

Tab 1	CS/SB 44 by CJ, Wright; (Similar to H 01049) Drones					
800850	A	S	RCS	RC, Wright	Delete L.38 - 48:	03/04 11:56 AM
565644	AA	S	WD	RC, Brandes	Delete L.6:	03/04 11:56 AM
722258	AA	S	RCS	RC, Brandes	Delete L.6:	03/04 11:56 AM
Tab 2	CS/CS/SB 46 by CM, RI, Hutson; (Similar to H 00737) Craft Distilleries					
Tab 3	CS/SB 68 by CJ, Garcia; (Similar to CS/H 00691) Public Records/Staff and Domestic Violence Advocates of Domestic Violence Centers					
Tab 4	CS/SB 70 by CF, Garcia; (Similar to H 00689) Domestic Violence Centers					
Tab 5	CS/SB 78 by JU, Rodrigues; (Identical to H 00947) Dues and Uniform Assessments					
538638	A	S		RC, Thurston	Delete L.57 - 103.	03/02 06:13 PM
Tab 6	CS/CS/SB 88 by EN, JU, Brodeur (CO-INTRODUCERS) Baxley, Albritton, Perry; (Similar to H 01601) Farming Operations					
769248	A	S	RCS	RC, Brodeur	Delete L.122 - 158:	03/04 12:09 PM
753866	A	S	WD	RC, Farmer	Delete L.151 - 177:	03/04 12:09 PM
770486	A	S	WD	RC, Gibson	btw L.183 - 184:	03/04 12:09 PM
Tab 7	CS/SB 234 by CJ, Book (CO-INTRODUCERS) Bradley; (Compare to H 00041) Registration of Sexual Predators and Sexual Offenders					
164268	A	S	RCS	RC, Book	Delete L.362 - 704:	03/04 12:23 PM
434244	A	S	RCS	RC, Book	Delete L.1721:	03/04 12:23 PM
Tab 8	SB 380 by Perry; (Identical to H 00297) Child Restraint Requirements					
Tab 9	SB 388 by Wright (CO-INTRODUCERS) Book, Garcia; (Identical to H 00697) Injured Police Canines					
Tab 10	SB 578 by Wright; (Identical to H 00223) Marina Evacuations					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Passidomo, Chair
Senator Garcia, Vice Chair

MEETING DATE: Thursday, March 4, 2021
TIME: 9:00—11:00 a.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Passidomo, Chair; Senator Garcia, Vice Chair; Senators Albritton, Baxley, Bean, Book, Bracy, Brandes, Diaz, Farmer, Gibson, Gruters, Hutson, Mayfield, Powell, Stargel, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	CS/SB 44 Criminal Justice / Wright (Similar H 1049, Compare H 433, S 518)	Drones; Expanding the authorized uses of drones by law enforcement agencies, by a state agency or political subdivision, or by certified fire department personnel for specified purposes, etc. CJ 01/26/2021 Fav/CS MS 02/16/2021 Favorable RC 03/04/2021 Fav/CS	Fav/CS Yeas 16 Nays 0
2	CS/CS/SB 46 Commerce and Tourism / Regulated Industries / Hutson (Similar H 737, Compare S 142)	Craft Distilleries; Authorizing craft distilleries to be licensed as specified vendors under certain circumstances; requiring certain alcoholic beverages to be obtained through a licensed distributor; prohibiting a distillery from operating as a craft distillery until certain requirements are met; authorizing persons to have common ownership in craft distilleries under certain circumstances; requiring a minimum percentage of a craft distillery's total finished branded products to be distilled in this state and contain one or more Florida agricultural products after a specified date, etc. RI 01/26/2021 Fav/CS CM 02/15/2021 Fav/CS RC 03/04/2021 Favorable	Favorable Yeas 16 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Thursday, March 4, 2021, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 68 Criminal Justice / Garcia (Similar H 691)	Public Records/Staff and Domestic Violence Advocates of Domestic Violence Centers; Exempting personal identifying and location information of current and former staff and domestic violence advocates of domestic violence centers certified by the Department of Children and Families under ch. 39, F.S., and personal identifying and location information of spouses and children of such personnel, from public records requirements; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CF 02/03/2021 Favorable CJ 02/16/2021 Fav/CS RC 03/04/2021 Favorable	Favorable Yeas 16 Nays 0
4	CS/SB 70 Children, Families, and Elder Affairs / Garcia (Similar H 689)	Domestic Violence Centers; Prohibiting the unlawful disclosure of certain information about domestic violence centers; providing criminal penalties, etc. CF 02/03/2021 Fav/CS CJ 02/16/2021 Favorable RC 03/04/2021 Favorable	Favorable Yeas 16 Nays 0
5	CS/SB 78 Judiciary / Rodrigues (Identical H 947)	Dues and Uniform Assessments; Requiring that a public employee who desires to join an employee organization sign a membership authorization form; requiring an employee organization to revoke an employee's membership upon receipt of the employee's request for revocation; providing that certain deductions commence upon the employer's receipt and confirmation of the employee's signed deduction authorization form; specifying the time period that an employee's authorization to deduct dues and uniform assessments remains in effect, etc. GO 01/27/2021 Favorable JU 02/01/2021 Temporarily Postponed JU 02/10/2021 Fav/CS RC 02/18/2021 Not Received RC 03/04/2021 Not Considered	Not Considered
6	CS/CS/SB 88 Environment and Natural Resources / Judiciary / Brodeur (Similar H 1601)	Farming Operations; Prohibiting farms from being held liable for certain claims for tort liability except under certain circumstances; providing a burden of proof; prohibiting nuisance actions from being filed against farm operations unless specified conditions are met; providing requirements for and limitations on damages; providing that plaintiffs who bring nuisance actions against farm operations are liable for certain costs and expenses under certain conditions, etc. JU 02/01/2021 Fav/CS EN 02/15/2021 Fav/CS RC 03/04/2021 Fav/CS	Fav/CS Yeas 14 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Rules

Thursday, March 4, 2021, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 234 Criminal Justice / Book (Compare H 41, H 193, S 126, S 162)	Registration of Sexual Predators and Sexual Offenders; Specifying how days are calculated for the purposes of determining permanent residence, temporary residence, and transient residence; requiring the reporting of certain vehicle information; redefining the term "sexual offender" to clarify a provision related to release from sanction; clarifying a requirement relating to the timing of reporting of international travel or a change of residence to another state or jurisdiction, etc. CJ 01/26/2021 Fav/CS JU 02/15/2021 Favorable RC 03/04/2021 Fav/CS	Fav/CS Yeas 15 Nays 0
8	SB 380 Perry (Identical H 297)	Child Restraint Requirements; Increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used, etc. CF 02/03/2021 Favorable TR 02/16/2021 Favorable RC 03/04/2021 Favorable	Favorable Yeas 16 Nays 0
9	SB 388 Wright (Identical H 697)	Injured Police Canines; Authorizing licensed life support services to transport injured police canines under certain circumstances; authorizing a paramedic or an emergency medical technician to provide emergency medical care to injured police canines under certain circumstances; providing for immunity from criminal and civil liability under certain circumstances, etc. HP 02/04/2021 Favorable CJ 02/16/2021 Favorable RC 03/04/2021 Favorable	Favorable Yeas 16 Nays 0
10	SB 578 Wright (Identical H 223)	Marina Evacuations; Prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal, etc. EN 02/01/2021 Favorable TR 02/16/2021 Favorable RC 03/04/2021 Favorable	Favorable Yeas 16 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Thursday, March 4, 2021, 9:00—11:00 a.m.

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: CS/CS/SB 44

INTRODUCER: Rules Committee; Criminal Justice Committee; and Senator Wright

SUBJECT: Drones

DATE: March 4, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	Fav/CS
2. <u>Stallard</u>	<u>Caldwell</u>	<u>MS</u>	Favorable
3. <u>Cellon</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 44 expands the possibilities for drone use by law enforcement agencies, fire departments, state agencies, and political subdivisions.

The bill creates additional exceptions for law enforcement agency drone use found in s. 934.50(4), F.S. The new exceptions allow law enforcement agencies to use drones to:

- Gain an aerial perspective of a crowd of 50 or more persons;
- Assist with traffic management, except that the agency may not issue a traffic infraction based on images or video captured by a drone; and
- Facilitate evidence collection at a crime scene or traffic crash scene.

The bill authorizes state agencies and political subdivisions to use drones for damage assessment due to a flood, wildfire, or natural disaster, or for vegetation and wildlife management purposes on publicly owned land or water. The bill also allows certified fire department personnel to use drones to perform tasks within the scope and practice authorized under their certification.

The bill requires policies and procedures, that include certain guidelines, for law enforcement agencies that use a drone to gain an aerial perspective of a crowd of 50 or more people. The guidelines must address the storage, retention, and release of images or video captured by the drone. The guidelines must also address the personal safety and constitutional protections of the persons being observed. The agency head must provide written authorization for the use of a drone in this manner.

The bill is effective July 1, 2021.

II. Present Situation:

Overview

Section 934.50, F.S., prohibits a law enforcement agency from using a drone to gather information, and prohibits any person or state entity from using a drone to record an image of a person in violation of the person's reasonable expectation of privacy.¹ However, these prohibitions are subject to several exceptions, including use by police pursuant to a search warrant or under exigent circumstances, such as the prevention of an imminent loss of life or escape of a prisoner.² Other exceptions to the statutory ban include certain uses by utility companies or by a licensed professional who is not using the drone to track people.³

Federal law, unlike Florida law, does not include a statute or regulation expressly targeting governmental drone use that might invade a citizen's privacy. However, federal law does include various restrictions and regulations on drone use, including airspace restrictions and licensing requirements.

Moreover, the Fourth Amendment to the United States Constitution guarantees a person the right to be free from an unreasonable search. This is relevant because remote surveillance could constitute a search, which, if not supported by a search warrant or other authorization, would violate the Fourth Amendment.

Drones

A drone, also called Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.⁴

Drones range in size from wingspans of 6 inches to 246 feet and can weigh from approximately 4 ounces to over 25,600 pounds.⁵ They may be controlled manually or through an autopilot that uses a data link to connect the drone's pilot to the drone.⁶ Drones can be equipped with infrared

¹ Section 934.50(3), F.S.

² See s. 934.50(4), F.S., for the list of exceptions.

³ *Id.*

⁴ Section 934.50(2), F.S.

⁵ 14 CFR Part 91, Docket No. FAA-2006-25714, Department of Transportation, Federal Aviation Administration, *Unmanned Aircraft Operations in the National Airspace System*, February 6, 2007.

⁶ *Id.*

cameras,⁷ and “LADAR” (laser radar).⁸ In 2011, it was reported that the U.S. Army contracted with two corporations to develop facial recognition and behavioral recognition technologies for drone use.⁹

Federal Law and Regulation

Federal law and regulation govern who may fly a drone, as well as when and where the person may do so. The FAA is responsible for regulating aircraft, including drones that fly in U.S. airspace.¹⁰ In February 2012, Congress passed the Federal Aviation Authority (FAA) Modernization and Reform Act of 2012 (Act), which required the FAA to safely open the nation’s airspace to nongovernmental drones by September 2015.¹¹

Neither federal law nor regulation categorically prohibit police, firefighters, or other governmental agents to operate a drone over a crime scene, or over a flood or other natural disaster. However, the FAA often implements Temporary Flight Restrictions around wildfires to protect firefighting aircraft.¹² Additional FAA airspace restrictions include the area around Washington, D.C., sports stadiums, and airports.¹³

Choice of Federal Regulatory Framework for Governmental Operators

A governmental agent may operate a drone under one of two legal frameworks — that for “public unmanned aircraft systems,” or that for “small unmanned aircraft systems.” The

⁷ Infrared cameras can see objects through walls based on the relative levels of heat produced by the objects. *Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Congressional Response*, Congressional Research Service, April 3, 2013, available at www.fas.org/sgp/crs/natsec/R42701.pdf (last visited March 2, 2021). Search and rescue drones equipped with thermal imaging help first responders identify the location of people lost in chaotic scenes, and police departments have started using drones with thermal capabilities to identify the location of suspects while keeping an infrared eye on their officers. *Best Infrared Drones (Buying Guide)*, Spire Drones, available at <https://buythebestdrone.com/best-infrared-drones/> (last visited March 2, 2021).

⁸ The research and development laboratory at the Massachusetts Institute of Technology has developed airborne lidar systems that generate detailed 3D imagery of terrain and structures, including those beneath dense foliage. The lab reports that the micro-lidar could be used under both clear and heavy foliage conditions for surveillance and reconnaissance missions as well as for humanitarian assistance and disaster relief operations. Lincoln Laboratory, Massachusetts Institute of Technology, R & D Projects, *Micro-lidar*, available at <https://www.ll.mit.edu/r-d/projects/micro-lidar> (last visited March 2, 2021).

⁹ Popular Science, Clay Dillow, *Army Developing Drones That Can Recognize Your Face From a Distance*, September 28, 2011, available at pops.ci.com/technology/article/2011-09/army-wants-drones-can-recognize-your-face-and-read-your-mind (last viewed January 7, 2021). See also PoliceOne.com, 2017 Guide to Emerging Technologies, Val Van Brocklin, *Facial recognition technology and a ‘reasonable expectation of privacy,’* May 16, 2017, available at <https://www.policeone.com/emerging-tech-guide/articles/facial-recognition-technology-and-a-reasonable-expectation-of-privacy-cxdrWsBRCu8Dieb/> (last visited March 2, 2021).

¹⁰ See 49 U.S.C. s. 40103(b)(1) and (2).

¹¹ Public Law 112-95, February 14, 2012, The FAA Modernization and Reform Act of 2012, *Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Legislative Responses*, Congressional Research Service, April 3, 2013, available at www.fas.org/sgp/crs/natsec/R42701.pdf (last visited March 2, 2021).

¹² FAA, *FAA Drones and Wildfires Digital Toolkit*, available at https://www.faa.gov/uas/media/FAA_drones_wildfires_toolkit.pdf (last visited, March 2, 2021). Moreover, Congress has authorized the FAA to impose a civil penalty of up to \$20,000 against any drone pilot who interferes with wildfire suppression, law enforcement, or emergency response operations. FAA, *FAA Targets UAS Violators for Enforcement*, available at <https://www.faa.gov/news/updates/?newsId=91706> (last visited March 2, 2021).

¹³ FAA, *Unmanned Aircraft Systems, Airspace Restrictions*, July 16, 2020, available at https://www.faa.gov/uas/where_to_fly/airspace_restrictions/ (last visited March 2, 2021); see also FAA Drones and Wildfires Digital Toolkit, available at https://www.faa.gov/uas/media/FAA_drones_wildfires_toolkit.pdf (last visited March 2, 2021).

framework for small unmanned aircraft systems is much more extensive, and it is the same framework under which a private citizen would operate a drone.¹⁴

The legal framework for “public unmanned aircraft systems” consists primarily of one statute.¹⁵ Under this statute, a governmental operator may seek a certificate of authorization or certificate of waiver from the FAA.¹⁶ If granted, the operator may operate a drone weighing 4.4 pounds or less.¹⁷ The drone must be kept within the line of sight of the operator and below 400 feet, and may only be operated during the day.¹⁸

Many governmental operators choose instead to operate their drones as “small unmanned aircraft systems.” These drones are subject to extensive regulations, codified in the Code of Federal Regulations, and first promulgated in 2016.¹⁹ These regulations were recently substantially amended, and the amendments take effect in March.²⁰

As of March 16, 2021, operators of small drones (those under 55 pounds) will no longer need to seek special authorization before operating a drone that passes over people, including people in moving vehicles.²¹ However, the regulations pertaining to these flights vary somewhat, depending on the size of the craft.²² Moreover, operating a drone in *sustained* flight over an open-air assembly of people remains subject to restrictions.²³ Under these restrictions, a drone must be equipped with individual identification as specified in rule and must continuously transmit specified information regarding its location.²⁴

¹⁴ FAA, Drones in Public Safety—A Guide to Starting Operations (Feb. 2019), available at https://www.faa.gov/uas/public_safety_gov/media/Law_Enforcement_Drone_Programs_Brochure.pdf FAA, *A “UAS Primer for Public Safety”*, *Public Aircraft OPS VS Part 07*, (Jan. 2020), available at <https://www.faa.gov/files/gslac/library/documents/2020/Jan/233377/Public%20Safety%20PAO%20vs%20Part%20107%20Primer%20v2.1.pdf> (last visited March 2, 2021). See 49 U.S.C. ch. 448 for the federal statutes pertaining to drones. The primary statute relating to public unmanned aircraft systems is 49 U.S.C. s. 44806, and the primary statute relating to small unmanned aircraft systems is 49 U.S.C. s. 44802. The rules authorized by 49 U.S.C. s. 44802 are at 14 C.F.R. 107.

¹⁵ 49 U.S.C. s. 44806.

¹⁶ See 49 U.S.C. s. 44806(a)(1).

¹⁷ 49 U.S.C. s. 44806(b)(2)(C).

¹⁸ *Id.*

¹⁹ See 14 C.F.R. 107.

²⁰ FAA, *Operation of Small Unmanned Aircraft Systems Over People*, 86 FR 4314, available at <https://www.federalregister.gov/d/2020-28947/p-85> (last visited March 2, 2021).

²¹ *Id.* Prior to this change, a drone operator who did not have special authorization could not fly a drone over people who were not in covered structure, stationary vehicle, or participating in the drone operation.

²² See 14 C.F.R. 107.110-165 (effective March 16, 2021), available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=a70adf1ff1545784a28e989f2ddeae94&mc=true&node=20210115y1.103>. These provisions set forth Categories 1 through 4, each with its own requirements.

²³ The FAA describes sustained flight to include “hovering above the heads of persons gathered in an open-air assembly, flying back and forth over an open-air assembly, or circling above the assembly in such a way that the small unmanned aircraft remains above some part of the assembly.” FAA, *Operation of Small Unmanned Aircraft Over People*, 86 FR 4314, available at <https://www.federalregister.gov/d/2020-28947/p-208> (last visited March 2, 2021).

²⁴ See 14 C.F.R. 89.110 and 89.115(a) (effective March 16, 2021) for the details of these requirements, available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=a70adf1ff1545784a28e989f2ddeae94&mc=true&node=pt14.2.89&rgn=div5> (last visited March 2, 2021).

However, these restrictions are subject to waiver by the FAA. Thus, if an operator receives a waiver, he or she does not have to meet the normal requirements for operating a drone over people.²⁵

The Fourth Amendment to the United States Constitution

The Fourth Amendment prohibits an unreasonable search.²⁶ The analysis of whether an instance of governmental conduct, such as surveillance, violates this prohibition involves two main questions: Was there a search, and if so, was it reasonable?

Under the Fourth Amendment, a search occurs when the government breaches a person's reasonable expectation of privacy, such as by physically entering the person's home or by tapping a person's phone.²⁷ A search is unreasonable under the Fourth Amendment if it is conducted without a warrant or other constitutionally sufficient authorization, such as consent.²⁸

The Court does not appear to have decided a drone-surveillance case. However, in at least two cases, the Court has examined (warrantless) aerial surveillance to see whether it amounted to a search.²⁹ In these cases, the Court determined that governmental agents did not conduct searches for Fourth Amendment purposes when they observed private property with the naked eye from heights of 400 and 1,000 feet, respectively.³⁰ Nonetheless, given that Fourth Amendment cases are highly fact-dependent, it is possible that the Court would distinguish these cases from a future case involving surveillance by way of a drone equipped with a camera.

Law Enforcement Use of Drones in Florida – Section 934.50, F.S.

A law enforcement agency is defined in s. 934.50, F.S., as a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.³¹

The Florida Sheriff's Association indicates that 30 sheriff's offices have drones.³² Of the 133 police departments that responded to the question regarding whether their department has at least one drone, 59 said they do have a drone and 23 responded that they plan to obtain a drone.³³

²⁵ 14 C.F.R. 107.205.

²⁶ U.S. CONST. amend. IV

²⁷ *E.g., Katz v. U.S.*, 389 U.S. 347, 353 (1967) (holding that the use of a listening device to the outside of a phone booth to record the conversation occurring within the booth was a search notwithstanding the lack of physical intrusion of the booth because the speaker had a reasonable expectation that his conversation was private).

²⁸ *See California v. Carney*, 471 U.S. 386, 390-91 (1985).

²⁹ *See California v. Ciraolo*, 476 U.S. 207, 213-14 (1986) (holding that the government did not conduct a search when it observed a private home from 1,000 feet up in the "public navigable airspace" in a "physically nonintrusive manner"); *Florida v. Riley*, 488 U.S. 445, 450-52 (1989) (holding that the government did not conduct a search when it observed marijuana plants in the curtilage of a property from 400 feet up).

³⁰ *Id.*

³¹ Section 934.50(2)(d), F.S.

³² E-mail from Florida Sheriff's Association Deputy Executive Director of Operations dated January 8, 2021 (on file with the Senate Committee on Criminal Justice).

³³ E-mail from Florida Police Chiefs Association Executive Director dated January 20, 2021 (on file with the Senate Committee on Criminal Justice).

Section 934.50(3)(b), F.S., provides that a real property owner, tenant, occupant, invitee, or licensee of the property is presumed to have a reasonable expectation of privacy from drone surveillance³⁴ of the property or the owner, tenant, occupant, invitee, or licensee by another person, state agency,³⁵ or political subdivision,³⁶ if he or she cannot be seen by persons at ground level who are in a place they have a legal right to be.³⁷

Section 934.50, F.S., prohibits law enforcement agencies from using a drone to gather evidence or other information, with certain exceptions.³⁸ Evidence obtained or collected by a law enforcement agency using a drone is not admissible in a criminal prosecution in any court of law in this state unless it is permitted under one of the statute's exceptions.³⁹ An aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief in order to prevent or remedy a violation of s. 934.50, F.S.⁴⁰

The exceptions in s. 934.50(4), F.S., for law enforcement agencies using drones to gather evidence and other information are as follows:

- The U.S. Secretary of Homeland Security determines that credible intelligence exists indicating a high risk of a terrorist attack by an individual or organization and the drone is used to counter the risk;
- The law enforcement agency first obtains a search warrant authorizing the use of a drone; or
- The law enforcement agency has reasonable suspicion that swift action is necessary to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including, but not limited to, facilitating the search for a missing person.⁴¹

State Agency Use of Drones in Florida

Section 934.50(4)(k), F.S., authorizes the use of drones by a non-law enforcement employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes

³⁴ Surveillance is defined in s. 934.50(2)(e), F.S.: With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or with respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.

³⁵ A state agency, as defined in s. 11.45, F.S., is a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

³⁶ A political subdivision is defined in s. 11.45, F.S., as a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

³⁷ Section 934.50(3)(b), F.S. See also s. 934.50(5)(b)-(d) F.S., providing for compensatory damages, injunctive relief, attorney fees, and punitive damages for a violation of s. 934.50(3)(b), F.S.

³⁸ Section 934.50(3)(a), F.S.

³⁹ Section 934.50(6), F.S.

⁴⁰ Section 934.50(5)(a), F.S.

⁴¹ Section 934.50(4)(a)-(c), F.S. There are additional exceptions to the prohibition on the use of drones that are not law enforcement agency related. These exceptions can be found in s. 934.50(4)(d)-(j), F.S.

of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.

Weaponized Drones Prohibited in Florida

In Florida, s. 330.411, F.S., prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system as defined in s. 330.41, F.S., with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S.⁴² North Dakota is the only state that allows law enforcement agencies to utilize weaponized drones. The weapons are limited to the non-lethal variety such as tear gas, rubber bullets, beanbags, pepper spray, and tasers.⁴³

Use of Drones for Law Enforcement Investigations

Several jurisdictions outside Florida, including the Massachusetts State Police and the Lake County Police in Illinois, are reported to be using drones to assist in more efficient and timely traffic crash investigations.⁴⁴ The North Carolina Department of Transportation and North Carolina State Highway Patrol demonstrated in a research project that some advantages to using drones in traffic crash investigations include faster processing and clearing of the scene and opening the road to traffic flow more quickly than traditional evidence-gathering methods.⁴⁵

In addition to quickly and efficiently clearing traffic crash scenes, drone technology has enhanced crime scene documentation using a process called orthomosaic photography that can recreate a crime scene in 3-D.⁴⁶

Drones can also be used by law enforcement to more efficiently do jobs such as searching for evidence.⁴⁷ For example, the San Bernardino Police Department used a drone to successfully

⁴² Section 330.41(2)(c), F.S., defines an unmanned aircraft system as a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently. Section 330.41(2)(b), F.S., specifies that drone has the same meaning as s. 934.50(2), F.S.

⁴³ North Dakota House Bill 1328 (2015), available at <https://www.legis.nd.gov/assembly/64-2015/documents/15-0259-05000.pdf?20150501154934> (last visited March 2, 2021).

⁴⁴ *How drones help Lake County police investigate crashes, get roads open faster*, Daily Herald, May 7, 2017, available at <http://www.dailyherald.com/news/20170506/how-drones-help-lake-county-police-investigate-crashes-get-roads-open-faster> (last viewed March 2, 2021).

⁴⁵ “Research shows that documenting a collision scene using photogrammetry and UAS can be advantageous, especially in terms of speed and cost. With a combination of advanced imaging software and the latest UAS technology, we find that the North Carolina State Highway Patrol (NCSHP) can rapidly map collision scenes and simultaneously gather more information than legacy technologies. Indeed, large scenes can be documented in less than 30 minutes.” *Collision Scene Reconstruction & Investigation Using Unmanned Aircraft Systems*, Division of Aviation, UAS Program Office, N.C. Department of Transportation, August 2017, available at <https://www.ncdot.gov/divisions/aviation/Documents/ncshp-uas-mapping-study.pdf> (last viewed March 2, 2021).

⁴⁶ Mesa County, Colorado, Sheriff’s Office unmanned aircraft program director, Ben Miller, envisions the 3-D crime scene preservation technique as a real aid in cold cases. The Huffington Post, Michelle Fredrickson, *Drones Add a New Dimension to Crime Scene Investigations*, October 24, 2014 (updated December 6, 2017), available at https://www.huffingtonpost.com/pro-journo/drones-add-a-new-dimensio_b_6033392.html (last visited March 2, 2021).

⁴⁷ Patti Blake, Tom McLaughlin, The News Herald, *Several Florida Police Departments Utilizing Drone Technology*, December 17, 2019, available at <https://www.governing.com/news/headlines/Several-Florida-Police-Departments-Utilizing-Drone-Technology.html> (last visited March 2, 2021).

search a large field for a gun thrown by a suspect who was being pursued.⁴⁸ The San Bernardino police chief emphasized the cost benefit in deploying a drone versus assembling a team to look for the gun in that situation.⁴⁹

Tactical Uses for Drones

Some have suggested that drones could be used to gain a tactical advantage in active shooter situations like that which occurred in Las Vegas in 2017 at the outdoor music festival at which 58 people were killed and more than 500 injured.⁵⁰ For example, Brian Levin, director of The Center for the Study of Hate and Extremism at California State University-San Bernardino opines that a “drone could have provided real-time intelligence and surveillance to what’s going on” during the Las Vegas incident.⁵¹ In an article written for the International Journal of Aviation, Aeronautics, and Aerospace, Ryan Wallace and Jon Loffi, analyzed the law enforcement response to the Las Vegas shooting, concluding that had a drone been accessible to the Las Vegas Police it may have provided life-saving reconnaissance and shooter distraction.⁵²

Crowd Control and Monitoring for Public Safety

According to a December 2017 news article, the Las Vegas Police Department planned to use drones to monitor New Year’s Eve revelers on the Strip on December 31, 2017. The department decided to use drones to monitor crowds from an aerial view, which would help police better position barricades and other pedestrian control devices. Additionally, the department intended to use the drones to identify suspicious packages, track any unusual activity, and check hotel windows to try to detect anyone who might try to recreate the mass shooting incident that occurred in the city just a few months earlier.⁵³

Likewise, New York City had planned to have a camera-equipped drone in the sky during the 2018 New Year’s Eve celebration, but “relegated to a cordoned-off area and tethered to a building” to prevent injury should the drone fall. Inclement weather prevented the drone operation.⁵⁴

⁴⁸ National Police Foundation, Jarrod Burguan, San Bernardino Police Chief, *Drones help augment a police department’s capabilities to fight crime*, available at <https://www.policefoundation.org/drones-help-augment-a-police-departments-capabilities-to-fight-crime/> (last visited March 2, 2021).

⁴⁹ *Id.*

⁵⁰ Las Vegas Review-Journal, Nicole Raz, *Las Vegas police drones will monitor New Year’s Eve crowds*, December 27, 2017, available at <https://www.reviewjournal.com/entertainment/new-years-eve-in-vegas/las-vegas-police-drones-will-monitor-new-years-eve-crowds/> (last visited March 2, 2021).

⁵¹ *Id.* See also Wallace, Ryan and Loffi, Jon, *How Law Enforcement Unmanned Aircraft Systems (UAS) Could Improve Tactical Response to Active Shooter Situations: The Case of the 2017 Las Vegas Shooting*, Vol. 4, Article 7, International Journal of Aviation, Aeronautics, and Aerospace, October 9, 2017, available at <https://commons.erau.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1198&context=ijaa> (last visited March 2, 2021).

⁵² *Id.*

⁵³ Las Vegas Review-Journal, Nicole Raz, *Las Vegas police drones will monitor New Year’s Eve crowds*, December 27, 2017, available at <https://www.reviewjournal.com/entertainment/new-years-eve-in-vegas/las-vegas-police-drones-will-monitor-new-years-eve-crowds/> (last viewed March 2, 2021).

⁵⁴ The Washington Post, Peter Holley, *The NYPD planned to use drones during Times Square New Year’s Eve celebration. Then it started raining*, December 31, 2018, available at <https://www.washingtonpost.com/technology/2018/12/31/nypds->

Fire Department Use of Drones

According to an October 2018 news article, fire departments use UAVs for reconnaissance of wildfires and motor vehicle accident scenes, hazmat incidents, and hot spot identification at structure fires. In addition to the reconnaissance function and hot spot identification, additional uses for UAVs include:

- Search and rescue, even in urban settings;
- Preplanning with aerial photos and video identifying water supply sources, utility shutoffs, and apparatus location planning;
- Winter and ice rescue; and
- Disaster assessment and post-disaster reconnaissance after weather events such as floods or tornados.⁵⁵

The Mesa Fire and Medical Department in Mesa, Arizona, has also used drones in a variety of capacities, including:

- Gaining a 360-degree perspective on damaged structures;
- Surveying buildings to provide hazard assessments for property owners;
- Water rescue operations and flood damage assessment;
- Assisting with a search for a missing kindergarten teacher; and
- Demonstrating how drones outfitted with special meters and cameras to identify lethal chemicals in hazmat situations can help keep first responders safe.⁵⁶

In Brevard County, Fire Rescue personnel have been trained to test for the FAA drone pilot certification⁵⁷ so they can conduct search-and-rescue operations, ocean rescue, map brush fires, and examine burning buildings to identify safe entry points for firefighters using drones.⁵⁸

Other Governmental Functions for Drones

Drones are becoming useful for governmental functions outside policing. For example, the Daytona Beach Police Department utilized its drones to document the state of the city's infrastructure immediately before and after Hurricane Irma came through in September 2017 to provide the Federal Emergency Management Agency with the proof necessary to obtain funding for rebuilding. Additionally, the department was able to aid first responders in navigating the

[latest-tool-keeping-times-square-revelers-safe-remote-controlled-drone/?utm_term=.1a63123ba637](https://www.fireapparatusmagazine.com/articles/print/volume-23/issue-10/features/fire-department-drones-serve-a-variety-of-needs-on-incident-scenes.html) (last visited March 2, 2021).

⁵⁵ Fire Apparatus & Emergency Equipment, Alan M. Petrillo, *Fire Department Drones Serve a Variety of Needs on Incident Scenes*, October 1, 2018, available at <https://www.fireapparatusmagazine.com/articles/print/volume-23/issue-10/features/fire-department-drones-serve-a-variety-of-needs-on-incident-scenes.html> (last visited March 2, 2021).

⁵⁶ East Valley Tribune, Wayne Schutsky, *Ariz. Fire, EMS Leads the Way with Drone Use*, December 20, 2017, available at <https://www.ems1.com/ems-products/technology/articles/370989048-Ariz-fire-EMS-leads-the-way-with-drone-use/> (last visited March 2, 2021).

⁵⁷ Federal Aviation Administration, *Become a Drone Pilot*, August 4, 2020, available at https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot/ (last visited March 2, 2021).

⁵⁸ Florida Today, Rick Neale, *Florida Tech drone training takes flight for Brevard County firefighters, lifeguards*, November 30, 2018, available at <https://www.floridatoday.com/story/news/2018/11/30/florida-tech-drone-training-takes-flight-brevard-firefighters/2140086002/> (last visited March 2, 2021).

fastest and safest routes to those in need of aid by providing a birds-eye view to downed power lines, unstable infrastructure, and blocked roads in the wake of the storm.⁵⁹

III. Effect of Proposed Changes:

The bill adds exceptions to the prohibitions of the use of a drone. Specifically, the bill allows law enforcement agencies to use drones to:

- Provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more;
- Assist a law enforcement agency with traffic management, except that the agency may not issue a traffic infraction citation based on images or video captured by a drone; and
- Facilitate a law enforcement agency's collection of evidence at a crime scene or traffic crash scene.

Additionally, the bill authorizes the use of a drone by:

- A state agency or political subdivision for:
 - The assessment of damage due to a flood, wildfire, or any other natural disaster; or
 - Vegetation or wildlife management on publicly owned land or water.⁶⁰
- Certified fire department personnel to perform tasks within the scope and practice authorized under their certifications.⁶¹

The bill requires policies and procedures, that include certain guidelines, for law enforcement agencies that use a drone to gain an aerial perspective of a crowd of 50 or more people. The agency head must provide written authorization for the use of a drone in this manner and keep it on file. The guidelines must address the storage, retention, and release of images or video captured by the drone. The guidelines must also address the personal safety and constitutional protections of the persons being observed.

⁵⁹ PoliceOne.com, Jinnie Chua, *Why drones should be part of every PD's disaster response plan*, February 22, 2018, available at <https://www.policeone.com/2018-guide-drones/articles/471474006-Why-drones-should-be-part-of-every-PDs-disaster-response-plan/> (last visited March 2, 2021); for additional ways the Daytona Beach Police Department has utilized its drones see Stephen Rice, Forbes.com, *10 Ways That Police Use Drones To Protect And Serve*, October 7, 2019, available at <https://www.forbes.com/sites/stephenrice1/2019/10/07/10-ways-that-police-use-drones-to-protect-and-serve/?sh=5a1b31d96580> (last visited March 2, 2021); and Ginger Pinholster, Fox News 35, Orlando, *Eyes in the Sky and Embry-Riddle Training Help Police End Hotel Standoff*, September 27, 2019, available at <https://news.erau.edu/headlines/eyes-in-the-sky-and-embry-riddle-training-help-police-end-hotel-standoff> (last visited March 2, 2021).

⁶⁰ There does not seem to be a singular definition in the Florida Statutes for the term publicly owned land. For example, in s. 317.0003(8), F.S., public lands is defined as lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal government entity. In s. 375.312(2), F.S., public lands means any lands in the state which are owned by, leased by, or otherwise assigned to the state or any of its agencies and which are used by the general public for recreational purposes. There is no definition of public waters appearing in the Florida Statutes although there is a detailed definition of "waters" found in s. 403.031(13), F.S.

⁶¹ There does not seem to be a definition for the scope and practice authorized for fire department personnel under their certification in the Florida Statutes. However, s. 633.408, F.S., contains firefighter and volunteer firefighter training certification requirements, and R. 69A-37.055, F.A.C., contains curriculum requirements for training firefighter recruits or firefighters.

The terms law enforcement agency, state agency, and political subdivision as used in s. 934.50, F.S., are currently defined in s. 934.50(2)(d), F.S., and s. 934.50(3)(b), F.S., (by cross-reference to s. 11.45, F.S.).

The bill reenacts s. 330.41(4)(c), F.S., for the purpose of incorporating the amendments made to s. 934.50, F.S.

The bill is effective July 1, 2021.

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:

Privacy

Although it is generally understood that a person does not currently have a reasonable expectation of privacy under the circumstances set forth in the bill, with the evolution of technology as it relates to intrusion into a person's privacy interests, the law applying the Fourth Amendment to the U.S. Constitution, too, may evolve.⁶²

Preemption

The regulation of the national airspace and the aircraft that occupy it is a federal matter.⁶³ The FAA Chief Counsel issued a document in 2015 about state and local regulation of drones in which he said that state and local restrictions affecting UAS operations should be consistent with the extensive federal statutory and regulatory framework in order to “ensure the maintenance of a safe and sound air transportation system and of navigable

⁶² The Fourth Amendment to the U.S. Constitution protects persons from unreasonable searches and seizures by the government. U.S. Const. amend. IV. *See Katz v. United States*, 389 U.S. 347 (1967) finding there is no reasonable expectation of privacy in the public view. *See also Carpenter v. United States*, 138 S.Ct. 2206 (2018) a recent Fourth Amendment case finding a reasonable expectation of privacy in historical cell phone location records.

⁶³ Congress has vested the FAA with authority to regulate the areas of airspace use, management and efficiency, air traffic control, safety, navigational facilities, and aircraft noise at its source. 49 U.S.C. ss. 40103, 44502, and 44701-44735.

airspace free from inconsistent restrictions.”⁶⁴ However, given the Chief Counsel’s acknowledgement that “laws traditionally related to state and local police power – including land use, zoning, privacy, trespass, and law enforcement operations – generally are not subject to federal regulation”⁶⁵ it appears that the bill would not be an encroachment into an area exclusively regulated by the federal government.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill allows for new uses for drones by government agencies under certain circumstances that could result in a cost savings for such agencies. However, nothing in the bill requires law enforcement agencies, fire departments, state agencies, or political subdivisions to spend resources to acquire drones or train personnel to use them.

The Florida Department of Law Enforcement reports that it does not expect a fiscal impact from this bill.⁶⁶

The Florida Department of Agriculture and Consumer Services is unable to estimate a fiscal impact, if any, on the department.⁶⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 934.50 of the Florida Statutes.

⁶⁴ FAA, Office of the Chief Counsel, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, December 17, 2015, available at https://www.faa.gov/uas/resources/policy_library/media/UAS_Fact_Sheet_Final.pdf (last viewed March 2, 2021).

⁶⁵ *Id.*, citing *Skysign International, Inc. v. City and County of Honolulu*, 276 F.3d 1109, 1115 (9th Cir. 2002).

⁶⁶ Florida Department of Law Enforcement 2021 Legislative Bill Analysis, SB 44, January 8, 2021 (on file with the Senate Criminal Justice Committee).

⁶⁷ Florida Department of Agriculture and Consumer Services 2021 Legislative Bill Analysis, SB 44, January 12, 2021 (on file with the Senate Criminal Justice Committee).

This bill reenacts section 330.41 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 March 4, 2021:

The committee substitute allows a law enforcement agency to use a drone to provide an aerial perspective of a crowd of 50 people or more and requires that the agency have policies and procedures in place for such use. The committee substitute requires the agency head to authorize this particular use of a drone and keep on file the written authorization. Agency guidelines must address the storage, retention, and release of images or video captured by the drone, and the personal safety and constitutional protections of the persons being observed.

CS by Criminal Justice on January 26, 2021:

The committee substitute removes the exception that allowed a law enforcement agency to use a drone to provide an aerial perspective of a crowd of 50 people or more.

- B. **Amendments:**

None.



800850

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2021	.	
	.	
	.	
	.	

The Committee on Rules (Wright) recommended the following:

Senate Amendment (with directory amendment)

Delete lines 38 - 48
and insert:

(d) To provide a law enforcement agency with an aerial
perspective of a crowd of 50 people or more.

(e) To assist a law enforcement agency with traffic
management; however, a law enforcement agency acting under this
paragraph may not issue a traffic infraction citation based on
images or video captured by a drone.

(f) To facilitate a law enforcement agency's collection of



800850

evidence at a crime scene or traffic crash scene.

(g) By a state agency or political subdivision for the
assessment of damage due to a flood, a wildfire, or any other
natural disaster or for vegetation or wildlife management on
publicly owned land or water.

(h) By certified fire department personnel to perform tasks

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 14 - 16

and insert:

(4) of section 934.50, Florida Statutes, are redesignated as
paragraphs (i) through (p), respectively, new paragraphs (d)
through (h) are added to that subsection, and subsection (3) of



565644

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/04/2021	.	
	.	
	.	
	.	

The Committee on Rules (Brandes) recommended the following:

Senate Amendment to Amendment (800850)

Delete line 6
and insert:
perspective of a crowd of 50 people or more provided that:
1. The law enforcement agency that uses the drone to
provide an aerial perspective of a crowd of 50 people or more
must have policies and procedures that include guidelines:
a. For the agency's use of a drone;
b. For the proper storage, retention and release of any
images or video captured by the drone; and



565644

12 c. That address the personal safety and constitutional
13 protections of the people being observed.

14 2. The head of the law enforcement agency using the drone
15 for this purpose must provide written authorization for such use
16 and must maintain a copy on file at the agency; and

17 3. Any images or video captured during the use of the drone
18 for this purpose must be posted on the agency website within 24
19 hours.



722258

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2021	.	
	.	
	.	
	.	

The Committee on Rules (Brandes) recommended the following:

Senate Amendment to Amendment (800850)

Delete line 6
and insert:
perspective of a crowd of 50 people or more provided that:
1. The law enforcement agency that uses the drone to
provide an aerial perspective of a crowd of 50 people or more
must have policies and procedures that include guidelines:
a. For the agency's use of a drone;
b. For the proper storage, retention and release of any
images or video captured by the drone; and



722258

12 c. That address the personal safety and constitutional
13 protections of the people being observed.

14 2. The head of the law enforcement agency using the drone
15 for this purpose must provide written authorization for such use
16 and must maintain a copy on file at the agency.

By the Committee on Criminal Justice; and Senator Wright

591-01264-21

202144c1

A bill to be entitled

An act relating to drones; amending s. 934.50, F.S.; expanding the authorized uses of drones by law enforcement agencies, by a state agency or political subdivision, or by certified fire department personnel for specified purposes; reenacting s. 330.41(4)(c), F.S., relating to unmanned aircraft systems, to incorporate the amendment made to s. 934.50, F.S., in a reference thereto; providing an effective date.

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

Section 1. Present paragraphs (d) through (k) of subsection (4) of section 934.50, Florida Statutes, are redesignated as paragraphs (h) through (o), respectively, new paragraphs (d) through (g) are added to that subsection, and subsection (3) of that section is amended, to read:

934.50 Searches and seizure using a drone.—

(3) PROHIBITED USE OF DRONES.—Except as provided in subsection (4):

(a) A law enforcement agency may not use a drone to gather evidence or other information.

(b) A person, a state agency, or a political subdivision as defined in s. 11.45 may not use a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or

591-01264-21

202144c1

her written consent. For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(d) To assist a law enforcement agency with traffic management; however, a law enforcement agency acting under this paragraph may not issue a traffic infraction citation based on images or video captured by a drone.

(e) To facilitate a law enforcement agency's collection of evidence at a crime scene or traffic crash scene.

(f) By a state agency or political subdivision for the assessment of damage due to a flood, a wildfire, or any other natural disaster or for vegetation or wildlife management on publicly owned land or water.

(g) By certified fire department personnel to perform tasks within the scope and practice authorized under their certifications.

Section 2. For the purpose of incorporating the amendment made by this act to section 934.50, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 330.41, Florida Statutes, is reenacted to read:

330.41 Unmanned Aircraft Systems Act.—

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

591-01264-21

202144c1

59 1. A federal, state, or other governmental entity, or a
60 person under contract or otherwise acting under the direction of
61 a federal, state, or other governmental entity.

62 2. A law enforcement agency that is in compliance with s.
63 934.50, or a person under contract with or otherwise acting
64 under the direction of such law enforcement agency.

65 3. An owner, operator, or occupant of the critical
66 infrastructure facility, or a person who has prior written
67 consent of such owner, operator, or occupant.

