

Tab 1	SB 46 by Stewart ; (Identical to H 00315) Reading Achievement Initiative for Scholastic Excellence Program					
Tab 2	CS/SB 66 by GO, Brodeur (CO-INTRODUCERS) Hooper ; (Similar to CS/H 00089) Revive Awareness Day					
273702	A	S	RCS	RC, Brodeur	Delete L.71:	01/24 02:06 PM
Tab 3	SB 184 by Avila (CO-INTRODUCERS) Hooper ; (Similar to CS/H 00075) Impeding, Threatening, or Harassing First Responders					
Tab 4	SCR 324 by Ingoglia ; (Identical to H 00703) Balanced Federal Budget					
Tab 5	SCR 326 by Ingoglia ; (Identical to H 00693) Congressional Term Limits					
Tab 6	SB 334 by Burgess ; (Similar to CS/H 00303) Rabies Vaccinations					
Tab 7	SB 364 by Collins ; (Similar to H 00229) Regulatory Assessment Fees					
Tab 8	SM 398 by Avila ; (Identical to H 00467) Venezuelan Sanctions					
Tab 9	CS/SB 478 by RI, Rodriguez ; (Identical to CS/CS/H 00551) Designation of Eligible Telecommunications Carriers					
Tab 10	CS/CS/SB 494 by MS, HE, Avila (CO-INTRODUCERS) Perry, Collins ; (Similar to H 00511) Graduate Program Admissions					
Tab 11	SB 522 by Simon ; (Identical to H 00501) Tallahassee Community College					
Tab 12	SM 540 by Avila ; (Similar to H 00351) Chinese and Cuban Governments					
Tab 13	SB 702 by Martin ; (Similar to H 01167) Attorney Fees and Costs					
Tab 14	SM 1020 by Ingoglia ; Designation of Drug Cartels as Foreign Terrorist Organizations					
Tab 15	SB 7010 by EE ; (Similar to CS/H 07003) OGSR/Voter Registration Applicants					
765820	A	S	RCS	RC, Burgess	Delete L.41:	01/24 03:27 PM
Tab 16	SB 7012 by EE ; (Similar to H 07005) OGSR/Secure Login Credentials Held by the Commission on Ethics					
Tab 17	SB 7026 by AG ; Public Records/Department of Agriculture and Consumer Services					
Tab 18	SB 7034 by CF ; (Identical to H 07009) OGSR/Information Regarding Persons Seeking Mental Health Treatment and Services					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Mayfield, Chair
Senator Perry, Vice Chair

MEETING DATE: Wednesday, January 24, 2024**TIME:** 11:00 a.m.—1:00 p.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Mayfield, Chair; Senator Perry, Vice Chair; Senators Baxley, Book, Boyd, Brodeur, Broxson, Burgess, Burton, DiCeglie, Garcia, Hooper, Hutson, Jones, Osgood, Rodriguez, Rouson, Simon, Torres, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 46 Stewart (Identical H 315)	Reading Achievement Initiative for Scholastic Excellence Program; Providing that tutoring provided through the tutoring program established as part of the Reading Achievement Initiative for Scholastic Excellence Program may be provided after the school day; authorizing school districts that participate in the tutoring program to provide a stipend to instructional personnel and high school students who serve as tutors under the program, etc. ED 01/10/2024 Favorable CF 01/17/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 17 Nays 0
2	CS/SB 66 Governmental Oversight and Accountability / Brodeur (Similar CS/H 89)	Revive Awareness Day; Citing this act as "Victoria's Law"; designating June 6 of each year as "Revive Awareness Day"; authorizing the Governor to issue an annual proclamation; encouraging the Department of Health to hold events to raise awareness of the dangers of opioid overdose and the availability and safe use of naloxone as an effective way to rapidly reverse the effects of opioid overdose, etc. HP 12/05/2023 Favorable GO 01/09/2024 Fav/CS RC 01/24/2024 Fav/CS	Fav/CS Yeas 17 Nays 0
3	SB 184 Avila (Similar CS/H 75)	Impeding, Threatening, or Harassing First Responders; Defining the terms "first responder" and "harass"; prohibiting a person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, from violating such warning and approaching or remaining within a specified distance of the first responder with specified intent, etc. CJ 12/05/2023 Favorable CA 01/09/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 18 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, January 24, 2024, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SCR 324 Ingoglia (Identical HCR 703)	Balanced Federal Budget; Applying to the Congress of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States which requires a balanced federal budget, etc. JU 01/16/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 13 Nays 5
5	SCR 326 Ingoglia (Identical HCR 693)	Congressional Term Limits; Applying to the Congress of the United States to call a convention for the sole purpose of proposing amendments to the Constitution of the United States to set a limit on the number of terms to which a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms to which a person may be elected as a member of the United States Senate, etc. JU 01/16/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 11 Nays 5
6	SB 334 Burgess (Similar CS/H 303, Compare H 261, H 849, S 1040, S 1100, S 1162)	Rabies Vaccinations; Authorizing certain persons to administer rabies vaccinations to certain animals under the indirect supervision of a veterinarian; providing that a supervising veterinarian assumes responsibility for any person working under the veterinarian's supervision or at his or her direction; defining the term "indirect supervision", etc. AG 12/05/2023 Favorable RI 01/09/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 16 Nays 0
7	SB 364 Collins (Similar H 229)	Regulatory Assessment Fees; Exempting certain rules adopted by the Florida Public Service Commission relating to regulatory assessment fees from the requirement of legislative ratification, etc. RI 12/06/2023 Favorable RC 01/24/2024 Favorable	Favorable Yeas 16 Nays 0
8	SM 398 Avila (Identical HM 467)	Venezuelan Sanctions; Urging the United States Secretary of State to implement policies at the United States Department of State that reinstate economic sanctions on Nicolás Maduro and his Venezuelan dictatorship and impose sanctions on companies that do business with Venezuela, etc. GO 01/09/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 18 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, January 24, 2024, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	CS/SB 478 Regulated Industries / Rodriguez (Identical CS/CS/H 551)	Designation of Eligible Telecommunications Carriers; Revising the definition of the term “eligible telecommunications carrier”; authorizing the Public Service Commission to designate certain entities as eligible telecommunications carriers for a specified purpose, etc. RI 12/13/2023 Fav/CS GO 01/16/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 15 Nays 0
10	CS/CS/SB 494 Military and Veterans Affairs, Space, and Domestic Security / Avila (Similar H 511)	Graduate Program Admissions; Requiring an institution of higher education to waive certain examination requirements for a servicemember or a person who served in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and was discharged or released under any condition other than dishonorable and who applies for admission to a graduate program that requires such examination, etc. HE 01/09/2024 Fav/CS MS 01/16/2024 Fav/CS RC 01/24/2024 Favorable	Favorable Yeas 18 Nays 0
11	SB 522 Simon (Identical H 501)	Tallahassee Community College; Renaming the college as “Tallahassee State College”, etc. HE 01/09/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 15 Nays 0
12	SM 540 Avila (Similar HM 351, SM 318)	Chinese and Cuban Governments; Urging the United States Secretary of State to condemn the emerging partnership between the Chinese Communist Party and the communist regime in Cuba and the establishment of Chinese espionage and military capabilities in Cuba, etc. MS 01/09/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 18 Nays 0
13	SB 702 Martin (Similar H 1167)	Attorney Fees and Costs; Defining the term “property rights”; requiring courts to award reasonable attorney fees and costs to a prevailing defendant in certain civil actions under specified circumstances, etc. JU 01/16/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 17 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, January 24, 2024, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	SM 1020 Ingoglia	Designation of Drug Cartels as Foreign Terrorist Organizations; Urging the United States Secretary of State to designate drug cartels as Foreign Terrorist Organizations, etc. MS 01/16/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 16 Nays 0
15	SB 7010 Ethics and Elections (Similar CS/H 7003)	OGSR/Voter Registration Applicants; Providing an exemption from public records requirements for information concerning preregistered voter registration applicants who are minors; deleting the scheduled repeal of the exemption; authorizing the disclosure of confidential and exempt information for specified purposes, etc. GO 01/09/2024 Favorable RC 01/24/2024 Fav/CS	Fav/CS Yeas 16 Nays 0
16	SB 7012 Ethics and Elections (Similar H 7005)	OGSR/Secure Login Credentials Held by the Commission on Ethics; Amending a provision which provides exemptions from public records requirements for secure login credentials held by the Commission on Ethics and certain information entered into the electronic filing system for financial disclosures; deleting the scheduled repeal of the exemption, etc. GO 01/09/2024 Favorable RC 01/24/2024 Favorable	Favorable Yeas 15 Nays 0
17	SB 7026 Agriculture	Public Records/Department of Agriculture and Consumer Services; Providing an exemption from public records requirements for certain information held by the Department of Agriculture and Consumer Services; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. RC 01/24/2024 Favorable	Favorable Yeas 17 Nays 0
18	SB 7034 Children, Families, and Elder Affairs (Identical H 7009)	OGSR/Information Regarding Persons Seeking Mental Health Treatment and Services; Amending a provision which provides an exemption from public records requirements for petitions for voluntary and involuntary admission for mental health treatment, court orders, related records, and personal identifying information regarding persons seeking mental health treatment and services; abrogating the scheduled repeal of the exemption, etc. RC 01/24/2024 Favorable	Favorable Yeas 15 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 46

INTRODUCER: Senator Stewart

SUBJECT: Reading Achievement Initiative for Scholastic Excellence Program

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Favorable
2.	Rao	Tuszynski	CF	Favorable
3.	Brick	Twogood	RC	Favorable

I. Summary:

SB 46 authorizes school districts participating in the Reading Achievement Initiative for Scholastic Excellence (RAISE) tutoring program to offer the tutoring program after the school day and to provide a stipend to instructional personnel and high school students serving as tutors during after-school hours.

The bill limits to unpaid hours the tutoring hours that count towards meeting community service requirements for high school graduation and the Florida Bright Futures Scholarship Program.

The bill takes effect July 1, 2024.

II. Present Situation:

Reading Achievement Initiative for Scholastic Excellence Act

In 2021, the Florida Legislature established the Reading Achievement Initiative for Scholastic Excellence (RAISE) program within the Florida Department of Education (DOE).¹ The program provides instructional supports to school districts, school administrators, and instructional personnel in implementing evidence-based reading instruction and interventions in order to improve student reading achievement.²

¹ Chapter 2021-9, s. 17, Laws of Fla., *codified at* s.1008.365, F.S.

² Section 1008.365(2), F.S.

Under the RAISE program, the DOE operates 20 literacy support regions and regional support teams in Florida to assist schools in improving low reading scores.³ The DOE may establish eligibility criteria for participating schools, but schools that must be included are:⁴

- Schools serving students in kindergarten through grade 5 where 50 percent or more of the students score below a Level 3 on the statewide, standardized English Language Arts (ELA) assessment; and
- Schools where 50 percent or more of students in kindergarten through grade 3 are not on track to pass the grade 3 ELA assessment based on data from the coordinated screening and progress monitoring system.

Identified schools are required to implement a school improvement plan with strategies to improve reading performance.⁵ The DOE has identified 1,184 schools for support as RAISE schools in the 2023-2024 academic year.⁶

Tutoring Program

As part of the RAISE program, the DOE established a tutoring program and developed training to prepare eligible high school students to tutor students in kindergarten through grade 3.⁷

To be eligible to participate in the tutoring program, a student must be a rising high school junior or senior and meet the following requirements:⁸

- Have a cumulative grade point average of 3.0 or higher;
- Have no history of out-of-school suspensions or expulsions;
- Be on track to complete all core course requirements to graduate; and
- Have written recommendations from at least two present or former high school teachers of record or extracurricular activity sponsors.

High school students that participate as tutors must be recruited, trained, and deployed by the school district. Tutoring must occur during the school day, on school district property, and under the supervision of instructional personnel.⁹

A high school student may earn up to three elective credits for high school graduation based on the verified number of hours the student spends tutoring. The hours may be counted towards community service requirements for high school graduation and the Florida Bright Futures Scholarship Program.¹⁰

³ Section 1008.365(3), F.S.; Florida Department of Education, *Raise Regions*, available at <https://www.fldoe.org/core/fileparse.php/7539/urlt/JRFSRLDFINALMAP.pdf>.

⁴ Section 1008.365(4), F.S.

⁵ Section 1008.365(4), F.S.

⁶ Florida Department of Education, *RAISE Schools Identified for 2023-2024*, available at <https://www.fldoe.org/core/fileparse.php/7539/urlt/2223RAISE-SchID.pdf>.

⁷ Section 1008.365(8), F.S.; Florida Department of Education, *RAISE High School Tutoring Program*, available at <https://www.fldoe.org/academics/standards/just-read-fl/tutoring.shtml> (last visited Jan. 12, 2024).

⁸ Section 1008.365(8)(a), F.S.

⁹ Section 1008.365(8)(b), F.S.

¹⁰ Section 1008.365(8)(c), F.S.

The DOE must designate a high school student who provides at least 75 verified hours of tutoring in the RAISE program as a New Worlds Scholar and award him or her a commemorative pin for this designation.¹¹

Florida Bright Futures Scholarship Program

The Florida Bright Futures Scholarship Program (Bright Futures Program) is a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in a degree program, certificate program, or applied technology program at an eligible Florida public or private postsecondary education institution.¹²

The Bright Futures Program consists of the:¹³

- Florida Academic Scholarship (FAS), which provides for an award equal to the amount necessary to pay 100 percent of tuition and applicable fees and an additional stipend for textbooks as specified in the General Appropriations Act.¹⁴;
- Florida Medallion Scholarship (FMS), which provides for an award equal to the amount necessary to pay 75 percent of tuition and fees; however, an eligible FMS recipient enrolled at a Florida College System institution is eligible for an award amount equal to the amount necessary to pay 100 percent of tuition and fees.¹⁵;
- Florida Gold Seal Vocational Scholarship (FGSV) and the Florida Gold Seal Career and Professional Education Scholarship (CAPE), which provide for an award for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete an applied technology diploma, associate in applied science or associate in science degree, or a postsecondary career certificate program.¹⁶

Bright Futures Program Eligibility Requirements – Volunteer and Paid Work Hours

A Florida high school student who wishes to qualify for a Bright Futures Program award must graduate from a Florida public high school with a standard high school diploma, graduate from a private high school registered with the DOE, earn a general education diploma, complete a home education program, or graduate from a non-Florida high school.¹⁷ The various awards also have separate requirements for completed credits, grade-point average, and scores on college entrance exams.¹⁸

¹¹ Section 1008.365(8)(c), F.S.

¹² Section 1009.53(1), F.S.

¹³ Section 1009.53(2), F.S.

¹⁴ Section 1009.534(2), F.S.

¹⁵ Section 1009.535(2), F.S.

¹⁶ Section 1009.532(5)(a)1., F.S.; see also 2023-24 Bright Futures Student Handbook, Chapter 2: What You Need to Know Now That You Are Eligible (July 1, 2023), at 3, available at <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter2.pdf>.

¹⁷ Florida Department of Education, 2023-24 Bright Futures Student Handbook, Chapter 1: Initial Eligibility Requirements (Aug. 2023), at 2-3, available at <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter1.pdf>. A student living with a parent who is on military or public service assignment may graduate from a non-Florida high school.

¹⁸ Florida Department of Education, 2023-24 Bright Futures Student Handbook, Chapter 1: Initial Eligibility Requirements (Aug. 2023), at 3-8, available at <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter1.pdf>.

In addition to initial eligibility requirements, the awards require the following volunteer and paid work hours:

- FAS – 100 hours of volunteer service hours or paid work hours, or a combination of both.
- FMS – 75 hours of volunteer service hours, or 100 hours of paid work hours, or a combination of volunteer and paid work hours totaling 100 hours.
- FGSV and CAPE – 30 volunteer service hours, 100 paid work hours, or a combination of 100 total hours.¹⁹

For the 2022-2023 academic year, a total of \$598,468,957 was disbursed to 33,062 students receiving a Bright Futures Program award.²⁰

III. Effect of Proposed Changes:

SB 46 authorizes school districts participating in the Reading Achievement Initiative for Scholastic Excellence (RAISE) tutoring program to offer the tutoring program after the school day and to provide a stipend to instructional personnel and high school students serving as tutors during after-school hours.

The bill limits to unpaid hours the tutoring hours that count towards meeting community service requirements for high school graduation and the Florida Bright Futures Scholarship Program.

The bill takes effect July 1, 2024.

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 .

¹⁹ Section 1009.536(1)(e), F.S.

²⁰ Florida Bright Futures Scholarship Program, *Florida Bright Futures Student Counts and Total Costs* (Sep. 2023), available at <https://www.floridastudentfinancialaidsg.org/PDF/PSI/BFReportsA.pdf>.

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 section 1008.365 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 Stewart

17-00223-24

202446__

A bill to be entitled

An act relating to the Reading Achievement Initiative for Scholastic Excellence Program; amending s. 1008.365, F.S.; providing that tutoring provided through the tutoring program established as part of the Reading Achievement Initiative for Scholastic Excellence Program may be provided after the school day; authorizing school districts that participate in the tutoring program to provide a stipend to instructional personnel and high school students who serve as tutors under the program; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (8) of section 1008.365, Florida Statutes, is amended to read:

1008.365 Reading Achievement Initiative for Scholastic Excellence Act.—

(8) As part of the RAISE Program, the department shall establish a tutoring program and develop training in effective reading tutoring practices and content, based on evidence-based practices grounded in the science of reading and aligned to the English Language Arts standards under s. 1003.41, which prepares eligible high school students to tutor students in kindergarten through grade 3 in schools identified under this section, instilling in those students a love of reading and improving their literacy skills.

17-00223-24

202446__

(a) To be eligible to participate in the tutoring program, a high school student must be a rising junior or senior who has a cumulative grade point average of 3.0 or higher, has no history of out-of-school suspensions or expulsions, is on track to complete all core course requirements to graduate, and has written recommendations from at least two of his or her present or former high school teachers of record or extracurricular activity sponsors.

(b) School districts that wish to participate in the tutoring program must recruit, train, and deploy eligible high school students using the materials developed under this section. Tutoring must occur during or after the school day on school district property in the presence and under the supervision of instructional personnel who are school district employees. A parent must give written permission for his or her child to receive tutoring through the program.

(c) Tutoring may be part of a service-learning course adopted pursuant to s. 1003.497. Students may earn up to three elective credits for high school graduation based on the verified number of hours the student spends tutoring under the program. The hours of volunteer service must be documented in writing, and the document must be signed by the student, the student's parent or guardian, and an administrator or designee of the school in which the tutoring occurred. Unpaid ~~The~~ hours that a high school student devotes to tutoring may be counted toward meeting community service requirements for high school graduation and community service requirements for participation in the Florida Bright Futures Scholarship Program as provided in s. 1003.497(3)(b). The department shall designate a high school

17-00223-24

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student who provides at least 75 verified hours of tutoring under the program as a New Worlds Scholar and award the student with a pin indicating such designation.

(d) School districts participating in the tutoring program may provide a stipend to instructional personnel and high school students serving as tutors for after-school tutoring.

Section 2. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator, Chair Mayfield
Committee on Rules

Subject: Committee Agenda Request

Date: January 18, 2024

I respectfully request that **Senate Bill #46**, relating to the Reading Achievement Initiative for Scholastic Excellence Program be placed on:

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

A handwritten signature in cursive script that reads "Linda Stewart".

Senator Linda Stewart
Florida Senate, District 17

The Florida Senate

APPEARANCE RECORD

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

1/24/24
Rules

Meeting Date

5B 46

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Nancy Lawther, Ph.D. (Florida PTA)

Phone

407 855-7604

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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:

☒

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

Florida PTA

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 Rules

BILL: CS/CS/SB 66

INTRODUCER: Rules Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur and others

SUBJECT: Revive Awareness Day

DATE: January 25, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	Favorable
2.	Limones-Borja	McVaney	GO	Fav/CS
3.	Looke	Twogood	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 66 creates “Victoria’s Law” and designates June 6 of each year as “Revive Awareness Day.” The bill allows the Governor to issue an annual proclamation for the designation of June 6th as “Revive Awareness Day.” The bill encourages the Department of Health (DOH) to hold events to raise awareness of the dangers of opioid overdose and the availability and safe use of opioid antagonists.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

According to the U.S. Centers for Disease Control and Prevention (CDC), in 2021 nearly 17,000 people in the United States died from overdosing on prescription opioids and nearly 71,000 people died from synthetic opioid overdoses.¹ In Florida, from January to June of 2022, nearly

¹ Centers for Disease Control and Prevention, *Opioid Overdose*, (Aug. 23, 2023), <https://www.cdc.gov/drugoverdose/deaths/opioid-overdose.html> (last visited Jan. 25, 2024).

4,000 people died from opioid overdoses, while fentanyl, a synthetic opioid, caused another 2,744 deaths.²

Naloxone

Naloxone is a life-saving medicine that quickly reverses the effects of an opioid overdose. As an opioid antagonist, it works by attaching to opioid receptors to reverse and block the effect of opioids. In the case of an opioid overdose, an antagonist is capable of restoring normal breathing in someone whose breathing has slowed dramatically or even stopped because of the overdose.³ Naloxone comes in two FDA-approved forms: injectable and prepackaged nasal spray. Injectable brands of naloxone are offered by different companies listed in the FDA Orange Book under “naloxone.” Prepackaged nasal sprays include generic naloxone, Narcan, and Kloxxado.⁴

Naloxone is a proven medicine that is an essential tool in hospital emergency rooms and ambulance emergency kits. It reverses both heroin and opioid overdoses within minutes of its administration and can save a life if given in time.⁵ Research shows that when naloxone and overdose education are available to community members, overdose deaths decrease in those communities.⁶

On March 29, 2023, the U.S. Food and Drug Administration approved Narcan, a four-milligram naloxone hydrochloride nasal spray, for over-the-counter, nonprescription use, ensuring that the life-saving medication is widely available without the requirement of obtaining a prescription.⁷

Victoria’s Voice Foundation

Victoria's Voice Foundation was established in 2019 by Jackie and David Siegel after losing their 18-year-old daughter, Victoria, to an accidental drug overdose. Victoria's Voice is dedicated to providing drug prevention education and naloxone awareness, support, and resources to those affected by substance use.⁸

² Florida Department of Law Enforcement, *Drugs Identified in Deceased Persons by Florida Medical Examiners 2022 Interim Report*, 3 (July 2023), available at <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2022-Interim-Drug-Report-FINAL.aspx> (last visited Jan. 25, 2024).

³ National Institute on Drug Abuse, *Naloxone Drug Facts* (Jan. 2022), <https://nida.nih.gov/publications/drugfacts/naloxone> (last visited Jan. 25, 2024).

⁴ *Id.*

⁵ John Strang et al., *Take-Home Naloxone for the Emergency Interim Management of Opioid Overdose: The Public Health Application of an Emergency Medicine*, 79(13) *Drugs* 1395-1418 (2019), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6728289/> (last visited Jan. 25, 2024).

⁶ *Id.*

⁷ The Food and Drug Administration, *FDA Approves First Over-the-Counter Naloxone Nasal Spray* (March 29, 2023), <https://www.fda.gov/news-events/press-announcements/fda-approves-first-over-counter-naloxone-nasal-spray> (last visited Jan. 25, 2024).

⁸ Victoria’s Voice Foundation, *Victoria's Voice Foundation Launches First Ever National Naloxone Awareness Day on June 6 with Support from a Bipartisan Congressional Resolution*, (Jun. 6, 2023), <https://www.prnewswire.com/news-releases/victorias-voice-foundation-launches-first-ever-national-naloxone-awareness-day-on-june-6-with-support-from-a-bipartisan-congressional-resolution-301843527.html> (last visited Jan. 25, 2024).

The U.S. Senate passed a joint resolution on June 6, 2023, recognizing June 6, 2023, as Naloxone Awareness Day.⁹ The resolution promotes awareness of the life-saving drug, Naloxone, which reverses opioid overdoses and prevents deaths. It also aims to educate members of the public about the importance of recognizing the signs of overdose and equipping themselves with the life-saving antidote.¹⁰

III. Effect of Proposed Changes:

The bill contains 15 whereas clauses that detail the negative effects of the opioid epidemic in the United States.

Section 1 provides that this act may be cited as “Victoria’s Law.”

Section 2 creates s. 683.3342, F.S., to designate June 6 of each year as “Revive Awareness Day.” The section authorizes the Governor to issue an annual proclamation designating June 6 as “Revive Awareness Day.” The section also encourages the DOH to hold events to raise awareness of the dangers of opioid overdose and the available and safe use of opioid antagonists as an effective way to rapidly reverse the effects of opioid overdose.

Section 3 provides that the bill take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁹ S. Res. 250, 118th Cong. (2023).

¹⁰ Ed Markey, *Markey, Scott Lead Bipartisan, Bicameral Resolution Designating June 6th Naloxone Awareness Day* (June 6, 2023), <https://www.markey.senate.gov/news/press-releases/markey-scott-scott-lead-bipartisan-bicameral-resolution-designating-june-6th-naloxone-awareness-day> (last visited Jan. 25, 2024).

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 is not expected to impact state or local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 683.3342 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Rules on January 24, 2024:

The committee substitute encourages the DOH to hold events and raise awareness of all opioid antagonists, instead of specifying Naloxone.”

CS by Governmental Oversight and Accountability on January 9, 2024:

The committee substitute designates June 6th of each year as “Revive Awareness Day” instead of “Naloxone Awareness Day.

B. Amendments:

None.



273702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
	.	
	.	

The Committee on Rules (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete line 71
and insert:
availability and safe use of opioid antagonists as an effective
way to

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

And the title is amended as follows:

Delete lines 9 - 55
and insert:



273702

opioid antagonists as an effective way to rapidly reverse the effects of opioid overdose; providing an effective date.

WHEREAS, the opioid epidemic continues to ravage American families across the United States, and

WHEREAS, the Centers for Disease Control and Prevention reported more than 100,000 overdose deaths in the United States during the 12-month period that ended in February 2023, and

WHEREAS, most of these deaths were caused by illicit synthetic drugs like clandestinely manufactured fentanyl, often in combination with other drugs, and

WHEREAS, in 2021, nearly 71,000 drug overdose deaths involving synthetic opioids occurred in the United States, which was more deaths that year than from any other type of opioid, and

WHEREAS, synthetic-opioid-involved death rates increased by more than 22 percent from 2020 to 2021 and synthetic opioids accounted for nearly 88 percent of all opioid-involved deaths in 2021, and

WHEREAS, by comparison, from 1999 to 2021, nearly 280,000 people died in the United States from overdoses involving prescription opioids, and

WHEREAS, the number of drug overdose deaths involving prescription opioids in 2021 was nearly five times the number in 1999, and

WHEREAS, in 2021, an average of 45 people died each day from a prescription opioid overdose, for a total of nearly 17,000 deaths, and



273702

41 WHEREAS, in 2021, nearly 21 percent of all opioid overdose
42 deaths involved prescription opioids, and

43 WHEREAS, 60 percent of all opioid overdose deaths occur in
44 the home, and

45 WHEREAS, in 67 percent of opioid overdose deaths, another
46 person was present at the time and witnessed the death, and

47 WHEREAS, opioid antagonists are a safe, powerful medication
48 that can reverse opioid-related overdoses and prevent overdose
49 deaths, and

50 WHEREAS, in 2023, in a historic action, the United States
51 Food and Drug Administration approved naloxone nasal spray as
52 the first over-the-counter opioid antagonist, and

53 WHEREAS, most Americans remain unaware of the safety,
54 availability, and efficacy of opioid antagonists as a life-
55 saving treatment for opioid overdose, and

56 WHEREAS, the national advocacy efforts of David Siegel and
57 Jackie Siegel are recognized as they advocate for widespread
58 availability of opioid antagonists through the Victoria's Voice

By the Committee on Governmental Oversight and Accountability;
and Senators Brodeur and Hooper

585-01984-24

202466c1

A bill to be entitled
An act relating to Revive Awareness Day; providing a
short title; creating s. 683.3342, F.S.; designating
June 6 of each year as "Revive Awareness Day";
authorizing the Governor to issue an annual
proclamation; encouraging the Department of Health to
hold events to raise awareness of the dangers of
opioid overdose and the availability and safe use of
naloxone as an effective way to rapidly reverse the
effects of opioid overdose; providing an effective
date.

WHEREAS, the opioid epidemic continues to ravage American
families across the United States, and

WHEREAS, the Centers for Disease Control and Prevention
reported more than 100,000 overdose deaths in the United States
during the 12-month period that ended in February 2023, and

WHEREAS, most of these deaths were caused by illicit
synthetic drugs like clandestinely manufactured fentanyl, often
in combination with other drugs, and

WHEREAS, in 2021, nearly 71,000 drug overdose deaths
involving synthetic opioids occurred in the United States, which
was more deaths that year than from any other type of opioid,
and

WHEREAS, synthetic-opioid-involved death rates increased by
more than 22 percent from 2020 to 2021 and synthetic opioids
accounted for nearly 88 percent of all opioid-involved deaths in
2021, and

WHEREAS, by comparison, from 1999 to 2021, nearly 280,000

585-01984-24

202466c1

people died in the United States from overdoses involving
prescription opioids, and

WHEREAS, the number of drug overdose deaths involving
prescription opioids in 2021 was nearly five times the number in
1999, and

WHEREAS, in 2021, an average of 45 people died each day
from a prescription opioid overdose, for a total of nearly
17,000 deaths, and

WHEREAS, in 2021, nearly 21 percent of all opioid overdose
deaths involved prescription opioids, and

WHEREAS, 60 percent of all opioid overdose deaths occur in
the home, and

WHEREAS, in 67 percent of opioid overdose deaths, another
person was present at the time and witnessed the death, and

WHEREAS, naloxone is a safe, powerful medication that can
reverse opioid-related overdoses and prevent overdose deaths,
and

WHEREAS, in 2023, in a historic action, the United States
Food and Drug Administration approved the first over-the-counter
naloxone nasal spray, and

WHEREAS, most Americans remain unaware of the safety,
availability, and efficacy of naloxone as a life-saving
treatment for opioid overdose, and

WHEREAS, the national advocacy efforts of David Siegel and
Jackie Siegel are recognized as they advocate for widespread
availability of naloxone through the Victoria's Voice
Foundation, named in honor of their daughter, who died from an
accidental overdose, NOW, THEREFORE,

585-01984-24

202466c1

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

Section 1. This act may be cited as "Victoria's Law."

Section 2. Section 683.3342, Florida Statutes, is created to read:

683.3342 Revive Awareness Day.—

(1) June 6 of each year is designated as "Revive Awareness Day."

(2) The Governor may issue an annual proclamation designating June 6 as "Revive Awareness Day."

(3) The Department of Health is encouraged to hold events to raise awareness of the dangers of opioid overdose and the availability and safe use of naloxone as an effective way to rapidly reverse the effects of opioid overdose.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Agriculture,
Environment, and General Government, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Committee on Health
and Human Services
Children, Families, and Elder Affairs
Community Affairs
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JASON BRODEUR

10th District

January 16, 2024

The Honorable Debbie Mayfield
Chair, Committee on Rules
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Mayfield,

I respectfully request that **CS/SB 66: Revive Awareness Day**, be placed on the agenda of the Rules Committee meeting to be considered at your earliest convenience.

If you have any questions or concerns, please do not hesitate to reach out to me or my office.

