

Tab 1	SB 978 by Bradley; (Identical to H 00901) Secured Transactions					
Tab 2	SB 1390 by Martin; (Similar to H 01287) Universal Regulatory Sandbox					
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Tab 4	SB 1482 by Simon; (Compare to H 00413) Rural Development					
Tab 5	SB 196 by Jones (CO-INTRODUCERS) Hutson, Perry; (Identical to H 00141) Guidance Services on Academic and Career Planning					
865526	A	S	L	RCS	CM, Jones	Delete L.47: 03/20 05:43 PM
Tab 6	SB 1002 by Stewart (CO-INTRODUCERS) Hooper; (Similar to CS/H 00541) Motor Vehicle Glass					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Trumbull, Chair
Senator Wright, Vice Chair

MEETING DATE: Monday, March 20, 2023

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Trumbull, Chair; Senator Wright, Vice Chair; Senators DiCeglie, Gruters, Hooper, Hutson, Jones, Rodriguez, Stewart, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 978 Bradley (Identical H 901)	Secured Transactions; Providing that a description of certain accounts and entitlements by a certain type of collateral is insufficient for the purpose of security agreements; providing legislative intent, etc. CM 03/20/2023 Favorable CA RC	Favorable Yeas 9 Nays 0
2	SB 1390 Martin (Similar H 1287, Compare H 1289, Linked S 1392)	Universal Regulatory Sandbox; Creating the Office of Regulatory Relief within the Department of Economic Opportunity; creating the General Regulatory Sandbox Program; providing requirements for applications; requiring the office to consult with specified entities before admitting an applicant into the regulatory sandbox; specifying limits to such exemption; authorizing the office to terminate participation in the regulatory sandbox, etc. CM 03/20/2023 Favorable ATD FP	Favorable Yeas 9 Nays 0
3	SB 1392 Martin (Identical H 1289, Compare H 1287, Linked S 1390)	Public Records and Meetings/Universal Regulatory Sandbox; Providing an exemption from public records requirements for information in universal regulatory sandbox applications determined by the Office of Regulatory Relief to be economically harmful to the applicant if released; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. CM 03/20/2023 Favorable ATD FP	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, March 20, 2023, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1482 Simon (Compare H 413, H 1209, S 1628, S 1664)	Rural Development; Prohibiting certain agency agreements from requiring the expenditure of funds before reimbursement; specifying that funding provided under the Regional Rural Development Grants Program are not matching grants; revising the conditions under which an applicant to the Rural Community Development Revolving Loan Fund may retain repayments of principal and interest; revising the purpose of the Rural Infrastructure Fund; revising the percentages of total infrastructure project cost that the Department of Economic Opportunity may award through the fund, etc. CM 03/20/2023 Favorable ATD FP	Favorable Yeas 9 Nays 0
5	SB 196 Jones (Identical H 141, Compare CS/S 240)	Guidance Services on Academic and Career Planning; Requiring district school boards to inform students and parents of certain acceleration, academic, and career planning options; requiring certain information to be included in such notification; requiring a personalized academic and career plan to be developed in consultation with a certified school counselor for certain students; requiring certain information to be included in such plan, etc. ED 03/06/2023 Favorable CM 03/20/2023 Fav/CS RC	Fav/CS Yeas 9 Nays 0
6	SB 1002 Stewart (Similar CS/H 541)	Motor Vehicle Glass; Prohibiting motor vehicle repair shops or their employees from offering anything of value to a customer in exchange for making an insurance claim for motor vehicle glass replacement or repair, including offers made through certain persons; prohibiting persons from entering into assignment agreements of post-loss benefits for motor vehicle glass replacement or repair after a specified date; defining the term "assignment agreement", etc. BI 03/15/2023 Favorable CM 03/20/2023 Favorable RC	Favorable Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 978

INTRODUCER: Senator Bradley

SUBJECT: Secured Transactions

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	McKay	CM	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 978 provides that language referring only to the type of collateral is insufficient to waive constitutional and statutory protections that prevent creditors from obtaining a judgment against certain assets, allowing the individual to pledge such assets as collateral.

These changes are in response to a recent federal court case which held that mere contractual reference to “all assets” included certain property previously understood to be excluded from such an agreement. Assets unexpectedly put at risk include retirement accounts, pension payments, and education savings accounts. The bill does not affect state or local revenue.

The bill specifies that it is clarifying existing law and takes effect upon becoming a law.

II. Present Situation:

Asset Protection from Legal Process

A creditor can collect money owed by filing an action for a judgment in state court. A judgment is an order of the court creating an obligation, typically a debt when creditors are involved. The creditor may then use that judgment to collect assets from the debtor. Chapter 222, F.S., contains exemptions that protect certain assets from legal process under Florida law, absent a waiver.

Florida exempts the following assets against creditor claims in most situations:

- Homestead property (ss. 222.01-222.05, F.S.).
- Certain items of personal property (s. 222.061, F.S.).
- The proceeds of a life insurance policy (s. 222.13, F.S.).
- The cash surrender value of a life insurance policy and the proceeds of an annuity contract (s. 222.14, F.S.).
- Disability benefits payable from any insurance (s. 222.18, F.S.).

- Disability benefits payable from any insurance (s. 222.18, F.S.).
- Certain pension, retirement, or profit sharing benefits (s. 222.21, F.S.).
- Prepaid College Trust Fund moneys and Medical Savings Account funds (s. 222.22, F.S.).
- A debtor's interest in a motor vehicle, up to \$1,000 in value (s. 222.25, F.S.).
- A debtor's interest in any professionally prescribed health aids (s. 222.25, F.S.).
- Social security benefits, unemployment compensation, or public assistance benefits; veterans' benefits; disability, illness, or unemployment benefits; alimony, support, or separate maintenance; and stock or pension plans under specified circumstances (s. 222.201, F.S.).

These exemptions have historically been construed liberally in favor of the consumer against creditors' claims to exempt property.¹ When a consumer enters a security agreement – a contract in which a debtor offers assets as collateral (“security”) to guarantee repayment – the contract describes what assets are offered as security. Historically, a contract's blanket offering of “all assets” as security has not been interpreted to include assets subject to these exemptions.²

An individual must take additional steps in order to offer certain exempt assets as collateral. For example, in the case of a Floridian's homestead exemption, which protects homestead property from bankruptcy proceedings, a contractual waiver of those rights must be “knowing, voluntary, and intelligent” to have any effect.³ As another example, certain wages are exempt from legal process.⁴ The wages exemption may only be waived in writing, in a separate document attached to the security agreement, which must contain mandatory waiver language in at least 14-point font.⁵

Sufficiency of Description for Collateral in Security Agreements

An effective description of collateral in a security agreement identifies the asset by specific listing; category; type of collateral; quantity, computational or allocational formula; or any method under which the identity of the collateral is objectively determinable.⁶

Current law specifically provides that a description of collateral as “all the debtor's assets” or “all the debtor's personal property” does not reasonably identify collateral.⁷

Finally, current law provides that a description defined by “type” of collateral alone for a commercial tort claim or, in a consumer transaction, for a security entitlement, securities account, or commodity account, is not sufficient.⁸ For example, “all existing and after-acquired

¹ See e.g. *Patten Package Co. v. Houser*, 102 Fla. 603, 607, 136 So. 353, 355 (1931); *Killian v. Lawson*, 387 So.2d 960, 962 (Fla. 1980); *Havoco of Am. Ltd. v. Hill*, 790 So.2d 1018, 1021 (Fla. 2001); *Connor v. Seaside National Bank*, 135 So.3d 508, 509 (Fla. 5th DCA 2014).

² Section 679.1081(3), F.S., Official Comment 2 to U.C.C. s. 9-110 (s. 679.1081(3), F.S.).

³ See e.g. *Chames v. DeMayo*, 972 So.2d 850, 861 (Fla. 2007) (citing *State v. Upton*, 658 So.2d 86, 87 (Fla. 1995)).

⁴ Section 222.11, F.S.

⁵ Section 222.11(2), F.S.

⁶ Section 679.1081(2), F.S. Chapter 679, F.S., adopts Article 9 of the Universal Commercial Code (U.C.C.), dealing with secured transactions. Every state in the United States has adopted the U.C.C. See <https://www.uniformlaws.org/acts/ucc> (last visited March 17, 2023).

⁷ Section 679.1081(3), F.S.

⁸ Section 679.1081(5), F.S.

investment property” or “all existing and after-acquired security entitlements,” without more, would be insufficient in a consumer transaction to describe a security entitlement, securities account, or commodity account.⁹

Kearney Construction Co, LLC v. Travelers Casualty & Surety Company of America

A recent federal court case held that general, broad pledges of “all assets” waives ch. 222, F.S., protections.¹⁰ In *Kearney Construction Company, LLC v. Travelers Casualty and Surety Company of America*¹¹ the debtor obtained a line of credit and pledged collateral in the contract as follows:

Grant of Security Interest. As security for any and all Indebtedness (as defined below), the Pledgor hereby irrevocably and unconditionally grants a security interest in the collateral described in the following properties[:] all assets and rights of the Pledgor, wherever located, whether now owned or hereafter acquired or arising, and all proceeds and products thereof, all goods (including inventory, equipment and any accessories thereto), instruments (including promissory notes)[,] documents, accounts, chattel paper, deposit accounts, letters of credit, rights, securities and all other investment property, supporting obligation[s], any contract or contract rights or rights to the payment of money, insurance claims, and proceeds, and general intangibles (the “Collateral”).¹²

The Eleventh Circuit considered whether this language included assets held in the debtor’s Individual Retirement Account (IRA). The debtor argued that the IRA should not have been included in all assets and was never intended to have been offered as collateral.¹³ The court found that the security agreement’s language constituted an “unambiguous pledge” of all assets, which includes those exempt under ch. 222, F.S.¹⁴ Kearney’s IRA was not specifically listed in the agreement, but the court concluded that the broad language of the contract “encompassed potential retirement accounts or funds, such as the [IRA] at issue here.”¹⁵

The courts did not address whether ch. 222, F.S., exemptions or ch. 679, F.S., description requirements should have any weight in interpreting the contract. The courts also did not explain what part of the security agreement encompassed the IRA. It is unclear if it was part of a specific collateral category such as a deposit account, investment property, general intangible, or another category,¹⁶ each of which could have different treatment.¹⁷

⁹ Section 679.1081(5), F.S.; Official Comment 5 to U.C.C. s. 9-108 (s. 679.1081(5), F.S.).

¹⁰ Concerns were raised by the Florida Bar’s Real Property, Probate, and Trust Law Section, which formed a “Kearney Subcommittee” within its Asset Protection Committee. See the Kearney Subcommittee’s White Paper (Oct. 14, 2021) (on file with the Senate Committee on Appropriations).

¹¹ 795 Fed.Appx. 671 (Fla. 11th Cir. Nov. 13, 2019).

¹² *Id.* at 673

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Magistrate Judge’s Report and Recommendation, Case 8:09-cv-01850-JSM-TBM, Docket 865, at 28.

¹⁶ *Id.*

¹⁷ Sections 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081 and 679.1091, F.S.

Federal law treats the use of any funds inside a tax-advantaged retirement account as a taxable distribution from that account.¹⁸ Therefore, any such funds used unexpectedly for a pledge of “all assets” towards a debt risk losing their tax-advantaged status, subject to back taxes and penalties.

III. Effect of Proposed Changes:

SB 978 provides that a general description only by type of collateral is an insufficient description to pledge as collateral, for the purposes of a security agreement, accounts and other entitlements set forth in ss. 222.13-222.16, 222.18, and 222.201-222.22, F.S. These include:

- Funds held in an IRA and other tax-exempt accounts.
- A life insurance policy’s proceeds or cash surrender value.
- An annuity contract’s proceeds.
- Funds held in qualified tuition programs, medical savings accounts, Coverdell education accounts, and hurricane savings accounts.
- Disability income benefits.
- A deceased person’s wages, travel expenses, and reemployment assistance or unemployment compensation payments.
- Social security benefits; unemployment compensation; public assistance benefits; veterans’ benefits; alimony, support, or separate maintenance; and stock or pension plans under specified circumstances.

In order to include such an asset in a security agreement, the asset must be described by specific reference to the individual asset as provided in s. 679.1081, F.S.

The bill is intended to clarify existing law.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18, of the State Constitution requires a two-thirds vote of the membership of each house of the Legislature to pass legislation requiring counties and municipalities to spend funds, limit their ability to raise revenue, or reduce the percentage of a state tax shared with them. The bill does not require counties and municipalities to spend funds, limit their ability to raise revenue, or reduce the percentage of a shared state tax. Therefore, the provisions of Art. VII, s. 18 of the State Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

¹⁸ I.R.C. s. 408(e)(4).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill does not affect state or local revenue.

B. Private Sector Impact:

The bill protects consumers from unknowingly pledging otherwise exempt assets.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 679.1081 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Bradley

6-00465A-23

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A bill to be entitled

An act relating to secured transactions; amending s. 679.1081, F.S.; providing that a description of certain accounts and entitlements by a certain type of collateral is insufficient for the purpose of security agreements; providing legislative intent; providing an effective date.

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

Section 1. Subsection (5) of section 679.1081, Florida Statutes, is amended to read:

679.1081 Sufficiency of description.—

(5) A description only by type of collateral defined in this chapter is an insufficient description of:

(a) A commercial tort claim;

(b) In a consumer transaction, consumer goods, a security entitlement, a securities account, or a commodity account; ~~or~~

(c) An account consisting of a right to payment of a monetary obligation for the sale of real property that is the debtor's homestead under the laws of this state; or

(d) Accounts and other entitlements set forth in ss. 222.13-222.16, s. 222.18, and ss. 222.201-222.22.

Section 2. The amendment made by this act to s. 679.1081, Florida Statutes, is intended to clarify existing law.

Section 3. 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

3/20/23

Meeting Date

978

Bill Number or Topic

Commerce

Committee

Amendment Barcode (if applicable)

Name

Doug Bell

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Email

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Street

TLH

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:

Business Law Section - FL Bar

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

3/20/23

Meeting Date

SB 978

Bill Number or Topic

Commerce and Tourism

Committee

Amendment Barcode (if applicable)

Name

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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. [2020-2022 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.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1390

INTRODUCER: Senator Martin

SUBJECT: Universal Regulatory Sandbox

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 1390 creates ss. 288.9971-288.9983, F.S., to establish a universal regulatory sandbox, which allows businesses, to demonstrate innovative products, services, and business models while temporarily receiving a waiver or suspension of state laws or regulations.

The bill creates the Office of Regulatory Relief within the Department of Economic Opportunity to administer the universal regulatory sandbox and to act as a liaison between private businesses and applicable agencies to identify laws or regulations that could be waived or suspended for one year under the regulatory sandbox. The bill also creates the General Regulatory Sandbox Program Advisory Committee to advise and make recommendations to the office. Additionally, the bill provides the following:

- The scope of the regulatory sandbox;
- An annual report requirement to the President of the Senate and the Speaker of the House of Representatives;
- Consumer protection requirements;
- Requirements for exiting the regulatory sandbox; and
- Record keeping and reporting requirements.

The bill takes effect July 1, 2023, only if SB 1392 or similar legislation takes effect and if such legislation is adopted in the same legislative session or an extension thereof and becomes a law. SB 1392 creates a new public records exemption and an open meeting exemption for information in a regulatory sandbox application that the office reasonably believes could result in economic harm to the applicant.

II. Present Situation:

Florida's Financial Technology Sandbox

In 2021, the Financial Technology Sandbox (sandbox) was created within the Office of Financial Regulation (OFR) to allow financial technology innovators to test new products and services in a supervised, flexible regulatory sandbox using exceptions to specified general law and waivers of the corresponding rule requirements under defined conditions.¹

The sandbox allows a licensee² to make an innovative³ financial product⁴ or service available to consumers during a period that is initially 24 months but which can be extended one time for an additional 12 months.⁵

A sandbox licensee must be a domestic corporation or other organized domestic entity with a physical presence, other than that of a registered office or agent or virtual mailbox, in Florida.⁶

Upon approval of a sandbox application certain rules and requirements are not applicable to the sandbox licensee during the sandbox period.⁷

The OFR may approve a sandbox application if one or more of the general laws enumerated in s. 559.952 (4)(a), F.S., prevent the innovative financial product or service from being made available to consumers and if all other requirements of the sandbox are met.⁸

A sandbox licensee may conduct business through electronic means, including through the Internet or a software application.⁹

Section 559.952 (5), F.S., provides rules for filing a sandbox application, as well as, standards that the OFR must follow while considering an application. The OFR is prohibited from approving an application in the following circumstances:

- The applicant had a prior sandbox application that was approved and that related to a substantially similar financial product or service;
- Any control person of the applicant was substantially involved in the development, operation, or management with another sandbox applicant whose application was approved and whose application related to a substantially similar financial product or service; or

¹ See s. 559.952, F.S. See also Office of Financial Regulation, *Financial Technology Sandbox Innovator*, available at <https://flofr.gov/sitePages/FinancialTechnologySandbox.htm> (last visited Mar. 17, 2023).

² "Licensee" means a business entity that has been approved by OFR to participate in the Financial Technology Sandbox. See s. 559.952 (3)(i), F.S.

³ "Innovative" means new or emerging technology, or new uses of existing technology, which provide a product, service, business model, or delivery mechanism to the public and which are not known to have a comparable offering in Florida outside of the Financial Technology Sandbox. See Section 559.952 (3)(h), F.S.

⁴ A "financial product or service" is a product or service related to a consumer finance loan, money transmitter, or payment instrument seller, including mediums of exchange that are in electronic or digital form. See s. 559.952 (3)(f), F.S.

⁵ See s. 559.952, F.S.

⁶ Section 559.952 (3)(a), F.S.

⁷ See s. 559.952 (4)(a), F.S.

⁸ Section 559.952 (4)(b), F.S.

⁹ Section 559.952 (4)(c), F.S.

- The applicant or any control person has failed to affirmatively demonstrate financial responsibility.¹⁰

For businesses whose sandbox application is approved, the OFR must specify the maximum number of consumers authorized to receive an innovative financial product or service, after consultation with the sandbox applicant. The OFR may not authorize more than 15,000 consumers to receive the financial product or service until the sandbox licensee has filed the first report required under the sandbox. After the filing of the report, if the licensee demonstrates adequate financial capitalization, risk management processes, and management oversight, the OFR may authorize up to 25,000 consumers to receive the financial product or service.¹¹ Additionally, s. 559.952 (6), F.S., requires the licensee to provide certain disclosures to a consumer before the consumer purchases, uses, receives, or enters into an agreement to purchase, use, or receive an innovative financial product or service through the sandbox.

