
9:58:25 AM Sen. Polsky  
9:58:44 AM Sen. Hutson  
9:59:42 AM Sen. Polsky  
9:59:50 AM Sen. Hutson  
9:59:59 AM Sen. Polsky

|                    |                                 |
|--------------------|---------------------------------|
| <b>10:00:31 AM</b> | Sen. Hutson                     |
| <b>10:00:42 AM</b> | Sen. Polsky                     |
| <b>10:00:48 AM</b> | Sen. Hutson                     |
| <b>10:00:50 AM</b> | Sen. Polsky                     |
| <b>10:01:11 AM</b> | Sen. Hutson                     |
| <b>10:01:29 AM</b> | Sen. Polsky                     |
| <b>10:01:53 AM</b> | Sen. Hutson                     |
| <b>10:01:57 AM</b> | Sen. Polsky                     |
| <b>10:02:08 AM</b> | Sen. Hutson                     |
| <b>10:02:11 AM</b> | Sen. Polsky                     |
| <b>10:02:18 AM</b> | Sen. Hutson                     |
| <b>10:02:59 AM</b> | Sen. Polsky                     |
| <b>10:03:13 AM</b> | Sen. Hutson                     |
| <b>10:03:33 AM</b> | Sen. Polsky                     |
| <b>10:03:46 AM</b> | Sen. Hutson                     |
| <b>10:03:49 AM</b> | Sen. Pizzo                      |
| <b>10:04:10 AM</b> | Sen. Hutson                     |
| <b>10:04:23 AM</b> | Sen. Pizzo                      |
| <b>10:05:01 AM</b> | Sen. Hutson                     |
| <b>10:05:21 AM</b> | Sen. Pizzo                      |
| <b>10:05:53 AM</b> | Sen. Hutson                     |
| <b>10:06:00 AM</b> | Sen. Pizzo                      |
| <b>10:06:20 AM</b> | Sen. Hutson                     |
| <b>10:06:29 AM</b> | Sen. Pizzo                      |
| <b>10:06:50 AM</b> | Sen. Hutson                     |
| <b>10:07:12 AM</b> | Sen. Book                       |
| <b>10:07:46 AM</b> | Sen. Hutson                     |
| <b>10:07:50 AM</b> | Sen. Book                       |
| <b>10:08:02 AM</b> | Sen. Hutson                     |
| <b>10:08:18 AM</b> | Sen. Book                       |
| <b>10:08:22 AM</b> | Sen. Hutson                     |
| <b>10:08:38 AM</b> | Sen. Book                       |
| <b>10:09:07 AM</b> | Sen. Hutson                     |
| <b>10:10:21 AM</b> | Sen. Book                       |
| <b>10:11:15 AM</b> | Sen. Hutson                     |
| <b>10:11:56 AM</b> | Sen. Book                       |
| <b>10:12:36 AM</b> | Chris Moya, Charter Schools USA |
| <b>10:16:25 AM</b> | Sen. Pizzo                      |
| <b>10:16:39 AM</b> | C. Moya                         |
| <b>10:16:42 AM</b> | Sen. Pizzo                      |
| <b>10:16:49 AM</b> | C. Moya                         |
| <b>10:16:51 AM</b> | Sen. Pizzo                      |
| <b>10:17:26 AM</b> | C. Moya                         |
| <b>10:17:32 AM</b> | Sen. Pizzo                      |
| <b>10:17:57 AM</b> | C. Moya                         |
| <b>10:18:15 AM</b> | Sen. Pizzo                      |
| <b>10:18:44 AM</b> | C. Moya                         |
| <b>10:18:50 AM</b> | Sen. Davis                      |
| <b>10:19:23 AM</b> | C. Moya                         |
| <b>10:21:26 AM</b> | Sen. Davis                      |
| <b>10:22:14 AM</b> | C. Moya                         |
| <b>10:23:06 AM</b> | Sen. Davis                      |
| <b>10:23:20 AM</b> | Sen. Powell                     |
| <b>10:23:49 AM</b> | C. Moya                         |
| <b>10:23:53 AM</b> | Sen. Powell                     |
| <b>10:24:12 AM</b> | C. Moya                         |
| <b>10:25:22 AM</b> | Sen. Powell                     |
| <b>10:26:15 AM</b> | C. Moya                         |
| <b>10:27:00 AM</b> | Sen. Powell                     |
| <b>10:27:13 AM</b> | C. Moya                         |
| <b>10:27:35 AM</b> | Sen. Broxson                    |
| <b>10:28:15 AM</b> | Sen. Book                       |

10:28:39 AM C. Moya  
10:28:53 AM Sen. Book  
10:29:06 AM C. Moya  
10:29:16 AM Sen. Book  
10:29:41 AM C. Moya  
10:30:19 AM Sen. Polsky  
10:30:33 AM C. Moya  
10:31:25 AM Sen. Polsky  
10:31:40 AM C. Moya  
10:32:00 AM Sen. Polsky  
10:32:33 AM C. Moya  
10:34:13 AM Sen. Pizzo  
10:34:45 AM C. Moya  
10:35:11 AM Am. 967130  
10:35:21 AM Sen. Polsky  
10:36:25 AM Sen. Hutson  
10:37:28 AM Am. 316968 (cont.)  
10:37:43 AM Alexis Montalvo (waives against)  
10:37:57 AM Rhonda Everett  
10:41:10 AM Candace Churchill, United Faculty of FL (waives against)  
10:41:18 AM Carole Gauronskas (waives against)  
10:41:27 AM Caitlin Walters (waives against)  
10:41:31 AM Tara Vanner (waives against)  
10:41:38 AM Ele Knight (waives against)  
10:41:45 AM Nancy Smith (waives against)  
10:41:50 AM Alexis Underwood (waives against)  
10:41:57 AM Tabitha Casas (waives against)  
10:42:05 AM Christian Gallery (waives against)  
10:42:11 AM Candice Ericks (waives in support)  
10:42:22 AM Latarsha Henderson (waives against)  
10:42:28 AM Constance Higginbotham (waives against)  
10:42:35 AM Alice Kerce, Foundation for Florida's Future (waives in support)  
10:43:06 AM Sen. Polsky  
10:47:00 AM Sen. Brodeur  
10:47:48 AM Sen. Pizzo  
10:51:25 AM Sen. Harrell  
10:53:21 AM Sen. Baxley  
10:59:19 AM Sen. Book  
11:01:26 AM Sen. Broxson  
11:02:28 AM Sen. Davis  
11:04:52 AM Sen. Hutson  
11:05:48 AM SB 1328 (cont.)  
11:07:05 AM Sen. Broxson (Chair)  
11:07:13 AM Sen. Ingoglia  
11:07:23 AM Sen. Burgess  
11:07:38 AM Sen. Pizzo  
11:08:06 AM Sen. Broxson