Sincerely,

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

Senator Jason Brodeur – District 10

CC: Philip Twogood – Staff Director
Shasta W. Kruse – Deputy Staff Director
Cynthia Futch – Administrative Assistant

REPLY TO:

- ☐ 110 Timberlachen Circle, Suite 1012, Lake Mary, Florida 32746 (407) 333-1802
- ☐ 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

01/24/2024

Meeting Date

Rules

Committee

The Florida Senate
APPEARANCE RECORD

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66

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Lauren Jackson**

Phone **931-265-8999**

Address **205 S. Adams St.**

Email **lauren@ericksconsultants.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:

Seminole County Sheriffs Office

☐

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

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1/24/24

Meeting Date

SB 66

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Nancy Lawther, Ph.D. (Florida PTA)

Phone

407 855-7604

Address

1747 Orlando Central Pkwy

Email

legulation@floridapta.org

Street

Orlando FL 32809

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 PTA

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 Rules

BILL: SB 184

INTRODUCER: Senators Avila and Hooper

SUBJECT: Impeding, Threatening, or Harassing First Responders

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.	Hackett	Ryon	CA	Favorable
3.	Wyant	Twogood	RC	Favorable

I. Summary:

SB 184 provides that it is a first degree misdemeanor for any person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, to violate the warning and approach or remain within 14 feet of the first responder, with the intent to:

- Interrupt, disrupt, hinder, impede, or interfere with the first responder's ability to perform such duty;
- Threaten the first responder with physical harm; or
- Harass the first responder by interfering with the first responder performing such duty.

A "first responder" includes a law enforcement officer, correctional probation officer, firefighter, or an emergency medical care provider. "Harass" means to engage in a course of conduct directed at a first responder which causes substantial emotional distress in that first responder.

The bill does not have an impact on the state prison system but may have an indeterminate impact on county jails. See Section V. Fiscal Impact Statement.

The bill takes effect October 1, 2024.

II. Present Situation:

Currently, depending upon the facts of the case, interference with a law enforcement officer in the performance of his or her official duties can be punished as resisting an officer without violence¹ or resisting an officer with violence.²

¹ Section 943.02, F.S.

² Section 843.01, F.S.

Section 843.02, F.S., provides that it is a first degree misdemeanor³ to resist, obstruct, or oppose any of the following persons in the execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to that person:

- A law enforcement officer;
- A correctional officer;
- A correctional probation officer;
- A part-time law enforcement officer;
- A part-time correctional officer;
- An auxiliary law enforcement officer;
- An auxiliary correctional officer;
- A member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission;
- A parole and probation supervisor;
- A county probation officer;
- Personnel or representative of the Department of Law Enforcement; or
- Other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty.

The Florida Supreme Court has found that to support a conviction of s. 843.02, F.S., the state must prove:

- The officer was engaged in the lawful execution of a legal duty; and
- The defendant's action, by his or her words, conduct, or combination thereof, constituted obstruction or resistance of that lawful duty.⁴

Additionally, in the context of obstruction of an officer without violence, it has been held that “a person’s exercise of free speech, without more, in an open public place while an officer is engaged in the execution of a legal duty must do more than merely irritate, annoy, or distract the officer to constitute a crime.”⁵ Reviewing Florida cases on obstruction of an officer, one court opined that these cases seem to support the following general proposition: If a police officer is not engaged in executing process on a person, is not legally detaining that person, or has not asked the person for assistance with an ongoing emergency that presents a serious threat of imminent harm to person or property, the person’s words alone can rarely, if ever, rise to the level of an obstruction. This obstructive conduct rather than offensive words are normally required to support a conviction under this statute.⁶

Section 843.01, F.S., provides that it is a third degree felony⁷ to knowingly and willfully resist, obstruct, or oppose any of the persons previously described in the lawful execution of any legal duty, by offering or doing violence to that person.

³ A first degree misdemeanor is punishable by not more than 1 year in county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

⁴ *C.E.L. v. State*, 24 So. 3d 1181 (Fla. 2009) (citations omitted).

⁵ *D.A.W. v. State*, 945 So. 2d 624, 627 (Fla. 2d DCA 2006).

⁶ *D.G. v. State*, 661 So.2d 75, 76 (Fla. 2d DCA 1995).

⁷ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

III. Effect of Proposed Changes:

The bill creates s. 843.31, F.S., which provides that it is a first degree misdemeanor for any person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, to violate the warning and approach or remain within 14 feet of the first responder, with the intent to:

- Interrupt, disrupt, hinder, impede, or interfere with the first responder's ability to perform such duty;
- Threaten the first responder with physical harm; or
- Harass the first responder by interfering with the first responder performing such duty.

A "first responder" includes a law enforcement officer,⁸ a correctional probation officer,⁹ a firefighter,¹⁰ and an emergency medical care provider.¹¹

The criminal offense does not appear to be violated if the person to whom the warning is issued is within the 14-foot zone but the person does not have the required intent (e.g. impeding the first responder's ability to perform his or her legal duty).

The bill provides an effective date of October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁸ "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S. Section 943.10(1), F.S.

⁹ "Correctional probation officer" means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. Section 943.10(3), F.S.

¹⁰ "Firefighter" means any person employed by any public employer of this state whose duty it is to extinguish fires; to protect life or property; or to enforce municipal, county, and state fire prevention codes, as well as any law pertaining to the prevention and control of fires. Section 784.07(1)(b), F.S.

¹¹ "Emergency medical care provider" means an ambulance driver, emergency medical technician, paramedic, registered nurse, physician as defined in s. 401.23, F.S., medical director as defined in s. 401.23, F.S., or any person authorized by an emergency medical service licensed under ch. 401, F.S., who is engaged in the performance of his or her duties. The term "emergency medical care provider" also includes physicians, employees, agents, or volunteers of hospitals as defined in ch. 395, F.S., who are employed, under contract, or otherwise authorized by a hospital to perform duties directly associated with the care and treatment rendered by the hospital's emergency department or the security thereof. Section 784.07(1)(a), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:**Due Process**

Due process requires that a penal statute use “language sufficiently definite to apprise those to whom it applies what conduct on their part is prohibited. It is constitutionally impermissible for the Legislature to use such vague and broad language that a person of common intelligence must speculate about its meaning and be subjected to arrest and punishment if the guess is wrong.”¹²

A vague statute, “because of its imprecision, may also invite arbitrary and discriminatory enforcement.”¹³

Questions may arise when determining how the warning requirement and 14-foot requirement are to be applied, including, but not limited to, whether the distance is to be measured from the first responders position when he or she issued the warning, or whether such radius around the officer moves with the officer who issued the warning.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a first degree misdemeanor. The bill does not have impact on the state prison system but may have an indeterminate impact on county jails due to a potential increase in jail beds. However, some behavior that is captured under the new crime created in the bill may currently be captured under s. 843.02, F.S.

¹² *State v. Wershow*, 343 So.2d 605, 608 (Fla. 1977).

¹³ *Southeastern Fisheries Ass’n, Inc. v. Department of Natural Resources*, 453 So.2d 1351, 1353 (Fla. 1984).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 843.31 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 Avila

39-00061A-24

2024184__

A bill to be entitled
An act relating to impeding, threatening, or harassing
first responders; creating s. 843.31, F.S.; defining
the terms "first responder" and "harass"; prohibiting
a person, after receiving a warning not to approach
from a first responder who is engaged in the lawful
performance of a legal duty, from violating such
warning and approaching or remaining within a
specified distance of the first responder with
specified intent; providing criminal penalties;
providing an effective date.

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

Section 1. Section 843.31, Florida Statutes, is created to
read:

843.31 Approaching a first responder after a warning with
intent to impede, threaten, or harass.—

(1) As used in this section, the term:

(a) "First responder" includes a law enforcement officer as
defined in s. 943.10(1), a correctional probation officer as
defined in s. 943.10(3), a firefighter as defined in s. 784.07,
and an emergency medical care provider as defined in s. 784.07.

(b) "Harass" means to engage in a course of conduct
directed at a first responder which causes substantial emotional
distress in that first responder.

(2) (a) It is unlawful for a person, after receiving a
warning not to approach from a first responder who is engaged in
the lawful performance of a legal duty, to violate such warning

39-00061A-24

2024184__

30 and approach or remain within 14 feet of the first responder
31 with the intent to:

32 1. Interrupt, disrupt, hinder, impede, or interfere with
33 the first responder's ability to perform such duty;

34 2. Threaten the first responder with physical harm; or

35 3. Harass the first responder by interfering with the first
36 responder performing such duty.

37 (b) A person who violates this subsection commits a
38 misdemeanor of the first degree, punishable as provided in s.
39 775.082 or s. 775.083.

40 Section 2. This act shall take effect October 1, 2024.



SENATOR Bryan Avila
39th District

**THE FLORIDA
SENATE**

Tallahassee, Florida 32399-1100

COMMITTEES:

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

January 10, 2024

Honorable Senator Debbie Mayfield
Committee on Rules

Honorable Chair Mayfield:

I respectfully request SB 184 Impending, Threatening, or Harassing First Responders be placed on the next committee agenda.

SB 184 Impeding, Threatening, or Harassing First Responders; Defines the terms "first responder" and "harass"; prohibiting a person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, from violating such warning and approaching or remaining within a specified distance of the first responder with specified intent.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Avila".

Senator Bryan Avila
Florida Senate, District 39

CC: Philip Twogood, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

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

Senate's Website: www.flsenate.gov

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

1-24-24

Meeting Date

Rules

Committee

SB 184

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Abdelilah SKhir (Ab-dee-la Skeer)

Phone

786-363-1660

Address

4343 W Flagler St Ste 400

Email

askhir@aclofl.org

Street

Miami

City

FL

State

33134

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:

ACLU of Florida

☐

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

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

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The Florida Senate
APPEARANCE RECORD

184

Meeting Date

Rules

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lisa Henning

Phone

850-766-8806

Address

242 Office Plaza Dr

Email

lphlegislative@aol.com

Street

Tallahassee FL 32305

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:

Fraternal Order of Police

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)

January 24, 2024

Meeting Date

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SB 184- Impeding/Threatening

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Jonathan WebberPhone 954-593-4449Address 400 Washington AveEmail jonathan.webber@splcactionfund.org

Street

MontgomeryAL36104

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

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

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The Florida Senate

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Bill Number or Topic

JAN 24, 24
Meeting Date

Rules
Committee

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH Phone 305-333-4344

Address 300 E BREVARD ST. Email WSMITH@FLPBA.ORG
Street

TALLAHASSEE FL 32301
City State Zip

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

Spoke

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL PBA

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

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S-001 (08/10/2021)

1/24/24

Meeting Date

Rules

Committee

Name

Sam Wagoner

Phone

8502229648

Address

301 S Bronough Street

Email

swagoner@flcities.com

Street

TLH

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:

Florida League of Cities

☐

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

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The Florida Senate
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184

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Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III** Phone **850.510.9922**

Address **1454 Vieux Carre Drive** Email **Barney@BarneyBishop.com**
Street

Tallahassee **FL** **32308**
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

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

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Name

Molly Hudson for Volusia Sheriff

Phone

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Email

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Street

Deland FL

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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184

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jasmine Burney-Clark

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jasmine@greatground.com

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City

FL

State

32805

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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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SCR 324

INTRODUCER: Senator Ingoglia

SUBJECT: Balanced Federal Budget

DATE: January 23, 2024

REVISED: _____

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

I. Summary:

SCR 324¹ is an application to the United States Congress calling upon Congress to convene an Article V constitutional amendments convention. The convention would be limited to proposing an amendment to the Constitution requiring that, except in a national emergency, the total of all federal appropriations for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints. This is commonly referred to as a balanced budget amendment.

The concurrent resolution provides that it is to be considered as covering the same subject matter as the presently outstanding balanced budget applications to Congress from other named states. It is to be added or aggregated to those applications for the purpose of attaining the two-thirds number of states, or 34 applications, needed to call a constitutional convention.

The concurrent resolution may not be added to other application totals on any other subject calling for a constitutional convention in an effort to meet the requisite number of applications needed to call a convention. It is to be a continuing application and supersedes all previous applications on the subject.

¹ A Senate Concurrent Resolution is an official legislative document used to ratify an amendment to the U.S. Constitution as well as apply to Congress when requesting a constitutional convention. The U.S. Constitution does not specify the type of document a state must use when making an application to Congress. The Florida Senate, Office of Bill Drafting Services, *Manual for Drafting Legislation*, 139-140 (2009), <https://flsenate.sharepoint.com/sites/Secretary/Publications%20Library/Forms/AllItems.aspx?id=%2Fsites%2FSecretary%2FPublications%20Library%2FManual%20for%20Drafting%20Legislation%20%28Senate%29%2Epdf&parent=%2Fsites%2FSecretary%2FPublications%20Library>.

II. Present Situation:

Amending the U.S. Constitution

Two Methods of Proposing Amendments

Article V of the United States Constitution provides two methods for proposing amendments to the Constitution. The first method authorizes Congress to propose amendments to the states which must first be approved by a two-thirds vote of both houses of Congress.² Amendments approved in this manner do not require the President's signature and are transmitted to each state for ratification.³ Starting with the Bill of Rights in 1789, Congress used this method to submit 33 amendments to the states. Of those 33 proposals, 27 amendments to the Constitution were approved by the states.⁴

The second method, which has never been used, requires Congress to call a convention for proposing amendments when two-thirds of the state legislatures apply to Congress to call an amendments convention.⁵ Currently, 34 states would need to make applications to meet the two-thirds requirement to call an Article V Convention. Because an Article V amendments convention has never been conducted, what might occur procedurally or substantively is unclear.

Two Methods of Ratifying Amendments

Article V further provides that the amendments shall become a part of the Constitution when ratified by the Legislatures of three-fourths of the states or by conventions in three-fourths of the states. This would require ratification by 38 states. Because Article V provides that the amendments become valid when ratified by three-fourths of the legislatures or conventions "as the one or the other Mode of Ratification may be proposed by the Congress," Congress may choose the method of ratification. With the exception of the 21st Amendment, which repealed the 18th Amendment and prohibition, Congress has sent all proposed amendments to the legislatures for ratification.⁶

It has become accepted procedure, although not stated in the Constitution, that Congress may set time limits on the ratification process and specify when an amendment must be ratified by the requisite number of states to become valid. With several amendments, Congress stated that ratification must occur within 7 years after their proposal to become effective. The U.S. Supreme Court, in *Dillon v. Gloss*, concluded that Congress has the authority to determine a reasonable time frame for ratification, even though the Constitution is silent on the matter.⁷

² U.S. CONST. art. V.

³ National Archives, Office of the Federal Register (OFR), *Constitutional Amendment Process*, <https://www.archives.gov/federal-register/constitution>.

⁴ Thomas H. Neale, Congressional Research Service, *The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress* (Updated March 29, 2016), <https://crsreports.congress.gov/product/pdf/R/R42589>.

⁵ U.S. CONST. art. V.

⁶ Neale, *supra*, note 102, at 25.

⁷ *Dillon v. Gloss*, 256 U.S. 368 (1921).

Florida's Previous Efforts to Require a Federal Balanced Budget

In 1976, Florida adopted Senate Memorial 234 and House Memorial 2801, each calling for a convention for proposing an amendment that would require a balanced federal budget. In 1988, the Legislature adopted Senate Memorial 302, which, rather than call for a constitutional convention, urged Congress to propose an amendment to the U.S. Constitution requiring a federal balanced budget. In 2010, the Legislature passed SCR 10, which called for an amendments convention to propose amendments to provide for a balanced federal budget and limit Congress' ability to dictate to the states requirements for the expenditure of federal funds. In 2014, the Legislature adopted Senate Memorial 658, which also made application to Congress to call an Article V Convention to propose an amendment requiring a balanced federal budget. In 2023, the Legislature adopted Senate Memorial 176 urging Congress to enact legislation that would require a balanced federal budget. None of these attempts was ultimately successful and no federal balanced budget amendment has been offered to the states for ratification.

Federal and State Balanced Budget Requirements

There is no requirement in the U.S. Constitution that the Federal Government operate under a balanced federal budget. Florida, in contrast, is required to have a balanced budget, and those provisions are set forth in both the State Constitution and statute. Article VII, section 1(d) states that "Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period." Similarly, s. 216.221(1), F.S., provides that "All appropriations shall be maximum appropriations, based upon the collection of sufficient revenues to meet and provide for such appropriations." The subsection also provides that it is the Governor's duty, "as chief budget officer, to ensure that revenues collected will be sufficient to meet the appropriations and that no deficit occurs in any state fund."

Current Federal Financial Deficit and Debt Information

When discussing the Federal Government's finances, the terms national "debt" and national "deficit" are often confused and used interchangeably. In order for the Federal Government to pay for a deficit in revenues, it "borrows" money through selling securities in the form of Treasury bonds, bills, and other securities. The national debt then represents the accumulated amount of this borrowing plus the interest that is owed to the entities who have purchased the securities.⁸

National Deficit

As of January 9, 2024, the national deficit is \$380,575,553,417. A deficit results when the Federal Government's spending is greater than the revenues it collects or when the amount of money going out exceeds the amount of money coming in for a designated period of time. According to data supplied by the U.S. Treasury, in fiscal year 2023, the government spent \$6.13 trillion but only collected revenue of \$4.44 trillion. This resulted in a deficit of almost \$1.70 trillion.⁹

⁸ U.S. Department of the Treasury, *What is the National Deficit?* <https://fiscaldata.treasury.gov/americas-finance-guide/national-deficit/#the-causes-of-deficits-and-surpluses>.

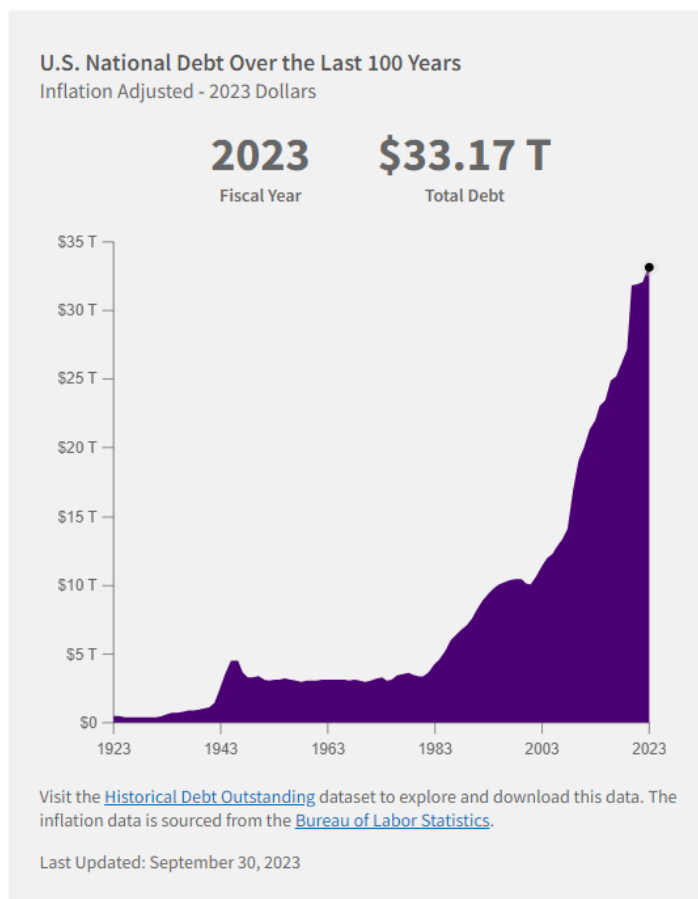
⁹ *Id.*

A budget surplus, in contrast, is the opposite of a budget deficit. A surplus occurs when the government spends less money than it collects. According to U.S. Treasury information, the government has recorded a fiscal budget surplus five times during the last 50 years. The most recent surplus occurred in 2001.¹⁰

National Debt

As of January 9, 2024, the national debt is \$34,012,198,872,291. The national debt is described as “the amount of money the Federal Government has borrowed to cover the outstanding balance of expenses incurred over time.”¹¹ Stated slightly differently, it is a measurement of what the United States owes to its creditors.¹²

The Treasury Department posts this visual¹³ on its webpage to demonstrate an historical perspective of the nation’s debt.



¹⁰ *Id.*

¹¹ Treasury Department, Fiscal Data.treasury.gov *What is the National Debt?* <https://fiscaldata.treasury.gov/americas-finance-guide/national-debt/>.

¹² Megan Henney, Fox Business, *US National Debt Tops \$34T for First Time in History*, <https://www.foxbusiness.com/politics/us-national-debt-tops-34t-first-time-history>.

¹³ Treasury Department, Fiscal Data.treasury.gov, *What is the National Debt?* <https://fiscaldata.treasury.gov/americas-finance-guide/national-debt/>.

Applications Made By Other States for an Amendments Convention

The Clerk of the United States House of Representatives maintains a publicly available web page entitled “Selected Memorials.”¹⁴ The site states that “each memorial purports to be an application of the legislature calling for a convention for proposing amendments to the Constitution” or the rescission of a previous application. The site then, dating back to 1960, lists 192 results by year, state, and designation, as to whether the correspondence is an application or a rescission.

While some applications singularly request a balanced budget amendment, some applications request an amendment imposing fiscal restraints on the Federal Government, and others require approval by a majority of state legislatures before the Federal Government may increase the federal debt. According to the website, at least 27 states have submitted an application calling for an Article V amendments convention to require a federal balanced budget even though slightly differing language is used.

The State’s Article V Constitutional Convention Act

This state adopted the “Article V Constitutional Convention Act” in 2014.¹⁵ The act establishes guidelines for the qualification, appointment, recall, and function of delegates to an Article V constitutional convention.

III. Effect of Proposed Changes:

The Senate concurrent resolution is an application to Congress calling upon Congress to convene an Article V constitutional amendments convention. The convention would be limited to proposing an amendment to the Constitution requiring that, except in a national emergency, the total of all federal appropriations for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints. This is commonly referred to as a balanced budget amendment.

The concurrent resolution provides that it is to be considered as covering the same subject matter as the presently outstanding balanced budget applications to Congress from 26 other named states. It is to be added, or aggregated, to those applications for the purpose of attaining the two-thirds number of states, or 34 applications, needed to call a constitutional convention.

The concurrent resolution may not be added to other application totals on any other subject calling for a constitutional convention in an effort to meet the requisite number of applications needed to call a convention. It is to be a continuing application until the legislatures of at least two-thirds of the states have made application on this same subject.

¹⁴ Clerk, United States House of Representatives, *Selected Memorials*, [Office of the Clerk, U.S. House of Representatives - Selected Memorials](#).

¹⁵ Sections 11.93–11.9352, F.S.

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:

If an Article V amendments convention is called, the state might be responsible for the costs of sending delegates to the convention. Whether Congress or the state would be responsible for related expenses for the convention is not a settled issue at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Senate Rules require that concurrent resolutions be read by title on two separate days before a voice vote is taken on adoption unless the matter is decided otherwise by a two-thirds vote of those Senators present.¹⁶

¹⁶ Florida Senate Rule 4.13 (adopted Nov. 22, 2022).

Because an Article V amendments convention has never been conducted, what might occur procedurally or substantively is unclear.

Diverse scholars have raised, but not necessarily answered, many questions regarding the nature of an amendments convention. Some of those issues involve, in part:

- To what extent Congress would establish the framework for the convention;
- Whether the scope of the convention would be limited in its focus or may be expanded to include other topics;
- Whether the states have any constitutional authority over the convention once it is convened;
- Whether it is the role of Congress to summon, convene, define, and administer the convention; or
- How convention delegates will be apportioned among the states and whether it might occur in a manner similar to the Electoral College.¹⁷

VIII. Statutes Affected:

None.

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.

¹⁷ Thomas H. Neale, Congressional Research Service, *The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress* (Updated March 29, 2016), <https://crsreports.congress.gov/product/pdf/R/R42589>.

By Senator Ingoglia

11-01327A-24

2024324__

Senate Concurrent Resolution

A concurrent resolution applying to the Congress of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States which requires a balanced federal budget.

WHEREAS, on April 21, 2010, the Legislature of the State of Florida adopted Senate Concurrent Resolution 10, which made application to Congress to call a convention pursuant to Article V of the Constitution of the United States to propose amendments to the Constitution of the United States to achieve and maintain a balanced federal budget and to control the ability of Congress and federal executive agencies to dictate to states requirements for the expenditure of federal funds, and

WHEREAS, on April 21, 2014, the Legislature of the State of Florida adopted Senate Memorial 658, which made application to Congress to call a convention pursuant to Article V of the Constitution of the United States for the sole purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget, and

WHEREAS, on May 2, 2023, the Legislature of the State of Florida adopted Senate Memorial 176, finding that, in order to ensure the stability of government and business functions at the local, regional, state, and national levels, it is imperative that the Federal Government take action to cut costs, reduce the tax burden on American families and businesses, operate according to principles of fiscal responsibility and discipline, and balance the federal budget, and urging Congress to take

11-01327A-24

2024324__

immediate action to begin to reduce the national debt and enact legislation requiring a balanced federal budget, and

WHEREAS, Congress continues to fail to introduce and enact legislation requiring its members to pass a balanced budget, and

WHEREAS, the Legislature of the State of Florida intends to conform its application to the active single subject applications made to Congress by the States of Alabama, Alaska, Arizona, Colorado, Iowa, Idaho, Indiana, Kansas, Louisiana, Michigan, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Hampshire, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, West Virginia, and Wyoming, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

(1) That the Legislature of the State of Florida applies to Congress, under Article V of the Constitution of the United States, to call a convention limited to proposing an amendment to the Constitution requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

(2) That this application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states and is to be aggregated with the applications from those states for the purpose of attaining the two-thirds number of states necessary to require

11-01327A-24

2024324__

the calling of a convention, but may not be aggregated with applications on any other subject calling for a constitutional convention under Article V of the United States Constitution.

(3) That this application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least two-thirds of the states have made applications on the same subject.

BE IT FURTHER RESOLVED that this concurrent resolution is revoked and withdrawn, nullified, and superseded to the same effect as if it had never been adopted, and retroactive to the date of passage, if it is used for the purpose of calling a convention or used in support of conducting a convention to amend the Constitution of the United States with any agenda other than to propose an amendment to the Constitution requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

BE IT FURTHER RESOLVED that copies of this application be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the presiding officer of each house of the legislature of each state.



THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Appropriations
Banking and Insurance
Criminal Justice
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Administrative Procedures
Committee, *Alternating Chair*

Senator Blaise Ingoglia
11th District

January 16, 2024

The Honorable Debbie Mayfield, Chair
Rules
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Re: SCR 324 Balanced Federal Budget

Chair Mayfield,

SB 324 has been referred to the Rules as its final committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me.
Thank you for your leadership and consideration.

Regards,

A handwritten signature in dark ink, appearing to be "Blaise Ingoglia", with a stylized flourish extending from the end.

Blaise Ingoglia
State Senator, District 11

Cc: Philip Twogood, Staff Director, Shasta W. Kruse, Deputy Staff Director, Cynthia Futch, Committee
Administration Assistant

The Florida Senate

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Committee

SCR 324

Bill Number or Topic

Amendment Barcode (if applicable)

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Phone

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Address

333 3rd Ave N Unit 214

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City

FL

State

33701

Zip

Email

akeith@commoncause.org

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:

Common Cause



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

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Committee

324

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jasmine Burney-Clark

Phone

407-466-6468

Address

424 E. Central Blvd Suite 650

Street

Email

jasmine@equal-ground.com

Orlando

City

FL

State

32801

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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S-001 (08/10/2021)

January 24, 2024

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Committee

Name

Pamela Burch Fort

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City

State

Zip

Bill Number or Topic

324

Amendment Barcode (if applicable)

Reset Form

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:

NAACP Florida State Conference

☐

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

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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:

☐ 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 Rules

BILL: SCR 326

INTRODUCER: Senator Ingoglia

SUBJECT: Congressional Term Limits

DATE: January 23, 2024

REVISED: _____

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

I. Summary:

SCR 326 is an application to the United States Congress calling upon Congress to convene an Article V constitutional amendments convention. The convention would be limited solely to proposing an amendment to the Constitution to set a limit on the number of terms a person may be elected to serve as a member of the United States House of Representatives and as a member of the United States Senate.

The concurrent resolution is to be considered as covering the same subject matter as the presently outstanding applications to Congress from other named states on this same subject. It is to be added or aggregated to those applications for the purpose of attaining the two-thirds number of states, or 34 applications, needed to call a constitutional convention.

The concurrent resolution is a continuing application until the legislatures of at least two-thirds of the states have made applications on the term limit subject. If the application is used to call a convention or used to support a convention on a subject other than this topic, the resolution is revoked and withdrawn, nullified, and superseded as if it had never been passed.

II. Present Situation:

Amending the U.S. Constitution

Two Methods of Proposing Amendments

Article V of the United States Constitution provides two methods for proposing amendments to the Constitution. The first method authorizes Congress to propose amendments to the states which must first be approved by a two-thirds vote of both houses of Congress.¹ Amendments approved in this manner do not require the President's signature and are transmitted to each state

¹ U.S. CONST. art. V.

for ratification.² Starting with the Bill of Rights in 1789, Congress used this method to submit 33 amendments to the states. Of those 33 proposals, 27 amendments to the Constitution were approved by the states.³

The second method, which has never been used, requires Congress to call a convention for proposing amendments when two-thirds of the state legislatures apply to Congress to call an amendments convention.⁴ Currently, 34 states would need to make applications to meet the two-thirds requirement to call an Article V Convention. Because an Article V amendments convention has never been conducted, what might occur procedurally or substantively is unclear.

Two Methods of Ratifying Amendments

Article V further provides that the amendments shall become a part of the Constitution when ratified by the Legislatures of three-fourths of the states or by conventions in three-fourths of the states. This would require ratification by 38 states. Because Article V provides that the amendments become valid when ratified by three-fourths of the legislatures or conventions “as the one or the other Mode of Ratification may be proposed by the Congress,” Congress may choose the method of ratification. With the exception of the 21st Amendment, which repealed the 18th Amendment and prohibition, Congress has sent all proposed amendments to the legislatures for ratification.⁵

It has become accepted procedure, although not stated in the Constitution, that Congress may set time limits on the ratification process and specify when an amendment must be ratified by the requisite number of states to become valid. With several amendments, Congress stated that ratification must occur within 7 years after their proposal to become effective. The U.S. Supreme Court, in *Dillon v. Gloss*, concluded that Congress does have the authority to determine a reasonable time frame for ratification, even though the Constitution is silent on the matter.⁶

Congressional Terms of Service

The U.S. Constitution controls the election and terms of service for members of the U.S. House of Representatives and the U.S. Senate. Representatives serve two-year terms and members of the Senate serve six-year terms.⁷ While the Constitution establishes the qualifications for members, it does not place a limit on the number of terms that a member may serve in either chamber.

² National Archives, Office of the Federal Register (OFR), *Constitutional Amendment Process*, <https://www.archives.gov/federal-register/constitution>.

³ Thomas H. Neale, Congressional Research Service, *The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress* (Updated March 29, 2016), <https://crsreports.congress.gov/product/pdf/R/R42589>.

⁴ U.S. CONST. art. V.

⁵ Neale, *supra*, note 102, at 25.

⁶ *Dillon v. Gloss*, 256 U.S. 368 (1921).

⁷ U.S. CONST. art. 1, ss.2 and 3.

Term Limits in the State Constitution

In 1992 Florida voters overwhelmingly approved an amendment to the State Constitution that limited the terms of these offices:

- Florida representative
- Florida senator
- Florida Lieutenant governor
- Any office of the Florida cabinet
- U.S. Representative from Florida
- U.S. Senator from Florida

Pursuant to the amendment, no one is permitted to appear on the ballot for re-election if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for 8 consecutive years.⁸

However, in 1995, the U.S. Supreme Court issued a 5-4 opinion that invalidated the congressional term limits portion of the amendment. In *U.S. Term Limits, Inc. v. Thornton*,⁹ the Court determined that the states could not impose qualifications for the office of U.S. Representative or U.S. Senator in addition to those qualifications specifically set forth in the Constitution. The Court concluded its opinion stating:

We are, however, firmly convinced that allowing the several States to adopt term limits for congressional service would effect a fundamental change in the constitutional framework. Any such change must come not by legislation adopted either by Congress or by an individual State, but rather—as have other important changes in the electoral process -- through the amendment procedures set forth in Article V.¹⁰

As a result of this ruling, there are no limits on the number of terms someone may serve as a member of the U.S. House of Representative or the U.S. Senate.