A sandbox licensee must submit a report to the OFR twice a year, and the report must, at a minimum, include financial reports and the number of consumers who have received the financial product or service.¹²

A sandbox licensee remains subject to civil damages for acts and omissions arising from or related to any innovative financial product or services provided or made available by the licensee or relating to the sandbox, and all criminal and consumer protection laws and any other statute not specifically exempt under the sandbox.¹³ Further, the OFR may, by order, revoke or suspend a licensee's approval to participate in the sandbox.¹⁴

Regulatory Sandboxes Generally

The UK Financial Conduct Authority (FCA) is credited with establishing the first formal regulatory sandbox, and although there is not a uniform definition of a regulatory sandbox, the FCA has defined it as “a safe space in which businesses can test innovative products, services, business models and delivery mechanisms without immediately incurring all the normal regulatory consequences of engaging in the activity in question.”¹⁵ In the United States (U.S.), the Consumer Financial Protection Bureau was the first regulatory agency to set up a dedicated fintech office to study fintech and provide assistance to promote consumer friendly innovation.¹⁶ States in the U.S., such as Arizona, Kentucky, and Vermont have industry-specific regulatory sandboxes.¹⁷ In 2021, Utah was the first state to create a general sandbox program.¹⁸

¹⁰ Section 559.952(5)(d), F.S.

¹¹ Section 559.952(5)(f), F.S.

¹² Section 559.952(8), F.S.

¹³ Section 559.952(10), F.S.

¹⁴ *Id.*

¹⁵ See Stanford Center on Philanthropy and Civil Society, *A Few Thoughts on Regulatory Sandboxes*, available at <https://pacscenter.stanford.edu/a-few-thoughts-on-regulatory-sandboxes/> (last visited Mar. 17, 2023).

¹⁶ *Id.*

¹⁷ See State Policy Network, *How Many States Have Regulatory Sandboxes?*, available at <https://spn.org/articles/what-is-a-regulatory-sandbox/> (last visited Mar. 17, 2023).

¹⁸ Matthew Nicaud, *Regulatory “Sandbox” Reforms Advance Across the Nation* (June 23, 2021), available at <https://mspolicy.org/regulatory-sandbox-reforms-advance-across-the-nation/> (last visited Mar. 17, 2023).

III. Effect of Proposed Changes:

Universal Regulatory Sandbox

The bill creates ss. 288.9971-288.9983, F.S., to establish a universal regulatory sandbox, which allows businesses, under the observation of regulators, to demonstrate innovative products, services, and business models while temporarily receiving a waiver or suspension of inapplicable laws or regulations.

The bill provides the following definitions:

- “Advisory committee” means the General Regulatory Sandbox Program Advisory Committee created in s. 288.9974, F.S.;
- “Applicable agency” means a department or agency of Florida that regulates a business activity and persons engaged in such business activity, including the issuance of licenses or other types of authorization, which the office determines would otherwise regulate a sandbox participant;
- “Applicant” means a person who applies to participate in the regulatory sandbox;
- “Blockchain technology” means the use of a digital database containing records of financial transactions, which can be simultaneously used and shared within a decentralized, publicly accessible network and can record transactions between two parties in a verifiable and permanent way;
- “Consumer” means a person who purchases or otherwise enters into a transaction or agreement to receive an offering pursuant to a demonstration by a sandbox participant;
- “Demonstrate” or “demonstration” means to temporarily provide an offering in accordance with the General Regulatory Sandbox Program created in s. 288.9975, F.S.;
- “Director” means the director of the Office of Regulatory Relief;
- “Financial product or service” has the same meaning as in s. 559.952(3), F.S.;¹⁹
- “Innovation” means the use or incorporation of a new or existing idea, a new or emerging technology, or a new use of existing technology, including blockchain technology, to address a problem, provide a benefit, or otherwise offer a product, production method, or service;
- “Insurance product or service” means an insurance product or insurance service that requires state licensure, registration, or other authorization under the Florida Insurance Code, including an insurance product or insurance service that includes a business model, delivery mechanism, or element that requires a license, registration, or other authorization to engage in an insurance business, act as an insurance producer or consultant, or engage in insurance adjusting;

¹⁹ Section 559.952(3), F.S., defines “financial product or service” as a product or service related to a consumer finance loan, as defined in s. 516.01, or a money transmitter or payment instrument seller, as those terms are defined in s. 560.103, including mediums of exchange that are in electronic or digital form. Section 516.01, F.S., defines “consumer finance loan” as a loan of money, credit, goods, or choses in action, including, except as otherwise specifically indicated, provision of a line of credit, in an amount or to a value of \$25,000 or less for which the lender charges, contracts for, collects, or receives interest at a rate greater than 18 percent per annum. Section 560.103, F.S., defines “money transmitter” as means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which receives currency, monetary value, a payment instrument, or virtual currency for the purpose of acting as an intermediary to transmit currency, monetary value, a payment instrument, or virtual currency from one person to another location or person by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country. The term includes only an intermediary that has the ability to unilaterally execute or indefinitely prevent a transaction, and “payment instrument seller” as a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which sells a payment instrument.

- “Offering” means a product, production method, or service, including a financial product or service or an insurance product or service that includes an innovation;²⁰
- “Office” means the Office of Regulatory Relief created in s. 288.9973, F.S.;
- “Product” means a commercially distributed good that is tangible personal property, the result of a production process, or passed through the distribution channel before consumption;
- “Production” means the method or process of creating or obtaining a good, which may include assembling, breeding, capturing, collecting, extracting, fabricating, farming, fishing, gathering, growing, harvesting, hunting, manufacturing, mining, processing, raising, or tapping a good;
- “Regulatory sandbox” means the General Regulatory Sandbox Program created in s. 288.9975, F.S., which allows a person to temporarily demonstrate an offering under a waiver or suspension of one or more state laws or regulations;
- “Sandbox participant” means a person whose application to participate in the regulatory sandbox is approved in accordance with this bill;
- “Secretary” means the Secretary of Economic Opportunity; and
- “Service” means any commercial activity, duty, or labor performed for another person.

Office of Regulatory Relief

The bill creates the Office of Regulatory Relief (office) within the Department of Economic Opportunity (DEO). The office must be administered by a director, and the director must report to the secretary. Additionally, the director, with the approval of the secretary, is authorized to appoint a staff.

The bill provides that the office must do the following:

- Administer the office as provided in the bill;
- Administer the regulatory sandbox; and
- Act as a liaison between private businesses and applicable agencies to identify laws or regulations that could be waived or suspended under the regulatory sandbox.

The bill authorizes the office to do the following:

- Review laws and regulations that may unnecessarily inhibit the creation and success of new companies or industries and provide recommendations to the Governor and the Legislature on modifying or eliminating such laws and regulations;
- Create a framework for analyzing the risk level to the health, safety, and financial well-being of consumers related to permanently modifying or eliminating or temporarily waiving or suspending laws and regulations inhibiting the creation or success of new and existing companies or industries;
- Propose potential reciprocity agreements between states that use or are proposing to use similar regulatory sandboxes as created in this bill or the Financial Technology Sandbox created in s. 559.952, F.S.; and
- In accordance with ch. 120, F.S., and this bill, adopt rules regarding the following:
 - Administering the regulatory sandbox;²¹ and

²⁰ The term does not include any service for which a license or authorization to practice law in this state is required under ch. 454, F.S.

²¹ Administering the regulatory sandbox includes adopting rules regarding the application process and the reporting requirements of sandbox participants.

- Cooperating and consulting with other applicable agencies that administer regulatory sandboxes.

Advisory Committee

The bill creates the General Regulatory Sandbox Program Advisory Committee (committee) to make recommendations to the office, and provides that it must consist of the following 11 members:

- Six members who represent business interests from a variety of industries, appointed by the director;
- Three members who represent applicable agencies regulating businesses, appointed by the director;
- One member of the Senate, appointed by the President of the Senate; and
- One member of the House of Representatives, appointed by the Speaker of the House of Representatives.

The bill provides that the director may adjust the length of terms of appointments and reappointments to the committee so that approximately half of the committee is appointed every 2 years. However, members of the committee who are not legislators must be appointed to 4 year terms. Additionally, the director must select a chair of the committee on an annual basis.

The bill provides that a majority of the members of the committee constitutes a quorum for the purposes of conducting committee business, and the affirmative vote of a majority of the members constitutes the official action of the committee.

The bill establishes that the office must provide administrative staff support for the committee.

The bill prohibits a member from receiving compensation or benefits for the member's service. However, a member who represents business interests may receive per diem and travel expenses in accordance with s. 112.061, F.S.

Application Requirements

The bill creates the General Regulatory Sandbox Program (program), and provides that the office must do the following while administering the program:

- Consult with each applicable agency; and
- Enable a person to obtain legal protection and limited access to the market to demonstrate an offering without obtaining a license or other authorization that might otherwise be required.

The bill authorizes the office to do the following while administering the program:

- Enter into agreements with or adopt the best practices of corresponding federal regulatory agencies or agencies in other states that are administering similar programs; and
- Consult with businesses about existing or potential proposals for the program.

The bill provides that an applicant may contact the office to request a consultation regarding the program before submitting an application, and the office is authorized to provide assistance to an applicant.

The bill requires an applicant to submit an application in a form prescribed by the office that does the following:

- Confirms the applicant is subject to the jurisdiction of Florida;
- Confirms the applicant has established a physical or virtual location in Florida, from which the demonstration of an offering must be developed and performed and where all required records, documents, and data must be maintained;
- Contains relevant personal and contact information for the applicant, including the applicant's full legal name, address, telephone number, e-mail address, website address, and any other information required by the office;
- Discloses any criminal convictions of the applicant or of any person who seeks to participate with the applicant in the demonstration of an offering;
- Contains a description of the offering to be demonstrated, including statements regarding:
 - How the offering is subject to licensing, legal prohibition, or other authorization requirements outside of the program;
 - Each law or regulation that the applicant seeks to have waived or suspended while participating in the program;
 - How the offering would benefit consumers;
 - How the offering is different from other available offerings;
 - What risks might exist for consumers who use or purchase the offering;
 - How participating in the regulatory sandbox would enable a successful demonstration of the offering;
 - A description of the proposed demonstration plan, including estimated time periods for beginning and ending the demonstration;
 - Recognition that the applicant shall be subject to all laws and regulations pertaining to the applicant's offering after conclusion of the demonstration; and
 - How the applicant plans to end the demonstration and protect consumers if the demonstration fails;
- Lists each applicable agency that the applicant knows regulates the applicant's business; and
- Provides any other required information as determined by the office.

Additionally, the bill requires an applicant to file a separate application for each offering that the applicant wishes to demonstrate.

The bill provides that after an application is filed, the office is required to do the following:

- Classify, as a protected record, any part of the application that the office determines is nonpublic, confidential information that if disclosed would result in actual economic harm to the applicant;
- Consult with each applicable agency that regulates the applicant's business regarding whether more information is needed from the applicant; and
- Seek any additional information from the applicant that the office determines is necessary.

The bill requires the office to take the following actions no later than 5 business days after the day a complete application is received:

- Review the application and refer the application to each applicable agency that regulates the applicant's business;
- Provide to the applicant;

- An acknowledgement of receipt of the application;
- The identity and contact information of each applicable agency to which the application has been referred for review; and
- Provide public notice, on the office's website and through other appropriate means, of each law or regulation that the office is considering suspending or waiving pursuant to the application.

The bill requires an applicable agency to provide a written report to the director that includes the applicable agency's findings no later than 30 days after the day on which an applicable agency receives a complete application for review. The written report must do the following:

- Describe any identifiable, likely, and significant harm to the health, safety, or financial well-being of consumers against which the relevant law or regulation protects; and
- Make a recommendation to the office that the applicant be admitted or denied entrance into the program.

The bill authorizes the applicable agency to request an additional 5 business days to deliver the written report by providing notice to the director. However, the applicable agency may only request one extension per application.

The bill provides that if the applicable agency recommends an applicant be denied entrance into the program, the written report must include a description of the reasons for the recommendation, including why a temporary waiver or suspension of the relevant laws or regulations would potentially significantly harm the health, safety, or financial well-being of consumers and the likelihood of such harm occurring.

The bill establishes that if the applicable agency determines the consumer's health, safety, or financial well-being can be protected through less restrictive means than the existing laws or regulations, the applicable agency must provide a recommendation of how that can be achieved. Additionally, if an applicable agency fails to deliver a written report as required in the bill, the director must assume that the applicable agency does not object to the temporary waiver or suspension of the relevant laws or regulations for an applicant seeking to participate in the program.

The bill provides that an applicable agency may by written notice to the office:

- Within the 30 days after the day on which the applicable agency receives a complete application for review, or within 35 days if an extension has been requested by the applicable agency, reject an application if the applicable agency determines, in the applicable agency's sole discretion, that the applicant's offering fails to comply with standards or specifications:
 - Required by federal law or regulation; or
 - Previously approved for use by a federal agency; or
- Reject an application preliminarily approved by the office if the applicable agency:
 - Recommended rejection of the application in the applicable agency's written report; and
 - Provides in the written notice a description of the applicable agency's reasons why approval of the application would create a substantial risk of harm to the health or safety of consumers or would create unreasonable expenses for taxpayers.

The bill establishes that if an applicable agency rejects an application, then the office must deny the application. Additionally, upon receiving a written report, the director must provide the application and the written report to the committee.

The bill authorizes the director to call the committee to meet as needed, but not less than once per quarter if applications are available for review. After receiving and reviewing the application and each written report, the committee must provide a recommendation to the director as to whether the applicant should be admitted as a program participant.

The bill provides that in reviewing an application and each applicable agency's written report, the office must consult with each applicable agency and the committee before admitting an applicant into the program. The consultation with each applicable agency and the consultation with the committee may include seeking information about whether:

- The applicable agency has previously issued a license or other authorization to the applicant; or
- The applicable agency has previously investigated, sanctioned, or pursued legal action against the applicant.

Additionally, the office and the applicable agency must consider whether a competitor to the applicant is or has been a program participant and, if so, weigh that as a factor in favor of allowing the applicant to also become a participant.

In reviewing an application, the office must consider whether:

- The applicant's plan will adequately protect consumers from potential harm identified by an applicable agency in the applicable agency's written report;
- The risk of harm to consumers is outweighed by the potential benefits to consumers from the applicant's participation in the regulatory sandbox; and
- Laws or regulations that regulate an offering should not be waived or suspended even if the applicant is approved as a program participant, including applicable antifraud or disclosure laws or regulations.

The bill provides that an applicant becomes a program participant if the office approves the application and enters into a written agreement with the applicant describing the specific laws and regulations that are waived or suspended as part of the applicant's participation in the program. However, the office is prohibited from entering into a written agreement with an applicant that waives or suspends a tax, fee, or charge that is administered by the Department of Revenue.

The bill authorizes the director to deny any application for any reason, including if the director determines that the preponderance of evidence demonstrates that suspending or waiving enforcement of a law or regulation would cause a significant risk of harm to consumers. If the director denies an application, the office is required to provide the applicant with a written description of the reasons of such denial. Additionally, the denial of an application is not subject to agency or judicial review or ch. 120, F.S.

The bill requires the director to deny an application for participation in the program if:

- The director determines that the applicant should instead apply for the Financial Technology Sandbox; or
- The applicant or any person who seeks to participate with the applicant in the demonstration of an offering has been convicted of, or entered a plea of guilty or nolo contendere to any crime involving significant theft, fraud, or dishonesty if the crime bears a significant relationship to the applicant's or other participant's ability to safely and competently participate in the program

The bill provides that when an applicant is approved for participation in the program, the director must provide public notice of the approval on the Office's website and through other appropriate means. The public notice must state the following:

- The full legal name of the program participant;
- The industries represented by the program participant; and
- Each law or regulation that is suspended or waived for the program participant pursuant to the program approval.

Additionally, the office must post the following information on its website and also make the information available through other appropriate means:

- Documentation regarding the office's determination and grounds for approving each program participant; and
- Public notice regarding any program participant's termination of participation in the program.

Scope of the Regulatory Sandbox

The bill provides that if the office approves an application, the program participant has 12 months after the day on which the application was approved to demonstrate the offering described in the program participant's application. An offering that is demonstrated in the program is subject to the following:

- Each consumer must be a resident of Florida; and
- A law or regulation may not be waived or suspended if it would prevent a consumer from seeking restitution in the event that the consumer is harmed.

The bill clarifies that a program participant is not restricted from acting in accordance with a license or other authorization from another jurisdiction. Additionally, a program participant is deemed to possess an appropriate license or other authorization under the laws of Florida for the purposes of any provision of federal law requiring licensure or other authorization by the state.

The bill provides that during the demonstration period, a program participant is not subject to the enforcement of laws or regulations identified in the written agreement between the office and the program participant. A prosecutor may not file or pursue charges pertaining to a violation of law or regulation identified in the written agreement between the office and the program participant that occurs during the demonstration period. Further, an applicable agency may not file or pursue any punitive action against a program participant, including the imposition of a fine or the suspension or revocation of a license, for a violation of law or regulation that:

- Is identified as being waived or suspended in the written agreement between the office and the program participant; and
- Occurs during the demonstration period.

However, a program participant does not have immunity related to any criminal offense committed during the program participant's participation in the program. Additionally, a program participant who provides an offering that is a financial product or service must comply with all applicable federal laws and regulations governing consumer protection.

The bill establishes that by written notice, the office may terminate a program participant's participation in the program at any time and for any reason. Additionally, the office and the office's employees are not liable for any business losses or the recouping of application expenses or other expenses related to the program, including expenses for:

- Denying an applicant's application to participate in the program for any reason; or
- Terminating a program participant's participation in the program at any time and for any reason.

Annual Report

The bill requires the secretary to provide a written report by October 1 of each year to the President of the Senate and the Speaker of the House of Representatives that includes:

- Information regarding each program participant, including which industries each participant represents and each participant's anticipated or actual cost savings;
- Recommendations regarding any laws or regulations that should be permanently modified or eliminated;
- Information regarding consumer outcomes; and
- Recommendations for changes to the program or other office duties.