68 Section 3. This act shall take effect July 1, 2021.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs, Space, and
Domestic Security, *Chair*
Commerce and Tourism, *Vice Chair*
Appropriations Subcommittee on Education
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Children, Families, and Elder Affairs
Finance and Tax
Transportation

SENATOR TOM A. WRIGHT
14th District

February 16, 2021

The Honorable Kathleen Passidomo
400, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 44 – Drones

Dear Chair Passidomo:

Senate Bill 44, relating to Drones has been referred to the Committee on Rules. I am requesting your consideration on placing SB 44 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom A. Wright", with a large, sweeping flourish underneath.

Tom A. Wright, District 14

cc: John Phelps, Staff Director of the Committee on Rules
Tom Yeatman, Deputy Staff Director of the Committee on Rules
Cynthia Futch, Administrative Assistant of the Committee on Rules

REPLY TO:

- ☐ 4606 Clyde Morris Blvd., Suite 2-J, Port Orange, Florida 32129 (386) 304-7630
- ☐ 320 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

44

Bill Number (if applicable)

722258

~~585544~~

Amendment Barcode (if applicable)

Topic Drones

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850-877-2165

Email mdunagan@flsheriffs.org

Speaking: ☒ For ☒ Against ☐ Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

This information was not read
into the record by the Chair

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

44

Bill Number (if applicable)

800850

Topic Drones

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850-877-2165

Street

Tallahassee

FL

32308

Email mdunagan@flsheriffs.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

CS/SB 44

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt on behalf of the Florida Police Chiefs Association

Job Title Deputy Executive Director

Address PO Box 14038

Street

Tallahassee

City

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State

32317

Zip

Phone 8502193631

Email jpritt@fpca.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Florida Police Chiefs Associaton

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB0044

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Job Title Executive Director

Address 5289 Palm Dr.

Street

Phone 407-468-6622

Melbourne Beach

FL

32951

Email ray@ffca.org

City

State

Zip

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

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

Representing Florida Fire Chiefs' Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

44

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

City

State

Zip

Email Barney@BarneyBishop.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Allaince

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/4/21

Meeting Date

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

44

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Kara Gross

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ACLU Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

44

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850-877-2165

Street

Tallahassee

FL

32308

Email mdunagan@flsheriffs.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 46

INTRODUCER: Commerce and Tourism Committee; Regulated Industries Committee; and Senator Hutson

SUBJECT: Craft Distilleries

DATE: March 2, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Reeve</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	<u>Oxamendi</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 46 revises the licensing requirements for craft distilleries. The bill creates s. 565.02(12), F.S., to provide a quota license exemption for certain craft distilleries to qualify for a vendor's license if the craft distillery is located on a property within a destination entertainment venue, as defined by the bill, and open for tours during normal business hours

The bill also amends s. 565.03, F.S., to increase the production limit for distilleries to qualify as craft distilleries from 75,000 gallons per year to 250,000 gallons per year. Craft distilleries may only sell up to 75,000 gallons of branded products in gift shops or tasting rooms and may not ship products to customers. A maximum of 10 craft distilleries meeting certain requirements may share common ownership. Effective July 1, 2020, a minimum of 60 percent of a craft distillery's total finished branded products must be distilled in the state and contain one or more of Florida's agricultural products. Craft distilleries must keep records of all alcoholic beverages received from within or outside the state for a period of 3 years.

The bill allows craft distilleries to qualify for a permit to conduct tastings at Florida fairs, trade shows, farmers markets, expositions, and festivals.

The bill takes effect July 1, 2021.

II. Present Situation:

Division of Alcoholic Beverages and Tobacco

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation administers and enforces¹ the Beverage Law,² which regulates the manufacture, distribution, and sale of wine, beer, and liquor.³

Three-Tier System

In the United States, the regulation of alcohol since the repeal of Prohibition has traditionally been based upon a “three-tier system.” The system requires separation of the manufacture, distribution, and sale of alcoholic beverages. The manufacturer creates the beverages; the distributor obtains the beverages from the manufacturer and delivers them to the vendor. The vendor (retailer) makes the ultimate sale to the consumer. Manufacturers cannot sell directly to retailers or directly to consumers.⁴

Generally, Florida follows the three-tier system. Only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.⁵ Licensed manufacturers, distributors, and registered exporters are prohibited from also being licensed as vendors.⁶ Manufacturers are also generally prohibited from having an interest in a vendor and from distributing directly to a vendor.⁷

Tied House Evil Prohibitions

The system is deeply rooted in the perceived evils of the “tied house” in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.⁸ Activities are heavily regulated to prevent a manufacturer or distributor from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor.

Three-Tier System Exceptions

Exceptions to the three-tier regulatory system permit in-state wineries,⁹ breweries,¹⁰ and craft distilleries to sell directly to consumers.¹¹ Restaurants licensed as vendors (brew pubs) may manufacture a limited quantity of malt beverages and sell directly to consumers for consumption on the licensed premises of the restaurant.¹²

¹ Section 561.02, F.S.

² Section 561.01(6), F.S., provides that the “Beverage Law” means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

³ See s. 561.14, F.S.

⁴ *Id.*

⁵ Section 561.14(3), F.S. However, see the exceptions provided in ss. 561.221 and 565.03, F.S.

⁶ Section 561.22, F.S.

⁷ Sections 563.022(14) and 561.14(1), F.S.

⁸ Jessica C. Starns, *The Dangers of Common Ownership in an Uncommon Industry: Alcohol Policy in America and the Timeless Relevance of Tied-House Restrictions* (2017), available at <https://www.centerforalcoholpolicy.org/wp-content/uploads/2017/03/The-Dangers-of-Common-Ownership-in-an-Uncommon-Industry.pdf> (last visited Feb. 16, 2021).

⁹ See s. 561.221(1), F.S.

¹⁰ See s. 561.221(2), F.S.

¹¹ See s. 565.03, F.S.

¹² See s. 561.221(3), F.S.

A winery, even if licensed as a distributor,¹³ may be licensed as a vendor for a licensed premises situated on property contiguous to the manufacturing premises of the winery. A winery may not be issued more than three vendor licenses.¹⁴

Quota Licenses

Section 561.20, F.S., limits, by county, the number of alcoholic beverage licenses that may be issued to permit the sale of liquor (distilled spirits) to one license per 7,500 residents within the county. These limited alcoholic beverage licenses are known as “quota” licenses. New quota licenses are created and issued when there is an increase in the population of a county. The licenses can also be issued when a county initially changes from a county which does not permit the sale of intoxicating liquor to one that does permit their sale. The quota license is the only alcoholic beverage license that is limited in number; all other types of alcoholic beverage licenses are available without limitation. A person, firm, or corporation may not have an interest, directly or indirectly, in more than 30 percent of the number of quota licenses in a county.¹⁵

Quota License Exceptions

Current law permits certain types of businesses or persons to be licensed sell beer, wine, and liquor without any limitation on the number of such licenses which may be issued in a county, i.e., such licenses are not subject to the quota in s. 561.20, F.S. Quota license exceptions are known as “special licenses.”

Section 561.20(2), F.S., provides several exceptions to the number of licenses that permit the sale of beer, wine, and distilled spirits. The exceptions include restaurants, caterers, hotels and motels, specialty centers built on government-owned land, bowling establishments, and airports.

The Beverage Law provides a limited exception to the quota license limitation to permit the division to issue an alcoholic beverage license (for the sale of beer, wine, and liquor) to:

- An operator of railroads or sleeping cars and a vendor in railroad transit stations.¹⁶
- Operators of steamships and steamship lines, buses and bus lines, or airplanes and airlines engaged in interstate or foreign commerce or flying between fixed terminals and upon fixed schedules in this state.¹⁷
- Persons associated together as a chartered or incorporated club, if not organized for the purpose of evading license taxes and meeting certain conditions, including any golf club operated by or on behalf of any incorporated municipality in this state, and any veterans' or fraternal organization of national scope.¹⁸
- A caterer at a horse or dog racetrack or jai alai fronton.¹⁹

¹³ Section 561.14(1), F.S., permits manufacturers to distribute at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.

¹⁴ See s. 561.221(1), F.S.

¹⁵ Section 561.20(6), F.S.

¹⁶ Section 565.02(2), F.S.

¹⁷ Section 565.02(3), F.S.

¹⁸ Section 565.02(4), F.S.

¹⁹ Section 565.02(5), F.S.

- A vendor who operates places of business where consumption on the premises is permitted, which premises are located within a theme park complex and meeting specified conditions.²⁰
- A marine exhibition park complex meeting specified conditions.²¹
- A state-chartered legal entity not for profit organized principally for the purpose of supporting or managing the affairs of a symphony orchestra.²²
- The operator of a passenger vessel engaged exclusively in foreign commerce.²³
- A state-chartered legal entity not for profit organized principally for the purpose of operating a theater with live performances and not fewer than 100 seats.²⁴
- The John and Mable Ringling Museum of Art direct-support organization.²⁵

Distilleries and Craft Distilleries

Section 565.01, F.S., defines the terms “liquor,” “distilled spirits,” “spirituous liquors,” “spirituous beverages,” or “distilled spirituous liquors” to mean “that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.”

A “distillery” is a manufacturer of distilled spirits,²⁶ and a “craft distillery” is a licensed distillery that produces 75,000 or fewer gallons of distilled spirits per calendar year on its premises. A distillery must notify the division in writing of its decision to qualify as a craft distillery.²⁷

All distilleries engaged solely in the business of manufacturing distilled spirits, or engaged in the business of blending and rectifying distilled spirits, must pay a state license tax for each plant or branch operating in Florida. Distilleries pay \$4,000 annually for the license tax and craft distilleries pay \$1,000. Persons who engage in the business of distilling spirits may also rectify and blend spirituous liquors without paying an additional license tax.²⁸

Retail Sales by Craft Distilleries

A craft distillery is allowed to sell to consumers branded products²⁹ distilled on the licensed premises. The products must be in factory-sealed containers that are filled at the distillery and sold for off-premises consumption.³⁰ The sales must occur at the distillery’s souvenir gift shop located on private property contiguous to the licensed distillery premises.³¹ The craft distillery is not required to obtain, in addition to its manufacturer’s license, a vendor’s license in order to sell distilled spirits to consumers.

²⁰ Section 565.02(6), F.S.

²¹ Section 565.02(7), F.S.

²² Section 565.02(8), F.S.

²³ Section 565.02(9), F.S.

²⁴ Section 565.02(10), F.S.

²⁵ Section 565.02(11), F.S.

²⁶ Section 565.03(1)(c), F.S.

²⁷ Section 565.03(1)(b), F.S.

²⁸ Section 565.03(3), F.S.

²⁹ Section 565.03(1)(a), F.S., defines “branded product” to mean “any distilled spirits product manufactured on site, which requires a federal certificate and label approval by the Federal Alcohol Administration Act or federal regulations.”

³⁰ Section 565.03(2)(c), F.S.

³¹ *Id.*

A craft distillery must report to the division within five business days after it has reached the 75,000-gallon production limit and cease making sales to consumers on the day after it reaches the production limit.³²

A craft distillery may not ship, arrange to ship, or deliver distilled spirits to consumers, except in a face to face transaction. However, a craft distillery may ship, arrange to ship, or deliver distilled spirits to manufacturers of distilled spirits, wholesale distributors of distilled spirits, state and federal bonded warehouses, and exporters.³³

A craft distillery may not transfer its license or any ownership interest to any individual or entity with a direct or indirect interest in another distillery licensed in any other state, territory, or country.³⁴ However, a craft distillery may be affiliated with another distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises or in any other state, territory, or country.³⁵

A craft distillery must submit beverage excise taxes on distilled spirits sold to consumers in its monthly report to the division.³⁶

Declaratory Statement

On January 19, 2018, the division issued a declaratory statement interpreting s. 565.03(2)(c), F.S., to permit a craft distillery to sell to consumers, at its souvenir gift shop, a product comprised of a blend of liquors distilled on the premises of the craft distillery and liquors distilled by other manufacturers away from the premises. The craft distillery may then, at the craft distillery, fill individual containers with the final, blended liquor product for sale at its souvenir gift shop.³⁷ However, a craft distillery may not sell to consumers a product comprised of a blend of only liquors distilled by other manufacturers away from the craft distillery's licensed premises.³⁸

Deliveries by Licensees

Section 561.57(1), F.S., permits an alcoholic beverages vendor to make deliveries away from its place of business for sales made at the licensed place of business. Telephone, electronic, or mail orders received at a vendor's licensed place of business are construed as a sale actually made at the vendor's licensed place of business.

³² Section 565.03(2)(c)3., F.S.

³³ Section 565.03(2)(c)4., F.S.

³⁴ Section 565.03(2)(c)5., F.S.

³⁵ Section 565.03(2)(c)6., F.S.

³⁶ Section 565.03(5), F.S. Section 565.12, F.S., requires manufactures and distributors to pay an excise tax on alcoholic beverages, with the tax rate per gallon depending on the percent of alcohol by volume of the beverage. Section 565.13, F.S., requires every distributor selling spirituous beverages within the state to pay the tax to the division monthly on or before the 10th day of the following month.

³⁷ Final Order on Petition for Declaratory Statement, *In Re: Petition for Declaratory Statement Before the Division Of Alcoholic Beverages and Tobacco, On behalf of Drum Circle Distilling, LLC*, DS 2017-071 (DABT Case No. 2017-052675), January 19, 2018, (on file with Senate Committee on Regulated Industries).

³⁸ *Id.*

Deliveries made by a manufacturer, distributor, or a vendor away from its place of business may only be made in vehicles owned or leased by the vendor, or in a third-party vehicle pursuant to a contract with a third party, including, but not limited to, common carriers.³⁹

By acceptance of an alcoholic beverage license and the use of vehicles owned by or leased by the vendor, the vendor agrees the vehicle is subject to be inspected and searched without a search warrant by employees of the division or law enforcement officers to ascertain compliance with all provisions of the alcoholic beverage laws.⁴⁰

Common carriers⁴¹ may transport alcoholic beverages.⁴² The recipient's age and identity must be verified at the time of delivery. All deliveries by a licensee or a third-party must comply with s. 562.11, F.S., which prohibits selling, giving, serving, or permitting to be served alcoholic beverages to a person under 21 years of age.⁴³

A "permit carrier" is a licensee authorized to make deliveries under s. 561.57, F.S.⁴⁴

Alcoholic Beverage Tastings

Section 563.09, F.S., permits manufacturers, distributors, and importers of beer to conduct sampling activities that include the tasting of beer on the licensed premises of vendors authorized to sell alcoholic beverages for consumption on premises and, if the licensed premises is an establishment with at least 10,000 square feet or a package store, on the licensed premises of vendors authorized to sell alcoholic beverages for consumption off premises. A vendor may also conduct a tasting on its licensed premises using beer from its own inventory.

Section 564.08, F.S., permits licensed wine distributors and vendors to conduct wine tastings at any licensed premises authorized to sell wine or spirituous beverages by package or for consumption on premises without violating s. 561.42, F.S., provided that the conduct of the wine tasting is limited to and directed toward the general public of the age of legal consumption.

A certified Florida Farm Winery⁴⁵ may be issued a permit by the division to conduct tasting and sales of wine produced by certified Florida Farm Wineries at Florida fairs, trade shows, expositions, and festivals. The certified Florida Farm Winery must pay all entry fees and must have a winery representative present during the event. The permit is limited to the length of the event.⁴⁶

³⁹ Section 561.57(2), F.S.

⁴⁰ *Id.*

⁴¹ Section 561.01(19), F.S., defines a "common carrier" as "any person, firm, or corporation that undertakes for hire, as a regular business, the transportation of persons or commodities from place to place, offering its services to all who choose to employ it and pay its charges."

⁴² Section 561.57(5), F.S.

⁴³ Section 561.57(6), F.S.

⁴⁴ Section 561.01(20), F.S.

⁴⁵ Section 599.004, F.S., establishes the Florida Farm Winery Program within the Department of Agriculture and Consumer Services. The requirements for certification include that a winery produce or sell less than 250,000 gallons of wine annually and that 60 percent of the wine produced is made from state agricultural products.

⁴⁶ Section 561.221(1)(b), F.S.

Section 565.17, F.S., permits licensed distributors of spirituous beverages and vendors to conduct spirituous beverage tastings at any licensed premises authorized to sell spirituous beverages by package or for consumption on premises without violating s. 561.42, F.S., provided that the conduct of the spirituous beverage tasting is limited to and directed toward the general public of the age of legal consumption.

Community Redevelopment Areas

The Community Redevelopment Act of 1969 authorizes a county or municipality to create a community redevelopment agency (CRA) as a means of redeveloping slums and blighted areas.⁴⁷ The act defines a “blighted area” as an area in which there are a substantial number of deteriorated structures causing economic distress or endangerment to life or property and in which two or more of the factors listed in s. 163.340(8), F.S., are present. However, an area may also be classified as blighted if one of the aforementioned factors is present and all taxing authorities with jurisdiction over the area agree that the area is blighted by interlocal agreement or by passage of a resolution by the governing bodies.⁴⁸

Either a county or a municipal government may create a CRA. A county or municipality may create a CRA upon the adoption of a finding of necessity and a finding that a CRA is necessary for carrying out the community redevelopment goals embodied by the act.⁴⁹ A CRA created by a county may only operate within the boundaries of a municipality when the municipality has concurred by resolution with the community redevelopment plan adopted by the county. A CRA created by a municipality may not include more than 80 percent of the municipality if it was created after July 1, 2006.⁵⁰

The act allows the local governing body creating a CRA to choose between two structures for the agency governing board. One option is to appoint a board of commissioners consisting of five to nine members serving four-year terms.⁵¹ The second option is for the local governing body to appoint itself as the agency board of commissioners.⁵² A community redevelopment plan must be in place before a CRA can engage in operations.⁵³

There are currently 222 active community redevelopment agencies in Florida.⁵⁴

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 565.02(12), F.S., to provide a quota license exemption for certain craft distilleries to qualify for a vendor’s license for the sale of beer, wine, and liquor.

⁴⁷ Chapter 163, F.S., part III.

⁴⁸ Section 163.340(8), F.S.

⁴⁹ Section 163.356(1), F.S.

⁵⁰ Section 163.340(10), F.S.

⁵¹ Section 163.356(2), F.S.

⁵² Section 163.357(1)(a), F.S.

⁵³ Section 163.360(1), F.S.

⁵⁴ Dept. of Economic Opportunity, Special District Accountability Program, Official List of Special Districts Online, available at <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx> (last visited Feb. 16, 2021).

Under the bill, a craft distillery may be licensed as a vendor for alcoholic beverages from other manufacturers consumed on the premises if the craft distillery is located on a property within a destination entertainment venue and is in operation and open for tours during normal businesses hours at least 5 days a week.

The bill defines a destination entertainment venue (DEV) as a venue located in a designated community redevelopment area (CRA), owned by any person licensed as a craft distillery located within the venue, and served by multimodal transportation options. DEVs must also be located within a contiguous area of at least 15 acres that contains indoor and outdoor event venues with capacities of 150 and 1,000 people, respectively, and one or more licensed craft distilleries with identical ownerships.

All craft distilleries licensed as a vendor in a CRA must be located within the same DEV, share identical ownership, and distill, blend, or rectify at least 50,000 gallons of blended product per calendar year. No more than three craft distilleries may be licensed as a vendor in a CRA.

Craft distilleries licensed as a vendor are prohibited from making package sales for off-premises consumption or making deliveries or shipments of alcoholic beverages, except as authorized in s. 565.03, F.S.

Alcoholic beverages not manufactured at the craft distillery must be obtained by a licensed distributor.

Section 2 amends the craft distillery requirements in s. 565.03, F.S.

The bill increases the production limit for distilleries to qualify as craft distilleries from 75,000 gallons per year to 250,000 gallons per year. A distillery may not operate as a craft distillery until the Division of Alcoholic Beverages and Tobacco has received notice of, and verified that, a distillery meets the production limits.

Craft distilleries may only sell up to 75,000 gallons of branded products distilled, rectified, or blended on the craft distillery's premises directly to consumers each year; such sales may only be sold by the drink for consumption on the premises or by the package in factory-sealed containers for consumption off the premises, and may only be sold in the craft distillery's souvenir gift shop or tasting room. The bill prohibits craft distilleries from shipping products to customers and clarifies that sales made directly to customers may only be face-to-face transactions. However, the bill repeals the six container limit on individual sales. Craft distilleries are responsible for submitting any excise taxes due on distilled spirits.

Effective July 1, 2026, a minimum of 60 percent of a craft distillery's total finished branded products must be distilled in the state and contain one or more of Florida's agricultural products.

The bill prohibits any one person from sharing common ownership in more than 10 craft distilleries, provided that four produce up to 250,000 gallons of distilled spirits a year each and six produce up to 50,000 gallons a year each. "Common ownership" means having a direct or indirect financial interest in two or more distilleries by the same person.

Craft distilleries must keep complete and accurate records of all beverages received from any point within or outside the state from another manufacturer, or from a broker, sales agent, or importer. Such records must include any delivery invoices or other records of the common or contract carriers of freight making the delivery of such alcoholic beverages. Pursuant to s. 561.55, F.S., records must be kept and maintained for a period of 3 years.

Section 3 amends s. 565.17, F.S., to allow craft distilleries to qualify for a permit to conduct tastings at Florida fairs, trade shows, farmers markets, expositions, and festivals.

Section 4 provides an effective date of July 1, 2021.

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:

The bill may increase total sales revenue for craft distilleries by 1) allowing craft distilleries to sell their branded products to consumers by the drink and by 2) repealing the six individual container limit on sales of each of the craft distillery's branded products to a consumer at a craft distillery's souvenir gift shop.

The bill would provide additional sources of revenue for craft distilleries located in a community redevelopment area that qualify for a vendor's license, as specified in the bill.

C. **Government Sector Impact:**

Tax revenue from the sale of craft distillery products may increase if sales to consumers increase under this bill.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 565.02, 565.03, and 565.17.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

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

CS/CS by Commerce and Tourism on February 15, 2021:

The committee substitute requires craft distilleries to keep records of alcoholic beverages received from within or outside the state from a broker, sales agent, importer, or another manufacturer.

CS by Regulated Industries on January 26, 2021:

The committee substitute:

- Deletes the definition of common ownership in the bill and requires any craft distilleries that share ownership in the destination entertainment venue must have identical ownership.
- Requires each distillery in a destination entertainment venue to produce at least 50,000 gallons of liquor each calendar year.
- Deletes the provision providing that other licensed alcoholic vendors may lease a licensed premises within a destination entertainment venue.
- Clarifies that souvenir gift shop and tasting rooms must be located within the state.
- Reinstates current law to clarify that craft distilleries may be affiliated with other craft distilleries in this state, and in other states or countries that do not exceed the production limit at each licensed distillery location.
- Provides an effective date of July 1, 2026 for the requirement that a minimum of 60 percent of the craft distillery's total branded products must be distilled in this state and contain one or more Florida agricultural products.

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 Commerce and Tourism; and Regulated Industries; and Senator Hutson

577-02138-21

202146c2

1 A bill to be entitled
 2 An act relating to craft distilleries; amending s.
 3 565.02, F.S.; defining the term "destination
 4 entertainment venue"; authorizing craft distilleries
 5 to be licensed as specified vendors under certain
 6 circumstances; providing requirements for such
 7 licenses; providing requirements for craft
 8 distilleries for such licenses; prohibiting a licensee
 9 from taking certain actions; requiring certain
 10 alcoholic beverages to be obtained through a licensed
 11 distributor; amending s. 565.03, F.S.; redefining the
 12 terms "branded product" and "craft distillery";
 13 prohibiting a distillery from operating as a craft
 14 distillery until certain requirements are met;
 15 authorizing persons to have common ownership in craft
 16 distilleries under certain circumstances; defining the
 17 term "common ownership"; requiring a minimum
 18 percentage of a craft distillery's total finished
 19 branded products to be distilled in this state and
 20 contain one or more Florida agricultural products
 21 after a specified date; revising the requirements and
 22 prohibitions on the sale of branded products to
 23 consumers by a licensed craft distillery; revising the
 24 circumstances for which a craft distillery must report
 25 certain information about the production of distilled
 26 spirits to the Division of Alcoholic Beverages and
 27 Tobacco of the Department of Business and Professional
 28 Regulation; revising prohibitions on the shipment of
 29 certain products by a craft distillery; revising

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577-02138-21

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30 prohibitions on the transfer of a craft distillery
 31 license or ownership interest in such license;
 32 revising prohibitions relating to affiliated ownership
 33 of craft distilleries; authorizing a craft distillery
 34 to transfer specified distilled spirits from certain
 35 locations to its souvenir gift shop and tasting room;
 36 making technical changes; requiring the keeping of
 37 records for alcoholic beverages received from
 38 specified persons; amending s. 565.17, F.S.;
 39 authorizing craft distilleries to conduct spirituous
 40 beverage tastings under certain circumstances;
 41 requiring the division to issue permits to craft
 42 distilleries to conduct tastings and sales at certain
 43 locations; specifying requirements for distilleries
 44 for such permits; providing an effective date.
 45
 46 Be It Enacted by the Legislature of the State of Florida:
 47
 48 Section 1. Present subsection (12) of section 565.02,
 49 Florida Statutes, is redesignated as subsection (13), and a new
 50 subsection (12) is added to that section, to read:
 51 565.02 License fees; vendors; clubs; caterers; and others.—
 52 (12)(a) As used in this subsection, the term "destination
 53 entertainment venue" means a venue that:
 54 1. Is located in a designated community redevelopment area
 55 authorized under an adopted community redevelopment plan to
 56 support urban redevelopment and economic development;
 57 2. Is owned by any person licensed as a craft distillery
 58 located within the destination entertainment venue;

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577-02138-21

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3. Is adjacent to and served by multimodal transportation options, including, at a minimum, bicycle and pedestrian trails included on an adopted city or county trails map and mass transit routes established by a city, county, or regional transportation authority; and

4. Is located within a contiguous area of at least 15 acres, including associated parking and stormwater requirements as required by local law, regulation, or ordinance, and that contains:

a. At least one indoor event venue with a minimum capacity of 150 people which is fully serviced by a connected onsite kitchen;

b. At least one outdoor event venue with a minimum capacity of 1,000 people which has regularly occurring live entertainment on a stage that is at least 12 feet deep and 16 feet wide; and

c. One or more licensed craft distilleries sharing identical ownership.

(b) Notwithstanding any other provisions of the Beverage Law, upon the payment of the appropriate fees, a craft distillery licensed in this state may be licensed as a vendor only for consumption on the premises of alcoholic beverages manufactured by other manufacturers and acquired through a distributor. The issuance of a license under this paragraph is not subject to any quota or limitation, except that the craft distillery must be:

1. Located on property within a destination entertainment venue; and

2. In operation and open for tours during normal business hours at least 5 days a week.

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(c) The vendor license may be issued only for the premises included on the licensed premises sketch on file with the division under s. 565.03 for the craft distillery, including its souvenir gift shop or tasting room.

(d) No more than three craft distilleries may be licensed as a vendor in a community redevelopment area under this subsection. Craft distilleries licensed as a vendor under this subsection must be located within the same destination entertainment venue and must share identical ownership, and each craft distillery must distill, blend, or rectify at least 50,000 gallons of branded products per calendar year.

(e) Except as otherwise provided in this paragraph, a craft distillery licensed as a vendor under this subsection shall be treated as a vendor and is subject to all provisions relating to such vendors licensed to sell alcoholic beverages for consumption on premises. A craft distillery licensed as a vendor may not make package sales for off-premises consumption or make any delivery or shipment of alcoholic beverages away from the destination entertainment venue or the craft distillery, unless such shipment or delivery is authorized for a craft distillery under s. 565.03.

(f) Alcoholic beverages manufactured by another licensed manufacturer, including branded products manufactured at another craft distillery location sharing identical ownership, must be obtained through a licensed distributor.

Section 2. Present subsections (6) and (7) of section 565.03, Florida Statutes, are redesignated as subsections (7) and (8), respectively, a new subsection (6) is added to that section, and paragraphs (a) and (b) of subsection (1) and

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subsections (2) and (5) of that section are amended, to read:

565.03 License fees; manufacturers, distributors, brokers, sales agents, and importers of alcoholic beverages; vendor licenses and fees; distilleries and craft distilleries.—

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

(a) "Branded product" means any distilled spirits product that:

1. Is owned by a craft distillery;

2. Contains distilled spirits that are manufactured by distilling, rectifying, or blending by the craft distillery on its licensed premises; and

3. Has manufactured on site, which requires a federal certificate and label approval by the Federal Government Alcohol Administration Act or federal regulations.

(b) "Craft distillery" means a licensed distillery in this state which distills, rectifies, or blends 250,000 that produces 75,000 or fewer gallons or less of distilled spirits per calendar year ~~of distilled spirits on its premises and has notified the division in writing of its decision to qualify as a craft distillery.~~

(2) (a) A distillery may not operate as a craft distillery until the distillery has provided to the division written notification that it meets the criteria specified in paragraph (1) (b). Upon the division's receipt of the notification and its verification that the distillery meets all such criteria, the division shall add the designation of craft distiller on the distillery's license.

(b) A person may not share common ownership in more than 10 craft distilleries, provided that no more than:

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1. Four of the distilleries each distill, rectify, or blend 250,000 gallons or less of distilled spirits per calendar year; and

2. Six of the distilleries each distill, rectify, or blend 50,000 gallons or less of distilled spirits per calendar year.

As used in this paragraph, the term "common ownership" means having a direct or indirect financial interest in two or more distilleries by the same person.

(c) Effective July 1, 2026, a minimum of 60 percent of a craft distillery's total finished branded products must be distilled in this state and contain one or more Florida agricultural products.

(d) A distillery or a craft distillery authorized to do business under the Beverage Law shall pay an annual state license tax for each plant or branch operating in the state, as follows:

1. A distillery engaged in the business of manufacturing distilled spirits: \$4,000.

2. A craft distillery engaged in the business of manufacturing distilled spirits: \$1,000.

3. A person engaged in the business of rectifying and blending spirituous liquors and nothing else: \$4,000.

(e) ~~(b)~~ A licensed distillery or licensed craft distillery ~~may Persons licensed under this section who are in the business of distilling spirituous liquors may also~~ engage in the business of rectifying or ~~and~~ blending spirituous liquors without the payment of an additional license tax.

(f) ~~(e)~~ A craft distillery ~~licensed under this section~~ may

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175 sell directly to consumers up to 75,000 gallons per calendar
 176 ~~year of, at its souvenir gift shop,~~ branded products that are
 177 manufactured by the craft distillery distilled on its premises.
 178 A craft distillery may sell branded products directly to
 179 consumers by the drink for consumption on the premises or by the
 180 package in factory-sealed containers for consumption off the
 181 premises in this state in factory-sealed containers that are
 182 filled at the distillery for off-premises consumption. Such
 183 sales are authorized only in the craft distillery's souvenir
 184 gift shop or tasting room located on private property contiguous
 185 to the licensed ~~distillery~~ premises. Branded products sold to
 186 consumers must have been distilled, rectified, or blended on the
 187 distillery premises that is located contiguous to the craft
 188 distillery's souvenir gift shop or tasting room. The souvenir
 189 gift shop or tasting room must be in this state and included on
 190 the sketch or diagram defining the licensed premises submitted
 191 with the distillery's license application. All sketch or diagram
 192 revisions by the distillery shall require the division's
 193 approval verifying that the locations of the souvenir gift shops
 194 and tasting rooms ~~shop location~~ operated by the licensed
 195 distillery are ~~is~~ owned or leased by the distillery and on
 196 property contiguous to the distillery's production building in
 197 this state.

198 1. Except as authorized under s. 565.17(2), a craft
 199 distillery may not sell any factory-sealed individual containers
 200 of spirits to consumers except in face-to-face sales
 201 transactions with such consumers at the craft distillery's
 202 licensed premises. Such branded products must be in compliance
 203 with the container limits under s. 565.10 and be intended for

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204 personal consumption rather than for resale ~~who are making a~~
 205 ~~purchase of no more than six individual containers of each~~
 206 ~~branded product.~~

207 2. ~~Each container sold in face-to-face transactions with~~
 208 ~~consumers must comply with the container limits in s. 565.10,~~
 209 ~~per calendar year for the consumer's personal use and not for~~
 210 ~~resale and who are present at the distillery's licensed premises~~
 211 ~~in this state.~~

212 3. A craft distillery must report to the division within 5
 213 days after it ~~exceeds~~ reaches the production limits or is no
 214 longer operating under the requirements or limitations provided
 215 in paragraph (1)(b). Any retail sales of branded products by the
 216 drink or by the package to consumers at the craft distillery's
 217 licensed premises are prohibited beginning the day after it
 218 ~~exceeds~~ reaches the production limitation.

219 3.4. A craft distillery may not ship or arrange to ship any
 220 of its branded products or any other alcoholic beverages
 221 ~~distilled spirits~~ to consumers and may sell and deliver only to
 222 consumers within the state in a face-to-face transaction at the
 223 distillery property. However, a craft distillery ~~distiller~~
 224 licensed under this section may ship, arrange to ship, or
 225 deliver such spirits to any manufacturers of distilled spirits,
 226 wholesale distributors of distilled spirits, state or federal
 227 bonded warehouses, or ~~and~~ exporters.

228 4.5. Except as provided in subparagraph 5. ~~subparagraph 6.,~~
 229 it is unlawful to transfer a craft distillery license ~~for a~~
 230 ~~distillery that produces 75,000 or fewer gallons per calendar~~
 231 ~~year of distilled spirits on its premises~~ or any ownership
 232 interest in such license to an individual or entity that has a

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direct or indirect ownership interest in any distillery that
~~distills, rectifies, or blends 250,000 gallons or more per~~
~~calendar year of distilled spirits under any license issued~~
~~licensed in this state; in another state, territory, or country;~~
 or by the United States Government to ~~distill manufacture,~~
 blend, or rectify distilled spirits for beverage purposes.

~~5.6- Except as provided in paragraph (b), a craft~~
 distillery ~~may shall~~ not have its ownership affiliated with
 another distillery, unless such distillery is owned by an
individual or entity that distills, rectifies, or blends 250,000
gallons or less per calendar year of distilled spirits produces
~~75,000 or fewer gallons per calendar year of distilled spirits~~
 on each of its premises in this state or in another state,
 territory, or country.

6. A craft distillery may transfer up to 75,000 gallons per
calendar year of its branded products that it distills,
rectifies, or blends from its federal bonded space, nonbonded
space at its licensed premises, or storage areas to its souvenir
gift shop and tasting room.

(5) A craft distillery making sales under paragraph (2) (f)
~~paragraph (2) (e)~~ is responsible for submitting any excise taxes
due to the state on distilled spirits on beverages under the
 Beverage Law ~~with in~~ its monthly report to the division ~~with any~~
~~tax payments due to the state.~~

(6) A craft distillery shall keep complete and accurate
records of all alcoholic beverages received from any point
within or outside the state from another manufacturer, or from a
broker or sales agent or importer, including any delivery
invoice or other record of the common or contract carrier of

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freight making the delivery of such alcoholic beverages. The
records shall be kept and maintained for a period of 3 years, as
required by s. 561.55.

Section 3. Section 565.17, Florida Statutes, is amended to
 read:

565.17 Beverage tastings by distributors, craft
distilleries, and vendors.—

(1) A licensed distributor of spirituous beverages, a craft
distillery as defined in s. 565.03, or any vendor, is authorized
 to conduct spirituous beverage tastings upon any licensed
 premises authorized to sell spirituous beverages by package or
 for consumption on premises without being in violation of s.
 561.42, provided that the conduct of the spirituous beverage
 tasting shall be limited to and directed toward the general
 public of the age of legal consumption.

(2) Craft distilleries may conduct tastings and sales of
distilled spirits produced by the craft distilleries at Florida
fairs, trade shows, farmers markets, expositions, and festivals.
The division shall issue permits to craft distilleries for such
tastings and sales. A craft distillery must pay all entry fees
and must have a distillery representative present during the
event. The permit is limited to the duration and physical
location of the event.

Section 4. This act shall take effect July 1, 2021.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 18, 2021

I respectfully request that **Senate Bill #46**, relating to Craft Distilleries, be placed on the:

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

A handwritten signature in cursive script, reading "Travis J. Hutson".

Senator Travis Hutson
Florida Senate, District 7

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SENATE RULES COMMITTEE

46

Bill Number (if applicable)

Topic alcohol beverages

Amendment Barcode (if applicable)

Name Scott Dick

Job Title lobbyist

Address 210 South Monroe Street

Street

Phone 850-421-9100

Tallahassee

FL

32301

Email scott@skdgrp.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ABC Liquors and Florida Independent Spirits Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/4/21

Meeting Date

46

Bill Number (if applicable)

Topic Craft Distilleries

Amendment Barcode (if applicable)

Name Phillip Suderman

Job Title Policy Director

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 68

INTRODUCER: Criminal Justice Committee and Senator Garcia

SUBJECT: Public Records/Staff and Domestic Violence Advocates of Domestic Violence Centers

DATE: March 2, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Moody</u>	<u>Cox</u>	<u>CF</u>	Favorable
2. <u>Stokes</u>	<u>Jones</u>	<u>CJ</u>	Fav/CS
3. <u>Moody</u>	<u>Phelps</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 68 amends s. 119.071(4)(d), F.S., creating a new exemption from public records disclosure for specified personal information of current and former staff and domestic violence advocates of domestic violence centers certified by the Department of Children and Families (DCF) under ch. 39, F.S., and specified personal information relating to their spouses and children.

The bill exempts the following information from public records disclosure:

- Home addresses, telephone numbers, places of employment, dates of birth, and photographs of such personnel;
- Names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and
- Names and locations of schools and day care facilities attended by the children of such personnel.

The bill provides a statement of public necessity as required by the state constitution.

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

The bill is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2024, in accordance with s. 119.15, F.S., unless the statute is reviewed and reenacted

by the Legislature before that date. While the repeal date is typically 5 years from enactment of an exemption, the repeal date for this bill is 3 years, so that it remains consistent with the repeal dates of other exemptions currently in s. 119.071(4)(d), F.S.

There is no anticipated fiscal impact on state, county, or municipal governments. Agency costs incurred in responding to public records requests for the specified information should be offset by authorized fees. See Section V. Fiscal Impact Statement.

The bill is effective upon becoming a law.

II. Present Situation:

Access to Public Records - Generally

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

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are 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., 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.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2020-2022) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2020-2022).

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 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

“public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

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.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

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.¹⁰ 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.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

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.¹⁴ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with

of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

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

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *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).

¹² *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).

¹³ *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).

¹⁴ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ Section 119.15(4)(b), F.S., provides that 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.

specified exceptions.¹⁸ 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.¹⁹ However, an exemption may be reviewed under the Open Government Sunset Review Act prior to the fifth year since enactment.

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 it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;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 carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.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 sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

¹⁸ 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.

¹⁹ Section 119.15(3), F.S.

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.

General Public Records Exemptions for State Agency Personnel

There are three general public records exemptions that apply to all state agency personnel: disclosure of an employee's (1) social security number, (2) medical information, and (3) personal identifying information of dependent children who are insured by an agency group insurance plan.²⁷

Social Security Numbers

Social security numbers of all current and former agency personnel are confidential and exempt when held by the employing agency.²⁸ An employing agency may only release social security numbers for the following reasons:

- It is required by federal or state law, or court order.
- A receiving government agency needs the social security number to perform its duties.
- The employee consents to disclose his or her social security number.²⁹

In addition, there is a general exemption for social security numbers which applies to the public that makes social security numbers confidential and exempt.³⁰ This exemption applies to any agency that holds anyone's social security number, including those belonging to the personnel of that agency. This exemption, however, permits the agency to disclose social security numbers of agency personnel in order to administer health or retirement benefits.³¹

Medical Information

A prospective, current, or former agency employee's medical information is also exempt from public disclosure if the medical information could identify the employee. Such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission pursuant to a court order.³²

Personal Identifying Information

The personal identifying information of a dependent child of an agency employee who is insured by an agency group insurance plan is exempt from public disclosure. This exemption applies to the dependent children of current and former employees and is also retroactively applied.³³

Public Records Exemptions for Specified Agency Personnel and Their Families (s. 119.071(4)(d), F.S.)

Provisions in s. 119.071(4)(d), F.S., exempt from public disclosure certain personal identification and location information of specified agency personnel and their spouses and children. Personnel covered by these exemptions include, in part:

²⁷ Section 119.071(4)(a) and (b), F.S.

²⁸ Section 119.071(4)(a)1., F.S.

²⁹ Section 119.071(4)(a), F.S.

³⁰ Section 119.071(5)(a)5., F.S.

³¹ Section 119.071(5)(a)6.f. and g., F.S.

³² Section 119.071(4)(b)1., F.S.

³³ Section 119.071(4)(b)2., F.S.

- Active or former sworn or civilian law enforcement personnel employed by a law enforcement agency, including correctional and correctional probation officers, certain investigative personnel of the DCF and the Department of Health, and certain personnel of the Department of Revenue and local governments involved in revenue collection and child support enforcement;³⁴
- Certain current or former nonsworn investigative personnel of the Department of Financial Services;³⁵
- Certain current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations;³⁶
- Current or former certified firefighters;³⁷
- Current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;³⁸
- Current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors;³⁹
- Current or former code enforcement officers;⁴⁰
- Current or former guardians ad litem;⁴¹
- Current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel;⁴²
- Current or former investigators or inspectors of the Department of Business and Professional Regulation;⁴³
- County tax collectors;⁴⁴
- Current or former certified emergency medical technicians and paramedics;⁴⁵
- Current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility;⁴⁶ and
- Current or former directors, managers, supervisors, and clinical employees of certain child advocacy centers.⁴⁷

The employing agency as well as the employee may assert the right to the exemption by submitting a written request to each agency which holds the employee's information.⁴⁸ Further, all of these exemptions have retroactive application.⁴⁹

³⁴ Section 119.071(4)(d)2.a., F.S.

³⁵ Section 119.071(4)(d)2.b., F.S.

³⁶ Section 119.071(4)(d)2.c., F.S.

³⁷ Section 119.071(4)(d)2.d., F.S.

³⁸ Section 119.071(4)(d)2.e., F.S.

³⁹ Section 119.071(4)(d)2.f., F.S.

⁴⁰ Section 119.071(4)(d)2.i., F.S.

⁴¹ Section 119.071(4)(d)2.j., F.S. Guardians ad litem are volunteers who offer their services to the program.

⁴² Section 119.071(4)(d)2.l., F.S.

⁴³ Section 119.071(4)(d)2.m., F.S.

⁴⁴ Section 119.071(4)(d)2.n., F.S.

⁴⁵ Section 119.071(4)(d)2.q., F.S.

⁴⁶ Section 119.071(4)(d)2.s., F.S.

⁴⁷ Section 119.071(4)(d)2.t., F.S.

⁴⁸ Section 119.071(4)(d)3. and 4., F.S.

⁴⁹ Section 119.071(4)(d)5., F.S.

The information exempted by the various provisions of s. 119.071(4)(d)2., F.S., is similar but not identical. All of the provisions in s. 119.071(4)(d)2., F.S., exempt from public disclosure the home addresses,⁵⁰ telephone numbers,⁵¹ and dates of birth of the specified personnel. However, exemptions are not uniform for names, photographs, and places of employment.

Section 119.071(4)(d)2., F.S., also exempts from public disclosure certain types of information about employees' spouses and children. The exemptions for family members include home addresses, telephone numbers, spouses' places of employment, and names and locations of children's schools and day care facilities. However, exemptions are not uniform for names, dates of birth, and photographs of family members.

In addition, some of the provisions exempt information from ch. 119, F.S., but not from Article I, s. 24(a), of the Florida Constitution. This means that information would be exempt if held by an executive branch agency, but may not necessarily be exempt if held by the legislative or judicial branches of government.

Finally, certain exemptions have different Open Government Sunset Review sunset dates.

Domestic Violence Centers

A domestic violence center means an agency whose primary mission is to provide services to victims of domestic violence.⁵² Currently, Florida has 41 certified domestic violence centers that are the leading providers of domestic violence services. They provide crisis counseling and support services to victims of domestic violence and their children.⁵³

The DCF is tasked with performing specified duties and functions with respect to domestic violence under ch. 39, F.S. Section 39.903, F.S., states the DCF must:

- Operate the domestic violence program and coordinate and administer statewide activities related to the prevention of domestic violence.
- Receive and approve or reject applications for initial certification of domestic violence centers, and annually renew the certification thereafter.