Past Efforts for an Article V Convention

In 2016, the Legislature passed House Memorial 417, which was an application to Congress to call a convention for the purpose of proposing amendments to the U.S. Constitution. The purpose was to set a limit on the number of terms that a person may be elected to serve as a member of the U.S. House of Representatives or the U.S. Senate.

Applications Made By Other States for an Amendments Convention

The Clerk of the United States House of Representatives maintains a publicly available web page entitled “Selected Memorials.”¹¹ The site states that “each memorial purports to be an application

⁸ FLA. CONST., art VI, s. 4(c).

⁹ *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995).

¹⁰ *Id.* at 837.

¹¹ Clerk, United States House of Representatives, *Selected Memorials*, [Office of the Clerk, U.S. House of Representatives - Selected Memorials](#).

of the legislature calling for a convention for proposing amendments to the Constitution” or the rescission of a previous application. The site, dating back to 1960, lists 192 results by year, state, and designation, as to whether the correspondence is an application or a rescission.

While some applications request an amendment convention solely for term limit purposes, some applications request an amendments convention for a term limit amendment along with additional topics such as a balanced budget or a limitation on the power of the Federal Government. Applications limited singularly to seeking a convention to limit the terms of members of Congress have been submitted by Oklahoma in 2023, Missouri and Wisconsin in 2022, and Alabama in 2018.

The State’s Article V Constitutional Convention Act

This state adopted the “Article V Constitutional Convention Act” in 2014.¹² The act establishes guidelines for the qualification, appointment, recall, and function of delegates to an Article V constitutional convention.

III. Effect of Proposed Changes:

The Senate concurrent resolution¹³ is a state application to the United States Congress to convene an Article V amendments convention for the sole purpose of proposing amendments to the U.S. Constitution to limit the terms of members of Congress. This is a continuing application in accordance with Article V until the legislatures of at least two-thirds, or 34, legislatures have made an application on this same subject.

The concurrent resolution states that its purpose is to conform its application to the active applications made to Congress by the States of Alabama, Missouri, and Wisconsin.

If the application is used to call or support a convention on a subject other than this term limit topic, the resolution is revoked and withdrawn, nullified, and superseded as if it had never been passed.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹² Sections 11.93–11.9352, F.S.

¹³ A Senate Concurrent Resolution is an official legislative document used to ratify an amendment to the U.S. Constitution as well as apply to Congress when requesting a constitutional convention. The U.S. Constitution does not specify the type of document a state must use when making an application to Congress. The Florida Senate, Office of Bill Drafting Services, *Manual for Drafting Legislation*, 139-140 (2009), <https://flsenate.sharepoint.com/sites/Secretary/Publications%20Library/Forms/AllItems.aspx?id=%2Fsites%2FSecretary%2FPublications%20Library%2FManual%20for%20Drafting%20Legislation%20%28Senate%29%2Epdf&parent=%2Fsites%2FSecretary%2FPublications%20Library>.

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:

If an Article V amendments convention is called, the state might be responsible for the costs of sending delegates to the convention. Whether Congress or the state would be responsible for related expenses for the convention is not a settled issue at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Senate Rules require that concurrent resolutions be read by title on two separate days before a voice vote is taken on adoption, unless the matter is decided otherwise by a two-thirds vote of those Senators present.¹⁴

Because an Article V amendments convention has never been conducted, what might actually occur procedurally or substantively is unclear.

Diverse scholars have raised, but not necessarily answered, many questions regarding the nature of an amendments convention. Some of those issues involve, in part:

¹⁴ Florida Senate Rule 4.13 (adopted Nov. 22, 2022).

- To what extent Congress would establish the framework for the convention;
- Whether the scope of the convention would be limited in its focus or may be expanded to include other topics;
- Whether the states have any constitutional authority over the convention once it is convened;
- Whether it is the role of Congress to summon, convene, define, and administer the convention; or
- How convention delegates will be apportioned among the states and whether it might occur in a manner similar to the Electoral College.¹⁵

VIII. Statutes Affected:

None.

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.

¹⁵ Thomas H. Neale, Congressional Research Service, *The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress* (Updated March 29, 2016), <https://crsreports.congress.gov/product/pdf/R/R42589>.

By Senator Ingoglia

11-01326-24

2024326__

Senate Concurrent Resolution

A concurrent resolution applying to the Congress of the United States to call a convention for the sole purpose of proposing amendments to the Constitution of the United States to set a limit on the number of terms to which a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms to which a person may be elected as a member of the United States Senate.

WHEREAS, a continuous and growing concern has been expressed that the best interests of the nation will be served by limiting the terms of members of Congress, and

WHEREAS, the voters of the State of Florida, after the gathering of petition signatures, placed a measure on the general election ballot of 1992 to limit the consecutive years of service for several offices, including the offices of United States Representative and United States Senator, and

WHEREAS, the voters of Florida incorporated this limitation into the State Constitution as Section 4 of Article VI, by an approval vote that exceeded 76 percent in the general election of 1992, and

WHEREAS, in 1995, the United States Supreme Court ruled in *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995), a five-to-four decision, that the individual states did not possess the requisite authority to establish term limits, or additional qualifications, for persons elected to the United States House of Representatives or the United States Senate, and

WHEREAS, on February 10, 2016, the Legislature of the State

11-01326-24

2024326__

of Florida passed House Memorial 417, which applied to Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States to set a limit on the number of terms to which a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms to which a person may be elected as a member of the United States Senate, and

WHEREAS, the Legislature of the State of Florida intends to conform its application to the active applications made to Congress by the States of Alabama, Missouri, and Wisconsin calling for an Article V convention to propose amendments to set a limit on the number of terms to which a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms to which a person may be elected as a member of the United States Senate, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

(1) That the Legislature of the State of Florida applies to Congress, under Article V of the Constitution of the United States, to call a convention for the sole purpose of proposing amendments to the Constitution of the United States to set a limit on the number of terms to which a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms to which a person may be elected as a member of the United States Senate.

(2) That this application is to be considered as covering the same subject matter as the presently outstanding

11-01326-24

2024326__

59 applications from other states to set a limit on the number of
60 terms to which a person may be elected as a member of the United
61 States House of Representatives and to set a limit on the number
62 of terms to which a person may be elected as a member of the
63 United States Senate and is to be aggregated with the
64 applications from those states for the purpose of attaining the
65 two-thirds number of states necessary to require the calling of
66 a convention, but may not be aggregated with applications on any
67 other subject calling for a constitutional convention under
68 Article V of the Constitution of the United States.

69 (3) That this application constitutes a continuing
70 application in accordance with Article V of the Constitution of
71 the United States until the legislatures of at least two-thirds
72 of the states have made applications on the same subject.

73 BE IT FURTHER RESOLVED that this concurrent resolution is
74 revoked and withdrawn, nullified, and superseded to the same
75 effect as if it had never been passed, and retroactive to the
76 date of passage, if it is used for the purpose of calling a
77 convention or used in support of conducting a convention to
78 amend the Constitution of the United States with any agenda
79 other than to propose amendments to the Constitution to set a
80 limit on the number of terms to which a person may be elected as
81 a member of the United States House of Representatives and to
82 set a limit on the number of terms to which a person may be
83 elected as a member of the United States Senate.

84 BE IT FURTHER RESOLVED that copies of this application be
85 dispatched to the President of the United States, to the
86 President of the United States Senate, to the Speaker of the
87 United States House of Representatives, to each member of the

11-01326-24

2024326__

88 Florida delegation to the United States Congress, and to the
89 presiding officer of each house of the legislature of each
90 state.



Senator Blaise Ingoglia
11th District

THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Appropriations
Banking and Insurance
Criminal Justice
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Administrative Procedures
Committee, *Alternating Chair*

January 16, 2024

The Honorable Debbie Mayfield, Chair
Rules
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Re: SCR 326 Congressional Term Limits

Chair Mayfield,

SB 326 has been referred to the Rules as its final committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me.
Thank you for your leadership and consideration.

Regards,

A handwritten signature in dark ink, appearing to be "Blaise Ingoglia", with a stylized, sweeping flourish extending to the right.

Blaise Ingoglia
State Senator, District 11

Cc: Philip Twogood, Staff Director, Shasta W. Kruse, Deputy Staff Director, Cynthia Futch, Committee Administration Assistant

The Florida Senate

APPEARANCE RECORD

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

SB326

Bill Number or Topic

Amendment Barcode (if applicable)

1/24/2024

Meeting Date

Rules

Committee

Name Jasmine Burney-Clark

Phone 407-466-6468

Address 424 E Central Blvd Suite 650

Email jasmine@equatground.com

Orlando

City

FL

State

32801

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

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1/24/24
Meeting Date

Rules
Committee

SCR 326
Bill Number or Topic

Amendment Barcode (if applicable)

Name Amy Keith

Phone 727 342 0730

Address 333 3rd Ave N Unit 214
Street

Email akeith@CommonCause.org

St Petersburg FL 33701
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:

Common Cause

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

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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 326

Bill Number or Topic

Amendment Barcode (if applicable)

1-24-24

Meeting Date

Rules

Committee

Name

Monica Elliott

Phone

954-558-7876

Address

17301 SW 68th Ct

Email

mlefl@yahoo.com

Street

SW Ranches

FL

33331

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
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(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

January 24, 2024

Meeting Date

Rules

Committee

Name

Pamela Burch Fort

Phone

850-425-1344

Address

104 S. Monroe Street

Email

TcgLobby@aol.com

Street

Tallahassee

FL

32301

City

State

Zip

Amendment Barcode (if applicable)

326

Bill Number or Topic

Reset Form

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:

NAACP Florida State Conference

☐

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-001 108/10/2021

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 Rules

BILL: SB 334

INTRODUCER: Senator Burgess

SUBJECT: Rabies Vaccinations

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Favorable
3.	<u>Burse</u>	<u>Twogood</u>	<u>RC</u>	Favorable

I. Summary:

SB 334 authorizes employees, agents, or contractors of an animal control authority to administer rabies vaccinations to impounded dogs, cats, and ferrets that will be transferred, rescued, fostered, adopted, or reclaimed by the owner. The rabies vaccinations may be administered under the indirect supervision of a veterinarian, who must be available for consultation, through telecommunications, rather than be physically present during the consultation. Under the bill, the supervising veterinarian assumes responsibility for the veterinary care given to the animal by any person working under the veterinarian's direction and supervision.

The bill is effective July 1, 2024.

II. Present Situation:

Veterinary Medicine, the Practice of Veterinary Medicine, and Exempted Persons

In 1979, the Legislature determined the practice of veterinary medicine to be potentially dangerous to public health and safety if conducted by incompetent and unlicensed practitioners and that minimum requirements for the safe practice of veterinary medicine are necessary.¹ The Board of Veterinary Medicine (board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., on Veterinary Medical Practice.² A veterinarian is a health care practitioner licensed to engage in the practice of veterinary

¹ See s. 474.201, F.S.

² See s. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.

medicine in Florida under ch. 474, F.S.³ In Fiscal Year 2021-2022, there were 12,360 actively licensed veterinarians in Florida.⁴

Veterinary medicine⁵ includes, with respect to animals:⁶

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine);⁷ and
- Other branches or specialties of veterinary medicine.

The practice of veterinary medicine is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁸ Veterinarians who are incompetent or present a danger to the public are subject to discipline and may be prohibited from practicing in the state.⁹

Eleven categories of persons are exempt from complying with ch. 474, F.S.:¹⁰

- Faculty veterinarians with assigned teaching duties at accredited¹¹ institutions;
- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training;

³ See s. 474.202(11), F.S.

⁴ See Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2021-2022*, at page 18, at <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2021-22.pdf> (last visited Jan. 4, 2024), which is the latest such Annual Report issued by the DBPR.

⁵ See s. 474.202(13), F.S.

⁶ Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁷ The Society for Theriogenology, established in 1954, is composed of veterinarians dedicated to standards of excellence in animal reproduction. See <https://www.therio.org/> (last visited Jan. 4, 2024).

⁸ Section 474.201, F.S. See s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy, fertility, or infertility of animals.

⁹ See s. 474.213, F.S., on prohibited acts, and s. 474.214, F.S., on disciplinary proceedings.

¹⁰ See s. 474.203, F.S.

¹¹ Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. See <https://www.avma.org/education/center-for-veterinary-accreditation/accreditation-policies-and-procedures-avma-council-education-coe/coe-accreditation-policies-and-procedures-accreditation> (last visited Jan. 4, 2024). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational equivalency assessment certification program. See <https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx> (last visited Jan. 4, 2024). In turn, the Council for Higher Education Accreditation, a national advocate for regulation of academic quality through accreditation, is an association of degree-granting colleges and universities. See <http://chea.org/about> (last visited Jan. 4, 2024).

- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors¹² (if the preceptorship is required for graduation from an accredited institution);
- Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged;
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd and flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.;
- Certain entities or persons¹³ that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods or techniques to diagnose or treat human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine;
- Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision¹⁴ of a licensed veterinarian;
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the Florida Board of Veterinary Medicine, and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner;
- Employees, agents, or contractors of public or private animal shelters, humane organizations, or animal control agencies operated by a humane organization, county, municipality, or incorporated political subdivision, whose work is confined solely to implanting radio frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S.;¹⁵
- Paramedics or emergency medical technicians providing emergency medical care to a police canine¹⁶ injured in the line of duty while at the scene of the emergency or while the police canine is being transported to a veterinary clinic or similar facility; and

¹² A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. See <https://www.merriam-webster.com/dictionary/preceptor#medicalDictionary> (last visited Jan. 4, 2024).

¹³ See s. 474.203(6), F.S., which states that the exemption applies to “[s]tate agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof. . . .”

¹⁴ The term “responsible supervision” is defined in s. 474.202(10), F.S., as the “control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services” delegated to unlicensed personnel.

¹⁵ See s. 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.

¹⁶ Section 401.254, F.S., defines the term “police canine” as “any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders.” A paramedic or an emergency medical

- Veterinarians who hold an active license to practice veterinary medicine in another jurisdiction in the United States, are in good standing in such jurisdiction, and who perform dog or cat sterilization services or routine preventative health services at the time of sterilization as an unpaid volunteer under the responsible supervision of a veterinarian licensed in Florida. Out-of-state veterinarians practicing pursuant to this exemption are not eligible to apply for premises permits for veterinary establishments.

Persons who are eligible faculty veterinarians, intern veterinarians, resident veterinarians, or state or federal veterinarians exempt from complying with ch. 474, F.S., are deemed to be duly licensed practitioners authorized to prescribe drugs or medicinal supplies.¹⁷

Rabies Vaccinations

In Florida, all dogs, cats, and ferrets¹⁸ four months of age or older must be vaccinated against rabies at the expense of their owners by a licensed veterinarian.¹⁹ Rabies is a fatal but preventable viral disease that can spread to people and pets bitten or scratched by a rabid animal.²⁰ According to the Centers for Disease Control and Prevention (CDC), a component of the United States Department of Health and Human Services, most rabies deaths in people around the world are caused by dog bites.²¹ Because of laws in the United States requiring dogs to be vaccinated for rabies, dogs make up only about one percent of rabid animals reported nationally each year.²²

Rabies vaccines are licensed by the United States Department of Agriculture, and revaccinations are required 12 months after the initial vaccine.²³ Thereafter, the interval between vaccinations is set by the vaccine manufacturer.²⁴

A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and certified that vaccination at that time would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations; however, an exempt animal must be vaccinated against rabies as soon as its health permits.²⁵

After administering a rabies vaccination, the licensed veterinarian must provide a certificate to the animal's owner and the animal control authority, using the "Rabies Vaccination Certificate" of the National Association of State Public Health Veterinarians (NASPHV), or an equivalent

technician who acts in good faith to provide emergency medical care to an injured police canine is immune from criminal or civil liability.

¹⁷ See s. 474.203, F.S. (flush left language).

¹⁸ Ferrets that are vaccinated as required must be quarantined when necessary, in accordance with administrative rules of the Florida Department of Health. See s. 828.30(4), F.S., and Fla. Admin. Code R. 64D-3.040.

¹⁹ See s. 828.30, F.S.

²⁰ See <https://www.cdc.gov/rabies/index.html> (last visited Jan. 4, 2024). In the United States, rabies is mostly found in wild animals like bats, raccoons, skunks, and foxes.

²¹ *Id.*

²² *Id.*

²³ See s. 828.30(1), F.S.

²⁴ *Id.* Evidence of rabies antibodies may not be substituted for a current vaccination in managing rabies exposure or determining the need for booster vaccinations.

²⁵ See s. 828.30(2), F.S.

form approved by the local government that contains the same information as the NASPHV certificate.²⁶ A signature stamp may be used in lieu of the veterinarian's actual signature.

An animal owner's name, street address, phone number, and animal tag number in a rabies vaccination certificate provided to an animal control authority is a public record exempt from the inspection and copying requirements of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.²⁷ However, all information in a rabies vaccination certificate for a particular animal biting, scratching, or otherwise causing exposure, may be provided to:

- A person who has been bitten, scratched, or otherwise exposed to a disease such as rabies that spreads between animals and people (zoonotic disease),²⁸ or that person's physician;
- A veterinarian treating an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease; or
- The owner of an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease.²⁹

In addition, any person with an animal tag number may receive vaccination certificate information with regard to that animal. The following entities must be provided the information in rabies vaccination certificates for the purpose of controlling the transmission of rabies, but may not release the exempt information to third parties:

- Law enforcement and prosecutorial agencies;
- Other animal control authorities;
- Emergency and medical response and disease control agencies; or
- Other governmental health agencies.³⁰

Release of exempt information contained in a rabies vaccine certificate is a civil infraction that could subject those cited for a violation to a civil penalty of up to \$500.³¹

Municipalities and counties are not prohibited from establishing similar or more stringent requirements than those described above for rabies control ordinances; however, local governments may not mandate revaccination of currently vaccinated animals except in instances involving treatment for rabies after an exposure.³²

III. Effect of Proposed Changes:

Section 1 amends s. 828.30, F.S., to authorize employees, agents, or contractors of an animal control authority to administer rabies vaccinations to impounded dogs, cats, and ferrets that will be transferred, rescued, fostered, adopted, or reclaimed by the owner.

²⁶ See s. 828.30(3), F.S.

²⁷ See s. 828.30(5), F.S.

²⁸ See information from the CDC about zoonotic diseases that are caused by germs that spread between animals and people at <https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html> (last visited Jan. 4, 2024).

²⁹ See s. 828.30(5), F.S.

³⁰ *Id.*

³¹ See s. 828.30(6), F.S., and s. 828.27(2), F.S., authorizing the governing body of a county or municipality to enact ordinances relating to animal control or cruelty, and setting forth requirements for penalties, citations, and related procedures, respectively.

³² See s. 828.30(7), F.S.

The rabies vaccinations may be administered under the indirect supervision of a veterinarian. Under the bill, the supervising veterinarian assumes responsibility for the veterinary care given to the animal by any person working under the veterinarian's direction and supervision. The bill defines the term "indirect supervision" to mean the supervising veterinarian is required to be available for consultation through telecommunications, rather than be physically present during the consultation.

Section 2 amends s. 474.203, F.S. to revise the requirement that only a veterinarian may immunize or treat an animal for diseases that are communicable to humans and that are of public health significance, to allow those persons authorized by the bill to administer rabies vaccines, as discussed in **Section 1** above.

Section 3 amends s. 767.16, F.S., to revise the exemption from quarantine requirements for any service dog that bites another animal or human, if the dog has a current rabies vaccination administered by a licensed veterinarian or those persons authorized by the bill to administer rabies vaccines, as discussed in **Section 1** above.

Section 4 amends s. 828.29, F.S., to revise the requirements for rabies vaccines for dogs and cats offered for sale within the state that are over the age of three months to be administered by a licensed veterinarian or those persons authorized by the bill to administer rabies vaccines, as discussed in **Section 1** above.

Section 5 provides the bill is effective July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Certain rabies vaccinations may be administered by employees, agents, or contractors of an animal control authority to impounded dogs, cat, and ferrets that will be transferred, rescued, fostered, adopted, or reclaimed by the owner. This vaccination method may allow vaccination of impounded animals to occur more quickly and reduce costs to animal control authorities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 474.203, 767.16, 828.29, and 828.30.

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 Burgess

23-00428A-24

2024334__

A bill to be entitled
An act relating to rabies vaccinations; amending s.
828.30, F.S.; authorizing certain persons to
administer rabies vaccinations to certain animals
under the indirect supervision of a veterinarian;
providing that a supervising veterinarian assumes
responsibility for any person working under the
veterinarian's supervision or at his or her direction;
defining the term "indirect supervision"; authorizing
a veterinarian who indirectly supervises the
administration of the rabies vaccination to affix or
have affixed his or her signature stamp in lieu of an
actual signature on the rabies vaccination
certificate; amending ss. 474.203, 767.16, and 828.29,
F.S.; conforming provisions to changes made by the
act; providing an effective date.

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

Section 1. Subsections (1) and (3) of section 828.30,
Florida Statutes, are amended to read:

828.30 Rabies vaccination of dogs, cats, and ferrets.—

(1)(a) All dogs, cats, and ferrets 4 months of age or older
must be vaccinated by a licensed veterinarian, or a person
authorized under paragraph (b), against rabies with a vaccine
~~that is~~ licensed by the United States Department of Agriculture
for use in those species.

(b)1. When acting under the indirect supervision of a
veterinarian, an employee, an agent, or a contractor of a county

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or municipal animal control authority or sheriff may vaccinate
against rabies a dog, cat, or ferret in the custody of an animal
control authority, sheriff, or shelter and that will be
transferred, rescued, fostered, adopted, or reclaimed by its
owner.

2. The supervising veterinarian assumes responsibility for
any person vaccinating animals at the veterinarian's direction
or under his or her supervision. As used in this paragraph, the
term "indirect supervision" means that the supervising
veterinarian is required to be available for consultation
through telecommunications, rather than be physically present
during the consultation.

(c) The owner of every dog, cat, and ferret shall have the
animal revaccinated 12 months after the initial vaccination.
Thereafter, the interval between vaccinations must ~~shall~~ conform
to the vaccine manufacturer's directions. The cost of
vaccination must be borne by the animal's owner. Evidence of
circulating rabies virus neutralizing antibodies may ~~shall~~ not
be used as a substitute for current vaccination in managing
rabies exposure or determining the need for booster
vaccinations.

(3) Upon vaccination against rabies, the licensed
veterinarian shall provide the animal's owner and the animal
control authority with a rabies vaccination certificate. Each
animal control authority and veterinarian shall use the "Rabies
Vaccination Certificate" of the National Association of State
Public Health Veterinarians (NASPHV) or an equivalent form
approved by the local government which ~~that~~ contains all the
information required by the NASPHV Rabies Vaccination

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Certificate. The veterinarian who administers the rabies vaccination, or who supervises the administration of the rabies vaccination as provided in paragraph (1) (b), ~~vaccine~~ to an animal as authorized ~~required~~ under this section may affix or have affixed his or her signature stamp in lieu of an actual signature.

Section 2. Paragraph (a) of subsection (5) of section 474.203, Florida Statutes, is amended to read:

474.203 Exemptions.—This chapter does not apply to:

(5) (a) Any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title is transferred or employment provided for the purpose of circumventing this law. This exemption does not apply to any person licensed as a veterinarian in another state or foreign jurisdiction and practicing temporarily in this state. However, except as provided in s. 828.30, only a veterinarian may immunize or treat an animal for diseases that are communicable to humans and that are of public health significance.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 3. Subsection (2) of section 767.16, Florida Statutes, is amended to read:

767.16 Police canine or service dog; exemption.—

(2) Any dog used as a service dog for blind, hearing

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impaired, or disabled persons that bites another animal or a human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered as provided in s. 828.30 ~~by a licensed veterinarian.~~

Section 4. Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 828.29, Florida Statutes, are amended to read:

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee.—

(1)

(b) For each dog offered for sale within the state, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog. Each dog must receive vaccines and anthelmintics against the following diseases and internal parasites:

1. Canine distemper.

2. Leptospirosis.

3. Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the

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117 attending veterinarian and noted on the health certificate,
118 which must be administered in this state once before sale).

119 4. Parainfluenza.

120 5. Hepatitis.

121 6. Canine parvo.

122 7. Rabies, provided the dog is over 3 months of age and the
123 inoculation is administered as provided in s. 828.30 ~~by a~~
124 ~~licensed veterinarian.~~

125 8. Roundworms.

126 9. Hookworms.

127
128 If the dog is under 4 months of age, the tests, vaccines, and
129 anthelmintics required by this section must be administered no
130 more than 21 days before sale within the state. If the dog is 4
131 months of age or older, the tests, vaccines, and anthelmintics
132 required by this section must be administered at or after 3
133 months of age, but no more than 1 year before sale within the
134 state.

135 (2)

136 (b) For each cat offered for sale within the state, the
137 tests, vaccines, and anthelmintics required by this section must
138 be administered by or under the direction of a veterinarian,
139 licensed by the state and accredited by the United States
140 Department of Agriculture, who issues the official certificate
141 of veterinary inspection. The tests, vaccines, and anthelmintics
142 must be administered before the cat is offered for sale in the
143 state, unless the licensed, accredited veterinarian certifies on
144 the official certificate of veterinary inspection that to
145 inoculate or deworm the cat is not in the best medical interest

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of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat. Each cat must receive vaccines and anthelmintics against the following diseases and internal parasites:

1. Panleukopenia.
2. Feline viral rhinotracheitis.
3. Calici virus.
4. Rabies, if the cat is over 3 months of age and the inoculation is administered as provided in s. 828.30 ~~by a licensed veterinarian.~~
5. Hookworms.
6. Roundworms.

If the cat is under 4 months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than 21 days before sale within the state. If the cat is 4 months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after 3 months of age, but no more than 1 year before sale within the state.

Section 5. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 11, 2024

I respectfully request that **Senate Bill #334**, relating to Rabies Vaccinations, be placed on the:

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

A handwritten signature in cursive script, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

The Florida Senate

APPEARANCE RECORD

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

1/24/23

Meeting Date

RULES

Committee

SB 334

Bill Number or Topic

Amendment Barcode (if applicable)

Name JENNIFER HOBGOOD

Phone 850 445 5245

Address 3548 Canygrove Rd

Email jehobgood@aspcan.org

Street

Tallahassee FL 32303

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:

AMERICAN SOCIETY FOR THE PREVENTION OF
CRUELTY TO ANIMALS (ASPCA)

☐ 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

SB 334

Bill Number or Topic

1/24/24

Meeting Date

Rules

Committee

Amendment Barcode (if applicable)

Name

Kate MacFall

Phone

850 508-2001

Address

204 W. 1st St.

Email

kmacfall@hsvs.org

Street

Tallahassee FL 32312

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:

Humane Society of the United States

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

02/4/24

Meeting Date

Rules

Committee

334

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Diana Ferguson

Phone

850-481-6788

Address

115 S Monroe St SE 202

Street

Email

dferguson@nwtudg-
e-enrich.com

Tall

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:

FL Animal Control Association

☐

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 Rules

BILL: SB 364

INTRODUCER: Senator Collins

SUBJECT: Regulatory Assessment Fees

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	Favorable
2.	Schrader	Twogood	RC	Favorable
	_____	_____	_____	_____
	_____	_____	_____	_____

I. Summary:

SB 364 amends s. 120.80, F.S., to specify certain rules that may be adopted by the Florida Public Service Commission without being subject to potential rule ratification under s. 120.541(3), F.S. Specifically, rules regarding the Florida Public Service Regulatory Trust Fund and the regulatory assessment fees charged to utilities in Florida are added to the section. The bill also deletes a temporary provision, limited to the 2023-2024 fiscal year, that allowed such rules to be exempt from all provisions of s. 120.80, F.S, which includes requirements to provide statements of estimated regulatory costs.

The bill is effective upon becoming a law.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.¹ The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.² In order to do so, the PSC exercises authority over public utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.³

¹ Section 350.001, F.S.

² See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Nov. 30, 2023).

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Nov. 30, 2023).

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid⁴ and may order the addition or repair of infrastructure as necessary.⁵ The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities.⁶ However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, bulk power supply operations, and planning.⁷ Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by their governing body elected by the cooperative's membership.

Municipal Electric and Gas Utilities, and Special Gas Districts, in Florida

A municipal electric or gas utility is an electric or gas utility owned and operated by a municipality. Chapter 366, F.S., provides the majority of electric and gas utility regulations for Florida. While ch. 366, F.S., does not provide a definition, per se, for a “municipal utility,” variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric utilities that serve over 14 percent of the state's electric utility customers.⁸ Florida also has 27 municipally-owned gas utilities and four special gas districts.⁹

Rural Electric Cooperatives in Florida

At present, Florida has 18 rural electric cooperatives, with 16 of these cooperatives being distribution cooperatives and two being generation and transmission cooperatives.¹⁰ These cooperatives operate in 57 of Florida's 67 counties and have more than 2.7 million customers.¹¹ Florida rural electric cooperatives serve a large percentage of area, but have a low customer density. Specifically, Florida cooperatives serve approximately 10 percent of Florida's total electric utility customers, but their service territory covers 60 percent of Florida's total land mass. Each cooperative is governed by a board of cooperative members elected by the cooperative's membership.¹²

⁴ Section 366.04(5) and (6), F.S.

⁵ Section 366.05(1) and (8), F.S.

⁶ Section 366.05, F.S.

⁷ Florida Public Service Commission, *About the PSC*, *supra* note 3.

⁸ Florida Municipal Electric Association, *About Us*, <https://www.flpublicpower.com/about-us> (last visited Nov. 30, 2023).

⁹ Florida Public Service Commission, *2023 Facts and Figures of the Florida Utility Industry*, pg. 13, Apr. 2023 (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202023.pdf>).

A “special gas district” is a dependent or independent special district, setup pursuant to ch. 189, F.S., to provide natural gas service. Section 189.012(6), F.S., defines a “special district” as “a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.”

¹⁰ Florida Electric Cooperative Association, *Members*, <https://feca.com/members/> (last visited Nov. 30, 2023).

¹¹ Florida Electric Cooperative Association, *Our History*, <https://feca.com/our-history/> (last visited Nov. 30, 2023).

¹² *Id.*

Public Electric and Gas Utilities in Florida

There are four investor-owned electric utility companies (electric IOUs) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), and Florida Public Utilities Corporation (FPUC).¹³ In addition, there are eight investor-owned natural gas utility companies (gas IOUs) in Florida: Florida City Gas, Florida Division of Chesapeake Utilities, FPUC, FPUC-Fort Meade Division, FPUC-Indiantown Division, Sebring Gas System, and St. Joe Natural Gas Company. Of these eight gas IOUs, five engage in the merchant function servicing residential, commercial, and industrial customers: Florida City Gas, FPUC, FPUC-Fort Meade Division, Peoples Gas System, and St. Joe Natural Gas Company. Florida Division of Chesapeake Utilities, FPUC-Indiantown Division, and Sebring Gas System are only engaged in firm transportation service.¹⁴

Electric IOU and Gas IOU rates and revenues are regulated by the PSC and the utilities must file periodic earnings reports, which allow the PSC to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.¹⁵

Section 366.041(2), F.S., requires public utilities to provide adequate service to customers. As compensation for fulfilling that obligation, s. 366.06, F.S., requires the PSC to allow the IOUs to recover honestly and prudently invested costs of providing service, including investments in infrastructure and operating expenses used to provide electric service.¹⁶

Water and Wastewater Utilities

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation."¹⁷ The PSC also does not regulate utilities in counties that are exempt from PSC regulation pursuant to s. 367.171, F.S.