Consumer Protection

The bill requires a program participant to disclose the following to a consumer, before demonstrating an offering to a consumer:

- The full legal name and contact information of the program participant;
- That the offering is authorized under the regulatory sandbox and, if applicable, that the program participant does not hold a license or other authorization to provide an offering under laws or regulations that regulate offerings outside of the regulatory sandbox;
- That the offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified by the applicable agency's written report;
- That the program participant is not immune from civil liability for any losses or damages caused by the offering;
- That the program participant is not immune from criminal prosecution for violations of laws or regulations that are not suspended or waived pursuant to program participation;
- That the offering is a temporary demonstration that may be discounted at the end of the demonstration period;
- The expected end date of the demonstration period; and
- That a consumer may file a complaint with the office regarding the offering being demonstrated and the office's telephone number and website address where a complaint may be filed.

The disclosures must be provided to a consumer in a clear and conspicuous format and, for an Internet or application-based offering, a consumer must acknowledge receipt of the disclosure before any transaction may be completed. Additionally, the office may require that a program participant make additional disclosures to a consumer.

Requirements for Exiting

The bill provides that at least 30 days before the end of the 12-month regulatory sandbox demonstration period, a program participant must:

- Notify the office that the program participant must exit the regulatory sandbox and discontinue the program participant's demonstration after the day on which the 12-month demonstration period ends; or
- Seek an extension.

If the office does not receive the required notification, the regulatory sandbox demonstration period ends at the end of the 12-month demonstration period. Additionally, if a demonstration includes an offering that requires ongoing duties, the program participant may continue to perform those duties but must be subject to enforcement by the laws or regulations that were waived or suspended pursuant to the regulatory sandbox.

Extensions

The bill establishes that no later than 30 days before the end of the 12-month regulatory sandbox demonstration period, a program participant may request an extension of the regulatory sandbox demonstration period. The office must grant or deny a request for an extension by the end of the 12-month regulatory sandbox demonstration period. Further, the office may grant an extension for not more than 12 months after the end of the regulatory sandbox demonstration period.

Recordkeeping and Reporting

The bill requires a program participant to retain records, documents, and data produced in the ordinary course of business regarding an offering demonstrated in the regulatory sandbox. If a program participant ceases to provide an offering before the end of a demonstration period, the program participant must notify the office and each applicable agency and report on actions taken by the program participant to ensure that consumers have not been harmed as a result of the offering.

The bill requires the office to establish quarterly reporting requirements for a sandbox participant, including reporting any consumer complaints filed. Additionally, the office may request records, documents, and data from a program participant and, upon the office's request, the program participant must make such records, documents, and data available for inspection by the office.

The bill establishes that a program participant must provide a written report to the office and each applicable agency detailing any incidents that resulted in harm to the health, safety, or financial well-being of a consumer. If a program participant fails to notify the office and each applicable agency of any incidents as described above, or the office or an applicable agency has

evidence that significant harm to a consumer has occurred, the office may immediately remove the program participant from the regulatory sandbox.

The bill provides that no later than 30 days after the day on which a program participant exits the regulatory sandbox, the program participant must submit a written report to the office and each applicable agency describing an overview of the program participant's demonstration, including any:

- Incidents of harm to consumers;
- Legal action filed against the participant as a result of the participant's demonstration; and
- Complaints filed with an applicable agency as a result of the participant's demonstration.

The bill provides that no later than 30 days after the day on which an applicable agency receives the quarterly reporting or a written report from a program participant, the applicable agency must provide a written report to the office on the demonstration that describes any statutory or regulatory reform the applicable agency recommends as a result of the demonstration. The office may remove a program participant from the regulatory sandbox at any time if the office determines that a program participant has engaged in, is engaging in, or is about to engage in any practice or transaction that violates this bill or that constitutes a violation of a law or regulation for which suspension or waiver has not been granted under the regulatory sandbox.

Regulatory Relief Webpage

The bill provides that the office must create and maintain on the DEO's website a web page that invites residents and businesses to make suggestions regarding laws and regulations that could be modified or eliminated to reduce the regulatory burden on residents and businesses.

The bill establishes that on at least a quarterly basis, the office must compile the results of suggestions from the web page and provide a written report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that describes the most common suggestions. In creating the report, the office and the advisory committee:

- Must ensure that nonpublic information of residents and businesses that make suggestions on the web page is not made public; and
- May evaluate the suggestions and provide analysis and suggestions regarding which laws and regulations could be modified or eliminated to reduce the regulatory burden on residents and businesses while still protecting consumers.

The Department of Economic Opportunity

The bill amends s. 20.60, F.S., to add the Office of Regulatory Relief to the divisions and offices of the DEO.

Effective Date

The bill takes effect July 1, 2023, only if SB 1392 or similar legislation takes effect and if such legislation is adopted in the same legislative session or an extension thereof and becomes a law. SB 1392 creates a new public records exemption and an open meeting exemption for information in a regulatory sandbox application that the office reasonably believes could result in economic harm to the applicant.

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:**Entering into Reciprocal Agreements with Other States**

Statutory authorization to enter reciprocal agreements with other states may potentially implicate the “nondelegation doctrine.” Article III, Section 1 of the Florida Constitution states that “[t]he legislative power of the state shall be vested in a legislature of the State of Florida.” The Florida Supreme Court has held that this constitutional provision requires that “primary policy decisions must be made by members of the legislature who are elected to perform those tasks, and administration of legislative programs must be pursuant to some minimal standards and guidelines....”²²

The Legislature may constitutionally transfer subordinate functions to “permit administration of legislative policy by an agency with the expertise and flexibility to deal with complex and fluid conditions.”²³ However, the Legislature “may not delegate the power to enact a law or the right to exercise unrestricted discretion in applying the law.”²⁴ Further, the nondelegation doctrine precludes the Legislature from delegating its powers “absent ascertainable minimal standards and guidelines.”²⁵ When the Legislature delegates power to another body, it “must clearly announce adequate standards to guide in the execution of the powers delegated.”²⁶

²² *Askew v. Cross Key Waterways*, 372 So.2d 913, 925 (Fla. 1978).

²³ *Microtel v. Fla. Pub. Serv. Comm'n*, 464 So.2d 1189, 1191 (Fla.1985) (citing *State, Dep't of Citrus v. Griffin*, 239 So.2d 577 (Fla.1970)).

²⁴ *Sims v. State*, 754 So.2d 657, 668 (Fla. 2000).

²⁵ *Dep't of Bus. Reg., Div. of Alcoholic Beverages and Tobacco v. Jones*, 474 So.2d 359, 361 (Fla. 1st DCA 1985).

²⁶ *Martin*, 916 So.2d at 770.

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

None.

B. Private Sector Impact:

The bill may have a fiscal impact on businesses that have a reduced regulatory structure by inclusion into the Universal Regulatory Sandbox. This could allow these businesses to be more successful or could result in the failure of the business.

C. Government Sector Impact:

The bill will have an indeterminate fiscal impact on the DEO, which will bear costs associated with the operation of the office. There may also be costs associated with advisory committee meetings, such as travel per diems.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires the office to provide public notice, on the office's website and through other "appropriate means," of each law or regulation that the office is considering suspending or waiving pursuant to the application. However, it is unclear what should be considered as other appropriate means.

The bill authorizes an applicable agency to reject an application by written notice to the office that was "preliminarily" approved by the office under certain circumstances. However, it is unclear when or how the office can preliminary approve an applicant.

The bill provides that a sandbox participant can request a 12-month extension of the regulatory sandbox demonstration period. However, it is unclear how many extensions a sandbox participant can be granted.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 288.9971, 288.9972, 288.9973, 288.9974, 288.9975, 288.9976, 288.9977, 288.9978, 288.9978, 288.9979, 288.9981, 288.9982, 288.9983.

This bill substantially amends section 20.60 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Martin

33-00842A-23

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1 A bill to be entitled
 2 An act relating to the universal regulatory sandbox;
 3 creating part XVI of ch. 288, F.S.; providing purpose;
 4 defining terms; creating the Office of Regulatory
 5 Relief within the Department of Economic Opportunity;
 6 specifying the duties and powers of the office;
 7 creating the General Regulatory Sandbox Program
 8 Advisory Committee; providing for membership of the
 9 committee; creating the General Regulatory Sandbox
 10 Program; providing requirements for applications;
 11 providing timelines and criteria for reviewing
 12 applications; requiring the office to consult with
 13 specified entities before admitting an applicant into
 14 the regulatory sandbox; providing for written
 15 agreements with sandbox participants; exempting denial
 16 of an application from certain review or specified
 17 laws; providing grounds for denial of an application;
 18 requiring public notice of approval of an applicant;
 19 requiring the office to post certain information on
 20 its website; exempting sandbox participants from
 21 certain enforcement for a specified period; specifying
 22 limits to such exemption; authorizing the office to
 23 terminate participation in the regulatory sandbox;
 24 providing certain immunity to the office and its
 25 employees; providing for consumer protection;
 26 providing requirements for exiting the regulatory
 27 sandbox; providing for extension of agreements;
 28 providing recordkeeping and reporting requirements;
 29 requiring the office to maintain a specified web page;

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30 amending s. 20.60, F.S.; conforming provisions to
 31 changes made by the act; providing a contingent
 32 effective date.
 33

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

35
 36 Section 1. Part XVI of chapter 288, Florida Statutes,
 37 consisting of ss. 288.9971-288.9983, is created to read:

38 PART XVI

39 UNIVERSAL REGULATORY SANDBOX

40 288.9971 Purpose.—This part establishes a universal
 41 regulatory sandbox, which allows businesses, under the
 42 observation of regulators, to demonstrate innovative products,
 43 services, and business models while temporarily receiving a
 44 waiver or suspension of inapplicable laws or regulations.

45 288.9972 Definitions.—As used in this part, the term:

46 (1) "Advisory committee" means the General Regulatory
 47 Sandbox Program Advisory Committee created in s. 288.9974.

48 (2) "Applicable agency" means a department or agency of the
 49 state that regulates a business activity and persons engaged in
 50 such business activity, including the issuance of licenses or
 51 other types of authorization, which the office determines would
 52 otherwise regulate a sandbox participant.

53 (3) "Applicant" means a person who applies to participate
 54 in the regulatory sandbox.

55 (4) "Blockchain technology" means the use of a digital
 56 database containing records of financial transactions, which can
 57 be simultaneously used and shared within a decentralized,
 58 publicly accessible network and can record transactions between

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two parties in a verifiable and permanent way.

(5) "Consumer" means a person who purchases or otherwise enters into a transaction or agreement to receive an offering pursuant to a demonstration by a sandbox participant.

(6) "Demonstrate" or "demonstration" means to temporarily provide an offering in accordance with the General Regulatory Sandbox Program created in s. 288.9975.

(7) "Director" means the director of the Office of Regulatory Relief.

(8) "Financial product or service" has the same meaning as in s. 559.952(3).

(9) "Innovation" means the use or incorporation of a new or existing idea, a new or emerging technology, or a new use of existing technology, including blockchain technology, to address a problem, provide a benefit, or otherwise offer a product, production method, or service.

(10) "Insurance product or service" means an insurance product or insurance service that requires state licensure, registration, or other authorization under the Florida Insurance Code, including an insurance product or insurance service that includes a business model, delivery mechanism, or element that requires a license, registration, or other authorization to engage in an insurance business, act as an insurance producer or consultant, or engage in insurance adjusting.

(11) "Offering" means a product, production method, or service, including a financial product or service or an insurance product or service, that includes an innovation. The term does not include any service for which a license or authorization to practice law in this state is required under

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chapter 454.

(12) "Office" means the Office of Regulatory Relief created in s. 288.9973.

(13) "Product" means a commercially distributed good that is:

(a) Tangible personal property.

(b) The result of a production process.

(c) Passed through the distribution channel before consumption.

(14) "Production" means the method or process of creating or obtaining a good, which may include assembling, breeding, capturing, collecting, extracting, fabricating, farming, fishing, gathering, growing, harvesting, hunting, manufacturing, mining, processing, raising, or trapping a good.

(15) "Regulatory sandbox" means the General Regulatory Sandbox Program created in s. 288.9975, which allows a person to temporarily demonstrate an offering under a waiver or suspension of one or more state laws or regulations.

(16) "Sandbox participant" means a person whose application to participate in the regulatory sandbox is approved in accordance with this part.

(17) "Secretary" means the Secretary of Economic Opportunity.

(18) "Service" means any commercial activity, duty, or labor performed for another person.

288.9973 Office of Regulatory Relief.—

(1) There is created within the Department of Economic Opportunity the Office of Regulatory Relief.

(2) (a) The office shall be administered by a director.

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(b) The director shall report to the secretary and may appoint staff, subject to the approval of the secretary.

(3) The office shall:

(a) Administer this part.

(b) Administer the regulatory sandbox.

(c) Act as a liaison between private businesses and applicable agencies to identify laws or regulations that could be waived or suspended under the regulatory sandbox.

(4) The office may:

(a) Review laws and regulations that may unnecessarily inhibit the creation and success of new companies or industries and provide recommendations to the Governor and the Legislature on modifying or eliminating such laws and regulations.

(b) Create a framework for analyzing the risk level to the health, safety, and financial well-being of consumers related to permanently modifying or eliminating or temporarily waiving or suspending laws and regulations inhibiting the creation or success of new and existing companies or industries.

(c) Propose potential reciprocity agreements between states that use or are proposing to use similar regulatory sandboxes as created in this part or the Financial Technology Sandbox created in s. 559.952.

(d) In accordance with chapter 120 and this part, adopt rules regarding:

1. Administering the regulatory sandbox, including adopting rules regarding the application process and the reporting requirements of sandbox participants.

2. Cooperating and consulting with other applicable agencies that administer regulatory sandboxes.

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288.9974 General Regulatory Sandbox Program Advisory Committee.—

(1) There is created the General Regulatory Sandbox Program Advisory Committee.

(2) The advisory committee shall consist of 11 members as follows:

(a) Six members who represent business interests from a variety of industries, appointed by the director.

(b) Three members who represent applicable agencies regulating businesses, appointed by the director.

(c) One member of the Senate, appointed by the President of the Senate.

(d) One member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(3) (a) Subject to paragraph (b), members of the advisory committee who are not legislators shall be appointed to 4-year terms.

(b) Notwithstanding the requirements of paragraph (a), the director may adjust the length of terms of appointments and reappointments to the advisory committee so that approximately half of the advisory committee is appointed every 2 years.

(4) The director shall select a chair of the advisory committee on an annual basis.

(5) A majority of the members of the advisory committee constitutes a quorum for the purpose of conducting advisory committee business, and the affirmative vote of a majority of the members constitutes the official action of the advisory committee.

(6) The advisory committee shall advise and make

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175 recommendations to the office.

176 (7) The office shall provide administrative staff support
 177 for the advisory committee.

178 (8) A member may not receive compensation or benefits for
 179 the member's service, but a member appointed under paragraph
 180 (2)(a) may receive per diem and travel expenses in accordance
 181 with s. 112.061.

182 288.9975 General Regulatory Sandbox Program; application
 183 requirements.-

184 (1) There is created in the office the General Regulatory
 185 Sandbox Program.

186 (2) In administering the regulatory sandbox, the office:

187 (a) Shall consult with each applicable agency.

188 (b) Shall enable a person to obtain legal protections and
 189 limited access to the market to demonstrate an offering without
 190 obtaining a license or other authorization that might otherwise
 191 be required.

192 (c) May enter into agreements with or adopt the best
 193 practices of corresponding federal regulatory agencies or
 194 agencies in other states that are administering similar
 195 programs.

196 (d) May consult with businesses about existing or potential
 197 proposals for the regulatory sandbox.

198 (3)(a) An applicant may contact the office to request a
 199 consultation regarding the regulatory sandbox before submitting
 200 an application.

201 (b) The office may provide assistance to an applicant in
 202 preparing an application for submission.

203 (4) An applicant shall submit an application to the office,

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204 in a form prescribed by the office, that:

205 (a) Confirms the applicant is subject to the jurisdiction
 206 of the state.

207 (b) Confirms the applicant has established a physical or
 208 virtual location in the state, from which the demonstration of
 209 an offering shall be developed and performed and where all
 210 required records, documents, and data shall be maintained.

211 (c) Contains relevant personal and contact information for
 212 the applicant, including the applicant's full legal name,
 213 address, telephone number, e-mail address, website address, and
 214 any other information required by the office.

215 (d) Discloses any criminal convictions of the applicant or
 216 of any person who seeks to participate with the applicant in the
 217 demonstration of an offering.

218 (e) Contains a description of the offering to be
 219 demonstrated, including statements regarding:

220 1. How the offering is subject to licensing, legal
 221 prohibition, or other authorization requirements outside of the
 222 regulatory sandbox.

223 2. Each law or regulation that the applicant seeks to have
 224 waived or suspended while participating in the regulatory
 225 sandbox.

226 3. How the offering would benefit consumers.

227 4. How the offering is different from other available
 228 offerings.

229 5. What risks might exist for consumers who use or purchase
 230 the offering.

231 6. How participating in the regulatory sandbox would enable
 232 a successful demonstration of the offering.

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233 7. A description of the proposed demonstration plan,
 234 including estimated time periods for beginning and ending the
 235 demonstration.

236 8. Recognition that the applicant shall be subject to all
 237 laws and regulations pertaining to the applicant's offering
 238 after conclusion of the demonstration.

239 9. How the applicant plans to end the demonstration and
 240 protect consumers if the demonstration fails.

241 (f) Lists each applicable agency that the applicant knows
 242 regulates the applicant's business.

243 (g) Provides any other required information as determined
 244 by the office.

245 (5) An applicant shall file a separate application for each
 246 offering that the applicant wishes to demonstrate.

247 (6) After an application is filed, the office shall:

248 (a) Classify, as a protected record, any part of the
 249 application that the office determines is nonpublic,
 250 confidential information that if disclosed would result in
 251 actual economic harm to the applicant in accordance with s.
 252 288.9984.

253 (b) Consult with each applicable agency that regulates the
 254 applicant's business regarding whether more information is
 255 needed from the applicant.

256 (c) Seek any additional information from the applicant that
 257 the office determines is necessary.