⁵⁰ Section 119.071(4)(d)1.a., F.S., defines "home addresses" to mean "the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address."

⁵¹ Section 119.071(4)(d)1.b., F.S., defines "telephone numbers" to include "home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices."

⁵² Section 39.902(2), F.S. Section 741.28(2), F.S., defines "domestic violence" as "any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member." Further, s. 741.28(3), F.S., defines "family or household member" as "spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit."

⁵³ The Department of Children and Families, *Domestic Violence Overview*, available at <https://www.myflfamilies.com/service-programs/domestic-violence/overview.shtml> (last visited February 5, 2021).

- Have the right to enter and inspect the premises of domestic violence centers that are applying for an initial certification or facing potential suspension or revocation of certification to effectively evaluate the state of compliance with minimum standards.
- Promote the involvement of certified violence centers in the coordination, development, and planning of domestic violence programming in the circuits.
- Coordinate with state agencies that have health, education, or criminal justice responsibilities to raise awareness of domestic violence and promote consistent policy implementation.
- Cooperate with, assist in, and participate in, programs of other properly qualified state agencies, including any agency of the federal government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention of domestic violence and the provision of services to clients.
- Contract with an entity or entities for the delivery and management of services for the state's domestic violence program if the DCF determines that doing so is in the best interest of the state.
- Consider applications from certified domestic violence centers for capital improvement grants and award those grants in accordance with s. 39.9055, F.S.
- Adopt by rule procedures to administer this section, including developing criteria for the approval, suspension, or rejection of certification of domestic violence centers and developing minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.

Services provided free of charge by domestic violence centers include emergency shelter, 24-hour crisis and information hotline, safety planning, counseling, case management, child assessments, information and referrals, education for community awareness, and training for law enforcement and other professionals, and other ancillary services such as relocation assistance, daycare, and transitional housing.⁵⁴

Domestic violence centers employ staff and rely on volunteers to provide these services to victims. A domestic violence advocate is an employee or a volunteer who has 30 hours of training in assisting victims of domestic violence and is an employee or volunteer for a program for victims of domestic violence whose primary purpose is the rendering of advice, counseling, or assistance to victims of domestic violence.⁵⁵ A volunteer is an unpaid staff member who provides direct or indirect services for a domestic violence center. All employees and volunteers receive some degree of training on domestic violence.⁵⁶

Staff, including volunteers, are required to submit to a background screening, except personnel who assist on an intermittent basis for less than 10 hours per month if a person who meets the screening requirement is always present and has the volunteer within his or her line of sight.⁵⁷

⁵⁴ *Id.*

⁵⁵ Section 90.5036, F.S.; Rule 65H-1.011(9), F.A.C., states “‘domestic violence advocate’ means an employee or volunteer of a certified domestic violence center who: provides direct services to individuals victimized by domestic violence; has received 30 hours of domestic violence core competency training; and, has been identified by the domestic violence center as an individual who may assert a claim to privileged communications with domestic violence victims under section 39.905, F.S.”

⁵⁶ Rule 65H-1.011(17), F.A.C., states “‘volunteer’ means unpaid staff members trained in the dynamics of domestic violence who provide direct and indirect services to those seeking and receiving services from a domestic violence center.”

⁵⁷ Section 39.001(2)(a), F.S.

Some also require personal reference letters.⁵⁸ As a practical matter, domestic violence centers generally require background checks for all volunteers, such as the centers in Baker County,⁵⁹ Broward County,⁶⁰ and Escambia County.⁶¹

There are 17,692 domestic violence advocates registered in the DCF domestic violence advocate-victim privilege database. Of those, 2,727 are current employees and volunteers of certified domestic violence centers, and 14,965 are no longer employed or volunteer at a certified domestic violence center. Advocates are not removed from the privilege database after they leave because they may be later subpoenaed for information and need to be able to assert the privilege, or they may become employed by or volunteer at another program.⁶²

Some certified domestic violence centers have reported to the DCF that employees and volunteers have been physically threatened, stalked, and emotionally abused by perpetrators of domestic violence. It has also been reported that these threats have led staff to leave their employment due to safety concerns.⁶³

III. Effect of Proposed Changes:

The bill amends s. 119.071(4)(d)2., F.S., exempting certain information pertaining to current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), F.S., of domestic violence centers certified by DCF under ch. 39, F.S.

The bill exempts specific information from public records requirements for the above-mentioned personnel including the:

- Home addresses, telephone numbers, places of employment, dates of birth, and photographs of such personnel;
- Names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and
- Names and locations of schools and day care facilities attended by the children of such personnel.

A custodian of a record who is not the employer of the person covered by the exemption must maintain the exempt status of the information if the covered person submits a written request for maintenance of the exemption to the custodial agency.

This exemption applies to information held by an agency before, on, or after the effective date of the exemption.

⁵⁸ Women in Distress of Broward County, Inc. Jim & Jan Moran Family Center, *Interested in becoming a volunteer?*, available at <https://www.womenindistress.org/what-you-can-do/volunteer/> (last visited February 5, 2021).

⁵⁹ Hubbard House, *How do I get started?*, available at <https://www.hubbardhouse.org/getstarted> (last visited February 5, 2021).

⁶⁰ Women in Distress of Broward County, Inc. Jim & Jan Moran Family Center, *Interested in becoming a volunteer?*, available at <https://www.womenindistress.org/what-you-can-do/volunteer/> (last visited February 5, 2021).

⁶¹ Family House of Northwest Florida, Inc., *Volunteers Make It Happen!*, available at <https://favorhouse.org/page/Volunteer.html> (last visited February 5, 2021).

⁶² Email from John Paul Fiore, Legislative Specialist, DCF, RE: Domestic Violence Advocate (Email on file with the Committee on Criminal Justice) (February 12, 2021).

⁶³ The DCF, *Agency Analysis for SB 68*, p. 2, January 11, 2021 (On file with the Senate Committee on Criminal Justice).

The bill is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2024, unless the statute is reviewed and reenacted by the Legislature before that date.

The bill also provides a statement of public necessity as required by the State Constitution. Currently, s. 119.071(4)(d), F.S., exempts from public disclosure specified information of certain agency personnel and their families. The public necessity statement notes:

[t]he Legislature finds...[domestic violence centers' staff, domestic violence advocates] and their family members are at a heightened risk of physical and emotional harm from perpetrators of domestic violence who have contentious reactions to actions taken by such personnel to house and protect victims of domestic violence and limit further harm to such victims. The Legislature further finds that it is necessary to provide safeguards to staff and domestic violence advocates who are offering their time to protect victims of domestic violence. Without such protection, individuals may be less willing to volunteer or work for such centers, thus reducing the pool of resources and assistance available to address the already significant needs of victims of domestic violence.

The bill is effective 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:

Vote Requirement

Article I, s. 24(c) of the Florida 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. CS/SB 68 enacts a new exemption for specified public records relating to domestic violence centers' staff, domestic violence advocates, and their spouses and children and therefore, the bill will require two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires the law state with specificity the public necessity to justify a new or substantially amended exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Scope of Exemption

Article I, s. 24(c) of the Florida Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the law is to protect staff, domestic violence advocates, and their spouse and children from perpetrators of domestic violence who pose a risk of harm to them, and reduce the risk that individuals may be less willing to volunteer or work for domestic violence centers as a result of such risk. The bill exempts only those persons who are at risk of harm and their relevant location or identifying information which could pose a harm to them. 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:

The bill does not appear to have a fiscal impact on state or local governments. Costs incurred by an agency in responding to public records requests regarding these exemptions should be offset by authorized fees.⁶⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁶⁴ Section 119.07(2) and (4), F.S.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on February 16, 2021:

The committee substitute replaces the term “volunteer” with “domestic violence advocate,” as defined under s. 90.5036(1)(b), F.S.

- 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 Criminal Justice; and Senator Garcia

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; exempting personal identifying and location information of current and former staff and domestic violence advocates of domestic violence centers certified by the Department of Children and Families under ch. 39, F.S., and personal identifying and location information of spouses and children of such personnel, from public records requirements; providing for retroactive application; 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. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

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

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Telephone numbers" includes home telephone numbers,

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personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

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personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the

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names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative

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Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended

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by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of

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175 current or former public defenders, assistant public defenders,
176 criminal conflict and civil regional counsel, and assistant
177 criminal conflict and civil regional counsel are exempt from s.
178 119.07(1) and s. 24(a), Art. I of the State Constitution.

179 m. The home addresses, telephone numbers, dates of birth,
180 and photographs of current or former investigators or inspectors
181 of the Department of Business and Professional Regulation; the
182 names, home addresses, telephone numbers, dates of birth, and
183 places of employment of the spouses and children of such current
184 or former investigators and inspectors; and the names and
185 locations of schools and day care facilities attended by the
186 children of such current or former investigators and inspectors
187 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
188 Constitution.

189 n. The home addresses, telephone numbers, and dates of
190 birth of county tax collectors; the names, home addresses,
191 telephone numbers, dates of birth, and places of employment of
192 the spouses and children of such tax collectors; and the names
193 and locations of schools and day care facilities attended by the
194 children of such tax collectors are exempt from s. 119.07(1) and
195 s. 24(a), Art. I of the State Constitution.

196 o. The home addresses, telephone numbers, dates of birth,
197 and photographs of current or former personnel of the Department
198 of Health whose duties include, or result in, the determination
199 or adjudication of eligibility for social security disability
200 benefits, the investigation or prosecution of complaints filed
201 against health care practitioners, or the inspection of health
202 care practitioners or health care facilities licensed by the
203 Department of Health; the names, home addresses, telephone

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204 numbers, dates of birth, and places of employment of the spouses
205 and children of such personnel; and the names and locations of
206 schools and day care facilities attended by the children of such
207 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
208 the State Constitution.

209 p. The home addresses, telephone numbers, dates of birth,
210 and photographs of current or former impaired practitioner
211 consultants who are retained by an agency or current or former
212 employees of an impaired practitioner consultant whose duties
213 result in a determination of a person's skill and safety to
214 practice a licensed profession; the names, home addresses,
215 telephone numbers, dates of birth, and places of employment of
216 the spouses and children of such consultants or their employees;
217 and the names and locations of schools and day care facilities
218 attended by the children of such consultants or employees are
219 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
220 Constitution.

221 q. The home addresses, telephone numbers, dates of birth,
222 and photographs of current or former emergency medical
223 technicians or paramedics certified under chapter 401; the
224 names, home addresses, telephone numbers, dates of birth, and
225 places of employment of the spouses and children of such
226 emergency medical technicians or paramedics; and the names and
227 locations of schools and day care facilities attended by the
228 children of such emergency medical technicians or paramedics are
229 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
230 Constitution.

231 r. The home addresses, telephone numbers, dates of birth,
232 and photographs of current or former personnel employed in an

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agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1) and fulfills the screening requirement of s. 39.3035(2), and the members of a

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Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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291 4. An officer, an employee, a justice, a judge, or other
 292 person specified in subparagraph 2. may submit a written request
 293 for the release of his or her exempt information to the
 294 custodial agency. The written request must be notarized and must
 295 specify the information to be released and the party that is
 296 authorized to receive the information. Upon receipt of the
 297 written request, the custodial agency shall release the
 298 specified information to the party authorized to receive such
 299 information.

300 5. The exemptions in this paragraph apply to information
 301 held by an agency before, on, or after the effective date of the
 302 exemption.

303 6. This paragraph is subject to the Open Government Sunset
 304 Review Act in accordance with s. 119.15 and shall stand repealed
 305 on October 2, 2024, unless reviewed and saved from repeal
 306 through reenactment by the Legislature.

307 Section 2. The Legislature finds that it is a public
 308 necessity that the home addresses, telephone numbers, places of
 309 employment, dates of birth, and photographs of current or former
 310 staff and domestic violence advocates, as defined in s.
 311 90.5036(1)(b), Florida Statutes, of domestic violence centers
 312 certified by the Department of Children and Families under
 313 chapter 39, Florida Statutes; the names, home addresses,
 314 telephone numbers, places of employment, dates of birth, and
 315 photographs of the spouses and children of such personnel; and
 316 the names and locations of schools and day care facilities
 317 attended by the children of such personnel be exempt from public
 318 records requirements. Such personnel and their family members
 319 are at a heightened risk of physical and emotional harm from

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320 perpetrators of domestic violence who have contentious reactions
 321 to actions taken by such personnel to house and protect victims
 322 of domestic violence and limit further harm to such victims. The
 323 Legislature further finds that it is necessary to provide
 324 safeguards to staff and domestic violence advocates who are
 325 offering their time to protect victims of domestic violence.
 326 Without such protection, individuals may be less willing to
 327 volunteer or work for such centers, thus reducing the pool of
 328 resources and assistance available to address the already
 329 significant needs of victims of domestic violence.

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

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 16, 2021

I respectfully request that **Senate Bill #68**, relating to Public Records/Staff and Volunteers of Domestic Violence Centers, be placed on the:

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

Senator Ileana Garcia
Florida Senate, District 37

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

68

Bill Number (if applicable)

Topic Public Records/Staff at Domestic Violence Centers

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

City

State

Zip

Email Barney@BarneyBishop.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

March 4th 2021

Meeting Date

CS/B68

Bill Number (if applicable)

Topic

Domestic Violence

Amendment Barcode (if applicable)

Name

David Serdan

Job Title

Retired, Bus. Owner

STATES MAN
ABUSED
HUSBAND

Address

66 WINTERS GREEN DR

Street

Phone

352 805 6597

City

Fort Lauderdale

State

FL

Zip

34731

Email

golferdave1455@gmail.com

Speaking:

☐

For

☐

Against

☒

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Self

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

This information was not read into the record by the Chair

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 70

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Garcia

SUBJECT: Domestic Violence Centers

DATE: March 2, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Moody</u>	<u>Cox</u>	<u>CF</u>	Fav/CS
2. <u>Stokes</u>	<u>Jones</u>	<u>CJ</u>	Favorable
3. <u>Moody</u>	<u>Phelps</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 70 creates s. 39.9057, F.S., making it a first degree misdemeanor for any person who maliciously publishes, disseminates, or discloses any descriptive information or image that may identify the location of a domestic violence center certified under s. 39.905, F.S., or who otherwise maliciously discloses the location of a center. Any person who violates the law commits a misdemeanor of the first degree, punishable by up to one year imprisonment and a \$1,000 fine.

The bill reclassifies the penalty from a first degree misdemeanor to a third degree felony for a second or subsequent violation. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine.

The bill creates a new first degree misdemeanor and a new third degree felony for a second or subsequent offense. To the extent this results in persons being sentenced to jail or prison, it will likely have a positive insignificant jail or prison bed impact (i.e. an increase of 10 or fewer beds). The Criminal Justice Impact Conference has not heard the bill at this time. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2021.

II. Present Situation:

Certified Domestic Violence Centers

Domestic violence occurs when a person shows a pattern of behavior to control his or her partner through physical, sexual, or emotional abuse.¹ Florida law provides that “domestic violence” is any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.²

Section 39.903, F.S., requires the Department of Children and Families (DCF) to comply with a variety of duties related to domestic violence centers. In part, the DCF is required to approve or reject the applications for initial certification of domestic violence centers, and annually renew the certification thereafter.³ Certified domestic violence centers must comply and meet minimum statutory requirements.⁴

The DCF and domestic violence center employees and volunteers must not disclose the location of the centers or any information received by the center about clients, because such information is deemed confidential and exempt⁵ from the requirements of ch. 119, F.S.⁶ Center clients may provide written consent to disclose information or records pertaining to them, and information about a client or the location of a center may be provided by staff or volunteers to law enforcement, firefighting, medical, or other personnel in the following circumstances:

- To medical personnel in a medical emergency.
- Upon a court order based upon an application by a law enforcement officer for a criminal arrest warrant which alleges that the individual sought to be arrested is located at the domestic violence shelter.
- Upon a search warrant that specifies the individual or object of the search and alleges that the individual or object is located at the shelter.
- To firefighting personnel in a fire emergency.
- To any other person necessary to maintain the safety and health standards in the domestic violence shelter.
- Information solely about the location of the domestic violence shelter may be given to those with whom the agency has an established business relationship.⁷

¹ Psychology Today, Domestic Violence, available at <https://www.psychologytoday.com/us/basics/domestic-violence> (last visited February 11, 2021).

² Section 741.28(1), F.S.

³ Section 39.903(2), F.S.

⁴ Section 39.905(1), F.S. (requiring, for instance, certified domestic violence centers to: provide a facility which will serve as a center to receive and house persons who are victims of domestic violence, including children of the victim; provide services such as information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, and training for law enforcement personnel; file with the DCF a list of the names of the domestic violence advocates who are employed or who volunteer at the domestic violence center who may claim privilege under s. 90.5036, F.S.)

⁵ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

⁶ Section 39.908(1), F.S.

⁷ Section 39.908(2), F.S.

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.⁸

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁹ 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.¹⁰

A domestic violence victim may request in writing that information which reveals his or her home or employment telephone number, home address, or personal assets is exempt from s. 119.07(1), F.S., and s. 24(a), Art. 1 of the Florida Constitution, but such request must contain official verification that an applicable crime has occurred.¹¹

Any public officer who violates any provision of the Public Records Act commits a noncriminal infraction or, if he or she knowingly violated it, is subject to suspension and removal or impeachment and commits a first degree misdemeanor.¹² Any person who willfully and knowingly violates any provision of the Public Records Act commits a first degree misdemeanor.¹³

Address of Domestic Violence Victim Exempt

Chapter 741, F.S., establishes an Address Confidentiality Program in which the Attorney General serves as the address¹⁴ of a domestic violence victim who fears for his or her safety or his or her children’s safety.¹⁵ Addresses, telephone numbers, and social security numbers of participants in the program that are held by the Attorney General, supervisor of elections, and Department of

⁸ 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.”

⁹ 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.”

¹⁰ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹¹ Section 119.071(2)(j), F.S. 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. *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹² A first degree misdemeanor is punishable by up to one year in jail and up to a \$1,000 fine. Sections 775.082 and 775.083, F.S.

¹³ Section 119.10(1), F.S.

¹⁴ Section 741.465(1), F.S., states that “address” means a residential street address, school address, or work address, as specified on the individual’s application to be a program participant in the Address Confidentiality Program for Victims of Domestic Violence.

¹⁵ Section 741.403(1), F.S. Section 741.30, F.S., permits domestic violence victims to file petition for an injunction in a confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.

State are exempt from public records disclosure under s. 119.07(1), F.S., and s. 24(a), Art. 1 of the Florida Constitution, except in limited circumstances.¹⁶

Federal and Other States' Legislation

The Federal government awards grants to states to prevent incidents of domestic violence, including funds for shelters.¹⁷ Federal law provides that the address or location of any shelter facility that maintains a confidential location shall not be made public, except by written authorization of the person responsible for the operation of the shelter.¹⁸

There are at least 19 states, including Florida, that require the location of safe houses to be confidential.¹⁹ Eight of the states impose penalties for the unlawful disclosure of the location, and four states create criminal offenses for unlawfully disclosing the information relating to the location of safe houses.²⁰ California²¹ and South Carolina's²² criminal statute contain similar language, making it a criminal offense to "maliciously" disclose the location of a domestic violence shelter, while Georgia's²³ statute simply makes it a criminal offense to "knowingly," disclose such location.

Reclassification

Florida currently has numerous statutes that reclassify criminal offenses under specified circumstances. Generally, criminal laws provide for reclassification to the next highest degree. Examples of criminal offenses that provide for such reclassification include, in part:

- A violation of driving while license suspended is a second degree misdemeanor²⁴ for a first offense.²⁵ A second or subsequent conviction is reclassified from a second degree misdemeanor to a first degree misdemeanor.²⁶ Further, a third or subsequent conviction is reclassified to a third degree felony if the violation or the most recent prior conviction is related to a violation of specified driving offenses.²⁷

¹⁶ Section 741.465(1) and (2), F.S. (providing exceptions to the exemption from s. 119.071(1), F.S., and s. 24(a), Art. 1 of the Florida Constitution, including to law enforcement for purposes of assisting in the execution of a valid arrest warrant; if directed by a court order, to a person identified in the order; or, if held by the Attorney General, if the certification has been canceled).

¹⁷ See 42 U.S.C. ss. 10401, 10406(a).

¹⁸ See 42 U.S.C. ss. 10401, 10406(c)(5)(H).

¹⁹ Michelle Kirby, *Confidentiality of Information on Safe Houses*, OLR Research Report, p. 1, available at <https://www.cga.ct.gov/2014/rpt/2014-R-0011.htm> (last visited February 4, 2021). "Safe house" refers to a shelter provided to people who are in danger, including domestic and family violence shelters, trafficking shelters, shelters for victims of dating violence or sexual assault, temporary emergency shelters, and transitional housing for victims and their dependents.

²⁰ *Id.* (noting that California, Georgia, South Carolina, and Washington have criminal statutes for disclosing information relating to the location of safe houses).

²¹ See Section 273.7, CA Penal.

²² See Section 16-3-2080, SC ST.

²³ See Section 19-13-23, GA ST.

²⁴ A second degree misdemeanor is punishable by up to 60 days in county jail and up to a \$500 fine. Sections 775.082 and 775.083, F.S.

²⁵ Section 322.34(2)(a), F.S.

²⁶ Section 322.34(2)(b), F.S.

²⁷ Section 322.34(2)(c), F.S. The enumerated specified offenses include driving under the influence; refusal to submit to a urine, breath-alcohol, or blood alcohol test; a traffic offense causing death or serious bodily injury; or fleeing and eluding.

- A violation of the theft statute under s. 812.014, F.S., for petit theft offenses are reclassified when a person has prior theft convictions.²⁸ For example, a petit theft where the property is valued at more than \$100, but less than \$750, is a first degree misdemeanor²⁹ but a person who commits petit theft and who previously was convicted two or more times for a theft commits a third degree felony.³⁰

Freedom of Speech

The First Amendment of the U.S. Constitution states that, “Congress shall make no law ... abridging the freedom of speech...”³¹ This language prohibits the government from having the ability to constrain the speech of citizens.³² However, the prohibition on restricting freedom of speech is not absolute. Even speech that enjoys the broadest First Amendment protection may still be subject to “regulations of the time, place, and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.”³³

Additionally, speech may be restricted on the basis of its content if the restriction passes a strict scrutiny test which means that the government may regulate the content of speech if there is a “compelling interest” and it is “the least restrictive means to further the articulated interest.”³⁴

Governments commonly restrict speech by making it subject to criminal penalties or civil fines and sanction a person if they use it.³⁵ The Supreme Court of the United States has found that, “[c]ontent-based prohibitions, enforced by severe criminal penalties, have the constant potential to be a repressive force in the lives and thoughts of a free people. To guard against that threat the Constitution demands that content-based restrictions on speech be presumed invalid, and that the Government bear the burden of showing their constitutionality.”³⁶

In applying the strict scrutiny test, the court should determine whether the challenged prohibition on speech is the “least restrictive means among available, effective alternatives.”³⁷ The government must also demonstrate that the prohibition on speech is justified by a compelling state interest. “The State must specifically identify an ‘actual problem’ in need of solving.”³⁸

²⁸ Sections 812.014(3)(b), and (c), F.S.

²⁹ Section 812.014(2)(e), F.S.

³⁰ Section 812.04(3)(c), F.S.

³¹ U.S. CONST. amend. I.

³² Kathleen Ann Ruane, *Freedom of Speech and Press: Exceptions to the First Amendment*, Congressional Research Service, summary page, (September 8, 2014), available at <https://fas.org/sgp/crs/misc/95-815.pdf> (last visited February 4, 2021)(hereinafter cited as “Exceptions to the First Amendment”).

³³ Exceptions to the First Amendment, p. 6.

³⁴ *Id.*; See also *Sable Communications of California, Inc. v. Federal Communications Commission*, 492 U.S. 115, 126 (1989).

³⁵ *Id.*

³⁶ *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 660 (2004), (citing, *R.A.V. v. St. Paul*, 505 U.S. 377, 382 (1992); *U.S. v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 817 (2000))

³⁷ *Id.* at 666.

³⁸ *Brown v. Entertainment Merchants Ass’n*, 564 U.S. 786, 799 (2011), (citing, *R.A.V. v. St. Paul*, 505 U.S. 377, 382 (1992); *U.S. v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 817 (2000))

III. Effect of Proposed Changes

The bill creates s. 39.9057, F.S., providing that any person who maliciously publishes, disseminates, or discloses any descriptive information or image that may identify the location of a domestic violence center certified under s. 39.905, F.S., or who otherwise maliciously discloses the location of a center, commits a first degree misdemeanor, punishable by up to one year imprisonment and a \$1,000 fine.

The bill reclassifies the penalty from a first degree misdemeanor to a third degree felony for a second or subsequent violation. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine.

The bill limits the application of the criminal penalty to any person who *maliciously* publishes, disseminates, or discloses any descriptive information, image or other information that may identify the location of a domestic violence center. Therefore, a person must be found to publish, disseminate, or disclose such information wrongfully, intentionally, and without legal justification or excuse to be subject to the criminal penalties created in the bill.³⁹

The bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 1 of the bill creates a new criminal offense that may result in indeterminate local fund expenditures for costs relating to criminal prosecution and confinement if a jail sentence is imposed. However, these provisions relate to the defense, prosecution, or punishment of criminal offenses, and criminal law and are exempt from the requirements of Art. VII, s. 18(d) of the Florida Constitution, relating to unfunded mandates.

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.

³⁹ See *Kennedy v. State*, 59 So. 3d 376, 380 (Fla. 4th DCA 2011); See also *Reed v. State*, 837 So.2d 366 (Fla.2002).

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a new misdemeanor offense. To the extent that this results in persons being sentenced to jail, the bill will likely have a positive insignificant jail bed impact (i.e. an increase of 10 or fewer beds).

The Criminal Justice Impact Conference has not heard the bill at this time. However, the bill creates a third degree felony. To the extent this results in persons being sentenced to prison, the bill will likely have a positive insignificant prison bed impact (i.e. an increase of 10 or fewer beds).

The Department of Office Administration Services finds that there are no expenditures generated by this bill.⁴⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 39.9057 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 Children, Families, and Elder Affairs on February 3, 2021:

The committee substitute reclassifies the criminal offense from a first degree misdemeanor to a third degree felony for a second or subsequent conviction.

⁴⁰ The DCF, *Agency Analysis for SB 70*, p. 4, January 11, 2021 (on file with the Senate Committee on Criminal Justice).

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; and
Senator Garcia

586-01973-21

202170c1

A bill to be entitled

An act relating to domestic violence centers; creating
s. 39.9057, F.S.; prohibiting the unlawful disclosure
of certain information about domestic violence
centers; providing criminal penalties; providing an
effective date.

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

Section 1. Section 39.9057, Florida Statutes, is created to
read:

39.9057 Unlawful disclosure of certified domestic violence
center location; penalties.—Any person who maliciously
publishes, disseminates, or discloses any descriptive
information or image that may identify the location of a
domestic violence center certified under s. 39.905 or who
otherwise maliciously discloses the location of a center commits
a:

(1) Misdemeanor of the first degree, punishable as provided
in s. 775.082 or s. 775.083.

(2) Felony of the third degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084, upon a second or
subsequent conviction.

Section 2. This act shall take effect July 1, 2021.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 16, 2021

I respectfully request that **Senate Bill #70**, relating to Domestic Violence Centers, be placed on the:

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

Senator Ileana Garcia
Florida Senate, District 37

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

70

Bill Number (if applicable)

Topic Domestic Violence Centers

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

City

State

Zip

Email Barney@BarneyBishop.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Allaince

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

March 4th 2021

Meeting Date

Spoke on 70

CS/B68

Bill Number (if applicable)

Topic

Domestic Violence

Amendment Barcode (if applicable)

Name

David Serdan

Job Title

Retired, Bus. Owner

STATES MAN

Address

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Phone

Street

Truitt and Park Fl 34731

Phone

352 805 6597

City

State

Zip

Email

golferdave1955@gmail.com

Speaking:

☐

For

☐

Against

☒

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Self

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

This information was not read into the record by the Chair

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 78

INTRODUCER: Judiciary Committee and Senator Rodrigues

SUBJECT: Dues and Uniform Assessments

DATE: March 2, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	<u>McVaney</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 78 requires a public employee wanting to join a union to submit a signed membership authorization form that includes a specific statutory notice. The union must revoke the membership if the employee submits a signed request for revocation. The union may not require a reason for the employee's decision to revoke membership in the union.

The bill also requires a public employee to submit a signed dues deduction form before an employer may deduct union dues from an employee's pay. The employer must, within 30 days, confirm with the employee that the employee authorized the deduction. Such authorization to deduct ends automatically when the members of the employee organization ratify a new collective bargaining agreement or after three years, whichever occurs earlier.

Public employers may experience an indeterminate, but likely insignificant, increase in workload and costs associated with the administration of the authorization and revocation of dues deductions.

The bill takes effect upon becoming a law.

II. Present Situation:

Collective Bargaining

Article 1, section 6 of the State Constitution guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.” To implement this constitutional provision, the Legislature enacted ch. 447, F.S. Part II of the chapter, which part is solely applicable to public employees and public employee unions, provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.¹ Through collective bargaining, public employees² may collectively negotiate with their public employer³ in the determination of the terms and conditions of their employment.⁴ The Public Employees Relations Commission is responsible for assisting in resolving disputes between public employees and public employers.⁵

An “employee organization” is any “labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.”⁶ When an employee organization is approved by the employees, recognized by the employer, and authorized to conduct collective bargaining, it is referred to as a certified bargaining agent, and becomes the exclusive representative of all employees in that unit.⁷

After an employee organization has been certified as the bargaining agent for a group of public employees, the bargaining agent and the chief executive officer of the appropriate public employer must bargain collectively in the determination of wages, hours, and terms and

¹ Section 447.201, F.S.

² Section 447.203(3), F.S., defines the term “public employee” to mean any person employed by a public employer except:

- (a) Persons appointed by the Governor or elected by the people, agency heads, and members of boards and commissions.
- (b) Persons holding positions by appointment or employment in the organized militia.
- (c) Individuals acting as negotiating representatives for employer authorities.
- (d) Persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein.
- (e) Persons holding positions of employment with the Florida Legislature.
- (f) Persons who have been convicted of a crime and are inmates confined to institutions within the state.
- (g) Persons appointed to inspection positions in federal/state fruit and vegetable inspection service whose conditions of appointment are affected by the following:
 - 1. Federal license requirement.
 - 2. Federal autonomy regarding investigation and disciplining of appointees.
 - 3. Frequent transfers due to harvesting conditions.
- (h) Persons employed by the Public Employees Relations Commission.
- (i) Persons enrolled as undergraduate students in a state university who perform part-time work for the state university.

³ The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

⁴ Section 447.301(2), F.S.

⁵ Section 447.201(3), F.S.

⁶ Section 447.203(11), F.S.

⁷ Sections 447.203(12), 447.307(1), F.S.

conditions of employment of the employees.⁸ Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining agent.⁹ Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.¹⁰ Current law prohibits a collective bargaining agreement from providing for a term of existence of more than three years and requires the agreement to contain all of the terms and conditions of employment of the employees during such term.¹¹

Right-to-Work

The State Constitution forbids an employer from denying citizens the right to work based on membership or non-membership in any employee organization.¹² As such, public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.¹³

Union Dues and Deductions in Florida

Section 447.303, F.S., authorizes a certified bargaining agent, a union, to have its dues and uniform assessments collected by a public employer by deducting such payments from the salaries of those employees who choose to authorize the practice. The employee's authorization is revocable with 30 days written notice to the employer and union, but otherwise continues for the length of the union's duration as certified bargaining agent. The deductions commence upon the bargaining agent's written request to the employer. While employers may make salary deductions for dues and uniform assessments, employers are expressly prohibited from any involvement in collecting fines, penalties, or special assessments.

Section 110.114, F.S., governs all employee wage deductions for state employment. The state, its departments, bureaus, commissions, and officers are permitted to make deductions from employees' salaries when authorized and requested by the employee.¹⁴ All records of employee requests and employer authorizations for deductions from an employee's wage or salary, or the legal authority for the deduction, shall be maintained by each employing entity.¹⁵

According to the Department of Management Services, 72,356 state employees (excluding state university system employees) were represented by unions during Fiscal Year 2018-19. Of these employees, 8,998 paid union dues and assessments.¹⁶ Local government union membership levels are unknown.

⁸ Section 447.309(1), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 447.309(5), F.S.

¹² FLA. CONST. art. 1, s. 6.

¹³ Section 447.301(1) and (2), F.S.

¹⁴ *Id.*

¹⁵ Section 110.114(4), F.S.

¹⁶ State Personnel System, *Annual Workforce Report for Fiscal Year 2018-2019*, page 26,

[https://www.dms.myflorida.com/content/download/149462/996706/FY_2018-19_Annual_Workforce_Report_\(FINAL\).pdf](https://www.dms.myflorida.com/content/download/149462/996706/FY_2018-19_Annual_Workforce_Report_(FINAL).pdf)
(last visited January 27, 2021).

III. Effect of Proposed Changes:

Section 1 amends s. 447.301, F.S., to require a public employee wanting to join a union to sign a membership authorization form. The form must include the following acknowledgement:

I acknowledge and understand that Florida is a right-to-work state and that union membership is not required as a condition of employment. I understand that union membership and payment of union dues and assessments is voluntary and that I may not be discriminated against in any manner if I refuse to join or financially support a union.

Furthermore, the section requires an employee organization to revoke an employee's membership upon receipt of written request. Any form required to fulfill this request may not require the employee to disclose a reason for membership revocation.

Section 2 amends s. 447.303, F.S., to require that before an employer begins deducting union dues from an employee's pay, the employer must receive a signed authorization form from the bargaining agent and confirm such authorization with the employee. Confirmation must be completed within 30 days. The means of confirmation is not specified and thus will be determined by the employing entity. The section further provides that such authorization will end automatically when the employee organization ratifies a new collective bargaining agreement or after three years, whichever occurs first.

Section 3 reenacts s. 110.114(3), F.S., in order to incorporate the changes made in section 1 of the bill.

Section 4 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This 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:

The bill does not impose, authorize, or raise a state tax or fee.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent to which the new requirements depress union membership or salary deductions for union dues or increase costs associated with the creation and use of membership authorization and dues deduction forms, public sector unions may experience a negative fiscal impact.

C. Government Sector Impact:

Public agencies may experience additional workload relating to administering the authorization and revocation of dues deductions for public employees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 447.301 and 447.303.

This bill reenacts section 110.114, 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 Judiciary on February 10, 2021:

The CS added a provision requiring that employer confirmation of a deduction of union dues be completed within 30 days.

B. Amendments:

None.

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



538638

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Thurston) recommended the following:

Senate Amendment (with title amendment)

Delete lines 57 - 103.

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

And the title is amended as follows:

Delete lines 13 - 21

and insert:

the revocation; providing an

By the Committee on Judiciary; and Senator Rodrigues

590-02047-21

202178c1

A bill to be entitled

An act relating to dues and uniform assessments; amending s. 447.301, F.S.; requiring that a public employee who desires to join an employee organization sign a membership authorization form; requiring that the form include a specified acknowledgement; requiring an employee organization to revoke an employee's membership upon receipt of the employee's request for revocation; requiring certain employees to provide specified notice to his or her employer to revoke certain deductions; providing that a revocation form may not require an employee to state a reason for the revocation; amending s. 447.303, F.S.; providing that certain deductions commence upon the employer's receipt and confirmation of the employee's signed deduction authorization form; specifying the time period that an employee's authorization to deduct dues and uniform assessments remains in effect; reenacting s. 110.114(3), F.S., relating to employee wage deductions, to incorporate the amendment made to s. 447.303, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (1) of section 447.301, Florida Statutes, is amended to read:

447.301 Public employees' rights; organization and representation.—

Page 1 of 4

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

590-02047-21

202178c1

(1) ~~(a)~~ Public employees ~~shall~~ have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.

(b)1. An employee who desires to join an employee organization must sign a membership authorization form with the bargaining agent. The membership authorization form must contain the following acknowledgment in bold letters and in at least a 14-point type:

I acknowledge and understand that Florida is a right-to-work state and that union membership is not required as a condition of employment. I understand that union membership and payment of union dues and assessments is voluntary and that I may not be discriminated against in any manner if I refuse to join or financially support a union.

2. An employee organization must revoke an employee's membership upon receipt of his or her written request for revocation. However, an employee who has authorized the deduction of dues and uniform assessments by his or her employer must also submit notice to his or her employer as provided in s. 447.303 for the revocation of such deductions. If an employee must complete a form to request revocation from the employee organization, the form may not require a reason for the employee's decision to revoke his or her membership.

Section 2. Section 447.303, Florida Statutes, is amended to read:

Page 2 of 4

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

590-02047-21

202178c1

447.303 Dues; deduction and collection.—

(1) ~~An Any~~ employee organization ~~that which~~ has been certified as a bargaining agent ~~has shall have~~ the right to have its dues and uniform assessments deducted and collected by the employer from the salaries of those employees who authorize the deduction of said dues and uniform assessments.

(2) (a) Deductions shall commence when the employer receives a signed deduction authorization form from the bargaining agent and confirms with the employee, electronically or by other means, that he or she authorized the deduction of dues and uniform assessments. The employer must make such confirmation within 30 days after receiving the signed deduction authorization form.

(b) An employee's authorization to deduct dues and uniform assessments remains in effect until the members of the bargaining unit approve a new collective bargaining agreement with the public employer or for 3 years after the date on which the deduction begins, whichever is earlier.

(c) Notwithstanding paragraph (b), ~~However, such~~ authorization is revocable at the employee's request upon 30 days' written notice to the employer and employee organization. ~~Said deductions shall commence upon the bargaining agent's written request to the employer.~~

(3) Reasonable costs to the employer of said deductions is ~~shall be~~ a proper subject of collective bargaining.

(4) Such right to deduction, unless revoked under pursuant ~~to s. 447.507, is shall be~~ in force for so long as the employee organization remains the certified bargaining agent for the employees in the unit.

590-02047-21

202178c1

(5) The public employer is expressly prohibited from any involvement in the collection of fines, penalties, or special assessments.

Section 3. For the purpose of incorporating the amendment made by this act to section 447.303, Florida Statutes, in a reference thereto, subsection (3) of section 110.114, Florida Statutes, is reenacted to read:

110.114 Employee wage deductions.—

(3) Notwithstanding the provisions of subsections (1) and (2), the deduction of an employee's membership dues deductions as defined in s. 447.203(15) for an employee organization as defined in s. 447.203(11) shall be authorized or permitted only for an organization that has been certified as the exclusive bargaining agent pursuant to chapter 447 for a unit of state employees in which the employee is included. Such deductions shall be subject to the provisions of s. 447.303.

Section 4. 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: CS/CS/CS/SB 88

INTRODUCER: Rules Committee; Environment and Natural Resources Committee; Judiciary Committee; and Senator Brodeur and others

SUBJECT: Farming Operations

DATE: March 4, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Anderson</u>	<u>Rogers</u>	<u>EN</u>	Fav/CS
3.	<u>Davis</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 88 amends the Florida Right to Farm Act. The general purpose of the act is to protect reasonable agricultural activities conducted on farm land from nuisance lawsuits. The bill provides stronger liability protections to farms that comply with best management practices and environmental regulations.

The definition of “farm operations” is expanded to add “agritourism” activities to the list of farm operations that receive limited legal protections in nuisance suits and other similar civil actions. The definition is further revised to include the generation of “particle emissions” to the list of conditions or activities that constitute farm operations.

The bill defines “established date of operation” for an agritourism activity as the date the specific agritourism activity commenced, providing for a separate established date of operation for an agritourism activity than for the farm operation.

The bill defines “nuisance” to mean any interference with the reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all legal claims that meet the requirements of the definition of nuisance, regardless of whether a plaintiff designates those claims as brought in an action for nuisance, negligence, trespass, personal injury, strict liability, or some other tort.

The burden of proof that a plaintiff must meet in a nuisance action is raised to the clear and convincing evidence standard if the claim is based upon allegations that the defendant's conduct did not comply with state or federal environmental laws, regulations, or best management practices.

The bill limits those who may bring a nuisance action against a farm operation to people whose real property that is alleged to be damaged is located within one-half mile of the alleged source of the nuisance.

The bill limits compensatory damages in a private nuisance action to the reduction in the fair market value of the plaintiff's property, which may not exceed the fair market value of the property.

The bill prohibits a plaintiff from recovering punitive damages for a farm operation in a private nuisance action unless the alleged nuisance is based on substantially the same conduct that resulted in either a criminal conviction or a civil enforcement action by a government environmental regulatory agency and the conviction or enforcement action occurred within 3 years of the first act forming the basis of the nuisance action.

A losing plaintiff is liable for a farm's litigation costs and expenses incurred defending a nuisance action if the farm operation has been in existence for 1 year or more before the legal action was instituted and the farm operation conforms to generally accepted agricultural and management practices or government environmental laws.

The bill takes effect July 1, 2021.

II. Present Situation:

Background

In the 1970s, states began to identify the potential conflicts between farmers and developers as urban sprawl crept into rural, agricultural areas. One of the initial concerns was that the relocation of city dwellers into the agricultural areas would result in a rash of very expensive nuisance lawsuits once the new neighbors were confronted with the sensory nature of farm life, complete with an inescapable array of odors, loud noises, dust, and other side-effects.¹

In an effort to protect farms and agricultural operations from the encroaching sprawl, states passed anti-nuisance laws that are referred to as "Right to Farm" laws. These laws, enacted in all 50 states, protect agricultural production against some nuisance lawsuits. The laws do not grant absolute immunity but generally provide protections for defendants based upon a "coming to the nuisance" defense theory. These laws provide a liability shield for pre-existing agricultural operations when changes are made to the use of nearby parcels, such that the plaintiffs are described as "coming to the nuisance."² The Florida Right to Farm Act was enacted in 1979.³

¹ Alexia B. Borden and Thomas R. Head, III, *The "Right To Farm" In The Southeast – Does it Go Too Far?* 11 No. 1 ABA Agric. Mgmt. Committee Newsl. 8 (April, 2007).

² *Id.*

³ Chapter 79-61, ss. 1-2, Laws of Fla.

Nuisance

A nuisance is described as an activity, condition, or situation created by someone that significantly interferes with another person's use or enjoyment of his or her property. A private nuisance affects a person's private right that is not common to the public while a public nuisance is an interference that affects the general public, for example, a condition that is dangerous to health or community standards.⁴

The Florida Right to Farm Act

The Florida Right to Farm Act⁵ protects farm operations from nuisance lawsuits if the operations comply with generally accepted agricultural and management practices.

The Florida Right to Farm Act states that a farm operation cannot be classified as a public or private nuisance if the farm:

- Has been in operation for 1 year or more since its established date of operation;
- Was not a nuisance when it was established; and
- Conforms to generally accepted agricultural and management practices.⁶

However, the following four unsanitary conditions constitute evidence of a nuisance:

- The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.
- The presence of improperly built or improperly maintained septic tanks, water closets, or privies.
- The keeping of diseased animals which are dangerous to human health, unless the animals are kept in accordance with a current state or federal disease control program.
- The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.⁷

Additionally, a farm operation cannot be classified as a public or private nuisance due to a change:

- In ownership,
- In the type of farm product that is produced,
- In conditions in or around the locality of the farm, or
- Made in compliance with Best Management Practices adopted by local, state or federal agencies.⁸

The Florida Right to Farm Act, however, may not be construed to permit an existing farm operation to increase to a more excessive farm operation with regard to noise, odor, dust, or

⁴ BLACK'S LAW DICTIONARY (11th ed. 2019).

⁵ Section 823.14, F.S.

⁶ Section 823.14(4)(a), F.S.