¹³ Florida Public Service Commission, *2023 Facts and Figures of the Florida Utility Industry*, *supra* note 9, at 5.

¹⁴ *Id.* at 14. Firm transportation service is offered to customers under schedules or contracts which anticipate no interruption under almost all operating conditions. *See* Firm transportation service, 18 CFR s. 284.7.

¹⁵ PSC, *2022 Annual Report*, p. 6, (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2022.pdf>) (last visited: Nov. 30, 2023).

¹⁶ *Id.*

¹⁷ Section 367.022(2), F.S.

As of March, 2023, the PSC has over 149 water, wastewater, and water and wastewater utilities that are under its regulatory authority.¹⁸

Telecommunications Carriers

Under ch. 364, F.S., telecommunications carriers in Florida are also subject to only limited PSC regulation. During the 2011 legislative session, the “Regulatory Reform Act” (act) was passed and signed into law by the Governor, effective July 1, 2011.¹⁹ Under the act, the Legislature eliminated most of the PSC’s jurisdiction over telecommunications. However, the PSC still:

- Maintains the authority to ensure that incumbent local exchange carriers meet their obligation to provide unbundled access, interconnection, and resale to competitive local exchange companies in a nondiscriminatory manner;
- Administers the system to provide Telecommunications Relay Services; and
- Oversees the Federal Lifeline Assistance program for Florida.²⁰

Natural Gas Transmission

Natural gas transmission companies are regulated by the PSC under ch. 368, F.S. The term “natural gas transmission company,” as defined in s. 368.103, F.S., “means any person owning or operating for compensation facilities located wholly within this state for the transmission or delivery for sale of natural gas.” The term does not include “any person that owns or operates facilities primarily for the local distribution of natural gas or that is subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. ss. 717 et seq., or any municipalities or any agency thereof, or a special district created by special act to distribute natural gas.” Section 368.104, F.S., authorizes the PSC to “fix and regulate rates and services of natural gas transmission companies, including, without limitation, rules and regulations for:”

- Determining customers and services classifications;
- Determining rate applicability; and
- “Ensuring that the provision (including access to transmission) or abandonment of service by a natural gas transmission company is not unreasonably preferential, prejudicial, or unduly discriminatory.”

Section 368.105, F.S., provides the procedures for the PSC to set rates and services requirements for natural gas transmission companies in Florida.

Under chapter 368, F.S., the PSC is authorized to inspect intrastate natural gas systems to ensure compliance with rules and regulations regarding safety standards.²¹ Currently, Florida has 3 major pipelines: Florida Gas Transmission Company, Gulfstream Natural Gas System, and Sabal Trail Interstate Pipeline. The state also has two minor pipelines: Gulf South Pipeline Company and Southern Natural Gas.²²

¹⁸ Email from Mark Futrell, Deputy Executive Director—Technical, Florida Public Service Commission, to Senate Regulated Industries Staff (Mar. 19, 2023)(on file with the Senate Regulated Industries Committee).

¹⁹ Ch. 2011-36, Laws of Fla.

²⁰ Florida Public Service Commission, *About the PSC*, supra note 3.

²¹ Florida Public Service Commission, *2023 Facts and Figures of the Florida Utility Industry*, supra note 9, at 13.

²² *Id.*

Regulatory Assessment Fees

The PSC collects Regulatory Assessment Fees (RAFs) from all of the utilities under its jurisdiction. RAFs, license fees, other fees, and any other charges collected by the PSC are credited to the Florida Public Service Regulatory Trust Fund (PSC Trust Fund).²³ Florida law generally directs the PSC to manage its trust fund in such a manner that each utility industry funds its own regulation.²⁴ Thus, the RAF rate for each industry is designed to correlate with the complexity and cost of regulating that industry. The PSC's budget is set annually by the Legislature, as approved by the Governor. However, the operations of the PSC are funded from the PSC Trust Fund as appropriated in the General Appropriation Act approved by the Legislature. The PSC does not receive any funding from the General Revenue Fund.²⁵

Water and wastewater utilities can include the cost of RAFs utilizing the “pass-through” provisions in s. 367.081(4)(b), F.S. This provision allows utilities to revise their rates automatically to account for changes in certain specified expenses (such as RAFs, certain governmental fees and permitting costs, and taxes). A utility using this provision must provide verified notice to the PSC 45 days prior to the implementation of the increase or decrease. The electric and gas utility industries do not have a similar “pass-through” provision.

Rates for RAFs are set by PSC rule, subject to maximum rates established by statute. RAFs are charged as a percentage of gross operating revenues derived from intrastate business, subject to certain exclusions. Chart 1 below provides the current RAFs for Florida utilities, by industry.

²³ Section 350.113, F.S.

²⁴ Specifically:

- Section 364.336(2) and (3), F.S., requires the PSC to reduce the RAFs for the telecommunications industry after the Regulatory Reform Act of 2011 to reflect the PSC's reduced regulatory oversight of that industry;
- Section 367.145(3), F.S., requires that RAFs collected pursuant to the water and wastewater RAF collection authorization may only be used to cover the cost of regulating water and wastewater systems. Also, fees collected under the electricity utility industry, gas utility industry, and telecommunications industry RAF collection authorizations may not be used to pay for the cost of water and wastewater regulation; and
- Section 368.109, F.S., states that the RAFs set by the PSC for the natural gas transmission (i.e. natural gas pipeline) industry must, to the extent practicable, be related to the cost of regulating that industry.

²⁵ Florida Public Service Commission, *Bill Analysis for SB 364*, Nov. 9, 2023 (on file with the Senate Regulated Industries Committee).

Chart 1: Regulatory Assessment Fees by Florida Utility Industry

Utility Type	Current RAF	Statutory Maximum
Investor-owned Gas Utilities	0.5% ²⁶	0.5% ²⁷
Municipal Gas Utilities and Gas Districts	0.1919% ²⁸	0.25% ²⁹
Natural Gas Transmission	0.25% ³⁰	0.25% ³¹
Telecommunications Companies	0.16% ³²	0.25% ³³
Water and Wastewater Utilities	4.5% ³⁴	4.5% ³⁵
Investor-owned Electric Utilities	0.072% ³⁶	0.125% ³⁷
Municipal Electric Utilities and Rural Electric Cooperatives	0.015625% ³⁸	0.015625% ³⁹

In its analysis of the bill, the PSC points out that the Legislature has granted rule ratification exemptions “for certain agency rules where ratification would be redundant and unnecessary because of the presence of one or more compelling legislative policy factors.”⁴⁰ These factors may include:

²⁶ Fla. Admin. Code R. 25-7.0131.

²⁷ Section 366.14, F.S.

²⁸ Fla. Admin. Code R. 25-7.0131.

²⁹ Section 366.14, F.S.

³⁰ Fla. Admin. Code R. 25-7.101.

³¹ Section 368.109, F.S.

³² Fla. Admin. Code R. 25-4.0161.

³³ Section 364.336, F.S.

³⁴ Fla. Admin. Code R. 25-30.120.

³⁵ Section 367.145, F.S.

³⁶ Fla. Admin. Code R. 25-6.0131. On September 12, 2023, the PSC published Notices of Development of Proposed Rules and Negotiated Rulemakings regarding this rule for the purpose of updating RAFs for investor-owned electric utilities, municipal electric utilities, and rural electric cooperatives, *see* 49.177 Fla. Admin. Reg. 3329 (Sep. 12, 2023) (available at: https://www.flrules.org/Gateway/View_Notice.asp?ID=27528132).

³⁷ Section 366.14, F.S.

³⁸ Fla. Admin. Code R. 25-6.0131, (2013). On September 12, 2023, the PSC published Notices of Development of Proposed Rules and Negotiated Rulemakings regarding this rule for the purpose of updating RAFs for investor-owned electric utilities, municipal electric utilities, and rural electric cooperatives, *see* 49.177 Fla. Admin. Reg. 3329 (Sep. 12, 2023) (available at: https://www.flrules.org/Gateway/View_Notice.asp?ID=27528132).

³⁹ Section 366.14, F.S.

⁴⁰ Florida Public Service Commission, *Bill Analysis for SB 364*, *supra* note 25.

- The existence of comprehensive statutory control over the rule’s subject matter, including detailed guidance for agency rulemaking;
- The presence of direct oversight or engagement by the Legislature or the public through another process;
- That public policy would be frustrated by unnecessary delays in the rulemaking process; and
- That the Legislature clearly intends, understands, or makes explicit the regulatory cost in the enabling legislation.⁴¹

For RAFs, as shown above, each statute authorizing the PSC to charge RAFs includes a statutory cap on what the PSC can charge. The maximum RAFs that could be charged by the PSC are subject to statutory control of the maximum fiscal impact.

Rulemaking Authority and Legislative Ratification

A rule is an “agency statement of general applicability that implements, interprets, or prescribes law or policy.”⁴² Rulemaking authority is delegated by the Legislature in law to an agency, and authorizes an agency to adopt, develop, establish, or otherwise create a rule.⁴³ An agency may not engage in rulemaking unless it has a legislative grant of authority to do so.⁴⁴ The statutory authority for rulemaking must be specific enough to guide an agency’s rulemaking and an agency rule must not exceed the bounds of authority granted by the Legislature.⁴⁵

Prior to the adoption, amendment, or repeal of any rule, an agency must file a notice of the proposed rule in the Florida Administrative Register.⁴⁶ The notice of the proposed rule must include:

- An explanation of the purpose and effect;
- The specific legal authority for the rule;
- The full text of the rule; and
- A summary of the agency’s statement of estimated regulatory costs procedures (SERC), if one is prepared.⁴⁷

Within 21 days of the notice, the public may provide an agency with information regarding the SERC or provide proposals for a lower cost alternative to the rule.⁴⁸

⁴¹ *Id.*, citing Eric H. Miller & Donald J. Rubottom, *Legislative Rule Ratification: Lessons from the First Four Years*, 89-FEB FLA. B.J., 36 (2015).

⁴² Section 120.52(16), F.S.

⁴³ Section 120.52(17), F.S.

⁴⁴ See ss. 120.52(8) and 120.536, F.S.

⁴⁵ See *Sloban v. Florida Board of Pharmacy*, 982 So.2d 26 (Fla. 1st DCA 2008) and *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So.2d 594 (Fla 1st DCA 2000).

⁴⁶ See ss. 120.54(2)(a) and 120.55(1)(b), F.S.

⁴⁷ Section 120.54(3)(a)1., F.S.

⁴⁸ See ss. 120.54(3)(a)1., and 120.541(1)(a), F.S.

SERC and Rule Ratification Requirements

Pursuant to s. 120.541, F.S., agencies must prepare the SERC for a rule that has an adverse impact on small businesses or that increases regulatory costs more than \$200,000 within one year after implementation of the rule.⁴⁹

A SERC must include estimates of the following:

- The number of people and entities affected by the proposed rule;
- The cost to the agency and other governmental entities to implement the proposed rule;
- Transactional costs likely to be incurred for compliance; and
- An analysis of the proposed rule's impact on small businesses, counties, and cities.⁵⁰

The SERC must also include an economic analysis on the likelihood that the proposed rule will have an adverse impact in excess of \$1 million within the first five years of implementation on:

- Economic growth, private-sector job creation or employment, or private-sector investment;
- Business competitiveness,⁵¹ productivity, or innovation; or
- Regulatory costs, including any transactional costs.⁵²

If the economic analysis results in an adverse impact or regulatory costs in excess of \$1 million within 5 years after implementation of the rule, then the Legislature must ratify the rule in order for it to take effect (unless such rule is otherwise exempted from this requirement by statute).⁵³

Current Public Service Commission Exemptions to SERC and Rule Ratification

Currently, the PSC has exemptions to SERC and rule ratification requirements, as provided under s. 120.541, F.S., for the following rulemaking delegations:

- Pole attachment provisions under s. 366.04(8), F.S.;
- Safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles of communication services providers under s. 366.04(9), F.S.; and
- Redundancy and transfer of ownership provisions regarding poles under s. 366.97, F.S.

The 2023 General Appropriations Act implementing bill, SB 2502,⁵⁴ also provided, for the 2023-2024 fiscal year only, the PSC with exemptions to SERC and rule ratification requirements, as provided under s. 120.541, F.S., for the following rulemaking delegations:

- The establishment and operational requirements of the Florida Public Service Regulatory Trust Fund under 350.113, F.S.;
- Telecommunications company RAFs under s. 364.336, F.S.;

⁴⁹ Section 120.541(1)(a), F.S.

⁵⁰ Section 120.541(2)(b)-(e), F.S. A small city has an unincarcerated population of 10,000 or less. A small county has an unincarcerated population of 75,000 or less. A small business employs less than 200 people, and has a net worth of \$5 million or less.

⁵¹ Business competitiveness includes the ability of those doing business in Florida to compete with those doing business in other states or domestic markets.

⁵² Section 120.541(2)(a), F.S.

⁵³ Section 120.541(3), F.S. Legislative ratification is not required for adoption of federal standards, amendments to the Florida Building Code, or amendments to the Florida Fire Prevention Code. *See* s. 120.541(4), F.S.

⁵⁴ Chapter 2023-240, s. 51, Laws of Fla.

- Investor-owned electric utility, investor-owned gas utility, municipal gas utility and gas district, and municipal electric utility and rural electric cooperative RAFs under 366.14, F.S.
- Water and wastewater utility RAFs under 367.145, F.S.; and
- Natural gas transmission company RAFs under 368.109, F.S.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 120.80, F.S., to only make ss. 350.113, 364.336, 366.14, 367.145, and 368.109, F.S., exempt from the rule ratification requirements under s. 120.541(3), F.S., and not the entirety of s. 120.541, F.S. (the bill also removes the 2023-2024 fiscal year provision currently in statute). Thus, for those sections regarding RAFs, the PSC must still follow the SERC preparation requirements provided in ss. 120.541(1), (2), and (5), F.S.

Section 2 of the bill provides that it shall become effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

While the bill does not substantially financially impact the private sector, it does revise the process requirements for the PSC to amend RAFs by rule. Specifically, it eliminates the requirement that such rule amendments be ratified by the Legislature. If the PSC were

to amend the RAF rates paid by utilities, such amended costs would likely impact utility rates.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 120.80 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 Collins

14-00505-24

2024364__

1 A bill to be entitled
2 An act relating to regulatory assessment fees;
3 amending s. 120.80, F.S.; exempting certain rules
4 adopted by the Florida Public Service Commission
5 relating to regulatory assessment fees from the
6 requirement of legislative ratification; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (g) of subsection (13) of section
12 120.80, Florida Statutes, is amended to read:

13 120.80 Exceptions and special requirements; agencies.—

14 (13) FLORIDA PUBLIC SERVICE COMMISSION.—

15 (g)1. Rules adopted by the Florida Public Service
16 Commission to implement ss. 366.04(8) and (9) and 366.97 are not
17 subject to s. 120.541.

18 2. ~~For the 2023-2024 fiscal year,~~ Rules adopted by the
19 Florida Public Service Commission to implement ss. 350.113,
20 364.336, 366.14, 367.145, and 368.109 are not subject to s.
21 120.541(3) ~~s. 120.541. This subparagraph expires July 1, 2024.~~

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



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 10, 2024

I respectfully request that **Senate Bill #364**, relating to Regulatory Assessment Fees, be placed on the:

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

A handwritten signature in dark ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

The Florida Senate

APPEARANCE RECORD

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

01/29/24

Meeting Date

Rules

Committee

364

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lance Watson

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850 524 1897

Address

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Zip

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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:

Leg. Affairs Public Service
Director Commission

☐

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 Rules

BILL: SM 398

INTRODUCER: Senator Avila

SUBJECT: Venezuelan Sanctions

DATE: January 23, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Limones-Borja</u>	<u>McVane</u>	<u>GO</u>	Favorable
2. <u>Limones-Borja</u>	<u>Twogood</u>	<u>RC</u>	Favorable

I. Summary:

SM 398 is a memorial urging the United States Secretary of State to reinstate economic sanctions on Nicolas Maduro and his Venezuelan dictatorship and the companies that do business with Venezuela.

The Memorial has no force of law, as it is a mechanism for the Florida Senate to formally petition the federal government to act on a particular subject.

The memorial does not have a fiscal impact on the state or local governments.

II. Present Situation:

Sanctions against Venezuela

The United States has imposed sanctions on Venezuelan individuals and entities that have engaged in criminal, antidemocratic, and corrupt actions since 2005. The Trump administration expanded those sanctions to include broader financial sanctions, sectoral sanctions, and sanctions on the government of Nicolas Maduro.¹ The broad sanctions began in August 2017 when President Trump prohibited the Venezuelan government from accessing the U.S. financial system.² Then in 2019, the U.S. froze the Venezuelan government's bank accounts in the U.S. and prohibited all U.S. entities from engaging in transactions with the Maduro Government without prior authorization from the Treasury Department's Office of Foreign Assets Control (OFAC).³ The Trump administration also levied a series of industry-specific measures against

¹ Clare Ribando Seelke, Congressional Research Center, *Venezuela: Overview of U.S. Sanctions* (Nov. 1, 2023), available at <https://crsreports.congress.gov/product/pdf/IF/IF10715> (Nov. 29, 2023).

² Jorge Jralssatl and Wolf van Laer, FOREIGN POLICY, *How Maduro Beat Sanctions* (June 3, 2021), available at <https://foreignpolicy.com/2021/06/03/maduro-sanction-trump-biden-stronger/> (Dec. 13, 2023).

³ Exec. Order No. 13884 (Aug. 5, 2019), available at <https://www.federalregister.gov/documents/2019/08/07/2019-17052/blocking-property-of-the-government-of-venezuela> (Dec. 14, 2023).

PDVSA⁴, a Venezuelan-owned oil and gas company.⁵ The U.S. Treasury Department blocked PDVSA's access to property in the U.S. and blocked individuals in the U.S. from engaging in transactions with PDVSA.⁶ Lastly, sanctions specific to individuals were implemented. These sanctions froze the bank accounts and assets of people connected to the Maduro regime.⁷

While sanctions change under each administration, a series of sanctions that prohibit all U.S. commercial arms sales and retransfers to Venezuela remains constant. These sanctions are in response to the Secretary of State's determination that Venezuela is not cooperating with U.S. anti-terrorism standards and the President's annual determination that Venezuela has failed to adhere to its obligations under international narcotics control agreements.⁸

Changes under the Biden Administration

On October 18, 2023, the United States signed an electoral roadmap agreement with Venezuela. This agreement provided sanction relief to Venezuela, specifically by:

- Temporarily authorizing transactions involving the oil and gas sector in Venezuela;
- Authorizing transactions with Minerven, the Venezuela state-owned gold mining company; and
- Removing the secondary trading ban on certain Venezuelan sovereign bonds and PDVSA debt and equity. The ban on trading in the primary Venezuelan bond market remains in place.⁹

In accordance with this deal, the government of Venezuela was expected to take the following steps before the end of November 2023:

- Define a specific timeline and process for the expedited reinstatement of all candidates. All who want to run for President should be allowed the opportunity, and are entitled to a level electoral playing field, to freedom of movement, and to assurances for their physical safety.
- Begin the release of all wrongfully detained U.S. nationals and Venezuelan political prisoners.¹⁰

The November 30th deadline has passed without Venezuela's compliance. The Venezuelan Supreme Justice Tribunal has suspended the results of an opposition presidential primary that

⁴ PDVSA stands for Petroleos de Venezuela SA, a state-owned oil and gas company. PDVSA's depletion rate has fallen to a point to where it is generating negative cash flows. Steve Hanke, Forbes, *Venezuela's PDVSA: The World's Worst Oil Company* (Mar. 6, 2017), available at <https://www.forbes.com/sites/stevehanke/2017/03/06/venezuelas-pdvs-the-worlds-worst-oil-company/?sh=6d0e81f84105> (Dec. 14, 2023).

⁵ *Supra* note 2.

⁶ U.S. Department of the Treasury, *Treasury Sanctions Venezuela's State-Owned Oil Company Petroleos de Venezuela, S.A.* (Jan. 28, 2019), available at <https://home.treasury.gov/news/press-releases/sm594> (Dec. 14, 2023).

⁷ *Supra* note 2.

⁸ *Supra* note 1.

⁹ Antony J. Blinken, *Signing of Electoral Roadmap Between the Unitary Platform and Representatives of Maduro* (Oct. 18, 2023), available at <https://www.state.gov/signing-of-electoral-roadmap-between-the-unitary-platform-and-representatives-of-maduro/#:~:text=The%20United%20States%20welcomes%20the,%2C%20economic%2C%20and%20humanitarian%20crisis.> (Dec. 14, 2023).

¹⁰ *Id.*

took place in October 2023.¹¹ Despite the government of Venezuela breaching the agreement, sanctions have yet to be reinstated.

III. Effect of Proposed Changes:

The Memorial contains 10 whereas clauses. The clauses outline the history of sanctions imposed on the Venezuelan regime and on companies that do business with Venezuela. The clauses also detail the agreement under the Biden administration to ease sanctions on Venezuela.

The Memorial urges the United States Secretary of State to reinstate economic sanctions on Nicolas Maduro and his Venezuelan dictatorship and the companies that do business with Venezuela.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The Memorial does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

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.

¹¹ REUTERS, Mayela Armas and Vivian Sequera, *Venezuela's top court suspends results of opposition presidential primary* (Oct. 31, 2023), available at <https://www.reuters.com/world/americas/venezuelas-top-court-suspends-results-opposition-presidential-primary-2023-10-30/> (Dec. 14, 2023).

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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 Avila

39-00738A-24

2024398__

Senate Memorial

A memorial to urge the United States Secretary of State to implement policies at the United States Department of State that reinstate economic sanctions on Nicolás Maduro and his Venezuelan dictatorship and impose sanctions on companies that do business with Venezuela.

WHEREAS, beginning in 2008, the United States imposed sanctions on the Venezuelan regime as Hugo Chávez began expropriating oil assets of companies including Exxon Mobil and, in 2017, the Trump administration placed economic sanctions on the Venezuelan dictatorship, targeting the state-owned oil and natural gas company Petróleos de Venezuela, S.A. (PDVSA), and

WHEREAS, on January 28, 2019, the United States Department of the Treasury, pursuant to Emergency Order 13850, designated PDVSA as operating in the oil sector of the Venezuelan economy, and the Secretary of the Treasury determined that the company was subject to United States sanctions that included the freezing of all property and interests subject to the United States' jurisdiction, whose value was estimated at \$7 billion, and prohibited individuals and companies in the United States from doing business with PDVSA, including exporting naphtha, and

WHEREAS, in February 2019, Nicolás Maduro ordered PDVSA to move its European office to Moscow to protect the company's overseas assets from United States sanctions, and

WHEREAS, on February 18, 2020, the Office of Foreign Assets Control of the United States Department of the Treasury designated Rosneft Oil Company's Swiss-incorporated company,

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2024398__

Rosneft Trading S.A., as operating in the oil sector of Venezuela for brokering the sale and transport of Venezuelan crude oil and supporting Nicolás Maduro's regime, and

WHEREAS, continuing through 2021, the United States has sanctioned Venezuela's Central Bank, National Development Bank, and Minerven, the state-owned gold company, as well as individuals that assisted PDVSA in evading sanctions, and

WHEREAS, the Biden administration has eased sanctions on companies that trade in oil produced in Venezuela or invest in the country's oil industry in response to Venezuela's agreement to allow free elections in 2024, and

WHEREAS, this misguided change in policy lessened the impact of longstanding sanctions aimed at promoting freedom and democracy in Venezuela and could increase the flow of Venezuelan oil into the global crude market, but is not expected to help lower the prices that have remained stubbornly high amid turmoil in Europe and the Middle East, and

WHEREAS, on October 18, 2023, the sanctions on the export of crude oil and refined petroleum were lifted for a period of 6 months, and Minerven is authorized to conduct transactions that, unfortunately, will provide revenue to the Maduro regime which it can use to stay in power and spread terror and corruption around the globe, and

WHEREAS, decades of corruption and mismanagement at PDVSA have resulted in a rusted drilling infrastructure that is pumping less than a third of the 3 million barrels a day that Venezuela produced during its peak production in the early 2000s, and

WHEREAS, on October 30, 2023, the Maduro-aligned Venezuelan

39-00738A-24

2024398__

Supreme Court suspended the opposition's entire primary elections process, including the election results, and ordered organizers to hand over documents identifying millions of voters after the opposition's primary election garnered more support than expected, leading many in the United States Congress to support the reinstatement of sanctions on the Venezuelan dictatorship, NOW, THEREFORE,

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

That the United States Secretary of State is urged to implement policies at the United States Department of State that reinstate economic sanctions on Nicolás Maduro and his Venezuelan dictatorship and impose sanctions on companies that do business with Venezuela.

BE IT FURTHER RESOLVED that the Secretary of State dispatch copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the Florida delegation to the United States Congress.



SENATOR Bryan Avila
39th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

January 10, 2024

Honorable Senator Debbie Mayfield
Committee on Rules

Honorable Chair Mayfield:

I respectfully request SB 398 Venezuela Sanctions be placed on the next committee agenda.

SB 398 Venezuelan Sanctions; Urges the United States Secretary of State to implement policies at the United States Department of State that reinstate economic sanctions on Nicolás Maduro and his Venezuelan dictatorship and impose sanctions on companies that do business with Venezuela.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Avila".

Senator Bryan Avila
Florida Senate, District 39

CC: Philip Twogood, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

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

Senate's Website: www.flsenate.gov

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore

The Florida Senate
APPEARANCE RECORD

398

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Jess McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 NW 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami

FL

33128

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Miami-Dade County

☐

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

BILL: CS/SB 478

INTRODUCER: Regulated Industries Committee and Senator Rodriguez

SUBJECT: Designation of Eligible Telecommunications Carriers

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2.	<u>Harmsen</u>	<u>McVane</u>	<u>GO</u>	Favorable
3.	<u>Schrader</u>	<u>Twogood</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 478 amends s. 364.10, F.S., to grant authority to the Florida Public Service Commission (PSC) to designate mobile phone service providers as eligible telecommunications carriers (ETCs) under the federal Lifeline program (Lifeline).

Lifeline provides telecommunications service discounts for qualifying low-income consumers. Qualifying households can receive a discount on their monthly phone or broadband Internet bills from providers that have been designated as ETCs.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida Public Service Commission

The Public Service Commission (PSC) is an arm of the legislative branch of government.¹ The role of the PSC is to ensure that Florida's consumers receive utility services, including electric,

¹ Section 350.001, F.S.

natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.² In order to do so, the PSC exercises authority over public utilities in the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.³

Telecommunications Carriers

Under ch. 364, F.S., telecommunications carriers in Florida are subject to limited PSC regulation. Telecommunications companies are defined to include every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within the state by the use of a telecommunications facility.⁴ The term *does not* include:

- Entities that provide a telecommunications facility exclusively to a certificated telecommunications company;
- Entities that provide a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;
- Commercial mobile radio service providers (mobile phone service provided for profit and to the public);⁵
- Facsimile transmission services;
- Private computer data network companies not offering service to the public for hire;
- Cable television companies providing cable service as defined in 47 U.S.C. s. 522;
- Intrastate interexchange telecommunications companies;
- Operator services providers; and
- Airports that provide communications services within the confines of their airport layout plan.

In addition, s. 364.011, F.S., exempts the following services from PSC jurisdiction, unless otherwise specifically provided in ch. 364, F.S.:

- Intrastate interexchange telecommunications services;
- Broadband services, regardless of the provider, platform, or protocol;
- Voice over Internet Protocol (VoIP);
- Wireless telecommunications, including commercial mobile radio service providers;
- Basic service; and
- Nonbasic services or comparable services offered by any telecommunications company.

² See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Jan. 7, 2024).

³ Florida Public Service Commission, *About the PSC: Overview and Key Facts*, <https://www.psc.state.fl.us/about> (last visited Jan. 7, 2024).

⁴ Section 364.02(13), F.S.

⁵ See 47 U.S.C. ss. 153(27) and 332(d) (2009). The definition of “commercial mobile radio service provider” in s. 364.02(3), F.S., was created in 2009 and references the definition of “mobile service” at 47 U.S.C. ss. 153(27) as it existed in the U.S. Code at that time (*see* ch. 2009-226, Laws of Fla.). 47 U.S.C. s. 153 has been subsequently amended twice, and, although the definition of “mobile service” has not changed, the new, current location for this definition is 47 U.S.C. ss. 153(33). 47 U.S.C. s. 332 has also been amended since ch. 2009-226, Laws of Fla., however the only changes to the relevant portion of that section (47 U.S.C. s. 332(d)) were technical (eliminating the unnecessary phrase “of this section” from 47 U.S.C. s. 332(d)(2)).

Florida's Regulatory Reform Act became law on July 1, 2011.⁶ Under the Regulatory Reform Act, the Legislature eliminated most of the PSC's jurisdiction over telecommunications. However, the PSC still:

- Maintains the authority to ensure that incumbent local exchange carriers meet their obligation to provide unbundled access, interconnection, and resale to competitive local exchange companies in a nondiscriminatory manner;
- Administers the system to provide Telecommunications Relay Services; and
- Oversees the Federal Lifeline program for Florida.⁷

Federal Universal Service Programs

Universal Service is both the name of a fund (Universal Service Fund or USF) and a category of Federal Communications Commission (FCC) programs designed to implement the principle that "all Americans should have access to communications service."⁸ The FCC has established four programs within the USF:

- Connect America Fund (formally known as High-Cost Support) for rural areas;
- Lifeline (for low-income consumers), including initiatives to expand phone service for residents of Tribal lands;
- Schools and Libraries (E-rate); and
- Rural Health Care.⁹

The Universal Service Administrative Company administers the four USF programs and collects assessments from telecommunications providers under the direction of the FCC.¹⁰ The assessments are based upon such providers' interstate and inter-nation end-user revenues. Entities that contribute to the fund include:

- Telecommunications carriers, including wireline and wireless companies; and
- Interconnected VoIP providers, including cable companies that provide voice service.¹¹

Connect America Fund

The Connect America Fund is designed to "ensure that consumers in rural, insular, and high-cost areas have access to modern communications networks capable of providing voice and broadband service, both fixed and mobile, at rates that are reasonably comparable to those in urban areas." This is accomplished by allowing eligible telecommunications carriers (ETCs) serving eligible areas to recover some of the expense of high-cost service from the USF instead of from ratepayers.¹²

⁶ Ch. 2011-36, Laws of Fla.

⁷ Florida Public Service Commission, *About the PSC*, *supra* note 3.

⁸ Federal Communications Commission, *Universal Service*, <https://www.fcc.gov/general/universal-service> (last visited Jan. 7, 2024).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Federal Communications Commission, *Universal Service for High Cost Areas - Connect America Fund*, <https://www.fcc.gov/general/universal-service-high-cost-areas-connect-america-fund> (last visited Jan. 7, 2024).

Lifeline Program for Low-Income Consumers

The Lifeline program was established in 1985 to provide discounts on phone service for qualifying low-income consumers. The program is available to eligible low-income consumers in every state, territory, commonwealth, and on tribal lands.¹³

In 2016, the FCC adopted, by order, a comprehensive reform and modernization of the Lifeline program.¹⁴ The order, in part, revised the Lifeline program to:

- Allow Lifeline subscribers to apply the \$9.25 monthly Lifeline discount to broadband and broadband-voice bundled service (from a designated ETC);
- Set minimum service standards for Lifeline-supported service; and
- Establish the National Verifier as a neutral third party to make program eligibility decisions.¹⁵

As currently administered, the Lifeline program is intended to enable low-income households to obtain and maintain basic telephone and broadband services through monthly bill discounts for qualifying households. Alternatively, qualifying low-income consumers can choose to receive monthly wireless minutes or measured data service from wireless ETCs.¹⁶

Consumers may qualify to participate in Lifeline either through program-based or income-based eligibility standards. Program-based eligibility is determined by a customer's enrollment in at least of one the following programs:¹⁷

- Supplemental Nutrition Assistance Program (SNAP);
- Medicaid;
- Federal Public Housing Assistance;
- Supplemental Security Income;
- Veterans or Survivors Pension Program; or
- Bureau of Indian Affairs Programs, including Tribal Temporary Assistance to Needy Families, Head Start Subsidy, and National School Lunch Program.