258 (7) No later than 5 business days after the day on which a
 259 complete application is received by the office, the office
 260 shall:

261 (a) Review the application and refer the application to

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262 each applicable agency that regulates the applicant's business.

263 (b) Provide to the applicant:

264 1. An acknowledgment of receipt of the application.

265 2. The identity and contact information of each applicable
 266 agency to which the application has been referred for review.

267 (c) Provide public notice, on the office's website and
 268 through other appropriate means, of each law or regulation that
 269 the office is considering suspending or waiving pursuant to the
 270 application.

271 (8) (a) Subject to paragraphs (c) and (g), no later than 30
 272 days after the day on which an applicable agency receives a
 273 complete application for review, the applicable agency shall
 274 provide a written report to the director that includes the
 275 applicable agency's findings.

276 (b) The written report shall:

277 1. Describe any identifiable, likely, and significant harm
 278 to the health, safety, or financial well-being of consumers
 279 against which the relevant law or regulation protects.

280 2. Make a recommendation to the office that the applicant
 281 be admitted or denied entrance into the regulatory sandbox.

282 (c) 1. The applicable agency may request an additional 5
 283 business days to deliver the written report by providing notice
 284 to the director, which request shall automatically be granted.

285 2. The applicable agency may only request one extension per
 286 application.

287 (d) If the applicable agency recommends an applicant be
 288 denied entrance into the regulatory sandbox, the written report
 289 shall include a description of the reasons for the
 290 recommendation, including why a temporary waiver or suspension

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of the relevant laws or regulations would potentially significantly harm the health, safety, or financial well-being of consumers and the likelihood of such harm occurring.

(e) If the applicable agency determines that the consumer's health, safety, or financial well-being can be protected through less restrictive means than the existing laws or regulations, the applicable agency shall provide a recommendation of how that can be achieved.

(f) If an applicable agency fails to deliver a written report as required in this subsection, the director shall assume that the applicable agency does not object to the temporary waiver or suspension of the relevant laws or regulations for an applicant seeking to participate in the regulatory sandbox.

(g) Notwithstanding any other provision of this section, an applicable agency may by written notice to the office:

1. Within the 30 days after the day on which the applicable agency receives a complete application for review, or within 35 days if an extension has been requested by the applicable agency, reject an application if the applicable agency determines, in the applicable agency's sole discretion, that the applicant's offering fails to comply with standards or specifications:

a. Required by federal law or regulation; or

b. Previously approved for use by a federal agency; or

2. Reject an application preliminarily approved by the office if the applicable agency:

a. Recommended rejection of the application in accordance with paragraph (d) in the applicable agency's written report.

b. Provides in the written notice under this paragraph a

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description of the applicable agency's reasons why approval of the application would create a substantial risk of harm to the health or safety of consumers or would create unreasonable expenses for taxpayers.

(h) If an applicable agency rejects an application under paragraph (g), the office must deny the application.

(9) (a) Upon receiving a written report described in subsection (8), the director shall provide the application and the written report to the advisory committee.

(b) The director may call the advisory committee to meet as needed, but not less than once per quarter if applications are available for review.

(c) After receiving and reviewing the application and each written report, the advisory committee shall provide to the director a recommendation as to whether the applicant should be admitted as a sandbox participant under this part.

(d) As part of the advisory committee's review of each written report, the advisory committee shall use the criteria required for an applicable agency as described in subsection (8).

(10) (a) In reviewing an application and each applicable agency's written report, the office shall consult with each applicable agency and the advisory committee before admitting an applicant into the regulatory sandbox.

(b) The consultation with each applicable agency and the consultation with the advisory committee may include seeking information about whether:

1. The applicable agency has previously issued a license or other authorization to the applicant.

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2. The applicable agency has previously investigated, sanctioned, or pursued legal action against the applicant.

(11) In reviewing an application under this section, the office and the applicable agency shall consider whether a competitor to the applicant is or has been a sandbox participant and, if so, weigh that as a factor in favor of allowing the applicant to also become a sandbox participant.

(12) In reviewing an application under this section, the office shall consider whether:

(a) The applicant's plan will adequately protect consumers from potential harm identified by an applicable agency in the applicable agency's written report.

(b) The risk of harm to consumers is outweighed by the potential benefits to consumers from the applicant's participation in the regulatory sandbox.

(c) Laws or regulations that regulate an offering should not be waived or suspended even if the applicant is approved as a sandbox participant, including applicable antifraud or disclosure laws or regulations.

(13) (a) An applicant becomes a sandbox participant if the office approves the application and enters into a written agreement with the applicant describing the specific laws and regulations that are waived or suspended as part of the applicant's participation in the regulatory sandbox.

(b) Notwithstanding any other provision of this part, the office may not enter into a written agreement with an applicant that waives or suspends a tax, fee, or charge that is administered by the Department of Revenue.

(14) (a) The director may deny, at the director's sole

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discretion, any application submitted under this section for any reason, including if the director determines that the preponderance of evidence demonstrates that suspending or waiving enforcement of a law or regulation would cause a significant risk of harm to consumers.

(b) If the director denies an application submitted under this section, the office shall provide to the applicant a written description of the reasons for such denial.

(c) The denial of an application submitted under this section is not subject to:

1. Agency or judicial review; or

2. Chapter 120.

(15) The director shall deny an application for participation in the regulatory sandbox if:

(a) The director determines that the applicant should instead apply for the Financial Technology Sandbox created in s. 559.952; or

(b) The applicant or any person who seeks to participate with the applicant in the demonstration of an offering has been convicted of, or entered a plea of guilty or nolo contendere to, any crime involving significant theft, fraud, or dishonesty if the crime bears a significant relationship to the applicant's or other participant's ability to safely and competently participate in the regulatory sandbox.

(16) (a) When an applicant is approved for participation in the regulatory sandbox, the director shall provide public notice of the approval on the office's website and through other appropriate means.

(b) The public notice described in paragraph (a) shall

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state:

1. The full legal name of the sandbox participant.
2. The industries represented by the sandbox participant.
3. Each law or regulation that is suspended or waived for

the sandbox participant pursuant to the regulatory sandbox approval.

(17) In addition to the information described in subsection (16), the office shall post the following information on the office's website and also make the information available through other appropriate means:

(a) Documentation regarding the office's determination and grounds for approving each sandbox participant.

(b) Public notice regarding any sandbox participant's termination of participation in the regulatory sandbox.

288.9976 Scope of the regulatory sandbox.—

(1) If the office approves an application under this part, the sandbox participant has 12 months after the day on which the application was approved to demonstrate the offering described in the sandbox participant's application.

(2) An offering that is demonstrated in the regulatory sandbox is subject to the following:

(a) Each consumer shall be a resident of the state.

(b) A law or regulation may not be waived or suspended if waiving or suspending the law or regulation would prevent a consumer from seeking restitution in the event that the consumer is harmed.

(3) This part does not restrict a sandbox participant who holds a license or other authorization in another jurisdiction from acting in accordance with that license or other

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authorization.

(4) A sandbox participant is deemed to possess an appropriate license or other authorization under the laws of the state for the purposes of any provision of federal law requiring licensure or other authorization by the state.

(5) Subject to subsection (6):

(a) During the demonstration period, a sandbox participant is not subject to the enforcement of laws or regulations identified in the written agreement between the office and the sandbox participant, as described in s. 288.9975(13).

(b) A prosecutor may not file or pursue charges pertaining to a violation of law or regulation identified in the written agreement between the office and the sandbox participant, as described in s. 288.9975(13), that occurs during the demonstration period.

(c) An applicable agency may not file or pursue any punitive action against a sandbox participant, including the imposition of a fine or the suspension or revocation of a license, for a violation of law or regulation that:

1. Is identified as being waived or suspended in the written agreement between the office and the sandbox participant, as described in s. 288.9975(13).

2. Occurs during the demonstration period.

(6) Notwithstanding any other provision of this part:

(a) A sandbox participant does not have immunity related to any criminal offense committed during the sandbox participant's participation in the regulatory sandbox.

(b) A sandbox participant who provides an offering that is a financial product or service shall comply with all applicable

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federal laws and regulations governing consumer protection.

(7) By written notice, the office may terminate a sandbox participant's participation in the regulatory sandbox at any time and for any reason, including if the director determines that a sandbox participant is not operating in good faith to bring an offering to consumers.

(8) The office and the office's employees are not liable for any business losses or the recouping of application expenses or other expenses related to the regulatory sandbox, including expenses for:

(a) Denying an applicant's application to participate in the regulatory sandbox for any reason; or

(b) Terminating a sandbox participant's participation in the regulatory sandbox at any time and for any reason.

288.9977 Annual report.—By October 1 of each year, the secretary shall provide a written report to the President of the Senate and the Speaker of the House of Representatives that includes:

(1) Information regarding each sandbox participant, including which industries each participant represents and each participant's anticipated or actual cost savings.

(2) Recommendations regarding any laws or regulations that should be permanently modified or eliminated.

(3) Information regarding consumer outcomes.

(4) Recommendations for changes to the regulatory sandbox or other office duties.

288.9978 Consumer protection for regulatory sandbox.—

(1) Before demonstrating an offering to a consumer, a sandbox participant shall disclose the following to the

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consumer:

(a) The full legal name and contact information of the sandbox participant.

(b) That the offering is authorized under the regulatory sandbox and, if applicable, that the sandbox participant does not hold a license or other authorization to provide an offering under laws or regulations that regulate offerings outside of the regulatory sandbox.

(c) That the offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified by the applicable agency's written report.

(d) That the sandbox participant is not immune from civil liability for any losses or damages caused by the offering.

(e) That the sandbox participant is not immune from criminal prosecution for violations of laws or regulations that are not suspended or waived pursuant to regulatory sandbox participation.

(f) That the offering is a temporary demonstration that may be discounted at the end of the demonstration period.

(g) The expected end date of the demonstration period.

(h) That a consumer may file a complaint with the office regarding the offering being demonstrated and the office's telephone number and website address where a complaint may be filed.

(2) The disclosures required by subsection (1) shall be provided to a consumer in a clear and conspicuous format and, for an Internet or application-based offering, a consumer shall acknowledge receipt of the disclosure before any transaction may be completed.

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(3) The office may require that a sandbox participant make additional disclosures to a consumer.

288.9979 Requirements for exiting regulatory sandbox.—

(1) At least 30 days before the end of the 12-month regulatory sandbox demonstration period, a sandbox participant shall:

(a) Notify the office that the sandbox participant shall exit the regulatory sandbox and discontinue the sandbox participant's demonstration after the day on which the 12-month demonstration period ends; or

(b) Seek an extension in accordance with s. 288.9981.

(2) Subject to subsection (3), if the office does not receive notification as required by subsection (1), the regulatory sandbox demonstration period ends at the end of the 12-month demonstration period.

(3) If a demonstration includes an offering that requires ongoing duties, the sandbox participant may continue to perform those duties but shall be subject to enforcement by the laws or regulations that were waived or suspended pursuant to the regulatory sandbox.

288.9981 Extensions.—

(1) No later than 30 days before the end of the 12-month regulatory sandbox demonstration period, a sandbox participant may request an extension of the regulatory sandbox demonstration period.

(2) The office shall grant or deny a request for an extension by the end of the 12-month regulatory sandbox demonstration period.

(3) The office may grant an extension in accordance with

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this section for not more than 12 months after the end of the regulatory sandbox demonstration period.

288.9982 Recordkeeping and reporting requirements.—

(1) A sandbox participant shall retain records, documents, and data produced in the ordinary course of business regarding an offering demonstrated in the regulatory sandbox.

(2) If a sandbox participant ceases to provide an offering before the end of a demonstration period, the sandbox participant shall notify the office and each applicable agency and report on actions taken by the sandbox participant to ensure that consumers have not been harmed as a result of the offering.

(3) The office shall establish quarterly reporting requirements for a sandbox participant, including reporting any consumer complaints filed.

(4) The office may request records, documents, and data from a sandbox participant and, upon the office's request, the sandbox participant shall make such records, documents, and data available for inspection by the office.

(5) (a) The sandbox participant shall provide a written report to the office and each applicable agency detailing any incidents that resulted in harm to the health, safety, or financial well-being of a consumer.

(b) If a sandbox participant fails to notify the office and each applicable agency of any incidents as described in paragraph (a), or the office or an applicable agency has evidence that significant harm to a consumer has occurred, the office may immediately remove the sandbox participant from the regulatory sandbox.

(6) (a) No later than 30 days after the day on which a

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581 sandbox participant exits the regulatory sandbox, the sandbox
 582 participant shall submit a written report to the office and each
 583 applicable agency describing an overview of the sandbox
 584 participant's demonstration, including any:

585 1. Incidents of harm to consumers.

586 2. Legal action filed against the participant as a result
 587 of the participant's demonstration.

588 3. Complaints filed with an applicable agency as a result
 589 of the participant's demonstration.

590 (b) No later than 30 days after the day on which an
 591 applicable agency receives the quarterly reporting described in
 592 subsection (3) or a written report from a sandbox participant as
 593 described in paragraph (5) (a), the applicable agency shall
 594 provide a written report to the office on the demonstration that
 595 describes any statutory or regulatory reform the applicable
 596 agency recommends as a result of the demonstration.

597 (7) The office may remove a sandbox participant from the
 598 regulatory sandbox at any time if the office determines that a
 599 sandbox participant has engaged in, is engaging in, or is about
 600 to engage in any practice or transaction that violates this part
 601 or that constitutes a violation of a law or regulation for which
 602 suspension or waiver has not been granted under the regulatory
 603 sandbox.

604 288.9983 Regulatory relief web page.—

605 (1) The office shall create and maintain on the
 606 department's website a web page that invites residents and
 607 businesses to make suggestions regarding laws and regulations
 608 that could be modified or eliminated to reduce the regulatory
 609 burden on residents and businesses.

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610 (2) On at least a quarterly basis, the office shall compile
 611 the results of suggestions from the web page and provide a
 612 written report to the Governor, the President of the Senate, and
 613 the Speaker of the House of Representatives that describes the
 614 most common suggestions.

615 (3) In creating the report described in subsection (2), the
 616 office and the advisory committee:

617 (a) Shall ensure that nonpublic information of residents
 618 and businesses that make suggestions on the web page is not made
 619 public.

620 (b) May evaluate the suggestions and provide analysis and
 621 suggestions regarding which laws and regulations could be
 622 modified or eliminated to reduce the regulatory burden on
 623 residents and businesses while still protecting consumers.

624 Section 2. Paragraph (a) of subsection (3) of section
 625 20.60, Florida Statutes, is amended to read:

626 20.60 Department of Economic Opportunity; creation; powers
 627 and duties.—

628 (3) (a) The following divisions and offices of the
 629 Department of Economic Opportunity are established:

- 630 1. The Division of Strategic Business Development.
- 631 2. The Division of Community Development.
- 632 3. The Division of Workforce Services.
- 633 4. The Division of Finance and Administration.
- 634 5. The Division of Information Technology.
- 635 6. The Office of the Secretary.

636 7. The Office of Economic Accountability and Transparency,
 637 which shall:

- 638 a. Oversee the department's critical objectives as

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determined by the secretary and make sure that the department's key objectives are clearly communicated to the public.

b. Organize department resources, expertise, data, and research to focus on and solve the complex economic challenges facing the state.

c. Provide leadership for the department's priority issues that require integration of policy, management, and critical objectives from multiple programs and organizations internal and external to the department; and organize and manage external communication on such priority issues.

d. Promote and facilitate key department initiatives to address priority economic issues and explore data and identify opportunities for innovative approaches to address such economic issues.

e. Promote strategic planning for the department.

8. The Office of Regulatory Relief.

Section 3. This act shall take effect July 1, 2023, only if SB ____ or similar legislation is adopted in the same legislative session or an extension of thereof and becomes a law.

The Florida Senate
APPEARANCE RECORD

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

3-20-23
Meeting Date
Commerce - Tourism
Committee

1390
Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sal Nuzzo - THE JAMES MADISON INST.** Phone **8503229941**

Address **100 N Duval Street** Email **snuzzo@jamesmadison.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:

☐ 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)

DUPLICATE

The Florida Senate
APPEARANCE RECORD

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

20 March 2023
Meeting Date
Commerce and Tourism
Committee

1390
Bill Number or Topic

Amendment Barcode (if applicable)

Name **Chris Stranburg** Phone **813 767 9667**

Address **107 E College Ave** Email **cstranburg@afphg.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:

**Americans for
Prosperity**

☐ 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.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1392

INTRODUCER: Senator Martin

SUBJECT: Public Records and Meetings/Universal Regulatory Sandbox

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 1392 makes confidential and exempt from public disclosure information in a regulatory sandbox application that the Office of Regulatory Relief reasonably believes could result in economic harm to the applicant. However, the confidential and exempt information may be released to appropriate state and federal agencies for the purpose of investigation.

The bill also exempts from open meeting requirements any portion of a meeting of the General Regulatory Sandbox Program Advisory Committee at which information made confidential and exempt is discussed. Additionally, the recordings, minutes, and records generated during an exempt meeting or portion of such a meeting are exempt from the public disclosure requirements.

Because this bill creates a new public records exemption and an open meeting exemption, it will require a two-thirds vote of both the Senate and the House of Representatives in order to become a law.

The bill provides that the exemptions are subject to the Open Government Sunshine Review Act and are repealed on October 2, 2028, unless saved from repeal by the Legislature.

The bill takes effect on the same date that linked bill SB 1390, relating to the universal regulatory sandbox, takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

II. Present Situation:

Access to Public Records - Generally

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

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁶ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or

⁷ Section 119.07(1)(a), F.S.

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

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Art. I, s. 24(b), Fla. Const.

discussed.¹⁷ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.¹⁸

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., known as the “Government in the Sunshine Law,”¹⁹ or the “Sunshine Law,”²⁰ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.²¹ The board or commission must provide the public reasonable notice of such meetings.²² Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²³ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁴ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²⁵ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁶

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of each house of the Legislature.²⁷ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁸ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁹

¹⁷ Art. I, s. 24(b), Fla. Const.

¹⁸ *Id.* Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁹ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

²⁰ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

²¹ Section 286.011(1)-(2), F.S.

²² *Id.*

²³ Section 286.011(6), F.S.

²⁴ Section 286.011(2), F.S.

²⁵ Section 286.011(1), F.S.