⁷ *Id.*

⁸ Section 823.14(4)(b), F.S.

fumes where the existing operation is adjacent to an established homestead or business on March 15, 1982.^{9,10}

Florida's Agricultural Landscape

According to the University of Florida Institute of Food and Agricultural Sciences, Florida had 47,590 farm operations covering 9.7 million acres of farmland in 2018, the most recent year for which this information is available. Agricultural land, which consists of cropland and ranchland, combined with forest land, comprises nearly two-thirds of the state's entire land.¹¹

Data provided by the U.S. Department of Agriculture notes that in 2019, Florida's cash receipts from the sale of agricultural commodities was \$7.67 billion, ranking 18th in the nation for total commodity sales. Florida leads the United States in the production of oranges, sugarcane, and watermelons. The state ranks second in the nation for the production of bell peppers, cucumbers, grapefruit, peanuts, strawberries, and tomatoes.¹²

Agritourism Activity

"Agritourism activity" is defined under "Agricultural Development" in chapter 570, F.S., the Department of Agriculture and Consumer Services chapter. It includes any agricultural related activity that is consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows the general public to view or enjoy its activities for recreational, entertainment, or educational purposes. These activities include farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the building of new or additional structures or facilities that are intended primarily to house, shelter, transport, or otherwise accommodate the general public. An activity is deemed to be an agritourism activity regardless of whether the participant paid to participate in the activity.¹³

Established Date of Operation

"Established date of operation" is defined under the Florida Right to Farm Act as the date the farm operation commenced. The definition provides that:

- If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion is the same date the original farm operation commenced.
- If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of

⁹ Section 823.14(5), F.S.

¹⁰ In an effort to eliminate duplication of regulatory authority over farm operations, local governments may not adopt an ordinance or similar policy to prohibit or limit an activity of a bona fide farm operation on land that is classified as agricultural land in accordance with statute, where the activity is regulated through implemented best management practices or certain interim measures. The full text of this prohibition is contained in s. 823.14(6), F.S.

¹¹ University of Florida – IFAS, *Florida Agriculture & Natural Resource Facts* (July 2018) published by the UF/IFAS Economic Impact Analysis Program in 2019 and 2020.

¹² U.S. Department of Agriculture, National Agricultural Statistics Service, *Florida Agricultural Facts* (Sept. 2020), https://www.nass.usda.gov/Statistics_by_State/Florida/Publications/More_Features/FL2019.pdf.

¹³ Section 570.86(1), F.S.

operation. However, the expanded operation does not divest the farm operation of a previous established date of operation.¹⁴

Litigation

A federal class action lawsuit¹⁵ has been filed against sugarcane farmers in south Florida alleging that the pre-harvest burning of sugarcane has caused damages to nearby individuals and property. The defendants farm sugarcane on approximately 400,000 acres in areas south and southeast of Lake Okeechobee. The farmers burn the outer leaves of the sugarcane during a pre-harvest burn that takes place during a 6-month period from October through May each year. The plaintiffs allege that the burning has diminished their property values, caused long-term health issues, and prevented the area from growing economically.

Although the litigation is continuing through a series of pre-trial motions, the court has determined that pre-harvest burning of sugarcane is an acceptable agricultural practice protected by the Florida Right to Farm Act. However, the court has found that the act does not bar all of the plaintiffs' claims. The court ruled that the act did not protect the farmers from claims that pre-harvest burning released harmful pollutants.

III. Effect of Proposed Changes:

The Florida Right to Farm Act (Section 1)

Legislative Findings and Purpose; Adding Agritourism

The Florida Right to Farm Act contains a section of legislative findings and purposes that establish why reasonable agricultural activities conducted on farmland should be protected from nuisance lawsuits that can force the premature removal of farmland from agricultural use.¹⁶ The language notes, in part, that: agricultural production makes major contributions to the state economy; agricultural lands cannot be replaced; agricultural activities increase tourism; and that agriculture furthers the economic self-sufficiency of the people of the state and should be protected. The bill adds agritourism to this section of the act such that preservation of agricultural activities contributes to the increase of tourism and agritourism. Additionally, and as now amended, the purpose of the act protects reasonable agricultural and complementary agritourism activities conducted on farmland from nuisance suits and other similar lawsuits.

Changes and Additions to Definitions in the Florida Right to Farm Act

Agritourism Activity

The definitions section of the act is amended to add a definition of "agritourism activity" and then include it in the definition of what constitutes a farm operation. With this change, agritourism activities receive the nuisance protections that compliant farm operations receive under the terms of the act.

¹⁴ Section 823.14(3)(d), F.S.

¹⁵ *Coffie v. Florida Crystals Corporation*, 460 F. Supp. 3d 1297 (S.D. Fla. 2020).

¹⁶ Section 823.14(2), F.S.

Farm Operation

The definition of a “farm operation” is expanded. The current definition states that a farm operation means all conditions or activities ... which occur on a farm and includes, but is not limited to, “the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise odors, dust, and fumes ...” The phrase “particle emissions” is added to the list of conditions and activities that constitute a farm operation.

Established Date of Operation

The bill defines “established date of operation” for an agritourism activity as the date the specific agritourism activity commenced, providing for a separate established date of operation for an agritourism activity than for the farm operation.

Nuisance

A definition of “nuisance” is added to the Act. Nuisance is defined as any interference with the reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all legal claims that meet the requirements of the nuisance definition, regardless of whether a plaintiff designates the claim as an action for nuisance, negligence, trespass, personal injury, strict liability, or other tort.

Lawsuit Protections: Evidence Standard and Damages

New provisions are added to the Right to Farm Act to provide additional protections for farm operations from lawsuits.

Clear and Convincing Evidence

For a plaintiff to succeed in a nuisance action against a farm, the plaintiff must prove by “clear and convincing evidence” that the claim arises from conduct that did not comply with state or federal environmental laws, regulations, or best management practices.

“Clear and convincing evidence” is a standard or burden of proof which measures the level or degree to which an issue must be proved. In civil cases, two standards of proof generally apply: “the greater weight of the evidence standard” which applies most often in civil cases; or “the clear and convincing evidence standard” which applies less often, and is a higher standard of proof.

The clear and convincing standard requires that the evidence be credible and the facts which the witness testifies to must be remembered distinctly. The witness’s testimony “must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue.” The evidence must be so strong that it guides the trier of fact to a firm conviction, to which there is no hesitation, that the allegations are true.¹⁷

One-half Mile Distance Restrictions for Nuisance Claims

A physical distance restriction is placed on nuisance actions. Under the bill, a nuisance action may not be filed against a farm operation unless the real property affected by the alleged nuisance condition is located within one-half mile of the source of the activity or structure which

¹⁷ *Slomowitz v. Walker*, 429 So. 2d 797, 800 (Fla. 4th DCA 1983).

is alleged to be a nuisance. If real property is not affected, it appears that there is no distance restriction on the action.

Compensatory Damages¹⁸ in a Nuisance Claim

If a plaintiff prevails in a private nuisance action and alleges that the nuisance emanated from a farm operation, the measure of compensatory damages is limited. The compensatory damages must be measured by the reduction in the fair market value of the plaintiff's property caused by the nuisance. However, these damages may not exceed the fair market value of the property.

Punitive Damages¹⁹ in a Nuisance Claim

The bill generally limits the availability of punitive damages based on farm operations. A plaintiff may not recover punitive damages in a private nuisance action against a farm unless:

- The alleged nuisance is based on substantially the same conduct that resulted in a criminal conviction or a civil enforcement action by a state or federal environmental regulatory agency; and
- The conviction or enforcement action happened within 3 years of the first act forming the basis of the current nuisance action.

Costs and Expenses Awarded Against a Plaintiff

If a plaintiff does not prevail in a nuisance claim against a farm operation that has been in existence for 1 year or more before the date the claim was filed and the farm operation conforms with generally accepted agricultural and management practices or state and federal environmental laws, the plaintiff is liable to the farm for all costs and expenses incurred in defending the action.

Sections 2, 3, 4, 5, 6, 7, 8, and 9

These sections do not create any substantive changes to the Florida Right to Farm Act. They are necessary changes made by the Senate Bill Drafting Office to correct cross-references, reenact provisions, or incorporate amendments made by changes in the substance of the bill.

Section 10 - Effective Date

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁸ Compensatory damages are awarded to repay actual losses. BLACK'S LAW DICTIONARY (11th ed. 2019).

¹⁹ Punitive damages are awarded to punish a defendant and are awarded in addition to actual damages. They are awarded when the defendant acted in a reckless manner or with malice or deceit. BLACK'S LAW DICTIONARY (11th ed. 2019).

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:

This bill may reduce litigation costs faced by farms based on nuisance lawsuits. On the other hand, persons adversely affected by a farm operation will have more difficulties in obtaining redress. At least in some cases, plaintiffs will need to prove that the farm operation was in violation of environmental laws.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 823.14 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/CS by Rules on March 4, 2021:

- A definition of “nuisance” is added to the bill. The definition clarifies that the term includes all legal claims that meet the definition of nuisance even if a plaintiff designates his or her claim as a similar tort action.

- The bill no longer contains a list of legal actions that a plaintiff must prove by clear and convincing evidence to prevail in a lawsuit against a farm operation that caused harm outside of the farm. The list of actions is replaced by the phrase “nuisance” and the reference to actions that cause harm outside the farm is deleted.

CS/CS by Environment and Natural Resources on February 15, 2021:

- Revises the definition of the term “established date of operation” to provide for a separate established date of operation for an agritourism activity than the established date of operation for the farm operation.
- Defines “established date of operation” for an agritourism activity as the date the specific agritourism activity commenced.

CS by Judiciary on February 1, 2021:

The punitive damages section of the bill is amended for clarification. It now states that a plaintiff may not recover punitive damages in a private nuisance action against a farm unless the alleged nuisance is based on substantially the same conduct that resulted in a criminal conviction or a civil enforcement action by a state or federal environmental regulatory agency and that conviction or enforcement action occurred within 3 years of the first act that forms the basis of the nuisance action.

B. Amendments:

None.



769248

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2021	.	
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The Committee on Rules (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete lines 122 - 158
and insert:

(f) "Nuisance" means any interference with reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all claims that meet the requirements of this definition, regardless of whether the plaintiff designates those claims as brought in nuisance, negligence, trespass, personal injury, strict liability, or other tort.



769248

(4) FARM OPERATIONS; NUISANCE ~~FARM OPERATION NOT TO BE OR
BECOME A NUISANCE.~~—

(a) No farm operation which has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:

1. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.

2. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.

3. The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.

4. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(b) No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with best management practices adopted by local, state, or federal agencies if such farm has been in operation for 1 year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.



769248

(c) A farm may not be held liable for nuisance unless the plaintiff proves by clear and convincing evidence that the claim arises out of conduct that did not comply with state or federal environmental laws, regulations, or best management practices.

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

And the title is amended as follows:

 Delete lines 4 - 6

and insert:

 and redefining terms; prohibiting farms from being
 held liable for nuisance except under certain



753866

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/04/2021	.	
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The Committee on Rules (Farmer) recommended the following:

Senate Amendment (with title amendment)

Delete lines 151 - 177
and insert:

(c) A farm may not be held liable for a nuisance action unless the plaintiff proves by a greater weight of the evidence that the claim arises out of conduct that did not comply with state and federal environmental laws, regulations, or best management practices.

(7) PUNITIVE DAMAGES.—A plaintiff may not recover punitive damages in a private nuisance action against a farm unless:



753866

(a) The alleged nuisance is based on substantially the same conduct that resulted in a criminal conviction or a civil enforcement action by a state or federal environmental regulatory agency; and

(b) The conviction or enforcement action occurred within 3 years of the first act forming the basis of the nuisance action.

(8) NUISANCE ACTIONS BASED ON EXISTING FARM OPERATIONS.-A

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

And the title is amended as follows:

Delete lines 5 - 9

and insert:

prohibiting farms from being held liable for nuisance actions except under certain circumstances; providing a burden of proof;



770486

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/04/2021	.	
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The Committee on Rules (Gibson) recommended the following:

Senate Amendment (with title amendment)

Between lines 183 and 184
insert:

(10) APPLICABILITY.—This section does not apply to a mine or mining operations as those terms are defined in s. 378.203, even if the mine is located on a farm or the mining operations are part of a farming operation.

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

And the title is amended as follows:



770486

12 Delete line 13
13 and insert:
14 and expenses under certain conditions; providing
15 applicability; amending ss.

By the Committees on Environment and Natural Resources; and
Judiciary; and Senators Brodeur, Baxley, Albritton, and Perry

592-02135-21

202188c2

A bill to be entitled

An act relating to farming operations; amending s. 823.14, F.S.; revising legislative findings; defining the term "agritourism activity"; revising definitions; prohibiting farms from being held liable for certain claims for tort liability except under certain circumstances; providing a burden of proof; prohibiting nuisance actions from being filed against farm operations unless specified conditions are met; providing requirements for and limitations on damages; providing that plaintiffs who bring nuisance actions against farm operations are liable for certain costs and expenses under certain conditions; amending ss. 193.4517, 316.5501, 633.202, and 812.015, F.S.; conforming cross-references; reenacting ss. 163.3162(2)(b), 163.3163(3)(b), 403.9337(4), and 570.86(4), F.S., relating to agricultural lands and practices, applications for development permits and disclosure and acknowledgment of contiguous sustainable agricultural land, Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, and definitions relating to agritourism, respectively, to incorporate the amendments made by this act to s. 823.14, F.S., in references thereto; providing an effective date.

WHEREAS, all 50 U.S. states have enacted "Right to Farm" laws that protect farmers and ranchers from nuisance lawsuits filed by individuals who move into a rural area where normal

Page 1 of 11

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

592-02135-21

202188c2

farming operations exist and then use legal actions to stop or interfere with ongoing farming operations, and

WHEREAS, Florida's Right to Farm legislation was enacted in 1979 to protect agricultural operations from these types of actions and is in need of updating, and

WHEREAS, as our state continues to experience unprecedented growth and as residential development continues to encroach upon our rural areas, there is a possibility for increased complaints regarding farming practices approved by the Department of Environmental Protection and the Department of Agriculture and Consumer Services, such as harvesting, transporting crops, and conducting controlled burning, despite the use of best management practices, and

WHEREAS, because of the COVID-19 pandemic, there is an increasing exodus from more densely populated areas from both within and outside this state into our rural communities, potentially creating conflicts with existing legal farming activities and their complementary agritourism activities, and

WHEREAS, there is a longstanding tradition of using agritourism activities, such as hayrides, corn mazes, winery tours, and farm festivals, to supplement income received from growing crops and raising farm animals, and

WHEREAS, ensuring the potential for revenues from agritourism activities is necessary to preserve farms and the rural character of many areas in the face of rising costs and foreign competition and the many uncertainties associated with growing crops and raising farm animals, and

WHEREAS, it is timely and prudent to modernize the Florida Right to Farm Act by clarifying definitions, standing, and

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

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procedures in order to ensure that the original intent of Florida's Right to Farm law is preserved and a viable agricultural industry in this state can continue, NOW, THEREFORE,

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

Section 1. Subsections (2), (3), and (4) of section 823.14, Florida Statutes, are amended, and subsections (7), (8), and (9) are added to that section, to read:

823.14 Florida Right to Farm Act.—

(2) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, including agritourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state. The Legislature further finds that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of the farm land from agricultural use. It is the purpose of this act to protect reasonable agricultural and complementary agritourism activities conducted on farm land from nuisance suits and other similar lawsuits.

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(3) DEFINITIONS.—As used in this section:

(a) "Agritourism activity" has the same meaning as provided in s. 570.86.

(b) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(c) ~~(b)~~ "Farm operation" means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are ~~and includes, but is~~ not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions ~~and fumes~~; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor.

(d) ~~(e)~~ "Farm product" means any plant, as defined in s. 581.011, or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom.

(e) ~~(d)~~ "Established date of operation" means the date the farm operation commenced. For an agritourism activity, the term "established date of operation" means the date the specific agritourism activity commenced. If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion shall also be considered as the date the original farm operation

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commenced. If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of operation. The expanded operation shall not divest the farm operation of a previous established date of operation.

(4) ~~FARM OPERATIONS; NUISANCE FARM OPERATION NOT TO BE OR BECOME A NUISANCE.~~

(a) No farm operation which has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:

1. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.

2. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.

3. The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.

4. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(b) No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to

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comply with best management practices adopted by local, state, or federal agencies if such farm has been in operation for 1 year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

(c) A farm may not be held liable for a claim involving public or private nuisance, negligence, trespass, personal injury, strict liability, or other tort based on a farm operation that is alleged to cause harm outside of the farm unless the plaintiff proves by clear and convincing evidence that the claim arises out of conduct that did not comply with state and federal environmental laws, regulations, or best management practices.

(d) A nuisance action may not be filed against a farm operation unless the real property affected by the conditions alleged to be a nuisance is located within one-half mile of the source of the activity or structure alleged to be a nuisance.

(7) COMPENSATORY DAMAGES.—When the alleged nuisance emanated from a farm operation, the compensatory damages that may be awarded to a plaintiff for a private nuisance action must be measured by the reduction in the fair market value of the plaintiff's property caused by the nuisance, but may not exceed the fair market value of the property.

(8) PUNITIVE DAMAGES.—A plaintiff may not recover punitive damages in a private nuisance action against a farm unless:

(a) The alleged nuisance is based on substantially the same conduct that resulted in a criminal conviction or a civil enforcement action by a state or federal environmental regulatory agency; and

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(b) The conviction or enforcement action occurred within 3 years of the first act forming the basis of the nuisance action.

(9) NUISANCE ACTIONS BASED ON EXISTING FARM OPERATIONS.—A plaintiff who fails to prevail in a nuisance action based on a farm operation that has been in existence for 1 year or more before the date that the action was instituted and that conforms with generally accepted agricultural and management practices or state and federal environmental laws is liable to the farm for all costs and expenses incurred in defense of the action.

Section 2. Paragraphs (a) and (b) of subsection (1) of section 193.4517, Florida Statutes, are amended to read:

193.4517 Assessment of agricultural equipment rendered unable to be used due to Hurricane Michael.—

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

(a) "Farm" has the same meaning as provided in s. 823.14(3)(b) ~~s. 823.14(3)(a)~~.

(b) "Farm operation" has the same meaning as provided in s. 823.14(3)(c) ~~s. 823.14(3)(b)~~.

Section 3. Subsection (1) of section 316.5501, Florida Statutes, is amended to read:

316.5501 Permitting program for combination truck tractor, semitrailer, and trailer combination coupled as a single unit subject to certain requirements.—

(1) By no later than January 1, 2020, the Department of Transportation in conjunction with the Department of Highway Safety and Motor Vehicles shall develop a permitting program that, notwithstanding any other provision of law except conflicting federal law and applicable provisions of s. 316.550, prescribes the operation of any combination of truck tractor,

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semitrailer, and trailer combination coupled together so as to operate as a single unit in which the semitrailer and the trailer unit may each be up to 48 feet in length, but not less than 28 feet in length, if such truck tractor, semitrailer, and trailer combination is:

(a) Being used for the primary purpose of transporting farm products as defined in s. 823.14(3)(d) ~~s. 823.14(3)(e)~~ on a prescribed route within the boundary of the Everglades Agricultural Area as described in s. 373.4592(15);

(b) Traveling on a prescribed route that has been submitted to and approved by the Department of Transportation for public safety purposes having taken into account, at a minimum, the point of origin, destination, traffic and pedestrian volume on the route, turning radius at intersections along the route, and potential for damage to roadways or bridges on the route;

(c) Operating only on state or local roadways within a radius of 60 miles from where such truck tractor, semitrailer, and trailer combination was loaded; however, travel is not authorized on the Interstate Highway System; and

(d) Meeting the following weight limitations:

1. The maximum gross weight of the truck tractor and the first trailer shall not exceed 88,000 pounds.

2. The maximum gross weight of the dolly and second trailer shall not exceed 67,000 pounds.

3. The maximum overall gross weight of the truck tractor-semitrailer-trailer combination shall not exceed 155,000 pounds.

Section 4. Paragraph (b) of subsection (16) of section 633.202, Florida Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

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(16)

(b) Notwithstanding any other provision of law:

1. A nonresidential farm building in which the occupancy is limited by the property owner to no more than 35 persons is exempt from the Florida Fire Prevention Code, including the national codes and Life Safety Code incorporated by reference.

2. An agricultural pole barn is exempt from the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

3. Except for an agricultural pole barn, a structure on a farm, as defined in s. 823.14(3)(b) ~~s. 823.14(3)(a)~~, which is used by an owner for agritourism activity, as defined in s. 570.86, for which the owner receives consideration must be classified in one of the following classes:

a. Class 1: A nonresidential farm building that is used by the owner 12 or fewer times per year for agritourism activity with up to 100 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal pursuant to this section.

b. Class 2: A nonresidential farm building that is used by the owner for agritourism activity with up to 300 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal pursuant to this section.

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c. Class 3: A structure or facility that is used primarily for housing, sheltering, or otherwise accommodating members of the general public. A structure or facility in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is subject to the Florida Fire Prevention Code.

Section 5. Paragraph (g) of subsection (1) of section 812.015, Florida Statutes, is amended to read:

812.015 Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(g) "Farm theft" means the unlawful taking possession of any items that are grown or produced on land owned, rented, or leased by another person. The term includes the unlawful taking possession of equipment and associated materials used to grow or produce farm products as defined in s. 823.14(3)(d) ~~s. 823.14(3)(e)~~.

Section 6. For the purpose of incorporating the amendments made by this act to section 823.14, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 163.3162, Florida Statutes, is reenacted to read:

163.3162 Agricultural Lands and Practices.—

(2) DEFINITIONS.—As used in this section, the term:

(b) "Farm operation" has the same meaning as provided in s. 823.14.

Section 7. For the purpose of incorporating the amendments made by this act to section 823.14, Florida Statutes, in a

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reference thereto, paragraph (b) of subsection (3) of section 163.3163, Florida Statutes, is reenacted to read:

163.3163 Applications for development permits; disclosure and acknowledgment of contiguous sustainable agricultural land.—

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

(b) “Farm operation” has the same meaning as defined in s. 823.14.

Section 8. For the purpose of incorporating the amendments made by this act to section 823.14, Florida Statutes, in a reference thereto, subsection (4) of section 403.9337, Florida Statutes, is reenacted to read:

403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.—

(4) This section does not apply to the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.

Section 9. For the purpose of incorporating the amendments made by this act to section 823.14, Florida Statutes, in a reference thereto, subsection (4) of section 570.86, Florida Statutes, is reenacted to read:

570.86 Definitions.—As used in ss. 570.85-570.89, the term:

(4) “Farm operation” has the same meaning as in s. 823.14.

Section 10. This act shall take effect July 1, 2021.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

SB 88

Bill Number (if applicable)

769248

Amendment Barcode (if applicable)

Topic Farming Operations

Name William Cotterall

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Email wcotterall@myfja.org

Speaking: ☒ For ☒ Against ☐ Information

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

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

88

Bill Number (if applicable)

Topic Farming Operations

Amendment Barcode (if applicable)

Name Brewster Bevis

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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Duplicate

March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 88

Bill Number (if applicable)

Topic Farming operations

Amendment Barcode (if applicable)

Name Jane West

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Speaking: ☐ For ☒ Against ☐ Information

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

Representing 1000 Friends of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

SB 88

Bill Number (if applicable)

Topic Farming operations

Amendment Barcode (if applicable)

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Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Conservation Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

88

Bill Number (if applicable)

Topic Farming Operations

Amendment Barcode (if applicable)

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/4/21
Meeting Date

88
Bill Number (if applicable)

Topic Farming Operations

Amendment Barcode (if applicable)

Name Jim Spratt

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA Forestry Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/4/2021

Meeting Date

88

Bill Number (if applicable)

Topic Farming Operations

Amendment Barcode (if applicable)

Name Adam Basford

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Farm Bureau

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

SB 88

Bill Number (if applicable)

Topic Farming Operations

Amendment Barcode (if applicable)

Name William Cotterall

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Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

88

3/4/21

Meeting Date

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

13/4/21

Bill Number (if applicable)

Topic Farming Operations

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title _____

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Street

Phone _____

City

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Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Rising

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/4/21

Meeting Date

SB88

Bill Number (if applicable)

Topic FARMING OPERATIONS

Amendment Barcode (if applicable)

Name TRISH NEELY

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Speaking: ☐ For ☒ Against ☐ Information

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

Representing LEAGUE WOMEN VOTERS FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

88

Bill Number (if applicable)

Topic Farm Operations

Amendment Barcode (if applicable)

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Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Sierra Club Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 234

INTRODUCER: Rules Committee; Criminal Justice Committee; and Senators Book and Bradley

SUBJECT: Registration of Sexual Predators and Sexual Offenders

DATE: March 4, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Jones	CJ	Fav/CS
2. Ravelo	Cibula	JU	Favorable
3. Erickson	Phelps	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 234 clarifies release from conviction sanctions for sexual offender reporting and registration purposes. Currently, a person convicted of a qualifying sexual offense must register as a sex offender upon release from a court imposed sanction. A Florida appellate court recently interpreted the word “sanction” to include any court imposed fines. As a result, the opinion allows a person, otherwise required to register as a sex offender, to forgo registration by refusing to pay any court imposed fine.

The bill provides legislative findings that the appellate court opinion interpreting the word “sanction” is contrary to legislative intent and that a person’s failure to pay a fine does not relieve him or her of the requirement to register as a sexual offender. The bill also specifies that the Legislature intends that a person must register as a sexual offender when he or she has been convicted of a qualifying offense and, on or after October 1, 1997, has:

- No sanction imposed upon conviction; or
- Been released from a sanction imposed upon conviction.

Consistent with these legislative findings and intent, the bill:

- Specifies that an offender who has been released on or after October 1, 1997, from a sanction imposed for any conviction for a qualifying sexual offense and who does not otherwise meet the criteria for registration as a sexual offender under ch. 944, F.S., or ch. 985, F.S., must register as a sexual offender;

- Amends the definition of “sanction” to exclude fines and to specify that “sanction” means probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility; and
- Provides that if no sanction is imposed the person is deemed to be released upon conviction.

Additionally, the bill:

- Codifies longstanding practice regarding the calculation of days for the purpose of the definitions of “permanent residence,” “temporary residence,” and “transient residence” but does not make any changes to how these types of residence are defined in current law;
- Authorizes sexual predators and sexual offenders to report vehicle information changes to the Florida Department of Law Enforcement’s (FDLE’s) online system;
- Authorizes sexual predators and sexual offenders to report specified registration information through an authorized alternate method as provided by the Department of Highway Safety and Motor Vehicles (DHSMV);
- Clarifies a registration requirement relating to the timing of reporting of a change of residence to another state or jurisdiction or international travel;
- Specifies that failure to report intended travel is punishable as provided; and
- Creates a process for a person to petition for relief from registration if the person’s requirement to register is based solely upon a requirement to register in another state for an offense that is not similar to an offense requiring registration in this state and whose registration in that other state is held confidential, not for public release, and for criminal justice purposes only.

According to the FDLE, the bill should not have a fiscal impact on the department. Although the bill authorizes sexual predators and sexual offenders to report specified registration information through an authorized alternate method as provided by the DHSMV, it does not require the DHSMV to create this alternate method. See Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida’s Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.¹ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes² and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), the DHSMV, and the Department of Children and Families.

¹ Sections 775.21 and 943.0435, F.S.

² Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;³
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.⁴

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.⁵

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.⁶ Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under the DOC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, and travel. The FDLE, through its agency website, provides a searchable database that includes some of this information.⁷ Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

³ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

⁴ Section 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

⁵ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S. Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

⁶ All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register per s. 943.0435(1)(h)l.d., F.S., for certain offenses must reregister four times per year (on the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). Sections 775.21(8)(a), 943.0435(14)(b), 944.607(13)(a), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (on the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

⁷ The FDLE is the central repository for registration information. The department also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. See <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on Mar. 4, 2021).

State v. James: Interpreting Release from Conviction Sanctions for Sexual Offender Reporting and Registration Purposes

Recently, in *State v. James*,⁸ the Florida Second District Court of Appeal upheld and affirmed a trial court order granting dismissal of charges against offender Ray La Vel James for failing to report quarterly as a sexual offender. James was sentenced to 15 years in state prison and a \$10,000 fine for a conviction for attempted lewd molestation. After James was released from prison, the State filed a two-count information charging James with failing to report in person quarterly to register as a sexual offender. James moved to dismiss the information, arguing that he was not required to register and report, notwithstanding his release from prison, because his \$10,000 fine had not yet been released or discharged. The trial court agreed and dismissed the charges. The State appealed this dismissal.

Currently, s. 943.0435(1)(h)1.a.(II), F.S., provides that a sexual offender who has been released on or after a specified date from the sanction imposed for any conviction of an offense described in s. 943.0435(1)(h)1.a.(I), F.S., is required to register as a sexual offender in Florida. Section 943.0435(1)(h)1.a.(II), F.S., also defines a sanction as including, but not limited to, "... a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility."

The appellate court found that James was not released from his \$10,000 fine and the fine remained outstanding. While the State argued that the statute did not require James to be released from both incarceration *and* the fine to qualify as a sexual offender, the appellate court rejected this argument, finding that the plain language of the statute did not accord with the State's interpretation of the language. The court held that since James had not completed his \$10,000 fine, "his sanction, as a whole, has not been released and he does not qualify as a 'sexual offender' for purposes of reporting and registration under section 943.0435."⁹

As of January 10, 2021, the FDLE has received inquiries from seven separate individuals requesting removal from the registry pursuant to the decision in *State v. James*. Six of these individuals did not meet the standard specified in the case and remain registered. One offender was removed after having met the standard in the case due to having an unpaid fine in relation to a qualifying offense.¹⁰

Residence Definitions

Section 775.21, F.S., defines the terms "permanent residence," "temporary residence," and "transient residence" for the purpose of reporting residence information. Section 943.0435, F.S., also uses these definitions.¹¹

⁸ *State v. James*, 298 So.3d 90 (Fla. 2d DCA 2020).

⁹ *State v. James*, *supra*, at p.3.

¹⁰ E-mail from Mary Coffee, Planning and Policy Administrator, Florida Department of Law Enforcement, (Feb. 10, 2021) (on file with the Senate Committee on Judiciary).

¹¹ Sections 775.21(2)(k), (n), and (o) and 943.0435(1)(f), F.S.

“Permanent residence” means a place where the person abides, lodges, or resides for 3 or more consecutive days.¹²

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.¹³

“Transient residence” means a county where a person lives, remains, or is located for a period of 3 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.¹⁴

FDLE’s Online System

The FDLE is required to establish an online system through which sexual predators and sexual offenders may securely access, submit, and update all electronic mail addresses; Internet identifiers and each Internet identifier’s corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.¹⁵

A sexual predator or sexual offender must register all electronic mail addresses and Internet identifiers, and each Internet identifier’s corresponding website homepage or application software name, with the FDLE through the FDLE’s online system or in person at the sheriff’s office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DOC, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier’s corresponding website homepage or application software name, to the DOC before using such electronic mail addresses or Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DJJ, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier’s corresponding website homepage or application software name, to the DJJ before using such electronic mail addresses or Internet identifiers.¹⁶

A sexual predator or sexual offender must register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education in the same manner previously described.¹⁷

¹² Section 775.21(2)(k), F.S.

¹³ Section 775.21(2)(n), F.S.

¹⁴ Section 775.21(2)(o), F.S.

¹⁵ Sections 775.21(6)(g)5.c. and 943.0435(4)(e)3., F.S.

¹⁶ Sections 775.21(6)(g)5.a. and 943.0435(4)(e)1., F.S.

¹⁷ Sections 775.21(6)(g)5.b. and 943.0435(4)(e)2., F.S.

Currently, the law does not specify that a sexual predator and sexual offender may report changes to vehicles owned through FDLE's online system. The FDLE notes that "[c]urrent law requires sexual offenders and predators to report in-person to the sheriff's office within 48 hours after any change in vehicle owned. While vehicle information is incredibly important to law enforcement, the mandate to have every change to this information reported in-person to the sheriff's office has created a significant burden."¹⁸ Further, according to the FDLE, "[a]llowing registrants the option to report their vehicle information and address changes online will facilitate faster access to this critical information and reduce the impact on sheriff's offices."¹⁹

Reporting when Driver License or State Identification is Renewed and Reporting Change of Residence or Name

Within 48 hours after initial registration with the sheriff's office, a sexual predator or sexual offender who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the DOC, must register in person at a driver license office of the DHSMV and present proof of registration unless a driver license or an identification card that complies with the requirements of s. 322.141(3), F.S., was previously secured or updated under s. 944.607, F.S.²⁰

At the driver license office the sexual predator or sexual offender must do all of the following:

- If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card.
- Identify himself or herself as a sexual predator or sexual offender who is required to register, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver license, a renewed license, or an identification card, and for use by the FDLE in maintaining current records of sexual predators. (There are registration requirements for other places of residence such as mobile homes and vessels.)
- Pay the costs assessed by the DHSMV for issuing or renewing a driver license or an identification card.
- Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.²¹

Each time a sexual predator's or sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the predator's or offender's driver license or identification card, within 48 hours after any change of the predator's or offender's residence or change in the predator's or offender's name by reason of marriage or other legal process, the predator or offender must report in person to a driver license office and is subject to the requirements previously described. The DHSMV must forward to the FDLE and the DOC all photographs and information provided by sexual predators or sexual offenders.²²

¹⁸ *Registry Amendments – Talking Points*, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

¹⁹ *Id.*

²⁰ Section 775.021(6)(f) and 943.0435(3), F.S.

²¹ *Id.*

²² Sections 775.021(6)(g)1. and 943.0435(4), F.S.

A sexual predator or sexual offender who is unable to secure or update a driver license or an identification card with the DHSMV as previously described must also report any change of the predator's or offender's residence or change in the predator's or offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the predator resides or is located and provide confirmation that he or she reported such information to the DHSMV. These reporting requirements do not negate the requirement for a sexual predator or sexual offender to obtain a Florida driver license or identification card.²³

Reporting Residence in Another State or Jurisdiction and Travel

A sexual predator or sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than Florida must report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the sexual predator or sexual offender 21 days before the departure date must be reported to the sheriff's office as soon as possible before departure.²⁴

The sexual predator or sexual offender must provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the sexual predator or sexual offender must also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel.²⁵

The sheriff must promptly provide to the FDLE the information received from the sexual predator or sexual offender. The FDLE must notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the sexual predator's or sexual offender's intended residence. The failure of a sexual predator or sexual offender to provide his or her intended place of residence is a third degree felony.²⁶

A sexual predator or sexual offender who indicates his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than Florida, or another country and later decides to remain in this state must, within 48 hours after the date upon which the sexual predator or sexual offender indicated he or she would leave this state, report in person to the sheriff to which the sexual predator or sexual offender reported the intended change of residence, and report his or her intent to remain in this state. If the sheriff is notified by the sexual predator or sexual offender that he or she intends to remain in this state, the sheriff must promptly report this information to the FDLE. A sexual predator or sexual offender who reports his or her intent to establish a permanent, temporary, or transient residence in another state, a

²³ *Id.*

²⁴ Sections 775.21(6)(i) and 943.0435(7), F.S.

²⁵ *Id.*

²⁶ *Id.* A third degree felony is punishable by up to 5 years in state prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

jurisdiction other than Florida, or another country, but who remains in this state without reporting to the sheriff as previously described commits a second degree felony.²⁷

Sexual Offender Registration Based on Out-of-State Conviction for Offense Not Similar to Florida Offense Requiring Registration and Not Public in Other State

As previously noted, for purposes of sexual offender registration, the definition of “sexual offender” includes, but is not limited to, a person who establishes or maintains a residence in Florida and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender.²⁸

According to the FDLE, the criteria previously described apply to a person “based solely upon a requirement to register in another state for an offense that is *not* similar to a conviction offense requiring registration in Florida and whose registration in that other state is held confidential, not for public release, and for criminal justice purposes only.”²⁹

The FDLE has indicated concerns about the application of these criteria to such person. “As Florida does not have a non-public registry, such an individual’s registration information would be publicly available. From an equal protection standpoint, these circumstances may be found objectionable by the courts as the current laws treat similarly situated persons convicted in Florida differently than those convicted in other states. Not correcting this issue increases the risk that a court’s decision could impact the entire registry.”³⁰

III. Effect of Proposed Changes:

The bill, *which takes effect upon becoming a law*, amends s. 775.21, F.S. (sexual predator registration) and s. 943.0435, F.S. (sexual offender registration). The bill also reenacts numerous laws that reference these two statutes.³¹

Clarifying Release from Conviction Sanctions for Sexual Offender Reporting and Registration Purposes

The bill amends s. 943.0435, F.S., to clarify release from conviction sanctions for sexual offender reporting and registration purposes. Currently, a person convicted of a qualifying sexual offense must register as a sex offender upon release from a court imposed sanction. In *State v. James*,³² the Florida Second District Court of Appeal recently interpreted the word “sanction” to

²⁷ Sections 775.21(6)(j) and (10) and 943.0435(8), F.S. A second degree felony is punishable by up to 15 years in state prison and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

²⁸ Section 943.0435(1)(h)1.b., F.S.

²⁹ *Registry Amendments – Talking Points*, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

³⁰ *Id.*

³¹ See “Statutes Affected” section of this analysis for a list of the reenacted statutes.

³² See footnote 8, *supra*.

include any court imposed fines. As a result, the opinion allows a person, otherwise required to register as a sex offender, to forgo registration by refusing to pay any court imposed fine.

The bill provides legislative findings that the opinion in *State v. James* interpreting the word “sanction” is contrary to legislative intent and that a person’s failure to pay a fine does not relieve him or her of the requirement to register as a sexual offender pursuant to s. 943.0435, F.S. The bill also specifies that the Legislature intends that a person must register as a sexual offender pursuant to s. 943.0435, F.S., when he or she has been convicted of a qualifying offense and, on or after October 1, 1997, has:

- No sanction imposed upon conviction; or
- Been released from a sanction imposed upon conviction.

Consistent with these legislative findings and intent, the bill also amends s. 943.0435(1)(h)1.a.(II), F.S., to:

- Specify that an offender who has been released on or after October 1, 1997, from a sanction imposed for any conviction for a qualifying sexual offense and who does not otherwise meet the criteria for registration as a sexual offender under ch. 944, F.S., or ch. 985, F.S., must register as a sexual offender;
- Amend the definition of “sanction” to exclude fines and to specify that “sanction” means probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility; and
- Provide that if no sanction is imposed the person is deemed to be released upon conviction.

Codifying Longstanding Practice Regarding Calculation of Days for the Purpose of Residence Definitions

The bill amends s. 775.21, F.S., to codify longstanding practice regarding the calculation of days for the purpose of the definitions of “permanent residence,” “temporary residence,” and “transient residence” but does not make any changes to how these types of residence are defined in current law. Section 943.0435, F.S., also uses these definitions. The definitions are relevant to sexual predators and sexual offenders reporting their residence and any change in residence.

The following language is added to the definitions of “permanent residence” and “temporary residence”:

In calculating days for [“permanent residence” and “temporary residence”], the first day a person abides, lodges, or resides at a place is excluded. Each day following the first day is counted. A day includes any part of a calendar day.³³

³³ In other words, a “day” is the same as a “calendar day,” which is from midnight to 11:59 p.m. It is not a 24-hour period that begins one day and ends the following day. It is not 11:00 p.m. on Monday to 10:59 p.m. on Tuesday. It is midnight on Monday to 11:59 on Monday.

The following language is added to the definition of “temporary residence”:

In calculating days for “transient residence,” the first day a person lives, remains, or is located in a county is excluded. Each day following the first day is counted. A day includes any part of a calendar day.

According to the FDLE, the previously-described language:

specifies the existing protocols and practices utilized with Florida registration laws for over two decades.

- A calendar day is a day; Midnight to 11:59pm, 365/366 days a year.
- Residing, abiding, lodging, or living for any part of a day at a location/address counts as one (1) day.
- Tracking other judicial rules and Florida Statutes, the first day at a newly established location is not counted in calculating the number of days to determine residency for the purposes of registration.
- The 48 hours to register a permanent, temporary, or transient residence begins after the third calendar day counted towards residency (i.e. the 4th day at the location) regardless of what time the person departs the residence on the third day or anytime afterwards.³⁴

The FDLE provides the following additional comments regarding the protocols on calculating days and the language in the bill that codifies that protocol:

This protocol carries the benefits of eliminating any need or question regarding “stop-watch” timing or calculating across calendar days or time zones to determine residency on the part of those required to register or those tasked with enforcing or prosecuting registration laws.

Nothing precludes a person from registering a residence earlier, if more convenient for them, prior to remaining at a location/address for the 3 days establishing the location as a registerable residence or the 48 hour reporting period that follows.

The language does not in any way alter the existing definitions of permanent, temporary or transient residences. The definitions for what qualify as a permanent, temporary and transient residence remain the same.³⁵

Authorizing Sexual Predators and Sexual Offenders to Report Vehicle Information Changes to the FDLE’s Online System

The bill amends ss. 775.21 and 943.0435, F.S., to authorize sexual predators and sexual offenders to report vehicle information changes to the FDLE’s online system. Currently, this

³⁴ E-mail to staff of Senate Committee on Criminal Justice from FDLE staff, dated March 3, 2021 (on file with the Senate Rules Committee).

³⁵ *Id.*

information is reported to sheriff's offices, so the addition of another reporting mechanism will reduce the impact on sheriff's offices to process this information.³⁶

Authorizing Sexual Predators and Sexual Offenders to Report Specified Registration Information through a DHSMV-Authorized Alternate Method

The bill amends ss. 775.21 and 943.0435, F.S., to authorize sexual predators and sexual offenders to report specified registration information through an authorized alternate method as provided by the DHSMV. Currently, this information is reported at a driver license office each time a sexual predator's or sexual offender's driver license or identification card is subject to renewal, and within 48 hours after any change of the predator's or offender's residence or change in the predator's or offender's name by reason of marriage or other legal process.³⁷

Clarifying a Registration Requirement Relating to the Timing of Reporting of a Change of Residence to Another State or Jurisdiction or International Travel

The bill amends ss. 775.21 and 943.0435, F.S., to clarify a registration requirement relating to the timing of reporting of a change of residence to another state or international travel. The bill specifies that the registrant must report in person to the sheriff of the county of current residence *at least* 48 hours before the date he or she intends to leave Florida to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel outside of the United States. Any travel that is not known by a registrant *at least 48 hours before he or she intends to establish a residence in another state or jurisdiction* or 21 days before the departure date *for travel outside of the United States* must be reported to the sheriff's office as soon as possible before departure.

Currently, the registrant must report in person to the sheriff of the county of current residence *within* 48 hours before the date he or she intends to leave Florida to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel *if the intended residence of 5 days or more* is outside of the United States. Any travel that is not known by a registrant 21 days before the departure date must be reported to the sheriff's office as soon as possible before departure.³⁸

The bill also specifies that the FDLE must report intended travel to law enforcement in the destination jurisdiction. Currently, the law only requires the FDLE to report intended residence to such law enforcement.³⁹

Specifying that Failure to Report Intended Travel is Punishable as Provided

The bill amends ss. 775.21 and 943.0435, F.S., to specify that failure to report intended travel is punishable as a third degree felony. Currently, such failure would be covered under language that

³⁶ See "Present Situation" section of this analysis.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

punishes a sexual predator or sexual offender who doesn't comply with the requirements of s. 775.21, F.S., or s. 943.0435, F.S., as applicable.⁴⁰

Creating a Process for Removing Registration Requirements for Certain Sexual Offenders with Out-of-State Convictions

The bill amends s. 943.0435, F.S., to create a process for a person to petition for relief from registration if the person's requirement to register is based solely upon a requirement to register in another state for an offense that is not similar to an offense requiring registration in this state and whose registration in that other state is held confidential, not for public release, and for criminal justice purposes only. To qualify for removal, a sexual offender who qualifies to petition for relief must not only establish their designation has been removed (as described below) but also satisfy the registration removal requirements set forth in s. 943.0435(11)(a), F.S.⁴¹

As previously noted, the FDLE has indicated concerns about the application of these criteria to such person. "As Florida does not have a non-public registry, such an individual's registration information would be publicly available. From an equal protection standpoint, these circumstances may be found objectionable by the courts as the current laws treat similarly situated persons convicted in Florida differently than those convicted in other states. Not correcting this issue increases the risk that a court's decision could impact the entire registry."⁴²

The person previously described must file a petition in the circuit court in the jurisdiction in which the person resides or, for a person who no longer resides in this state, the court in the jurisdiction in which the person last resided in Florida. The petition must assert that his or her designation as a sexual predator or sexually violent predator or any other sexual offender designation in the state or jurisdiction in which the designation was made is confidential from public disclosure or that such designation, if not imposed by a court, is considered confidential from public disclosure by operation of law or court order in the state or jurisdiction requiring registration, provided that such person does not meet the criteria for registration as a sexual offender under Florida law. If the person meets the criteria previously described, the court may grant the petition and remove the requirement to register as a sexual offender.