Consumers whose total household income is less than 135 percent of the Federal Poverty Guidelines may participate in Lifeline under the income-based standard.¹⁸

As of June 30, 2023, there were 300,229 Florida households that used the Lifeline Program.¹⁹

¹³ Federal Communications Commission, *Lifeline Program for Low-Income Consumers*, <https://www.fcc.gov/general/lifeline-program-low-income-consumers> (last visited Jan. 7, 2024).

¹⁴ *Id.* and *In the Matter of Lifeline & Link Up Reform & Modernization*, 31 F.C.C. Rcd. 3962 (2016), available at <https://docs.fcc.gov/public/attachments/FCC-16-38A1.pdf> (last visited Jan. 7, 2024).

¹⁵ Universal Service Administrative Co., *Orders*, <https://www.usac.org/lifeline/rules-and-requirements/orders/#:~:text=In%20April%202016%2C%20the%20FCC,third%20party%20to%20make%20program> (last visited Jan. 7, 2024).

¹⁶ Florida Public Service Commission, *Agency Bill Analysis for SB 478*, Dec. 6, 2023 (on file with the Senate Regulated Industries Committee).

¹⁷ Public Service Commission (PSC), *2023 Florida Lifeline Assistance Report*, 3 (Dec. 2023), <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/LifelineReport/2023.pdf> (last visited Jan. 7, 2024).

¹⁸ *Id.* at 3.

¹⁹ *Id.* at 1.

Eligible Telecommunications Carriers

To participate in the Lifeline program, telecommunications providers must first be designated as an ETC by either their state regulatory commission or the FCC, if the telecommunications company is not regulated by a state regulatory commission.²⁰

Chapter 364, F.S., grants the PSC authority over telecommunications carriers and the authority to designate such carriers as ETCs pursuant to 47 U.S.C. 214(e). Though s. 364.011, F.S., exempts wireless telecommunications from PSC jurisdiction, the PSC was previously able to designate wireless telecommunications providers as ETCs due to a provision that allowed for PSC jurisdiction where “specifically authorized by federal law.”²¹ The 2011 Regulatory Reform Act, however, removed this provision;²² and, thus, the PSC lost its jurisdiction to grant ETC status to wireless carriers and the authority to grant such status reverted to the FCC.²³

There are currently 17 ETCs that offer Lifeline service in some portion of Florida. The most recent ETC designations were approved between 2019 and 2022.²⁴

As of 2020, according to the PSC, four companies with authorization to do business in the state of Florida have filed or amended existing petitions with the FCC for ETC designation:

- Dish Wireless;
- Easy Wireless;
- Global Connections; and
- Sage Telecom.²⁵

The FTC has not approved these petitions at this time.

The FCC currently has two types of ETC designations. One for the Connect America Fund, which also requires the carrier to participate in the Lifeline program.²⁶ The other type of ETC designation is for the Lifeline program only.²⁷

III. Effect of Proposed Changes:

The bill amends s. 364.10, F.S., to expand the entities that the PSC may designate as ETCs for the limited purpose of providing Lifeline service to include:

²⁰ *Id.*, Universal Service Administrative Co., *Join Lifeline as an ETC*, [https://www.usac.org/lifeline/get-started/join-lifeline-as-an-etc/#:~:text=Eligible%20telecommunications%20carriers%20\(ETCs%2C%20or,the%20federal%20universal%20service%20fund](https://www.usac.org/lifeline/get-started/join-lifeline-as-an-etc/#:~:text=Eligible%20telecommunications%20carriers%20(ETCs%2C%20or,the%20federal%20universal%20service%20fund) (last visited Jan. 7, 2024), and 47 U.S.C. 214(e).

²¹ Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

²² Ch. 2011-36, s. 3, Laws of Fla.

²³ Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

²⁴ 2023 *Florida Lifeline Assistance Report*, *supra* note 17 at 16-17.

²⁵ Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

²⁶ *Id.* However, in *In the Matter of Lifeline & Link Up Reform & Modernization*, 31 F.C.C., Rcd. 3962, paras. 335-60 (2016), the FCC provided conditional forbearance from Lifeline voice service requirements where (a) 51 percent of Lifeline subscribers in a county are obtaining Lifeline broadband Internet access service; (b) there are at least three other providers of Lifeline BIAS that each serve at least five percent of the Lifeline broadband subscribers in that county; and (c) the ETC does not actually receive federal high-cost universal service support.

²⁷ Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

- Telecommunications companies; and
- Commercial mobile radio service providers (i.e. mobile phone service providers).²⁸

This change maintains the PSC's current ability to grant Lifeline program ETC status to telecommunications companies currently under its jurisdiction, pursuant to 47 U.S.C. 214(e). The bill grants authority to the PSC to grant ETC status, for the sole purpose of providing Lifeline service, to commercial mobile radio service providers, pursuant to 47 U.S.C. 214(e). These providers are currently exempt from the PSC's jurisdiction and will continue to hold that exemption except for determination as an ETC for participation in the Lifeline service.

Mobile phone service providers that wish to participate in the Connect America (i.e. High-Cost Support) program will still need to petition the FCC for ETC designation for that program. Additionally, providers that use other technologies that are exempt from the PSC's jurisdiction, such as satellite or Voice over Internet Protocol, would continue to require ETC designation from the FCC to participate in the Lifeline or Connect America programs.²⁹

The bill takes effect upon becoming a law.

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:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

²⁸ Provided that such service is offered for profit and to the public.

²⁹ *Id.*

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

None.

B. Private Sector Impact:

The bill may reduce the amount of time it takes for a mobile phone service provider to obtain ETC status for the Lifeline program. This bill does not alter the pool of eligible consumers, nor will the fees charged to consumers for Lifeline service change.

C. Government Sector Impact:

The PSC has not identified any fiscal impact in regards to its own revenues or expenditures.³⁰ However, the PSC may experience additional workload if the providers petition for designation as an ETC. This additional workload should be absorbed within current resources of the PSC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill uses the term “commercial mobile radio service provider,” which is defined in s. 364.02(3), F.S., as “a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(27) and 332(d).” This federal citation is out of date, but the definition remains the same. The bill sponsor may wish to update the definition’s citation in s. 364.02(3), F.S., to “a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(33) and 332(d)” to reflect the current federal citation.

VIII. Statutes Affected:

This bill substantially amends section 364.10 of the Florida Statutes.

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

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

CS by Regulated Industries on December 13, 2023

The committee substitute deletes intent language in the bill that reiterated existing Florida Public Service Commission authority to enforce the provisions of Chapter 364, F.S.

³⁰ Florida Public Service Commission, *Agency Bill Analysis for SB 478*, *supra* note 16.

B. Amendments:

None.

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

By the Committee on Regulated Industries; and Senator Rodriguez

580-01854-24

2024478c1

A bill to be entitled
An act relating to designation of eligible
telecommunications carriers; amending s. 364.10, F.S.;
revising the definition of the term "eligible
telecommunications carrier"; authorizing the Public
Service Commission to designate certain entities as
eligible telecommunications carriers for a specified
purpose; providing legislative intent; providing an
effective date.

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

Section 1. Present paragraph (i) of subsection (2) of
section 364.10, Florida Statutes, is redesignated as subsection
(4) of that section, subsection (3) is added to that section,
and paragraph (a) of subsection (1) of that section is amended,
to read:

364.10 Lifeline service.—

(1)(a) An eligible telecommunications carrier shall provide
a Lifeline Assistance Plan to qualified residential subscribers,
as defined in the eligible telecommunications carrier's
published schedules. For the purposes of this section, the term
"eligible telecommunications carrier" means an entity a
~~telecommunications company, as defined by s. 364.02, which is~~
designated as an eligible telecommunications carrier by the
commission pursuant to 47 C.F.R. s. 54.201 and this section.

(3)(a) The commission has the power and authority to
designate an entity, upon petition and in accordance with 47
C.F.R. s. 54.201, as an eligible telecommunications carrier,

580-01854-24

2024478c1

provided that such entity is:

1. A telecommunications company; or

2. A commercial mobile radio service provider.

(b) This legislative authority is intended to be sufficient to enable the commission, for the limited purpose of providing Lifeline service under this section, to approve any of the types of entities specified in paragraph (a) as an eligible telecommunications carrier.

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



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 16, 2024

I respectfully request that **CS/SB #478**, relating to Designation of Eligible Telecommunications Carriers, be placed on the:

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

CS/SB 478 amends s. 364.10, F.S., to grant authority to the Florida Public Service Commission (PSC) to designate mobile phone service providers as eligible telecommunications carriers (ETCs) under the federal Lifeline program (Lifeline).

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

Senator Ana Maria Rodriguez
Florida Senate, District 40

Jan 24, 2024

Meeting Date

Rules

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 478

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chante Jones, AARP Florida

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Speaking:

☐

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(travel, meals, lodging, etc.),
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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 Rules

BILL: CS/CS/SB 494

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee; Education Postsecondary Committee; and Senator Avila and others

SUBJECT: Graduate Program Admissions

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Fav/CS
2.	Ingram	Proctor	MS	Fav/CS
3.	Jahnke	Twogood	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 494 requires an institution of higher education to waive the Graduate Record Examination (GRE) and Graduate Management Admission Test (GMAT) for servicemembers and for persons who served in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and were discharged or released under any condition other than dishonorable.

The bill takes effect July 1, 2024.

II. Present Situation:

Graduate Record Examination

The GRE is the world's most widely used admissions test for graduate and professional schools.¹ The GRE General Test and GRE Subject Tests are taken by individuals applying to graduate, business, and law programs. For more than 70 years, GRE scores have been used by admissions and fellowship panels at thousands of graduate programs around the world to supplement an applicant's undergraduate grades and other qualifications for graduate study.²

¹ ETS, GRE, <https://www.ets.org/gre.html> (last visited Jan. 11, 2024).

² ETS, GRE Information Bulletin (2023), available at <https://www.ets.org/pdfs/gre/gre-info-bulletin.pdf>, at 4.

The GRE General Test measures verbal reasoning, quantitative reasoning, critical thinking, and analytical writing skills. The test closely aligns with the types of skills that are required for success in today's demanding graduate programs, including business and law.³

The GRE Subject Tests measure achievement in specific subject areas and assume undergraduate majors or extensive background in those disciplines. These tests are available in Mathematics, Physics, and Psychology.⁴

Graduate Management Admission Test

The Graduate Management Admission Council was established in 1953 to solve a common problem schools faced: the need for a standardized exam to accurately assess a candidate's ability to perform in the rigors of a graduate management degree program. After thorough research and development, the GMAT exam was created by business schools for business schools. It was specifically designed to assist with the business school admissions process.⁵ The GMAT is the most widely used exam for admission to graduate business and management programs.⁶

The GMAT exam is designed to test skills that are highly important to business and management programs. It assesses analytical writing and problem-solving abilities, along with the data sufficiency, logic, and critical reasoning skills that are vital to real-world business and management success. Additionally, the GMAT exam assesses Integrated Reasoning, a section designed to measure a test taker's ability to evaluate information presented in new formats and from multiple sources—skills necessary for management students to succeed in a technologically advanced and data-rich world.⁷

Graduate Program Admissions

The State University System (SUS) offers opportunities for graduate study in over 1,000 academic programs.⁸ The Board of Governors has established that it is the responsibility of the universities and university boards of trustees to establish their own standards for graduate school admission.⁹ Admission decisions for graduate programs are typically made at the program or department level, in concert with the admission criteria adopted by each university. These criteria are typically published on the university admissions office website.¹⁰

³ ETS, *GRE Information Bulletin* (2023), available at <https://www.ets.org/pdfs/gre/gre-info-bulletin.pdf>, at 4.

⁴ *Id.*

⁵ MBA.com, GMAT Exam, *GMAT History*, <https://www.mba.com/exams/gmat-exam/about/gmat-history> (last visited Jan. 11, 2024).

⁶ MBA.com, Exams, *GMAT Exams*, <https://www.mba.com/exams/gmat-exam> (last visited Jan. 11, 2024).

⁷ Graduate Management Admission Council, *About the GMAT Exam*, <https://www.gmac.com/gmat-other-assessments/about-the-gmat-exam> (last visited Jan. 11, 2024).

⁸ State University System, *Graduate & Professional Admissions*, <https://www.flbog.edu/universities/admissions-transfers/graduate-professional-admissions/> (last visited Jan. 11, 2024).

⁹ Board of Governors Regulation 6.001 and 6.003.

¹⁰ State University System, *Graduate & Professional Admissions*, <https://www.flbog.edu/universities/admissions-transfers/graduate-professional-admissions/> (last visited Jan. 11, 2024).

GRE and GMAT Waivers

As a response to the COVID pandemic, many SUS institutions temporarily waived GRE requirements for the majority of graduate program admission criteria. This temporary waiver is still in effect for many of the SUS institutions. For example, Florida Atlantic University will waive the GRE and GMAT scores for all applicants seeking entry to graduate programs up to and including the entry term of Spring 2024.¹¹ Florida State University is extending the temporary waiver through Fall 2026 for most Master's and Specialist's programs.¹²

Additionally, some graduate programs offer GRE/GMAT waivers for applicants who meet specified criteria. Applicants for the Master of Science in Management program at the University of South Florida (USF) can request a GRE/GMAT waiver if the applicant has 3 years of professional or managerial experience or has earned a bachelor's degree from USF, a Florida preeminent institution, or an AAU school, and has a cumulative GPA of 3.5 or higher.¹³

GRE and GMAT Waivers for Military Applicants

In addition to the temporary GRE waivers still available for all applicants, many universities nationwide provide GMAT waivers for military applicants. The universities with GMAT waivers for military applicants recognize that military service provides veterans with real-world leadership and decision-making experience. These real-world experiences often serve as a more reliable indicator of success in a Master of Business Administration (MBA) program compared to solely relying on GMAT scores.¹⁴ Universities with MBA programs that waive GMAT requirements include:¹⁵

- University of Arizona
- Ohio State University
- Western Michigan
- Xavier
- North Carolina State University
- Purdue
- University of Miami
- Syracuse University

Waivers exempting military applicants from GRE requirements for graduate program admissions are not as prevalent as GMAT waivers. However, some graduate programs like the Harris School of Public Policy at the University of Chicago provide waivers for applicants who have completed five years of active duty national military service.¹⁶ Similarly, the School of Computing and

¹¹ Florida Atlantic University, Graduate College, *Prospective Graduate Students*, <https://www.fau.edu/graduate/admissions/prospective-graduate-students/> (last visited Jan. 11, 2024).

¹² Florida State University, *Master's Degree Programs*, <https://gradschool.fsu.edu/academics-research/degree-programs/masters-degree-programs> (last visited Jan. 11, 2024).

¹³ University of South Florida, Graduate, *Master of Science in Management*, <https://www.usf.edu/business/graduate/ms-management/application-process.aspx> (last visited Jan. 11, 2024).

¹⁴ Veterans.com, *GMAT Waivers*, <https://veteran.com/gmat-waivers/> (last visited Jan. 11, 2024).

¹⁵ *Id.*

¹⁶ University of Chicago, Harris School of Public Policy, *GRE Requirements and Waivers*, <https://harris.uchicago.edu/admissions/blog/gre-requirements-and-waivers> (last visited Jan. 11, 2024).

Information Science at the University of Maine offers a GRE waiver for military members and veterans with five or more years of military experience.¹⁷

III. Effect of Proposed Changes:

CS/CS/SB 494 creates s. 1004.032, F.S., which requires an institution of higher education to waive the GRE and the GMAT for servicemembers who apply for admission to a graduate program that requires the examination. The bill also requires an institution of higher education to waive the GRE and the GMAT for persons who served in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and were discharged or released under any condition other than dishonorable and who apply to a graduate program that requires such examination.

The bill provides definitions, to include:

- A “graduate program” as an advanced academic degree program in a specialized field of study, including, but not limited to, a master’s or doctoral degree program, which degree is pursued after one has obtained a bachelor’s degree.
- An “institution of higher education” as a state university.¹⁸
- A “servicemember” as any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.¹⁹

The bill takes effect July 1, 2024.

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.

¹⁷ University of Maine, *GRE Waiver Request* (2019), available at <https://online.umaine.edu/wp-content/uploads/sites/72/2019/11/GREWaiverRequestInSCIS.pdf>.

¹⁸ Section 1000.21(8), F.S., provides a list of all state universities.

¹⁹ Section 250.01, F.S.

E. Other Constitutional Issues:

None identified.

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 creates section 1004.32 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Military and Veterans Affairs, Space, and Domestic Security on January 16, 2024:

The committee substitute expands the GRE and GMAT waivers to include graduate program applicants who served in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and who were discharged or released under any condition other than dishonorable.

CS by Education Postsecondary on January 9, 2024:

The committee substitute removes reference to a Florida College System institution from the definition of “institution of higher education.”

B. Amendments:

None.

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

By the Committees on Military and Veterans Affairs, Space, and Domestic Security; and Education Postsecondary; and Senators Avila, Perry, and Collins

583-02124-24

2024494c2

A bill to be entitled
An act relating to graduate program admissions;
creating s. 1004.032, F.S.; defining terms; requiring
an institution of higher education to waive certain
examination requirements for a servicemember or a
person who served in the United States Armed Forces,
the Florida National Guard, or the United States
Reserve Forces and was discharged or released under
any condition other than dishonorable and who applies
for admission to a graduate program that requires such
examination; providing an effective date.

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

Section 1. Section 1004.032, Florida Statutes, is created
to read:

1004.032 Graduate program admission for servicemembers.—

(1) As used in this section, the term:

(a) "GMAT" means the Graduate Management Admission Test.

(b) "Graduate program" means an advanced academic degree
program in a specialized field of study, including, but not
limited to, a master's or doctoral degree program, which degree
is pursued after one has obtained a bachelor's degree.

(c) "GRE" means the Graduate Record Examination.

(d) "Institution of higher education" means a state
university as defined in s. 1000.21(8).

(e) "Servicemember" has the same meaning as in s. 250.01.

(2) (a) An institution of higher education shall waive the
GRE or GMAT requirement for a servicemember who applies for

583-02124-24

2024494c2

admission to a graduate program that requires such examination.

(b) An institution of higher education shall waive the GRE or GMAT requirement for a person who served in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and was discharged or released under any condition other than dishonorable and who applies for admission to a graduate program that requires such examination.

Section 2. This act shall take effect July 1, 2024.



SENATOR Bryan Avila
39th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

January 16, 2024

Honorable Senator Debbie Mayfield
Committee on Rules

Honorable Chair Mayfield:

I respectfully request CS for CS for SB 494 Graduate Programs Admissions be placed on the next committee agenda.

CS for CS for SB 494 Graduate Program Admissions; Requiring an institution of higher education to waive certain examination requirements for a servicemember or a person who served in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and was discharged or released under any condition other than dishonorable and who applies for admission to a graduate program that requires such examination.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Avila".

Senator Bryan Avila
Florida Senate, District 39

CC: Philip Twogood, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

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

Senate's Website: www.flsenate.gov

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 522

INTRODUCER: Senator Simon

SUBJECT: Tallahassee Community College

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Favorable
2.	Jahnke	Twogood	RC	Favorable

I. Summary:

SB 522 changes the name of “Tallahassee Community College” to “Tallahassee State College.”

There may be costs associated with the name change, such as those related to signage, publication, documentation, advertising, and other related items. See Section V.

The bill is effective July 1, 2024.

II. Present Situation:

Florida College System

The Florida Constitution provides for a single state college system comprised of all public community and state colleges in the state.¹ This system is known as the Florida College System (FCS) and is comprised of 28 institutions.² The purpose of the FCS is to maximize open access for students, respond to community needs for postsecondary academic education, and career degree education.³ Each FCS institution is governed by a local board of trustees.⁴ The Florida College System is supervised by the State Board of Education (SBE).⁵

¹ FLA. CONST. art. IX, s. 8(a).

² Section 1000.21(5), F.S.

³ Section 1004.65(4) and (5), F.S.

⁴ FLA. CONST. art. IX, s. 8(b) and (c).

⁵ FLA. CONST. art. IX, s. 8(d).

Tallahassee Community College

Tallahassee Community College (TCC) opened in 1966 as “Tallahassee Junior College.”⁶ In 1970, the college’s name was changed to Tallahassee Community College to better reflect its community orientation and involvement.⁷ TCC is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACS) to award associate’s and baccalaureate degrees.⁸ TCC offers baccalaureate degrees in the following programs: nursing; business administration; elementary education; and exceptional student education.

Florida College System Institution Name Change

With the approval of its board of trustees, an FCS institution may change the institution’s name and use the designation “college” or “state college” if it has been authorized by the SBE to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by an accrediting agency or association recognized by the United States Department of Education (USDOE).⁹

With the approval of its board of trustees, an FCS institution that either has not been authorized to grant baccalaureate degrees or has not been accredited as a baccalaureate-degree-granting institution by an accrediting agency or association recognized by the USDOE may request approval from the SBE to change the institution’s name and use the designation “college.”¹⁰ The SBE may approve the request if the FCS institution enters into an agreement with the SBE to do the following:

- Maintain as its primary mission responsibility for responding to community needs for postsecondary academic education and career degree education.
- Maintain an open-door admissions policy for associate-level degree programs and workforce education programs.
- Continue to provide outreach to underserved populations.
- Continue to provide remedial education.
- Comply with all provisions of the statewide articulation agreement that relate to 2-year and 4-year public degree-granting institutions as adopted by the SBE.

A district board of trustees that approves a change to the name of an institution must seek statutory codification of such name change during the next regular legislative session.¹¹

⁶ Tallahassee Community College, Memorandum, *Renaming of Tallahassee Community College* (Nov. 14, 2023), available at <https://www.tcc.fl.edu/media/divisions/board-of-trustees-documents/2023/november/District-Board-of-Trustees-Packet-Document.pdf>.

⁷ *Id.*

⁸ Southern Association of Colleges and Schools, Commission on Colleges, *Tallahassee Community College*, https://sacscoc.org/institutions/?institution_name=Tallahassee+COmmunity+College&results_per_page=25&curpage=1&institution=0011N00001h9EGAQA2 (last visited Jan. 3, 2024).

⁹ Section 1001.60(2)(b)1., F.S.

¹⁰ Section 1001.60(2)(b)2., F.S.

¹¹ Section 1001.60(2)(c), F.S.

Tallahassee Community College Name Change

In June 2023, TCC convened a task force to begin the process of seeking a name change and rebrand for the institution.¹² The task force included internal representatives from each division of the college, a staff council, members of the Faculty Senate, Alumni and Friends Association, and Student Government Association.¹³ Through a competitive bidding process, the task force also hired a consulting firm to assist the process by:¹⁴

- Providing a report that evaluates TCC’s current brand through research, surveys, and focus groups.
- Developing and testing a new name and logo, if applicable, that keeps with TCC’s mission and vision, reflects the already-defined brand position, and helps to improve its position and strength in the market.
- Developing primary logo variations and additional branding for departments and initiatives.
- Providing a rebrand communications strategy and implementation plan for execution by the task force.

As a result of the research conducted and report provided by the consulting firm, the task force provided recommendations for evaluation to the president of TCC, who then provided his recommendation to the TCC Board of Trustees.¹⁵ On November 14, 2023, the TCC Board of Trustees approved the president’s recommendation to change TCC’s name to “Tallahassee State College.”

III. Effect of Proposed Changes:

The bill changes the name of “Tallahassee Community College” to “Tallahassee State College.” As Tallahassee Community College (TCC) is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACS) as a baccalaureate-degree-granting institution and the TCC Board of Trustees has approved the name change, TCC has met the statutory criteria to seek a name change from the Legislature.¹⁶

The bill is effective July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹² Tallahassee Community College, Memorandum, *Renaming of Tallahassee Community College* (Nov. 14, 2023), available at <https://www.tcc.fl.edu/media/divisions/board-of-trustees-documents/2023/november/District-Board-of-Trustees-Packet-Document.pdf>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Tallahassee Community College, Memorandum, *Renaming of Tallahassee Community College* (Nov. 14, 2023), available at <https://www.tcc.fl.edu/media/divisions/board-of-trustees-documents/2023/november/District-Board-of-Trustees-Packet-Document.pdf>.

¹⁶ *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be costs associated with the name change, such as those related to signage, publication, documentation, advertising, and other related items. These costs are estimated at approximately \$500,000, will be absorbed by the institution, and expended over two fiscal years.¹⁷

The name change and rebrand may also have an indeterminate positive fiscal impact as it may lead to an increase in enrollment, particularly in its baccalaureate programs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁷ Tallahassee Community College, Memorandum, *Renaming of Tallahassee Community College* (Nov. 14, 2023), available at <https://www.tcc.fl.edu/media/divisions/board-of-trustees-documents/2023/november/District-Board-of-Trustees-Packet-Document.pdf>.

VIII. Statutes Affected:

This bill substantially amends section 1000.21 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 Simon

3-01283-24

2024522__

1 A bill to be entitled
2 An act relating to Tallahassee Community College;
3 amending s. 1000.21, F.S.; renaming the college as
4 "Tallahassee State College"; providing an effective
5 date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Paragraph (aa) of subsection (5) of section
10 1000.21, Florida Statutes, is amended to read:

11 1000.21 Systemwide definitions.—As used in the Florida
12 Early Learning-20 Education Code:

13 (5) "Florida College System institution" except as
14 otherwise specifically provided, includes all of the following
15 public postsecondary educational institutions in the Florida
16 College System and any branch campuses, centers, or other
17 affiliates of the institution:

18 (aa) Tallahassee State ~~Community~~ College, which serves
19 Gadsden, Leon, and Wakulla Counties.

20 Section 2. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 19, 2024

I respectfully request that **Senate Bill # 522**, relating to renaming Tallahassee Community College to Tallahassee State College, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in black ink, appearing to read "Corey Simon", is written over a horizontal line.

Senator Corey Simon
Florida Senate, District 3

The Florida Senate

APPEARANCE RECORD

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

1-24-24

Meeting Date

Rules

Committee

522

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Erin Rock

Phone

850-334-2835

Address

123 S. Adams Street

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:

Tallahassee Community
College

☐

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 Rules

BILL: SM 540

INTRODUCER: Senator Avila

SUBJECT: Chinese and Cuban Governments

DATE: January 23, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Ingram</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2. <u>Ingram</u>	<u>Twogood</u>	<u>RC</u>	Favorable

I. Summary:

SM 540 is a memorial to the United States Department of State, urging the United States Secretary of State to condemn the emerging partnership between the Chinese Communist Party (CCP) and the communist regime in Cuba and the establishment of Chinese espionage and military capabilities in Cuba.

The memorial also urges the United States Secretary of State to condemn the CCP for taking steps to collect sensitive information regarding the United States Government and its citizens and for establishing a potential base for the CCP's military and intelligence services 90 miles from the United States, an aggressive action threatening national security.

The memorial directs the Secretary of State to dispatch copies to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the state delegation to the United States Congress.

A memorial is an official legislative document addressed to the United States Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

Cuban Communist Regime

The Cuban Communist Party was founded in the 1920s and registered as a political party in 1939, going through several name and organizational changes until it became the Communist

Party of Cuba in 1965 under Fidel Castro.^{1, 2} In February 2019, a newly ratified constitution codified that Cuba continues to be a one-party system in which the Communist Party is the only legal political party.³

On January 3, 1961, the United States cut off diplomatic relations with Cuba due to unjustified action by the Cuban government which placed detrimental limitations on the ability of the United States Mission to carry out its customary ambassadorial functions.⁴ In an exchange of letters in June 2015, President Barack Obama and Cuban President Raúl Castro agreed to the recommencement of formal diplomatic relations between the two countries on July 20, 2015, when both countries elevated their respective Interests Sections⁵ to Embassy status.⁶

Chinese Communist Party

Founded in 1921 in Shanghai, the CCP began as a study group working within the confines of the First United Front with the Chinese Nationalist Party.⁷ Chinese communists joined with the Nationalist Army in 1926 to rid China of the warlords that prevented the formation of a strong central government. This collaboration lasted until 1927, when the Nationalists violently turned on the communists, ousting them from the Nationalist Party.⁸

On October 1, 1949, the CCP leader Mao Zedong declared the creation of the People's Republic of China (PRC). The announcement ended the costly full-scale civil war between the CCP and the Nationalist Party, which broke out immediately following World War II and had been preceded by conflict between the two sides since the 1920s. The creation of the PRC also completed the long process of governmental upheaval in China begun by the Chinese Revolution of 1911. The “fall” of mainland China to communism in 1949 led the United States to suspend diplomatic ties with the PRC for decades.⁹

In 1973, as part of an effort toward normalization, the United States and the PRC each opened a liaison office in Beijing and Washington, D.C., respectively, to conduct all matters pertaining to the United States-PRC relationship with the exception of formal diplomatic aspects. On January

¹ U.S. Dep't of State, Office of the Historian, *Foreign Relations Of The United States, 1958–1960, Cuba, Volume VI, Document 278, Growth of Communism in Cuba*, available at <https://history.state.gov/historicaldocuments/frus1958-60v06/d278> (last visited Jan. 2, 2024).

² Britannica, *History & Society, Communist Party of Cuba* (Dec. 6. 2023) available at <https://www.britannica.com/topic/Communist-Party-of-Cuba> (last visited Jan. 2, 2023).

³ U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, *2020 Country Reports on Human Rights Practices: Cuba*, available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/cuba/> (last visited Jan. 2, 2024).

⁴ U.S. Dep't of State, Office of the Historian, *A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: Cuba*, available at <https://history.state.gov/countries/cuba> (last visited Jan. 2, 2024).

⁵ The National Museum of American Diplomacy defines an “Interests Section” as an office responsible for protecting the interests of the United States, housed in a third country embassy, in a country with which the United States has no formal diplomatic relations, available at <https://diplomacy.state.gov/encyclopedia/interest-section/> (last visited Jan. 2, 2024).

⁶ U.S. Dep't of State, *supra* note 4.

⁷ U.S. Dep't of State, Office of the Historian, *Milestones: 1945-1952, The Chinese Revolution of 1949*, available at <https://history.state.gov/milestones/1945-1952/chinese-rev> (last visited Jan. 2, 2024).

⁸ Britannica, *History & Society, Chinese Political Party* (Jan. 1, 2024) available at <https://www.britannica.com/topic/Chinese-Communist-Party> (last visited Jan. 2, 2024).

⁹ U.S. Dep't of State, *supra* note 7.

1, 1979, the United States recognized the PRC and established diplomatic relations with it as the sole legitimate government of China. Subsequently, the United States opened an Embassy in Beijing on March 1, 1979, which was the previously established United States Liaison Office.¹⁰

Office of the Secretary of Defense

Annual Report to Congress: Military and Security Developments Involving the People's Republic of China

According to the 2023 Secretary of Defense's report to Congress, the PRC's national strategy is "a determined pursuit of political, social, and military modernity to expand the PRC's national power, perfect its governance, and revise the international order in support of the PRC's system of governance and national interests."¹¹ The report expounds on China's national, economic, and military strategies, along with China's intent to develop technologically and to expand in different areas including, but not limited to, the PRC's military modernization and operational goals and "its overseas logistics and basing infrastructure to allow the [People's Liberation Army] (PLA) to project and sustain military power at greater distances. If realized, a global PLA military logistics network could disrupt United States military operations as the PRC's global military objectives evolve."¹²

Spy Balloon

Balloons, in certain instances and compositions, have a long history of technological use. Balloons have been utilized by government organizations to collect information in numerous ways including, but not limited to, weather monitoring, scientific investigations relating to space exploration, the detection and monitoring of drug-smuggling operations, and information collection on pollution and the ozone.¹³

Weather balloons used by the National Weather Service measure about 6 feet wide when launched, and as the weather balloon rises it expands in diameter to about 20 feet.¹⁴ Weather balloons remain in the air for a couple of hours and usually only travel about 100 miles from where they were launched.¹⁵

¹⁰ U.S. Dep't of State, Office of the Historian, *A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: China*, available at <https://history.state.gov/countries/china> (last visited Jan. 2, 2024).