²⁶ Section 286.011(3), F.S.

²⁷ Art. I, s. 24(c), Fla. Const.

²⁸ *Id.*

²⁹ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act³⁰ (the Act), prescribe a legislative review process for newly created or substantially amended³¹ public records or open meetings exemptions, with specified exceptions.³² The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.³³

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁴ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;³⁵
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁶ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁷

The Act also requires specified questions to be considered during the review process.³⁸ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁹ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote

³⁰ Section 119.15, F.S.

³¹ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

³² Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³³ Section 119.15(3), F.S.

³⁴ Section 119.15(6)(b), F.S.

³⁵ Section 119.15(6)(b)1., F.S.

³⁶ Section 119.15(6)(b)2., F.S.

³⁷ Section 119.15(6)(b)3., F.S.

³⁸ Section 119.15(6)(a), F.S. The specified questions are:

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

³⁹ See generally s. 119.15, F.S.

for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.⁴⁰

Universal Regulatory Sandbox

SB 1390 creates the universal regulatory sandbox, which allows businesses, under the observation of regulators, to demonstrate innovative products, services, and business models while temporarily receiving a waiver or suspension of inapplicable laws or regulations.

In SB 1390, the Office of Regulatory Relief (office) is created within the Department of Economic Opportunity to administer the universal regulatory sandbox and to act as a liaison between private businesses and applicable agencies to identify laws or regulations that could be waived or suspended under the regulatory sandbox. The bill also creates the General Regulatory Sandbox Program Advisory Committee to advise and make recommendations to the office.

III. Effect of Proposed Changes:

The bill creates s. 288.9984, F.S., to establish exemptions from public records and open meeting requirements relating to information received in universal regulatory sandbox applications.

The bill makes confidential and exempt from public disclosure information in a regulatory sandbox application that the Office of Regulatory Relief (office) reasonably believes could result in economic harm to the applicant. However, the confidential and exempt information may be released to appropriate state and federal agencies for the purpose of investigation.

The bill also exempts from open meeting requirements any portion of a meeting of the General Regulatory Sandbox Program Advisory Committee at which information made confidential and exempt is discussed. Additionally, the recordings, minutes, and records generated during an exempt meeting or portion of such a meeting are exempt from the public disclosure requirements.

Because this bill creates new public records exemption and an open meeting exemption, it will require a two-thirds vote of both the Senate and the House of Representatives in order to become a law.

This provision will be subject to an Open Government Sunset Review in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill will become effective on the same date that SB 1390 (2023) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

⁴⁰ Section 119.15(7), F.S.

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

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill creates a new record exemption; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. The bill creates a new public records exemption. Thus, the bill includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption for information relating communications services locations, project proposals, and challenges submitted to the department under the Broadband Opportunity Program. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

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

None.

B. Private Sector Impact:

The private sector may be subject to the costs associated with making redactions in response to a public records request.

C. Government Sector Impact:

The DEO may incur costs related to the redaction of records in responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The standard by which public records are to be exempt are those that the office reasonably believes could result in economic harm to the applicant. However, “economic harm” is not defined, which could lead to inconsistency in interpretation.

VIII. Statutes Affected:

This bill creates section 288.9984 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Martin

33-02177-23

20231392__

A bill to be entitled

An act relating to public records and meetings; creating s. 288.9984, F.S.; providing an exemption from public records requirements for information in universal regulatory sandbox applications determined by the Office of Regulatory Relief to be economically harmful to the applicant if released; providing an exemption from public meetings requirements for all or portions of meetings of the General Regulatory Sandbox Program Advisory Committee; providing an exemption from public records requirements for recordings, minutes, and records generated during the closed portions of such meetings; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 288.9984, Florida Statutes, is created in part XVI of chapter 288, Florida Statutes, as created by SB ____ or similar legislation, to read:

288.9984 Public records and public meetings exemptions.-

(1) Chapter 119 and s. 286.011 apply to all records and meetings created or conducted under this part unless otherwise provided in this section.

(2) Information in a regulatory sandbox application under this part that the office reasonably believes could result in economic harm to the applicant is confidential and exempt from

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20231392__

s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Such information includes, but is not limited to:

(a) The statements in s. 288.9975(4)(e).

(b) The information necessary to comply with the reporting requirements of s. 288.9975(8).

(c) The information necessary to comply with the reporting requirements of s. 288.9982(6).

However, the confidential and exempt information may be released to appropriate state and federal agencies for the purpose of investigation. This subsection does not prevent the office from disclosing a summary of the offering.

(3) (a) A meeting or a portion of a meeting of the General Regulatory Sandbox Program Advisory Committee at which information made confidential and exempt under subsection (2) is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(b) Recordings, minutes, and records generated during an exempt meeting or portion of such a meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that certain information provided to and held by the Office of Regulatory Relief to evaluate a universal regulatory sandbox application be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the

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59 State Constitution. The disclosure of such information could
 60 adversely affect the business interests of the universal
 61 regulatory sandbox applicant and could injure the applicant in
 62 the marketplace if the information were to be made available to
 63 competitors. Divulgence of this information would destroy its
 64 value to the business entity, potentially causing a financial
 65 loss. Without this protection, innovators might elect to
 66 establish their business in another state with a more secure
 67 business environment. Therefore, it is necessary that sensitive
 68 business information provided to and held by the Office of
 69 Regulatory Relief to evaluate a universal regulatory sandbox
 70 application be made confidential and exempt from public records
 71 requirements.

72 (2) The Legislature also finds that it is a public
 73 necessity that the recordings, minutes, and records generated
 74 during a meeting or portion of a meeting that is exempt pursuant
 75 to s. 288.9984(3)(b), Florida Statutes, be made exempt from s.
 76 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 77 State Constitution. The disclosure of such information could
 78 adversely affect the business interests of the universal
 79 regulatory sandbox applicant and could injure the applicant in
 80 the marketplace if the information were to be made available to
 81 competitors. Divulgence of this information would destroy its
 82 value to the business entity, potentially causing a financial
 83 loss. Without this protection of application information,
 84 innovators might elect to establish their business in another
 85 state with a more secure business environment. Therefore, it is
 86 necessary that sensitive business information provided to and
 87 held by the Office of Regulatory Relief to evaluate a universal

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88 regulatory sandbox application be made confidential and exempt
 89 from public records requirements.

90 Section 3. This act shall take effect on the same date that
 91 SB ____ or similar legislation takes effect, if such legislation
 92 is adopted in the same legislative session or an extension
 93 thereof and becomes a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1482

INTRODUCER: Senator Simon

SUBJECT: Rural Development

DATE: March 17, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Renner	McKay	CM	Favorable
2. _____	_____	ATD	_____
3. _____	_____	FP	_____

I. Summary:

SB 1482 modifies economic initiatives relating to rural development including certain agreements funded with federal or state assistance, the Regional Rural Development Grants Program, the Rural Community Development Revolving Loan Fund, and the Rural Infrastructure Fund.

The bill prohibits an agency agreement that provides state or federal financial assistance to local government entities within a rural area of opportunity (RAO) from requiring the local government entity to expend funds in order to be reimbursed.

The bill amends the Regional Rural Development Grants Program to:

- Eliminate the rural matching requirement;
- Eliminate the requirement that grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contributions; and
- Remove the requirement that an applicant must show proof that each local government and the private sector made a financial or in-kind commitment to the regional organization in order to receive funding.

The bill amends the Rural Community Development Revolving Loan Fund to remove the requirement that funds be matched by the local government, or an economic development organization substantially underwritten by a local government, as long as the funds are retained for the purpose of funding regionally based economic development organizations representing the RAO.

The bill amends the Rural Infrastructure Fund to:

- Increase the maximum grant award from 50 percent to 75 percent of the total infrastructure cost, or up to 100 percent of the total infrastructure project cost for a project that is located in a rural community or a RAO and that is also located in a fiscally constrained county;
- Remove the requirement that projects must be linked to specific job-creation or job-retention opportunities;
- Increase the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects and removes the limitation that the grant not exceed 30 percent of the total project cost; and
- Remove the local matching fund requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review, and removes the requirement that a grant for an employment project create or retain a minimum number of jobs.

The bill takes effect July 1, 2023.

II. Present Situation:

Agreements Funded with Federal or State Assistance

Current law requires an agency agreement that provides state financial assistance to a recipient or subrecipient,¹ or that provides federal financial assistance to a subrecipient,² to include the following:

- A provision specifying scope of work that clearly establishes the tasks the recipient or subrecipient is required to perform;
- A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the agency before payment. Each deliverable must be directly related to the scope of work and must specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable;
- A provision specifying the financial consequences that apply if the recipient or subrecipient fails to perform the minimum level of service required in the agreement. The provision can be excluded in specified situations;
- A provision specifying that a recipient or subrecipient of federal or state financial assistance may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period;
- A provision specifying that any balance of unobligated funds which has been advanced or paid must be refunded to the state agency;
- A provision specifying that any funds paid in excess of the amount to which the recipient or subrecipient is entitled must be refunded to the state agency; and
- Any additional information required pursuant to the Florida Single Audit Act.³

¹ Section 215.97, F.S., defines a “subrecipient” as a nonstate entity that receives state financial assistance through another nonstate entity.

² As defined by applicable United States Office of Management and Budget circulars.

³ Section 215.971(1)(a)-(g), F.S.

Rural Area of Opportunity

A rural area of opportunity (RAO) is a rural community,⁴ or region comprised of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster.⁵ An area may also be designated as an RAO if it presents a unique economic development opportunity of regional impact. The designation of an RAO must be agreed upon by the Department of Economic Opportunity (DEO), as well as the county and municipal governments to be included in the RAO.⁶

Based on recommendations of the Rural Economic Development Initiative (REDI),⁷ the Governor may designate up to three RAOs by executive order.⁸ This designation establishes these areas as priority assignments for REDI and allows the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development initiative.

Currently, there are three designated RAO areas:

- Northwest RAO: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and portions of Walton County (the City of Freeport and lands north of the Choctawhatchee Bay and intercoastal waterway).
- South Central RAO: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay in Palm Beach County and the city of Immokalee in Collier County.
- North Central RAO: Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.⁹

Regional Rural Development Grants Program

The Regional Rural Development Grants Program was established to provide funding, through matching grants, to build the professional capacity of regionally based economic development organizations located in rural communities. The concept of building the “professional capacity” of an economic development organization includes hiring professional staff to develop, deliver, and provide economic development professional services. Professional services includes technical assistance, education and leadership development, marketing, and project recruitment.¹⁰

⁴ Section 288.0656(2)(e), F.S., defines a “rural community” as is any county with a population of 75,000 or fewer, any county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer, a municipality in a county that meets either of the aforementioned criteria, or an unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors.

⁵ Section 288.0656(2)(d), F.S.

⁶ Section 288.0656(7)(b), F.S.

⁷ Section 288.0656(1)(a), F.S. REDI was established by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.

⁸ Section 288.0656(7)(a), F.S.

⁹ Department of Economic Opportunity, *Rural Areas of Opportunity*, available at <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited March 17, 2023). The economic development organizations for these RAOs are named Opportunity Florida, Florida’s Heartland Regional Economic Development Initiative, and the North Florida Economic Development Partnership, respectively.

¹⁰ Section 288.018(1)(b), F.S.

Applications submitted to the DEO for funding through this program must provide proof:¹¹

- Of official commitments of support from each of the units of local government represented by the regional organization;
- That each local government has made a financial or in-kind commitments to the regional organization;
- That the private sector has made financial or in-kind commitment to the regional organization;
- That the regional organization is in existence and actively involved in economic development activities serving the region; and
- Of the manner in which the organization coordinates its efforts with those other local and state organizations.

An organization may receive up to \$50,000 a year or \$250,000 if located in an RAO.¹² Grants must be matched by an amount of non-state resources equal to 25 percent of the state contribution. The DEO is authorized to spend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund to carry out this program.¹³

Rural Community Development Revolving Loan Fund

The Rural Community Development Revolving Loan Fund Program was created to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities.¹⁴

The program provides term loans to local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer or a contiguous county of 125,000 or fewer.¹⁵

Loan repayments are generally returned to the loan fund to be made available to other applicants, but repayments made by an applicant in an RAO may be retained by the applicant if the repayments are dedicated and matched to fund regionally based economic development organizations representing the RAO and if retention of funds is approved by the DEO.¹⁶

Rural Infrastructure Fund

The Rural Infrastructure Fund is a grant program created to facilitate the planning, preparing, and financing of infrastructure projects in rural communities.¹⁷ The program provides access to federal and state infrastructure funding programs, including, but not limited to, those offered by

¹¹ Section 288.018(2), F.S.

¹² Section 288.018(1)(c), F.S.

¹³ Section 288.018(4), F.S.

¹⁴ Section 288.065(1), F.S.

¹⁵ Section 288.065(2)(a), F.S.

¹⁶ Section 288.065(2)(c), F.S.

¹⁷ See s. 288.0655, F.S.

the United States Departments of Agriculture and Commerce.¹⁸ The program funds total infrastructure project grants, infrastructure feasibility grants, and preclearance review grants.

The DEO may award grants for up to 50 percent of the total infrastructure project cost.¹⁹ Projects must be related to specific job-creation or job-retention opportunities. Additionally, projects may include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities, and improving the access availability of broadband Internet service.

Eligible uses of funds include improvements to public infrastructure for industrial or commercial sites, upgrades to or development of public tourism infrastructure, and improvements to broadband Internet service and access in unserved or underserved rural communities.²⁰ Infrastructure can include public or public-private partnership facilities, like storm water systems, telecommunication, broadband, roads, and nature-based tourism.²¹

The infrastructure feasibility grant provides awards of up to 30 percent of the total project costs for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities.²² Maximum awards are dependent on the number of jobs that a business commits to create and may be up to \$300,000 if the project is located in a RAO. The total project participation grant may be used in conjunction with the infrastructure feasibility grant.

The preclearance review grant provides awards to help a local government participate in expedited permitting processes through technical assistance in preparing permit applications and local comprehensive plan amendments.²³ Grants may be used for surveys, feasibility studies, and other activities related to the identification and preclearance review of land use modifications. Grants are limited to \$75,000 and must be matched 50 percent with local funds. However, projects in a RAO may receive up to \$300,000 and must be matched 33 percent with local funds.²⁴

Grant applications are reviewed and certified by the DEO in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission.²⁵ Reviews include an evaluation of the economic benefit of the projects and their long-term viability.

¹⁸ Section 288.0655(2)(b), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Broadband Internet service must be provided in partnership with one or more dealers of communications services. Section 288.0655(2)(b), F.S.

²² Section 288.0655(2)(c), F.S.

²³ Section 288.0655(2)(e), F.S. Expedited permitting is pursuant to s. 403.9739(18), F.S.

²⁴ Section 288.0655(2)(e), F.S.

²⁵ Section 288.0655(3), F.S.

A total of \$30 million in funding was made through the Rural Infrastructure Fund for Fiscal Year 2022-2023. Twenty-five million was available for eligible rural communities statewide and an additional \$5 million was available specifically for Florida Panhandle counties.²⁶

III. Effect of Proposed Changes:

Agreements Funded with Federal or State Assistance

Section 1 amends s. 215.971, F.S., to prohibit an agency agreement that provides state or federal financial assistance to local government entities within an RAO from requiring the local government entity to expend funds in order to be reimbursed. For these local government entities, an agency is authorized to advance funding based on an analysis of estimated costs, to pay service providers and vendors directly, or to undertake other options to meet the requirements of the agreement.

Regional Rural Development Grants Program

Section 2 amends s. 288.018, F.S., to specify that funding provided under the program are not matching grants. The bill eliminates the requirement that grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contributions. The bill also removes the requirement that an applicant must show proof that each local government and the private sector made a financial or in-kind commitment to the regional organization in order to receive funding.

Rural Community Development Revolving Loan Fund

Section 3 amends s. 288.065, F.S., to remove the requirement that funds be matched by the local government, or an economic development organization substantially underwritten by a local government, as long as the funds are retained for the purpose of funding regionally based economic development organizations representing the RAO.

Rural Infrastructure Fund

Section 4 amends s. 288.0655, F.S., to increase the maximum grant award from 50 percent to 75 percent of the total infrastructure cost, or up to 100 percent of the total infrastructure project cost for a project that is located in a rural community or a RAO and that is also located in a fiscally constrained county.²⁷ The bill removes the requirement that projects must be linked to specific job-creation or job-retention opportunities.

The bill increases the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for

²⁶ Department of Economic Opportunity, *Rural Infrastructure Fund*, available at <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-infrastructure-fund> (last visited March 17, 2023).

²⁷ A fiscally constrained country is any county that is entirely within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656, F.S., or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S., from the previous July 1. Section 218.67(1), F.S.

all projects. It removes the limitation that the grant not exceed 30 percent of the total project cost.

The bill removes the local matching fund requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. It also removes the requirement that a grant for an employment project create or retain a minimum number of jobs.