The petition must document the person's conviction and include a copy of the order issued by the court in the state or jurisdiction which made the designation confidential from public disclosure. If the confidential status was not granted by court order, the person must demonstrate to the court that his or her registration requirement has been made confidential by operation of law in the state or jurisdiction requiring registration. The state attorney and the FDLE must be given notice at least 21 days before the date of the hearing on the petition and may present evidence in opposition to the requested relief or may otherwise demonstrate why it should be denied.

⁴⁰ See ss. 775.21(10) and 943.0435(9)(a), F.S.

⁴¹ These requirements include being lawfully released as described in s. 943.0435(11)(a)1., F.S., for at least 25 years and no arrest for a sexual offense specified in that subparagraph.

⁴² *Registry Amendments – Talking Points*, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

If a person provides to the FDLE a certified copy of the circuit court's order granting the person's removal of the requirement to register as a sexual offender in Florida in accordance with the requirements previously described, the registration requirement does not apply to the person and the FDLE must remove all information about the person from the public registry of sexual offenders and sexual predators maintained by the FDLE.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by article VII, section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill will apply retroactively to any sexual offenders who meet the new definition included in the bill. Courts have generally found that sexual offender and predator registration laws are non-punitive civil actions that do not violate the *ex post facto* clause.⁴³ However, in a situation such as the previously referenced defendant in *State v. James*, a defendant who previously did not meet the definition of a sexual offender cannot be convicted for failure to register unless the defendant knew of the obligation to register.⁴⁴

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁴³ *Smith v. Doe*, 538 U.S. 84, 123 S.Ct. 1140, 155 L.Ed.2d 164 (2003).

⁴⁴ *State v. Giorgetti*, 868 So. 2d 512, 520 (Fla. 2004) (Finding that Florida sexual offender registration statutes include a requirement that the alleged offender must know of the obligation to register and maintain current addresses.)

C. Government Sector Impact:

According to the FDLE, the bill should not have a fiscal impact on the department.⁴⁵ Although the bill authorizes sexual predators and sexual offenders to report specified registration information through an authorized alternate method as provided by the DHSMV, it does not require the DHSMV to create this alternate method.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.21 and 943.0435.

This bill reenacts the following sections of the Florida Statutes: 61.13, 68.07, 98.0751, 320.02, 322.141, 322.19, 394.9125, 397.487, 435.07, 775.0862, 775.13, 775.21, 775.24, 775.25, 775.261, 794.056, 900.05, 903.046, 903.133, 907.043, 921.0022, 938.085, 938.10, 943.0435, 943.0436, 943.0584, 944.606, 944.607, 944.609, 948.06, 948.063, 948.31, 985.04, 985.481, 985.4815, 1012.467.

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 March 4, 2021:

The Committee Substitute:

- Provides legislative findings and intent regarding the construction of a provision in the definition of the term “sexual offender” relating to the release from sanction. The amendment clarifies this provision to provide consistency with the legislative findings and intent.
- Specifies that a person meeting the criteria to petition for removal of sexual offender registration requirements under a process created by the bill must also satisfy registration-removal requirements in current law.
- Changes the effective date from October 1, 2021, to effective upon becoming law.

CS by Criminal Justice on January 26, 2021:

The Committee Substitute:

- Substantially rewords a provision that clarifies release from conviction sanctions for sexual offender reporting and registration purposes so that an offender with an

⁴⁵ See *supra* note 41.

outstanding financial obligation is required to report and register as a sexual offender for a qualifying offense.

- Amends the definitions of “permanent residence,” “temporary residence,” and “transient residence” to clarify how days are calculated for purposes of those definitions.
- Authorizes sexual predators and sexual offenders to report vehicle information changes to the FDLE’s online system.
- Authorizes sexual predators and sexual offenders to report specified registration information through an authorized alternate method as provided by the DHSMV.
- Clarifies a registration requirement relating to the timing of reporting of a change of residence to another state or jurisdiction or international travel.
- Specifies that failure to report intended travel is punishable as provided.
- Creates a process for a person to petition for relief from registration if the person’s requirement to register is based solely upon a requirement to register in another state for an offense that is not similar to an offense requiring registration in this state and whose registration in that other state is held confidential, not for public release, and for criminal justice purposes only.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2021	.	
	.	
	.	
	.	

The Committee on Rules (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 362 - 704
and insert:

Section 2. The Legislature finds that the opinion in *State v. James*, 298 So.3d 90 (Fla. 2d DCA 2020), is contrary to legislative intent and that a person's failure to pay a fine does not relieve him or her of the requirement to register as a sexual offender pursuant to s. 943.0435. The Legislature intends that a person must register as a sexual offender pursuant to s. 943.0435 when he or she has been convicted of a qualifying



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offense and, on or after October 1, 1997, has:

(1) No sanction imposed upon conviction; or

(2) Been released from a sanction imposed upon conviction.

Section 3. Paragraph (h) of subsection (1), paragraph (b) of subsection (2), paragraphs (a) and (e) of subsection (4), and subsections (7) and (11) of section 943.0435, Florida Statutes, are amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

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

(h)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-sub-subparagraph or at least one offense listed in this sub-sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a



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former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from a
~~the~~ sanction imposed for any conviction of an offense described
in sub-sub-subparagraph (I) and does not otherwise meet the
criteria for registration as a sexual offender under chapter 944
or chapter 985. For purposes of this sub-sub-subparagraph ~~(I)~~, a
sanction imposed in this state or in any other jurisdiction
means includes, but is not limited to, a fine, probation,
community control, parole, conditional release, control release,
or incarceration in a state prison, federal prison, private
correctional facility, or local detention facility. If no
sanction is imposed the person is deemed to be released upon
conviction;

b. Establishes or maintains a residence in this state and
who has not been designated as a sexual predator by a court of
this state but who has been designated as a sexual predator, as
a sexually violent predator, or by another sexual offender
designation in another state or jurisdiction and was, as a
result of such designation, subjected to registration or
community or public notification, or both, or would be if the
person were a resident of that state or jurisdiction, without
regard to whether the person otherwise meets the criteria for
registration as a sexual offender;

c. Establishes or maintains a residence in this state who
is in the custody or control of, or under the supervision of,
any other state or jurisdiction as a result of a conviction for
committing, or attempting, soliciting, or conspiring to commit,
any of the criminal offenses proscribed in the following



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statutes or similar offense in another jurisdiction: s.
393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
(d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
s. 847.0145; s. 895.03, if the court makes a written finding
that the racketeering activity involved at least one sexual
offense listed in this sub-subparagraph or at least one offense
listed in this sub-subparagraph with sexual intent or motive; s.
916.1075(2); or s. 985.701(1); or any similar offense committed
in this state which has been redesignated from a former statute
number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated
delinquent for committing, or attempting, soliciting, or
conspiring to commit, any of the criminal offenses proscribed in
the following statutes in this state or similar offenses in
another jurisdiction when the juvenile was 14 years of age or
older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(a)2. where the victim is under 12
years of age or where the court finds sexual activity by the use
of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds
molestation involving unclothed genitals;

(IV) Section 800.04(5)(d) where the court finds the use of
force or coercion and unclothed genitals; or

(V) Any similar offense committed in this state which has



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99 been redesignated from a former statute number to one of those
100 listed in this sub-subparagraph.

101 2. For all qualifying offenses listed in sub-subparagraph
102 1.d., the court shall make a written finding of the age of the
103 offender at the time of the offense.

104
105 For each violation of a qualifying offense listed in this
106 subsection, except for a violation of s. 794.011, the court
107 shall make a written finding of the age of the victim at the
108 time of the offense. For a violation of s. 800.04(4), the court
109 shall also make a written finding indicating whether the offense
110 involved sexual activity and indicating whether the offense
111 involved force or coercion. For a violation of s. 800.04(5), the
112 court shall also make a written finding that the offense did or
113 did not involve unclothed genitals or genital area and that the
114 offense did or did not involve the use of force or coercion.

115 (2) Upon initial registration, a sexual offender shall:

116 (b) Provide his or her name; date of birth; social security
117 number; race; sex; height; weight; hair and eye color; tattoos
118 or other identifying marks; fingerprints; palm prints;
119 photograph; employment information; address of permanent or
120 legal residence or address of any current temporary residence,
121 within the state or out of state, including a rural route
122 address and a post office box; if no permanent or temporary
123 address, any transient residence within the state, address,
124 location or description, and dates of any current or known
125 future temporary residence within the state or out of state; the
126 make, model, color, vehicle identification number (VIN), and
127 license tag number of all vehicles owned; home telephone numbers



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and cellular telephone numbers; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; date and place of each conviction; and a brief description of the crime or crimes committed by the offender. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide



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to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.

3. A sexual offender shall report to the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints, and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(4) (a) Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver license office, or through an authorized alternate method as provided by the Department of Highway Safety and Motor Vehicles, and is subject



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to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall also report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles. The reporting requirements under this paragraph do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section.

(e)1. A sexual offender shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual offender is in the custody or



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control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register all changes to vehicles owned, all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported under this subparagraph must be reported within 48 hours after the change.

3. The department shall establish an online system through which sexual offenders may securely access, submit, and update



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all changes in status to vehicles owned; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(7) A sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence at least ~~within~~ 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel ~~if the intended residence of 5 days or more is~~ outside of the United States. Any travel that is not known by the sexual offender at least 48 hours before he or she intends to establish a residence in another state or jurisdiction, or 21 days before the departure date for travel outside of the United States, must be reported in person to the sheriff's office as soon as possible before departure. The sexual offender shall provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the sexual offender shall also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in



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the intended state, jurisdiction, or country of residence, or
the intended country of travel, of the sexual offender's
intended residence or intended travel. The failure of a sexual
offender to provide his or her intended place of residence or
intended travel is punishable as provided in subsection (9).

(11) Except as provided in s. 943.04354, a sexual offender
shall maintain registration with the department for the duration
of his or her life unless the sexual offender has received a
full pardon or has had a conviction set aside in a
postconviction proceeding for any offense that meets the
criteria for classifying the person as a sexual offender for
purposes of registration. However, a sexual offender shall be
considered for removal of the requirement to register as a
sexual offender only if the person:

(a)1. Has been lawfully released from confinement,
supervision, or sanction, whichever is later, for at least 25
years and has not been arrested for any felony or misdemeanor
offense since release, provided that the sexual offender's
requirement to register was not based upon an adult conviction:

- a. For a violation of s. 787.01 or s. 787.02;
- b. For a violation of s. 794.011, excluding s. 794.011(10);
- c. For a violation of s. 800.04(4)(a)2. where the court
finds the offense involved a victim under 12 years of age or
sexual activity by the use of force or coercion;
- d. For a violation of s. 800.04(5)(b);
- e. For a violation of s. 800.04(5)(c)2. where the court
finds the offense involved the use of force or coercion and
unclothed genitals or genital area;
- f. For a violation of s. 825.1025(2)(a);



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g. For any attempt or conspiracy to commit any such offense;

h. For a violation of similar law of another jurisdiction; or

i. For a violation of a similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subparagraph.

2. If the sexual offender meets the criteria in subparagraph 1., the sexual offender may, for the purpose of removing the requirement for registration as a sexual offender, petition the criminal division of the circuit court of the circuit:

a. Where the conviction or adjudication occurred, for a conviction in this state;

b. Where the sexual offender resides, for a conviction of a violation of similar law of another jurisdiction; or

c. Where the sexual offender last resided, for a sexual offender with a conviction of a violation of similar law of another jurisdiction who no longer resides in this state.

3. The court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be



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given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the standards for relief provided in this subsection.

4. The department shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

(b) Maintains ~~As defined in sub-subparagraph (1)(h)1.b.~~ ~~must maintain~~ registration with the department as described in sub-subparagraph (1)(h)1.b. for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or as any other ~~by another~~ sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, ~~and~~ provided that such person no longer meets the criteria for registration as a sexual offender under the laws of this state. To qualify for removal, all sexual offenders as described in sub-subparagraph (1)(h)1.b. must not only establish that their designation has been removed but also



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satisfy the requirements set forth in paragraph (11)(a).

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

And the title is amended as follows:

Delete lines 17 - 31

and insert:

punishable under certain provisions; providing
legislative findings and intent regarding the
construction of a provision in the definition of the
term "sexual offender" relating to release from
sanction; amending s. 943.0435, F.S.; redefining the
term "sexual offender" to clarify a provision related
to release from sanction; authorizing reporting of
certain registration information through the
Department of Law Enforcement's online system;
authorizing reporting of certain registration
information through an authorized alternate method
provided by the Department of Highway Safety and Motor
Vehicles; requiring the reporting of certain
additional vehicle information; clarifying a
requirement relating to the timing of reporting of
international travel or a change of residence to
another state or jurisdiction; specifying that failure
to report intended travel is punishable under certain
provisions; provides that an offender seeking removal
of the requirement to register as a sexual offender
must comply with current registration-removal
requirements; creating a process for a person to



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2021	.	
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The Committee on Rules (Book) recommended the following:

Senate Amendment

Delete line 1721
and insert:
Section 42. This act shall take effect upon becoming a law.

By the Committee on Criminal Justice; and Senators Book and Bradley

591-01266A-21

2021234c1

1 A bill to be entitled
 2 An act relating to registration of sexual predators
 3 and sexual offenders; amending s. 775.21, F.S.;
 4 specifying how days are calculated for the purposes of
 5 determining permanent residence, temporary residence,
 6 and transient residence; authorizing reporting of
 7 certain registration information through the
 8 Department of Law Enforcement's online system;
 9 authorizing reporting of certain registration
 10 information through an authorized alternate method
 11 provided by the Department of Highway Safety and Motor
 12 Vehicles; requiring the reporting of certain vehicle
 13 information; clarifying a requirement relating to the
 14 timing of reporting of international travel or a
 15 change of residence to another state or jurisdiction;
 16 specifying that failure to report intended travel is
 17 punishable under certain provisions; amending s.
 18 943.0435, F.S.; redefining the term "sexual offender"
 19 to clarify a provision related to release from
 20 sanction; authorizing reporting of certain
 21 registration information through the Department of Law
 22 Enforcement's online system; authorizing reporting of
 23 certain registration information through an authorized
 24 alternate method provided by the Department of Highway
 25 Safety and Motor Vehicles; requiring the reporting of
 26 certain additional vehicle information; clarifying a
 27 requirement relating to the timing of reporting of
 28 international travel or a change of residence to
 29 another state or jurisdiction; specifying that failure

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

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30 to report intended travel is punishable under certain
 31 provisions; creating a process for a person to
 32 petition for relief from registration if the person's
 33 requirement to register is based solely upon a
 34 requirement to register in another state for an
 35 offense that is not similar to an offense requiring
 36 registration in this state and whose registration in
 37 that other state is held confidential, not for public
 38 release, and for criminal justice purposes only;
 39 reenacting ss. 943.0435(1)(f), 944.606(1)(d),
 40 944.609(4), 985.481(1)(d), and 985.4815(1)(f), F.S.,
 41 relating to sexual offenders required to register with
 42 the Department of Law Enforcement and penalties;
 43 sexual offenders and notification upon release; career
 44 offenders and notification upon release; sexual
 45 offenders adjudicated delinquent and notification upon
 46 release; and notification to the department of
 47 information on juvenile sexual offenders,
 48 respectively, to incorporate the amendment made to s.
 49 775.21, F.S., in references thereto; reenacting ss.
 50 61.13(9)(c), 68.07(3)(i), 98.0751(2)(b), 322.141(3),
 51 394.9125(2), 397.487(10)(b), 435.07(4)(b),
 52 775.0862(2), 775.13(4), 775.21(5)(d) and (10)(d),
 53 775.24(2), 775.261(3)(b), 900.05(2)(cc),
 54 903.046(2)(m), 903.133, 907.043(4)(b), 943.0436(2),
 55 943.0584(2), 944.607(4)(a) and (10)(c), 948.06(4),
 56 948.063, 948.31, 985.4815(9) and (10)(c), and
 57 1012.467(2)(g), F.S., relating to support of children,
 58 parenting and time-sharing, and powers of court;

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59 change of name; restoration of voting rights and
 60 termination of ineligibility subsequent to a felony
 61 conviction; color or markings of certain licenses or
 62 identification cards; state attorneys and the
 63 authority to refer a person for civil commitment;
 64 voluntary certification of recovery residences;
 65 exemptions from disqualification; sexual offenses
 66 against students by authority figures and
 67 reclassification; registration of convicted felons,
 68 exemptions, and penalties; the Florida Sexual
 69 Predators Act; the duty of the court to uphold laws
 70 governing sexual predators and sexual offenders; the
 71 Florida Career Offender Registration Act; criminal
 72 justice data collection; the purpose of and criteria
 73 for bail determination; bail on appeal and it being
 74 prohibited for certain felony convictions; pretrial
 75 release and citizens' right to know; the duty of the
 76 court to uphold laws governing sexual predators and
 77 sexual offenders; criminal history records ineligible
 78 for court-ordered expunction or court-ordered sealing;
 79 notification to the department of information on
 80 sexual offenders; violation of probation or community
 81 control, revocation, modification, continuance, and
 82 failure to pay restitution or cost of supervision;
 83 violations of probation or community control by
 84 designated sexual offenders and sexual predators;
 85 evaluation and treatment of sexual predators and
 86 offenders on probation or community control;
 87 notification to the department of information on

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88 juvenile sexual offenders; and noninstructional
 89 contractors who are permitted access to school grounds
 90 when students are present and background screening
 91 requirements, respectively, to incorporate the
 92 amendment made to s. 943.0435, F.S., in references
 93 thereto; reenacting ss. 68.07(6), 320.02(4), 322.19(1)
 94 and (2), 775.25, 794.056(1), 938.085, 938.10(1),
 95 944.607(4)(a) and (9), and 985.04(6)(b), F.S.,
 96 relating to change of name; registration required,
 97 application for registration, and forms; change of
 98 address or name; prosecutions for acts or omissions;
 99 the Rape Crisis Program Trust Fund; additional cost to
 100 fund rape crisis centers; additional court cost
 101 imposed in cases of certain crimes; notification to
 102 Department of Law Enforcement of information on sexual
 103 offenders; and oaths, records, and confidential
 104 information, respectively, to incorporate the
 105 amendments made to ss. 775.21 and 943.0435, F.S., in
 106 references thereto; providing an effective date.

107
 108 Be It Enacted by the Legislature of the State of Florida:

109
 110 Section 1. Paragraphs (k), (n), and (o) of subsection (2)
 111 and paragraphs (a), (g), and (i) of subsection (6) of section
 112 775.21, Florida Statutes, are amended to read:

113 775.21 The Florida Sexual Predators Act.—

114 (2) DEFINITIONS.—As used in this section, the term:

115 (k) "Permanent residence" means a place where the person
 116 abides, lodges, or resides for 3 or more consecutive days. In

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calculating days for "permanent residence," the first day a person abides, lodges, or resides at a place is excluded. Each day following the first day is counted. A day includes any part of a calendar day.

(n) "Temporary residence" means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not the person's permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state. In calculating days for "temporary residence," the first day a person abides, lodges, or resides at a place is excluded. Each day following the first day is counted. A day includes any part of a calendar day.

(o) "Transient residence" means a county where a person lives, remains, or is located for a period of 3 or more days in the aggregate during a calendar year and which is not the person's permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address. In calculating days for "transient residence," the first day a person lives, remains, or is located in a county is excluded. Each day following the first day is counted. A day includes any part of a calendar day.

(6) REGISTRATION.—

(a) A sexual predator shall register with the department through the sheriff's office by providing the following

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information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; photograph; address of legal residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; date and place of each conviction; fingerprints; palm prints; and a brief description of the crime or crimes committed by the offender. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

a. Any change that occurs after the sexual predator registers in person at the sheriff's office as provided in this subparagraph in any of the following information related to the sexual predator must be reported as provided in paragraphs (g), (i), and (j): permanent, temporary, or transient residence;

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name; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home and cellular telephone numbers; employment information; and status at an institution of higher education.

b. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

c. If the sexual predator is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual predator's presence and any change in the sexual predator's enrollment, volunteer, or

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employment status.

d. A sexual predator shall report to the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(g)1. Each time a sexual predator's driver license or identification card is subject to renewal, and, without regard to the status of the predator's driver license or identification card, within 48 hours after any change of the predator's residence or change in the predator's name by reason of marriage or other legal process, the predator shall report in person to a driver license office, or through an authorized alternate method as provided by the Department of Highway Safety and Motor Vehicles, and is subject to the requirements specified in paragraph (f). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by sexual predators. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators as provided in this section. A sexual predator who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in paragraph (f)

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and this paragraph shall also report any change of the predator's residence or change in the predator's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the predator resides or is located and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles. The reporting requirements under this subparagraph do not negate the requirement for a sexual predator to obtain a Florida driver license or identification card as required by this section.

2.a. A sexual predator who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the sheriff's office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator shall provide or update all of the registration information required under paragraph (a). The sexual predator shall provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

b. A sexual predator shall report in person at the sheriff's office in the county in which he or she is located within 48 hours after establishing a transient residence and thereafter must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The sexual predator must

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provide the addresses and locations where he or she maintains a transient residence. Each sheriff's office shall establish procedures for reporting transient residence information and provide notice to transient registrants to report transient residence information as required in this sub-subparagraph. Reporting to the sheriff's office as required by this sub-subparagraph does not exempt registrants from any reregistration requirement. The sheriff may coordinate and enter into agreements with police departments and other governmental entities to facilitate additional reporting sites for transient residence registration required in this sub-subparagraph. The sheriff's office shall, within 2 business days, electronically submit and update all information provided by the sexual predator to the department.

3. A sexual predator who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the predator indicated he or she would or did vacate such residence, report in person to the sheriff's office to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The failure of a sexual predator who maintains a transient residence to report in person to the sheriff's office

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291 every 30 days as required by sub-subparagraph 2.b. is punishable
292 as provided in subsection (10).

293 5.a. A sexual predator shall register all electronic mail
294 addresses and Internet identifiers, and each Internet
295 identifier's corresponding website homepage or application
296 software name, with the department through the department's
297 online system or in person at the sheriff's office within 48
298 hours after using such electronic mail addresses and Internet
299 identifiers. If the sexual predator is in the custody or
300 control, or under the supervision, of the Department of
301 Corrections, he or she must report all electronic mail addresses
302 and Internet identifiers, and each Internet identifier's
303 corresponding website homepage or application software name, to
304 the Department of Corrections before using such electronic mail
305 addresses or Internet identifiers. If the sexual predator is in
306 the custody or control, or under the supervision, of the
307 Department of Juvenile Justice, he or she must report all
308 electronic mail addresses and Internet identifiers, and each
309 Internet identifier's corresponding website homepage or
310 application software name, to the Department of Juvenile Justice
311 before using such electronic mail addresses or Internet
312 identifiers.

313 b. A sexual predator shall register all changes to vehicles
314 owned, all changes to home telephone numbers and cellular
315 telephone numbers, including added and deleted numbers, all
316 changes to employment information, and all changes in status
317 related to enrollment, volunteering, or employment at
318 institutions of higher education, through the department's
319 online system; in person at the sheriff's office; in person at

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320 the Department of Corrections if the sexual predator is in the
321 custody or control, or under the supervision, of the Department
322 of Corrections; or in person at the Department of Juvenile
323 Justice if the sexual predator is in the custody or control, or
324 under the supervision, of the Department of Juvenile Justice.
325 All changes required to be reported in this sub-subparagraph
326 shall be reported within 48 hours after the change.

327 c. The department shall establish an online system through
328 which sexual predators may securely access, submit, and update
329 all vehicles owned; electronic mail addresses; Internet
330 identifiers and each Internet identifier's corresponding website
331 homepage or application software name; home telephone numbers
332 and cellular telephone numbers; employment information; and
333 institution of higher education information.

334 (i) A sexual predator who intends to establish a permanent,
335 temporary, or transient residence in another state or
336 jurisdiction other than the State of Florida shall report in
337 person to the sheriff of the county of current residence at
338 least within 48 hours before the date he or she intends to leave
339 this state to establish residence in another state or
340 jurisdiction or at least 21 days before the date he or she
341 intends to travel ~~if the intended residence of 5 days or more is~~
342 outside of the United States. Any travel that is not known by
343 the sexual predator at least 48 hours before he or she intends
344 to establish a residence in another state or jurisdiction or 21
345 days before the departure date for travel outside of the United
346 States must be reported to the sheriff's office as soon as
347 possible before departure. The sexual predator shall provide to
348 the sheriff the address, municipality, county, state, and

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country of intended residence. For international travel, the sexual predator shall also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel. The sheriff shall promptly provide to the department the information received from the sexual predator. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence, or the intended country of travel, of the sexual predator's intended residence or intended travel. The failure of a sexual predator to provide his or her intended place of residence or intended travel is punishable as provided in subsection (10).

Section 2. Paragraph (h) of subsection (1), paragraph (b) of subsection (2), paragraphs (a) and (e) of subsection (4), and subsections (7) and (11) of section 943.0435, Florida Statutes, are amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

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

(h)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former

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s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-sub-subparagraph or at least one offense listed in this sub-sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from a ~~the~~ sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I) and does not otherwise meet the criteria for registration as a sexual offender under chapter 944 or chapter 985. For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, ~~but is not limited to, a fine,~~ probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility. If no sanction is imposed the person is deemed to be released upon conviction;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a

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result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or

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older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(a)2. where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals;

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals; or

(V) Any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph.

2. For all qualifying offenses listed in sub-subparagraph 1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, except for a violation of s. 794.011, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall also make a written finding indicating whether the offense involved sexual activity and indicating whether the offense involved force or coercion. For a violation of s. 800.04(5), the court shall also make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(2) Upon initial registration, a sexual offender shall:

(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos

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465 or other identifying marks; fingerprints; palm prints;
 466 photograph; employment information; address of permanent or
 467 legal residence or address of any current temporary residence,
 468 within the state or out of state, including a rural route
 469 address and a post office box; if no permanent or temporary
 470 address, any transient residence within the state, address,
 471 location or description, and dates of any current or known
 472 future temporary residence within the state or out of state; the
 473 make, model, color, vehicle identification number (VIN), and
 474 license tag number of all vehicles owned; home telephone numbers
 475 and cellular telephone numbers; electronic mail addresses;
 476 Internet identifiers and each Internet identifier's
 477 corresponding website homepage or application software name;
 478 date and place of each conviction; and a brief description of
 479 the crime or crimes committed by the offender. A post office box
 480 may not be provided in lieu of a physical residential address.
 481 The sexual offender shall also produce his or her passport, if
 482 he or she has a passport, and, if he or she is an alien, shall
 483 produce or provide information about documents establishing his
 484 or her immigration status. The sexual offender shall also
 485 provide information about any professional licenses he or she
 486 has.

487 1. If the sexual offender's place of residence is a motor
 488 vehicle, trailer, mobile home, or manufactured home, as defined
 489 in chapter 320, the sexual offender shall also provide to the
 490 department through the sheriff's office written notice of the
 491 vehicle identification number; the license tag number; the
 492 registration number; and a description, including color scheme,
 493 of the motor vehicle, trailer, mobile home, or manufactured

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494 home. If the sexual offender's place of residence is a vessel,
 495 live-aboard vessel, or houseboat, as defined in chapter 327, the
 496 sexual offender shall also provide to the department written
 497 notice of the hull identification number; the manufacturer's
 498 serial number; the name of the vessel, live-aboard vessel, or
 499 houseboat; the registration number; and a description, including
 500 color scheme, of the vessel, live-aboard vessel, or houseboat.

501 2. If the sexual offender is enrolled or employed, whether
 502 for compensation or as a volunteer, at an institution of higher
 503 education in this state, the sexual offender shall also provide
 504 to the department the name, address, and county of each
 505 institution, including each campus attended, and the sexual
 506 offender's enrollment, volunteer, or employment status. The
 507 sheriff, the Department of Corrections, or the Department of
 508 Juvenile Justice shall promptly notify each institution of
 509 higher education of the sexual offender's presence and any
 510 change in the sexual offender's enrollment, volunteer, or
 511 employment status.

512 3. A sexual offender shall report to the department through
 513 the department's online system or in person to the sheriff's
 514 office within 48 hours after any change in vehicles owned to
 515 report those vehicle information changes.

516
 517 When a sexual offender reports at the sheriff's office, the
 518 sheriff shall take a photograph, a set of fingerprints, and palm
 519 prints of the offender and forward the photographs, palm prints,
 520 and fingerprints to the department, along with the information
 521 provided by the sexual offender. The sheriff shall promptly
 522 provide to the department the information received from the

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sexual offender.

(4) (a) Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver license office, or through an authorized alternate method as provided by the Department of Highway Safety and Motor Vehicles, and is subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall also report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles. The reporting requirements under this

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paragraph do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section.

(e)1. A sexual offender shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register all changes to vehicles owned, all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's

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online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported under this subparagraph must be reported within 48 hours after the change.

3. The department shall establish an online system through which sexual offenders may securely access, submit, and update all changes in status to vehicles owned; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(7) A sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence at least within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the sexual offender at least 48 hours before he or she intends to establish a residence in another state or jurisdiction, or 21 days before the departure date for travel outside of the United States, must be reported in person to the sheriff's office as

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soon as possible before departure. The sexual offender shall provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the sexual offender shall also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence, or the intended country of travel, of the sexual offender's intended residence or intended travel. The failure of a sexual offender to provide his or her intended place of residence or intended travel is punishable as provided in subsection (9).

(11) Except as provided in s. 943.04354, a sexual offender shall maintain registration with the department for the duration of his or her life unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender shall be considered for removal of the requirement to register as a sexual offender only if the person:

(a)1. Has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction:

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- 639 a. For a violation of s. 787.01 or s. 787.02;
 640 b. For a violation of s. 794.011, excluding s. 794.011(10);
 641 c. For a violation of s. 800.04(4)(a)2. where the court
 642 finds the offense involved a victim under 12 years of age or
 643 sexual activity by the use of force or coercion;
 644 d. For a violation of s. 800.04(5)(b);
 645 e. For a violation of s. 800.04(5)(c)2. where the court
 646 finds the offense involved the use of force or coercion and
 647 unclothed genitals or genital area;
 648 f. For a violation of s. 825.1025(2)(a);
 649 g. For any attempt or conspiracy to commit any such
 650 offense;
 651 h. For a violation of similar law of another jurisdiction;
 652 or
 653 i. For a violation of a similar offense committed in this
 654 state which has been redesignated from a former statute number
 655 to one of those listed in this subparagraph.
 656 2. If the sexual offender meets the criteria in
 657 subparagraph 1., the sexual offender may, for the purpose of
 658 removing the requirement for registration as a sexual offender,
 659 petition the criminal division of the circuit court of the
 660 circuit:
 661 a. Where the conviction or adjudication occurred, for a
 662 conviction in this state;
 663 b. Where the sexual offender resides, for a conviction of a
 664 violation of similar law of another jurisdiction; or
 665 c. Where the sexual offender last resided, for a sexual
 666 offender with a conviction of a violation of similar law of
 667 another jurisdiction who no longer resides in this state.

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- 668 3. The court may grant or deny relief if the offender
 669 demonstrates to the court that he or she has not been arrested
 670 for any crime since release; the requested relief complies with
 671 the federal Adam Walsh Child Protection and Safety Act of 2006
 672 and any other federal standards applicable to the removal of
 673 registration requirements for a sexual offender or required to
 674 be met as a condition for the receipt of federal funds by the
 675 state; and the court is otherwise satisfied that the offender is
 676 not a current or potential threat to public safety. The state
 677 attorney in the circuit in which the petition is filed must be
 678 given notice of the petition at least 3 weeks before the hearing
 679 on the matter. The state attorney may present evidence in
 680 opposition to the requested relief or may otherwise demonstrate
 681 the reasons why the petition should be denied. If the court
 682 denies the petition, the court may set a future date at which
 683 the sexual offender may again petition the court for relief,
 684 subject to the standards for relief provided in this subsection.
 685 4. The department shall remove an offender from
 686 classification as a sexual offender for purposes of registration
 687 if the offender provides to the department a certified copy of
 688 the court's written findings or order that indicates that the
 689 offender is no longer required to comply with the requirements
 690 for registration as a sexual offender.
 691 (b) Maintains ~~As defined in sub-subparagraph (1)(h)1.b.~~
 692 ~~must maintain~~ registration with the department as described in
 693 sub-subparagraph (1)(h)1.b. for the duration of his or her life
 694 until the person provides the department with an order issued by
 695 the court that designated the person as a sexual predator, as a
 696 sexually violent predator, or as any other ~~by another~~ sexual

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offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, ~~and~~ provided that such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(c)1. Is required to register as a sexual offender solely under the requirements of sub-subparagraph (1)(h)1.b. and files a petition in the circuit court in the jurisdiction in which the person resides or, for a person who no longer resides in this state, the court in the jurisdiction in which the person last resided in this state. The petition must assert that his or her designation as a sexual predator or sexually violent predator or any other sexual offender designation in the state or jurisdiction in which the designation was made is confidential from public disclosure or that such designation, if not imposed by a court, is considered confidential from public disclosure by operation of law or court order in the state or jurisdiction requiring registration, provided that such person does not meet the criteria for registration as a sexual offender under the laws of this state.

2. If the person meets the criteria in subparagraph 1., the court may grant the petition and remove the requirement to register as a sexual offender.

3. A petition filed under this paragraph must document the person's conviction and include a copy of the order issued by the court in the state or jurisdiction which made the

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designation confidential from public disclosure. If the confidential status was not granted by court order, the person must demonstrate to the court that his or her registration requirement has been made confidential by operation of law in the state or jurisdiction requiring registration. The state attorney and the department must be given notice at least 21 days before the date of the hearing on the petition and may present evidence in opposition to the requested relief or may otherwise demonstrate why it should be denied.

4. If a person provides to the department a certified copy of the circuit court's order granting the person's removal of the requirement to register as a sexual offender in this state in accordance with this paragraph, the registration requirement does not apply to the person and the department must remove all information about the person from the public registry of sexual offenders and sexual predators maintained by the department.

Section 3. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (f) of subsection (1) of section 943.0435, Florida Statutes, is reenacted to read:

943.0435 Sexual offenders required to register with the department; penalty.—

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

(f) "Permanent residence," "temporary residence," and "transient residence" have the same meaning as provided in s. 775.21.

Section 4. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section

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944.606, Florida Statutes, is reenacted to read:

944.606 Sexual offenders; notification upon release.—

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

(d) "Permanent residence," "temporary residence," and "transient residence" have the same meaning as provided in s. 775.21.

Section 5. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (4) of section 944.609, Florida Statutes, is reenacted to read:

944.609 Career offenders; notification upon release.—

(4) The department or any law enforcement agency may notify the community and the public of a career offender's presence in the community. However, with respect to a career offender who has been found to be a sexual predator under s. 775.21, the Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the career offender's presence in the community, as provided in s. 775.21.

Section 6. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 985.481, Florida Statutes, is reenacted to read:

985.481 Sexual offenders adjudicated delinquent; notification upon release.—

(1) As used in this section:

(d) "Permanent residence," "temporary residence," and "transient residence" have the same meaning as provided in s. 775.21.

Section 7. For the purpose of incorporating the amendment

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made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (f) of subsection (1) of section 985.4815, Florida Statutes, is reenacted to read:

985.4815 Notification to Department of Law Enforcement of information on juvenile sexual offenders.—

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

(f) "Permanent residence," "temporary residence," and "transient residence" have the same meaning as provided in s. 775.21.

Section 8. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (c) of subsection (9) of section 61.13, Florida Statutes, is reenacted to read:

61.13 Support of children; parenting and time-sharing; powers of court.—

(9)

(c) A court may not order visitation at a recovery residence if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

Section 9. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (i) of subsection (3) of section 68.07, Florida Statutes, is reenacted to read:

68.07 Change of name.—

(3) Each petition shall be verified and show:

(i) Whether the petitioner has ever been required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

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813 Section 10. For the purpose of incorporating the amendment
 814 made by this act to section 943.0435, Florida Statutes, in a
 815 reference thereto, paragraph (b) of subsection (2) of section
 816 98.0751, Florida Statutes, is reenacted to read:

817 98.0751 Restoration of voting rights; termination of
 818 ineligibility subsequent to a felony conviction.—

819 (2) For purposes of this section, the term:

820 (b) "Felony sexual offense" means any of the following:

821 1. Any felony offense that serves as a predicate to
 822 registration as a sexual offender in accordance with s.
 823 943.0435;

824 2. Section 491.0112;

825 3. Section 784.049(3)(b);

826 4. Section 794.08;

827 5. Section 796.08;

828 6. Section 800.101;

829 7. Section 826.04;

830 8. Section 847.012;

831 9. Section 872.06(2);

832 10. Section 944.35(3)(b)2.;

833 11. Section 951.221(1); or

834 12. Any similar offense committed in another jurisdiction
 835 which would be an offense listed in this paragraph if it had
 836 been committed in violation of the laws of this state.

837 Section 11. For the purpose of incorporating the amendment
 838 made by this act to section 943.0435, Florida Statutes, in a
 839 reference thereto, subsection (3) of section 322.141, Florida
 840 Statutes, is reenacted to read:

841 322.141 Color or markings of certain licenses or

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842 identification cards.—

843 (3) All licenses for the operation of motor vehicles or
 844 identification cards originally issued or reissued by the
 845 department to persons who are designated as sexual predators
 846 under s. 775.21 or subject to registration as sexual offenders
 847 under s. 943.0435 or s. 944.607, or who have a similar
 848 designation or are subject to a similar registration under the
 849 laws of another jurisdiction, shall have on the front of the
 850 license or identification card the following:

851 (a) For a person designated as a sexual predator under s.
 852 775.21 or who has a similar designation under the laws of
 853 another jurisdiction, the marking "SEXUAL PREDATOR."

854 (b) For a person subject to registration as a sexual
 855 offender under s. 943.0435 or s. 944.607, or subject to a
 856 similar registration under the laws of another jurisdiction, the
 857 marking "943.0435, F.S."

858 Section 12. For the purpose of incorporating the amendment
 859 made by this act to section 943.0435, Florida Statutes, in a
 860 reference thereto, subsection (2) of section 394.9125, Florida
 861 Statutes, is reenacted to read:

862 394.9125 State attorney; authority to refer a person for
 863 civil commitment.—

864 (2) A state attorney may refer a person to the department
 865 for civil commitment proceedings if the person:

866 (a) Is required to register as a sexual offender pursuant
 867 to s. 943.0435;

868 (b) Has previously been convicted of a sexually violent
 869 offense as defined in s. 394.912(9)(a)-(h); and

870 (c) Has been sentenced to a term of imprisonment in a

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871 county or municipal jail for any criminal offense.
 872 Section 13. For the purpose of incorporating the amendment
 873 made by this act to section 943.0435, Florida Statutes, in a
 874 reference thereto, paragraph (b) of subsection (10) of section
 875 397.487, Florida Statutes, is reenacted to read:
 876 397.487 Voluntary certification of recovery residences.—
 877 (10)
 878 (b) A certified recovery residence may not allow a minor
 879 child to visit a parent who is a resident of the recovery
 880 residence at any time if any resident of the recovery residence
 881 is currently required to register as a sexual predator under s.
 882 775.21 or as a sexual offender under s. 943.0435.
 883 Section 14. For the purpose of incorporating the amendment
 884 made by this act to section 943.0435, Florida Statutes, in a
 885 reference thereto, paragraph (b) of subsection (4) of section
 886 435.07, Florida Statutes, is reenacted to read:
 887 435.07 Exemptions from disqualification.—Unless otherwise
 888 provided by law, the provisions of this section apply to
 889 exemptions from disqualification for disqualifying offenses
 890 revealed pursuant to background screenings required under this
 891 chapter, regardless of whether those disqualifying offenses are
 892 listed in this chapter or other laws.
 893 (4)
 894 (b) Disqualification from employment under this chapter may
 895 not be removed from, nor may an exemption be granted to, any
 896 person who is a:
 897 1. Sexual predator as designated pursuant to s. 775.21;
 898 2. Career offender pursuant to s. 775.261; or
 899 3. Sexual offender pursuant to s. 943.0435, unless the

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900 requirement to register as a sexual offender has been removed
 901 pursuant to s. 943.04354.
 902 Section 15. For the purpose of incorporating the amendment
 903 made by this act to section 943.0435, Florida Statutes, in a
 904 reference thereto, subsection (2) of section 775.0862, Florida
 905 Statutes, is reenacted to read:
 906 775.0862 Sexual offenses against students by authority
 907 figures; reclassification.—
 908 (2) The felony degree of a violation of an offense listed
 909 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
 910 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
 911 as provided in this section if the offense is committed by an
 912 authority figure of a school against a student of the school.
 913 Section 16. For the purpose of incorporating the amendment
 914 made by this act to section 943.0435, Florida Statutes, in a
 915 reference thereto, subsection (4) of section 775.13, Florida
 916 Statutes, is reenacted to read:
 917 775.13 Registration of convicted felons, exemptions;
 918 penalties.—
 919 (4) This section does not apply to an offender:
 920 (a) Who has had his or her civil rights restored;
 921 (b) Who has received a full pardon for the offense for
 922 which convicted;
 923 (c) Who has been lawfully released from incarceration or
 924 other sentence or supervision for a felony conviction for more
 925 than 5 years prior to such time for registration, unless the
 926 offender is a fugitive from justice on a felony charge or has
 927 been convicted of any offense since release from such
 928 incarceration or other sentence or supervision;

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(d) Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows of and consents to the presence of the offender in Florida or is a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation;

(e) Who is a sexual predator and has registered as required under s. 775.21;

(f) Who is a sexual offender and has registered as required in s. 943.0435 or s. 944.607; or

(g) Who is a career offender who has registered as required in s. 775.261 or s. 944.609.