¹¹ U.S. Dep't of Defense, *Annual Report-Military and Security Developments Involving the People's Republic of China 2023, Executive Summary, Understanding China's Strategy, p. II*, available at <https://media.defense.gov/2023/Oct/19/2003323409/-1/-1/1/2023-MILITARY-AND-SECURITY-DEVELOPMENTS-INVOLVING-THE-PEOPLES-REPUBLIC-OF-CHINA.PDF> (last visited Jan. 2, 2024).

¹² *Id.* at XI.

¹³ Government Technology, *10 Uses for Balloons That (Probably) Won't Cause an International Incident* (Feb. 15, 2023) available at <https://www.govtech.com/products/10-uses-for-balloons-that-probably-wont-cause-an-international-incident> (last visited Jan. 2, 2024).

¹⁴ Jan Wesner Childs, Tim Harris and Jonathan Belles, *Chinese Balloon Shot Down Differs From Weather Balloons*, The Weather Channel (Feb. 5, 2023) available at <https://weather.com/news/news/2023-02-04-chinese-balloon-spy-weather> (last visited Jan. 2, 2024).

¹⁵ *Id.*

Balloons may also be used for adversary surveillance, and in contrast to a weather balloon, spy balloons are typically much larger and may continue to be airborne for multiple days as opposed to just hours, as was witnessed when the PRC's high-altitude surveillance balloon purposefully crossed over the United States and Canada in February 2023.¹⁶ Unlike a typical weather balloon the PRC's surveillance balloon was 200 feet tall, and the payload¹⁷ was 90 feet across.¹⁸ China falsely claimed that the balloon was a weather balloon that was blown off-course. Its route over the United States, near many potential sensitive sites, contradicted the PRC government's explanation that it was a weather balloon.¹⁹ The spy balloon was brought down into the ocean off the coast of South Carolina when a fighter aircraft from Langley Air Force Base fired a missile into the balloon.²⁰ It was determined that the high-altitude balloon's equipment was clearly for intelligence surveillance²¹ and according the United States Secretary of State, "once over the United States, the balloon, attempted to surveil very critical, important military installations."²²

Media Reports

On June 8, 2023, it was reported that China and Cuba reached an undisclosed agreement for China to establish an electronic eavesdropping facility in Cuba²³ and on June 11, it was then reported that China had been operating a spy base in Cuba since at least 2019 as part of a global effort by Beijing to upgrade its intelligence-gathering capabilities.²⁴

According to a report in the Miami Herald, a research professor at the United States Army War College²⁵ opined that if China sets up a military training facility in Cuba, such facility placement "accelerates the level of tactical and operational coordination between China and Cuba that can be used in times of war."²⁶

¹⁶ U.S. Dep't of Defense, *Transcript-Senior Defense Official and Senior Military Official Hold an Off-Camera, On-Background Press Briefing Update on the High-Altitude Surveillance Balloon* (Feb. 4, 2023) available at www.defense.gov/News/Transcripts/Transcript/Article/3288618/senior-defense-official-and-senior-military-official-hold-an-off-camera-on-back/ (last visited Jan. 2, 2024).

¹⁷ Merriam-Webster Dictionary defines "payload" as the load carried by an aircraft or spacecraft consisting of people or things (such as passengers or instruments) necessary to the purpose of the flight, available at <https://www.merriam-webster.com/dictionary/payload> (last visited Jan. 2, 2024).

¹⁸ U.S. Dep't of State, *U.S.-China Relations FPC Briefing* (Feb. 22, 2023) available at <https://www.state.gov/briefings-foreign-press-centers/us-china-relations> (last visited Jan. 2, 2024).

¹⁹ U.S. Dep't of Defense, *supra* note 16.

²⁰ *Id.*

²¹ U.S. Dep't of State, *supra* note 17.

²² Press Release, U.S. Dep't of State, *Secretary Antony J. Blinken With Martha Raddatz of ABC This Week*, Feb. 19, 2023, available at <https://www.state.gov/secretary-antony-j-blinken-with-martha-raddatz-of-abc-this-week-2/> (last visited Jan. 2, 2024).

²³ Warren P. Strobel and Gordon Lubold, *Cuba to Host Secret Chinese Spy Base Focusing on U.S., Beijing agrees to pay Havana several billion dollars or eavesdropping facility*, The Wall Street Journal (June 8, 2023) available at https://www.wsj.com/articles/cuba-to-host-secret-chinese-spy-base-focusing-on-u-s-b2fed0e0?reflink=desktopwebshare_permalink (last visited Jan. 2, 2024).

²⁴ Aamer Madhaniap, Washington News - *US confirms China has had a spy base in Cuba since at least 2019*, AP (June 11, 2023) available at <https://apnews.com/article/china-cuba-spy-base-us-intelligence-0f655b577ae4141bdbeabc35d628b18f> (last visited Jan. 2, 2024).

²⁵ CSIS-Center for Strategic & International Studies, *Evan Ellis*, available at <https://www.csis.org/people/evan-ellis> (last visited Jan. 2, 2024).

²⁶ Nora Gámez Torres, *China has had a spy base in Cuba for decades, a former intelligence officer says*, Miami Herald, July 5, 2023 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic).

In a letter to the United States Secretary of State and the Director of the Central Intelligence Agency regarding PRC intelligence and military activities in Cuba, the Chairs of the United States Senate Foreign Relations Committee and United States House Foreign Affairs Committee both expressed their concerns regarding the reported collusion of the Cuban regime and the PRC and how the countries' working partnership undermines United States national security.²⁷

Memorial

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

III. Effect of Proposed Changes:

SM 540 urges the United States Secretary of State to condemn the emerging partnership between the CCP and the communist regime in Cuba and the establishment of Chinese espionage and military capabilities in Cuba.

The memorial also urges the United States Secretary of State to condemn the CCP for taking steps to collect sensitive information regarding the United States Government and its citizens and for establishing a potential base for CCP's military and intelligence services 90 miles from the United States, an aggressive action threatening national security.

The memorial directs the Secretary of State to dispatch copies to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the state delegation to the United States Congress.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁷ Press Release, Congress of the United States, *Chairmen McCall, Menendez Call on Blinken, Burns to Receive Classified Briefing on China-Cuba Spy Facility*, Jun. 22, 2023, available at <https://foreignaffairs.house.gov/press-release/chairmen-mccaul-menendez-call-on-blinken-burns-to-receive-classified-briefing-on-china-cuba-spy-facility/> (last visited Jan. 2, 2024).

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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 Avila

39-00825-24

2024540__

Senate Memorial

A memorial to the United States Secretary of State urging the secretary to condemn the emerging partnership between the Chinese Communist Party and the communist regime in Cuba and the establishment of Chinese espionage and military capabilities in Cuba.

WHEREAS, on February 4, 2023, the United States military shot down a Chinese spy balloon off the Carolina coast, and

WHEREAS, the United States military affirmed that the balloon was used to intercept electronic signals and to monitor sensitive military sites, and

WHEREAS, on June 8, 2023, *The Wall Street Journal* reported that China and Cuba have reached an agreement, in principle, to build an electronic eavesdropping station in Cuba, which would result in Cuba's receipt of billions of dollars from China, and

WHEREAS, several days later, an unnamed administration official confirmed that, since 2019, China has been operating a spy base in Cuba as part of a global effort to upgrade its intelligence-gathering capabilities, and

WHEREAS, the communist regime in Cuba has a history of opening its doors to nations adversarial to the United States in order to undermine our country's national security interests, and

WHEREAS, China's willingness to embrace and partner with the Cuban dictatorship, which has historically engaged in espionage against the United States, should be a cause for concern, and

WHEREAS, as global tensions have increased, the Chinese

39-00825-24

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Government has sought to build up its military and develop more sophisticated technological capabilities to collect and analyze signals intelligence, and

WHEREAS, Dr. Evan Ellis, a Latin American Studies research professor at the United States Army War College, opines that the establishment of a spy base "accelerates the level of tactical and operational coordination between China and Cuba that can be used in times of war," and

WHEREAS, efforts to foster a partnership between China and Cuba should be condemned in light of Cuba's history of antagonistic behavior toward the United States and Communist China's willingness to embrace partners that oppose democracy, NOW, THEREFORE,

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

That the United States Secretary of State is urged to condemn the emerging partnership between the Chinese Communist Party and the communist regime in Cuba and the establishment of Chinese espionage and military capabilities in Cuba.

BE IT FURTHER RESOLVED that the United States Secretary of State is urged to condemn the Chinese Communist Party for taking steps to collect sensitive information regarding the United States Government and its citizens.

BE IT FURTHER RESOLVED that the United States Secretary of State is urged to condemn the Chinese Communist Party for establishing a potential base for the Chinese Communist Party's military and intelligence services a mere 90 miles from the United States, an aggressive action that threatens our national

39-00825-24

2024540__

59 security.

60 BE IT FURTHER RESOLVED that the Secretary of State dispatch
61 copies of this memorial to the President of the United States,
62 the President of the United States Senate, the Speaker of the
63 United States House of Representatives, the United States
64 Secretary of State, and each member of the Florida delegation to
65 the United States Congress.



SENATOR Bryan Avila
39th District

**THE FLORIDA
SENATE**

Tallahassee, Florida 32399-1100

COMMITTEES:

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

January 10, 2024

Honorable Senator Debbie Mayfield
Committee on Rules

Honorable Chair Mayfield:

I respectfully request SM 540 Chinese and Cuban Governments be placed on the next committee agenda.

SM 540 Chinese and Cuban Governments; Urges the United States Secretary of State to condemn the emerging partnership between the Chinese Communist Party and the communist regime in Cuba and the establishment of Chinese espionage and military capabilities in Cuba.

Sincerely,

A handwritten signature in cursive script, reading "Bryan Avila".

Senator Bryan Avila
Florida Senate, District 39

CC: Philip Twogood, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

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

Senate's Website: www.flsenate.gov

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 702

INTRODUCER: Senator Martin

SUBJECT: Attorney Fees and Costs

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Collazo</u>	<u>Twogood</u>	<u>RC</u>	Favorable

I. Summary:

SB 702 requires courts to award reasonable attorney fees and costs to prevailing defendants in civil litigation concerning property rights, if the improvements made by the defendant property owner were made in substantial compliance with, or in reliance on, environmental or regulatory approvals or permits issued by a political subdivision of the state or a state agency.

For purposes of the bill, the term “property rights” includes, but is not limited to, use rights, ingress and egress rights, and those rights incident to land bordering upon navigable waters as described in the riparian rights statute.¹

The bill takes effect upon becoming a law.

II. Present Situation:

Real Property Disputes

“Property” may be described as the rightful and legal domination one might have over a material object, including the right to use, enjoy, and dispose of that object.² Rights in property are basic civil rights.³ The primary elements of property ownership are the rights of possession, use and enjoyment; the right to change or improve the property; and the right to alienate the property.⁴

¹ Section 253.141, F.S.

² See *Tatum Bros. Real Estate & Investment Co. v. Watson*, 109 So. 623, 626 (1926) (providing that “[w]hile the word ‘property,’ in common use, is applied to the tangible physical thing commonly called property, in the law it is not the material object but the right and interest which one has in it, to the exclusion of others, which constitutes property”); see also *Village of Tequesta v. Jupiter Inlet Corp.*, 371 So. 2d 663, 668 (Fla. 1979) (remarking that property in its strict legal sense means that “dominion or indefinite right of user and disposition which one may lawfully exercise over particular things or objects” (internal citation and quotations omitted)); *Dade County v. General Waterworks Corp.*, 267 So. 2d 633, 636 (Fla. 1972) (noting that the Florida Constitution requires full compensation for the taking of property).

³ *Corn v. State*, 332 So. 2d 4, 7 (Fla. 1976).

⁴ *Southern Owners Ins. Co. v. Cooperativa De Seguros Multiples*, 143 So. 3d 439, 442 (Fla. 5th DCA 2014).

Property may be either tangible or intangible⁵ and may be classified as either personal property, which is movable, or real property, which is not.⁶

Unfortunately, real property disputes between neighbors are common. They include, among other things, title disputes (involving competing claims to property ownership); boundary disputes (involving confusion or disagreement over property lines); easement and right-of-way disputes (involving disagreement over the precise extent and nature of ingress and egress access rights); and zoning and land use disputes (involving disagreement regarding how local land use and zoning laws are applied to specific properties).⁷

One way to resolve adverse claims to disputed property is to bring a quiet title action in circuit court pursuant to state law.⁸ Quiet title actions, which are equitable in nature,⁹ can determine the ownership or allocation of real property as between the disputing parties and others.¹⁰

In Florida, a prevailing party can recover attorney's fees only if they are: authorized by contract; authorized by a constitutional legislative enactment; or awarded for services performed by an attorney in creating or bringing into the court a fund or other property.¹¹ Unless one of these conditions applies, there can be no recovery for prevailing party attorney's fees in quiet title actions.¹²

Riparian Rights

Riparian rights¹³ are rights of a landowner incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law.¹⁴ Riparian rights benefit the owner of the riparian land, but such rights are attached to the land and are not owned by the land owner. In order for the rights to attach, the

⁵ 10 FLA. JUR. 2D, *Conflict of Laws* s. 18.

⁶ *Id.*

⁷ See, e.g., The Boutty Law Firm, P.A., *Understanding Common Property Disputes in Florida*, <https://bouttylaw.com/understanding-common-property-disputes-in-florida/> (last visited Jan. 4, 2024) (identifying boundary disputes, easement disputes, and title disputes as common property disputes); Nettleman Land Consultants, *Types of Property Disputes*, <https://cnettleman.net/types-of-land-disputes/> (last visited Jan. 4, 2024) (similar).

⁸ See generally ch. 65, F.S.

⁹ *Price v. Tyler*, 890 So. 2d 246, 252 (Fla. 2004).

¹⁰ 20 FLA. JUR. 2D, *Ejectment and Related Remedies* s. 73.

¹¹ *Kittel v. Kittel*, 210 So. 2d 1, 3 (Fla. 1967).

¹² *Price*, 890 So. 2d at 252-53.

¹³ Technically, the term “riparian” refers to land abutting nontidal or navigable river waters, and the term “littoral” refers to land abutting navigable ocean, sea, or lake waters. *5F, LLC v. Hawthorne*, 317 So. 3d 220, 222 n.1 (Fla. 2d DCA 2021) and *Walton County v. Stop Beach Renourishment, Inc.*, 998 So. 2d 1102, 1105 n.3 (Fla. 2008), *aff'd sub nom. Stop the Beach Renourishment, Inc. v. Fla. Dep't of Env't Prot.*, 560 U.S. 702 (2010). However, the term “riparian” is commonly used to refer to all waterfront owners, so “riparian rights” can be used to refer to rights associated with both riparian and littoral lands. *Id.*

¹⁴ Section 253.141(1), F.S.; see also *Odom v. Deltona Corp.*, 341 So. 2d 977, 981 (Fla. 1976) (providing that “whether or not a particular area is that of a navigable body of water and thus sovereignty property held in trust [under Article X, Section 11 of the Florida Constitution] is a question of fact and dependent upon whether or not the body of water is permanent in character and, in its ordinary and natural state, is navigable for useful purposes and is of sufficient size and so situated and conditioned that it may be used for purposes common to the public in the locality where it is located); see also *Brevard Cty. v. Blasky*, 875 So. 2d 6, 13-14 (Fla. 5th DCA 2004) (explaining that navigability is determined as of 1845, the date Florida became a state).

land must extend to the ordinary high water mark or the mean high water line¹⁵ of the navigable water. Whoever owns or leases the land enjoys the rights, regardless of whether they are mentioned in a deed or lease.¹⁶ Riparian rights may not be taken without just compensation and due process of law.¹⁷ If a landowner's common-law riparian rights are violated by the acts of another individual, the landowner may bring an action against him or her.¹⁸

The state holds title to sovereign submerged lands in trust for public use.¹⁹ The public generally enjoys rights such as bathing, fishing, commerce, and navigation.²⁰ Upland property owners enjoy these rights in common with the public.²¹ Riparian rights are additional, exclusive rights that are held by upland property owners but not the general public.²² Such rights generally include, but are not limited to, the following:

- Access to and from the water.
- An unobstructed view over the water.
- Reasonable use of the water.
- Accretions and relictions.²³
- Wharfing out, meaning building structures on the shoreline.²⁴

The doctrines of erosion, accretion, and reliction affect riparian rights.²⁵ When gradual and imperceptible losses or additions to the shoreline occur, the boundary between public and private land (i.e., the mean high-water line)²⁶ is altered accordingly.²⁷ Riparian property owners automatically take title to dry land added to their property by accretion or reliction.²⁸ However, under the doctrine of avulsion, following sudden or perceptible loss or addition to the shoreline,

¹⁵ *Walton County*, 998 So. 2d at 1124 (noting that the “ordinary high water mark is well established as the dividing line between private riparian and sovereign or public ownership of the land beneath the water”); see also s. 253.03(8)(b), F.S. (identifying “submerged lands,” for purposes of inventorying public lands, as “publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state”); see also s. 177.28, F.S. (same).

¹⁶ Section 253.141(1), F.S.

¹⁷ *Broward v. Mabry*, 58 Fla. 398, 410 (1909).

¹⁸ *Harrell v. Hess Oil & Chem. Corp.*, 287 So. 2d 291, 295 (Fla. 1973).

¹⁹ FLA. CONST. art. X, s. 11.

²⁰ *Walton County*, 998 So. 2d at 1110-11.

²¹ *Id.* at 1110-11. These special littoral rights are such as are necessary for the use and enjoyment of the upland property, but these rights may not be so exercised as to injure others in their lawful rights. *Id.* at 1111.

²² *Id.*

²³ *Id.* “Accretion” is the gradual and imperceptible accumulation of land; “reliction” is an increase of the land by a gradual and imperceptible withdrawal of a waterbody. *Id.* at 1113.

²⁴ See Brendan Mackesey, *An Overview of Riparian Rights in Florida*, The Reporter, The Environmental and Land Use Law Section, Vol. XLI, No. 1, 1, 13-16 (Oct. 2020), available at <https://eluls.org/wp-content/uploads/2021/02/The-Environmental-and-Land-Use-Law-Section-Reporter-October-2020.pdf>.

²⁵ *Walton County*, 998 So. 2d at 1112-15.

²⁶ See s. 177.28(1), F.S.

²⁷ *Bd. of Trustees of the Internal Imp. Tr. Fund v. Sand Key Assocs., Ltd.*, 512 So. 2d 934, 936 (Fla. 1987).

²⁸ *Stop the Beach Renourishment, Inc. v. Fla. Dep’t of Env’t Prot.*, 560 U.S. 702, 709 (2010); see also *Bd. of Trustees of the Internal Imp. Tr. Fund v. Sand Key Assocs., Ltd.*, 512 So. 2d 934, 938-39 (holding that owners have a right to claim accreted land when the accretion was artificially-caused, as long as the owner did not cause the accretion); see also *New Jersey v. New York*, 523 U.S. 767, 783 (1998) (explaining that an owner may not extend their own property into the water by landfilling or purposefully causing accretion); see also s. 161.051, F.S. (providing that the state will retain title to additions or accretions to the permittee’s property caused by permitted coastal improvements).

the boundary between public and private land remains where it existed before the avulsive event occurred.²⁹

Environmental or Regulatory Approvals or Permits

Political Subdivisions and State Agencies

“Political subdivisions” include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in the state.³⁰ Notably, although the state’s five water management districts³¹ qualify as political subdivisions of the state, state courts have also treated them as state agencies in certain contexts.³²

An “agency,” as the context requires, means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or another unit or entity of government.³³ State agencies have been described as “component parts of the state which jurisdiction extends to every part of the state[.]”³⁴ The Department of Environmental Protection is one example of a state agency.³⁵

The State ERP Permitting Process

The Department of Environmental Protection, or a water management district having jurisdiction, regulates activities in, on, or over surface waters of the state, as well as any activity that alters surface water flows, through the issuance of environmental resource permits (ERPs). ERPs are generally required for the construction, alteration, operation, maintenance, abandonment, and removal of any stormwater management system, dam, impoundment, reservoir, work, or appurtenant work.³⁶ In this context, the term “works” includes any artificial structure that is placed in or across the waters of the state, such as a docking facility.³⁷

The department or the water management district may require an ERP and impose conditions necessary to assure that the construction or alteration of any work complies with state law and

²⁹ *Walton County*, 998 So. 2d at 1114. “Avulsion” is the sudden or perceptible loss of or addition to land by the action of the water or a sudden change in the bed of a lake or the course of a stream. *Id.* at 1116.

³⁰ Section 1.01(8), F.S.

³¹ The Department of Environmental Protection exercises general supervisory authority over the state’s five water management districts, which are responsible for the administration of water resources at the regional level: the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and South Florida Water Management District. Florida Department of Environmental Protection, *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Jan. 4, 2024).

³² See Op. Att’y Gen. Fla. 90-66 (1995) (concluding that water management districts would more accurately be characterized as districts, special districts, or political subdivisions); see also *Miccosukee Tribe of Indians of Florida v. U.S.*, 980 F.Supp. 448, 452, 459-60 (S.D. Fla. 1997) (describing the South Florida Water Management District as a political subdivision of the state, but also concluding that it is a state agency for purposes of immunity from suit under the Eleventh Amendment to the U.S. Constitution).

³³ Section 20.03(1), F.S.

³⁴ Op. Att’y Gen. Fla. 90-66 (1995).

³⁵ See Office of Program Policy Analysis and Government Accountability, *State of Florida Organizational Chart*, <https://oppaga.fl.gov/ProgramSummary/OrgChart> (last visited Jan. 4, 2024) (identifying all state agencies).

³⁶ Section 373.413(1), F.S.

³⁷ Section 373.403(5), F.S.; see also Fla. Admin. Code R. 18-21.003(22) and 18-21.004 (providing definitions and specific approval criteria for the construction of docking facilities over sovereign submerged lands).

rules, and will not be harmful to water resources.³⁸ Pursuant to statutory authority,³⁹ the department has adopted a comprehensive chapter of rules and a handbook that governs the permitting process.⁴⁰

In 2020,⁴¹ the state assumed responsibility under section 404 of the federal Clean Water Act⁴² for dredge and fill permitting.⁴³ The department has adopted rules to implement the section 404 program⁴⁴ and is responsible for overseeing the permitting for any project that proposes dredge or fill activities within state-assumed waters.⁴⁵ There is significant overlap between the federal 404 permitting program and the ERP program.

III. Effect of Proposed Changes:

The bill creates s. 57.106, F.S., regarding the recovery of attorney fees and costs in certain disputes regarding property rights.

The bill provides that in a civil action brought against the owner of a parcel of real property to resolve a dispute concerning property rights, the court must award reasonable attorney fees and costs to the prevailing defendant if the improvements made to the property by the defendant property owner were made in substantial compliance with, or in reliance on, environmental or regulatory approvals or permits issued by a political subdivision of the state or a state agency.

For purposes of the bill, the term “property rights” includes, but is not limited to, use rights, ingress and egress rights, and those rights incident to land bordering upon navigable waters as described in the riparian rights statute.⁴⁶

The act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁸ Section 373.413(1), F.S.

³⁹ Section 373.4131, F.S.

⁴⁰ See generally Fla. Admin. Code Ch. 62-330; DEP, *Environmental Resource Permit Applicant’s Handbook, Vol. 1* (Dec. 22, 2020), available at <https://floridadep.gov/water/water/content/water-resource-management-rules>; Fla. Admin. Code R. 62-330.010(4) (incorporating the handbook by reference).

⁴¹ See generally DEP, *State 404 Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/state-404-program> (last visited Jan. 4, 2024) (citing 85 FR 83553).

⁴² 33 U.S.C. s. 1251 et seq.

⁴³ Section 373.4146, F.S.

⁴⁴ See Fla. Admin. Code Ch. 62-331.

⁴⁵ DEP, *State 404 Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/state-404-program> (last visited Jan. 4, 2024).

⁴⁶ Section 253.141, F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because the bill requires courts to award reasonable attorney fees and costs to prevailing defendants (only) under the circumstances contemplated by the bill, it will be riskier and potentially more expensive for adjacent private property owners to bring such lawsuits. Likewise, the bill will reduce the need for property owners who act in reliance on government approvals and permits to spend funds to defend against lawsuits based on those actions.

C. Government Sector Impact:

Because it will be riskier and potentially more expensive for adjacent private property owners to bring lawsuits under the circumstances contemplated by the bill, it is anticipated that fewer lawsuits will be filed in circuit courts, thereby decreasing their caseloads to some extent.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 57.106 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

33-00717-24

2024702__

A bill to be entitled
An act relating to attorney fees and costs; creating
s. 57.106, F.S.; defining the term "property rights";
requiring courts to award reasonable attorney fees and
costs to a prevailing defendant in certain civil
actions under specified circumstances; providing an
effective date.

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

Section 1. Section 57.106, Florida Statutes, is created to
read:

57.106 Recovery of attorney fees and costs in certain
disputes regarding property rights.—

(1) For the purposes of this section, the term "property
rights" includes, but is not limited to, use rights, ingress and
egress rights, and those rights incident to land bordering upon
navigable waters as described in s. 253.141.

(2) In a civil action brought against the owner of a parcel
of real property to resolve a dispute concerning property
rights, the court must award reasonable attorney fees and costs
to the prevailing defendant if the improvements made to the
property by the defendant property owner were made in
substantial compliance with, or in reliance on, environmental or
regulatory approvals or permits issued by a political
subdivision of the state or a state agency.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SM 1020

INTRODUCER: Senator Ingoglia

SUBJECT: Designation of Drug Cartels as Foreign Terrorist Organizations

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ingram	Proctor	MS	Favorable
2.	Ingram	Twogood	RC	Favorable

I. Summary:

SM 1020 is a memorial to the United States Department of State urging the United States Secretary of State to designate drug cartels as Foreign Terrorist Organizations so that the appropriate means may be initiated to mitigate and, eventually, eliminate their operations.

The memorial directs the Secretary of State to dispatch copies to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the state delegation to the United States Congress.

A memorial is an official legislative document addressed to the United States Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

Measures Against Drug Cartels and Transnational Organizations

Executive Order 14059

On December 15, 2021, and in response to illicit drug trafficking into the United States, the President of the United States signed Executive Order 14059, to combat drug cartels, transnational criminal organizations (TCO), and their facilitators, which are the primary sources of illicit drugs and precursor chemicals that fuel the current opioid epidemic, as well as drug-related violence that harms American communities. Essentially Executive Order 14059 imposes sanctions on foreign persons involved in the global illicit drug trade¹ and authorizes the Secretary

¹ The White House, Briefing Room, *Presidential Actions - Executive Order on Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade*, (Dec. 15, 2021) available at <https://www.whitehouse.gov/briefing->

of the Treasury, in consultation with the United States Secretary of State, the United States Attorney General, and the Secretary of Homeland Security, to impose those sanctions.²

In November 2023, the Office of Foreign Assets Control (OFAC) within the United States Department of the Treasury, in accordance with Executive Order 14059, imposed sanctions on 13 members of a well-known drug cartel for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production. One of those members, Morgan Huerta, who manages the cartel's operations and oversees the trafficking of multi-ton quantities of illicit drugs from Mexico into the United States, was indicted in a United States District Court on various drug trafficking charges in April 2021 and is still a fugitive. OFAC also sanctioned four Mexico-based companies that were owned or controlled, directed by, having acted or purported to act for or on behalf of, directly or indirectly, those certain designated members of the drug cartel.³

Designation of Foreign Terrorist Organizations

In consultation with the United States Secretary of the Treasury and the United States Attorney General, the United States Secretary of State may designate an organization as a Foreign Terrorist Organization in accordance with section 219 of the Immigration and Nationality Act,⁴ as amended if the United States Secretary of State finds that:

- The organization is a foreign organization;
- The organization engages in terrorist activity⁵ or retains the capability and intent to engage in terrorist activity or terrorism⁶; and
- The terrorist activity or terrorism of the organization threatens the security of the United States nationals or the national security, which includes national defense, foreign relations, or the economic interests⁷ of the United States.⁸

Drug Cartels

Illicit drugs

Drug cartels⁹ engage in illicit activities that are penetrating the United States borders. These cartels have been responsible for the export and distribution of fentanyl and other illicit drugs

[room/presidential-actions/2021/12/15/executive-order-on-imposing-sanctions-on-foreign-persons-involved-in-the-global-illicit-drug-trade/](https://www.whitehouse.gov/presidential-actions/2021/12/15/executive-order-on-imposing-sanctions-on-foreign-persons-involved-in-the-global-illicit-drug-trade/) (Jan. 11, 2024).

² *Id.* at Section 1, Section 2.

³ Press Release, U.S. Dep't of the Treasury, *Treasury Sanctions Sinaloa Cartel Network Flush with Illicit Fentanyl on Southwest Border* (Nov. 7, 2023) available at <https://home.treasury.gov/news/press-releases/jy1887> (last visited Jan. 10, 2024).

⁴ U.S. Dep't of Homeland Security, U.S. Citizenship and Immigration Services, *Immigration and Nationality Act*, available at <https://www.uscis.gov/laws-and-policy/legislation/immigration-and-nationality-act> (last visited Jan. 5, 2024).

⁵ 8 U.S.C. §1182(a)(3)(B).

⁶ 22 U.S.C. §2656f(d)(2).

⁷ U.S. Dep't of State, Bureau of Counterterrorism, *Foreign Terrorist Organizations*, available at <https://www.state.gov/foreign-terrorist-organizations/> (last visited Jan. 5, 2024).

⁸ 8 U.S.C. §1189(a).

⁹ U.S. Dep't of Justice, Archives, *Drug Trafficking Organizations*, defines "drug cartels" as large, highly sophisticated organizations composed of multiple drug trafficking organizations and cells with specific assignments such as drug transportation, security/enforcement, or money laundering. Drug cartel command-and-control structures are based outside the

which have caused extensive drug-related overdoses and deaths in the United States. According to provisional data from the Centers for Disease Control and Prevention, over 100,000 drug overdose deaths in the United States were reported each year in 2021 and 2022.¹⁰

On January 26, 2023, the United States Drug Enforcement Administration (DEA) indicated the nationwide seizure totals as of December 2022, were over 50.6 million fentanyl pills and more than 10,500 pounds of fentanyl powder.¹¹ The DEA Laboratory estimates that these seizures represent more than 379 million potentially deadly doses of fentanyl, which equates to enough fentanyl to kill every American.¹² The seizure totals represent only a portion of the illicit drugs being created or illegally imported in to the United States.

During the federal fiscal year 2023, the Department of Homeland Security seized over 43,000 pounds of fentanyl,¹³ with the United States Customs and Border Protection (CBP) seizing 27,000 pounds of fentanyl.¹⁴

One of the many tasks performed by CBP agents is to combat drug smuggling and drug trafficking into the United States across the southern border and via ports of entry. In May 2023, drug smugglers attempted to smuggle illicit drugs into the country when CBP agents in California conducted a vehicular stop and, at the checkpoint, the agents discovered 112 pounds of narcotics that tested positive for fentanyl with an estimated street value of about \$1.5 million.¹⁵ The San Diego Sector Chief Patrol Agent said that “[transnational] criminal organizations do everything they can to distribute these harmful narcotics and earn their profits with no regard for the destructive effects they have on our communities.”¹⁶ In another seizure on December 21, 2023, smugglers were intercepted in Texas where CBP officers seized 1,018 pounds of methamphetamine and 65 pounds of cocaine with a street value of \$10.2 million.¹⁷ A drug smuggling seizure via the Ysleta port of entry occurred in December 2023, when CBP

United States; however, they produce, transport, and distribute illicit drugs domestically with the assistance of drug trafficking organizations that are either a part of or in an alliance with the cartel. (February 2010) *available at* <https://www.justice.gov/archive/ndic/pubs38/38661/dtos.htm> (last visited Jan. 10, 2024).