The bill takes effect 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not affect state revenues or expenditures. However, the removal of match requirements and the increase in allowable grant awards under the Rural Infrastructure Fund may limit the total number of grants awarded if funding of these programs remains unchanged.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 215.971, 288.018, 288.065, and 288.0655 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Simon

3-01320A-23

20231482__

1 A bill to be entitled
 2 An act relating to rural development; amending s.
 3 215.971, F.S.; prohibiting certain agency agreements
 4 from requiring the expenditure of funds before
 5 reimbursement; authorizing agencies to undertake
 6 certain actions; providing construction; amending s.
 7 288.018, F.S.; specifying that funding provided under
 8 the Regional Rural Development Grants Program are not
 9 matching grants; revising the required criteria the
 10 Department of Economic Opportunity must consider to
 11 approve a participant in the program; amending s.
 12 288.065, F.S.; revising the conditions under which an
 13 applicant to the Rural Community Development Revolving
 14 Loan Fund may retain repayments of principal and
 15 interest; amending s. 288.0655, F.S.; revising the
 16 purpose of the Rural Infrastructure Fund; revising the
 17 percentages of total infrastructure project cost that
 18 the Department of Economic Opportunity may award
 19 through the fund; deleting a provision requiring
 20 eligible projects to be related to specified
 21 opportunities; providing authorized uses of eligible
 22 funds; authorizing the department to award grants up
 23 to a specified amount for specified planning and
 24 preparation activities; deleting a provision requiring
 25 authorized grants to be up to a specified amount for
 26 certain projects, under specified conditions; deleting
 27 a restriction on dual grant awards being used which
 28 would exceed a specified percentage threshold;
 29 deleting a provision that requires awarded funds be

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30 matched with a specified amount of local funds;
 31 revising the evaluation process of applications;
 32 providing an effective date.
 33
 34 Be It Enacted by the Legislature of the State of Florida:
 35
 36 Section 1. Present subsections (2) and (3) of section
 37 215.971, Florida Statutes, are redesignated as subsections (3)
 38 and (4), respectively, and a new subsection (2) is added to that
 39 section, to read:
 40 215.971 Agreements funded with federal or state
 41 assistance.—
 42 (2) (a) Notwithstanding any other law to the contrary, an
 43 agency agreement that provides state or federal financial
 44 assistance to a county or municipal entity within a rural area
 45 of opportunity, as defined in s. 288.0656(2), may not require
 46 the county or municipal entity to expend funds in order to be
 47 reimbursed. For such counties or municipal entities, an agency
 48 may advance funding based on an analysis of estimated costs, pay
 49 service providers and vendors directly, or undertake other
 50 options to meet the requirements of this section.
 51 (b) This subsection may not be construed to alter or limit
 52 any other provision of this section.
 53 Section 2. Subsections (1) and (2) of section 288.018,
 54 Florida Statutes, are amended to read:
 55 288.018 Regional Rural Development Grants Program.—
 56 (1) (a) For the purposes of this section, the term "regional
 57 economic development organization" means an economic development
 58 organization located in or contracted to serve a rural area of

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opportunity, as defined in s. 288.0656(2)(d).

(b) The department shall establish a ~~matching~~ grant program to provide funding to regional economic development organizations for the purpose of building the professional capacity of those organizations. Building the professional capacity of a regional economic development organization includes hiring professional staff to develop, deliver, and provide needed economic development professional services, including technical assistance, education and leadership development, marketing, and project recruitment. ~~Matching~~ Grants may also be used by a regional economic development organization to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses.

(c) A regional economic development organization may apply annually to the department for a ~~matching~~ grant. The department is authorized to approve, on an annual basis, grants to such regional economic development organizations. The maximum amount an organization may receive in any year will be \$50,000, or \$250,000 for any three regional economic development organizations that serve an entire region of a rural area of opportunity designated pursuant to s. 288.0656(7) if they are recognized by the department as serving such a region.

~~(d) Grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contribution.~~

(2) In approving the participants, the department shall consider the demonstrated need of the applicant for assistance and require the following:

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(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

~~(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.~~

~~(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.~~

~~(d)~~ Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(c) ~~(e)~~ Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

Section 3. Paragraph (c) of subsection (2) of section 288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(2)

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of opportunity designated by the Governor, and upon approval by the department, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and ~~matched~~ to fund regionally based economic development organizations representing the rural area of opportunity.

Section 4. Subsection (1), paragraphs (b), (c), and (e) of subsection (2), and subsection (3) of section 288.0655, Florida Statutes, are amended to read:

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117 288.0655 Rural Infrastructure Fund.—
 118 (1) There is created within the department the Rural
 119 Infrastructure Fund to facilitate the planning, preparing, and
 120 financing of infrastructure ~~projects~~ in rural communities which
 121 will encourage job creation, capital investment, and the
 122 strengthening and diversification of rural economies by
 123 promoting tourism, trade, and economic development.
 124 (2)
 125 (b) To facilitate access of rural communities and rural
 126 areas of opportunity as defined by the Rural Economic
 127 Development Initiative to infrastructure funding programs of the
 128 Federal Government, such as those offered by the United States
 129 Department of Agriculture and the United States Department of
 130 Commerce, and state programs, including those offered by Rural
 131 Economic Development Initiative agencies, and to facilitate
 132 local government or private infrastructure funding efforts, the
 133 department may award grants for up to 75 ~~50~~ percent of the total
 134 infrastructure project cost, or up to 100 percent of the total
 135 infrastructure project cost for a project located in a rural
 136 community as defined in s. 288.0656(2) (e) or a rural area of
 137 opportunity as defined in s. 288.0656(2) (d), either of which is
 138 also located in a fiscally constrained county as defined in s.
 139 218.67(1). ~~Eligible projects must be related to specific job-~~
 140 ~~creation or job-retention opportunities.~~ Eligible uses of funds
 141 ~~projects~~ may also include improving any inadequate
 142 infrastructure that has resulted in regulatory action that
 143 prohibits economic or community growth, reducing the costs to
 144 community users of proposed infrastructure improvements that
 145 exceed such costs in comparable communities, and improving

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146 access to and the availability of broadband Internet service.
 147 Eligible uses of funds shall include improvements to public
 148 infrastructure for industrial or commercial sites, upgrades to
 149 or development of public tourism infrastructure, and
 150 improvements to broadband Internet service and access in
 151 unserved or underserved rural communities. Improvements to
 152 broadband Internet service and access must be conducted through
 153 a partnership or partnerships with one or more dealers, as
 154 defined in s. 202.11(2), and the partnership or partnerships
 155 must be established through a competitive selection process that
 156 is publicly noticed. Authorized infrastructure may include the
 157 following public or public-private partnership facilities: storm
 158 water systems; telecommunications facilities; broadband
 159 facilities; roads or other remedies to transportation
 160 impediments; nature-based tourism facilities; or other physical
 161 requirements necessary to facilitate tourism, trade, and
 162 economic development activities in the community. Authorized
 163 infrastructure may also include publicly or privately owned
 164 self-powered nature-based tourism facilities, publicly owned
 165 telecommunications facilities, and broadband facilities, and
 166 additions to the distribution facilities of the existing natural
 167 gas utility as defined in s. 366.04(3) (c), the existing electric
 168 utility as defined in s. 366.02, or the existing water or
 169 wastewater utility as defined in s. 367.021(12), or any other
 170 existing water or wastewater facility, which owns a gas or
 171 electric distribution system or a water or wastewater system in
 172 this state where:
 173 1. A contribution-in-aid of construction is required to
 174 serve public or public-private partnership facilities under the

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tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(c) ~~To facilitate timely response and induce the location or expansion of specific job creating opportunities,~~ The department may award grants of up to \$300,000 for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. ~~Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs; up to \$150,000 for an employment project with a business committed to create at least 300 jobs; and up to \$300,000 for a project in a rural area of opportunity.~~ Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), ~~provided that the total amount of both grants does not exceed 30 percent of the total project cost.~~ In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the department may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph do not require a local match and may not exceed \$75,000 each, except in the case of a project in a rural area of opportunity, in which case the grant may not exceed \$300,000. ~~Any funds awarded under this paragraph must be matched~~

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~~at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of opportunity must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561.~~ In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The department, in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit ~~of the projects~~ and ~~their~~ long-term viability. The department shall have final approval for any grant under this section.

Section 5. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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SB 1482

Bill Number or Topic

Amendment Barcode (if applicable)

3/20
Meeting Date
Commerce
Committee

Name MIKE GRISSOM Phone _____

Address 215 N. MONROE ST #301 Email _____
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:

FLORIDA RURAL
ECONOMIC DEVELOPMENT ASSN

☐ 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

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SB 1482

Bill Number or Topic

Amendment Barcode (if applicable)

3/20/23
Meeting Date
Commerce - Tourism
Committee

Name JEFF SCALA, FAC Phone 850-487-0697

Address 100 S Monroe Street Email jscala@fl-counties.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:

Florida Association of Counties

☐ 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

3/20/23

Meeting Date

Commerce & Tourism

Committee

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881482

Bill Number or Topic

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 136 S Bronough St

Email

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:FL chamber of
commerce☐ 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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-20-23

Meeting Date

Commerce & Tourism

Committee

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1482

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Doolin

Phone 850-508-5492

Address 1018 Thomasville Rd. 102B

Email cdoolin@doolinandassociates.com

Street

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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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.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 196

INTRODUCER: Commerce and Tourism Committee and Senator Jones and others

SUBJECT: Guidance Services on Academic and Career Planning

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Favorable
2.	Baird	McKay	CM	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 196 adds requirements to notify parents and students of career and academic planning options and work-based learning opportunities and pathways. The bill:

- Requires a middle grade student's personalized academic and career plan to be developed in consultation with a certified school counselor, and include information on the career and technical education graduation pathway option and work-based learning opportunities.
- Expands the required annual school district parental notification on high school acceleration options to include information on career and academic planning options as well as foundational and soft-skill credentialing programs.

The bill takes effect July 1, 2023.

II. Present Situation:

Middle Grades Career Planning

Students are required to complete a career and education planning course during grades 6, 7, or 8.¹ The required course may be implemented as a stand-alone course or integrated into another course or courses and must:²

- Be internet-based.

¹ Section 1003.4156(1)(e), F.S.

² *Id.*

- Emphasize the importance of entrepreneurship and employability skills.
- Include information from the Department of Economic Opportunity's economic security report and other state career planning resources.
- Result in a personalized academic and career plan for the student that may be revised as the student progresses. The plan is required to inform students of:
 - High school graduation requirements.
 - Requirements for each scholarship in the Florida Bright Futures Scholarship Program.
 - State college and university admission requirements.
 - Available opportunities to earn college credit in high school.³

The Department of Education (DOE) outlines the eight course standards of the career and education planning course which requires a student to:⁴

- Describe the influences that societal, economic, and technological changes have on employment trends and future training.
- Develop skills to locate, evaluate, and interpret career information.
- Identify and demonstrate processes for making short- and long-term goals.
- Demonstrate employability skills such as working in a group, problem-solving and organizational skills, and the importance of entrepreneurship.
- Understand the relationship between educational achievement and career choices/postsecondary options.
- Identify a career cluster and related pathways through an interest assessment that match career and education goals.
- Develop a career and education plan that includes short and long-term goals, high school program of study, and postsecondary and career goals.
- Demonstrate knowledge of technology and its application in career fields/clusters.

For the 2022-2023 school year, the DOE identified 80 approved middle grades courses for career and education planning.⁵ In addition, the DOE publishes a Career Cruiser document, providing resources such as classroom activities, guided worksheets, and additional resources to assist teachers in career and education course planning.⁶

³ Section 1003.4156(1)(e), F.S. To include Advanced Placement courses, the International Baccalaureate Program, the Advanced International Certificate of Education Program, dual enrollment, including career dual enrollment and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certifications.

⁴ Florida Department of Education, *Career & Education Planning Course Standards*, available at <http://www.fldoe.org/core/fileparse.php/3/urlt/ceplanningcoursecompetencies.pdf> (last visited March 17, 2023).

⁵ Florida Department of Education, *Approved Middle School Courses for Career & Education Planning 2021-2022 School Year* (Aug. 9, 2022), available at <https://www.fldoe.org/core/fileparse.php/7746/urlt/MGCEPC2223.pdf> (last visited March 17, 2023).

⁶ Florida Department of Education, *Career Exploration Resources: Career Cruiser*, available at <https://www.fldoe.org/core/fileparse.php/7534/urlt/cruiser.pdf> (last visited March 17, 2023).

Notification of Student Acceleration Options

At the beginning of each school year, a district school board is required to notify parents of students entering high school or already enrolled in high school of the opportunity and benefits of courses in:⁷

- Advanced Placement (AP).
- International Baccalaureate (IB).
- Advanced International Certificate of Education (AICE).
- Dual enrollment.
- The Florida Virtual School.

Additionally, each high school is required to advise each student of courses through which the student could earn college credit, including AP, IB, AICE, dual enrollment, early admission, and career academy courses and courses that lead to industry certification, as well as the availability of course offerings through virtual instruction.⁸ Students and their parents must also be advised of early graduation options.⁹

Certified School Counselors

School counselors are considered instructional personnel within Florida's public school system.¹⁰ To be employed as a school counselor, a person must be certified as required by law and State Board of Education rule.¹¹

In the 2021-2022 school year, there were 6,465 certified school counselors working in Florida school districts, serving 2,833,179 students. Each of the 67 school districts reported at least one school counselor on staff.¹² On average, there was one school counselor for every 438 students.

III. Effect of Proposed Changes:

SB 196 adds requirements to notify parents and students of career and academic planning options and work-based learning opportunities and pathways.

Middle Grades Career Planning

The bill requires a middle grade student's personalized academic and career plan to include information on the career and technical education graduation pathway option¹³ and work-based learning opportunities, including internships and preapprenticeship and apprenticeship programs.

⁷ Section 1003.02(1)(i), F.S.

⁸ Section 1003.4295(1), F.S.

⁹ *Id.*

¹⁰ Section 1012.01(2)(b), F.S.

¹¹ Section 1012.55(1)(b), F.S.

¹² The Florida Department of Education, *Staff in Florida's Public Schools, District Reports: Full-Time Staff 2021-22, Survey 2*, available at <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/staff.html>; and The Florida Department of Education, *Membership in Florida Public Schools, Survey 2, 2021-2022*, available at <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/archive.html> (last visited March 17, 2023).

¹³ Section 1003.4282(10), F.S.

Additionally, the bill requires the student's plan to be developed in consultation with a certified school counselor.

Notification of Student Acceleration Options

The bill expands the required annual school district parental notification on high school acceleration options to include notification to students, and requires such notification to be in a language that is understandable to students and parents. The bill adds to the information required to be included in the notification to include:

- Career and professional academies.
- Career-themed courses.
- The career and technical education pathway option to earn a standard high school diploma.
- Work-based learning opportunities, including internships and apprenticeship and preapprenticeship programs.
- Florida Ready to Work career readiness credentials for the state of Florida for both foundational academic skills (math, reading, digital literacy) and soft-skills (communication, teamwork, etc.).¹⁴
- The contact information of a certified school counselor who can advise the student on the acceleration, academic, and career planning options.

The additional notifications required in the bill may increase student awareness of and participation in career and academic planning options and work-based learning opportunities and pathways.

The bill takes effect 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.

¹⁴ Section 445.06 F.S. establishes the Florida Ready to Work Credential Program that is housed under the Department of Economic Opportunity.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.02 and 1003.4156.

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 Commerce and Tourism on March 20, 2023:

The CS adds foundational and soft skill credentialing programs under the Florida Ready to Work program to the list of acceleration, academic, and career planning options that must be provided to high school students and their parents.

B. Amendments:

None.



865526

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2023	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Jones) recommended the following:

Senate Amendment

Delete line 47
and insert:
preapprenticeship programs, foundational and soft-skill
credentialing programs under s. 445.06, and Florida Virtual
School courses;

By Senator Jones

34-00520-23

2023196__

A bill to be entitled

An act relating to guidance services on academic and career planning; amending s. 1003.02, F.S.; requiring district school boards to inform students and parents of certain acceleration, academic, and career planning options; requiring certain information to be included in such notification; amending s. 1003.4156, F.S.; requiring a personalized academic and career plan to be developed in consultation with a certified school counselor for certain students; requiring certain information to be included in such plan; providing an effective date.

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

Section 1. Paragraph (i) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school districts. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school

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boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following areas:

(i) ~~Parental~~ Notification of acceleration, academic, and career planning options.—At the beginning of each school year, notify ~~parents of~~ students in or entering high school and the students' parents, in a language that is understandable to students and parents, of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career and professional academies, career-themed courses, the career and technical education pathway to earn a standard high school diploma under s. 1003.4282(10), work-based learning opportunities, including internships and apprenticeship and preapprenticeship programs, and Florida Virtual School courses; ~~and options for early graduation under s. 1003.4281; and the contact information of a certified school counselor who can advise students on these options.~~

Section 2. Paragraph (e) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(e) One course in career and education planning to be

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completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under s. 445.07 and other state career planning resources. The required personalized academic and career plan, developed in consultation with a certified school counselor, must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285 and the career and technical education pathway to earn a standard high school diploma under s. 1003.4282(10); the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; work-based learning opportunities, including internships and preapprenticeship and apprenticeship programs; and career education courses, including career-themed courses, ~~preapprenticeship and apprenticeship programs,~~ and course sequences that lead to industry

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certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another course or courses.

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

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The Florida Senate

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3-20-2023

Meeting Date

Commerce

Committee

196

Bill Number or Topic

865526

Amendment Barcode (if applicable)

Name

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State

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☒ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐ I am appearing without
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representing:

WIN Learning

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORDDeliver both copies of this form to
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3/20/2023

Meeting Date

Commerce and Tourism

Committee

196

Bill Number or Topic

865526

Amendment Barcode (if applicable)

Name

Sarah Katherine Massey

Phone

850 545 0543

Address

1316 S. Bronough

Street

Email

smassey@flchamber.com

Tallahassee

City

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☒ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐ I am appearing without
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representing:

Florida Chamber of Commerce

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S-001 (08/10/2021)

The Florida Senate
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3/20/23
Meeting Date
Commerce & Tourism
Committee

SB 196
Bill Number or Topic

Name Nancy Lawther, Ph.D. (Florida PTA) Phone 407 855-7604
Address 1747 Orlando Central Pkwy Email legislation@florida
Orlando FL 32809 pta.org
City State Zip

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

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representing:

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something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida PTA

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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20 March 2023
Meeting Date
Commerce and Tourism
Committee

196
Bill Number or Topic

Name Chris Stranburg Phone 813 767 9667
Address 107 E College Ave Email cstranburg@afphg.org
Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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representing:

Americans for
Prosperity

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S-001 (08/10/2021)

The Florida Senate
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3-28-2023
Meeting Date
Commerce
Committee

196
Bill Number or Topic
Amendment Barcode (if applicable)

Name Richard Reeve Phone 850-445-0622

Address 113 E. College Ave Email rr@rlrconsult.com
Street

City State Zip

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

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☒ I am a registered lobbyist,
representing:

WIN Learning

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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3/20/2023
Meeting Date
Commerce and Tourism
Committee

SB 196
Bill Number or Topic
Amendment Barcode (if applicable)

Name Sarah Katherine Massey Phone 850 545 0543

Address 136 S. Bronough St Email smassey@flchamber.com
Street

Tallahassee FL 32301
City State Zip

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

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representing:

Florida Chamber of Commerce

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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.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1002

INTRODUCER: Senators Stewart and Hooper

SUBJECT: Motor Vehicle Glass

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Thomas	Knudson	BI	Favorable
2.	Renner	McKay	CM	Favorable
3.			RC	

I. Summary:

SB 1002 revises definitions under the Florida Motor Vehicle Repair Act to ensure that businesses that calibrate or recalibrate advanced driver assistance systems associated with windshields are regulated under the Act. The bill prohibits motor vehicle repair shops, their employees, and their representatives, from offering an inducement to a customer in exchange for making an insurance claim for motor vehicle glass replacement or repair. Finally, the bill prohibits a policyholder, or any other person, from entering an assignment agreement of post-loss benefits for motor vehicle glass replacement or repair, including for calibration or recalibration of advanced driver assistance systems.