Section 17. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in references thereto, paragraph (d) of subsection (5) and paragraph (d) of subsection (10) of section 775.21, Florida Statutes, are reenacted to read:

775.21 The Florida Sexual Predators Act.—

(5) SEXUAL PREDATOR DESIGNATION.—An offender is designated as a sexual predator as follows:

(d) A person who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for

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registration as a sexual offender, shall register in the manner provided in s. 943.0435 or s. 944.607 and shall be subject to community and public notification as provided in s. 943.0435 or s. 944.607. A person who meets the criteria of this section is subject to the requirements and penalty provisions of s. 943.0435 or s. 944.607 until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(10) PENALTIES.—

(d) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication,

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987 commits a misdemeanor of the first degree, punishable as
 988 provided in s. 775.082 or s. 775.083.
 989 Section 18. For the purpose of incorporating the amendment
 990 made by this act to section 943.0435, Florida Statutes, in a
 991 reference thereto, subsection (2) of section 775.24, Florida
 992 Statutes, is reenacted to read:
 993 775.24 Duty of the court to uphold laws governing sexual
 994 predators and sexual offenders.—
 995 (2) If a person meets the criteria in this chapter for
 996 designation as a sexual predator or meets the criteria in s.
 997 943.0435, s. 944.606, s. 944.607, or any other law for
 998 classification as a sexual offender, the court may not enter an
 999 order, for the purpose of approving a plea agreement or for any
 1000 other reason, which:
 1001 (a) Exempts a person who meets the criteria for designation
 1002 as a sexual predator or classification as a sexual offender from
 1003 such designation or classification, or exempts such person from
 1004 the requirements for registration or community and public
 1005 notification imposed upon sexual predators and sexual offenders;
 1006 (b) Restricts the compiling, reporting, or release of
 1007 public records information that relates to sexual predators or
 1008 sexual offenders; or
 1009 (c) Prevents any person or entity from performing its
 1010 duties or operating within its statutorily conferred authority
 1011 as such duty or authority relates to sexual predators or sexual
 1012 offenders.
 1013 Section 19. For the purpose of incorporating the amendment
 1014 made by this act to section 943.0435, Florida Statutes, in a
 1015 reference thereto, paragraph (b) of subsection (3) of section

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1016 775.261, Florida Statutes, is reenacted to read:
 1017 775.261 The Florida Career Offender Registration Act.—
 1018 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—
 1019 (b) This section does not apply to any person who has been
 1020 designated as a sexual predator and required to register under
 1021 s. 775.21 or who is required to register as a sexual offender
 1022 under s. 943.0435 or s. 944.607. However, if a person is no
 1023 longer required to register as a sexual predator under s. 775.21
 1024 or as a sexual offender under s. 943.0435 or s. 944.607, the
 1025 person must register as a career offender under this section if
 1026 the person is otherwise designated as a career offender as
 1027 provided in this section.
 1028 Section 20. For the purpose of incorporating the amendment
 1029 made by this act to section 943.0435, Florida Statutes, in a
 1030 reference thereto, paragraph (cc) of subsection (2) of section
 1031 900.05, Florida Statutes, is reenacted to read:
 1032 900.05 Criminal justice data collection.—
 1033 (2) DEFINITIONS.—As used in this section, the term:
 1034 (cc) "Sexual offender flag" means an indication that a
 1035 defendant was required to register as a sexual predator as
 1036 defined in s. 775.21 or as a sexual offender as defined in s.
 1037 943.0435.
 1038 Section 21. For the purpose of incorporating the amendment
 1039 made by this act to section 943.0435, Florida Statutes, in a
 1040 reference thereto, paragraph (m) of subsection (2) of section
 1041 903.046, Florida Statutes, is reenacted to read:
 1042 903.046 Purpose of and criteria for bail determination.—
 1043 (2) When determining whether to release a defendant on bail
 1044 or other conditions, and what that bail or those conditions may

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be, the court shall consider:

(m) Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense under chapter 316, is required to register as a sexual offender under s. 943.0435 or a sexual predator under s. 775.21; and, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

Section 22. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, section 903.133, Florida Statutes, is reenacted to read:

903.133 Bail on appeal; prohibited for certain felony convictions.—Notwithstanding s. 903.132, no person shall be admitted to bail pending review either by posttrial motion or appeal if he or she was adjudged guilty of:

(1) A felony of the first degree for a violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s. 893.13, or s. 893.135;

(2) A violation of s. 794.011(2) or (3); or

(3) Any other offense requiring sexual offender registration under s. 943.0435(1)(h) or sexual predator registration under s. 775.21(4) when, at the time of the offense, the offender was 18 years of age or older and the victim was a minor.

Section 23. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 907.043, Florida Statutes, is reenacted to read:

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907.043 Pretrial release; citizens' right to know.—

(4)

(b) The annual report must contain, but need not be limited to:

1. The name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program.

2. The operating and capital budget of each pretrial release program receiving public funds.

3.a. The percentage of the pretrial release program's total budget representing receipt of public funds.

b. The percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program.

c. The amount of fees paid by defendants to the pretrial release program.

4. The number of persons employed by the pretrial release program.

5. The number of defendants assessed and interviewed for pretrial release.

6. The number of defendants recommended for pretrial release.

7. The number of defendants for whom the pretrial release program recommended against nonsecured release.

8. The number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release.

9. The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.

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- 1103 10. The number of defendants accepted into a pretrial
 1104 release program who paid a surety or cash bail or bond.
- 1105 11. The number of defendants for whom a risk assessment
 1106 tool was used in determining whether the defendant should be
 1107 released pending the disposition of the case and the number of
 1108 defendants for whom a risk assessment tool was not used.
- 1109 12. The specific statutory citation for each criminal
 1110 charge related to a defendant whose case is accepted into a
 1111 pretrial release program, including, at a minimum, the number of
 1112 defendants charged with dangerous crimes as defined in s.
 1113 907.041; nonviolent felonies; or misdemeanors only. A
 1114 "nonviolent felony" for purposes of this subparagraph excludes
 1115 the commission of, an attempt to commit, or a conspiracy to
 1116 commit any of the following:
- 1117 a. An offense enumerated in s. 775.084(1)(c);
- 1118 b. An offense that requires a person to register as a
 1119 sexual predator in accordance with s. 775.21 or as a sexual
 1120 offender in accordance with s. 943.0435;
- 1121 c. Failure to register as a sexual predator in violation of
 1122 s. 775.21 or as a sexual offender in violation of s. 943.0435;
- 1123 d. Facilitating or furthering terrorism in violation of s.
 1124 775.31;
- 1125 e. A forcible felony as described in s. 776.08;
- 1126 f. False imprisonment in violation of s. 787.02;
- 1127 g. Burglary of a dwelling or residence in violation of s.
 1128 810.02(3);
- 1129 h. Abuse, aggravated abuse, and neglect of an elderly
 1130 person or disabled adult in violation of s. 825.102;
- 1131 i. Abuse, aggravated abuse, and neglect of a child in

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- 1132 violation of s. 827.03;
- 1133 j. Poisoning of food or water in violation of s. 859.01;
- 1134 k. Abuse of a dead human body in violation of s. 872.06;
- 1135 l. A capital offense in violation of chapter 893;
- 1136 m. An offense that results in serious bodily injury or
 1137 death to another human; or
- 1138 n. A felony offense in which the defendant used a weapon or
 1139 firearm in the commission of the offense.
- 1140 13. The number of defendants accepted into a pretrial
 1141 release program with no prior criminal conviction.
- 1142 14. The name and case number of each person granted
 1143 nonsecured release who:
- 1144 a. Failed to attend a scheduled court appearance.
- 1145 b. Was issued a warrant for failing to appear.
- 1146 c. Was arrested for any offense while on release through
 1147 the pretrial release program.
- 1148 15. Any additional information deemed necessary by the
 1149 governing body to assess the performance and cost efficiency of
 1150 the pretrial release program.
- 1151 Section 24. For the purpose of incorporating the amendment
 1152 made by this act to section 943.0435, Florida Statutes, in a
 1153 reference thereto, subsection (2) of section 943.0436, Florida
 1154 Statutes, is reenacted to read:
- 1155 943.0436 Duty of the court to uphold laws governing sexual
 1156 predators and sexual offenders.—
- 1157 (2) If a person meets the criteria in chapter 775 for
 1158 designation as a sexual predator or meets the criteria in s.
 1159 943.0435, s. 944.606, s. 944.607, or any other law for
 1160 classification as a sexual offender, the court may not enter an

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order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or

(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

Section 25. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (2) of section 943.0584, Florida Statutes, is reenacted to read:

943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.—

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the following offenses:

(a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;

(b) Illegal use of explosives, as defined in chapter 552;

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(c) Terrorism, as defined in s. 775.30;

(d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;

(e) Manslaughter or homicide, as defined in s. 782.07, s. 782.071, or s. 782.072;

(f) Assault or battery, as defined in ss. 784.011 and 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28(3);

(g) Aggravated assault, as defined in s. 784.021;

(h) Felony battery, domestic battery by strangulation, or aggravated battery, as defined in ss. 784.03, 784.041, and 784.045, respectively;

(i) Stalking or aggravated stalking, as defined in s. 784.048;

(j) Luring or enticing a child, as defined in s. 787.025;

(k) Human trafficking, as defined in s. 787.06;

(l) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;

(m) Any offense defined in chapter 794;

(n) Procuring a person less than 18 years of age for prostitution, as defined in former s. 796.03;

(o) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as defined in s. 800.04;

(p) Arson, as defined in s. 806.01;

(q) Burglary of a dwelling, as defined in s. 810.02;

(r) Voyeurism or video voyeurism, as defined in ss. 810.14 and 810.145, respectively;

(s) Robbery or robbery by sudden snatching, as defined in

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1219 ss. 812.13 and 812.131, respectively;

1220 (t) Carjacking, as defined in s. 812.133;

1221 (u) Home-invasion robbery, as defined in s. 812.135;

1222 (v) A violation of the Florida Communications Fraud Act, as

1223 provided in s. 817.034;

1224 (w) Abuse of an elderly person or disabled adult, or

1225 aggravated abuse of an elderly person or disabled adult, as

1226 defined in s. 825.102;

1227 (x) Lewd or lascivious offenses committed upon or in the

1228 presence of an elderly person or disabled person, as defined in

1229 s. 825.1025;

1230 (y) Child abuse or aggravated child abuse, as defined in s.

1231 827.03;

1232 (z) Sexual performance by a child, as defined in s.

1233 827.071;

1234 (aa) Any offense defined in chapter 839;

1235 (bb) Certain acts in connection with obscenity, as defined

1236 in s. 847.0133;

1237 (cc) Any offense defined in s. 847.0135;

1238 (dd) Selling or buying of minors, as defined in s.

1239 847.0145;

1240 (ee) Aircraft piracy, as defined in s. 860.16;

1241 (ff) Manufacturing a controlled substance in violation of

1242 chapter 893;

1243 (gg) Drug trafficking, as defined in s. 893.135; or

1244 (hh) Any violation specified as a predicate offense for

1245 registration as a sexual predator pursuant to s. 775.21, or

1246 sexual offender pursuant to s. 943.0435, without regard to

1247 whether that offense alone is sufficient to require such

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1248 registration.

1249 Section 26. For the purpose of incorporating the amendment

1250 made by this act to section 943.0435, Florida Statutes, in

1251 references thereto, paragraph (a) of subsection (4) and

1252 paragraph (c) of subsection (10) of section 944.607, Florida

1253 Statutes, are reenacted to read:

1254 944.607 Notification to Department of Law Enforcement of

1255 information on sexual offenders.—

1256 (4) A sexual offender, as described in this section, who is

1257 under the supervision of the Department of Corrections but is

1258 not incarcerated shall register with the Department of

1259 Corrections within 3 business days after sentencing for a

1260 registrable offense and otherwise provide information as

1261 required by this subsection.

1262 (a) The sexual offender shall provide his or her name; date

1263 of birth; social security number; race; sex; height; weight;

1264 hair and eye color; tattoos or other identifying marks; all

1265 electronic mail addresses and Internet identifiers required to

1266 be provided pursuant to s. 943.0435(4)(e); employment

1267 information required to be provided pursuant to s.

1268 943.0435(4)(e); all home telephone numbers and cellular

1269 telephone numbers required to be provided pursuant to s.

1270 943.0435(4)(e); the make, model, color, vehicle identification

1271 number (VIN), and license tag number of all vehicles owned;

1272 permanent or legal residence and address of temporary residence

1273 within the state or out of state while the sexual offender is

1274 under supervision in this state, including any rural route

1275 address or post office box; if no permanent or temporary

1276 address, any transient residence within the state; and address,

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location or description, and dates of any current or known future temporary residence within the state or out of state. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has. The Department of Corrections shall verify the address of each sexual offender in the manner described in ss. 775.21 and 943.0435. The department shall report to the Department of Law Enforcement any failure by a sexual predator or sexual offender to comply with registration requirements.

(10)

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 943.0435(2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

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Section 27. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (4) of section 948.06, Florida Statutes, is reenacted to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a felony probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of the charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court that granted the probation or community control. If the violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender's or probationer's release, the court may consider the nature and

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1335 circumstances of the violation and any new offenses charged; the
 1336 offender's or probationer's past and present conduct, including
 1337 convictions of crimes; any record of arrests without conviction
 1338 for crimes involving violence or sexual crimes; any other
 1339 evidence of allegations of unlawful sexual conduct or the use of
 1340 violence by the offender or probationer; the offender's or
 1341 probationer's family ties, length of residence in the community,
 1342 employment history, and mental condition; his or her history and
 1343 conduct during the probation or community control supervision
 1344 from which the violation arises and any other previous
 1345 supervisions, including disciplinary records of previous
 1346 incarcerations; the likelihood that the offender or probationer
 1347 will engage again in a criminal course of conduct; the weight of
 1348 the evidence against the offender or probationer; and any other
 1349 facts the court considers relevant. The court, as soon as is
 1350 practicable, shall give the probationer or offender an
 1351 opportunity to be fully heard on his or her behalf in person or
 1352 by counsel. After the hearing, the court shall make findings of
 1353 fact and forward the findings to the court that granted the
 1354 probation or community control and to the probationer or
 1355 offender or his or her attorney. The findings of fact by the
 1356 hearing court are binding on the court that granted the
 1357 probation or community control. Upon the probationer or offender
 1358 being brought before it, the court that granted the probation or
 1359 community control may revoke, modify, or continue the probation
 1360 or community control or may place the probationer into community
 1361 control as provided in this section. However, the probationer or
 1362 offender shall not be released and shall not be admitted to
 1363 bail, but shall be brought before the court that granted the

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1364 probation or community control if any violation of felony
 1365 probation or community control other than a failure to pay costs
 1366 or fines or make restitution payments is alleged to have been
 1367 committed by:

1368 (a) A violent felony offender of special concern, as
 1369 defined in this section;

1370 (b) A person who is on felony probation or community
 1371 control for any offense committed on or after the effective date
 1372 of this act and who is arrested for a qualifying offense as
 1373 defined in this section; or

1374 (c) A person who is on felony probation or community
 1375 control and has previously been found by a court to be a
 1376 habitual violent felony offender as defined in s. 775.084(1)(b),
 1377 a three-time violent felony offender as defined in s.
 1378 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 1379 arrested for committing a qualifying offense as defined in this
 1380 section on or after the effective date of this act.

1381 Section 28. For the purpose of incorporating the amendment
 1382 made by this act to section 943.0435, Florida Statutes, in a
 1383 reference thereto, section 948.063, Florida Statutes, is
 1384 reenacted to read:

1385 948.063 Violations of probation or community control by
 1386 designated sexual offenders and sexual predators.—

1387 (1) If probation or community control for any felony
 1388 offense is revoked by the court pursuant to s. 948.06(2)(e) and
 1389 the offender is designated as a sexual offender pursuant to s.
 1390 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
 1391 775.21 for unlawful sexual activity involving a victim 15 years
 1392 of age or younger and the offender is 18 years of age or older,

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and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

(2) If the probationer or offender is required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity involving a victim 15 years of age or younger and the probationer or offender is 18 years of age or older and has violated the conditions of his or her probation or community control, but the court does not revoke the probation or community control, the court shall nevertheless modify the probation or community control to include electronic monitoring for any probationer or offender not then subject to electronic monitoring.

Section 29. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, section 948.31, Florida Statutes, is reenacted to read:

948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.—The court may require any probationer or community controllee who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such probationer or community controllee needs sexual offender treatment. If the qualified practitioner determines that sexual offender treatment is needed and recommends treatment, the

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probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s. 948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I).

Section 30. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in references thereto, subsection (9) and paragraph (c) of subsection (10) of section 985.4815, Florida Statutes, are reenacted to read:

985.4815 Notification to Department of Law Enforcement of information on juvenile sexual offenders.—

(9) A sexual offender, as described in this section, who is under the care, jurisdiction, or supervision of the department but who is not incarcerated shall, in addition to the registration requirements provided in subsection (4), register in the manner provided in s. 943.0435(3), (4), and (5), unless the sexual offender is a sexual predator, in which case he or she shall register as required under s. 775.21. A sexual offender who fails to comply with the requirements of s. 943.0435 is subject to the penalties provided in s. 943.0435(9).

(10)

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 943.0435(2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section

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constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

Section 31. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (g) of subsection (2) of section 1012.467, Florida Statutes, is reenacted to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(2)

(g) A noninstructional contractor for whom a criminal history check is required under this section may not have been convicted of any of the following offenses designated in the Florida Statutes, any similar offense in another jurisdiction, or any similar offense committed in this state which has been redesignated from a former provision of the Florida Statutes to one of the following offenses:

1. Any offense listed in s. 943.0435(1)(h)1., relating to the registration of an individual as a sexual offender.

2. Section 393.135, relating to sexual misconduct with

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certain developmentally disabled clients and the reporting of such sexual misconduct.

3. Section 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.

4. Section 775.30, relating to terrorism.

5. Section 782.04, relating to murder.

6. Section 787.01, relating to kidnapping.

7. Any offense under chapter 800, relating to lewdness and indecent exposure.

8. Section 826.04, relating to incest.

9. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

Section 32. For the purpose of incorporating the amendments made by this act to sections 775.21 and 943.0435, Florida Statutes, in references thereto, subsection (6) of section 68.07, Florida Statutes, is reenacted to read:

68.07 Change of name.—

(6) The clerk of the court must, within 5 business days after the filing of the final judgment, send a report of the judgment to the Department of Law Enforcement on a form to be furnished by that department. If the petitioner is required to register as a sexual predator or a sexual offender pursuant to s. 775.21 or s. 943.0435, the clerk of court shall electronically notify the Department of Law Enforcement of the name change, in a manner prescribed by that department, within 2 business days after the filing of the final judgment. The Department of Law Enforcement must send a copy of the report to the Department of Highway Safety and Motor Vehicles, which may

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be delivered by electronic transmission. The report must contain sufficient information to identify the petitioner, including the results of the criminal history records check if applicable, the new name of the petitioner, and the file number of the judgment. The Department of Highway Safety and Motor Vehicles shall monitor the records of any sexual predator or sexual offender whose name has been provided to it by the Department of Law Enforcement. If the sexual predator or sexual offender does not obtain a replacement driver license or identification card within the required time as specified in s. 775.21 or s. 943.0435, the Department of Highway Safety and Motor Vehicles shall notify the Department of Law Enforcement. The Department of Law Enforcement shall notify applicable law enforcement agencies of the predator's or offender's failure to comply with registration requirements. Any information retained by the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles may be revised or supplemented by said departments to reflect changes made by the final judgment. With respect to a person convicted of a felony in another state or of a federal offense, the Department of Law Enforcement must send the report to the respective state's office of law enforcement records or to the office of the Federal Bureau of Investigation. The Department of Law Enforcement may forward the report to any other law enforcement agency it believes may retain information related to the petitioner.

Section 33. For the purpose of incorporating the amendments made by this act to sections 775.21 and 943.0435, Florida Statutes, in references thereto, subsection (4) of section 320.02, Florida Statutes, is reenacted to read:

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

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320.02 Registration required; application for registration; forms.—

(4) Except as provided in ss. 775.21, 775.261, 943.0435, 944.607, and 985.4815, the owner of any motor vehicle registered in the state shall notify the department in writing of any change of address within 30 days of such change. The notification shall include the registration license plate number, the vehicle identification number (VIN) or title certificate number, year of vehicle make, and the owner's full name.

Section 34. For the purpose of incorporating the amendments made by this act to sections 775.21 and 943.0435, Florida Statutes, in references thereto, subsections (1) and (2) of section 322.19, Florida Statutes, are reenacted to read:

322.19 Change of address or name.—

(1) Except as provided in ss. 775.21, 775.261, 943.0435, 944.607, and 985.4815, whenever any person, after applying for or receiving a driver license or identification card, changes his or her legal name, that person must within 30 days thereafter obtain a replacement license or card that reflects the change.

(2) If a person, after applying for or receiving a driver license or identification card, changes the legal residence or mailing address in the application, license, or card, the person must, within 30 calendar days after making the change, obtain a replacement license or card that reflects the change. A written request to the department must include the old and new addresses and the driver license or identification card number. Any person who has a valid, current student identification card issued by

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1567 an educational institution in this state is presumed not to have
 1568 changed his or her legal residence or mailing address. This
 1569 subsection does not affect any person required to register a
 1570 permanent or temporary address change pursuant to s. 775.13, s.
 1571 775.21, s. 775.25, or s. 943.0435.

1572 Section 35. For the purpose of incorporating the amendments
 1573 made by this act to section 775.21 and 943.0435, Florida
 1574 Statutes, in references thereto, section 775.25, Florida
 1575 Statutes, is reenacted to read:

1576 775.25 Prosecutions for acts or omissions.—A sexual
 1577 predator or sexual offender who commits any act or omission in
 1578 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
 1579 944.607, or former s. 947.177 may be prosecuted for the act or
 1580 omission in the county in which the act or omission was
 1581 committed, in the county of the last registered address of the
 1582 sexual predator or sexual offender, in the county in which the
 1583 conviction occurred for the offense or offenses that meet the
 1584 criteria for designating a person as a sexual predator or sexual
 1585 offender, in the county where the sexual predator or sexual
 1586 offender was released from incarceration, or in the county of
 1587 the intended address of the sexual predator or sexual offender
 1588 as reported by the predator or offender prior to his or her
 1589 release from incarceration. In addition, a sexual predator may
 1590 be prosecuted for any such act or omission in the county in
 1591 which he or she was designated a sexual predator.

1592 Section 36. For the purpose of incorporating the amendments
 1593 made by this act to section 775.21 and 943.0435, Florida
 1594 Statutes, in references thereto, subsection (1) of section
 1595 794.056, Florida Statutes, is reenacted to read:

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1596 794.056 Rape Crisis Program Trust Fund.—

1597 (1) The Rape Crisis Program Trust Fund is created within
 1598 the Department of Health for the purpose of providing funds for
 1599 rape crisis centers in this state. Trust fund moneys shall be
 1600 used exclusively for the purpose of providing services for
 1601 victims of sexual assault. Funds credited to the trust fund
 1602 consist of those funds collected as an additional court
 1603 assessment in each case in which a defendant pleads guilty or
 1604 nolo contendere to, or is found guilty of, regardless of
 1605 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 1606 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 1607 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 1608 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 1609 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 1610 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 1611 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 1612 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 1613 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 1614 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 1615 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 1616 fund also shall include revenues provided by law, moneys
 1617 appropriated by the Legislature, and grants from public or
 1618 private entities.

1619 Section 37. For the purpose of incorporating the amendments
 1620 made by this act to sections 775.21 and 943.0435, Florida
 1621 Statutes, in references thereto, section 938.085, Florida
 1622 Statutes, is reenacted to read:

1623 938.085 Additional cost to fund rape crisis centers.—In
 1624 addition to any sanction imposed when a person pleads guilty or

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1625 nolo contendere to, or is found guilty of, regardless of
 1626 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 1627 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1628 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1629 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1630 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1631 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1632 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1633 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
 1634 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
 1635 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
 1636 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
 1637 \$151. Payment of the surcharge shall be a condition of
 1638 probation, community control, or any other court-ordered
 1639 supervision. The sum of \$150 of the surcharge shall be deposited
 1640 into the Rape Crisis Program Trust Fund established within the
 1641 Department of Health by chapter 2003-140, Laws of Florida. The
 1642 clerk of the court shall retain \$1 of each surcharge that the
 1643 clerk of the court collects as a service charge of the clerk's
 1644 office.

1645 Section 38. For the purpose of incorporating the amendments
 1646 made by this act to sections 775.21 and 943.0435, Florida
 1647 Statutes, in references thereto, subsection (1) of section
 1648 938.10, Florida Statutes, is reenacted to read:

1649 938.10 Additional court cost imposed in cases of certain
 1650 crimes.—

1651 (1) If a person pleads guilty or nolo contendere to, or is
 1652 found guilty of, regardless of adjudication, any offense against
 1653 a minor in violation of s. 784.085, chapter 787, chapter 794,

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1654 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
 1655 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
 1656 s. 893.147(3), or s. 985.701, or any offense in violation of s.
 1657 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1658 court shall impose a court cost of \$151 against the offender in
 1659 addition to any other cost or penalty required by law.

1660 Section 39. For the purpose of incorporating the amendments
 1661 made by this act to sections 775.21 and 943.0435, Florida
 1662 Statutes, in references thereto, paragraph (a) of subsection (4)
 1663 and subsection (9) of section 944.607, Florida Statutes, are
 1664 reenacted to read:

1665 944.607 Notification to Department of Law Enforcement of
 1666 information on sexual offenders.—

1667 (4) A sexual offender, as described in this section, who is
 1668 under the supervision of the Department of Corrections but is
 1669 not incarcerated shall register with the Department of
 1670 Corrections within 3 business days after sentencing for a
 1671 registrable offense and otherwise provide information as
 1672 required by this subsection.

1673 (a) The sexual offender shall provide his or her name; date
 1674 of birth; social security number; race; sex; height; weight;
 1675 hair and eye color; tattoos or other identifying marks; all
 1676 electronic mail addresses and Internet identifiers required to
 1677 be provided pursuant to s. 943.0435(4)(e); employment
 1678 information required to be provided pursuant to s.
 1679 943.0435(4)(e); all home telephone numbers and cellular
 1680 telephone numbers required to be provided pursuant to s.
 1681 943.0435(4)(e); the make, model, color, vehicle identification
 1682 number (VIN), and license tag number of all vehicles owned;

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1683 permanent or legal residence and address of temporary residence
 1684 within the state or out of state while the sexual offender is
 1685 under supervision in this state, including any rural route
 1686 address or post office box; if no permanent or temporary
 1687 address, any transient residence within the state; and address,
 1688 location or description, and dates of any current or known
 1689 future temporary residence within the state or out of state. The
 1690 sexual offender shall also produce his or her passport, if he or
 1691 she has a passport, and, if he or she is an alien, shall produce
 1692 or provide information about documents establishing his or her
 1693 immigration status. The sexual offender shall also provide
 1694 information about any professional licenses he or she has. The
 1695 Department of Corrections shall verify the address of each
 1696 sexual offender in the manner described in ss. 775.21 and
 1697 943.0435. The department shall report to the Department of Law
 1698 Enforcement any failure by a sexual predator or sexual offender
 1699 to comply with registration requirements.

1700 (9) A sexual offender, as described in this section, who is
 1701 under the supervision of the Department of Corrections but who
 1702 is not incarcerated shall, in addition to the registration
 1703 requirements provided in subsection (4), register and obtain a
 1704 distinctive driver license or identification card in the manner
 1705 provided in s. 943.0435(3), (4), and (5), unless the sexual
 1706 offender is a sexual predator, in which case he or she shall
 1707 register and obtain a distinctive driver license or
 1708 identification card as required under s. 775.21. A sexual
 1709 offender who fails to comply with the requirements of s.
 1710 943.0435 is subject to the penalties provided in s. 943.0435(9).

1711 Section 40. For the purpose of incorporating the amendments

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1712 made by this act to sections 775.21 and 943.0435, Florida
 1713 Statutes, in references thereto, paragraph (b) of subsection (6)
 1714 of section 985.04, Florida Statutes, is reenacted to read:

1715 985.04 Oaths; records; confidential information.—

1716 (6)

1717 (b) Sexual offender and predator registration information
 1718 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
 1719 and 985.4815 is a public record pursuant to s. 119.07(1) and as
 1720 otherwise provided by law.

1721 Section 41. This act shall take effect October 1, 2021.

Jones, Lauren

From: Coffee, Mary <MaryCoffee@fdle.state.fl.us>
Sent: Wednesday, March 3, 2021 5:30 PM
To: Jones, Lauren; Erickson, Mike
Cc: Draa, Ronald; Yerkes, Elisabeth; Smith, Bobbie
Subject: Calculation of Days in SB234

Importance: High

Lauren & Mike,

Below is likely more than you've asked for on this. Please feel free to edit down to best fit your needs. If something requires more clarification or is missing that should be articulated, give me a call and we'll be more than happy to make the updates.

I hope this is useful!

I appreciate you!

Take care,
Mary

CS for SB 234 lines 116-120 F.S. 943.0435 Sexual Offender Registration Establishment of Residency Requiring Registration Calculation of Days

- The language in lines 116-120 of CS for SB 234 specifies the existing protocols and practices utilized with Florida registration laws for over two decades.
 - A calendar day is a day; Midnight to 11:59pm, 365/366 days a year.
 - Residing, abiding, lodging, or living for any part of a day at a location/address counts as one (1) day.
 - Tracking other judicial rules and Florida Statutes, the first day at a newly established location is not counted in calculating the number of days to determine residency for the purposes of registration.
 - The 48 hours to register a permanent, temporary, or transient residence begins after the third calendar day counted towards residency (i.e. the 4th day at the location) regardless of what time the person departs the residence on the third day or anytime afterwards.

- This protocol carries the benefits of eliminating any need or question regarding “stop-watch” timing or calculating across calendar days or time zones to determine residency on the part of those required to register or those tasked with enforcing or prosecuting registration laws.
- Nothing precludes a person from registering a residence earlier, if more convenient for them, prior to remaining at a location/address for the 3 days establishing the location as a registerable residence or the 48hour reporting period that follows.
- The language *does not* in any way alter the existing definitions of permanent, temporary or transient residences. The definitions for what qualify as a permanent, temporary and transient residence remain the same.

Examples:

A) A person required to register in Florida moves or goes to a new address, arriving at 12:35AM on a Saturday, September 18th.

The person remains at the new address until departing Monday, September 20th at 3:00PM.

Saturday 9/18, 1st day at location ~ not counted, regardless of what time that day the person arrived

Sunday 9/19 2nd day at location ~ 1st Day counted towards residency

Monday 9/20 3rd day at location ~ 2nd Day counted towards residency

Departed location at 3pm.

- Total Days at Location for Residency Determination = 2 Days
- 3 Days required to establish Residency Requiring Registration
- This location does not require registration given this scenario.

B) A person required to register in Florida moves or goes to a new address, arriving at 11:35 PM on a Saturday, September 18th.

The person remains at the new address until departing Thursday, September 23rd at Noon.

Saturday 9/18, 1st day at location ~ not counted, regardless of what time that day the person arrived

Sunday 9/19 2nd day at location ~ 1st Day counted towards residency

Monday 9/20 3rd day at location ~ 2nd Day counted towards residency

Tuesday 9/21 4th day at location ~ 3rd Day counted towards residency (3 Days Establishing a Residence Met ~Registration of Residence Required)

Wednesday 9/22 5th day at location ~ 1st 24hrs of 48hr period to register an established residence.* (Compliance Registration Period)

Thursday 9/23 6th day at location ~ 2nd 24hrs of 48hr period to register an established residence.* (Compliance Registration Period)

Departed location at Noon and returns to their registered permanent Florida residence .

- Total Days at Location for Residency Determination = 5 Days
- 3 Days required to establish Residency Requiring Registration
- This location does meet the requirement for registration given this scenario.
*Please Note: Under Florida registration laws a person has 48hrs to register a new residence after that residence has been established.



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 16, 2021

I respectfully request that **Senate Bill 234**, relating to Registration of Sexual Predators and Sexual Offenders, be placed on the:

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

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book
Florida Senate, District 32

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Laura Smith

Job Title Retired

Address 6325 Lake W. Wona Rd

Phone 321-917-5942

Street

DeLeon Springs FL 32130

City

State

Zip

Email LKeenan7@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ~~Self~~ Florida Action Committee

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Offenders

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Brad Lamb

Job Title retired

Address 4161 Windsor Park Dr. E

Phone 9047056426

Street

Jacksonville, FL 32224

Email bradleyrlamb@gmail.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators offenders.

Amendment Barcode (if applicable)

Name Jester Rutledge.

Job Title Retired.

Address 33005 Nova Rd.
Street
Port Orange, FL 32129.
City State Zip

Phone 408-739-5942

Email N/A.

Speaking: For ☒ Against Information

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

Representing Myself

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

234

Bill Number (if applicable)

Topic

Specifying how days are calculated for the purposes of determining permanent residence, temporary residence, and transient residence

Amendment Barcode (if applicable)

Name Barbara Spragg

Job Title CEO Justice Transition

Address 213 Citrus Dr

Street

Sanford FL

City

State

Zip

Phone 4073276674

Email justicetransition@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Sarah E. Alston

Job Title Professional Staff Nurse, Johns Hopkins All Children's Hospital

Address 3123 Teal Ter

Street

Safety Harbor

City

FL

State

34695

Zip

Phone 412-849-6598

Email sealston13@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing My husband, step-daughter, extended family, friends, and our family business.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name David R. Baldwin

Job Title _____

Address 11635 Alpine Pkwy

Phone 727-505-5391

Street

Port Richey

FL

34668

Email david34668@outlook.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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March 4, 2022

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and S

Amendment Barcode (if applicable)

Name Mary T. Fulford

Job Title Senior Dealer Support Specialist

Address 1009 Dry Creek Ct

Phone 904-323-5873

Street

St. Johns

FL

32259

Email mary_lee13@icloud

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Robert B. Francis

Job Title President/Owner - Dream On Ventures, LLC

Address 3123 Teal Ter

Phone 727-631-1530

Street

Safety Harbor

FL

34695

Email rbfran99@gmail.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing My daughter, wife, ex-wife, extended family, friends, and business.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

3/14/21
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predator Offender Amendment Barcode (if applicable)

Name Fallen Newton

Job Title Food Service Tech

Address 3300 S. Nova Rd
Street

Phone 948-453-9501

Port Orange Fl, 32129
City State Zip

Email None

Speaking: For ☒ Against Information

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

Representing Myself

Appearing at request of Chair: Yes ☒ No Lobbyist registered with Legislature: Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21
Meeting Date

SB234
Bill Number (if applicable)

Topic Registration of Sexual Predators
Name Juan Newkirk offenders
Job Title Administrator
Address 14 Altide Ct Phone 863-514-6083
Street Palm Coast, FL 32164 Email N/A
City State Zip

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

Representing Myself

Appearing at request of Chair: Yes ☒ No Lobbyist registered with Legislature: Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

SB 234

Bill Number (if applicable)

3/4/21
Meeting Date

Topic Registration of Sexual Predator Offender.

Amendment Barcode (if applicable)

Name Jim Sheehan

Job Title Finance Advisor

Address 14 Ultrade Ct.
Street

Phone 386-334-5889

Palin Coast, FL 32164
City State Zip

Email N/A

Speaking: For ☒ Against ☐ Information ☐

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

Representing Myself

Appearing at request of Chair: Yes ☐ No ☒ Lobbyist registered with Legislature: Yes ☐ No ☒

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

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4.2021

Meeting Date

SB234

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Louis Templeman

Job Title retired

Address 13191 Cole Ct.

Phone 904 401-7304

Street

Jacksonville

FL

32218

City

State

Zip

Email louistempleman@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predator and Sexual Offenders

Amendment Barcode (if applicable)

Name Darius Adams

Job Title Engineer

Address 13651 Crystyl River Dr

Phone 407-619-9655

Street

Orlando

FL

32828

City

State

Zip

Email darius@clear-engr.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Eric Longstreth

Job Title Retired

Address 4132 Lorenzo Court

Phone 904-444-2670

Street

Jacksonville

Florida

32208

Email moneyusafl@gmail.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3-4-2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Jodie Shores

Job Title Housewife

Address 25025 Luke St

Phone 407-209-5618

Street

Christmas

Florida

32709

City

State

Zip

Email jlynnrich67@yhoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators + Sexual Offenders

Amendment Barcode (if applicable)

Name Teresa Bond

Job Title Employment Technician

Address PO Box 510939

Phone _____

Street

Merritt Island, FL 32952

City

State

Zip

Email tbond66@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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Reset Form

MARCH 4, 2021
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 234
Bill Number (if applicable)

Topic REGISTRATION OF SEXUAL PREDATOR, SEXUAL OFFENDER Amendment Barcode (if applicable)
Name TONY COOK ER

Job Title DISABLED

Address 4937 SIERRA DR LOTA Phone 850-261-9741
Street

PENSACOLA FL 32526 Email MEPH.BOSHETH950@GMAIL.COM
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual predators - Sexual offenders
Amendment Barcode (if applicable)

Name Diane L. Curry

Job Title N/A

Address 813 Bloodworth Ln. Apt. #1109
Street

Phone 850-206-8760

Pensacola FL 32504
City State Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Richard Henneberger

Job Title _____

Address 3604 Peach Drive

Phone 904.420.9890

Street

Jacksonville

FL

32246

Email valkdrvr@gmail.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators
and sexual offenders

Amendment Barcode (if applicable)

Name John Segers

Job Title Captionist

Address 114 Shannon Drive

Street

Sanford

City

FL

State

32773

Zip

Phone 321-926-3876

Email lorddarcy@email.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name

Lazaro Hernandez

Job Title

Disabled

Address

74 st 36 ct W.W

Phone

Street

City

Miami

State

Zip

FL

33142

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Keith Thompson

Job Title None

Address 5800 N W 35 Ave 33147
Street
Miami, FL 33147
City State Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

Meeting Date

234

Bill Number (if applicable)

Topic Registration for sexual predators and offenders

Amendment Barcode (if applicable)

Name Stephanie Valencia

Job Title Social Media Manager

Address 629 Troy Blvd.

Phone 561-568-1628

Street

West Palm Beach

FL

33409

Email stephval92@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Randall Oelze

Job Title Inventory Specialist

Address 25433 SW 107th Ct
Street

Phone 561-373-1935

Homestead FL 33032
City State Zip

Email mcmflorida@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Gustavo Castillo

Job Title Self employed

Address 4712 NW 114 AV #102
Street

Phone

Doral FL 33178
City State Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Edwind Ortega

Job Title Handyman

Address 447 NW 97 PL
Street Miami FL 33172
City State Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Darrell Lofton

Job Title Car Wash and trucks

Address 58 NW 36 st

Phone 786 803 4408

Street

MIAMI

City

F

State

33142

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing my self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name

ROBERTO I GARCIA

Job Title

BUZO PERCUSSIONISTA

Address

74 NW ST 36 AVENUE

Phone

Street

MIAMI FL 33147

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name

Rodney Thomas

Job Title

Operator

Address

5803 W 59th

Phone

786 759 2895

Street

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

Self

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 234

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name ORlando Rodriguez

Job Title ~~74 ST NW 36 AVE~~ NONE

Address 74 ST NW 36 AVE

Street

City MIAMI

State

Zip

Phone _____

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Ramon Casola

Job Title Fork lift operator

Address 1071 E 17 St
Street

Phone 786-449-9300

Miami FL 33010
City State Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Robert Boatright

Job Title Disabled

Address 5800 NW 35 AV

Street

Phone

MIAMI

FL

33147

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Norman Ortega

Job Title Mechanic

Address 5033 N W 114 ct
Street Doral FL 33178
City State Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 202

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and S

Amendment Number (if applicable)

Name Sally Teague

Job Title Front Desk Manager

Address 3148 Auburn Pkwy

Phone 8509827865

Street

Gulf Breeze

FL

32563

City

State

Zip

Email steague1953@gma

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 04, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Joseph Maroney

Job Title Construction Worker

Address 520 North "E" Street

Phone 561-827-6824

Street

Lake Worth

FL

33460

Email jhenrymaroney@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 04, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Michelle Maroney

Job Title Purchasing Coordinator

Address 520 North "E" Street

Phone 561-511-9480

Street

Lake Worth

FL

33460

Email mrsjmaroney@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Adam Chadwick

Job Title Business Consultant

Address 1419 Mount Vernon St.
Street

Phone 407-614-6151

Orlando FL 32803
City State Zip

Email chadwick@mac.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

March 4, 202

(Meeting Date)

APPEARANCE RECORD

SB234

(Bill Number (if applicable))

Topic Registration of Sexual Predators and S

(Amendment Barcode (if applicable))

Name Jared Teaque

Job Title Manager

Address 3148Auburn Pkwy

Phone 8503840671

Street

Gulf Breeze

FL

3256

City

State

Zip

Email RogueWolff@Hotm

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 04, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Barbara Polise

Job Title RN

Address 1813 E. Terrace Drive

Phone 561-232-8455

Street

Lake Worth

FL

33460

Email bpolise@aol.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Justin Butler

Job Title Freelance Event Technician

Address 6409 Warren Ct

Phone (407) 448-7476

Street

St. Cloud

FL

34771

Email jjbutler83@outlook.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of sexual predators and sexual offenders

Amendment Barcode (if applicable)

Name JAY PIKE

Job Title _____

Address 2250 AGLAS

Street

Phone 386 410 5755

NAB

City

FL

State

32168

Zip

Email PIKE - PIKE@AGLASS.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Anthony Costantino

Job Title _____

Address 99 NW Shannon Ave
Street

Phone 321-696-0870

West Melbourne FL 32904
City State Zip

Email Kyzer202084@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB234
Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name William Pennington

Job Title _____

Address 99 NW Shannon Ave
Street

Phone (321) 795-0583

W. Melbourne FL 32904
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Karen Glerum

Job Title self

Address 5569 Marseilles Port Lane

Phone 5612716355

Street

Boynton Beach

FL

33437

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration Of Sexual Predators and Ofenders

Amendment Barcode (if applicable)

Name Jonathan Ramos

Job Title Security Officer

Address 9069 El Paso DR

Phone 5613093492

Street

Lake Worth

FL

33467

Email jonathanramos0055@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Action Commitee

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Hank Lambert

Job Title _____

Address 138 Teriwood Ct.

Phone 407-300-4618

Street

Fern Park, FL. 32730

Email hank@hanklambert.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date 3/4/21
Topic Registration of Sexual predators & offenders
Name Matthew Grzesiak
Job Title Retired Insurance Manager
Address 95 Village Del Prado Cir.
Street St. Augustine, FL 32080
City St. Augustine State FL Zip 32080

Phone 904-436-5444
Email Mhrez@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3-4-21

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration Sexual Predators + Sexual Offenders

Amendment Barcode (if applicable)

Name Michelle Proud

Job Title N/A

Address 6993 NW 5 Place

Street

Phone 954-648-1996

Margate

FL

33063

City

State

Zip

Email mm11pp222@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

MARCH 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic REGISTRATION OF SEXUAL PREDATORS + OFFENDERS Amendment Barcode (if applicable)

Name EDWARD L. KALINOWSKI

Job Title RETIRED

Address 5808 SW 115TH STREET RD Phone 352-509-4529
Street

OCALA FL 34476-8717 Email empered1@gmail.com
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders Amendment Barcode (if applicable)

Name Richard S. Rosenblum

Job Title Retired

Address 12238 Castle Pines Rd

Phone 561-734-4059

Street

Boynton Beach

FL

33437

City

State

Zip

Email richardrosenblum@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/04/2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Offenders

Amendment Barcode (if applicable)

Name Gina Valencia

Job Title self employed home care

Address 9069 El Paso Dr

Phone 5618274874

Street

Lakeworth

FL

33467

Email lol4462@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Action Committee

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

03/04/21
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Joyce Segers

Amendment Barcode (if applicable)

Job Title Retired

Address 1410 Alabama Ave
Street

Phone 407-892-6763

St. Cloud
City

FL
State

34769
Zip

Email gspageturner@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Cynthia S. Rodgers

Job Title retired

Address 3457 Brookhaven Drive

Phone 904-900-1445

Street

Jacksonville

FL

32254

Email cynthiarodgers3@aol.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Ronald Davidovic

Job Title Self Employed

Address 1260 NW 133rd Avenue

Phone 305-710-3557

Street

Sunrise

FL

33323

Email rdesq@hotmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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YOU MUST PRINT **AND DELIVER** THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Theresa J. Segers

Job Title Travel Agent

Address 114 Shannon Dr.

Street

Phone 321-926-3876

Sanford

City

Florida

State

32773

Zip

Email cousinhebe@att.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Anita Killen

Job Title Retired

Address 2525 Walnut Heights Road

Phone 407-782-6912

Street

Apopka

FL

32703

Email anita_killen@hotmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

3/4/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predator SE

Amendment Barcode (if applicable)

Name Dale Klump offenders

Job Title Water Distribution specialist

Address 108 Cypress Point Cir

Phone 904-805-3637

Street

East Palatka FL 32131

Email plumberboy76@yahoo.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

March 4 2021

Meeting Date

APPEARANCE RECORD

234

Bill Number (if applicable)

Topic Registration of sexual predators and Offenders

Amendment Barcode (if applicable)

Name Gail Colletta

Job Title President

Address 7054 Palazzo Reale

Phone 561305499

Street

Boynton Beach

FL

33437

Email gail@floridaactioncommittee.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Action Committee

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Jonathan Herring

Job Title Head Cashier

Address 13518 Mirror Lake Dr.
Street

Phone 904-535-5743

Orlando FL 32828
City State Zip

Email jonathanwouherring@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

3/4/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators?