¹⁰ Centers for Disease Control and Prevention, NCHS: A Blog of the National Center for Health Statistics, *Provisional Data Shows U.S. Drug Overdose Deaths Top 100,000 in 2022* (May 18, 2023) *available at* <https://blogs.cdc.gov/nchs/2023/05/18/7365/> (last visited on Jan. 5, 2024).

¹¹ Press Release, U.S. Drug Enforcement Administration, *DEA Washington Division Announces the Seizure of Over 8 Million of Deadly Doses of Fentanyl in 2022*, *available at* <https://www.dea.gov/press-releases/2023/01/26/dea-washington-division-announces-seizure-over-8-million-deadly-doses> (last visited on Jan. 10, 2024).

¹² *Id.*

¹³ Press Release, Dep’t of Homeland Security, *Fact Sheet: DHS is on the Front Lines Combating Illicit Opioids, Including Fentanyl, Over 5,500 pounds of Fentanyl Seized Already in FY2024* (Dec. 22, 2023) *available at* <https://www.dhs.gov/news/2023/12/22/fact-sheet-dhs-front-lines-combating-illicit-opioids-including-fentanyl> (last visited on Jan. 11, 2024).

¹⁴ U.S. Customs and Border Protection, *Drug Seizure Statistics*, *available at* <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics> (last visited on Jan. 10, 2024).

¹⁵ Press Release, U.S. Customs and Border Protection, *U.S. Border Patrol seizes fentanyl worth more than \$1.5 million at Pine Valley checkpoint* (May 26, 2023) *available at* <https://www.cbp.gov/newsroom/local-media-release/us-border-patrol-seizes-fentanyl-worth-more-15-million-pine-valley> (last visited Jan. 10, 2024).

¹⁶ *Id.*

¹⁷ Press Release, U.S. Customs and Border Protection, *CBP officers seize 1,018 pounds of methamphetamine, 165 pounds of cocaine valued at \$10.2 million at World Trade Bridge* (Dec. 26, 2023) *available at* <https://www.cbp.gov/newsroom/local-media-release/cbp-officers-seize-1018-pounds-methamphetamine-165-pounds-cocaine> (last visited Jan. 5, 2024).

officers intercepted a combined 123 pounds of fentanyl and methamphetamine in failed smuggling attempts over 3 consecutive days.¹⁸

In a 2018 hearing before the United States Senate Subcommittee on Border Security and Immigration, the DEA reported that certain TCOs, which included six named drug cartels, remain the greatest criminal drug threat to the United States.¹⁹ On April 14, 2023, the United States Justice Department announced “significant enforcement actions, against the largest, most violent, and most prolific fentanyl trafficking operation in the world” run by a drug cartel.²⁰ According to Deputy Attorney General Lisa O. Monaco, fueled in a large part by the indicted cartel, “[the] fentanyl crisis in America...threatens our public health, our public safety, and our national security.”²¹

Abduction and Deadly Shooting

In March 2023, it was reported that four Americans traveled to Mexico and got caught up in a drug cartel shootout after entering Matamoros from the southernmost tip of Texas near the Gulf coast.^{22,23} At the time, the Federal Bureau of Investigation reported that four Americans were placed in a vehicle and taken from the scene by armed men.²⁴ Two of the Americans died and two were held captive for days until being found by authorities.²⁵ A drug cartel reportedly claimed responsibility for the abduction and murder of the Americans.²⁶

Human Smuggling and Human Trafficking

Although human smuggling and human trafficking can be related and the actions of which may overlap, there are significant distinctions between the two. Human smuggling requires a payment

¹⁸ Press Release, U.S. Customs and Border Protection, *CBP officers seize fentanyl and methamphetamine at the Ysleta port of entry*, (Dec. 23, 2023) available at <https://www.cbp.gov/newsroom/local-media-release/cbp-officers-seize-fentanyl-and-methamphetamine-ysleta-port-entry> (last visited Jan. 11, 2024).

¹⁹ Dep’t of Justice, *Narcos: Transnational Cartels And Border Security*, Statement Of Paul E. Knierim, Deputy Chief Of Operations Office Of Global Enforcement Drug Enforcement Administration, U.S. Department Of Justice, Before The Subcommittee On Border Security And Immigration United States Senate, p. 6 (Dec. 12, 2018) available at <https://www.dea.gov/sites/default/files/2018-12/DEA%20Testimony%20-%20Mexican%20Cartels%20-%20SJC-12-12-2018.pdf> (last visited Jan. 10, 2024).

²⁰ Press Release, Office of Public Affairs, U.S. Department of Justice, *Justice Department Announces Charges Against Sinaloa Cartel’s Global Operation* (April 14, 2023) <https://www.justice.gov/opa/pr/justice-department-announces-charges-against-sinaloa-cartel-s-global-operation> (last visited Jan.10, 2024).

²¹ *Id.*

²² Alfredo Peña et al., Ciudad Victoria, Mexico - *Survivors of deadly Mexico kidnapping being treated at Texas hospital*, AP, Mar. 7, 2023, available at <https://apnews.com/article/mexico-kidnapped-americans-killed-eaed854f1b16cd61fb79edcb5b87cfe6> (last visited Jan. 11, 2024).

²³ Alfredo Peña & Matthew Barakat, Ciudad Victoria, Mexico - *What we know about the 4 Americans kidnapped in Mexico*, AP, Mar. 7, 2023, available at <https://apnews.com/article/mexico-americans-kidnapped-gulf-drug-cartel-2700637729e8f3a5065005231aa8d4d3> (last visited Jan. 11, 2024).

²⁴ *Id.*

²⁵ Alfredo Peña et al., *supra* note 22.

²⁶ Ana Faguy, *Mexican Drug Cartel Reportedly Claims Responsibility—And Apologizes—For Abducting And Murdering Americans*, Forbes, Mar. 9, 2023, available at <https://www.forbes.com/sites/anafaguy/2023/03/09/mexican-drug-cartel-reportedly-claims-responsibility-and-apologizes-for-abducting-and-murdering-americans/?sh=368554dd58a7> (last visited Jan. 11, 2024).

to and cooperation with a smuggler or smuggling group, also known as a coyote,²⁷ and a smuggled person volunteers to participate and to travel across borders.²⁸ In contrast, a trafficked person is a victim who is coerced, defrauded, or forced into the position and who may not necessarily travel across borders.²⁹

In December 2023, in collaboration with Homeland Security Investigations (HSI) and the DEA and in coordination with the Government of Mexico, the OFAC sanctioned key members of a TCO with the aim of obstructing access to illicit profits from drug trafficking and human smuggling. According to an investigation by HSI, the TCO was found to be a human smuggling and narcotics trafficking organization, the act of which endangers human life and threatens national security.³⁰ According to the Secretary of Homeland Security, by “targeting cartels and smugglers [like the sanctioned TCO], we are disrupting the illicit financial networks of criminals who profit off of vulnerable migrants and devastate our communities with fentanyl and other dangerous narcotics.”³¹

According to the DEA, drug cartels will traffic women and children to smuggle drugs across the border in order to expand profits.³² Often times, human traffickers may use drugs as bait for individuals who have a substance abuse problem, or drugs can be used as a means of control over trafficking victims, such as forced submission, harder work, prolonged hours, or to simply keep the victims on the drugs so that they do not attempt escape.³³

Criminals engaged in human trafficking range from individuals to organized criminal groups according to the United Nations, Office on Drugs and Crime. The more organized groups are typically perpetrating other serious crimes, such as trafficking drugs, arms, and illicit commodities, and corruption and bribery of officials.³⁴ In 2004, Kofi A. Annan Secretary-General of the United Nations, condemned criminal groups who are terrorists, drug dealers, and human traffickers. He implored Member States to ratify not only the United Nations Convention against Transnational Organized Crime,³⁵ but also its supplement, the Protocol to

²⁷ NPR, *National, Talk of the Nation, Inside the Hidden World of Immigrant Smuggling* (Apr. 19, 2012) available at <https://www.npr.org/2012/04/19/150973748/inside-the-hidden-world-of-immigrant-smuggling> (last visited Jan. 5, 2024).

²⁸ Joe Whitley & Gus Coldebella, Council on National Security and Immigration, *White Paper: The Distinction Between and Response to Human Trafficking and Smuggling* available at https://www.cnsiusa.org/_files/ugd/5b8edc_65cf39a0100b4c6e8f230b6ab7e872eb.pdf (last Jan. 10, 2024).

²⁹ *Id.*

³⁰ Press Release, U.S. Dep’t of Homeland Security, *Following DHS Investigation, Treasury Sanctions Human Smuggling and Drug Trafficking Organization Operating on Southwest Border* (Dec. 14, 2023) available at <https://www.dhs.gov/news/2023/12/14/following-dhs-investigation-treasury-sanctions-human-smuggling-and-drug-trafficking> (last visited Jan. 10, 2024).

³¹ *Id.*

³² Jarod Forget, Special Agent in Charge, Washington D.C. Division, U.S. Drug Enforcement Administration, *Violent drug organizations use human trafficking to expand profits* (Jan. 28, 2021) <https://www.dea.gov/stories/2021/2021-01/2021-01-28/violent-drug-organizations-use-human-trafficking-expand-profits> (last visited Jan 11, 2024).

³³ *Id.*

³⁴ United Nations, Office on Drugs and Crime, *Human Trafficking FAQs*, available at <https://www.unodc.org/unodc/en/human-trafficking/faqs.html#h10> (last visited Jan. 11, 2024).

³⁵ United Nations, Office on Drugs and Crime, *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto* (November 2000) available at <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> (last visited Jan. 11, 2024).

Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.³⁶

Congressional Legislation

A congressional bill introduced in 2023 designates certain drug cartels and TCOs as Foreign Terrorist Organizations and recognizes the threats those organizations pose to the people of the United States as terrorism, and for other purposes.³⁷

Memorial

A memorial is an official legislative document addressed to the United States Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

III. Effect of Proposed Changes:

SM 1020 is a memorial to the United States Department of State urging the United States Secretary of State to designate drug cartels as Foreign Terrorist Organizations so that the appropriate means may be initiated to mitigate and, eventually, eliminate their operations.

The memorial directs the Secretary of State to dispatch copies to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the state delegation to the United States Congress.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁶ United Nations, United Nations Human Rights, Office of the High Commissioner, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted 15 November 2000, by General Assembly resolution, 55/25, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>* (last visited Jan. 11, 2024).

³⁷ S. 1048 – 118th Congress (2023-2024): Ending the Narcos Act of 2023, S. 1048, 118th. (2023) available at <https://www.congress.gov/bill/118th-congress/senate-bill/1048/text> (last visited Jan. 11, 2023).

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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 Ingoglia

11-01635A-24

20241020__

Senate Memorial

A memorial to the United States Department of State urging the United States Secretary of State to designate drug cartels as Foreign Terrorist Organizations.

WHEREAS, the land and maritime borders of the United States present unique challenges and threats to the national security of the country, and

WHEREAS, drug cartels engage in illicit activities, including human smuggling, human trafficking, weapons trafficking, money laundering, drug smuggling, extortion, and kidnapping, which activities have breached the borders of the United States, and

WHEREAS, as an example of the heinous activities of the drug cartels, in March 2023, south of the Texas border, one drug cartel claimed responsibility for the armed abduction and killing of American citizens who were traveling in Mexico, and

WHEREAS, drug cartels have been responsible for the export and distribution to the United States of wholesale amounts of fentanyl, methamphetamine, heroin, cocaine, and other illicit substances, which has caused tens of thousands of drug-related overdoses and deaths in this country, and

WHEREAS, during federal fiscal year 2023, United States Customs and Border Protection seized 27,000 pounds of fentanyl and millions of fentanyl pills, enough to kill every American several times over, and this amount represents a mere 10 to 15 percent of the fentanyl actually sent across the border into the United States each year, and

11-01635A-24

20241020__

WHEREAS, drug cartels engage in the practice of human smuggling, which poses a substantial threat to the United States by creating conduits that allow contraband and persons seeking to harm the United States to clandestinely enter this country, and

WHEREAS, during federal fiscal year 2023, United States Customs and Border Protection encountered 172 individuals on the terrorist watchlist, nearly double the previous year and more than the past 6 years combined, and

WHEREAS, Section 219 of the Immigration and Nationality Act authorizes the United States Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to designate an organization as a Foreign Terrorist Organization when certain criteria are met, and

WHEREAS, drug cartels meet the criteria to be designated as Foreign Terrorist Organizations, given they are foreign in nature, engage in or retain the capability and intent to engage in terrorism, and threaten the security, foreign relations, and the economic interests of the United States, NOW, THEREFORE,

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

That the Florida Legislature respectfully urges the United States Secretary of State to designate drug cartels as Foreign Terrorist Organizations so that appropriate means may be initiated to mitigate and, eventually, eliminate their operations.

BE IT FURTHER RESOLVED that the Secretary of State dispatch copies of this memorial to the President of the United States,

11-01635A-24

20241020__

59 the President of the United States Senate, the Speaker of the
60 United States House of Representatives, the United States
61 Secretary of State, and each member of the Florida delegation to
62 the United States Congress.



THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Appropriations
Banking and Insurance
Criminal Justice
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Administrative Procedures
Committee, *Alternating Chair*

Senator Blaise Ingoglia
11th District

January 16, 2024

The Honorable Debbie Mayfield, Chair
Rules
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Re: SM 1020 Designation of Drug Cartels as Foreign Terrorist Organizations

Chair Mayfield,

SB 1020 has been referred to the Rules as its final committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me.
Thank you for your leadership and consideration.

Regards,

A handwritten signature in dark ink, appearing to be "Blaise Ingoglia", with a stylized, sweeping flourish extending from the end.

Blaise Ingoglia
State Senator, District 11

Cc: Philip Twogood, Staff Director, Shasta W. Kruse, Deputy Staff Director, Cynthia Futch, Committee Administration Assistant

January 24, 2024

Meeting Date

Rules

Committee

Name

Barney Bishop III

Address

1454 Vieux Carre Drive

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

DUPLICATE

1020

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

850.510.9922

Email

Barney@BarneyBishop.com

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 Smart Justice Alliance

☐

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 Rules

BILL: CS/SB 7010

INTRODUCER: Rules Committee and Ethics and Elections Committee

SUBJECT: OGSR/Voter Registration Applicants

DATE: January 24, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Biehl</u>	<u>Roberts</u>		EE Submitted as Comm. Bill/Fav
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Biehl</u>	<u>Twogood</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7010 saves from repeal the current public records exemption making information concerning preregistered voter registration applicants who are 16 or 17 years old confidential and exempt from public inspection and copying requirements.

Unless saved from repeal by the Legislature, the exemption will repeal on October 2, 2024. This bill removes the scheduled repeal, thereby continuing the confidential and exempt status of information concerning preregistered voter registration applicants.

This bill also authorizes disclosure of certain information that is otherwise confidential and exempt related to voter registration, including that information protected by the exemption under review, to another governmental entity if disclosure is necessary for the receiving entity to perform any required duties directly related to election administration.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect October 1, 2024.

II. Present Situation:

Access to Public Records - Generally

The State 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:

[a]ll 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

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

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

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 2, (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).

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 Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

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 Section 119.15, F.S.

¹⁷ 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.

¹⁸ 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.

¹⁹ Section 119.15(3), F.S.

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.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- 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;²¹
- 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;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ 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 again required.²⁵ 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 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.²⁶

Voter Registration and Preregistration

The Florida Voter Registration Act²⁷ delineates the qualifications and requirements necessary for a person to register to vote in Florida. In order to become a registered voter in Florida, a person must register pursuant to the Florida Election Code²⁸ and must be at least 18 years of age.²⁹

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ 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?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Part II, ch. 97, F.S.

²⁸ Chapters 97-106, F.S., are cited as "The Florida Election Code." See s. 97.011, F.S.

²⁹ Section 97.041(1)(a)1., F.S.

However, a person who is 16 or 17 years old is allowed to preregister and, if his or her application is accepted and complete, may vote in any election occurring on or after that person's 18th birthday.³⁰

The Department of State (DOS) must prescribe by rule a uniform statewide voter registration application³¹ designed to elicit the following information from the applicant:

- Name, date of birth, address of legal residence and mailing address, if different.
- E-mail address.
- County of legal residence.
- Race or ethnicity.
- State or country of birth.
- Sex.
- Party affiliation.
- Whether the applicant needs assistance in voting.
- Name and address where last registered.
- Last four digits of the applicant's social security number.
- An indication, if applicable, that the applicant has not been issued a Florida driver license or identification card or a social security number.
- Telephone number (optional).
- Signature of applicant under penalty for false swearing pursuant to law, by which the applicant subscribes to the oath and swears that the information contained in the application is true.
- Whether the application is being used for initial registration, to update a registration, or to request a replacement voter information card.
- Whether the applicant is a United States citizen.
- Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored.
- Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.³²

The Florida Election Code requires the DOS to adopt rules prescribing minimum standards for nonpartisan voter education,³³ which the DOS has completed.³⁴ Supervisors of elections (SOEs) are required to implement those standards and conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.³⁵ The DOS rule requires each SOE to conduct an annual high school voter registration and education program at each public high school in the county to educate and reach eligible high school students concerning registering and preregistering to vote.³⁶ The program must be developed in cooperation with the SOE's local school board.³⁷

³⁰ Section 97.041(1)(b), F.S.

³¹ Section 97.052(1), F.S.; *see also* r. 1S-2.040, F.A.C., incorporating form DS-DE 39 by reference.

³² Section 97.052(2), F.S.

³³ Section 98.255(1), F.S.

³⁴ Rule 1S-2.033, F.A.C.

³⁵ Section 98.255(2), F.S.

³⁶ Rule 1S-2.033, F.A.C.

³⁷ *Id.*

Public Records Exemptions Related to Voter Information

Current law provides that certain voter registration information held by an agency is confidential and exempt from public records requirements.³⁸ The following voter registration information is protected from disclosure:

- All declinations to register to vote.
- Information relating to the place where a person registered to vote or where a person updated a voter registration.
- The social security number, driver license number, and Florida identification card number of a voter registration applicant or voter.
- All information concerning 16- or 17-year-old voter registration applicants who preregister to vote.³⁹

In addition, the signature of a voter registration applicant or a voter is exempt from the requirement that allows a person to copy a public record.⁴⁰

Public Records Exemption under Review

In 2019, the Legislature created the public records exemption for all information concerning 16- or 17-year-old voter registration applicants who preregister to vote.⁴¹ The 2019 public necessity statement for the exemption provides that:

Information concerning preregistered voter registration applicants who are 16 or 17 years of age could be misused if released. Minors are more vulnerable members of society, and the widespread release of information acquired through preregistration activities may be used to solicit, harass, stalk, or intimidate such individuals. Without such protection, a minor may be less likely to take advantage of preregistering to vote, thus hindering the effective and efficient administration of a program that otherwise encourages greater participation in the democratic process.⁴²

The exemption will repeal on October 2, 2024, unless reenacted by the Legislature.⁴³

During the 2023 interim, House and Senate staff sent questionnaires⁴⁴ to each SOE as part of their review of the exemption under the OGSR Act. The vast majority of responses recommended the exemption be reenacted as is. No responses recommended repeal of the exemption or indicated being aware of any litigation regarding the exemption. In addition, House and Senate staff met with DOS staff, who indicated that the agency was unaware of any litigation regarding the exemption and recommended the exemption be reenacted as is.

³⁸ Section 97.0585, F.S.

³⁹ Section 97.0585(1), F.S.

⁴⁰ Section 97.0585(2), F.S.

⁴¹ Chapter 2019-55, L.O.F.

⁴² *Id.*

⁴³ Section 97.0585(1)(d), F.S.

⁴⁴ Open Government Sunset Review Questionnaire, *Pre-registered Voters*, responses on file with the Senate Committee on Ethics and Elections.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal of the public records exemption for all information concerning 16- or 17-year-old voter registration applicants who preregister to vote, thereby continuing the confidential and exempt status of the information. In addition, the bill authorizes disclosure of the preregistered voter information and other information otherwise made confidential and exempt under s. 97.0585(1), F.S., to another governmental entity if disclosure is necessary for the receiving entity to perform any required duties directly related to election administration.

The bill takes effect October 1, 2024.

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 does not create or expand an exemption and therefore does not require a two-thirds vote for enactment.

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. This bill does not create or expand an exemption and therefore does not require a statement of public necessity.

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 purposes of the law are to protect information concerning 16- or 17-year-old voter registration applicants who preregister to vote and to use such information only for purposes of voter registration. The exemption does not appear to be broader than necessary to accomplish the purposes 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 will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 97.0585, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Rules on January 24, 2024:

The committee substitute narrows the release authorization to allow disclosure to another governmental entity only if disclosure is necessary for the receiving entity to perform any required duties directly related to election administration.

B. Amendments:

None.

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



765820

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
	.	
	.	

The Committee on Rules (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete line 41
and insert:
disclosure is necessary for the receiving entity to perform any
required duties directly related to election administration.

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

And the title is amended as follows:

Delete line 9
and insert:



765820

12

a specified purpose; providing an effective date.

By the Committee on Ethics and Elections

582-01860-24

20247010__

A bill to be entitled
An act relating to a review under the Open Government
Sunset Review Act; amending s. 97.0585, F.S., which
provides an exemption from public records requirements
for information concerning preregistered voter
registration applicants who are minors; deleting the
scheduled repeal of the exemption; authorizing the
disclosure of confidential and exempt information for
specified purposes; providing an effective date.

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

Section 1. Section 97.0585, Florida Statutes, is amended to
read:

97.0585 Public records exemption; information regarding
voters and voter registration; confidentiality.—

(1) The following information held by an agency, as defined
in s. 119.011, and obtained for the purpose of voter
registration is confidential and exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution and may be used only for
purposes of voter registration:

(a) All declinations to register to vote made pursuant to
ss. 97.057 and 97.058.

(b) Information relating to the place where a person
registered to vote or where a person updated a voter
registration.

(c) The social security number, driver license number, and
Florida identification number of a voter registration applicant
or voter.

582-01860-24

20247010__

(d) All information concerning preregistered voter registration applicants who are 16 or 17 years of age. ~~This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.~~

(2) The signature of a voter registration applicant or a voter is exempt from the copying requirements of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) Information made confidential and exempt under this section may be disclosed to another governmental entity if disclosure is necessary for election administration purposes.

(4) This section applies to information held by an agency before, on, or after the effective date of this exemption.

Section 2. This act shall take effect October 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 18, 2024

I respectfully request that **Senate Bill #7010**, relating to OGSR/Voter Registration Applicants, be placed on the:

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

The purpose of this legislation is to save from repeal the public records exemption for information pertaining to voter pre-registration applications for minors.

Thank you.

A handwritten signature in cursive script, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

The Florida Senate

APPEARANCE RECORD

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

1/24/2024

Meeting Date

RULES

Committee

7010

Bill Number or Topic

Amendment Barcode (if applicable)

Name

David Ramba

Phone

Address

120 S Monroe St.

Email

david@rambalaw.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 SUPERVISORS OF ELECTIONS

☐

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 Rules

BILL: SB 7012

INTRODUCER: Ethics and Elections Committee

SUBJECT: OGSR/Secure Login Credentials Held by the Commission on Ethics

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Cleary	Roberts		EE Submitted as Comm. Bill/Fav
1.	McVaney	McVaney	GO	Favorable
2.	Cleary	Twogood	RC	Favorable

I. Summary:

SB 7012 saves from repeal current public records exemptions making all secure login credentials held by the Commission on Ethics for the purpose of allowing access to the electronic financial disclosure filing system, as well as information entered into the system for purposes of making the disclosure, exempt from public inspection and copying requirements.

The exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2024, unless reenacted by the Legislature. This bill saves the exemptions from repeal by deleting the scheduled repeal date, thereby maintaining the current exempt status of the information.

The bill is not expected to impact state or local government revenues and expenditures.

This bill takes effect October 1, 2024.

II. Present Situation:

Access to Public Records - Generally

The State 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

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

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:

[a]ll 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

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

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 2, (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).

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).

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 Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

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.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

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 Section 119.15, F.S.

¹⁷ 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.

¹⁸ 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.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

- 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;²¹
- 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;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ 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 again required.²⁵ 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 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.²⁶

The Code of Ethics for Public Officers and Employees

The Code of Ethics for Public Officers and Employees (Code of Ethics)²⁷ establishes ethical standards for public officials and is intended to “ensure that public officials conduct themselves independently and impartially, not using their office for private gain other than compensation provided by law.”²⁸ The Code of Ethics pertains to various ethical issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics (commission).²⁹

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ 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?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ See Pt. III, Ch. 112, F.S.; see also FLA. CONST. art. II, s. 8(h)(1).

²⁸ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited December 13, 2023).

²⁹ See Pt. III, Ch. 112, F.S.

Commission on Ethics

The State Constitution requires the creation of an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within jurisdiction of the judicial qualifications commission.³⁰ The commission was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.³¹ In addition to its constitutional duties, the commission, in part:

- Renders advisory opinions to public officials.³²
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws.³³
- Administers the executive branch lobbying registration and reporting law.³⁴
- Maintains financial disclosure filings of constitutional officers and state officers and employees.³⁵
- Administers automatic fines for public offices and employees who fail to timely file required annual financial disclosure.³⁶

Disclosure of Financial Interests

The State Constitution requires elected constitutional officers, candidates for such offices, and statewide elected officers to file “full and public disclosure of their financial interests.”³⁷ Other public officers, candidates, and public employees may be required to file a full and public disclosure of their financial interests as determined by law.³⁸

The term “full and public disclosure of financial interests” means the reporting individual must disclose his or her net worth and the value of each asset and liability in excess of \$1,000.³⁹ The disclosure must be accompanied by either a copy of the filer’s most recent federal income tax return or a sworn statement that identifies each separate source and amount of income that exceeds \$1,000.⁴⁰ The commission has created by rule CE Form 6 (Form 6) to be used to make the required full and public financial disclosure.⁴¹

³⁰ FLA. CONST. art. III, s. 8(g).

³¹ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited December 13, 2023); see also s. 112.320, F.S.

³² Section 112.322(3)(a), F.S.

³³ Section 112.322(2)(b), F.S.

³⁴ Sections 112.3215 and 112.32155, F.S.

³⁵ Section 112.3144, F.S.

³⁶ Section 112.31455, F.S.; see also Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited December 13, 2023).

³⁷ FLA. CONST. art. II, s. 8(a).

³⁸ See s. 112.3144(1), F.S.

³⁹ FLA. CONST. art. II, s. 8(j)(1).

⁴⁰ *Id.*; see also s. 112.3144, F.S.

⁴¹ Section 112.3144(8), F.S.; see also r. 34-7.010, F.A.C.

Currently, individuals holding the following positions must file Form 6:⁴²

- Governor.
- Lieutenant Governor.
- Cabinet members.
- Legislators.
- State attorneys.
- Public defenders.
- Clerks of circuit court.
- Sheriffs.
- Tax collectors.
- Property appraisers.
- Supervisors of elections.
- County commissioners.
- Mayors and elected members of a municipal governing body.
- Each Member on the Commission of Ethics.
- Elected Superintendents of schools.
- District school board members.
- Jacksonville City Council members, including the mayor.
- Judges of compensation claims.
- Duval County Superintendent of Schools.
- Florida Housing Finance Corporation board members.
- Each member of a large-hub commercial service airport.
- Each member of an expressway authority, a transportation authority (except the Jacksonville Transportation Authority), a bridge authority, or a toll authority created pursuant to chapter 348 or Chapter 343, F.S., or any other general law.

Reporting individuals must file Form 6 annually with the commission by 11:59 p.m. on July 1.⁴³ Additionally, candidates for a constitutional office must make a full and public disclosure of their financial interests at the time of qualifying.

Current law requires a less detailed disclosure of financial interests using the commission's CE Form 1 (Form 1) for certain local officers, including certain officers holding elected positions in political subdivisions of the state, as well as specified appointive officers.⁴⁴ Other persons filing Form 1 include specified state officers and employees as well as persons seeking to qualify as candidates for state or local office.⁴⁵

Form 1 requires those individual to disclose their primary sources of income (other than his or her public position), secondary sources of income, real property, intangible personal property, liabilities, and interests in specific businesses.⁴⁶

⁴² Rule 34-8.003, F.A.C.; *see also* Commission on Ethics, *Filing Information*, available at https://www.ethics.state.fl.us/Documents/Forms/Form1.html#form_6 (last visited December 13, 2023).

⁴³ Section 112.3144(8)(d), F.S.

⁴⁴ Section 112.3145, F.S.

⁴⁵ *Id.*

⁴⁶ *Id.*

Although no specified dollar values of incomes, property, or liabilities are required to be reported, the filer must report which assets or liabilities exceed certain dollar thresholds.⁴⁷ Form 1 filers must disclose all sources of income in excess of \$2,500 (excluding public salary) and all sources of income from a business entity that the filers had a material interest in where their gross income was in excess of \$5,000 and in excess of 10 percent of the business' gross income. Form 1 filers must also disclose any property, except for their residence or vacation home, in which the person owns more than five percent of the value of the property, as well as any intangible property in excess of \$10,000 and any liability in excess of \$10,000.⁴⁸ Form 1 must be filed annually with the commission by 11:59 p.m. on July 1.⁴⁹

Electronic Financial Disclosure

In 2015, the commission began the process of implementing an electronic filing system for financial disclosures.⁵⁰ That system was procured and testing began in 2022.⁵¹ Form 6 filers began filing electronically as of January 1, 2023.⁵² Form 1 filers will begin filing using the electronic filing system as of January 1, 2024.⁵³

Public Record Exemption under Review

In 2019, the Legislature created two public records exemptions to facilitate the use of the electronic financial disclosure system.⁵⁴ The first exemption protects all secure login credentials held by the commission for the purpose of allowing access to the electronic financial disclosure filing system. The second exemption protects information entered into the system prior to submission for the purpose of making the disclosure.⁵⁵ Once information entered into the system is submitted to the commission or filed with a qualifying officer, the information loses its exempt status and becomes public.⁵⁶

The 2019 public necessity statement⁵⁷ provides that:

The Legislature finds that the public's need for access to information included in the full and public disclosures of financial interests or statements of financial interests filed by reporting individuals be balanced with the filer's interest in safeguarding personally sensitive information. The Legislature further finds that the unemotional publication of such

⁴⁷ Section 112.3145(3), F.S.

⁴⁸ Section 112.3145(3)(b), F.S.

⁴⁹ Section 112.3145(2)(b), F.S.

⁵⁰ Section 112.31445, F.S.

⁵¹ Section 112.31446(2), F.S.

⁵² Section 112.3144(8)(b)2., F.S.

⁵³ Section 112.3145(2)(e), F.S.

⁵⁴ Section 112.31446(6), F.S.

⁵⁵ Section 112.31446(6)(a), F.S.

⁵⁶ Section 112.31446(6)(b), F.S.

⁵⁷ Article I, s. 24(c), FLA. CONST., requires each public record exemption to "state with specificity the necessity justifying the exemption."

information may subject the filer to identity theft, financial harm, or other adverse impacts.⁵⁸

The exemptions will repeal on October 2, 2024, unless reenacted by the Legislature.