It is not anticipated that the bill will have any significant fiscal impact on state or local government.

The bill is effective July 1, 2023.

II. Present Situation:

Automobile Insurance Coverage Related to Windshield Repair

Comprehensive motor vehicle insurance provides coverage for damage to the insured vehicle caused by events other than a collision.¹ This coverage type also covers damage to the vehicle's windshield, and is required by most lenders for purposes of protecting the financial interest of the lender.² For insured vehicles with comprehensive coverage, insurers may not apply the insurance policy deductible to the damaged windshield.³

¹Florida Department of Financial Services, *Automobile Insurance Toolkit*, available at [automobile-insurance-toolkit](#) (last accessed March 17, 2023).

² *Id.*

³ Section 627.7288, F.S.

In-Network Versus Out-of-Network Motor Vehicle Repair Shops

Insurers frequently create preferred vendor networks with motor vehicle repair shops to expedite windshield repairs and negotiate rates for services to be paid directly by the insurer.⁴ An out-of-network motor vehicle repair shop receives payment either from the insured in the form of direct payment or from the insurer by obtaining an assignment of benefits (AOB) of the insured's insurance policy.⁵ Where the policyholder has executed an AOB with the out-of-network motor vehicle repair shop, the shop can either negotiate with, or file a lawsuit against, the insurer if the two sides do not agree on the claim amount.⁶

In Florida, the insured has the right to select either an insurer's preferred motor vehicle repair shop or one not in the insurer's preferred network of motor vehicle repair shops to repair the damaged windshield.⁷ However, an insurer that requires a particular repair shop to restore the damaged windshield, must require that particular repair shop to restore the damaged windshield to its pre-accident condition no matter the cost to the insurer.⁸ An insurer may not require the use of replacement parts that are not at least equivalent in kind and quality to the damaged parts prior to the loss.⁹

Windshield Litigation

The Florida Department of Financial Services provided the following information on the volume of windshield litigation involving an AOB¹⁰:

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Auto Glass Lawsuits	435	1,200	3,329	6,753	11,077	17,768	21,851	14,539	16,168	21,094	24,080	33,196

Florida Motor Vehicle Repair Act

The Department of Agriculture and Consumer Services (DACCS) regulates motor vehicle repair shops in Florida under the Florida Motor Vehicle Repair Act.¹¹ This Act requires that all motor vehicle repair shops, with limited exceptions, register with the DACCS.¹² A motor vehicle repair shop may be fixed or mobile and includes a person or business that does motor vehicle glass work for compensation.¹³ Under the Act, it is unlawful for a motor vehicle repair shop or its employee to engage in various activities such as misrepresenting that repairs have been made to

⁴ Dale Parker and Brendan McKay, *Florida Auto Glass Claims: A Cracked System*, Trial Advocate Quarterly Fall 2016 (Westlaw Citation: 35 No. 4 Trial Advoc. Q. 20), available at [Florida-Auto-Glass-Claims-A-Cracked-System](#) (last accessed March 17, 2023).

⁵ *Id.*

⁶ *Id.*

⁷ *Ibid*, fn. 1.

⁸ Section 626.9743(3), F.S.

⁹ Section 626.9743(4), F.S.

¹⁰ Data provided by the Florida Department of Financial Services to the Senate Committee on Banking and Insurance on January 19, 2023 (on file with the Senate Banking and Insurance Committee).

¹¹ Sections 559.901-559.9221, F.S.

¹² Section 559.904, F.S.

¹³ Section 559.903(6) and (7), F.S.

a motor vehicle or fraudulently altering any customer contract, estimate, invoice, or other document.¹⁴ The Act provides for various remedies for unlawful acts by motor vehicle repair shops, including notices of noncompliance, administrative fines, orders to cease and desist, probation of registrants, and suspension or revocation of registrations.¹⁵ In addition, a customer injured by a violation of the Motor Vehicle Repair Act may bring an action against a repair shop.¹⁶ The prevailing party is entitled to damages plus court costs and reasonable attorney fees.¹⁷

Use of Inducements by Motor Vehicle Repair Shops

The Florida Motor Vehicle Repair Act does not prohibit motor vehicle repair shops from offering inducements to consumers. Some out-of-network motor vehicle repair shops advertise inducements to compete for business with in-network vehicle repair shops, while others offer inducements if a consumer files a qualified insurance claim for windshield replacement.¹⁸

Regulation of Inducements in Related Insurance Fields

Prohibited Practices by Insurance Agents

Insurance agents are subject to prosecution under the Unfair Insurance Trade Practices Act¹⁹ for knowingly misrepresenting the benefits, advantages, conditions, or terms of any insurance policy,²⁰ offering inducements to enter into an insurance contract in many settings,²¹ and causing false insurance claims to be filed.²²

Prohibited Practices by Public Adjusters

Public adjusters are subject to prosecution for unfair and deceptive insurance practices²³ if the adjuster offers a monetary or other valuable inducement to invite a policyholder to submit a claim.²⁴ Such unfair and deceptive trade practices also include making an untrue, deceptive, or misleading representation with respect to the business of insurance,²⁵ inviting a policyholder to submit a claim when the policyholder does not have coverage,²⁶ or inviting a policyholder to submit a claim by stating that there is “no risk” to the policyholder by submitting such claim.²⁷

¹⁴ Section. 559.920, F.S.

¹⁵ Section 559.921, F.S.

¹⁶ Section 559.921(1), F.S.

¹⁷ *Id.*

¹⁸ See, e.g.: [FREE WINDSHIELD](#) “up to \$150 cash back at the time of service”; [Cash Back Quote](#) “Get up to \$100 - \$200 Cash Back with FL Insurance” (last accessed March 17, 2023).

¹⁹ Section 626.9541, F.S.

²⁰ Section 626.9541(1)(a)1., F.S.

²¹ Section 626.9541(1)(h), F.S.

²² Section 626.9541(1)(u)1., F.S.

²³ Section 626.854(7), F.S.

²⁴ Section 626.854(7)(a)2., F.S.

²⁵ Section 626.854(7), F.S.

²⁶ Section 626.854(7)(a)1., F.S.

²⁷ Section 626.854(7)(a)3., F.S.

Advanced Driver Assistance Systems

Advanced driver assistance systems (ADAS) are technological features of a motor vehicle that are designed to increase the safety of driving a vehicle by reducing traffic crashes. Traffic crashes are a leading cause of death in the United States for people ages 1–54 and each year, 1.35 million people are killed on roadways around the world. More than half of those killed are pedestrians, motorcyclists, or cyclists.²⁸

Such technologies help keep the driver and passengers safe, but also other drivers and pedestrians. Driver assistance systems may warn of an impending crash, while others are designed to take action to avoid a crash. A forward collision warning system monitors the vehicle's speed, the speed of the vehicle in front of it and the distance between the vehicles. A lane departure warning system monitors lane markings and alerts the driver when it detects that the vehicle is drifting out of its lane. Automatic emergency braking systems apply the vehicle's brakes automatically in time to avoid or mitigate an impending forward crash with another vehicle. Other systems include backup cameras, adaptive cruise control, lane centering, blind spot warning, lane keeping assistance, and automatic high beams.²⁹

These ADAS functions are typically based on one front camera or on a front stereovision camera. The camera information may be supplemented with information from other sensors like light detection and ranging or radio detection. The ADAS cameras are located inside the car, against the front windshield, behind the central rear view mirror. The ADAS camera field of view is located in the wiper area to keep the glass in front of the camera as clean as possible.³⁰ An ADAS sensor calibration is required whenever a sensor's aiming is disturbed in any way. This can occur in a collision, even a minor fender bender, or be a byproduct of common service work such as windshield replacement, suspension repairs or wheel alignment.³¹

III. Effect of Proposed Changes:

Section 1 amends s. 559.903, F.S., to:

- Define the term “advanced driver assistance system” to mean “any motor vehicle electronic safety system that is associated with motor vehicle glass and is designed to support the driver and motor vehicle in a manner intended to increase motor vehicle safety and reduce losses associated with motor vehicle crashes.”
- Revise the definition of the term “motor vehicle repair” to include the “calibration or recalibration of advanced driver assistance systems.”

²⁸ *Road Traffic Injuries and Deaths—A Global Problem*, Centers for Disease Control and Prevention, available at [global-road-safety](#) (last accessed March 17, 2023).

²⁹ *Driver assistance technologies*, National Highway Traffic Safety Administration, available at [driver-assistance-technologies](#) (last accessed March 17, 2023).

³⁰ *Advanced Driver Assistance Systems*, On-Road Intelligent Vehicles, Rahul Kala, 2016, available at [advanced-driver-assistance-systems](#) (last accessed March 17, 2023).

³¹ *ADAS Sensor Calibration Increases Repair Costs*, available at <https://www.aaa.com/autorepair/articles/adas-sensor-calibration-increases-repair-costs> (last accessed March 17, 2023).

These changes will ensure that businesses that calibrate or recalibrate electronic safety systems associated with windshields are regulated by the DACS pursuant to the Florida Motor vehicle Repair Act.

Section 2 amends s. 559.920, F.S., to provide that a motor vehicle repair shop may not provide an inducement in the form of a rebate, gift, gift card, cash, coupon, or any other thing of value, in exchange for making an insurance claim for motor vehicle glass replacement or repair, including the calibration or recalibration of an advanced driver assistance system. A nonemployee who is compensated for soliciting insurance claims is also prohibited from offering such inducements. Motor vehicle repair shops would be subject to disciplinary actions by the DACS for violations of the bill's provisions.

Section 3 creates s. 627.7289, F.S., to prohibit a policyholder, or any other person, from entering an assignment agreement of post-loss benefits for motor vehicle glass replacement or repair, including for calibration or recalibration of advanced driver assistance systems. This prohibition will apply to motor vehicle insurance policies issued or renewed in this state on or after July 1, 2023. An "assignment agreement" includes any agreement whereby post-loss benefits under a motor vehicle insurance policy are assigned or transferred to a person providing services for motor vehicle glass replacement or repair, including inspecting, protecting, repairing, restoring, or replacing the motor vehicle glass or calibrating or recalibrating advanced driver assistance systems.

The bill 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 identified.

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

None.

B. Private Sector Impact:

Motor vehicle repair shops will be prohibited from providing certain inducements to customers. This may negatively affect their businesses.

Indeterminate with respect to insurance premiums. A reduction in auto glass costs resulting in a reduction in insurance premiums for auto comprehensive coverage is difficult to estimate as comprehensive coverage includes a wide variety of coverages including, but not limited to, flood, hail, theft, and hurricane.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 559.903 and 559.920 of the Florida Statutes.

This bill creates section 627.7289 of the Florida Statutes.

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

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

None.

B. Amendments:

None.



764142

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/20/2023	.	
	.	
	.	

The Committee on Commerce and Tourism (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Between lines 113 and 114

insert:

Section 3. Section 627.7288, Florida Statutes, is amended to read:

627.7288 Comprehensive coverage; deductible not to apply to motor vehicle glass; reimbursement rates.—

(1) The deductible provisions of any policy of motor vehicle insurance, delivered or issued in this state by an

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577-02642A-23



764142

authorized insurer, providing comprehensive coverage or combined additional coverage shall not be applicable to damage to the windshield of any motor vehicle covered under such policy.

(2) Unless an authorized insurer has directly contracted for different amounts with a motor vehicle repair shop, as defined in s. 559.903, performing windshield replacement or repair, or has established alternative reimbursement rates in a motor vehicle insurance policy, every windshield replacement and repair performed in this state under any policy of motor vehicle insurance delivered or issued in this state by an authorized insurer must be reimbursed as follows:

(a) Reimbursement for the replacement of a windshield at 85 percent of the rate published in the National Auto Glass Specifications on the date the windshield replacement service was performed. If the rate for a windshield is not published in the National Auto Glass Specifications, the reimbursement rate is the dealer retail price for the windshield.

(b) Reimbursement of labor costs related to replacement of the windshield at a labor rate of \$85 per hour. Beginning July 1, 2024, the Department of Financial Services shall adjust the labor rate established under this paragraph on July 1 of each calendar year to reflect changes in the Consumer Price Index or similar inflation indicator.

(c) Reimbursement for the number of labor hours required for the replacement of the windshield at the rate published in the National Auto Glass Specifications on the date the windshield replacement service was performed.

(d) Reimbursement of the required kit or multiple kits for windshield replacement paid at the rate of \$30 per kit, \$35 per

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1.5 kits, or \$40 per 2 kits, with the total number of kits required for the windshield replacement based on the requirements published in the National Auto Glass Specifications on the date the windshield replacement was performed.

Reimbursement for all other urethanes is \$15 per kit.

(e) Reimbursement for molding required for the replacement of a windshield paid at the rate published in the National Auto Glass Specifications on the date the windshield replacement service was performed.

(f) Reimbursement for the repair of an existing windshield at a rate of \$60 for the first area repaired and \$15 for the second area repaired. There is no right to reimbursement for any charges that exceed \$75 for any windshield repair.

(g) Reimbursement for windshield calibration in connection with a windshield replacement at a rate of \$550 for static calibration, \$450 for dynamic calibration, and \$700 for dual calibration.

(3) An authorized insurer has an affirmative defense in any action brought by a motor vehicle repair shop relating to windshield repair or replacement reimbursements if the authorized insurer reimbursed the motor vehicle repair shop pursuant to subsection (2).

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Between lines 13 and 14

insert:

amending s. 627.7288, F.S.; requiring authorized insurers to reimburse motor vehicle repair shops in a

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577-02642A-23



764142

specified manner for performing windshield replacements or repairs; providing exceptions; requiring the Department of Financial Services to annually adjust a certain labor rate, beginning on a specified date; specifying that an authorized insurer has an affirmative defense in proceedings relating to windshield replacements and repairs under certain circumstances;

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577-02642A-23

By Senator Stewart

17-00257B-23

20231002__

A bill to be entitled

An act relating to motor vehicle glass; amending s. 559.903, F.S.; defining the term "advanced driver assistance system"; revising the definition of the term "motor vehicle repair"; amending s. 559.920, F.S.; prohibiting motor vehicle repair shops or their employees from offering anything of value to a customer in exchange for making an insurance claim for motor vehicle glass replacement or repair, including offers made through certain persons; specifying that the failure to provide certain electronic or written notice relating to calibrating or recalibrating an advanced driver assistance system is unlawful; creating s. 627.7289, F.S.; prohibiting persons from entering into assignment agreements of post-loss benefits for motor vehicle glass replacement or repair after a specified date; providing that such assignment agreements are void and unenforceable; defining the term "assignment agreement"; providing an effective date.

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

Section 1. Present subsections (1) through (5), (6), and (7) of section 559.903, Florida Statutes, are redesignated as subsections (2) through (6), (8), and (9), respectively, a new subsection (1) is added to that section, and present subsection (8) of that section is amended, to read:

559.903 Definitions.—As used in this act:

Page 1 of 5

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

17-00257B-23

20231002__

(1) "Advanced driver assistance system" means any motor vehicle electronic safety system that is associated with motor vehicle glass and is designed to support the driver and motor vehicle in a manner intended to increase motor vehicle safety and reduce losses associated with motor vehicle crashes.

~~(7)(8)~~ "Motor vehicle repair" means all maintenance of and modifications and repairs to motor vehicles, and diagnostic work incident thereto, including, but not limited to, the rebuilding or restoring of rebuilt vehicles, body work, painting, warranty work, calibration or recalibration of advanced driver assistance systems, and other work customarily undertaken by motor vehicle repair shops.

Section 2. Section 559.920, Florida Statutes, is amended to read:

559.920 Unlawful acts and practices.—It is ~~shall be~~ a violation of this act for any motor vehicle repair shop or employee thereof to do any of the following:

(1) Engage or attempt to engage in repair work for compensation of any type without first being registered with or having submitted an affidavit of exemption to the department.~~+~~

(2) Make or charge for repairs that ~~which~~ have not been expressly or impliedly authorized by the customer.~~+~~

(3) Misrepresent that repairs have been made to a motor vehicle.~~+~~

(4) Misrepresent that certain parts and repairs are necessary to repair a vehicle.~~+~~

(5) Misrepresent that the vehicle being inspected or diagnosed is in a dangerous condition or that the customer's continued use of the vehicle may be harmful or cause great

Page 2 of 5

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

17-00257B-23

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59 damage to the vehicle.~~+~~

60 (6) Fraudulently alter any customer contract, estimate,
61 invoice, or other document.~~+~~

62 (7) Fraudulently misuse any customer's credit card.~~+~~

63 (8) Make or authorize in any manner or by any means
64 ~~whatever~~ any written or oral statement ~~that which~~ is untrue,
65 deceptive, or misleading~~+~~ and ~~that which~~ is known, or ~~that which~~
66 by the exercise of reasonable care should be known, to be
67 untrue, deceptive, or misleading.~~+~~

68 (9) Make false promises of a character likely to influence,
69 persuade, or induce a customer to authorize the repair, service,
70 or maintenance of a motor vehicle.~~+~~

71 (10) Substitute used, rebuilt, salvaged, or straightened
72 parts for new replacement parts without notice to the motor
73 vehicle owner and to her or his insurer if the cost of repair is
74 to be paid pursuant to an insurance policy and the identity of
75 the insurer or its claims adjuster is disclosed to the motor
76 vehicle repair shop.~~+~~

77 (11) Cause or allow a customer to sign any work order that
78 does not state the repairs requested by the customer or the
79 automobile's odometer reading at the time of repair.~~+~~

80 (12) Fail or refuse to give to a customer a copy of any
81 document requiring the customer's signature upon completion or
82 cancellation of the repair work.~~+~~

83 (13) Willfully depart from or disregard accepted practices
84 and professional standards.~~+~~

85 (14) Have repair work subcontracted without the knowledge
86 or consent of the customer unless the motor vehicle repair shop
87 or employee thereof demonstrates that the customer could not

17-00257B-23

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88 reasonably have been notified.~~+~~

89 (15) Conduct the business of motor vehicle repair in a
90 location other than that stated on the registration
91 certificate.~~+~~

92 (16) Rebuild or restore a rebuilt vehicle without the
93 knowledge of the owner in such a manner that it does not conform
94 to the original vehicle manufacturer's established repair
95 procedures or specifications and allowable tolerances for the
96 particular model and year.~~+~~~~++~~

97 (17) Offer to a customer a rebate, gift, gift card, cash,
98 coupon, or any other thing of value in exchange for making an
99 insurance claim for motor vehicle glass replacement or repair,
100 including, but not limited to, calibration or recalibration of
101 an advanced driver assistance system. A nonemployee who is
102 compensated for the solicitation of insurance claims is also
103 prohibited from making such offer.