Name NANCY GUARNIERI ~~Sexual Offender~~

Amendment Barcode (if applicable)

Job Title KITCHEN STAFF AT A BED + BREAKFAST

Address 179 CORDOVA STREET

Street

ST. AUGUSTINE

City

FL

State

32084

Zip

Phone 407-739-1046

Email nilda6868@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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3/4/21
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 234
Bill Number (if applicable)

Topic Registration of Sexual predators & Sexual offenders

Amendment Barcode (if applicable)

Name Kelly Brooks

Job Title Inn Manager

Address 1186 CR 135
Street

Phone 904-806-6631

St. Augustine FL 32092
City State Zip

Email grzesiuk@hotmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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3/4/21
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Janice Leary

Job Title Food + Beverage Manager

Address 1028 Oak Arbor Circle
Street

Phone 937-626-3733

St. Augustine, FL 32084
City State Zip

Email janice1@stfrancis
tnn.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

3/4/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predator's
& offenders

Amendment Barcode (if applicable)

Name Joe Finnegan

Job Title Inn Owner

Address 34 ~~St~~ St. Francis St
Street

Phone 904 669-9713

St. Augustine FL 32084
City State Zip

Email joef@st-francisinn.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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3/4/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of Sexual predators

Amendment Barcode (if applicable)

Name Kevin Leary E. offenders

Job Title math coach

Address 1028 Oak Arbor Cir

Phone 904-540-0966

Street St. Augustine

City FL State 32084 Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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3/4/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 234

Bill Number (if applicable)

Topic Registration of Sexual predators & offenders

Amendment Barcode (if applicable)

Name Dr. Margaret Finnegan

Job Title Inn Owner / Retired Professor

Flagler College

Address 279 St. George St.

Phone

904-466-1220

Street

St. Augustine, FL 32084

Email

kinselasgirl@gmail.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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3/4/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of sexual predators?
offenders

Amendment Barcode (if applicable)

Name David Corey

Job Title Head of maintenance

Address 245 Wildwood Dr Lot 158

Street

St Augustine, FL

City

State

32086

Zip

Phone 904-710-3311

Email dc-sfi@outlook.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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3/4/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 234

Bill Number (if applicable)

Topic

Registration of sexual predator's

Name

Michael Brooks offender

Amendment Barcode (if applicable)

Job Title

self employed

Address

1186 CR 135

Phone

904-806-7349

Street

City

St. Augustine FL 32092

State

Zip

Email

Brooks237@gmail.com

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

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

Representing

myself

Appearing at request of Chair:



Yes



No

Lobbyist registered with Legislature:



Yes



No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

Meeting Date

Bill Number (if applicable)

Topic

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking:

☒ For

☐ Against

☐ Information

Waive Speaking:

☐ In Support

☒ Against

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

Representing

Appearing at request of Chair:

☐ Yes

☒ No

Lobbyist registered with Legislature:

☐ Yes

☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexua Predators; SEXUAL OFFENDERS

Amendment Barcode (if applicable)

Name Roseanne Rosenblum

Job Title Retired

Address 12238 Castle Pines Rd

Street

Boynton Beach

City

FL

State

33437

Zip

Phone 561-734-4059

Email rosebud13@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

MARCH 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic REGISTRATION OF SEXUAL PREDATORS & SEXUAL OFFENDERS

Amendment Barcode (if applicable)

Name DAVID SCHEIB

Job Title UNEMPLOYED

Address 2839 DELROSE DR. NORTH

Street

Phone 863-978-2319

LAKELAND

FL

33805

City

State

Zip

Email

Speaking: For Against Information

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

Representing MYSELF

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

3-4-21

Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 234

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Vince Bondi

Job Title _____

Address 4733 NW 5 ST

Street

Phone 954 4250015

City

Deerfield Bch FL 33442

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 04, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Milton S. Fortunet

Job Title Paralegal

Address 1500 N. Andrews Ave.

Street

Phone (305) 469-3285

Ft. Lauderdale

FL

33311

City

State

Zip

Email milton@barrylieber.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name RICHARD MCDORMAN

Job Title CHIEF ACADEMIC OFFICER

Address 1987 NW 47TH STREET
Street

Phone (305) 783-0786

MIAMI FL
City State

33142
Zip

Email rmcdorman@uchicago.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic "Registration of Sexual Predators and Sexual Offenders"

Amendment Barcode (if applicable)

Name Dana A Peacock

Job Title _____

Address 3142 S. Semoran Blvd., #502

Phone 321-394-6649

Street

Orlando

FL

32822

Email dpeacock1213@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Diane Blankenship

Job Title _____

Address 7700 Cypress Trace Court

Phone 727-853-5683

Street

New Port Richey

FL

34653

City

State

Zip

Email spiritualabundance72@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S 001 / 10/14/14

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sex Offenders

Amendment Barcode (if applicable)

Name Connie McKentie

Job Title Retired

Address 31643 Imperial Drive

Street

Phone 407-319-6972

Tavares

City

Florida

State

32178

Zip

Email cmckenzie1949@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing My Spouse And Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

Bill 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Offenders Amendment Barcode (if applicable)

Name Patrick McKenzie

Job Title Retired

Address 31643 Imperial Dr.

Street

Tavares, FL 32778

City

State

Zip

Phone 352-573-5436

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Offenders

Amendment Barcode (if applicable)

Name Domingo Ramos

Job Title Construction & remodeling small business owner

Address 9069 El Paso DR

Street

Lake Worth

City

FL

State

33467

Zip

Phone 5617078417

Email dramos80@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Action Committee

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

5-001 (10/14/11)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Offenders

Amendment Barcode (if applicable)

Name Helen Holske

Job Title home maker

Address 435 Bennington Ln

Phone 5615841064

Street

Lake Worth

FL

33467

Email lol4462@comcast.net

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Action Committee

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

MARCH 4 2021
Meeting Date

SB 239
Bill Number (if applicable)

Topic REGISTRATION OF SEXUAL PREDATORS AND SEXUAL OFFENDERS

Amendment Barcode (if applicable)

Name BARBARA T. ADLER

Job Title RETIRED TEACHER

Address 4315 BLUE HORIZON DR

Phone 330 472 6216

PONTEVEDRA BEACH FL 32082
City State Zip

Email B.4DL64315@GAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

3/4/21
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 234
Bill Number (if applicable)

Topic Registration of Sexual predators & Offenders
Name Tawnee Miller

Amendment Barcode (if applicable)

Job Title self employed

Address 16813 Stanza Court
Street
Tampa, FL 33624
City State Zip

Phone 813-735-2763

Email tawnee27.tm@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Offenders

Amendment Barcode (if applicable)

Name Brenda Ramos

Job Title Security Officer

Address 9069 El Paso Dr

Phone 5613811107

Street

Lake Worth

FL

33467

Email bramos2501@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Offenders

Amendment Barcode (if applicable)

Name Cristian Martinez

Job Title Retail store manager

Address 512 B Pelican Lake DR

Phone 5615681984

Street

Pahokee

FL

33476

Email lol4462@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

3/4/21
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 234
Bill Number (if applicable)

Topic Registration of Sexual predators & offenders
Name Giselle Cardona

Amendment Barcode (if applicable)

Job Title Event Planner

Address 157 Linden Rd.
Street

Phone 603-505-2877

St. Augustine FL 32086
City State Zip

Email giselle.cardona@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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3/4/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of sexual predators?

Name Linda Grzesiak Offenders

Amendment Barcode (if applicable)

Job Title Retired teacher

Address 95 Village Del Prado Cir
Street St. Augustine FL 32080
City State Zip

Phone 860-539-7596

Email mlgrez@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Irene Anderman

Amendment Barcode (if applicable)

Job Title self

Address 15342 Lakes of Delray Blvd

Street

Phone 6364322240

Delray Beach

FL

33484

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Zoe Manikoff

Amendment Barcode (if applicable)

Job Title self

Address 15451 Pembridge Dr

Street

Phone 5617797534

Delray Beach

FL

33484

City

State

Zip

Email gailro423@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Charles John Violi

Amendment Barcode (if applicable)

Job Title County Coordinator

Address 527 Jennifer Circle

Street

Phone 321-480-4574

Melbourne

Florida

32904

City

State

Zip

Email cvioli@att.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Jacob Adler

Job Title Manager

Address 107 Overlook Drive
Street

Phone 904 373-0241

Fort Lauderdale FL 32082
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

03/04/2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Loreen Nelson

Job Title EDI Consultant

Address 922 Yorktowne Dr

Phone 321.947.2866

Street

Rockledge

FL

32955

Email lori_fl@hotmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 20121

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Julius Colletta

Job Title self

Address 7054 Palazzo Reale

Street

Phone 5617192600

Boynton Beach

FL

33437

Email juliusc910@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Jason Tabor

Job Title

Address 3027 Daisy Mae Rd.

Street

Phone 407-797-0300

Orlando, FL. 32817

City

State

Zip

Email jasonsbk1@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Robert B. Porter Jr

Job Title Retired

Address 1660 Mayfair Rd

Phone 9045372874

Street

Jacksonville

FL

32207

City

State

Zip

Email babalooy@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Jeannell Lambert

Amendment Barcode (if applicable)

Job Title _____

Address 138 Teriwood Ct.

Street

Phone 407-227-5283

Fern Park, FL. 32730

City

State

Zip

Email jeannell@jeannell.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

234

Bill Number (if applicable)

Topic SB 234

Amendment Barcode (if applicable)

Name Julio Segundo

Job Title Logistics

Address 2277 NE 42 Circle

Street

Phone 786-553-5569

Homestead

FL

33033

City

State

Zip

Email timelessvideo.miami@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Matthew Jacobson

Job Title _____

Address 4414 Robbins Avenue

Street

Orlando

City

FL

State

32808

Zip

Phone _____

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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Reset Form

March 4, 2021
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual
Name Kimberly Tribbitt offenders

Amendment Barcode (if applicable)

Job Title _____

Address 9401 S. Orange Blossom Blvd
Street
Sebring, Fla 33875
City State Zip

Phone 863-801-0682

Email etribbitt@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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March 4, 202
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and S

Name Michael Teague

Amendment Barcode (if applicable)

Job Title Retired

Address 3148Auburn Pkwy

Street

Gulf Breeze

City

FL

State

32563

Zip

Phone 8505296863

Email Deshperado@Gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

MARCH 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic REGISTRATION OF SEXUAL PREDATORS AND SEXUAL OFFENDERS

Amendment Barcode (if applicable)

Name HARRY FOLGER

Job Title RETIRED

Address 997 BACOM PT. RD

Street

Phone 561-914-2202

DAHOKEE

City

FL

State

33476

Zip

Email hfolger@outlook.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Jill Polvinen

Amendment Barcode (if applicable)

Job Title Construction Project Manager

Address 10851 S Ocean Dr

Street

Jensen Beach

City

FL

State

34957

Zip

Phone 7743439612

Email jillpolvinen@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of sexual redactors and offenders

Name Mark Greenberg

Amendment Barcode (if applicable)

Job Title Self

Address 11621 Dawson Range Road

Street

Phone 754-281-6085

Boynton Beach

FL

33473

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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March 4, 2021
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Jonathan Gil

Amendment Barcode (if applicable)

Job Title N/A

Address 209 Plainfield St.
Street

Phone 239-369-7879

Lehigh Acres, FL 33936
City State Zip

Email mlecarillon@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Norman Pervis

Job Title Director of Marketing

Address 5601 Bob Head Rd.

Street

Plant City

City

Florida

State

33565

Zip

Phone 863-812-2740

Email normpervis@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Lindsay E. Watson

Amendment Barcode (if applicable)

Job Title _____

Address 20235 Old Trilby Road

Street

Phone 352-424-3613

Dade City

City

Florida

State

33523

Zip

Email lewtrilby@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Siew Wong-Jacobson

Job Title _____

Address 4414 Robbins Avenue

Phone _____

Street

Orlando

FL

32808

Email _____

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders Amendment Barcode (if applicable)

Name Olivia Richards

Job Title N/A

Address P.O. Box 1152

Phone 239-369-7879

Street Lehigh Acres, FL Zip 33936
City State

Email miltonrichards@centurylink.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name David Rosenrauch

Job Title Director

Address 3100 NE 46th Street

Street

Phone 352-434-5915

Fort Lauderdale

Florida

33308

City

State

Zip

Email iamqueball@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Douglas Savage

Job Title _____

Address 2400 Aquatic Drive., Lot 1

Phone 407-745-9590

Street

Orlando

FL

32804

Email mrdsavage59@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Leslie Sanmiguel

Job Title self

Address 5191 Poppy PL

Phone 9546141000

Street

Delray Beach

FL

33484

Email lsanmiguel319@bellsouth.net

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

03/04/2021

Meeting Date

SB234

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Michael Slater

Job Title _____

Address 1910 E Columbus Drive

Phone 813-391-7907

Street

Tampa

FL

33605

City

State

Zip

Email mslate68@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/04/2021

Meeting Date

SB234

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Amanda Slater

Job Title _____

Address 1910 E Columbus Drive

Phone 813-724-8163

Street

Tampa

FL

33605

Email mslate68@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Alan Bott

Job Title Disabled Navy Veteran

Address 3877 Marianna Rd

Phone 9043042753

Street

Jacksonville

FL

32217

Email encsisme@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Ainsley E Bott

Job Title Server

Address 3877 Marianna Rd

Street

Phone 904-900-9227

Jacksonville

FL

32217

City

State

Zip

Email idk429@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Christine E Bott

Job Title Caregiver

Address 3877 Marianna Rd

Phone 904-762-8398

Street

Jacksonville

FL

32217

Email chrissy.bott@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3-4-2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Mike Varnes

Job Title _____

Address 1912 Starling Street

Phone 330-397-4628

Street

Chesapeake

VA

23322

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3-4-2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Johandy Morejon

Job Title

Address 2816 W. Comanche Ave

Street

Phone 813-489-0117

Tampa

FL

33614

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of sexual predators and offenders

Amendment Barcode (if applicable)

Name Marcelo Manrique

Job Title Self

Address 410A Pelican Lake Drive

Phone 7862524193

Street

Pahokee

FL

33476

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Jeff Butler

Job Title IT Auditor

Address 6409 Warren Ct

Street

Phone (407) 709-1362

St. Cloud

FL

34771

Email Jeff_Butler@hotmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Lisa Butler

Job Title Realtor

Address 6409 Warren Ct

Street

St. Cloud

City

FL

State

34771

Zip

Phone (407) 709-2515

Email lisa@lisabutlerrealtor.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

March 4th 2021
Meeting Date

SB 234
Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Manuel R. Faxas

Job Title Sales

Address 18351 SW. 204 Street

Phone 305-878-3771

Street

Miami, FL 33187

City

State

Zip

Email mfaxas35@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021
Meeting Date

SB234
Bill Number (if applicable)

Topic Registration of Sexual Predators and sexual offenders.
Name Jessica Fernandez
Amendment Barcode (if applicable)

Job Title Self Book Keeper.

Address 4030 SW 124 Avenue
Street
City Miami State FL Zip 33175

Phone (786) 553-6596.

Email Jessy.m.f121@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration o Sexual Predators and Offenders

Amendment Barcode (if applicable)

Name Jennifer Devine

Job Title Self

Address 2074 Polo Gardens Dr Apt 206

Phone _____

Street

Wellington

FL

33414

City

State

Zip

Email jhunter2002@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

234

Meeting Date

Bill Number (if applicable)

Topic Registration for sexual predators and offenders

Amendment Barcode (if applicable)

Name Robert D. Croft

Job Title Self Employed

Address 13113 Glenmoor Dr

Phone 561-502-9952

Street

West Palm Beach

FL

33409

Email robcroft1987@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Jerry Sykes

Job Title

Address 3001 Cobblewood LN

Phone 9049626720

Street

Jacksonville

FL

32225

City

State

Zip

Email jerry.sykes@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators & Sexual Offenders

Amendment Barcode (if applicable)

Name Alvin Smith

Job Title Manager

Address 4055 Cedar Ford Blvd

Phone 386-972-0532

Street

Hastings

FL

32145

Email Nexxus72@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name William B Matthews

Amendment Barcode (if applicable)

Job Title Project Manager

Address 820 45th Avenue North

Phone 727-515-2617

Street

Saint Petersburg

Florida

33703

City

State

Zip

Email billmatthews1@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Michael Blatch

Job Title

Address 7411 NW 36 Ave

Street

Phone

Miami FL 33147

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3-4-2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name John C. Macbeth

Job Title Sales - retired

Address 16008 Grantham Place

Street

Phone 813-777-4617

Tampa

FL

33647

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3-4-2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Susan Macbeth

Job Title Realtor

Address 16008 Grantham Place

Street

Phone 813-857-9614

Tampa

FL

33647

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Daniel Olson

Job Title Director of Government Relations

Address 400 S. Monroe

Street

Tallahassee

City

FL

State

32399

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Office of the Attorney General

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

March 4, 2021
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB234
Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Name Msgr. James A Forsythe

Job Title Senior Pastor

Address 822 NE 19th Ter
Street

Fort Lauderdale FL
City State

33304
Zip

Phone 954-599-3360

Email at1ftljamie@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Donald Sillcott

Job Title lawn care and landscaping business owner

Address 8484 Cross Timbers Dr W

Street

Phone 9047042100

Jacksonville,

FL

32244

City

State

Zip

Email don9112001@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

SB ~~932~~ 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Offenders

Name Samantha Smith

Amendment Barcode (if applicable)

Job Title HIM Technician

Address 4055 Cedar Ford Blvd

Street

Hastings

City

FL

State

32145

Zip

Phone 386-972-0532

Email Nexxus72@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/11/11)

THE FLORIDA SENATE
APPEARANCE RECORD

3.4.21

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

Meeting Date

234

Bill Number (if applicable)

Topic Sexual Offender Registration

Name Ron Draa

Amendment Barcode (if applicable)

Job Title Chief of Staff

Address 2331 Phillips Road

Street

Phone 850.410.7020

Tallahassee

FL

32308

City

State

Zip

Email ronalddraa@fdle.state.fl.us

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Law Enforcement

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

March 4, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

CS/SB234

Bill Number (if applicable)

Topic Sexual Offender Registration

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt for the Florida Police Chiefs Association

Job Title Deputy Executive Director

Address PO Box 14038

Street

Tallahassee

City

FL

State

32317

Zip

Phone 8502193631

Email jpritt@fpca.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Police Chiefs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-4-2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Cherlyn Plumb

Job Title _____

Address 1409 E North St

Street

Phone 813-368-0100

Tampa

FL

33604

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

3-4-2021

Meeting Date

SB234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Raul A. Delarosa

Job Title _____

Address 8227 Donaldson Drive

Street

Phone 813-495-2109

Tampa

FL

33615

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/11/11)

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THE FLORIDA SENATE

APPEARANCE RECORD

MARCH 4 2021
Meeting Date 1

SB 134
Bill Number (if applicable)

Topic REGISTRATION OF SEXUAL PREDATORS AND SEXUAL OFFENSES Amendment Barcode (if applicable)

Name DAVID E ADLER

Job Title RETIRED ENGINEER

Address 4315 BLUE HERON DR
Street

Phone 333-472-8700

PONTEVEDRA BEACH FLORIDA 32082
City State Zip

Email DAVID.E.ADLER@GMAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ALISA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/2021

Meeting Date

234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Street

Phone 850-877-2165

Tallahassee

FL

32308

City

State

Zip

Email mdunagan@flsheriffs.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 234

Bill Number (if applicable)

Topic Registration of Sexual Predators and Sexual Offenders

Amendment Barcode (if applicable)

Name Edelma Bacy

Job Title Retired

Address 447 NW 97 PL

Street

Phone _____

Miami FL 33172

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

March 4th 2021
Meeting Date

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

CS/SB 234
Bill Number (if applicable)

Topic Reg. Sexual Predators

Name Dave/ David Syrdan

Job Title STATESMAN / Concerned

Address 66 W. Wintergreen Dr.

Street

City

State

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☒ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3.4.21

234

Meeting Date

Bill Number (if applicable)

164268

Topic Sexual Offender Registration

Amendment Barcode (if applicable)

Name Ron Draa

Job Title Chief of Staff

Address 2331 Phillips Road

Phone 850.410.7020

Street

Tallahassee

FL

32308

Email ronalddraa@fdle.state.fl.us

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Law Enforcement

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.4.21

Meeting Date

234

Bill Number (if applicable)

434244

Amendment Barcode (if applicable)

Topic Sexual Offender Registration

Name Ron Draa

Job Title Chief of Staff

Address 2331 Phillips Road

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850.410.7020

Email ronalddraa@fdle.state.fl.us

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Law Enforcement

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

This information was not read into the record by the Chair

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 380

INTRODUCER: Senator Perry

SUBJECT: Child Restraint Requirements

DATE: March 2, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Delia	Cox	CF	Favorable
2. Proctor	Vickers	TR	Favorable
3. Delia	Phelps	RC	Favorable

I. Summary:

SB 380 amends current law relating to child restraint requirements while transporting a child in a motor vehicle. The bill increases the age of children which must use a crash-tested, federally-approved child restraint device from age five years or younger to age six years or younger. The bill also increases the age of a child for which use of a separate carrier, an integrated child seat, or a child booster seat is authorized from age four through five years to age four through six years.

The fiscal impact on private sector sales of child restraint devices is indeterminate. The bill will likely have an indeterminate but insignificant fiscal impact on local governments and the Department of Highway Safety and Motor Vehicles (DHSMV). See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2021.

II. Present Situation:

Child Passenger Safety

According to the Center for Disease Control and Prevention (CDC), motor vehicle injuries are a leading cause of death among children in the U.S.¹ The CDC data for 2017 indicates that 49 percent of children eight to 12 years old killed in automobile crashes were not buckled in, compared with 36 percent of children four to seven years old and 22 percent of children under four.²

¹ The CDC, *Child Passenger Safety: Get the Facts – The Scope of the Problem*, available at http://www.cdc.gov/motorvehiclesafety/child_passenger_safety/cps-factsheet.html, (last viewed January 27, 2021).

² The CDC, *Risk Factors for Children and Teens*, available at https://www.cdc.gov/transportationsafety/child_passenger_safety/cps-factsheet.html (last visited February 1, 2021).

The CDC reports that the:

- Use of a car seat reduces the risk for death to infants (aged less than one year) by 71 to 84 percent in passenger vehicles.
- Use of a booster seat reduces the risk for serious injury by 45 percent for children aged four to eight years when compared with seat belt use alone).
- For older children and adults, use of a seat belt reduces the risk for death and serious injury by approximately one-half.³

A study of five states that increased the age requirement to seven or eight years for car seat or booster seat use found that the rate of children using car seats and booster seats increased nearly three times. Further, the rate of children who sustained fatal or incapacitating injuries was reduced by 17 percent.⁴

The CDC has produced guidelines for parents and caregivers that are based on stages, including the use of a:

- Rear-facing car seat, for children birth to age two.
- Forward-facing car seat in the back seat, until at least age five or when they reach the upper weight or height limit of seat.⁵
- Booster seat, until a seat belts fit properly.⁶

A child no longer needs to use a booster seat once seat belts fit them properly. The seat belt fits properly when the lap belt lays across the upper thighs (not the stomach) and the shoulder belt lays across the chest (not the neck). The recommended height for proper seat belt fit is 57 inches tall.⁷

Child Restraint Devices or “Car Seats” and National Highway Traffic Safety Administration Recommendations

Car seats available on the market offer a variety of choices. The best choice, according to the National Highway Traffic Safety Administration (NHTSA), is a selection based on a given child’s age and size, which complies with the specific car seat manufacturer’s instructions for height and weight limits, and is properly installed in accordance with the vehicle’s owner’s manual. Further, for maximum safety, the NHTSA recommends keeping a child in a car seat for as long as possible, provided the child does not exceed the manufacturer’s height and weight limitations. The NHTSA also recommends keeping a child in the back seat at least through the age of 12.⁸

³ The CDC, *Child Passenger Safety: Get the Facts – Risk Reduction for Every Age*, available at https://www.cdc.gov/transportationsafety/child_passenger_safety/cps-factsheet.html (last visited February 1, 2021).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ The NHTSA, *Car Seats and Booster Seats*, available at <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#age-size-rec> (last viewed January 27, 2021).

Car seats are generally available in four types, with variations in each type, including:

- Rear-facing car seats have a harness that, in a crash, cradles and moves with a child to reduce the stress to the child's neck and spinal cord.
- Forward-facing car seats have a harness and tether that limits a child's forward movement during a crash.
- Booster seats position the seat belt so that it fits properly over the stronger parts of a child's body.
- Seat belts.⁹

The NHTSA recommends that a child from birth through 12 months should always ride in a rear-facing car seat, noting that convertible and all-in-one versions of these seats usually have higher height and weight limits for the rear-facing position, which facilitates keeping a child in a rear-facing position for a longer period of time.¹⁰

For children one through three years old, the NHTSA suggests keeping a child in a rear-facing seat until the child reaches the top height or weight limit indicated by the car seat's manufacturer. Once either limit is exceeded, the NHTSA recommends a forward-facing seat with a harness and tether.¹¹

For children four through seven years, the NHTSA advises a child should be kept in a forward-facing car seat with a harness and tether until the child reaches the top height or weight limit set by the car seat's manufacturer. Again, once either limit is exceeded, the child should be transported in a booster seat, but the NHTSA recommends the booster seat still be installed properly in the back seat of the vehicle.¹²

For children eight through 12 years, the NHTSA recommends keeping a child in a booster seat until the child is big enough to fit in a seat belt properly. Proper fit in a seat belt for the NHTSA means that the lap belt lies snugly across the upper thighs, not the stomach, and the shoulder belt lies snugly across the shoulder and chest, not across the neck or face. The NHTSA notes the child should still ride in the back seat of the vehicle "because it's safer there."¹³

Child Restraint Requirements in Other States

The 50 states and the District of Columbia all have laws requiring some type of child restraint seats for children under a certain age, height, or weight. The majority of states require child restraint seats until age six or seven.¹⁴ Additionally, many states require rear facing child restraint seats for children under a certain age and weight.¹⁵

⁹ The NHTSA, *Car Seat Types*, available at <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#find-right-car-seat-car-seat-types> (last viewed February 1, 2021).

¹⁰ The NHTSA, *Car Seat Recommendations*, available at <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#find-right-car-seat-car-seat-recommendations> (last viewed February 1, 2021).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ AAA Digest of Motor Laws, *Child Passenger Safety*, available at <https://drivinglaws.aaa.com/tag/child-passenger-safety/> (last visited February 11, 2021).

¹⁵ *Id.*

For example, the state of Connecticut requires children under the age of two or under thirty pounds to ride rear facing in a child restraint system equipped with a five-point harness. Children under the age of five, but not under the age of two, or under forty pounds, but not under thirty pounds, must be in a harness restraint – either a rear-facing or forward-facing car seat. All children under age eight and under sixty pounds must use a child restraint – either a car seat, or a booster seat secured by a lap-and-shoulder belt.¹⁶

Tennessee requires children under the age of one, or weighing less than twenty pounds, to ride rear-facing in a child restraint system that meets federal motor vehicle safety standards. Children age one through four years old and weighing more than twenty pounds are required to ride in a child safety restraint system (rear facing or forward facing) that meets federal motor vehicle safety standards. Children age four through nine years of age and measuring less than four feet nine inches in height, are required to be in a child booster seat that meets the federal motor vehicle safety standards.¹⁷

Florida Law

Safety Belt Use Under 18

Section 316.614(4)(a), F.S., prohibits a person from operating a motor vehicle¹⁸ or autocycle¹⁹ in this state unless each passenger and the operator of the vehicle or autocycle under the age of 18 years are restrained by a safety belt or by a child restraint device, if applicable. As used in s. 316.613, F.S., the term “motor vehicle” does not include:

- A school bus as defined in s. 316.003, F.S.
- A bus used for the transportation of persons for compensation, other than a bus regularly used to transport children to or from school, as defined in s. 316.615(1)(b), F.S., or in conjunction with school activities.
- A farm tractor or implement of husbandry.
- A truck having a gross vehicle weight rating of more than 26,000 pounds.
- A motorcycle, moped, or bicycle.²⁰

Child Restraint Requirements

Section 316.613, F.S., requires every operator of a motor vehicle operated on the roadways, streets, or highways of this state to provide for protection of a child who is five years of age or younger by properly using a crash-tested, federally approved child restraint device. The device must be a separate carrier or a vehicle manufacturer’s integrated child seat for children through

¹⁶ Conn. Gen. Stat. § 14-100a (2020)

¹⁷ Tenn. Code Ann. § 55-9-602 (2020)

¹⁸ Section 316.003(42), F.S., defines “motor vehicle,” except for purposes of the payment of tolls, as “a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.”

¹⁹ Section 316.003(2), F.S., defines “autocycle” as “a three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.”

²⁰ Section 316.614(3)(a), F.S.

three years of age.²¹ A separate carrier, an integrated child seat, or a child booster seat may be used for children aged four through five years. However, the requirement does not apply in certain circumstances, including when a safety belt is used and the child:

- Is being transported gratuitously by an operator who is not a member of the child's immediate family;
- Is being transported in a medical emergency situation involving the child; or
- Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.²²

A violation of s. 316.613, F.S., is a moving violation punishable by a penalty of \$60 plus any applicable local court costs.²³ In addition, the violator will have three points assessed against his or her driver license. In lieu of the monetary penalty and the assessment of points, a violator may elect to participate in a child restraint safety program, with the approval of the court with jurisdiction over the violation. After completing the program, the court may waive the monetary penalty, and must waive the assessment of points.²⁴

School Buses

Section 316.6145, F.S., requires each school bus²⁵ purchased new after December 31, 2000, and used to transport students in grades pre-K through 12 be equipped with safety belts or with any other federally approved restraint system in a number sufficient to allow each student being transported to use a separate safety belt or restraint system.²⁶ Each school district is required to prioritize the allocation of buses equipped with safety belts or restraint systems to children in elementary schools.²⁷ However, the provisions of s. 316.613, F.S., relating to child safety restraints, do not apply to school buses, as they are excluded from the definition of “motor vehicle” for purposes of that section.²⁸

Child Care Facility Vehicles

Section 402.305(1), F.S., requires the Department of Children and Families (DCF) to establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served. Section 402.305(10),

²¹ Section 316.613(1)(a)1., F.S.

²² Section 316.613(1)(a)2., F.S.

²³ Section 316.613(5), F.S.

²⁴ *Id.*

²⁵ Section 316.6145(1)(b), F.S., defines a “school bus” to mean “one that is owned, leased, operated, or contracted by a school district.”

²⁶ Section 316.6145(1), F.S.

²⁷ Section 316.6145(4), F.S. Section 1006.25(2), F.S., requires each school bus regularly used for the transportation of prekindergarten disability program and K-12 public school students to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any district school board to comply with the applicable federal motor vehicle safety standards. Subsection (4) of that section requires students be transported only in designated seating positions, except in specified emergency situations, and use the occupant crash protection system provided by the manufacturer. The Department of Education posts on its website guidelines providing “clarification and interpretation of the NHTSA Guidelines, and additional background and the Department of Education recommendations regarding technical and operational issues associated with transporting pre-school age students.” See The Department of Education, *Florida Guidelines for Seating of Pre-school Age Children in School Buses*, available at <http://www.fldoe.org/schools/healthy-schools/transportation/> (last viewed January 27, 2021).

²⁸ Section 316.613(2)(a), F.S.

F.S., requires the minimum standards, among other items, to include requirements for child restraints or seat belts in vehicles used by child care facilities²⁹ and large family child care homes³⁰ to transport children.

Pursuant to that direction, each child transported in a child care facility vehicle or a large family child care home vehicle is required to be in an individual, factory-installed seat belt or a federally approved child restraint.³¹

III. Effect of Proposed Changes:

The bill amends s. 316.613, F.S., increasing the age of children which must use a crash-tested, federally-approved child restraint device from age five years or younger to age six years or younger. The bill also increases the age of a child for which use of a separate carrier, an integrated child seat, or a child booster seat is authorized from age four through five years to age four through six years.

Children being transported in a child restraint device in compliance with the current provisions of s. 316.613(1)(a) and (1)(a)2., F.S., must be kept in that (or another) compliant device for one additional year. Because Florida's child restraint requirements are based solely on the child's age, the result may or may not always be consistent with the NHTSA's recommendations, which instead focus on the actual weight and height of the child being transported.

The requirement to protect children aged through three years with a separate carrier or a vehicle manufacturer's integrated child seat remains unchanged.

The bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁹ Section 402.302(1), F.S., defines "child care" to mean "the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care." Subsection (2) of that section defines "child care facility" to include "any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit."

³⁰ Section 402.302(11), F.S., defines "large family child care home" to mean "an occupied resident in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation, with one of the two personnel being the owner or occupant of the residence."

³¹ See 65C-22.001(6)(e), F.A.C.

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:

Compliant child restraint devices may have to be replaced due any defects or wear and tear occurring within the additional year of use required by the bill. However, the fiscal impact on private sector sales of child restraint devices is indeterminate.

Increasing the age a child must be in a child restraint from age five to age six may result in an increase in the number of child restraint violations issued to drivers.

C. Government Sector Impact:

The DHSMV estimated that increasing the age a child must be in a child restraint from age five to age six may result in an increase in the number of child restraint violations issued to drivers, which would likely result in an indeterminate, positive fiscal impact to local governments.³²

The DHSMV also advised it will have to make updates to the Driver Handbook, driver license knowledge test questions bank, communication educational material, and driver improvement course curriculums to reflect the changes in the bill. In addition, the Division of Motorist Services will have to modify the Uniform Traffic Guide, Appendix C, to reflect the changes in the bill. Accordingly, the bill may result in an indeterminate, likely insignificant negative fiscal impact to the DHSMV.³³

VI. Technical Deficiencies:

None.

³² The Department of Highway Safety and Motor Vehicles, Agency Analysis of Senate Bill 380 (2021), January 5, 2021 (On file with the Senate Committee on Transportation).

³³ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.613 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 Perry

8-00209-21

2021380__

A bill to be entitled

An act relating to child restraint requirements; amending s. 316.613, F.S.; increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(1)(a) Every operator of a motor vehicle as defined in this section, while transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, shall, if the child is 6 ~~5~~ years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device.

1. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat.

2. For children aged 4 through 6 ~~5~~ years, a separate carrier, an integrated child seat, or a child booster seat may be used. However, the requirement to use a child restraint device under this subparagraph does not apply when a safety belt is used as required in s. 316.614(4)(a) and the child:

Page 1 of 2

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

8-00209-21

2021380__

a. Is being transported gratuitously by an operator who is not a member of the child's immediate family;

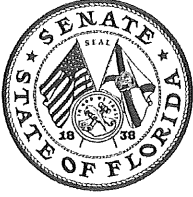
b. Is being transported in a medical emergency situation involving the child; or

c. Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

Section 2. This act shall take effect July 1, 2021.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 17, 2021

I respectfully request that **Senate Bill #380**, relating to Child Restraint Requirements, be placed on the:

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

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

Senator Keith Perry
Florida Senate, District 8

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-4-21

Meeting Date

380

Bill Number (if applicable)

Topic

Child Restraint Requirements

Amendment Barcode (if applicable)

Name

Barbara Delaney

Job Title

Address

625 E Brevard St

Street

Phone

251-4280

City

Jalapaone FL

State

32308

Zip

Email

barbaradelaney10@yahoo.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

*

☒

In Support

☐

Against

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

Representing

FL NOW

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

380

Bill Number (if applicable)

Topic Child Restraint Requirements

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850.510.9922

Email Barney@BarneyBishop.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Allaince

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 380

Bill Number (if applicable)

Topic Child Restraint Requirements

Amendment Barcode (if applicable)

Name David Cullen

Job Title _____

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing Advocacy Institute for Children

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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

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original record not located

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/4/21

Meeting Date

SB 380

Bill Number (if applicable)

Topic Child Restraint Requirements

Amendment Barcode (if applicable)

Name Brita Lincoln

Job Title Legislative Committee

Address 1747 Orlando Central Pkwy Phone 407 855-7604

Street

Orlando

City

FL

State

32809

Zip

Email bwilkinslincoln

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

This information was not read into the record by the Chair.

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

SB 380

Bill Number (if applicable)

Topic Child Passenger Safety

Amendment Barcode (if applicable)

Name Karen MorganJob Title Government RelationsAddress 213 W. Crest Ave.Phone 813 842 3003

Street

TampaFL33603Email kvmorgan@acg.aaa.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing AAAAppearing at request of Chair: ☐ Yes ☐ NoLobbyist registered with Legislature: ☒ Yes ☐ No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.***This form is part of the public record for this meeting.***This information was not read
into the record by the Chair.*

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 388

INTRODUCER: Senator Wright and others

SUBJECT: Injured Police Canines

DATE: March 2, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	Favorable
3.	<u>Brown</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SB 388 authorizes an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic, hospital emergency department, or similar facility if no person requires medical attention or transport when the canine needs it. The bill authorizes emergency medical technicians (EMTs) and paramedics to provide emergency medical care to an injured police canine at the scene of an emergency or while the canine is being transported.

The bill provides civil and criminal immunity for EMTs and paramedics providing emergency care to an injured police canine and exempts them from the application of the veterinary practice act for providing medical care to a police canine injured in the line of duty.

The bill may have a fiscal impact. See Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2021.

II. Present Situation:

Police Canines

Section 843.19, F.S., defines the term “police canine” for law enforcement purposes as any canine that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

Police dogs are frequently used in conjunction with high-intensity, criminal situations and are often deployed by their handlers to chase after fleeing felons. As a result, the dogs can be caught in the line of fire while on the job. In September 2018, 3-year-old Fang, a member of

Jacksonville Sheriff's Office canine unit, was shot and killed by a teenager who was fleeing a scene after carjacking two women at a gas station minutes earlier.¹ Similarly, in December 2018, 3-year-old Cigo with the Palm Beach County Sheriff's Office was shot and killed by an attempted murder suspect outside of a shopping mall.² In Florida, there have been 49 police canines killed in the line of duty.³ In 2019, the Legislature, recognizing the ongoing danger to and violence against police canines, increased the penalty for causing harm to or using a deadly weapon against a police canine from a third degree felony to a second degree felony.^{4, 5}

Special K-9 Units

Specially-trained dogs are used by various agencies and departments throughout the state in their K-9 units. These departments employ dogs to assist with tracking and apprehending offenders, narcotics and bomb detection,⁶ and building and article searches.⁷ Additionally, some fire departments use dogs as part of arson detection programs.⁸ Various non-profit organizations also use dogs for the purpose of search and rescue, such as the Community Emergency Response Team, which provides support to the federal Emergency Management Agency.⁹

Veterinary Medical Care and Treatment for Canines

The practice of veterinary medicine is licensed and regulated by the Department of Business and Professional Regulation (DBPR), Board of Veterinary Medicine.¹⁰ A veterinarian is a licensed health care practitioner who engages in the practice of veterinary medicine which the Legislature has determined can be potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners.¹¹ The practice of veterinary medicine means:

- The diagnosis of medical conditions of animals;
- Prescribing, dispensing, or administering drugs, medicine, appliances, and applications for animals;
- The treatment of animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease;

¹ Tarik Mino and Colette DuChanois, *Audio, video evidence released in case of teen held in K-9's death*, NEWS4JAX (November 12, 2018), available at <https://www.news4jax.com/news/2018/11/13/audio-video-evidence-released-in-case-of-teen-held-in-k-9s-death/> (last visited February 5, 2021).

² Mark Osborne and Jason M. Volack, *Suspect kills police dog in shootout outside mall on Christmas Eve, police say*, ABC NEWS (December 25, 2018), available at <https://abcnews.go.com/US/suspect-kills-police-dog-shootout-mall-christmas-eve/story?id=60007552> (last visited February 5, 2021).

³ Officer Down Memorial Page, *Florida Line of Duty Deaths*, available at <https://www.odmp.org/search/browse/florida> (last visited February 5, 2021).

⁴ Chapter 2019-9, Laws of Fla. (2019).

⁵ A third degree felony is punishable by up to five years imprisonment and up to a \$5,000 fine. Sections 775.082, 775.083, and 775.084, F.S. A second degree felony is punishable by up to 15 years imprisonment and up to a \$10,000 fine. Sections 775.082 and 775.083, F.S.

⁶ City of Orlando, *K-9 Unit*, available at <http://www.cityoforlando.net/police/k-9-unit/> (last visited February 5, 2021).

⁷ St. Petersburg Police Department, *K-9 Unit*, available at <http://police.stpete.org/k-9> (last visited February 5, 2021).

⁸ City of Orlando, *Accelerant Detection Canines*, available at <http://www.cityoforlando.net/fire/accelerant-detection-canines/> (last visited February 5, 2021).

⁹ Boondocks K9 SAR-CERT Unit, *Community Emergency Response Team (CERT)*, available at <https://www.boondocksk9.org/> (last visited February 5, 2021).

¹⁰ Chapter 474, F.S.; and *see* s. 20.165, F.S.

¹¹ Sections 474.201 and 407.202(11), F.S.

- Performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; and
- The determination of the health, fitness, or soundness of an animal.¹²

Veterinary medicine includes:

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology; and
- Any other veterinary medicine specialty.¹³

Section 474.202, F.S., defines an animal as a wild or domestic, dead or alive, bird, amphibian, fish, reptile, or mammal, other than a human being. A dog, or canine, is a mammal.¹⁴ It is the responsibility of every veterinarian licensed and practicing in Florida to provide, either personally or through another licensed veterinarian, 24-hour emergency services for all animals under his or her continuing care.¹⁵

When the DBPR has probable cause to believe that a person is practicing, or attempting to practice, veterinary medicine without a license, or aiding and abetting a person to practice veterinary medicine without a license, the DBPR may issue to the offender a notice to cease and desist. If the person fails to comply with the notice, the DBPR may file a proceeding seeking an injunction or a writ of mandamus. Additionally, the DBPR may impose an administrative penalty not to exceed \$5,000 per incident or may issue a citation.¹⁶

Emergency Medical Services, Paramedics, and Emergency Medical Technicians

Emergency Medical Transport Services

Prehospital life support transport services fall into two general categories – basic life support services (BLS) and advanced life support services (ALS).

BLS services include the assessment or treatment by a person qualified under part III of ch. 401, F.S., through the use of techniques described in the EMT-Basic National Standard Curriculum or the National Emergency Medical Services (EMS) Education Standards of the U.S. Department of Transportation.¹⁷ The term includes the administration of oxygen and other techniques that have

¹² Section 474.202(9), F.S.

¹³ Section 474.202(13), F.S.

¹⁴ Merriam-Webster On-line Dictionary, Dog or Canine is a highly variable domestic mammal (*Canis familiaris*) closely related to the gray wolf, available at <https://www.merriam-webster.com/dictionary/dog> (last visited February 5, 2021).

¹⁵ Fla. Admin. Code R. 61G18-19.001 (2019).

¹⁶ Section 455.228, F.S.

¹⁷ United States Department of Transportation, National Highway Traffic Safety Administration, *National Emergency Medical Services Education Standards*, (January 2009), available at <https://www.ems.gov/pdf/National-EMS-Education-Standards-FINAL-Jan-2009.pdf> (last visited February 5, 2021).

been approved and are performed under specific conditions.¹⁸ BLS services are usually performed by EMTs.¹⁹

ALS services include patient assessment or treatment including the implementation of advanced medical skills such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, cardiac defibrillation, and other techniques described in the EMT-Paramedic National Standard Curriculum or the National EMS Education Standards.²⁰ ALS services can be performed on site and are usually provided by physicians or paramedics.²¹

To obtain a transport vehicle permit to provide BLS or ALS services, an applicant must provide to the Department of Health the following:

- An application and required fees; and
- Documentation that the vehicle qualifies as follows:
 - Is furnished with essential medical supplies and equipment which is in good working order;
 - Meets appropriate standards for design and construction;
 - Is equipped with an appropriate communication system;
 - Meets appropriate safety standards;
 - Meets sanitation and maintenance standards;
 - Is insured for a minimum of \$100,000/\$300,000 against injuries to or the death of any person arising out of an accident; and
 - Has been awarded a Certificate of Public Convenience and Necessity (COPCN).²²

The following adult and pediatric medical equipment and supplies are required for BLS service vehicles:

- Bandaging, dressing, and taping supplies;
- Bandage shears;
- Patient restraints;
- Blood pressure cuffs;
- Stethoscopes;
- Blankets;
- Sheets;
- Pillows;
- Patient rain cover;
- Long and short spine boards;
- Cervical, spine and extremity immobilization devices and traction splints;
- Portable oxygen tanks, masks, and nasal cannula;
- Hand-operated bag-valve mask resuscitators;
- Portable suction;

¹⁸ Sections 401.23(7) and (8), F.S.