During the 2023 interim, House and Senate staff met with commission staff regarding the public record exemptions under review. Commission staff emphasized the importance of the exemptions as it protects secure login credentials to the electronic filing system itself as well as personally sensitive information that may subject the filer to identity theft, financial harm, or other adverse impacts if not protected. Therefore, commission staff recommended the exemptions be reenacted as is.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal date of the public record exemptions, thereby continuing the exempt status for all secure login credentials used to access the electronic financial disclosure filing system, as well as information entered into the system for the purpose of making disclosure prior to submission.

The bill takes effect October 1, 2024.

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 does not create or expand an exemption and therefore does not require a two-thirds vote for enactment.

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. This bill does not create or expand an exemption and therefore does not require a public necessity statement.

⁵⁸ Chapter 2019-40, Law of Fla.

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 purposes of the law are to protect (a) secure login credentials held by the Commission for the purpose of allowing access to the electronic filing system for financial disclosures and (b) draft information input into the electronic system before a filer's submission is finalized. The exemptions do not appear to be broader than necessary to accomplish the purposes 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 will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 112.31446, 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 the Committee on Ethics and Elections

582-01859-24

20247012__

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 112.31446, F.S., which
4 provides exemptions from public records requirements
5 for secure login credentials held by the Commission on
6 Ethics and certain information entered into the
7 electronic filing system for financial disclosures;
8 deleting the scheduled repeal of the exemption;
9 providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (c) of subsection (6) of section
14 112.31446, Florida Statutes, is amended to read:

15 112.31446 Electronic filing system for financial
16 disclosure.—

17 (6)

18 ~~(c) This subsection is subject to the Open Government~~
19 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
20 ~~repealed on October 2, 2024, unless reviewed and saved from~~
21 ~~repeal through reenactment by the Legislature.~~

22 Section 2. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 18, 2024

I respectfully request that **Senate Bill #7012**, relating to OGSR/Secure Login Credentials Held by the Commission on Ethics, be placed on the:

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

The purpose of this legislation is to save from repeal a public records exemption for secure login credentials held by the Commission on Ethics and information entered into the electronic filing system for financial disclosures.

Thank you.

A handwritten signature in cursive script, appearing to read "Danny", written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 7026

INTRODUCER: Agriculture Committee

SUBJECT: DACS Public Records Exemption

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Burse</u>	<u>Becker</u>		AG Submitted as Comm. Bill/Fav
1.	<u>Burse</u>	<u>Twogood</u>	<u>RC</u>	Favorable

I. Summary:

SB 7026 provides an exemption from public records requirements for records containing certain information pertaining to the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program (program).

The public records exemption would stand repealed on October 2, 2029, unless it is reenacted by the Legislature under the Open Government Sunset Review Act.

The bill takes effect upon becoming a law.

II. Present Situation:

Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program

Following the devastation of Hurricane Idalia in 2023, the Florida legislature passed CS/HB 1-C to provide relief to those affected by the hurricane.¹ The law established the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program within the Department of Agriculture and Consumer Services (department) to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared natural disaster. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property.²

Under the program, the department is authorized to make low-interest or interest-free loans of up to \$500,000 to eligible applicants.³ An approved applicant may receive no more than one loan

¹ Chapter 2023-349, Laws of Fl.; HB 1-C (2023).

² *Id.*

³ *Id.*

per declared disaster, two loans per year in disaster loans, and five loans within any 3-year period. The term of each loan is 10 years.⁴

To be eligible an applicant must:

- Own or lease a bona fide farm operation that is located in a county named in a declared natural disaster that was damaged or destroyed as a result of such declared natural disaster; and
- Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.⁵

The loan program expires on July 1, 2043, unless reviewed and saved from repeal by the Legislature.

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.⁶ 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.⁷

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 the statutory provisions are adopted in the rules of each house of the legislature.⁸ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁹ Lastly, ch. 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as 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.¹⁰

⁴ *Id.*

⁵ Section 570.822(3), F.S.

⁶ FLA. CONST. art. I, s. 24(a).

⁷ *Id.*

⁸ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, (2022-2024).

⁹ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

¹⁰ 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.”

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.¹¹ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”¹²

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.¹³ A violation of the Public Records Act may result in civil or criminal liability.¹⁴

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.¹⁵ 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.¹⁶

- 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;¹⁷
- 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;¹⁸ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.¹⁹

General exemptions from the public records requirements are contained in the Public Records Act.²⁰ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.²¹

¹¹ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

¹² *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹³ Section 119.07(1)(a), F.S.

¹⁴ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁵ FLA. CONST. art. I, s. 24(c).

¹⁶ *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).

¹⁷ *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).

¹⁸ *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).

¹⁹ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

²⁰ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

²¹ Section 119.15, F.S.

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.²² Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.²³

Open Government Sunset Review Act

The Open Government Sunset Review Act²⁴ (the act) prescribes a legislative review process for newly created or substantially amended²⁵ public records or open meetings exemptions, with specified exceptions.²⁶ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.²⁷

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.²⁸

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:

In examining an exemption, the act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption. The act requires specified questions to be considered during the review process.²⁹

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁰ 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 for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.³¹

²² 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.

²³ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²⁴ Section 119.15(3), F.S.

²⁵ Section 119.15(6)(b), F.S.

²⁶ Section 119.15(6)(b)1., F.S.

²⁷ Section 119.15(6)(b)2., F.S.

²⁸ Section 119.15(6)(b)3., F.S.

²⁹ 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?

³⁰ See generally s. 119.15, F.S.

³¹ Section 119.15(7), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 570.822, F.S., to revise language related to the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program. The bill creates a public records exemption for the personal tax returns, credit history information, credit reports and credit scores. The bill does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format. The public records exemption would stand repealed on October 2, 2029, unless it is reenacted by the Legislature under the Open Government Sunset Review Act.

Section 2 provides a statement of public necessity which is to shield the sensitive information of borrowers of the program from fraud and thieves. The bill also provides that the need to protect the sensitive information of those borrowing from the program outweighs the state's public policy of open government.

Section 3 provides that this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 an 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. This bill creates an exemption, thus, the bill require a two-thirds vote to be enacted.

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 exemption in the bill 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.

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 amends section 570.822 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 the Committee on Agriculture

575-02003-24

20247026__

A bill to be entitled
An act relating to public records; amending s.
570.822, F.S.; providing an exemption from public
records requirements for certain information held by
the Department of Agriculture and Consumer Services;
providing that such information may be released in an
aggregated and anonymized format; providing for future
legislative review and repeal of the exemption;
providing a statement of public necessity; providing
an effective date.

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

Section 1. Present subsections (8), (9), and (10) of
section 570.822, Florida Statutes, are redesignated as
subsections (9), (10), and (11), respectively, and a new
subsection (8) is added to that section, to read:

570.822 Agriculture and Aquaculture Producers Natural
Disaster Recovery Loan Program.—

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department
pursuant to its administration of the program is exempt from s.
119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Tax returns.

2. Credit history information, credit reports, and credit
scores.

(b) This subsection does not prohibit the disclosure of
information held by the department pursuant to its
administration of the program in an aggregated and anonymized

575-02003-24

20247026__

format.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the tax returns and credit history information, credit reports, and credit scores held by the Department of Agriculture and Consumer Services pursuant to its administration of the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order to assess the viability of loans, the department may obtain sensitive information about a borrower, including certain financial information. If released, the sensitive information could be used by fraudulent contractors, predatory lenders, thieves, or individuals seeking to impose on the borrower. Therefore, it is necessary that sensitive information held by the department pursuant to its administration of the program be protected to ensure that borrowers are not harassed, intimidated, or potentially defrauded. The Legislature finds the harm that may result from the release of such sensitive information outweighs the public benefit that may be derived from the disclosure of the information.

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

1/24/2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

7026

Bill Number or Topic

Rules

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

Amendment Barcode (if applicable)

Name Isabelle Garbarino Phone 850-617-7700

Address 400 South Monroe Street Email _____
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:

**FL Dept. of Agriculture and
Consumer 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 \(flsenate.gov\)](#)

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 Rules

BILL: SB 7034

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: OGSR/Information Regarding Persons Seeking Mental Health Treatment and Services

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Hall</u>	<u>Tuszynski</u>		CF Submitted as Comm. Bill/Fav
1.	<u>Hall</u>	<u>Twogood</u>	<u>RC</u>	Favorable

I. Summary:

The Open Government Sunset Review Act requires the Legislature to review each public record exemption and each public meeting exemption five years after reenactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Florida Mental Health Act, otherwise known as the Baker Act, provides legal procedures for voluntary and involuntary mental health examination and treatment. A person may be admitted for mental health treatment on a voluntary or involuntary basis. Current law makes all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records filed with or by a court pursuant to a Baker Act confidential and exempt from public record requirements. The information contained in these court files may only be released to certain entities and individuals.

SB 7034 saves from repeal the public records exemption relating to all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records that are filed with or by a court pursuant to a Baker Act.

The bill takes effect October 1, 2024.

II. Present Situation:

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR Act)¹ sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It

¹ Section 119.15, F.S.

requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.²

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.³

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.⁴ If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exemption to the exemption is created, then a public necessity statement and a two-thirds vote for passage are not required.

Florida Mental Health Act

The Florida Mental Health Act, otherwise known as the Baker Act (Baker Act) was enacted in 1971 to revise the state's mental health commitment laws.⁵ It provides legal procedures for mental health examination and treatment. It also protects the rights of all individuals examined or treated for mental illness in Florida.⁶ Individuals in acute mental or behavioral health crisis may require emergency treatment to stabilize their condition. Emergency mental health examination and stabilization services may be provided on a voluntary or involuntary basis.⁷

Voluntary Admissions

The Baker Act allows for the voluntary admission of persons for psychiatric care, but only when the individual is over the age of 18, deemed to be competent, expresses informed consent, and is suitable for treatment.⁸ Any person age 17 or under may be admitted voluntarily if a parent or legal guardian applies for admission and only after a clinical review to verify the minor's willingness to volunteer for treatment under a Baker Act.⁹ If any condition for voluntary admission is not met, then that person shall be extended the due process rights assured under the involuntary provisions of the Baker Act.¹⁰

² Section 119.15(3), F.S.

³ Section 119.15(6)(b), F.S.

⁴ Article I, s. 24(c), FLA. CONST.

⁵ Section 394.451, F.S.

⁶ Section 394.459, F.S.

⁷ Sections 394.4625 and 394.463, F.S.

⁸ Section 394.4625(1)(a), F.S.

⁹ *Id.*

¹⁰ Section 394.4625, F.S.

Involuntary Examinations

An involuntary examination is required if there is reason to believe that the person has a mental illness and, because of his or her mental illness, the person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination or is unable to determine for himself or herself whether examination is necessary, and either of the following determinations are made:¹¹

- Without care or treatment, the person is likely to suffer from neglect or refuse care for himself or herself; such neglect poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or
- There is substantial likelihood that, without care or treatment, the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

The involuntary examination may be initiated in one of three ways:¹²

- A court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination, based on sworn testimony. The order of the court shall be made a part of the patient's clinical record.
- A law enforcement officer must take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to an appropriate, or the nearest, receiving facility for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, and the report shall be made a part of the patient's clinical record.
- A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating that observations upon which that conclusion is based. The report and certificate shall be made a part of the patient's clinical record.

Involuntary patients must be taken to either a public or private facility that has been designated by the Department of Children and Families (DCF) as a Baker Act receiving facility.¹³ A receiving facility has up to 72 hours to examine an involuntary patient.¹⁴ During those 72 hours, the patient must be examined by a physician, a clinical psychologist, or, in certain circumstances, by a psychiatric nurse to determine if the criteria for involuntary services are met.¹⁵ Within that 72-hour examination period, one of the following must happen:¹⁶

- The patient must be released, unless he or she is charged with a crime, in which case law enforcement will assume custody;
- The patient must be released for voluntary outpatient treatment;

¹¹ Section 394.463(1), F.S.

¹² Section 394.463(2)(a), F.S.

¹³ Section 394.461, F.S.

¹⁴ Section 394.463(2)(g), F.S.

¹⁵ Section 394.463(2)(f), F.S.

¹⁶ *Id.*

- The patient, unless charged with a crime, must give express and informed consent to be placed and admitted as a voluntary patient; or
- A petition for involuntary placement must be filed in circuit court for involuntary outpatient or inpatient treatment.

The receiving facility may not release an involuntary examination patient without the documental approval of a psychiatrist, a clinical psychologist, or in certain circumstances, a psychiatric nurse.¹⁷

Involuntary Inpatient Placements

A court may order a person into involuntary inpatient treatment if it finds that a person has a mental illness and, because of that mental illness, has refused voluntary inpatient treatment, is incapable of surviving alone or with the help of willing and responsible family or friends and, without treatment, is likely to refuse to care for him or herself to the extent that such refusal threatens to cause substantial harm to their well-being, or will inflict serious bodily harm on him or herself or others in the near future based on recent behavior.¹⁸ Additionally, the court must find that all available less restrictive treatment alternatives which would offer an opportunity for improvement of their condition are inappropriate.¹⁹

Involuntary Outpatient Services

Involuntary outpatient placement, also known as assisted outpatient treatment, is a court-ordered, community-based treatment program for individuals with severe mental illness designed to assist individuals with severe mental illness who have a history of treatment and medication noncompliance but do not require hospitalization.²⁰ A petition for involuntary outpatient services may be filed with a court by the administrator of either a receiving facility or a treatment facility.²¹ There are strict legal requirements for individuals to be ordered into involuntary outpatient placement and only circuit judges have the authority to issue such an order.²²

Public Record Exemption under Review

In 2019, the Legislature made all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records that are filed with or by a court pursuant to the

¹⁷ *Id.*

¹⁸ Section 394.467(1), F.S.

¹⁹ *Id.*

²⁰ Section 394.4655, F.S.

²¹ Section 394.4655(4), F.S.

²² Section 394.4655(2), F.S.

Baker Act confidential and exempt²³ from public record requirements.²⁴ The records may only be released to:²⁵

- The petitioner.
- The petitioner's attorney.
- The respondent.
- The respondent's attorney.
- The respondent's guardian or guardian advocate, if applicable.
- In the case of a minor respondent, the respondent's legal custodian, or guardian advocate.
- The respondent's treating health care practitioner.
- The respondent's health care surrogate or proxy.
- The Department of Children and Families, without charge.
- The Department of Corrections, without charge, if the respondent is committed or is to be returned to the custody of the Department of Corrections from the Department of Children and Families.
- A person or entity authorized to view records upon a court order for good cause.²⁶

The Clerk of the Court is prohibited from publishing any personal identifying information on a court docket or in a publicly accessible file. However, the Clerk of the Court is not prohibited from submitting the protected information to the Department of Law Enforcement for purposes of a criminal history record check relating to the sale of firearms.²⁷

In 2019, the public necessity statement²⁸ stated that:

The mental health of a person, including a minor, is a medical condition, which should be protected from dissemination to the public. A person's mental health is also an immensely private matter. The public stigma associated with a mental health condition may cause persons in need of treatment to avoid seeking treatment and related services if the record of such condition is accessible to the public. Without treatment, a person's condition may worsen, the person may harm himself or herself or others, and the person may become a financial burden on the state. The content of such records or personal identifying information should not be made public merely because they are filed with or by a court or placed on a docket. Making such petitions,

²³ There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designated a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons entities specifically designated in statute. See Op. Att'y Gen. Fla. 04- 09 (2004).

²⁴ Section 394.464, F.S.

²⁵ Section 394.464(1), F.S.

²⁶ In determining if good cause exists, the court must weigh the person or entity's need for the information against the potential harm to the respondent of disclosure. Section 394.464(1)(k), F.S.

²⁷ Section 394.464(2), F.S.

²⁸ Article I, s. 24(c), FLA. CONST., requires each public record exemption to "state with specificity the public necessity justifying the exemption."

orders, records, and identifying information confidential and exempt from disclosure will protect such persons from the release of sensitive, personal information which could damage their and their families' reputations.²⁹

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2024, unless reenacted by the Legislature.

During the 2023 interim, House and Senate staff sent a questionnaire to the Clerks of Court as part of its review under the OGSR Act. In total, staff received 42 responses from Clerks' offices.³⁰ Respondents indicated they had not had any issues interpreting or applying the exemption and that they were unaware of the existence of any litigation concerning the exemption. Clerk staff noted that the Florida Supreme Court had incorporated the public record exemption into Rule 2.420 of the Rules of General Practice and Judicial Administration.³¹ All respondents recommended the exemption be reenacted as is.

III. Effect of Proposed Changes:

Section 1 of the bill removes the scheduled repeal of the public record exemption, thereby maintaining the public record exemption for all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records that are filed with or by a court pursuant to the Baker Act.

Section 2 of the bill provides an effective date of October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 continues a current public records and public meetings exemption beyond its current date of repeal. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

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

²⁹ Chapter 2019-51, L.O.F.

³⁰ Open Government Sunset Review Questionnaire, Public Records Related to The Baker responses on file with the Children, Families, and Elder Affairs Committee.

³¹ See Rule 2.420(d)(1)(B)(viii), Fla. R. Gen. Prac. & Jud. Admin. (2021).

justifying the exemption. This bill continues a current public records and public meetings exemption without expansion. Thus, a statement of public necessity is not required.

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 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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantively amends s. 394.464, 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 the Committee on Children, Families, and Elder Affairs

586-02179-24

20247034__

A bill to be entitled
An act relating to a review under the Open Government
Sunset Review Act; amending s. 394.464, F.S., which
provides an exemption from public records requirements
for petitions for voluntary and involuntary admission
for mental health treatment, court orders, related
records, and personal identifying information
regarding persons seeking mental health treatment and
services; abrogating the scheduled repeal of the
exemption; providing an effective date.

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

Section 1. Section 394.464, Florida Statutes, is amended to
read:

394.464 Court records; confidentiality.—

(1) All petitions for voluntary and involuntary admission
for mental health treatment, court orders, and related records
that are filed with or by a court under this part are
confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
of the State Constitution. Pleadings and other documents made
confidential and exempt by this section may be disclosed by the
clerk of the court, upon request, to any of the following:

(a) The petitioner.

(b) The petitioner's attorney.

(c) The respondent.

(d) The respondent's attorney.

(e) The respondent's guardian or guardian advocate, if
applicable.

586-02179-24

20247034__

(f) In the case of a minor respondent, the respondent's parent, guardian, legal custodian, or guardian advocate.

(g) The respondent's treating health care practitioner.

(h) The respondent's health care surrogate or proxy.

(i) The Department of Children and Families, without charge.

(j) The Department of Corrections, without charge, if the respondent is committed or is to be returned to the custody of the Department of Corrections from the Department of Children and Families.

(k) A person or entity authorized to view records upon a court order for good cause. In determining if there is good cause for the disclosure of records, the court must weigh the person or entity's need for the information against potential harm to the respondent from the disclosure.

(2) This section does not preclude the clerk of the court from submitting the information required by s. 790.065 to the Department of Law Enforcement.

(3) The clerk of the court may not publish personal identifying information on a court docket or in a publicly accessible file.

(4) A person or entity receiving information pursuant to this section shall maintain that information as confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(5) The exemption under this section applies to all documents filed with a court before, on, or after July 1, 2019.

~~(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed~~

586-02179-24

20247034__

59 ~~on October 2, 2024, unless reviewed and saved from repeal~~
60 ~~through reenactment by the Legislature.~~

61 Section 2. This act shall take effect October 1, 2024.

January 24, 2024

Meeting Date

Rules

Committee

The Florida Senate
APPEARANCE RECORD

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

7034

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

☐ 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
SENATOR NICK DICEGLIE**

District 18

**Kathleen Passidomo
President of the Senate**

**Dennis Baxley
President Pro Tempore**

January 24, 2023

Dear Chair Mayfield,

Senator DiCeglie will be unable to attend Rules Committee this afternoon due to illness. Please let us know if we can be of any assistance to the chair or the committee, thank you.

Sincerely,

A handwritten signature in cursive script that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

A handwritten signature in cursive script, likely belonging to Dennis Baxley, President Pro Tempore.

Proudly Serving Pinellas County

Transportation Committee, Chair ~ Banking and Insurance Committee, Vice Chair ~
Fiscal Policy Committee ~ Judiciary Committee ~
Rules Committee ~ Joint Legislative Auditing Committee



The Florida Senate

Excusal Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Attendance in Rules

Date: January 24, 2024

Chair Mayfield,

Please excuse me from the Rules meeting held January 24, 2024, from 11am-1pm. I had unforeseen ATD budget issues that needed to be worked on prior to the ATD meeting this afternoon. I apologize for any inconvenience. If there are any questions, please don't hesitate to reach out to my staff.

Thank you,

A handwritten signature in black ink, appearing to read "Ed Hooper", with a checkmark-like flourish at the end.

A handwritten signature in black ink, appearing to read "Ed Hooper", with a large circular flourish at the beginning.

Senator Ed Hooper
Florida Senate, District 21

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Committee on Rules

Judge:

Started: 1/24/2024 11:00:51 AM

Ends: 1/24/2024 12:19:49 PM

Length: 01:18:59

11:00:49 AM Chair Mayfield calls meeting to order
11:00:55 AM Roll call
11:01:00 AM Quorum announced
11:01:37 AM Chair - Senator DiCeglie is excused
11:01:43 AM Pledge of Allegiance - Senator Hutson
11:02:04 AM Chair with opening comments
11:02:29 AM Tab 1 SB 46 Reading Achievement Initiative for Scholastic Excellence Program
11:02:37 AM Senator Stewart explains the bill
11:03:12 AM Questions
11:03:16 AM Appearance Form
11:03:22 AM Nancy Lawther, Florida PTA, waives
11:03:33 AM Debate
11:03:36 AM Senator Stewart waives close
11:03:38 AM Roll call
11:03:56 AM SB 46 is reported favorably
11:04:24 AM Tab 3 SB 184 Impeding, Threatening, or Harassing First Responders
11:04:28 AM Senator Avila explains the bill
11:05:13 AM Questions
11:05:18 AM Senator Rouson
11:05:28 AM Senator Avila
11:06:24 AM Senator Rouson
11:06:31 AM Senator Avila
11:08:50 AM Senator Rouson
11:08:52 AM Senator Avila
11:10:43 AM Senator Jones
11:10:53 AM Senator Avila
11:14:29 AM Senator Jones
11:14:31 AM Senator Avila
11:16:28 AM Senator Jones
11:16:32 AM Senator Avila
11:17:23 AM Senator Book
11:17:30 AM Senator Avila
11:18:18 AM Senator Book
11:18:22 AM Senator Avila
11:18:50 AM Appearance Forms
11:18:51 AM Abdelilah Skhir, ACLU of Florida, speaks
11:21:32 AM Senator Book
11:21:37 AM Mr. Skhir
11:22:01 AM Senator Book
11:22:05 AM Mr. Skhir
11:22:10 AM Senator Book
11:22:13 AM Mr Skhir
11:22:20 AM Lisa Henning, Fraternal Order of Police, waives
11:22:27 AM Jonathan Webber, SPLC Action Fund, waives
11:22:35 AM William Smith, FL PBA, speaks
11:24:46 AM Senator Book
11:24:49 AM Mr. Smith
11:25:30 AM Sam Wagoner, Florida League of Cities, waives
11:25:33 AM Barney Bishop, Florida Smart Justice Alliance, waives
11:25:40 AM Molly Hudson, Volusia Sheriff, waives
11:25:47 AM Jasmine Burney Clark speaks
11:26:39 AM Chair Mayfield

11:26:42 AM Ms. Burney-Clark
11:26:55 AM Debate
11:27:01 AM Senator Jones
11:28:45 AM Senator Torres
11:31:19 AM Senator Rouson
11:32:46 AM Senator Avila closes on the bill
11:33:04 AM Roll call
11:34:03 AM SB 184 is reported favorably
11:35:05 AM Tab 8 SM 398 Venezuelan Sanctions
11:35:08 AM Senator Avila explains the bill
11:36:11 AM Questions
11:37:14 AM Appearance Form
11:37:18 AM Jess McCarty, Miami-Dade County, waives
11:37:24 AM Debate
11:37:28 AM Senator Avila waives close
11:37:29 AM Roll call
11:37:33 AM SM 398 is reported favorably
11:38:10 AM Tab 10 CS/CS/SB 494 Graduate Program Admissions
11:38:17 AM Senator Avila explains the bill
11:39:08 AM Questions/Debate
11:39:19 AM Senator Avila waives close
11:39:20 AM Roll call
11:39:23 AM CS/CS/SB 494 is reported favorably
11:39:58 AM Tab 12 SM 540 Chinese and Cuban Governments
11:40:01 AM Senator Avila explains the bill
11:41:06 AM Questions/Debate
11:41:19 AM Senator Avila waives close
11:41:20 AM Roll call
11:42:03 AM SM 540 is reported favorably
11:42:05 AM Tab 4 SCR 234 Balanced Federal Budget
11:42:10 AM Senator Ingoglia explains the bill
11:42:34 AM Questions
11:42:36 AM Appearance Forms
11:42:38 AM Amy Keith, Common Cause, speaks
11:44:54 AM Jasmine Burney-Clark waives
11:45:00 AM Pamela Burch Fort, NAACP Florida State Conference, waives
11:45:09 AM Monica Elliot waives
11:45:13 AM Debate
11:45:26 AM Senator Ingoglia closes on the bill
11:46:30 AM Roll call
11:46:33 AM SCR 324 is reported favorably
11:47:16 AM Tab 5 SCR 326 Congressional Term Limits
11:47:20 AM Senator Ingoglia explains bill
11:47:36 AM Questions
11:47:37 AM Appearance Forms
11:47:43 AM Jasmine Burney-Clark speaks
11:48:56 AM Amy Keith, Common Cause, speaks
11:50:50 AM Monica Elliot waives
11:50:53 AM Pamela Burch Fort, NAACP Florida State Conference, waives
11:50:59 AM Debate
11:51:02 AM Senator Boyd
11:51:49 AM Chair Mayfield
11:52:08 AM Senator Ingoglia
11:52:49 AM Roll call
11:53:24 AM SCR 326 is reported favorably
11:54:27 AM Tab 14 SM 1020 Designation of Drug Cartels as Foreign Terrorists Organizations
11:54:43 AM Senator Ingoglia explains the bill
11:54:49 AM Questions
11:54:50 AM Appearance Forms
11:54:53 AM Barney Bishop waives
11:54:56 AM Debate
11:55:01 AM Senator Ingoglia waives close

11:55:02 AM Roll call
11:55:41 AM SM 1020 is reported favorably
11:55:43 AM Tab 7 SB 364 Regulatory Assessment Fees
11:56:00 AM Senator Collins explains the bill
11:56:54 AM Questions
11:56:57 AM Appearance Form
11:57:00 AM Lance Watson, Legislative Affairs Director, Public Service Commission, waives
11:57:04 AM Debate
11:57:11 AM Senator Collins waives close
11:57:18 AM Roll call
11:57:50 AM SB 364 is reported favorably
11:57:56 AM Tab 17 SB 7026 Public Records/Department of Agriculture and Consumer Services
11:58:05 AM Senator Collins explains the bill
11:58:25 AM Questions
11:58:41 AM Appearance Form
11:58:45 AM Isabelle Garbarino, FL Dept. of Agriculture and Consumer Services, waives
11:58:51 AM Debate
11:58:57 AM Senator Collins waives close
11:58:59 AM Roll call
11:59:31 AM SB 7026 is reported favorably
11:59:40 AM Tab 13 SB 702 Attorney Fees and Costs
11:59:46 AM Senator Martin explains the bill
12:00:05 PM Questions
12:00:22 PM Senator Martin waives close
12:00:24 PM Roll call
12:00:58 PM SB 702 is reported favorably
12:00:59 PM Tab 2 CS/SB 66 Revive Awareness Day
12:01:13 PM Senator Brodeur explains the bill
12:02:12 PM Amendment Barcode 273702
12:02:23 PM Senator Brodeur explains the amendment
12:02:32 PM Questions
12:02:45 PM Senator Brodeur waives close
12:02:48 PM Amendment is adopted
12:02:50 PM Back on the bill
12:02:55 PM Questions
12:02:56 PM Appearance Forms
12:02:59 PM Lauren Jackson, Seminole County Sheriff's Office, waives
12:03:04 PM Nancy Lawther, Florida PTA, waives
12:03:17 PM Debate
12:03:18 PM Senator Boyd
12:03:50 PM Senator Rouson
12:04:13 PM Chair Mayfield
12:04:48 PM Senator Brodeur closes on the bill
12:05:58 PM Roll call
12:06:36 PM CS/CS/SB 66 is reported favorably
12:06:38 PM Tab 6 SB 334 Rabies Vaccinations
12:06:46 PM Senator Burgess explains the bill
12:06:47 PM Questions
12:07:14 PM Appearance Forms
12:07:17 PM Jennifer Hobgood, American Society For The Prevention of Cruelty to Animals, waives
12:07:33 PM Kate MacFall, Humane Society of the United States, waives
12:07:40 PM Diana Ferguson, FL Animal Control Association, waives
12:07:46 PM Debate
12:07:53 PM Senator Burgess waives close
12:07:54 PM Roll call
12:08:30 PM SB 334 is reported favorably
12:08:34 PM Tab 15 SB 7010 OGSR/Voter Registration Applicants
12:08:46 PM Senator Burgess explains the bill
12:09:28 PM Late-filed amendment 765820
12:09:33 PM Without objection, take up late filed amendment
12:09:37 PM Senator Burgess explains the amendment
12:09:47 PM Questions

12:10:11 PM Senator Jones
12:10:14 PM Senator Burgess
12:10:22 PM Senator Jones
12:10:24 PM Debate
12:10:41 PM Senator Burgess waives close, amendment is adopted
12:10:44 PM Back on the bill
12:10:48 PM Questions
12:10:49 PM Appearance Form
12:10:52 PM David Ramba, Florida Supervisors of Elections, waives
12:11:00 PM Debate
12:11:03 PM Senator Burgess
12:11:07 PM Roll call
12:11:45 PM SB 7010 is reported favorably
12:11:50 PM Tab 16 SB 7012 OGSR/Secure Login Credentials Held by the Commission on Ethics
12:12:03 PM Senator Burgess explains the bill
12:12:30 PM Questions
12:12:39 PM Senator Burgess waives close
12:12:41 PM Roll call
12:13:18 PM SB 7012 is reported favorably
12:13:22 PM Tab 9 CS/SB 478 Designation of Eligible Telecommunications Carriers
12:13:34 PM Senator Rodriguez explains the bill
12:14:00 PM Questions
12:14:02 PM Appearance Form
12:14:06 PM Chante Jones, AARP Florida, waives
12:14:12 PM Debate
12:14:20 PM Senator Rodriguez waives close
12:14:23 PM Roll call
12:15:00 PM CS/SB 478 is reported favorably
12:15:06 PM Tab 11 SB 522 Tallahassee Community College
12:15:14 PM Senator Simon explains the bill
12:15:18 PM Questions
12:15:22 PM Appearance Form
12:15:25 PM Erin Rock, Tallahassee Community College, waives
12:15:32 PM Debate
12:15:36 PM Senator Simon waives close
12:15:40 PM Roll call
12:16:21 PM SB 522 is reported favorably
12:16:23 PM Tab 18 SB 7034 OGSR/Information Regarding Persons Seeking Mental Health Treatment and Services
12:16:36 PM Senator Garcia explains the bill
12:16:38 PM Questions
12:17:38 PM Appearance Form
12:17:41 PM Barney Bishop, Florida Smart Justice Alliance, waives
12:17:46 PM Debate
12:17:47 PM Senator Garcia waives close
12:17:55 PM Roll call
12:18:34 PM SB 7034 is reported favorably
12:18:37 PM Votes After
12:18:43 PM Senator Boyd
12:18:48 PM Senator Baxley
12:18:59 PM Senator Osgood
12:19:10 PM Senator Burgess
12:19:18 PM Senator Garcia
12:19:26 PM Without objection motions adopted
12:19:32 PM Senator Osgood moves to adjourn
12:19:38 PM Meeting adjourned