104 (18) Fail to provide electronic notice or written notice in
105 at least 12-point type to the customer whether the calibration
106 or recalibration of the advanced driver assistance system is
107 required as part of the replacement or repair of motor vehicle
108 glass to make such system operable and to ensure such service is
109 performed in a manner that meets or exceeds the vehicle
110 manufacturer's specifications.

111 (20) Perform any other act that is a violation of this part
112 or that constitutes fraud or misrepresentation.

113 (19)~~(18)~~ Violate any provision of s. 713.585.

114 Section 3. Section 627.7289, Florida Statutes, is created
115 to read:

116 627.7289 Assignment of post-loss motor vehicle glass

17-00257B-23

20231002__

benefits prohibited.—

(1) A policyholder or any other person may not enter into an assignment agreement of post-loss benefits for motor vehicle glass replacement or repair, including, but not limited to, for calibration or recalibration of advanced driver assistance systems as defined in s. 559.903, under a policy of motor vehicle insurance issued or renewed in this state by an authorized insurer on or after July 1, 2023. Any such assignment agreement entered into in violation of this subsection is void and unenforceable.

(2) As used in this section, the term "assignment agreement" means any instrument, regardless of how such agreement is named or styled, by which post-loss benefits, including, but not limited to, claim payments, under a motor vehicle insurance policy are, in whole or in part, assigned or transferred to, or acquired in any manner by, a person providing services for motor vehicle glass replacement or repair, including, but not limited to, inspecting, protecting, repairing, restoring, or replacing the motor vehicle glass or calibrating or recalibrating advanced driver assistance systems.

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

The Florida Senate

APPEARANCE RECORD

1002

Meeting Date

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

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:

NAMIC

☐ 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

1002

Meeting Date

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Phone

Address

Email

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:

Florida Insurance Council

☐ 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

SB 1002

Bill Number or Topic

Amendment Barcode (if applicable)

3/20/2023

Meeting Date

Commerce and Tourism

Committee

Name Eric DeCampos

Phone 847-989-7104

Address 1111 E. Touhy Ave. Ste 400

Street

Email edecampos@nich.org

Des Plaines

City

IL

State

60018

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:

National Insurance Crime Bureau

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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

SB 1002

Bill Number or Topic

Amendment Barcode (if applicable)

03/20/2023

Meeting Date

Commerce and Tourism

Committee

Name Chad Kunde

Phone (850) 766-7896

Address 136 S Bronough St

Street

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

Florida Chamber of Commerce

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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

S-001 (08/10/2021)

3.20.23
Meeting Date
Commerce
Committee
Name Ashley Kalish
Phone
Address 124 Tuffin St.
Street
Tallahassee FL 32303
City State Zip

The Florida Senate
APPEARANCE RECORD
Deliver both copies of this form to
Senate professional staff conducting the meeting

1002
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:

Safelift

☐ 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)

3/20
Meeting Date
Commerce Tourism
Committee
Name Austin Stowers
Phone 850 413 5939
Address 200 E Gaines
Street
Tallahassee FL 32399
City State Zip

The Florida Senate
APPEARANCE RECORD
Deliver both copies of this form to
Senate professional staff conducting the meeting

1002
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:

CFU JIMMY PATRONIS

☐ 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

March 20, 2023
Meeting Date
Commerce + Tourism
Committee

SB1002
Bill Number or Topic
N/A
Amendment Barcode (if applicable)

Name Tasha Carter, FL's Insurance Consumer Advocate Phone 850.413.5923

Address 200 E. Gaines Street Email tasha.carter@myfloridacfo.com
Street
Tallahassee FL 32399
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:
Department of Financial
Services

☐ 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

3.20.23
Meeting Date
Commerce and Tourism
Committee

1002
Bill Number or Topic
Amendment Barcode (if applicable)

Name Greg Black Phone 8505098022

Address PO Box 838 Email Greg@WaypointStrat.com
Street
Tallahassee FL 32302
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:

R Street Institute

☐ 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

3/20/23

Meeting Date

Commerce

Committee

1002

Bill Number or Topic

Amendment Barcode (if applicable)

Name Amanda Fraser

Phone 850 556 1401

Address

Street

Tallahassee

City

State

Zip

Email

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:

APCIA

☐ 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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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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

DUPLICATE

3/20/23

Meeting Date

Commerce & Tourism

Committee

1002

Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Carlson, Esq.

Phone 850-544-9576

Address 215 S. Monroe St. Ste. 835

Street

Tallahassee

City

FL

State

32301

Zip

Email michael.carlson@piff.net

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:

Personal Insurance Federation of Florida,
Inc.

☐ 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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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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

3/20/23

Meeting Date

Commerce & Tourism
Committee

SB 1062

Bill Number or Topic

Amendment Barcode (if applicable)

Name BG Murphy Phone 850-893-4155

Address 3195 Shamrock St. South Email bmurphy@faia.com

Tallahassee FL 32309
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:

Florida Association of Insurance Agents

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

3/20/23

Meeting Date

Commerce & Tourism
Committee

SB 1002

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jim Ketter Phone 480-217-1939

Address 2929 N. 44th St. #228 Email _____

Phoenix AZ 85018
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)

The Florida Senate

APPEARANCE RECORD

3/20/23

Meeting Date

Commerce & Tourism

Committee

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

1002

Bill Number or Topic

Bill

Amendment Barcode (if applicable)

Name

Adam Basford

Phone

3525389299

Address

56 N Adams

Email

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

Associated Industries 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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-20-23

Meeting Date

Commerce

Committee

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

SB1002

Bill Number or Topic

764142

Amendment Barcode (if applicable)

Name

JEFF JOHNSON

Phone

813 777-9858

Address

10748 SR 54

Email

Jeff@Johnson-Stewart.com

Street

Lutz FL 32549

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:

FL Independent Glass Assoc.

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/20/23

Meeting Date

Commerce & Tourism

Committee

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

1002

Bill Number or Topic

764142

Amendment Barcode (if applicable)

Name

Caitlin Murray

Phone

(850) 491-8424

Address

Street

Email

cmurray@namic.org

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:

NAMIC

☐ 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

3/20/23

Meeting Date

Commerce & Tourism

Committee

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

1002

Bill Number or Topic

764142

Amendment Barcode (if applicable)

Name

Adam Basford

Phone

352 538 4299

Address

Street

516 N Adams

Email

abasford@aif.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:

Associated Industries of FL

☐ 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)

3/20/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB1002

Bill Number or Topic

764142

Amendment Barcode (if applicable)

Committee
Name Brett Jones

Phone 602-312-0686

Address 623 E San Sebastian Ct

Email brettmjones01@gmail.com

Street

Altamont Springs FL

32714

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)

3-20-23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB1002

Bill Number or Topic

764142

Amendment Barcode (if applicable)

Committee
Name Commerce & Tourism

Phone 941-536-4509

Address 5632 15th St E

Email bille.athomeautoaccess.shop

Street

Sarasota FL

34243

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)

3/20/23

Meeting Date

Commerce & Tourism

Committee

The Florida Senate

APPEARANCE RECORD

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

1002

Bill Number or Topic

764142

Amendment Barcode (if applicable)

Name

Michael Carlson, Esq.

Phone

850-544-9576

Address

215 S. Monroe St. Ste. 835

Email

michael.carlson@piff.net

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:

Personal Insurance Federation of Florida,
Inc.

☐ 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

3/20/23

Meeting Date

Commerce & Tourism

Committee

1002

Bill Number or Topic

764142

Amendment Barcode (if applicable)

Name

Mike Dominguez

Phone

480-363-0062

Address

9936 ~~At~~ Azalee Bloom Way Apt 302

Email

miked@agaweglass.com

Street

Riverview

FL

33578

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)

The Florida Senate
APPEARANCE RECORD

Meeting Date: 3-20-23
Committee: Commerce + Tourism

Bill Number or Topic: SB.1002
Amendment Barcode (if applicable): 564142

Name: Marcus Lopez Phone: 978-828-6652

Address: 529 S Parsons ave Email: armanian-bj@smr.com

City: Brandon State: FL Zip: 33511

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Meeting Date: 3-20-23
Committee: Commerce / TOURISM

Bill Number or Topic: SB 1002
Amendment Barcode (if applicable): 764142

Name: Jeremiah Williams Phone: _____

Address: 3710 37th St N Email: _____

City: Si Pete State: FL Zip: 33713

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 1002

3-20-23
Meeting Date
Commerce & Tourism
Committee

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

764142
Bill Number or Topic
Amendment Barcode (if applicable)

Name FEUPE Pucci Phone 813 451 2120
Address 15461 LONG CYPRUS DR Email 1776 autoglass@gmail.com
RUSKIN FL 33573
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:

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

1002

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

3/20/23
Meeting Date
Commerce
Committee

764142
Bill Number or Topic
Amendment Barcode (if applicable)

Name Amanda Fraser Phone 850 556 1401
Address Email
Tallahassee
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: APCIA ☐ 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

Tallahassee, Florida 32399-1100

SENATOR JENNIFER BRADLEY
6th District

COMMITTEES:
Appropriations Committee on Criminal
and Civil Justice, *Chair*
Criminal Justice, *Vice Chair*
Appropriations
Appropriations Committee on Health
and Human Services
Children, Families, and Elder Affairs
Community Affairs
Regulated Industries
SELECT COMMITTEE:
Select Committee on Resiliency

March 1, 2023

Senator Jay Trumbull, Chairman
Senate Committee on Commerce and Tourism
320 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Trumbull:

I respectfully request that Senate Bill 978 be placed on the committee's agenda at your earliest convenience. This bill relates to secured transactions.

Thank you for your consideration.

Sincerely,

Jennifer Bradley

cc: Todd McKay, Staff Director
Renita Hayes, Administrative Assistant

REPLY TO:
☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
☐ 410 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR JONATHAN MARTIN
33rd District

COMMITTEES:
Criminal Justice, *Chair*
Appropriations
Appropriations Committee on Criminal and Civil
Justice
Appropriations Committee on Health and
Human Services
Community Affairs
Environment and Natural Resources
Ethics and Elections
SELECT COMMITTEE:
Select Committee on Resiliency

March 13, 2023

The Honorable Jay Trumbull
Senate Commerce and Tourism Committee, Chair
310 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1390 - An act relating to Universal Regulatory Sandbox

Dear Chair Trumbull:

Please allow this letter to serve as my respectful request to place SB 1390, relating to Universal Regulatory Sandbox, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

Jonathan Martin
Senate District 33

Cc: Todd McKay, Staff Director
Renita Hayes, Administrative Assistant

REPLY TO:
☐ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
☐ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
 Criminal Justice, Chair
 Appropriations
 Appropriations Committee on Criminal and Civil Justice
 Appropriations Committee on Health and Human Services
 Community Affairs
 Environment and Natural Resources
 Ethics and Elections

SELECT COMMITTEE:
 Select Committee on Resiliency

SENATOR JONATHAN MARTIN
33rd District

March 13, 2023

The Honorable Jay Trumbull
Senate Commerce and Tourism Committee, Chair
310 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1392 - An act relating to Public Records and Meetings/Universal Regulatory Sandbox

Dear Chair Trumbull:

Please allow this letter to serve as my respectful request to place SB 1390, relating to Public Records and Meetings/Universal Regulatory Sandbox, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

Jonathan Martin
Senate District 33

Cc: Todd McKay, Staff Director
Renita Hayes, Administrative Assistant

REPLY TO:
☐ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
☐ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



The Florida Senate

Committee Agenda Request

To: Senator , Chair Jay Trumbull
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 15, 2023

I respectfully request that **Senate Bill #1002**, relating to Motor Vehicle Glass, be placed on:

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

Senator Linda Stewart
Florida Senate, District 17

File signed original with committee office

S-020 (03/2004)

Hayes, Renita

From: Morris, Timothy
Sent: Monday, March 20, 2023 3:25 PM
To: McKay, Todd; Trumbull, Jay
Cc: Hayes, Renita; Ancheta, Nicholas
Subject: Senator Martin CM Absence

Good afternoon,

I am writing to you on behalf of Senator Martin. He is unable to present in Monday's Commerce and Tourism Committee meeting at 3:30 pm. Senator Gruters will be presenting SB 1390 Universal Regulatory Sandbox and SB 1392 Public Records and Meetings/Universal Regulatory Sandbox on his behalf.

Thank you,

Tim Morris

Legislative Aide
Senator Jonathan Martin
Senate District 33
District: 239-338-2570
Tallahassee: 850-487-5033

CourtSmart Tag Report

Room: SB 110 **Case No.:** **Type:**
Caption: Senate Commerce Committee **Judge:**

Started: 3/20/2023 3:32:17 PM
Ends: 3/20/2023 4:10:51 PM **Length:** 00:38:35

3:32:15 PM Chairman Trumbull calls meeting to order
3:32:39 PM Roll call
3:32:58 PM A quorum is present
3:33:07 PM Tab 4 - SB 1482
3:33:12 PM Sen. Simon explains bill
3:35:14 PM Questions?
3:35:21 PM Mike Grissom waives
3:35:33 PM Jeff Scala waives
3:35:35 PM Carolyn Johnson waives
3:35:41 PM Chris Doolin waives
3:35:44 PM No debate
3:35:48 PM Vote
3:36:12 PM Bill passes; reported favorably
3:36:33 PM Tab 6 - SB 1002
3:36:35 PM Sen. Stewart explains the bill
3:38:32 PM Questions?
3:38:39 PM Amendment barcode #764142 by DiCeglie
3:39:58 PM DiCeglie will withdraw amendment in order to continue work with Sen. Stewart
3:40:19 PM Back on the bill
3:40:32 PM Caitlin Murray waives
3:40:42 PM Gary Guzzo waives
3:40:47 PM Adam Basford waives
3:40:51 PM Eric DeCampos speaks
3:43:04 PM Jim Keffer waives
3:43:10 PM BG Murphy waives
3:43:33 PM Michael Carlson speaks
3:44:07 PM Chad Kunde waives
3:44:11 PM Amanda Fraser waives
3:44:15 PM Greg Black waives
3:44:20 PM Tasha Carter waives
3:44:24 PM Austin Stowers waives
3:44:55 PM Chair allows amendment speakers to speak due to amendment withdrawal
3:45:04 PM Jeff Johnston speaks on behalf of Fl. Independent Glass Assoc. members
3:47:25 PM Sen. Hutson asks question
3:48:56 PM Jeff Johnston responds
3:49:12 PM Sen Hutson follow up
3:49:20 PM Jeff Johnston responds
3:49:38 PM Sen. Hutson comments
3:49:53 PM Jeff Johnston responds
3:50:18 PM Ashley Kalifeh speaks on behalf of Safelite
3:50:58 PM Sen. Trumbull asks question
3:51:15 PM Ashley Kalifeh responds
3:51:33 PM Sen. Hutson question
3:51:45 PM Ashley Kalifeh responds
3:52:49 PM Sen. Hutson question
3:53:00 PM Ashley Kalifeh responds
3:54:55 PM No debate
3:54:58 PM Sen. Stewart to close
3:55:24 PM Vote
3:56:26 PM Bill passes; reported favorably
3:57:02 PM Tab 5 - SB 196
3:57:07 PM Sen. Jones explains bill

3:57:49 PM No objection to motion to take up late filed Amendment barcode #865526
3:58:00 PM Sen. Jones explains amendment
3:58:28 PM Questions on amendment?
3:58:34 PM Sarah Katherine Massey waives
3:58:39 PM Richard Reeves waives
3:58:44 PM No debate
3:59:01 PM Amendment adopted
3:59:08 PM Back on bill
3:59:12 PM Nancy Lawther waives
3:59:18 PM Sarah Katherine Massey waives
3:59:23 PM Chris Stranburg waives
3:59:29 PM Richard Reeves waives
3:59:33 PM No debate
3:59:37 PM Sen. Jones waives close
3:59:43 PM Vote
4:00:01 PM Bill passes; reported favorably
4:00:28 PM Tab 2 - SB 1390
4:00:32 PM Sen. Gruters explains bill by Sen. Martin
4:01:52 PM Questions?
4:01:55 PM Sal Nuzzo speaks on behalf of The James Madison Inst.
4:02:31 PM No debate
4:03:33 PM Sen. Torres wanted to ask question
4:03:42 PM Chair Trumbull requests that Sen. Torres frame question in debate
4:04:01 PM Sen. Torres begins debate
4:04:32 PM Sen. Gruters to close
4:05:11 PM Vote
4:05:42 PM Bill passes; reported favorably
4:05:47 PM Tab 3 - SB 1392
4:06:01 PM Sen. Gruters explains bill by Sen. Martin
4:06:09 PM Questions?
4:06:17 PM No Debate
4:06:20 PM Sen. Gruters waives close
4:06:26 PM Vote
4:06:28 PM Bill passes; reported favorably
4:06:59 PM Brief intermission awaiting Sen. Bradley
4:07:35 PM Meeting resumed
4:07:49 PM Tab 1 - SB 978
4:07:51 PM Sen. Bradley explains the bill
4:09:31 PM Questions?
4:09:39 PM Martha Edenfield waives
4:09:42 PM Doug Bell waives
4:09:46 PM No Debate
4:09:52 PM Sen. Bradley waives close
4:10:00 PM Vote
4:10:04 PM Bill passes; reported favorably
4:10:20 PM Chair Trumbull asks about votes after and if there is any other business
4:10:34 PM Vice Chair Wright moves to adjourn; meeting adjourned