¹⁹ Ryyanen, et. al, *Is advanced life support better than basic life support in prehospital care? A systematic review*, Scand J Trauma Resusc. Emerg. Med. 2010; 18: 62, (November 23, 2010), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3001418/> (last visited February 5, 2021).

²⁰ Sections 401.23(1) and (2), F.S.

²¹ Ryyanen, et. al, *supra* note 18.

²² Section 401.26(2), F.S., and Fla. Admin. Code R. 64J-1.002 and 64J-1.003 (2019).

- Sterile obstetrical kit;
- Burn sheets;
- Flashlight;
- Occlusive dressings;
- Gloves, face masks;
- Nasopharyngeal airways;
- Biohazardous waste bags; and
- Bulb syringe.²³

The following additional adult and pediatric medical equipment and medications are required for ALS service vehicles:

- Medications:
 - Atropine;
 - Dextrose;
 - Epinephrine;
 - Ventricular dysrhythmic;
 - Benzodiazepine sedative/anticonvulsant;
 - Naloxone (Narcan);
 - Nitroglycerin; and
 - Beta adrenergic inhalant with nebulizer apparatus.
- I.V. Solutions, including Lactated Ringers or Normal Saline with stopcocks, pressure infuser, drip sets, tubing and cannula.
- Equipment:
 - Laryngoscope handle, blades and batteries;
 - I.V. arm boards or splints;
 - Disposable endotracheal tubes and stylets;
 - Magill forceps;
 - Device for intra-tracheal meconium suctioning;
 - Tourniquets;
 - Needles and syringes;
 - Portable monitor with defibrillator, pacing capabilities, ECG printout, and electrodes; and
 - Glucometer.²⁴

Emergency Medical Technicians

The primary focus of an EMT is to provide basic emergency medical care and transportation for critical and emergent patients who access the emergency medical system. This individual possesses the basic knowledge and skills necessary to provide patient care and transportation. An EMT functions as part of a comprehensive EMS response, under medical oversight. An EMT performs interventions with the basic equipment typically found on an ambulance. An EMT is a link from the scene to the emergency health care system.²⁵

²³ Fla. Admin Code R. 64J-1.002(4) (2019).

²⁴ Fla. Admin Code R. 64J-1.003(7) (2019).

²⁵ See note 16.

Paramedics

A paramedic is an allied health professional whose primary focus is to provide advanced emergency medical care for critical and emergent patients who access the emergency medical system. This individual possesses the complex knowledge and skills necessary to provide patient care and transportation. Paramedics function as part of a comprehensive EMS response, under medical oversight. Paramedics perform interventions with the basic and advanced equipment typically found on an ALS service vehicle. A paramedic is a link from the scene into the health care system.²⁶

III. Effect of Proposed Changes:

The bill creates s. 401.254, F.S., to authorize an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic, hospital emergency department, or similar facility if no person requires medical attention or transport when the canine needs it.

The bill 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; enforcement of laws; investigation of fires; or apprehension of offenders.

The bill authorizes EMTs and paramedics to provide emergency medical care to an injured police canine at the scene of the emergency or while being transported. The bill provides civil and criminal immunity for EMTs and paramedics who act in good faith to provide emergency care to an injured police canine and exempts them from the application of the veterinary practice act for providing medical care to a police canine injured in the line of duty.

The bill has an effective date of July 1, 2021.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁶ *Id.*

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:

Should a police canine be transported to an emergency medical center for treatment of injuries suffered in the line of duty by an emergency service transport vehicle, the cost of such services would need to be covered. The bill does not specify who would pay the cost of such services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not provide any emergency treatment protocols for EMTs and paramedics to follow for the emergency care and treatment of police canines injured in the line of duty, nor does the bill require the collaborative development of treatment protocols for injured police canines between the boards of medicine and osteopathic medicine and the board of veterinary medicine. The emergency medical care and treatment of human beings and canines is very different, as is the training of veterinarians when compared to that of EMTs and paramedics. Further, if an injured police canine is transported to a hospital emergency department or similar facility, those treatment providers may not have veterinary training nor be willing to treat animals. The bill does not provide immunity from liability for those treatment providers.

VIII. Statutes Affected:

This bill substantially amends section 474.203 of the Florida Statutes.

This bill creates section 401.254 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 Wright

14-00252-21

2021388__

A bill to be entitled

An act relating to injured police canines; creating s. 401.254, F.S.; defining the term "police canine"; authorizing licensed life support services to transport injured police canines under certain circumstances; authorizing a paramedic or an emergency medical technician to provide emergency medical care to injured police canines under certain circumstances; providing for immunity from criminal and civil liability under certain circumstances; amending s. 474.203, F.S.; providing applicability; providing an effective date.

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

Section 1. Section 401.254, Florida Statutes, is created to read:

401.254 Treatment of injured police canines.—

(1) As used in this section, the term "police canine" means 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.

(2) A licensee with a valid permit for the transport vehicle may transport a police canine injured in the line of duty to a veterinary clinic, hospital emergency department, or

Page 1 of 2

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

14-00252-21

2021388__

similar facility if there is no individual requiring medical attention or transport at that time.

(3) Notwithstanding s. 474.213, a paramedic or an emergency medical technician may provide emergency medical care to a police canine 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, hospital emergency department, or similar facility. A paramedic or an emergency medical technician who acts in good faith to provide emergency medical care to an injured police canine is immune from criminal or civil liability.

Section 2. Subsection (10) is added to section 474.203, Florida Statutes, to read:

474.203 Exemptions.—This chapter does not apply to:

(10) A paramedic or an emergency medical technician providing emergency medical care to a police canine injured in the line of duty as authorized under s. 401.254.

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. This act shall take effect July 1, 2021.

Page 2 of 2

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs, Space, and
Domestic Security, *Chair*
Commerce and Tourism, *Vice Chair*
Appropriations Subcommittee on Education
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Children, Families, and Elder Affairs
Finance and Tax
Transportation

SENATOR TOM A. WRIGHT
14th District

February 16, 2021

The Honorable Kathleen Passidomo
400, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 388 – Injured Police Canines

Dear Chair Passidomo:

Senate Bill 388, relating to Injured Police Canines has been referred to the Committee on Rules. I am requesting your consideration on placing SB 388 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom A. Wright", with a large, sweeping flourish underneath.

Tom A. Wright, District 14

cc: John Phelps, Staff Director of the Committee on Rules
Tom Yeatman, Deputy Staff Director of the Committee on Rules
Cynthia Futch, Administrative Assistant of the Committee on Rules

REPLY TO:

- ☐ 4606 Clyde Morris Blvd., Suite 2-J, Port Orange, Florida 32129 (386) 304-7630
- ☐ 320 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB 388

Bill Number (if applicable)

Topic Injured Police Canines

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Job Title Executive Director

Address 5289 Palm Dr

Street

Melbourne Beach

City

FL

State

32951

Zip

Phone 407-468-6622

Email ray@ffca.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Fire Chiefs' Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

SB388

Bill Number (if applicable)

Topic injured Police Canines

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt for the Florida Police Chiefs Association

Job Title Deputy Executive Director

Address PO Box 14038

Phone 8502193631

Street

Tallahassee

FL

32317

Email jpritt@fpca.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Police Chiefs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

03/04/21

Meeting Date

388

Bill Number (if applicable)

Topic injured police canines

Amendment Barcode (if applicable)

Name Daniel Olson

Job Title Director of Governmental Affairs

Address 400 S. Monroe st.

Phone 850-245-0155

Street

Tallahassee

fl

32399

Email dan.olson@myfloridalegal.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Office Of The Attorney General

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

388

Bill Number (if applicable)

Topic Injured Police Cannines

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850.510.9922

Email Barney@BarneyBishop.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Allaince

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 4th 2021

Meeting Date

SB388

Bill Number (if applicable)

Topic Testimony

Amendment Barcode (if applicable)

Name Debbie Johnson

Job Title Founder/President

Address 7945 Pine Lake Road

Street

Jacksonville

City

FL

State

32256

Zip

Phone 828-329-4201

Email debbie@k9sunited.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing K9s United

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 578

INTRODUCER: Senator Wright

SUBJECT: Marina Evacuations

DATE: March 2, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Anderson	Rogers	EN	Favorable
2. Proctor	Vickers	TR	Favorable
3. Anderson	Phelps	RC	Favorable

I. Summary:

SB 578 prohibits, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

If the Coast Guard Captain of the Port sets the port condition to “Yankee”¹ and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, is required to remove the vessel, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The bill provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the bill does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

The bill provides that after a watch has been issued, if an owner or operator has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to a fine, in an amount not exceeding three times the cost associated with removing the vessel from the waterway.

The bill has an effective date of July 1, 2021.

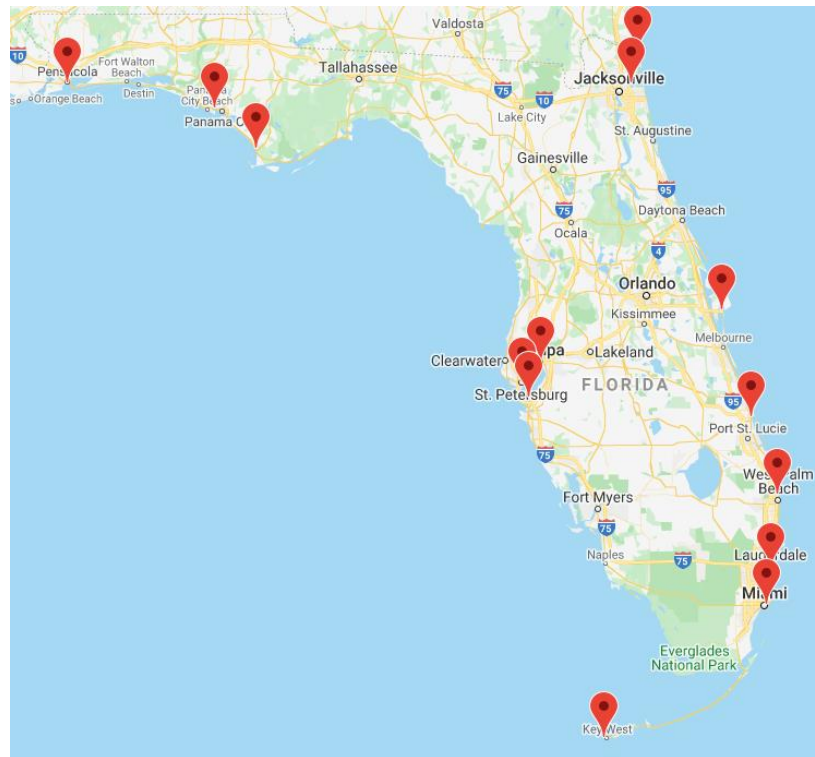
¹ Gale force winds are predicted to arrive within 24 hours, the port is closed to inbound traffic, and vessel traffic control measures are in effect on vessel movements within the port.

II. Present Situation:

Deepwater Ports in Florida

Under Florida law, a “port” means a port authority or district.² Ports are created by and given authority under general or special law. Each port, in agreement with the United States Coast Guard (Coast Guard), state pilots, and other ports in its operating port area, is required to adopt guidelines for minimum bottom clearance for each berth and channel, for the movement of vessels, and for radio communications of vessel traffic for all commercial vessels entering and leaving its harbor channels.³

There are 14 deepwater seaports in Florida, indicated in the map below:⁴



Port Canaveral

One example of a deepwater seaport impacted by the bill is Port Canaveral, which was dedicated on November 4, 1953.⁵ It is a gateway for Central Florida and the world’s second busiest cruise port.⁶ Annually, Port Canaveral moves nearly 4 million tons of cargo and sees 4 million cruise

² Section 313.21, F.S.; *see also* s. 315.02, F.S. “Port authority” means a port authority in Florida created by or pursuant to the provisions of any general or special law or any district or board of county commissioners acting as a port authority under or pursuant to the provisions of any general or special law. “Port district” means any district created by or pursuant to the provisions of any general or special law and authorized to own or operate any port facilities.

³ Section 313.23, F.S.

⁴ Florida Ports Council, *Seaports*, <https://flaports.org/seaports/> (last visited Jan. 22, 2021).

⁵ Port Canaveral, *History*, <https://www.portcanaveral.com/About/History> (last visited Jan. 22, 2021).

⁶ Port Canaveral, *Port and Cruise Facts*, <https://www.portcanaveral.com/Cruise/Port-Cruise-Facts> (last visited Jan. 22, 2021).

passengers.⁷ It also houses United States Army, Navy, and Air Force facilities.⁸ Port Canaveral is a key part of Florida's gasoline supply system. Gasoline and other petroleum products are primarily delivered by marine tankers and barges to the state's ports, including Port Canaveral, where the products are offloaded and later stored and distributed around the state.⁹ Additionally, 200 small businesses ranging from marinas, restaurants, retail, and charter boats currently lease and operate at Port Canaveral.¹⁰

In fiscal year 2019, Port Canaveral reported \$110 million in revenues, the highest in its history.¹¹

Canaveral Port Authority

The Canaveral Port District (Port District) was created by the Legislature by special act in 1953, as amended in 2014.¹² It is an independent special taxing district and political subdivision of the state.¹³ The Canaveral Port Authority (Port Authority) has the power to make rules and regulations for the promotion and conduct of navigation, commerce, and industry in the Port District.¹⁴ The Port Authority also has the power to make rules and regulations governing the docking, storing, mooring, and anchoring of vessels within the Port District and to remove all obstacles to navigation, commerce, and industry in the waters of the port.¹⁵

The Port Canaveral Tariff No. 16 provides the current rates, rules, and regulations governing its marine and port services.¹⁶ Anyone who uses the waterways and facilities under the jurisdiction of the Port Authority consents to the terms and conditions of the tariff.¹⁷ According to the tariff, Port Canaveral is not a suitable refuge during hurricanes or tropical storms. All Port Canaveral waterway tenants and users must comply with evacuation orders and storm preparation directives given by the Port Authority, the Coast Guard, the Brevard County Sheriff's Office, and Canaveral Fire Rescue.¹⁸

The tariff specifically states that recreational and commercial vessels under 500 gross tons are not eligible to remain in Port and must be removed from the waters of the Port, at the expense of the vessel owner or operator, before hurricane condition Zulu is set by the Coast Guard (see discussion below of Hurricane Season Port Conditions and Categories).¹⁹ The Port Authority is

⁷ *Supra* note 5.

⁸ Port Canaveral, *About Us*, <https://www.portcanaveral.com/About/> (last visited Jan. 22, 2021).

⁹ Office of Program Policy Analysis and Government Accountability, Florida Legislature, *Feasibility Analysis for Petroleum Distribution Centers*, 11 (Nov. 29, 2018), available at <https://oppaga.fl.gov/Documents/Reports/18-PETRO.pdf>.

¹⁰ *Supra* note 8.

¹¹ Florida Ports Council, *Port Canaveral*, <https://flaports.org/ports/port-canaveral/> (last visited Jan. 22, 2021).

¹² Ch. 2014-241, Laws of Fla. Each special district in existence at the time was required to submit to the Legislature a draft codified charter so that its special acts could be codified into a single act for reenactment by the Legislature.

¹³ Section 189.403(1), F.S., defines a "special district" as a confined local government unit established for a special purpose. The public policy intent of special districts is to provide private and public sectors an alternative governing method to "manage, own, operate, construct and finance basic capital infrastructure, facilities and services."

¹⁴ Art. IV, s. 9 of the Canaveral Port Authority Charter, as amended by Ch. 2014-241, Laws of Fla.

¹⁵ Art. IV, s. 10 of the Canaveral Port Authority Charter, as amended by Ch. 2014-241, Laws of Fla.

¹⁶ Canaveral Port Authority, *Tariff No. 16 – Governing Rates, Rules, & Regulations of the Marine and Port Services*, Rule 520 (Oct. 1, 2020), available at [https://www.portcanaveral.com/Cargo/Port-Tariff/CPA-Tariff-16-FY21-FINAL-\(1\).aspx](https://www.portcanaveral.com/Cargo/Port-Tariff/CPA-Tariff-16-FY21-FINAL-(1).aspx).

¹⁷ *Id.*, Rule 100.

¹⁸ *Id.*, Rule 520.

¹⁹ *Id.*

authorized to issue penalties to vessel owners or operators in accordance with statutory provisions (see discussion below of Vessel Movements and Penalties for Delay).²⁰

Vessel Movements and Penalties for Delay

Pursuant to Florida law, each port may regulate vessel movements within its jurisdiction, whether involving public or private facilities or areas, by:

- Scheduling vessels for use of berths, anchorages, or other facilities at the port.
- Ordering and enforcing a vessel, at its own expense and risk, to vacate or change position at a berth, anchorage, or facility, whether public or private, in order to facilitate navigation, commerce, protection of other vessels or property, or dredging of channels or berths.
- Designating port facilities for the loading or discharging of vessels.
- Assigning berths at wharves for arriving vessels.²¹

Ports are authorized to establish fees and compensation for the services regulating vessel movements provided by the port.²²

A port may impose and collect a penalty from a vessel that unnecessarily delays in moving under an order to vacate or change position. This penalty may not exceed \$1,000 per hour or fraction thereof, plus 150 percent of the demurrage costs incurred by a waiting vessel, until the order is complied with.²³

Marinas

A marina is a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis.²⁴ There are five marinas within Port Canaveral, with approximately 260 wet slips hosted on Port property for recreational vessels under 500 gross tons.²⁵ This number does not include boats in marina storage within Port property. The map below shows Port Canaveral, including its marina district.²⁶

²⁰ Section 313.22(3), F.S.

²¹ Section 313.22(1), F.S.

²² Section 313.22(2), F.S.

²³ *Supra* note 20.

²⁴ Section 327.02(25), F.S.

²⁵ Email from Caitlin Lewis, Government Relations Manager, Canaveral Port Authority, to Senate Environment and Natural Resources Committee (Jan. 22, 2020), available at http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4857/8671_MeetingPacket_4857.03.20.pdf on page 218-219 (last visited Jan. 22, 2021).

²⁶ *Supra* note 6.



Marina Evacuations

Storm Condition Effects on Vessels and Marinas

Hurricanes and storm conditions can include high winds, storm surges, wave action, and heavy rainfall.²⁷ These conditions can cause catastrophic damage to marinas and vessels. Vessels that are left in a marina during hurricane and storm conditions can lead to problems in the port, including the inability to secure docks, causing potential damage to infrastructure such as piers, and other harm to persons or property. Weather during a storm event can force a vessel into an obstruction, propel objects into the vessel, or sink or damage a boat.²⁸ A moored vessel can repeatedly collide with a stationary dock, leading to damage to both the vessel and dock. Storm surges can even lift entire floating docks above their pilings or knock boats off their cradles.²⁹

Vessels left in the harbor can also pose navigational issues and cause problems and delays in clearing channels. However, boater preparedness education and preparation can reduce the loss of property for both the vessel owner and others.³⁰ To this end, marinas and ports have an interest in requiring vessel owners to secure their vessels during a storm to prevent damage to persons or property.

Safe Haven

Some marina docking contracts contain “safe haven” or “hurricane” clauses. These clauses provide that, when a hurricane watch is issued, boat owners shall immediately remove their vessels and all personal property from the marina and seek safe haven somewhere else. Failure to comply with this requirement, according to the clauses, will result in the boat owner being liable for all damage to docks, piers, other vessels, or any other property damage directly caused by the owner's vessel or resulting from its presence in the marina.³¹

²⁷ UF/IFAS, *Hurricane Manual for Marine Interest*, available at [https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-\(2\).pdf](https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-(2).pdf).

²⁸ *Id.*; Florida Keys National Marine Sanctuary, *Protect your Boat in a Hurricane: Making a Plan (Part I)*, <https://floridakeys.noaa.gov/whatsnew/around/2015/boathurricane1.html> (last visited Jan. 22, 2021).

²⁹ *Id.*

³⁰ *Supra* note 27.

³¹ Mercante, James, *Hurricanes and Act of God: When the Best Defense is a Good Offense*, 18 U.S.F. MAR. L.J. (2006).

Marina Evacuation Statute

Florida enacted a law designed to prevent marinas from using safe haven clauses as a basis for recovering their property damage from vessel owners after a hurricane.³² Florida law emphasizes the protection of life over property by prohibiting marinas from requiring vessel owners to remove their vessels from a marina following the issuance of a hurricane watch or warning.³³

However, after a tropical storm or hurricane watch has been issued, a marina owner or operator, or their employee or agent, may take reasonable actions to further secure a vessel within the marina to minimize damage to the vessel and to protect marina property, private property, and the environment.³⁴ The owner or operator may charge a reasonable fee for such services.³⁵ A marina owner may include this in a contractual agreement with a vessel owner.³⁶ Marina owners are not able to be held liable for damage to a vessel from a storm or hurricane, but may be liable for damage due to intentional acts or negligence when removing or securing a vessel.³⁷

Burklow & Associates, Inc. v. Belcher is the only Florida state court decision that specifically mentions Florida's marina evacuation statute.³⁸ A marina owner sued owners of 16 stored vessels for damages allegedly caused by the vessel owners' failure to move their vessels after a hurricane warning was issued as was required by their marina contracts.³⁹ The court upheld the state statute and found that the vessel owners had no duty, contractually or otherwise, to move their vessels following the issuance of a hurricane watch or warning.⁴⁰ The court's analysis pointed to the clear legislative policy "to ensure that protecting lives and safety of vessel owners is placed before interests of protecting property" when a hurricane approaches.⁴¹

Hurricane Season Port Conditions and Categories

Port conditions are set by the Coast Guard Captain of the Port of a sector, or regulated area. Port conditions are explained in the table below.⁴² "Gale force winds" mean winds of 34 knots or 39 miles per hour.

³² Ch. 93-211, s. 22, Laws of Fla. (creating s. 327.59, F.S.).

³³ Section 327.59(1), F.S.

³⁴ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(2), F.S., effective Jul. 1, 2006).

³⁵ *Id.*

³⁶ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(3), F.S., effective Jul. 1, 2006).

³⁷ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(4), F.S., effective Jul. 1, 2006).

³⁸ 719 So.2d 31 (Fla. Dist. Ct. App. 1998).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² 33 C.F.R. s. 165.720; 33 C.F.R. 165.781; see also Brazos Pilots Association, *Hurricane Season Port Conditions and Categories*, available at <http://www.brazospilots.com/Hurricane-Season.pdf>.

Port Condition	Storm Status	Port Status
Whiskey	Gale force winds are predicted to arrive within 72 hours	Open to all commercial and recreational traffic
X-Ray	Gale force winds are predicted to arrive within 48 hours	Open to all commercial and recreational traffic
Yankee	Gale force winds are predicted to arrive within 24 hours	Closed to inbound traffic and vessel traffic control measures in effect on vessel movements within the port
Zulu	Gale force winds are predicted to arrive within 12 hours	Closed to all inbound and outbound traffic
Recovery	The storm is no longer a threat to the area, but response and recovery operations may be in progress to address damage.	Reopened to outbound traffic at completion of port survey; vessel traffic control measures remain in effect on vessel movements within the port

III. Effect of Proposed Changes:

The bill amends s. 327.59, F.S., to prohibit, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane.

The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport. If the Coast Guard Captain of the Port sets the port condition to “Yankee” and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and vessel owner, is required to remove the vessel, or cause the vessel to be removed, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The bill provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the bill does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

The bill provides that after a hurricane watch has been issued, if an owner or operator of a vessel has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to a fine, which must be imposed and collected by the deepwater seaport that issued the evacuation order. The amount of the fine may not exceed three times the cost associated with removing the vessel from the waterway.

The bill takes effect on July 1, 2021.

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:

Vessel owners may incur increased costs from moving their vessel pursuant to a movement order, from fees charged by a marina owner for the service of moving a vessel, or due to penalties incurred from noncompliance with a movement order.

C. Government Sector Impact:

Ports may see a positive fiscal impact due to increased collection of penalties from vessel owners that do not comply with a movement order and cost savings associated with prevention of damage to port facilities and infrastructure.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 327.59 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 Wright

14-00622-21

2021578__

A bill to be entitled

An act relating to marina evacuations; amending s. 327.59, F.S.; prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal; providing construction; providing that the owners or operators of certain vessels may be subject to a fine that the deepwater seaport issuing an evacuation order is required to impose and collect; providing an effective date.

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

Section 1. Subsection (1) of section 327.59, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

327.59 Marina evacuations.—

(1) Except as provided in this section ~~After June 1, 1994,~~ marinas may not adopt, maintain, or enforce policies pertaining to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety

Page 1 of 3

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

14-00622-21

2021578__

of vessel owners is placed before interests of protecting property.

(5) Upon the issuance of a hurricane watch affecting the waters of marinas located in a deepwater seaport, vessels under 500 gross tons may not remain in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. Vessel owners shall promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport. If the United States Coast Guard captain of the port sets the port condition to "Yankee" and a vessel owner has failed to remove a vessel from the waterway, the marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and the vessel owner, shall remove the vessel, or cause the vessel to be removed, if reasonable, from its slip and may charge the vessel owner a reasonable fee for any such services rendered. A marina owner, operator, employee, or agent may not be held liable for any damage incurred to a vessel from a hurricane and is held harmless as a result of such actions to remove the vessel from the waterways. Nothing in this section may be construed to provide immunity to a marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel pursuant to this section. After the hurricane watch has been issued, the owner or operator of any vessel that has not been removed from the waterway of the marina, pursuant to an order from the deepwater seaport, may be subject to a fine, which must be imposed and collected by the deepwater seaport that issued the evacuation order if assessed, in an amount not exceeding three times the cost associated with

Page 2 of 3

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

14-00622-21

2021578__

59 removing the vessel from the waterway.

60 Section 2. This act shall take effect July 1, 2021.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs, Space, and
Domestic Security, *Chair*
Commerce and Tourism, *Vice Chair*
Appropriations Subcommittee on Education
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Children, Families, and Elder Affairs
Finance and Tax
Transportation

SENATOR TOM A. WRIGHT
14th District

February 16, 2021

The Honorable Kathleen Passidomo
400, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 578 – Marina Evacuations

Dear Chair Passidomo:

Senate Bill 578, relating to Marina Evacuations has been referred to the Committee on Rules. I am requesting your consideration on placing SB 578 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom A. Wright", with a large, sweeping flourish underneath.

Tom A. Wright, District 14

cc: John Phelps, Staff Director of the Committee on Rules
Tom Yeatman, Deputy Staff Director of the Committee on Rules
Cynthia Futch, Administrative Assistant of the Committee on Rules

REPLY TO:

- 4606 Clyde Morris Blvd., Suite 2-J, Port Orange, Florida 32129 (386) 304-7630
- 320 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

4
3/3/2021

Meeting Date

578

Bill Number (if applicable)

Topic Marina Evacuations

Amendment Barcode (if applicable)

Name Jason Unger

Job Title Shareholder

Address 301 S Bronough Street, Suite 600

Phone 850-577-9090

Street

Tallahassee

FL

32301

Email jason.unger@gray-robinson.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Canaveral Port Authority

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

SB 578

Bill Number (if applicable)

Topic Marina Evacuations

Amendment Barcode (if applicable)

Name **B**onnie Basham

Job title

Address 10797 Wadesboro Rd

Phone 850-933-7277

Street

Tallahassee

FL

32317

City

State

Zip

Email capital.ideas@att.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Boat Owners of the United States (BOAT US)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/4/21

Meeting Date

SB 578

Bill Number (if applicable)

Topic Boat Evacuation

Amendment Barcode (if applicable)

Name Kingsley Ross

Job Title Pres SCA

Address 234 Harbour Pt Dr

Phone 850 300 1378

Street

Crawfordville FL 32327

City

State

Zip

Email KingsleyRR@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Jean Sea Cruising Assoc

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Thurs Rules 9am

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/21

Meeting Date

578

Bill Number (if applicable)

Topic Marina Evacuations

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Phone 221-7173

Street

Tallahassee

FL

32312

Email bbevis@aif.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Health and
Human Services, *Chair*
Appropriations, *Vice Chair*
Environment and Natural Resources
Health Policy
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR AARON BEAN

President Pro Tempore
4th District

March 2, 2021

Senator Kathleen Passidomo
Chair | Rules
400 Senate Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Senator Passidomo:

I am writing to request approval to be excused from the Rules Committee meeting scheduled for Thursday, March 4, 2021, due to testing positive for COVID -19.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Aaron Bean".

Aaron Bean
Senator | 4th District

Handwritten initials "OK" followed by a large, stylized flourish or signature mark.

REPLY TO:

- ☐ Duval Station, 13453 North Main Street, Suite 301, Jacksonville, Florida 32218 (904) 757-5039 FAX: (888) 263-1578
- ☐ 404 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: KB 412
Caption: Senate Rules Committee

Case No.: -
Judge:

Type:

Started: 3/4/2021 9:01:56 AM

Ends: 3/4/2021 10:47:42 AM

Length: 01:45:47

9:01:55 AM Meeting is called to order
9:02:01 AM Roll call
9:02:31 AM Quorum is present
9:02:49 AM Tab 8 SB380 by Senator Perry
9:03:49 AM Senator Perry explains SB380
9:04:17 AM Questions?
9:04:27 AM Senator Powell with question
9:04:37 AM Senator Perry responds
9:05:05 AM Any appearance forms?
9:05:17 AM Sgt's office reports there are people to speak on the bill
9:05:37 AM Barbra Devaine, Waives in support
9:05:53 AM Barney Bishop, Florida Smart justice Alliance speaks in support
9:06:24 AM David Cullen, Advocacy Institute for Children waives in support
9:06:43 AM Debate?
9:06:49 AM Senator Brandes with question
9:07:05 AM Senator Perry responds
9:07:22 AM Waive Close
9:07:26 AM Roll call for SB380
9:07:54 AM SB380 is reported favorably
9:08:04 AM Tab 1 CS/SB 44 by Senator Wright
9:08:14 AM Senator Wright explains bill
9:09:15 AM Amendment barcode 8000850 is taken up
9:10:15 AM Amendment barcode 800850 is explained
9:10:36 AM Take up late filled amendment barcode 72258 by Senator Brandes
9:11:04 AM Senator Brandes explains AA
9:11:40 AM Questions? none
9:11:50 AM Debate? none
9:12:06 AM Senator Brandes close on Amendment to the Amendment
9:12:14 AM Amendment to the Amendment is adopted
9:12:20 AM Back on main amendment 800850. No questions.
9:12:27 AM Appearance forms?
9:12:40 AM Matt Dunagan with Florida Sheriffs Association waives in support
9:13:03 AM Debate? none
9:13:15 AM Senator Wright waives close
9:13:23 AM Amendment Barcode 800850 is adopted
9:13:29 AM Back on bill as amended
9:13:35 AM Questions? none
9:13:40 AM Appearance forms?
9:13:47 AM Jennifer Cook Pritt on behalf of the Florida Police Chiefs waives in support
9:14:00 AM Chief Ray Collburn, Florida Fire Chiefs' Association, waives in support
9:14:11 AM Barney Bishop III, Florida Smart Justice Alliance, waives in support
9:15:15 AM Kara Gross, ACLU Florida, waives in against the bill
9:15:22 AM Matt Dunagan with Florida Sheriffs Association waives support this bill
9:15:40 AM Debate?
9:15:46 AM Senator Brandes in debate
9:17:45 AM Debate continues
9:17:56 AM Senator Gibson with debate
9:18:35 AM Any further debate?
9:18:42 AM Senator Baxley with debate
9:19:33 AM Senator Thurston in debate
9:21:43 AM Senator Wright closes on bill CS/SB 44
9:22:51 AM Roll call on CS/SB 44

9:23:02 AM CS/SB 44 is reported favorably
9:23:40 AM Tab 9 SB 388 by Senator Wright
9:23:45 AM Senator Wright explains bill
9:24:38 AM Questions? none
9:25:06 AM Appearance forms
9:25:12 AM Chief Ray Colburn waives in support
9:25:23 AM Jennifer Cook Pritt waives in support
9:25:24 AM Daniel Olson, Office of the Attorney General waives in support
9:25:35 AM Barney Bishop, Florida Smart Justice Alliance waives in support
9:25:38 AM Debbie Johnson, K9S united speaking for SB 388
9:29:15 AM Debate?
9:29:19 AM Senator Wright waives close
9:29:23 AM Roll call on SB 388
9:29:33 AM SB 388 is reported favorably
9:30:02 AM Tab10 SB 578 by Senator Wright
9:30:09 AM Senator Wright explains bill
9:31:13 AM Questions on bill?
9:31:19 AM Is there any appearance form?
9:31:21 AM Jason Unger, Canaveral Port Authority support this bill
9:31:57 AM Bonnie Basham, Boat Owners of the United States support this bill
9:33:30 AM Kingsley Ross, Seven Sea Cruising Association is speaking against this bill
9:37:50 AM Brewster Bevis waives in support
9:38:52 AM Debate? none
9:38:58 AM Senator Wright closes on the bill
9:39:42 AM Roll call on SB 578
9:39:52 AM SB 578 is reported favorably
9:40:18 AM Tab 6 CS/CS/SB 88 by Senator Brodeur
9:40:41 AM Senator Brodeur explains bill
9:42:33 AM Take up Amendment barcode 753866 by Senator Farmer
9:42:49 AM Senator Farmer explains amendment
9:43:44 AM Senator Farmer withdraws amendment
9:43:57 AM Amendment 769248 is introduced
9:44:10 AM Senator Brodeur explains Amendment barcode 769248
9:44:47 AM Questions?
9:44:51 AM Senator Diaz with question
9:45:26 AM Senator Brodeur with response
9:46:06 AM Senator Diaz with follow-up
9:46:17 AM Senator Brodeur with response
9:46:40 AM William Cotterall, Florida Justice Association, supports the amendment
9:47:00 AM Debate on amendment? none
9:47:05 AM Waive close
9:47:10 AM Amendment 769248 is adopted
9:47:15 AM 7700486 by Senator Gibson
9:47:27 AM Senator Gibson explains amendment
9:47:58 AM Senator Gibson withdraw amendment
9:48:09 AM Any appearance form on bill as amended
9:48:18 AM Brewster Bevis, Associated Industries of Florida waives in support
9:48:21 AM Jane West, 1000 Friends of Florida speaking against
9:50:24 AM Alik Moncrief, Florida Conservation Voters speaking against
9:52:54 AM Carolyn Johnson, Florida Chamber of Commerce waives in support
9:52:59 AM Jim Spratt, Florida Forestry Association waives in support
9:53:07 AM Adam Basford, Florida Farm Bureau waives in support
9:53:11 AM William Cotterall, Florida Justice Association, speaking against bill SB88
9:55:33 AM Ida V. Eskamani, Florida Rising, speaking against
9:56:12 AM Trish Neely, League Women's Voters Florida speaking against the bill
9:58:15 AM Debate on bill
9:58:20 AM David Cullen, Sierra Club speaking in against
10:00:09 AM Senator Farmer with question
10:01:22 AM Senator Brodeur closes on bill
10:03:32 AM Roll call for CS/CS/SB 88
10:04:34 AM CS/CS/SB 88 is reported favorably
10:05:02 AM Tab 2 CSS/CS/SB 46 by Senator Hutson

10:05:11 AM Senator Hutson explains bill CS/CS/SB 46
10:05:11 AM Craft Distilleries
10:06:43 AM Questions on bill
10:06:49 AM Senator Brandes with question
10:07:11 AM Senator Hutson with response
10:07:23 AM Senator Brandes with follow up
10:07:31 AM Senator Hutson with response
10:07:57 AM Senator Brandes with follow up question
10:08:20 AM Senator Hutson with response
10:08:33 AM Senator Brandes with follow up
10:08:49 AM Senator Hutson with response
10:09:18 AM Senator Brandes with follow up
10:09:29 AM Senator Hutson with response
10:09:55 AM Senator Brandes with question
10:10:04 AM Senator Hutson with response
10:10:39 AM Senator Gibson with question
10:10:54 AM Senator Hutson with response
10:12:05 AM Appearance cards
10:12:08 AM Scott Dick, ABC Liquors and Florida Independent Spirits Association waives in support
10:12:15 AM Phillip Suderman, Americans for Prosperity waives in support
10:12:20 AM Debate? none
10:12:25 AM Senator Hutson waives close
10:12:30 AM Roll call
10:12:40 AM CS/CS/SB 46 is reported favorably
10:13:05 AM Tab 3 CS/SB 68 by Senator Garcia
10:13:20 AM Senator Garcia explains bill
10:14:11 AM Questions?
10:14:20 AM Senator Powell with question
10:14:27 AM Senator Garcia with response
10:14:51 AM Senator Powell with follow up
10:15:03 AM Senator Garcia with response
10:15:17 AM Additional questions
10:15:19 AM Senator Brandes with question
10:15:31 AM Senator Garcia with response
10:15:46 AM Senator Brandes with follow up
10:15:59 AM Appearance cards
10:16:05 AM Barney Bishop, Florida Smart Justice Alliance waives in support
10:16:19 AM Senator Brandes in debate
10:16:58 AM Senator Powell in debate
10:17:27 AM Senator Garcia waives close
10:17:32 AM Roll call
10:17:40 AM CS/SB 68 is reported favorably
10:18:08 AM Tab 4 CS/SB 70 by Senator Garcia
10:18:17 AM Senator Garcia explains bill
10:18:41 AM Questions?
10:18:45 AM Any appearance form
10:18:48 AM Barney Bishop, Florida Smart Justice Alliance waives in support
10:19:04 AM David Serdar speaking
10:20:00 AM Debate?
10:20:05 AM Senator Baxley with debate
10:20:54 AM Senator Garcia waives close
10:21:03 AM Roll call
10:21:08 AM CS/SB 70 is reported favorably
10:21:34 AM Tab 7 CS/SB 234 by Senator Book
10:21:57 AM Senator Book explains the bill
10:22:05 AM Senator Book explains bill
10:22:05 AM Motion made for time certain vote at 10:55 am
10:22:17 AM Certify vote at 10:55
10:22:34 AM Senator Book explains bill
10:27:46 AM Take up amendment barcode 164268
10:28:00 AM Senator Book explains amendment 164268
10:28:26 AM Any appearance forms

10:28:31 AM Ron Draa, Florida Department of Law Enforcement waives in support
10:28:40 AM Senator Book waives close
10:28:45 AM Amendment 164268 is adopted
10:28:49 AM Take up Amendment barcode 434244
10:29:01 AM Senator Book explain amendment
10:29:10 AM Senator Book waives close
10:29:15 AM Amendment barcode 434244 is adopted
10:29:18 AM Back on bill as amended
10:29:26 AM Questions?
10:29:47 AM Laura Smith, Florida Action Committee speaking in against
10:32:39 AM Barney Bishop, Florida Smart Justice Alliance speaking in favor of bill
10:33:41 AM Any appearance forms
10:33:59 AM Brad Limb waive in against
10:34:11 AM Jester Rutledge waives in against
10:34:25 AM Barbara Spragg waives in against
10:34:29 AM Sarah Alston waives against
10:34:33 AM David Baldwin waives against
10:34:36 AM Mary Fulford waives against
10:34:42 AM Robert Francis waives against
10:34:51 AM Fallen Newton waives against
10:34:55 AM Juan Newton waives against
10:35:03 AM Jim Sheehan waives against
10:35:07 AM Louis Templeman waives against
10:35:12 AM Darius Adams waives against
10:35:16 AM Eric Longstreth waives against
10:35:24 AM Jodie Shores waives against
10:35:27 AM Teresa Bond waives against
10:35:31 AM Tony Cook waives against
10:35:34 AM Diane Curry waives against
10:35:37 AM Richard Henneberger waives against
10:35:40 AM John Sergers waives against
10:35:47 AM Lazaro Hernandez waives against
10:35:50 AM Keith Thompson waives against
10:35:53 AM Stephanie Valencia waives against
10:35:57 AM Randall Oelze waives against
10:36:00 AM Gustan Castillo waives against
10:36:05 AM Edwind Ortega waives against
10:36:08 AM Darrell Lofton waives against
10:36:12 AM Roberto Garcia and RodneyThorne waives against
10:36:15 AM Orlando Rodriguez waives against
10:36:20 AM Bertha Castillo waives against
10:36:20 AM
10:36:21 AM Ramon Casola waives against
10:36:24 AM Robert Boatright waives against
10:36:27 AM Norman Ortega
10:36:31 AM
10:36:31 AM Sally Teague waives against
10:36:38 AM Roberto Garcia waives against (duplicate)
10:36:39 AM
10:36:40 AM Joseph Maroney waives against
10:36:44 AM Michelle Maroney waives against
10:36:51 AM Adam Chadwick waives against
10:36:54 AM Jared Teague and Barbara Polise waives against
10:36:57 AM Justin Butler waives against
10:37:01 AM Jay Pike waives against
10:37:03 AM Anthony Losterance waives against
10:37:12 AM William Pennington waives against
10:37:14 AM
10:37:19 AM Karen Glerum waives against
10:37:20 AM Jonathan Ramos waives against
10:37:23 AM Hank Lambert waives against
10:37:27 AM Mathew Grzesiuk waives against

10:37:35 AM Michelle Proud waives against
10:37:40 AM Edward Kalinowaki waives against
10:37:43 AM Richard Rosenblum waives against
10:37:47 AM Jonathan Ramos waives against (duplicate)
10:37:50 AM Gina Valencia waives against
10:37:54 AM Joyce Segers waives against
10:37:58 AM Cynthia Rodgers waives against
10:38:00 AM Ronald Davidovic waives against
10:38:10 AM Theresa Sergers waives against
10:38:14 AM Anita Killen, Dale Klump, Gail Colleta, Jonathan Herring, Nancy Guarnieri waives against
10:38:21 AM Kelly Brooks and Janice Leary waives against
10:38:31 AM Joe Finnegan waives against
10:38:33 AM Kevin Leary waives against
10:38:38 AM Margaret Finnegan waives against
10:38:41 AM David Corey waives against
10:38:45 AM Michael Brooks waives against
10:38:50 AM Mary Mergel, Roseanne Rosenblum, David Scheib, waives against
10:38:58 AM Vince Bondi, Milton Fortunet, David Gardler, Richard McDorman, Dana Peacock waives against
10:39:26 AM Diane Blankenship, Connie McKeznie, Patrick McKenzie, Domingo Ramos, Helen Holske, Barbara Adler waives against
10:39:40 AM Tawnee Miller, Brenda Ramos, Christian Martinez, Giselle Cardona waives against
10:39:47 AM Linda Grzeslar and Irebe Anderman waives against
10:40:00 AM Zoe Manikoff, Charles John Violo, Jacob Adler, Loreen Nelson waives against
10:40:17 AM Julius Colletta, Jason Tabor, Robert Porter Jr. waives against
10:40:23 AM Following are waiving against: Jeannell Lambert, Julio Segundo, Matthew Jacobson, Siew Wong-Jacobson, Kimberly Tribbitt, Michael Teague, Harry Folger, Jill Polvinen
10:40:43 AM Following are waiving against: Mark Greenberg, Jonathan Gil, Norman Pervis, Lindsay Watson, Olivia Richards, David Rosenrauch, Douglas Savage, Leslie Sanmiguel, Amanda Slater, Michael Slater, Alan Bott, Christine Bott, Ainsley Bott, Mike Varnes, Johnsy Morejon, Marcelo Manrique
10:41:35 AM Lisa Butler, Jeff Butler waive against
10:41:35 AM Daniel Olson waives in support
10:41:44 AM Manuel Faxas, Jessica Fernandez, Jennifer Devine, Robert Croft, Jerry Sykes, Alvin Smith, William Matthews, Michael Blatch, John Macbeth, Susan Macbeth, and James Forsythe waive in against
10:42:22 AM Samantha Smith and Donald Sillcott, waives against
10:42:28 AM Ron Draa and Jennifer Pritt waives in support
10:42:42 AM Johandy Morejon, Raul Delarosa, and Cherlyn Plumb waive against
10:43:08 AM Debate on bill? none
10:43:15 AM Senator Book closes
10:45:30 AM Roll call for CS/SB 234
10:45:39 AM CS/SB 234 is reported favorably
10:46:08 AM Thurston makes a motion to record vote after on tab 2, tab 3, tab 4
10:46:42 AM Motion adopted
10:46:48 AM Senator Book moves we adjourn, without objection the meeting is adjourned